

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

JAY K. BANSAL,
Bar No. 015618

Respondent.

PDJ 2015-9124

JUDGMENT OF DISBARMENT

[State Bar File No. 15-2398]

FILED DECEMBER 2, 2015

Pursuant to Rule 57, Ariz. R. Sup. Ct., the Presiding Disciplinary Judge of the Supreme Court of Arizona has considered Mr. Bansal's Consent to Disbarment filed December 1, 2015. Accordingly:

IT IS ORDERED accepting the consent to disbarment. Mr. Bansal is disbarred from the State Bar of Arizona and his name is stricken from the roll of lawyers effective immediately.

Mr. Bansal is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court. Mr. Bansal shall immediately comply with the requirements relating to notification of clients and others, and provide or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED no further disciplinary action shall be taken in reference to the matters that are the subject of the charges upon which the consent to disbarment and this judgment of disbarment are based.

IT IS FURTHER ORDERED Mr. Bansal shall pay the costs and expenses of the

State Bar of Arizona in the amount of \$1,200.00.

DATED this 2nd day of December, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 2nd day of December, 2015, to:

Mark I. Harrison
Osborn Maledon
2929 North Central Ave., 21st Fl.
Phoenix, AZ 85012
Email: mharrison@omlaw.com
Respondent's Counsel

Shauna R. Miller, Bar No. 015197
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

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

by: MSmith

DEC 01 2015

FILED *h. Smith*

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

JAY K. BANSAL
Bar No. 015618

Respondent.

BY *9/24*
PDJ 2015-

CONSENT TO DISBARMENT

[State Bar File no. 15-2398]

I, Jay K. Bansal, whose business address is 1400 East Southern, #280, Tempe, Arizona, 85282, voluntarily consent to disbarment as a member of the State Bar of Arizona and consent to the removal of my name from the roster of those permitted to practice before this court, and from the roster of the State Bar of Arizona.

I acknowledge that charges have been filed against me. I have read the charges made against me. I further acknowledge that I do not desire to contest or defend the charges, but wish to consent to disbarment. I have been advised of and have had an opportunity to exercise my right to be represented in this matter by a lawyer. I consent to disbarment freely and voluntarily and not under coercion or intimidation. I am aware of the rules of the Supreme Court with respect to discipline, disability, resignation and reinstatement, and I understand that any future application by me for admission or reinstatement as a member of the State Bar of Arizona will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in the charges filed against me.

The misconduct I engaged in resulted in my pleading guilty to one count of mail fraud, a Class C felony offense, in violation of 18 U.S.C. § 1341. I previously self-reported this misconduct to the U.S. Attorney's Office and the State Bar of Arizona.

The basis of the plea agreement is as follows:

1. I'm an Arizona-based attorney and focus on representing plaintiffs in personal injury cases. One component of my practice involves representing individuals who have suffered injuries as a result of receiving certain types of vaccines.
2. Under the National Vaccine Injury Compensation Program (42 U.S.C. § 300aa-10 et seq.) ("the Program"), claims for compensation arising from such injuries may be pursued by filing an administrative petition with the Secretary of Health and Human Services and then pursuing the claim before a Special Master employed by the Court of Federal Claims. The Program expressly prohibits attorneys from charging contingency fees for their services in these types of cases. Instead, attorneys are required to file separate fee petitions with the Special Master.
3. Between 2000 and 2015, I represented approximately 30 clients who were seeking compensation for vaccine-related injuries under the Program. My typical practice was to require these clients to sign my standard attorney-client retainer agreement, which I used with all of my personal injury clients. This agreement provided for a percentage of any recovery secured on behalf of the client to be paid to me as a contingency fee (even though, as noted above, contingency fees are prohibited by the Program). Furthermore, in about 14 of these vaccine cases, I ultimately paid myself a contingency fee out of the client's damage award—instead of remitting the entire damage award to the

client as required by the Program—and then separately submitted a fee request to the Special Master. All told, I paid myself approximately \$775,000 in improper contingency fees in these cases. I knew that I was deceiving my clients by doing so, and I used the U.S. mail to carry out parts of the scheme (by sending statements and checks to clients).

4. In August 2015, I attempted to identify all of the prior clients to whom I had charged a contingency fee and sent a check from my office trust account to each one of them refunding the entire contingency fee plus 10% annual interest. The aggregate value of these refund checks was approximately \$924,000.

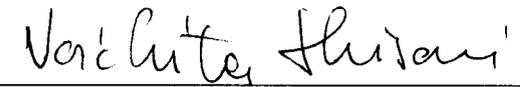
The State Bar's Statement of Costs and Expenses is attached as **Exhibit A**.

A proposed form of Judgment of Disbarment is attached hereto as **Exhibit B**.

DONE AT Tempe, Arizona, on October 14, 2015.


Jay K. Bansal
Respondent

SUBSCRIBED AND SWORN TO before me this 14th day of Oct, 2015, by Jay K. Bansal, who satisfactorily proved his identity to me.


Notary Public

My Commission expires:
May 22, 2018

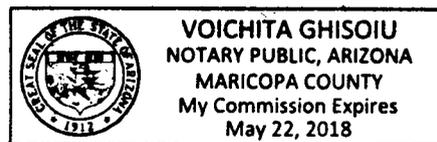


EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Jay A. Bansal, Bar No. 015618, Respondent

File No. 15-2398

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***

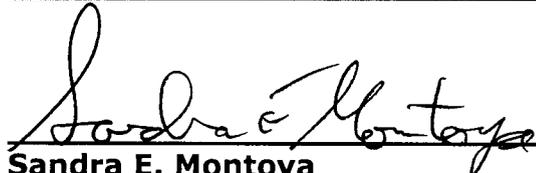
\$1,200.00

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



Sandra E. Montoya
Lawyer Regulation Records Manager

9-22-15

Date

EXHIBIT B

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**JAY K. BANSAL,
Bar No. 015618,**

Respondent.

PDJ 2015-_____

JUDGMENT OF DISBARMENT

[State Bar File Nos. 15-2398]

Pursuant to Rule 57, Ariz. R. Sup. Ct., the undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona has considered Respondent's Consent to Disbarment dated October 14, 2015, and filed herein. Accordingly:

IT IS HEREBY ORDERED accepting the consent to disbarment. Respondent is hereby disbarred from the State Bar of Arizona and his name is hereby stricken from the roll of lawyers **effective immediately**.

Respondent is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court. Respondent shall immediately comply with the requirements relating to notification of clients and others, and provide or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that no further disciplinary action shall be taken in reference to the matters that are the subject of the charges upon which the consent to disbarment and this judgment of disbarment are based.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00.

DATED this _____ day of _____, 2015.

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 October, 2015.

Copies of the foregoing mailed/emailed
this _____ day of October, 2015, to:

Mark I. Harrison
Osborn Maledon
2929 North Central Ave., 21st Fl.
Phoenix, AZ 85012
Email: mharrison@omlaw.com
Respondent's Counsel

Copy of the foregoing hand-delivered/emailed
this _____ day of October, 2015, to:

Shauna R. Miller, Bar No. 015197
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

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

by: _____