BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A SUSPENDED MEMBER OF THE STATE BAR OF ARIZONA, **WILLIAM DALE TRUSLER,** **Bar No. 028772** **Respondent.**	**PDJ 2023-9045** **FINAL JUDGMENT AND ORDER** (State Bar No. 22-1522) **FILED AUGUST 14, 2023**

The Presiding Disciplinary Judge having accepted an Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.,

IT IS ORDERED that **William Dale Trusler**, **Bar No. 028772,** is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct and Rules of the Supreme Court of Arizona, as outlined in the consent documents.

IT IS FURTHER ORDERED that, upon reinstatement, Mr. Trusler shall be placed on probation for a period of two years with the following terms:

A) Law Office Management Assistance Program (LOMAP) – Full Assessment. Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258 within 10 days of his reinstatement to schedule an initial LOMAP assessment meeting. Respondent shall then participate in the LOMAP assessment and shall complete all follow-up deemed necessary by LOMAP, including any needed follow-up meetings throughout the period of participation. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be

incorporated herein. Respondent is responsible for any costs associated with LOMAP.

B) CLE - In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education programs: (1) "2023 Ethical Trends Today!" and (2) "Fee No Evil: Handling Fees and Fee Disputes Ethically and Professionally." Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program by providing a copy of (a) his handwritten notes; or (b) typed or electronic notes, accompanied by a declaration, statement or affidavit that complies with Civil Rule 80(c), and which states he personally typed the notes while viewing the CLE program. Respondent should contact the Compliance Monitor at (602) 340-7258 to make arrangements to submit this evidence. Respondent is responsible for the cost of the CLE.

C) Respondent shall commit no further violations of the Rules of Professional Conduct or Rules of the Supreme Court of Arizona.

IT IS FURTHER ORDERED that Respondent pay restitution in the sum of $1240.00 to Alan and Cayce Green within 30 days and contact the State Bar Compliance Monitor at (602) 340-7258 to provide proof of timely payment.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of $1,200.00, within 30 days. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

DATED this 14th day of August, 2023.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

COPY of the foregoing emailed
this 14th day of August, 2023, to:

Craig D. Henley
lro@staff.azbar.org

William D. Trusler
William.trusler@gmail.com

by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A SUSPENDED MEMBER OF THE STATE BAR OF ARIZONA, **WILLIAM DALE TRUSLER, Bar No. 028772** **Respondent.**	**PDJ 2023-9045** **ORDER ACCEPTING AGREEMENT FOR DISCIPLINE BY CONSENT** (State Bar No. 22-1522) **FILED AUGUST 14, 2023**

On August 7, 2023, the parties filed an Agreement for Discipline by Consent ("Agreement") pursuant to Rule 57(a), Ariz. R. Sup. Ct. The State Bar of Arizona is represented by Senior Bar Counsel Craig D. Henley. Respondent William Dale Trusler is self-represented. The Agreement resolves a formal complaint filed on June 1, 2023.

Contingent on approval of the proposed form of discipline, Mr. Trusler has voluntarily waived his right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. As required by Rule 53(b)(3), Ariz. R. Sup. Ct., notice of the Agreement was sent to the complainants. No objections have been provided to the PDJ.

The Agreement details a factual basis in support of Mr. Trusler's conditional admissions and is incorporated by reference. *See* Rule 57(a)(4), Ariz. R. Sup. Ct. Mr. Trusler conditionally admits violating Rule 42, Ariz. R. Sup. Ct., ERs 1.3, 1.4 and 1.5. As a sanction, the parties agree to imposition of a reprimand, restitution to a former client, payment of the State Bar's costs, and two years of probation with specified terms if Mr.

Trusler is reinstated. (He is currently suspended due to non-compliance with MCLE requirements.)

The Agreement sets forth the factual background for the ethical violations, which is not repeated herein. Generally speaking, Mr. Trusler failed to act diligently or communicate adequately with a bankruptcy client. He also failed to refund fees, despite agreeing to do so.

Sanctions imposed against lawyers "shall be determined in accordance with the American Bar Association's *Standards for Imposing Lawyer Sanctions*" ("ABA Standards"). Rule 58(k), Ariz. R. Sup. Ct. In evaluating the propriety of an agreed-upon sanction, the PDJ considers the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct, and the existence of aggravating and mitigating factors.

The Agreement relies on ABA Standards 4.43 and 4.63, both of which call for reprimand as the presumptive sanction. The parties agree that Mr. Trusler violated duties owed to his client, the legal system, and the public. They further agree that he acted negligently, causing actual harm to the client, the legal system, and the public.

One aggravating factor applies: pattern of misconduct. One mitigating factor is present: absence of a prior disciplinary record. The aggravating and mitigating factors are off-setting, so the presumptive sanction of reprimand is appropriate. The agreed-upon terms of probation will assist in achieving the recognized purposes of lawyer discipline – protection of the public and deterrence.

IT IS ORDERED accepting the Agreement for Discipline by Consent. A final judgment and order is separately filed this date.

DATED this 14th day of August, 2023.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

COPY of the foregoing e-mailed
this 14th day of August, 2023, to:

Craig D. Henley
LRO@staff.azbar.org

William Dale Trusler
William.trusler@gmail.com

by: SHunt

FILED 8/7/23
SHunt

Craig D. Henley, Bar No. 018801
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7278
Email: LRO@staff.azbar.org

William Dale Trusler, Bar No. 028772
10064 E. Revolution Drive
Mesa, Arizona 85212-7831
Telephone 602-740-6246
Email: william.trusler@gmail.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A SUSPENDED MEMBER OF THE STATE BAR OF ARIZONA, **WILLIAM DALE TRUSLER** **Bar No. 028772** Respondent.	**PDJ 2023-9045** **AGREEMENT FOR DISCIPLINE BY CONSENT** State Bar File No. 22-1522

The State Bar of Arizona, and Respondent William Dale Trusler who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.

A probable cause order was entered on May 17, 2023 and a formal complaint was filed June 1, 2023.

Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant by email on August 3, 2023. Complainant(s) have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. Copies of Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 1.3, 1.4 and 1.5. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: **Reprimand with Probation,** the terms of which are set forth in Sanctions below.

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. If costs are not paid within the 30 days interest will begin to accrue at the legal rate.[1]

The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. On October 13, 2011, Respondent was licensed to practice law in the State of Arizona.

COUNT ONE (File No. 22-1522/Green)

2. Complainants Alan and Kayce Green (the Greens) hired Respondent in September 2021 to represent them in bankruptcy matter. Respondent charged a $1500.00 flat fee.

[1] Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

3. Respondent filed a Motion to Reopen the bankruptcy on November 11, 2021. The Greens attempted to contact Respondent on or about November 22, December 1 and December 2.

4. The Greens and Respondent communicated on December 10, 2021. Respondent informed The Greens the court had not yet ruled on the motion.

5. The Greens attempted to contact Respondent on January 6, 10 and 13, 2022.

6. On January 13, 2022 the Greens were informed by staff at Wilson-Goodman Law Group that Respondent had left the firm approximately a month prior. Respondent did not inform the Greens he was switching firms.

7. On January 21, 2022 Respondent was summarily suspended for failure to meet his MCLE requirements.

8. On January 25, 2022 the Greens received an email from Respondent explaining that he was "sorry that it had taken two (2) weeks to reply…" He said he would resend all documents that he had filed and would contact the court about the status of the motion. He informed the Greens he would contact them by the end of the day with more information but did not.

9. On February 15, 2022 the Greens emailed Respondent because they had not heard from him. Respondent did not respond until March 11, 2022.

10. On March 11, 2022 Respondent emailed the Greens informing them the court had not yet ruled on the motion.

11. On April 19, 2022 Respondent emailed the Greens informing them that the court had still not ruled on the motion. Respondent spoke to the judicial assistant who asked him to upload another proposed order. Respondent informed the Greens that when he attempted to upload the document, he learned his e-filing privileges and his law license had been suspended. Respondent offered to refund the Greens fee, less the cost of filing.

12. The Greens emailed Respondent on May 5, 2022. Respondent did not respond.

13. The Greens called Respondent on May 9, 2022. Respondent answered and indicated his license was still suspended. Respondent stated he would send the Greens the documents they needed so they could file on their own.

14. The Greens emailed Respondent on May 10 and 16, 2022 stating they had not received the promised documents. On May 16, 2022 the Greens received notice that their email to Respondent was undeliverable.

15. On May 19, 2022 the Greens called Respondent and left a message.

16. On May 26, 2022 Respondent sent the Greens an email explaining there had been an issue with his cloud service provider that impacted his email address. He informed the Greens he could not assist them while his license was suspended.

17. The Greens asked for the refund Respondent had agreed to send. Respondent never followed up on the request and has yet to provide the promised refund.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation. Respondent conditionally admits that he violated Rule 42, Ariz. R. Sup. Ct., ERs 1.3, 1.4 and 1.5.

CONDITIONAL DISMISSALS

There are no conditional dismissals.

RESTITUTION

Respondent agrees to pay Restitution in the amount of $1240.00 to and Kayce Green within thirty (30) days of entry of the final judgment and order.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Reprimand with Probation for two (2) years, the terms of probation which will consist of:

1. LOMAP (FULL ASSESSMENT): If reinstated to the practice of law, Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days of his reinstatement to schedule an initial Law Office Management Assistance Program (LOMAP) assessment meeting. Respondent shall then participate in the LOMAP assessment and shall complete all follow up deemed necessary by LOMAP, including any needed follow-up meetings throughout the period of participation. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP.
2. CLE: In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program(s) if reinstated to the practice of law:

- 2023 Ethical Trends Today!
- Fee No Evil: Handling Fees and Fee Disputes Ethically and Professionally

Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program by providing a copy of (a) his/her handwritten notes; or (b) typed or electronic notes, accompanied by a declaration, statement or affidavit that complies with Civil Rule 80(c), and which states he/she personally typed the notes while viewing the CLE program. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

3. RESTITUTION: Respondent shall pay restitution in the amount of $1240.00 to Alan and Cayce Green within thirty (30) days of entry of the final judgment and order. Respondent shall contact the State Bar Compliance Monitor at 602-340-7258, to provide proof of timely payment of restitution.

Respondent shall commit no further violations of the Rules of Professional Conduct.

NON-COMPLIANCE WITH PROBATION

If Respondent fails to comply with any of the foregoing probation terms and the State Bar of Arizona receives information thereof, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether Respondent breached a term of probation and, if so, to recommend an appropriate sanction. If the State Bar alleges that Respondent failed to comply with any of the foregoing terms the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in

various types of misconduct. *Standard* 1.3, *In re Pappas*, 159 Ariz. 516, 768 P.2d 1161 (1988). The *Standards* provide guidance with respect to an appropriate sanction in this matter.

In determining an appropriate sanction, the Court considers the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Standard* 3.0.

The parties agree that the following *Standards* are the appropriate *Standards* given the facts and circumstances of this matter:

Rule 42, Ariz. R. Sup. Ct., ERs 1.3 and 1.4:

> *Standard* 4.43
>
> Reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.

Rule 42, Ariz. R. Sup. Ct., ER 1.5:

> *Standard* 4.63
>
> Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to a client.

The duty violated

Respondent's conduct violated his duty to the client, the profession, the legal system and the public.

The lawyer's mental state

Respondent negligently failed to act diligently or reasonably communicate with his client during the representation and charged the client an unreasonable fee for legal services, all of which was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

There was actual harm to the client, the profession, the legal system and the public.

Aggravating and mitigating circumstances

The presumptive sanction is Reprimand with Probation. The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation:

a) 9.22(c) a pattern of misconduct.

In mitigation:

a) 9.32(a) absence of a prior disciplinary record.

Discussion

The parties conditionally agree that upon application of the aggravating and mitigating factors the presumptive sanction is appropriate and conditionally agree that a greater or lesser sanction is not appropriate.

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. In re *Peasley, 208 Ariz. 27 (2004)*. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Reprimand with Probation and the imposition of costs and expenses.

A proposed form of order is attached hereto as Exhibit B.

DATED this 4th day of August 2023.

STATE BAR OF ARIZONA

/s/ Craig D. Henley

Craig D. Henley
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 7th day of August, 2023.

/s/ William Dale Trusler (with written permission

William Dale Trusler
Respondent

Approved as to form and content

/s/Maret Vessella
Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 7th day of August, 2023.

Copy of the foregoing emailed
this 7th day of August, 2023, to:

The Honorable Margaret H. Downie
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 7th day of August, 2023, to:

William Dale Trusler
10064 E. Revolution Drive
Mesa, Arizona 85212-7831
Email: william.trusler@gmail.com
Respondent

Copy of the foregoing hand-delivered
this 7th day of August, 2023, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by:/s/Jackie Salazar
CDH/js

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Suspended Member of
The State Bar of Arizona, William Dale Trusler
Bar No. 028772, Respondent.

File No. 22-1522

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings	**$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Additional Costs

Total for additional costs	$ 0.00
TOTAL COSTS AND EXPENSES INCURRED	$1,200.00

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A SUSPENDED MEMBER OF THE STATE BAR OF ARIZONA, **WILLIAM DALE TRUSLER, Bar No. 028772,**	**PDJ 2023-9045** **FINAL JUDGMENT AND ORDER** State Bar No. 22-1522

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement.

Accordingly:

IT IS ORDERED that Respondent, William Dale Trusler, is Reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of two (2) years. The terms of probation are:

a) LOMAP (FULL ASSESSMENT): If reinstated to the practice of law, Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days of his reinstatement to schedule an initial Law

Office Management Assistance Program (LOMAP) assessment meeting. Respondent shall then participate in the LOMAP assessment and shall complete all follow up deemed necessary by LOMAP, including any needed follow-up meetings throughout the period of participation. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP.

4. CLE: In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program(s) if reinstated to the practice of law:

   - 2023 Ethical Trends Today!
   - Fee No Evil: Handling Fees and Fee Disputes Ethically and Professionally

   Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program by providing a copy of (a) his/her handwritten notes; or (b) typed or electronic notes, accompanied by a declaration, statement or affidavit that complies with Civil Rule 80(c), and which states he/she personally typed the notes while viewing the CLE program. Respondent should contact the Compliance Monitor at

602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

b) RESTITUTION: Respondent shall pay restitution to in the amount of $1240.00 to Alan and Cayce Green within thirty (30) days of entry of the final judgment and order. Respondent shall contact the State Bar Compliance Monitor at 602-340-7258, to provide proof of timely payment of restitution.

Respondent shall commit no further violations of the Rules of Professional Conduct.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of $ _____, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of _____, within 30 days from the date of service of this Order.

DATED this _____ day of August, 2023.

_____

Margaret H. Downie, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of August, 2023.

Copies of the foregoing mailed/emailed
this _____ day of August, 2023, to:

William Dale Trusler
10064 E. Revolution Drive
Mesa, Arizona 85212-7831
Email: william.trusler@gmail.com
Respondent

Copy of the foregoing emailed/hand-delivered
this ____ day of August, 2023, to:

Craig D. Henley
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this ____ day of August, 2023 to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by:_____