

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

IN THE MATTER OF A SUSPENDED
MEMBER OF THE STATE BAR OF
ARIZONA,

**CHRISTY C. BROWN,
Bar No. 017968**

Respondent.

PDJ-2016-9061

FINAL JUDGMENT AND ORDER

[State Bar Nos. 16-0292]

FILED JUNE 17, 2016

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on June 15, 2016, accepted the parties' proposed agreement under Rule 57(a), Ariz. R. Sup. Ct.

Accordingly:

IT IS ORDERED Respondent, **Christy C. Brown, Bar No. 017968** is suspended for six (6) months and one (1) day consecutive to her present suspension for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the date of this Order. A period of suspension of over six (6) months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona.

IT IS FURTHER ORDERED upon reinstatement, Ms. Brown shall be placed on probation for two (2) years, under terms and conditions to be determined during reinstatement.

IT IS FURTHER ORDERED under Rule 72 Ariz. R. Sup. Ct., Ms. Brown shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED Ms. Brown shall pay the costs and expenses of the State Bar of Arizona for \$1,200.00, within thirty (30) days from the date of this Order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

DATED this 17th day of June, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 17th day of June, 2016, to:

Nicole S. Kaseta
Bar Counsel - Litigation
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Christy C. Brown
999 E. Baseline Rd, Unit 3325
Tempe, AZ 85283-1385
Email: cchismbrown@gmail.com
Respondent

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

by: MSmith

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

IN THE MATTER OF A SUSPENDED MEMBER
OF THE STATE BAR OF ARIZONA,

CHRISTY C. BROWN,
Bar No. 017968

Respondent.

No. PDJ-2016-9061

**DECISION AND ORDER
ACCEPTING DISCIPLINE BY
CONSENT**

[State Bar Nos. 16-0292]

FILED JUNE 17, 2016

An Agreement for Discipline by Consent (Agreement) was filed on June 15, 2016 and submitted under Rule 57(a)(3) Ariz. R. Sup. Ct.¹ prior to the entry of a probable cause order. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject, or recommend the agreement be modified." Rule 57(a)(3)(b).

Rule 57 requires admissions be tendered solely "...in exchange for the stated form of discipline...." Under that rule, the right to an adjudicatory hearing is waived only if the "...conditional admission and proposed form of discipline is approved...." If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding.

Under Rule 53(b)(3), no notice of this Agreement is necessary as the State Bar is the complainant.

The Agreement details a factual basis to support the admissions to the charge in the Agreement, incorporating one count of misconduct. Ms. Brown continued to be

¹ Unless otherwise stated, all rule references are to the Rules of the Supreme Court of Arizona.

engaged in settlement negotiations and preparing a consent decree after being suspended from the practice of law by the Presiding Disciplinary Judge which suspension was effective November 12, 2015. On January 26, 2016, opposing counsel informed Ms. Brown that he had read of her suspension. Ms. Brown did not comply with Supreme Court Rule 72 regarding notification of the suspension to opposing counsel, her clients, nor the courts in which she had pending cases.

Ms. Brown self-reported to the State Bar on January 28, 2016, sent copies of letters that was sending to her clients, the court and the State Bar. She refunded all fees collected from her client paid for services provided after the effective date of the suspension.

Ms. Brown conditionally admits she violated Rules 42, ERs 3.4(c), and 5.5(a) and Rules 54(c) and 72. The parties stipulate to: (1) a sanction of suspension from the practice of law in Arizona for six (6) months and one (1) day consecutive to her present suspension; (2) costs and; (3) probation for two years upon reinstatement.

The parties agree that *Standard* 6.22, abuse of the legal process, of the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* is most applicable to Ms. Brown's unauthorized practice of law. That *Standard* provides:

Suspension is generally appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

The parties agree there was potential harm to the client and actual harm to the profession, the legal system and the public. The parties agree that the following aggravating factors are present in the record: 9.22(a) prior disciplinary offenses; 9.22(e), bad faith obstruction of the disciplinary proceeding by not complying with the order of suspension. The parties further agree that the following mitigating

factors are present: 9.32(b) absence of dishonest or selfish motive, 9.32(c) personal or emotional problems; 9.32(d) good faith effort to make restitution or to rectify consequences of misconduct and 9.32(l) remorse.

The Presiding Disciplinary Judge finds that the proposed sanctions of a consecutive six (6) months and one (1) day suspension, two (2) year probation term upon reinstatement, and costs collectively meet the objectives of attorney discipline. The Agreement also falls within the presumptive sanctions outlined in the *Standards*. The Agreement is accepted and incorporated herein by this reference.

IT IS ORDERED Respondent, **Christy C. Brown, Bar No. 017968** is suspended for six (6) months and one (1) day consecutive to her present suspension for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the date of this Order. A period of suspension of over six (6) months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona.

IT IS FURTHER ORDERED upon reinstatement, Ms. Brown shall be placed on probation for two (2) years, under terms and conditions to be determined during reinstatement.

IT IS FURTHER ORDERED Ms. Brown shall be subject to any additional terms imposed by the Presiding Disciplinary Judge because of reinstatement hearings held.

IT IS FURTHER ORDERED under Rule 72 Ariz. R. Sup. Ct., Ms. Brown shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED Ms. Brown shall pay the costs and expenses of the State Bar of Arizona for \$1,200.00, within thirty (30) days from the date of this

Order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

DATED this 17th day of June, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed this 17th day of June, 2016, to:

Nicole S. Kasetta
Bar Counsel - Litigation
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Christy C. Brown
999 E. Baseline Rd, Unit 3325
Tempe, AZ 85283-1385
Email: cchismbrown@gmail.com
Respondent

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

by: MSmith

Stacy L. Shuman, Bar No. 018399
Bar Counsel - Litigation
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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

JUN 15 2016

BY  FILED

Christy C. Brown, Bar No. 017968
999 E Baseline Rd Unit 3325
Tempe, AZ 85283-1385
Telephone 602-615-0775
Email: cchismbrown@gmail.com
Respondent

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

IN THE MATTER OF A SUSPENDED
MEMBER OF THE STATE BAR OF
ARIZONA,

**CHRISTY C. BROWN,
Bar No. 017968,**

Respondent.

PDJ 2016 - 9061

State Bar File Nos. **16-0292**

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Christy C Brown, 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 has not yet been issued in this case. 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 telephone on May 23, 2016. Complainant was notified of the opportunity to file a written objection to the agreement with the State Bar. Complainant advised undersigned Bar Counsel that he does not object to the agreement.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, ERs 3.4(c) and 5.5(a); Rule 54(c); and Rule 72(a), (b)(2), (d) and (e). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Long-Term Suspension to run consecutively with the Long-Term Suspension ordered in SBA Case No. 14-2108, as set out below. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona. Upon reinstatement, Respondent will be placed on probation for a period of two (2) years and be subject to any terms as are deemed appropriate by the Hearing Panel at that time. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and 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. Respondent was licensed to practice law in Arizona on May, 17, 1997.

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.

COUNT ONE (File no. 16-0292/Brown)

2. Respondent represented Frances Mason in *Mason v. Mason*, case no. FC2014-008653 in the Maricopa County Superior Court.

3. On October 8, 2015, the trial court set the case for a settlement conference on October 26, 2015. A Resolution Management Conference was scheduled for October 27, 2015.

4. By order dated October 13, 2015, the Presiding Disciplinary Judge issued a final judgment and order in PDJ-2015-9101, whereby Respondent was suspended for six (6) months and one (1) day, effective November 12, 2015.

5. While the parties were negotiating and finalizing a consent decree in the case, opposing counsel Daniel Hutto read about Respondent's suspension in the Arizona Attorney Magazine.

6. On January 26, 2016, Hutto emailed Respondent, told her that he had become aware of her suspension and asked when it was effective. Respondent replied to Hutto's email, stating only "November 13."

7. Attorney Hutto advised her that he was not sure that they could proceed without advising the clients and the Court would need to be notified and that while he was not disputing the terms, he was not sure what the "appropriate remedy" was to finalize the decree.

8. Respondent did not attend any hearings in the case while suspended, but she and Hutto were actively negotiating and preparing the consent decree in the case after the effective date of the suspension. If this were to go to hearing, Respondent would testify that they were finalizing a few minor terms.

9. By letter dated January 28, 2016, Respondent advised the SBA that she continued to provide a client with legal services after the effective date of the suspension. According to Respondent, she "wanted to finalize the Consent Decree in that case prior to my suspension so that the client would not have to retain other counsel."

10. On January 29, 2016, Respondent emailed Hutto with copies of letters that she was sending to her client, the court and the State Bar.

11. Also on that date, Hutto filed a request for a 45-day extension of time to complete and submit a consent agreement in the case, which was granted on that date. According to the request, the consent decree was negotiated and signed by both parties and counsel without knowledge of Respondent's active suspension. Counsel requested time "to consult with Petitioner or her new counsel about completing the current decree."

12. On February 22, 2016, Respondent filed a notice of withdrawal in *Mason* due to her suspension.

13. Respondent refunded to the client all fees paid for services provided after the effective date of the suspension.

14. Respondent did not provide notice to clients of the suspension within 10 days and did not withdraw from cases within 30 days as required by Rule 72. She has since done so.

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 her conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 3.4(c) and 5.5(a); Rule 54(c); and Rule 72(a), (b)(2), (d) and (e).

CONDITIONAL DISMISSALS

None.

RESTITUTION

Restitution is not an issue in this matter.

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: Long-term suspension for six (6) months and one (1) day, which shall commence upon the expiration of the long-term suspension of six (6) months and one (1) day ordered in SBA Case No. 16-0292.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

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. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35,

90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to 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. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that *Standard* 6.22 is the appropriate *Standard* for the violation of ER 3.4(c) and given the facts and circumstances of this matter. That *Standard* provides that suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

The parties agree that *Standard* 7.2 is the appropriate *Standard* for the violation of ER 5.5 and given the facts and circumstances of this matter. That *Standard* provides that suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system.

The duty violated

As described above, Respondent's conduct violated her duty to her client, the profession, the legal system, and the public.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly continued to represent a client after she was suspended from the practice of law; failed to comply with the terms of the October 13, 2015 order issued in PDJ 2015-9101, by which she was suspended; and failed to comply with the requirements under

Rule 72. The parties agree that Respondent's conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was potential harm to the client and actual harm to the profession, the legal system and the public.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is Suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22(a) prior disciplinary offenses. By order dated October 13, 2015, the Presiding Disciplinary Judge issued a final judgment and order in PDJ-2015-9101, whereby Respondent was suspended for six (6) months and one (1) day, effective November 12, 2015.

Standard 9.22(e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency. Respondent engaged in the practice of law after the effective date of her suspension as ordered in PDJ-2015-9101. And, she failed to comply with the provisions of Rule 72 relating to her duties upon suspension.

In mitigation:

Standard 9.32(b) absence of a dishonest or selfish motive. Respondent wanted to help a long-time client finalize settlement documents necessary to resolve the client's dissolution of marriage case so that the client would not have to retain another attorney to do so.

Standard 9.32(c) personal or emotional problems. Respondent was finalizing her divorce at the time of the final order in other disciplinary matter.

Standard 9.32(d) timely good faith effort to make restitution or to rectify consequences of misconduct. Respondent refunded to the client all fees paid after the effective date of the suspension ordered in PDJ-2015-9101.

Standard 9.32(l) remorse.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is appropriate.

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter.

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. *Peasley, supra* at ¶ 64, 90 P.3d at 778. 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 a Long-Term Suspension, specifically six (6) months and one (1) day, which shall commence upon the expiration of the suspension ordered in PDJ-2015-9101. A period of suspension of more than six months will require proof of rehabilitation and

compliance with other requirements prior to being reinstated to the practice of law in Arizona and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

DATED this 13th day of June 2016

STATE BAR OF ARIZONA

Stacy L. Shuman

Stacy L. Shuman
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this _____ day of June, 2016.

Christy C. Brown
Respondent

Approved as to form and content

Maret Vessella

Maret Vessella
Chief Bar Counsel

Arizona and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

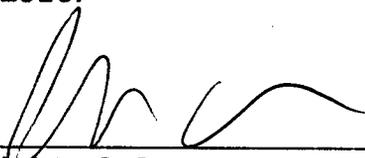
DATED this _____ day of June 2016

STATE BAR OF ARIZONA

Stacy L. Shuman
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this 8 day of June, 2016.



Christy C. Brown
Respondent

Approved as to form and content

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 15th day of June, 2016.

Copy of the foregoing emailed
this 15th day of June, 2016, to:

The Honorable William J. O'Neil
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 15th day of June, 2016, to:

Christy C. Brown
999 E. Baseline Road, Unit 3325
Tempe, AZ 85283-1385
Email: cchismbrown@gmail.com
Respondent

Copy of the foregoing hand-delivered
this 15th day of June, 2016, to:

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

by:

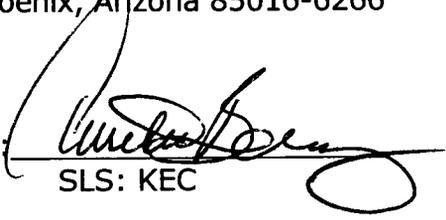

SLS: KEC

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a suspended Member of the State Bar of Arizona,
CHRISTY C. BROWN Bar No. 017968, Respondent

File No. 16-0292

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.

Staff Investigator/Miscellaneous Charges

Total for staff investigator charges \$ 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,

CHRISTY C. BROWN,
Bar No. 017968,

Respondent.

PDJ

FINAL JUDGMENT AND ORDER

[State Bar No. 16-0292]

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

IT IS HEREBY ORDERED that Respondent, **Christy C Brown**, is hereby suspended for six (6) months and one (1) day, which suspension shall begin upon the expiration of the suspension ordered in PDJ-2015-9101 of six (6) months and one (1) day. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two years.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, 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 a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation 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.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

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 June, 2016

William J. O'Neil, 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 June, 2016.

Copies of the foregoing mailed/mailed
this _____ day of June, 2016, to:

Christy C. Brown
999 E Baseline Rd Unit 3325
Tempe, AZ 85283-1385
Email: cchismbrown@gmail.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of June, 2016, to:

Stacy L. Shuman
Bar Counsel - Litigation
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by: _____