

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**WILLIAM MAYO REID,
Bar No. 031802**

Respondent.

PDJ 2015-9118

FINAL JUDGMENT AND ORDER

[State Bar No. 15-1390]

FILED FEBRUARY 23, 2016

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on February 12, 2016, under Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement.

Accordingly:

IT IS ORDERED Respondent, **William Mayo Reid, Bar No. 031802**, is suspended for thirty (30) days from the practice of law effective thirty (30) days from this date, for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED upon reinstatement, Mr. Reid shall be placed on probation for a period of one (1) year. The terms and conditions of his probation shall otherwise be the same terms and conditions of the conditional admission of Mr. Reid signed on June 2, 2014, and are incorporated herein as his probationary terms.

If Mr. Reid fails to comply with any terms, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, under Rule 60(a)(5), Ariz. R. Sup. Ct.

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

IT IS FURTHER ORDERED Mr. Reid shall pay the costs and expenses of the State Bar of Arizona for \$1,200.00, within thirty (30) days of 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 23rd day of February, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/e-mailed
this 23rd day of February, 2016, to:

Shauna R. Miller
Bar Counsel-Litigation
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

William M. Reid
Community Legal Services
204 S. 1st Ave.
Yuma, AZ 85364-2206
Email: wreid@clsaz.org

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

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**WILLIAM MAYO REID,
Bar No. 031802**

Respondent.

No. PDJ-2015-9118

**ORDER ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar File No. 15-1390]

FILED FEBRUARY 23, 2016

A Second Agreement for Discipline by Consent ("Agreement") was filed in this matter on February 12, 2016. The first Agreement for Discipline by Consent was filed on November 4, 2015, and submitted under Rule 57(a)(3), of the Rules of the Arizona Supreme Court.¹ A modification was recommended by the PDJ to that first agreement. The present Agreement accepts those modifications. No Probable Cause Order has been entered and no formal complaint filed. The State Bar is the complainant as the charge concerns an allegation of a violation of the terms of conditional admission to practice law in Arizona signed by Respondent on June 2, 2014. Mr. Reid was licensed to practice law in Arizona on December 16, 2014. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate."

Rule 57(a)(2) requires admissions be tendered solely "...in exchange for the stated form of discipline...." Under that rule, the right to an adjudicatory hearing is

¹ Unless stated otherwise, all rules referenced are the Arizona Rules of the Supreme Court.

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.

Mr. Reid made statements to support the Agreement which the State Bar does not contest for purposes of the Agreement. They are summarized. Mr. Reid was admitted to practice law in Arizona as a conditional admittee under Rule 36(a)(4)(D). The findings of fact and decision of the Committee on Character and Fitness recommending conditional admission was attached to the Agreement. Mr. Reid was represented by an attorney at that hearing. He made avowals to overcome the concerns expressed by the hearing panel during the admissions process. They were stated in that decision. Those avowals supported his conditional admission and were reduced to writing and signed by him. As a result, Mr. Reid was subject to those terms and they were attached to the Agreement.

During the week of April 20, 2015, Mr. Reid went on vacation in Mexico. The terms of conditional admission required Mr. Reid to notify the compliance monitor before any travel plans, which term Mr. Reid complied with. While in Mexico, Mr. Reid states he had "a severe anxiety attack or a mild panic attack." He purchased five (5) mg Valium, a benzodiazepine, from a pharmacist and took two. Mr. Reid is prohibited by the terms of his conditional admission to ingest benzodiazepines. There was no prescription, apparently no records substantiating the purchase and Mr. Reid states the remaining pills were discarded by him.

The written terms of conditional admission are specific. Mr. Reid was precluded from using drugs such as benzodiazepine except by prescription from a treating

health care professional. Mr. Reid was not examined by a health care professional and states no prescription was issued. Any prescription obtained was required under his terms of conditional admission to be "fully disclosed to the compliance monitor." The circumstance by which Mr. Reid obtained the benzodiazepine assured there would be no prescription, negating that protection.

The terms also mandated under an emergency, Mr. Reid notify the compliance monitor within forty-eight hours (48) hours of such medication, regardless of whether the drug was "prescribed, dispensed or administered" to him. Mr. Reid did not tell the compliance monitor of his taking that drug. As part of his terms, Mr. Reid must participate in random drug testing. On April 27, 2015, Mr. Reid reported to TASC Drug Detection Laboratory for a random drug test and provided a urine sample. It tested positive for benzodiazepines. Mr. Reid does not contest the results. However, within the Agreement he provided the explanation he would offer if the matter proceeded to hearing. The State Bar moved the Supreme Court to extend the terms of conditional admission of Mr. Reid to December 16, 2016. The Court granted that motion on December 29, 2015.

The parties point out there are no *ABA Standards* to cover the particular situation of a respondent violation terms of conditional admission. For the Agreement, the parties stipulate the mental state for these violations is knowing. It is noted, Mr. Reid has fully cooperated with Bar Counsel in this investigation and is willing to take full responsibility for his conduct. The PDJ agrees a thirty (30) day suspension followed by one (1) year of probation as set forth in the terms and conditions signed on June 2, 2014, is warranted.

Now Therefore,

IT IS ORDERED incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are: a thirty day suspension, one (1) year probation, and costs of \$1,200.00, which shall be paid within thirty (30) days of the final judgment and order. These financial obligations shall bear interest at the statutory rate. The terms of conditional admission are incorporated as they will serve as the terms of probation for Mr. Reid.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved for \$1,200.00 and are to be paid within thirty (30) days. The final judgment and order is signed and entered this date.

DATED 23nd day of February, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/e-mailed
this 23rd day of February, 2016.

Shauna R. Miller
Bar Counsel-Litigation
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

William M. Reid
Community Legal Services
204 S. 1st Ave.
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Lawyer Regulation Records Manager
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by: AMcQueen

Shauna R Miller, Bar No. 015197
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William M. Reid, Bar No. 031802
Community Legal Services
204 S. 1st Ave.
Yuma, AZ 85364-2206
Telephone (928) 919-0197
wreid@clsaz.org
Respondent

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**WILLIAM MAYO REID,
Bar No. 031802**

Respondent.

PDJ 2015-9118
State Bar File No. 15-1390

**THE PARTIES SECOND
AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, William Mayo Reid, who is no longer represented in this matter, submitted an Agreement for Discipline by Consent¹ on November 4, 2015. A probable cause order has not been entered and no formal complaint has been filed in this matter. On November 25, 2015, the Presiding Disciplinary Judge (PDJ) recommended that the parties modify their Agreement to address the PDJ's concerns as stated in his Decision Requesting Modification.

¹ Rule 57(a), Ariz. R. Sup. Ct.

On December 15, 2015, Respondent filed a Request for Hearing on Consent Pursuant to Rule 57(a)(3)(B). On December 23, 2015, the PDJ denied the request for a hearing and deemed the request for modification rejected under Rule 57(a)(4a)(B). Respondent has decided to modify the consent agreement to address the PDJ's concerns as set forth in the Decision Requesting Modification dated November 25, 2015.

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 proposed form of discipline is approved.

The State Bar is the complainant in this matter, therefore no notice of this agreement is required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 54(f), Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: A thirty (30) day suspension followed by probation for one year. 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.² The State Bar's Statement of Costs and Expenses is attached as **Exhibit A**.

² 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.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on December, 16, 2014.
2. Respondent was admitted to practice as a conditional admittee under Rule 36(a)(4)(D), Ariz. R. Sup. Ct.
3. Respondent is subject to the terms of conditional admission that he signed on June 2, 2014. [**Exhibit B**]

COUNT ONE

(File no. 15-1390/ State Bar of Arizona)

4. Respondent was conditionally admitted to the State Bar on December 16, 2014. The findings of fact and decision recommending conditional admission entered by the Committee on Character and Fitness on November 6, 2014, is attached as **Exhibit C**
5. As part of his terms of admission, Respondent was required to notify the compliance monitor in advance of any travel. On April 16, 2015, Respondent notified the compliance monitor that he was "going to Mexico next week for my vacation." On April 22, 2015, while on vacation, Respondent took a 5mg tablet of benzodiazepine
6. As part of his terms of admission, Respondent was required to notify the compliance monitor within forty-eight (48) hours if he took any drugs, prescribed or not. Respondent did not tell the compliance monitor on or before April 24, 2015, that he had taken a 5mg tablet of benzodiazepine.
7. As part of his terms of admission, Respondent is required to participate in random drug testing. On April 27, 2015, Respondent reported to TASC Drug

Detection Laboratory and provided a urine sample. The sample tested positive for benzodiazepines, a substance he is prohibited from ingesting.

8. Respondent does not deny or contest the validity of the results of the April 27, 2015, random drug test, although he does have an explanation. If this matter were to proceed to a hearing, Respondent would testify as follows:

Respondent went on vacation the week of April 20, 2015, to San Felipe, Mexico. While there, Respondent suffered either a severe anxiety attack or a mild panic attack. He went to a local pharmacy and purchased five 5 mg Valium. He took one 5 mg tablet immediately, and took a second 5 mg tablet about an hour later. He discarded the remaining three tablets. Respondent described his symptoms to the pharmacist, who prescribed Valium. There was no written prescription, and the pharmacist simply placed the pills in a container and Respondent purchased them. On or about Wednesday, April 22, 2015, Respondent took two five-milligram pills of Valium — a benzodiazepine. Respondent says that other than this one incident, he has been completely sober, from drugs and alcohol, since January 23, 2012. Respondent has continued to participate in MAP pursuant to the terms of his conditional admission, to include multiple and ongoing random urine tests since the incident at issue here. All of Respondent's subsequent tests have been negative and he has not otherwise violated his terms in any respect. The State Bar's Compliance Monitor has not reported any violations to him, or to Bar Counsel.

9. For purposes of this agreement, the State Bar does not contest Respondent's proffered testimony.
10. On December 16, 2015, the State Bar filed a motion with the Arizona Supreme Court, requesting that Respondent's terms of conditional admission be extended to December 16, 2016, to ensure no lapse of monitoring. On December 29, 2015, the Court granted the State Bar's motion.

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 his conduct violated Rule 54(f), Ariz. R. Sup. Ct.,

CONDITIONAL DISMISSALS

There are no conditional dismissals.

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, the following sanctions are appropriate: A thirty (30) day suspension during which Respondent will continue to adhere to the terms of conditional admission. Once he is readmitted, Respondent will be on probation for one year. The terms of conditional admission Respondent signed on June 2, 2014, are incorporated and shall constitute the terms of probation.

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).

There are no ABA *Standards* to cover this particular situation, since Respondent is charged with violating the terms of his conditional admission to the bar. However, Respondent's conduct is most analogous to a violation of a duty owed to the profession, which implicates Standard 7.0.

Standard 7.3, suspension is generally 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.

Standard 7.4, reprimand is generally appropriate when a lawyer negligently 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.

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 Respondent acted knowingly and there was potential injury to the public and the legal system. The appropriate *Standard*, therefore, is *Standard 7.3*, suspension.

AGGRAVATION/MITIGATION

Standard 9.22. Factors to be considered in aggravation: there are no aggravating factors to be considered.

Standard 9.32. Factors which may be considered in mitigation:

- (a) absence of a prior disciplinary record. Respondent was admitted to practice law in Georgia in 1990. He was admitted to practice law in New York in 2001. He has never received a disciplinary sanction in any jurisdiction, including Arizona.
- (b) absence of a dishonest or selfish motive. Respondent suffered a panic attack while in vacation in Mexico and was dispensed a small amount of Valium by a prescribing pharmacist to address the attack, which felt overwhelming in the extreme at the time. His conduct did not involve a dishonest or selfish motive.
- (e) full and free disclosure to a disciplinary board or cooperative attitude toward proceedings. Respondent has fully cooperated with Bar Counsel in this investigation and his willingness to take full responsibility for his conduct is evident by his entering into a Consent Agreement with the State Bar.

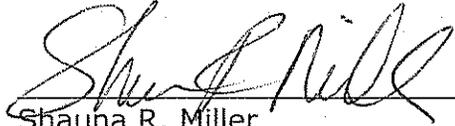
Given the absence of any aggravating factors and the presence of three mitigating factors, the parties believe that a short suspension is the appropriate sanction.

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 Suspension with Probation and the imposition of costs and expenses. A proposed form order is attached as **Exhibit D**.

DATED this 19th day of February 2016

STATE BAR OF ARIZONA



Shauna R. Miller
Senior 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 February, 2016.

William Mayo Reid
Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

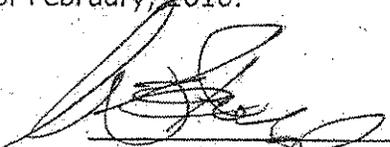
DATED this _____ day of February 2016

STATE BAR OF ARIZONA

Shauna R. Miller
Senior 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 11th day of February, 2016.



William Mayo Reid
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 12th day of February 2016.

Copies of the foregoing mailed/emailed
this 12th day of February 2016, to:

William M. Reid
Community Legal Services
204 S. 1st Ave.
Yuma, AZ 85364-2206
wreid@clsaz.org

Copy of the foregoing emailed
this 12th day of February, 2016, to:

William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
Email: officepdj@courts.az.gov

Copy of the foregoing hand-delivered
this 12th day of February, 2016, to:

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

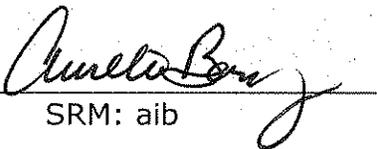
by: 
SRM: aib

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
William Mayo Reid, Bar No. 031802, Respondent

File No. 15-1390

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.

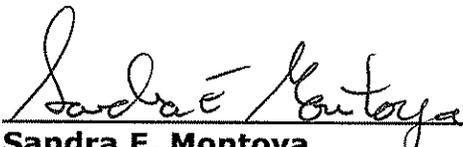
***General Administrative Expenses
for above-numbered proceedings***

\$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

10-6-15

Date

EXHIBIT B

TERMS OF CONDITIONAL ADMISSION

Name: William Mayo Reid (Applicant)

Applicant is being conditionally admitted to the State Bar of Arizona pursuant to Rule 36(a)(4)(D), Ariz.R.Sup.Ct.. Applicant voluntarily enters into these terms of conditional admission ("the terms"). Applicant agrees to comply with all of the terms listed below.

TERMS

I. Terms of Participation

Applicant shall be monitored for one year from the date of admission to the State Bar.

The terms shall be kept confidential among bar counsel, the compliance monitor, any other necessary state bar staff members, all treating health care professionals, Applicant, and Applicant's counsel, if applicable.

Applicant shall cooperate fully with bar counsel, the compliance monitor, and all other individuals involved in Applicant's treatment plan.

Applicant shall fulfill the following minimum requirements:

- A. Applicant shall advise the compliance monitor and the state bar resource center, in writing, of any change in the address of record, telephone number, email address, or employment status.
- B. Applicant shall not engage in any conduct that would violate the Rules of Professional Conduct or other rules of the Supreme Court of Arizona.
- C. The terms include the following: substance abuse treatment and monitoring.
- D. Applicant shall not use alcohol, other drugs, or any other mood-altering substances except on prescription from a treating health care professional; provided, however, that said prescription has been fully disclosed to the compliance monitor.
 1. All medications except plain aspirin, acetaminophen, ibuprofen or naproxen sodium must be prescribed by a treating health care professional. Any over-the-counter medications other than those

listed above must be specifically approved in advance by the treating health care professional. All medications must be documented in Applicant's medical records and medication log (see below).

2. If a controlled substance is prescribed, dispensed or administered to Applicant, the compliance monitor must be notified in advance or, in the case of an emergency, within forty-eight (48) hours of such medication use.
 3. Applicant shall maintain a medication log of all medications taken and shall make the log available to the compliance monitor upon request. The log shall contain, at a minimum, the name and dosage of medication used, date taken or administered, name of prescribing or administering health care professional and the reason the medication was given.
 4. Applicant shall not ingest the following substances:
 - a. Alcohol or foodstuffs or beverages or toiletries containing alcohol, including Nyquil or Purell type products;
 - b. Foodstuffs containing poppy seeds;
 - c. Foodstuffs containing hemp products;
 - d. Herbal or health preparations containing derivatives of controlled substances.
 5. Applicant is fully responsible for any and all ingested materials and their contents.
- E. Applicant shall participate in random biological fluid testing and shall be responsible for payment of all charges in connection with such testing. Such charges will include, but not necessarily be limited to, payment to the collection lab, as well as reimbursement of fees billed to the State Bar by any physician designated by the compliance monitor for medical review of the biological fluid screenings.
1. Applicant will be required to follow the testing procedures, including scheduling and frequency of testing, at

whichever testing facility Applicant is approved to use. The compliance monitor must approve all testing facilities. A collection site list and the relevant telephone numbers shall be provided to Applicant.

2. Applicant shall provide a specimen at an approved collection site prior to the close of business on the day Applicant is selected to test. If Applicant is unable to provide a specimen prior to the close of business on the testing day, an explanation shall be faxed by Applicant to the compliance monitor no later than 5:00 p.m. on the day of the missed test. Applicant shall within twenty-four (24) hours of missing a test, complete a make-up test. If Applicant misses more than two (2) tests per year, Applicant will be in violation of the terms. Failure to test on the required day or failure to complete a make-up test within twenty-four (24) hours, will be considered a missed test. A diluted or abnormal specimen will also be considered a missed test.
3. If Applicant moves from Arizona, fulfilling the testing requirements is solely the responsibility of Applicant, including but not limited to finding a collection site that must be approved by the compliance monitor.
4. Applicant shall notify the compliance monitor in advance of any travel plans and may be asked to test during the travel or immediately upon return.
5. Additional biological specimens (including hair testing) may be requested by bar counsel or the compliance monitor at any time.
6. Applicant shall cooperate with collection personnel at all times and shall provide any waivers requested by the State Bar.

- F. Applicant shall participate in Alcoholics Anonymous or an alternative abstinence-based program approved by the compliance monitor. Applicant shall attend no fewer than one meeting per week for the duration of the terms and shall provide a signature of the person in charge of the meeting to document such attendance. Applicant's sponsor may sign, if the sponsor is in attendance.
- G. Applicant shall within thirty (30) days of executing the terms, schedule an appointment with a licensed or certified professional with expertise in the assessment and treatment of substance use disorder including relapse prevention, and continue appointments at least once a month. Applicant shall authorize his treatment professional, or any successor treatment professional, to provide a written progress report to the State Bar every ninety (90) days verifying that Applicant has met with him/her and is following his/her recommendations. The first progress report shall be due ninety(90) days after Applicant's admission.
- H. Applicant shall attend evaluation appointments with the compliance monitor. Such appointments will be scheduled by the compliance monitor throughout the period of monitoring. Applicant's first meeting with the compliance monitor shall be scheduled within thirty (30) days of Applicant signing the terms.
- I. An exit interview shall be held within thirty (30) days before the date the terms are set to expire. Applicant will not be considered to have successfully completed the terms until this requirement has been met.
- J. Applicant shall, within twenty (20) days of signing the terms, or within twenty (20) days of the date said authorization is mailed to Applicant, provide the compliance monitor with properly executed written authorizations as may be necessary to verify Applicant's compliance with the terms, including, but not limited to:
1. Applicant shall execute all necessary releases for communication between the compliance monitor, bar counsel, or any other assigned staff member regarding this matter.

2. Applicant shall authorize the compliance monitor to receive a copy of all evaluation reports and records relevant to Applicant's treatment plan and treatment.
 3. Applicant shall authorize Applicant's personal treating health care professional, treatment counselor, therapist, or any other treating professional, to discuss with the compliance monitor the Applicant's evaluation, medical history, treatment plan (including all prescription and over-the-counter drugs and medications), and Applicant's participation and compliance with the recommended treatment plan.
 4. Applicant shall authorize the compliance monitor to provide copies of all records and test results of the Applicant and discuss them with such other persons, agencies, members, or institutions as deemed necessary for implementing and monitoring compliance with the treatment program and/or the terms.
- K. If Applicant resides outside of Arizona, fulfilling all requirements listed above shall be the sole responsibility of the Applicant. Any changes need the approval of bar counsel and/or the compliance monitor.

II. Costs

- A. Applicant is solely responsible for any and all expenses, costs, and fees incurred in carrying out the provisions of the terms.
- B. Applicant shall pay \$350.00 per year to the State Bar for monitoring Applicant's compliance with the terms.
- C. Once Applicant signs the terms, unless a payment plan or other arrangements have been authorized, Applicant's failure to pay for any State Bar services in full within ninety (90) days of the date of any subsequent billing, shall constitute a violation of these terms.

III. Violation

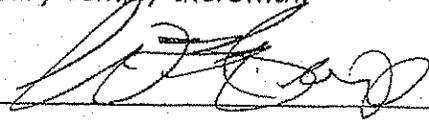
- A. Failure to fully comply with sections I or II above constitutes a violation of the terms. All violations shall be reported to Lawyer Regulation.

B. The final determination as to whether these terms have been violated shall be made pursuant to the Rules of the Arizona Supreme Court.

IV. Modification of these Terms, Required Consultations, Assessment, and Evaluations

Applicant agrees that during the duration of the period of monitoring, the terms of admission and the length of participation may be modified only by an order of the Supreme Court of Arizona. The length of participation may be extended, if appropriate, by the Supreme Court of Arizona, or any designee thereof. If, for whatever reason, applicant does not maintain active membership status (Rule 32(c), Ariz.R.Sup.Ct.) from the date of admission until the date of the termination of terms, the terms will be held in abeyance until Applicant is once again an active member. At that time, the Applicant shall continue with the terms until the conditional admission period has passed.

I have received a copy of the above terms and further understand that I must fully comply therewith.



Applicant

6/2/14
Date

EXHIBIT C

1 GABRIEL D. FERNANDEZ
Arizona State Bar No. 016483
2 Member, Committee on Character and Fitness
Supreme Court, State of Arizona
3 1501 W. Washington, Suite 104
Phoenix, AZ 85007
4

5
6 BEFORE THE COMMITTEE ON CHARACTER AND FITNESS
7 OF THE SUPREME COURT OF ARIZONA

8 In the Matter of the Application of:
9 WILLIAM MAYO REID
10 To Be Admitted to the Practice of Law
in Arizona
11

**FINDINGS OF FACT AND DECISION
RECOMMENDING CONDITIONAL
ADMISSION**

12 The Committee on Character and Fitness of the Supreme Court of Arizona (“Committee”)
13 submits these findings and recommendation in the matter of the application of William Mayo Reid
14 (“Applicant”) for conditional admission to practice law in Arizona. Following an Informal Hearing
15 the Committee has determined that the Applicant met his burden of proving he possesses the
16 requisite character and fitness to practice law in Arizona and, therefore, recommends that the
17 Applicant be admitted, subject to the Applicant’s agreement to the terms and conditions attached.

18 **BACKGROUND:**

19	Name of Applicant:	William Mayo Reid
	Date of Birth:	April 6, 1965
20	Law School:	University of Georgia Law School
	Admitted Elsewhere:	Georgia; New York
21	Arizona Bar Examination:	Successful, February, 2013
22	Hearing Date:	May 2, 2014

23 **AREAS OF CONCERN:**

- 24 1. Unlawful Conduct.
25 2. Substance Abuse.
26 3. Neglect of Financial Responsibilities.

1 4. Misconduct in Employment.

2 5. All other matters that may bear upon your character and fitness to practice law.

3 On May 2, 2014, three members of the Committee (Gabriel Fernandez, Frederick Berry and
4 Fernando Gonzales) conducted an Informal Hearing in Tucson, Arizona, on the application of
5 William Mayo Reid ("Applicant"). The Applicant was represented at the hearing by his legal
6 counsel, Karen Clark. The Applicant called five character witnesses to testify on his behalf: Brian
7 Carlisle; Kevin Benbow, MA, LPC; Ernest Smith; Henry Ebarb; and James Marshall.

8 At the conclusion of the Informal Hearing the panel unanimously agreed to recommend the
9 Applicant's conditional admission. The Applicant agreed to accept the conditions established for
10 his admission, and executed the attached document entitled Terms and Conditions of Monitoring.
11 However, subsequent to the Informal Hearing and upon further review of the Committee, the
12 Committee recommended that the Applicant undergo an independent psychological evaluation with
13 a psychologist selected by the Committee. Pursuant to Rule 36(e) (8) (C), the Rules of the Supreme
14 Court, the Committee makes the following findings of fact, and recommendation for Applicant's
15 conditional admission.

16 **FINDINGS OF FACT:**

17 **Criminal Acts/Substance Abuse/Misconduct in Employment:**

18 1. The Applicant testified that he began drinking alcohol when he was thirteen or
19 fourteen years of age. He began using cocaine as early as 1991.

20 2. The Applicant testified that in 1995, in Georgia, he had been drinking alcohol and
21 snorting "meth" for three or four days when he fell asleep behind the wheel and crashed into a
22 parked car in his neighborhood. The Applicant was criminally charged with possession of cocaine
23 with intent to distribute. He was allowed to enter a treatment program as part of the plea, and the
24 charges were set aside.

25 3. In December of 2001, the Applicant began to work as an attorney for the law firm of
26 Togut, Segal, and Segal. At this time, the Applicant was enjoying a brief period of sobriety. In late
2002, the Applicant relapsed, and began using cocaine again. In February of 2003, the Applicant
asked for and received time off in order to get treatment for his addiction. In April of 2003, the

1 Applicant returned to work for Togut, Segal, and Segal. However, the Applicant injured his back
2 shortly after returning to work, and he was prescribed narcotic pain medication for the pain. The
3 pain medication caused him to relapse again, and he returned to using cocaine. In March of 2004,
4 he was asked to resign his position at Togut, Segal, and Segal due to his cocaine and alcohol use.

5 4. In February of 2003, the Applicant went to an ex-girlfriend's house while extremely
6 intoxicated on alcohol and cocaine, and repeatedly rang her buzzer begging her to speak with him.
7 The ex-girlfriend called the police to make a formal complaint, and a harassment complaint was
8 issued against the Applicant. Shortly thereafter, the ex-girlfriend had a change of heart, and she
9 asked that the complaint be dropped against the Applicant. No formal charges were brought against
10 the applicant as a result of this incident.

11 5. Following his resignation from Togut, Segal, and Segal, the Applicant then did legal
12 contract work for James Frenzel, PC, and Jones and Walden, LLC, beginning in January of 2005.
13 The Applicant voluntarily left his position with the Frenzel law firm to work exclusively for Jones
14 and Walden. However, on or about March of 2005, Mr. Walden witnessed the Applicant smoking
15 crack in the offices late one night, and the next morning the Applicant was let go from the firm.

16 6. The Applicant entered the Talbot Recovery Center, a drug/addiction rehabilitation
17 facility in April of 2005. The Applicant enjoyed extended periods of sobriety from 2005, until
18 2008, interspersed with periods of binges while using cocaine or alcohol. He also held a variety of
19 "recovery jobs" during this time, none of which were in the legal field. In 2008, he entered a drug
20 and alcohol treatment program at the Prescott House in Prescott Arizona.

21 7. On three separate occasions during the period of January of 2011, to January of
22 2012, the Applicant traveled to Phoenix to look for cocaine. However, instead of cocaine, he found
23 and used "meth," which led to one to two day binges on those occasions that he traveled to Phoenix.
24 On January 10, 2011, during one of his drug seeking trips to Phoenix, the Applicant was
25 "carjacked;" presumably by associates of a female who was helping him to locate drugs. The
26 Applicant became a suspect during the investigation, but was later cleared of all suspicion.

1 **Financial Irresponsibility:**

2 8. In 2005, the Applicant experienced financial hardship after losing his job with
3 Togut, Segal, and Segal. As a result, he filed for bankruptcy protection. In August of 2011, the
4 Applicant incurred approximately \$20,000.00, of medical bills due to a hospital stay. The
5 Applicant was uninsured at the time of treatment. The Applicant entered into evidence at the
6 Informal Hearing, exhibits in the form of a current list of debts, proof of payments and a payoff
7 schedule for his debts. The Applicant testified that he earns approximately \$2,000.00, a month
8 doing contract work for several attorneys in Arizona. He is current with his payments on his debt
9 repayment plan.

10 **Psychological Evaluation:**

11 9. On April 18, 2012, the Applicant, of his own volition, participated in an evaluation
12 by psychologist Phillip D. Lett, Ph.D. Dr. Lett's evaluation included some cognitive testing, a
13 comprehensive substance abuse screening, and an examination for the existence of
14 psychopathology. Based on the evaluation, Dr. Lett concluded that the Applicant does not have an
15 active substance dependency, and that he "meets the DSM-IV-TR diagnostic criterion for Alcohol
16 Dependency in Early Partial Remission, Amphetamine Dependency in Full Sustained Remission,
17 Cocaine Dependency in Full Sustained Remission...." Accordingly, Dr. Lett ultimately
18 recommended that if admitted to practice, the Applicant should participate in structured monitoring
19 conditions for a period of one year in accordance with the attached Terms and Conditions of
20 Monitoring.

21 10. On August 21, 2014, psychologist Lisa S. Jones, M.D., evaluated the Applicant. Dr.
22 Jones' evaluation included some cognitive testing, a comprehensive substance abuse screening, an
23 examination for the existence of psychopathology, and a review of documents provide to her by the
24 Committee including Dr. Lett's April 18, 2012, psychological evaluation. Following the
25 evaluation, Dr. Jones diagnosed the Applicant with "Substance Use Disorder, alcohol and cocaine,
26 in sustained remission, Dysthymia." Dr. Jones further noted "(i)t is my opinion that continued
sobriety will continue to reinforce improved coping and it is highly unlikely that the issues he has
struggled with will recur." Accordingly, Dr. Jones ultimately recommended that if admitted to

1 practice, the Applicant should continue attending AA at least once per week, regularly meet with
2 his sponsor, have regular psychiatric and therapy interventions, and participate in random drug
3 screens.

4 **Evidence/Character Testimony:**

5 11. The Applicant was questioned extensively during the Informal Hearing. The panel
6 was concerned about the Applicant's extensive history of drug and alcohol use, and its impact on
7 the Applicant's ability to work, and his involvement in criminal activity. The Applicant testified
8 that he fully understands that he can no longer drink alcohol because it leads to other criminal
9 activity such as using cocaine. He has been sober since January 3, 2012. On May 24, 2012, the
10 Applicant entered into a two-year voluntary therapeutic contract with the Member Assistance
11 Program.

12 Pursuant to the contract, the Applicant avowed to: abstain from the use of alcohol, drugs, or
13 any other mood altering substance; participate in random biological fluid testing; attend Alcohol
14 Anonymous at least one meeting per week; attend appointments with a license psychiatrist [for one
15 year]; and attend appointments with a licensed behavioral health specialist with expertise in the
16 assessment and treatment of behavioral and addictive behaviors.

17 The Applicant introduced evidence at the hearing that he had complied with the terms of the
18 therapeutic contract, and further testified that he would readily participate in structured monitoring
19 conditions for a period of one year in accordance with the attached Terms and Conditions of
20 Monitoring. The evidence introduced at the Informal Hearing consisted of Alcoholic Anonymous
21 sign in sheets, bi-monthly random urinalysis results, and testimony from Kevin Benbow, MA, LPC,
22 a licensed professional counselor with a focus on general mental health, with extensive experience
23 treating substance abuse disorders. Mr. Benbow testified that the Applicant has been compliant
24 with his treatment protocol, and has demonstrated a commitment to a clean and sober lifestyle. Mr.
25 Benbow further testified that the Applicant has developed good coping skills, and his prognosis is
26 good.

Brian Carlisle, the Applicant's former Alcoholic Anonymous sponsor, and Ernest Smith, his
current sponsor, offered testimony in support of the Applicant's dedication to remain clean and

1 sober. Mr. Smith testified that he and the Applicant speak every day, and he firmly believes that
2 that the Applicant wants to stay sober, and that the Applicant is eagerly doing all that he needs to do
3 to live a sober lifestyle.

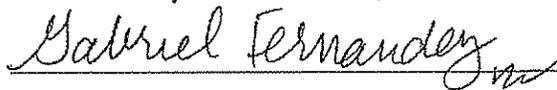
4 Henry Ebarb, the Applicant's mentor also testified regarding the Applicant's commitment to
5 sobriety, and his work ethic. Mr. Ebarb is a tax lawyer. He testified that he gives the Applicant
6 contract work, and that the Applicant's work product is very well researched and thought out. Mr.
7 Ebarb referred to the Applicant as "Mr. Clean" due to his high standard of ethics and unwillingness
8 to compromise those ethics to gain an upper hand against an opponent in the law.

9 Finally, James Marshall, the managing attorney at the Community Legal Services in Yuma,
10 Arizona, testified on the Applicant's behalf. Mr. Marshall testified that the Applicant has given
11 many hours of volunteer legal service over the past two years. Mr. Marshall further testified that he
12 has offered the Applicant a full time staff attorney position [assuming he is admitted to the Bar] due
13 to the Applicant's excellent work product and dedication to his clients.

14 **RECOMMENDATION:**

15 The Committee has carefully considered all the evidence as well as the relevant criteria set
16 forth in Arizona Supreme Court Rule 36(b), and finds that the Applicant qualifies to be admitted to
17 the practice of law in Arizona. However, based on the evidence before the Committee, it is
18 recommended that the Applicant be admitted to the State Bar of Arizona as provided for in the
19 attached Terms and Conditions of Monitoring. The Applicant has agreed to these Terms and
20 Conditions of Monitoring.

21 Dated this 6th day of November, 2014.

22 

23 Gabriel D. Fernandez
24 Committee on Character and Fitness
25 Supreme Court of Arizona
26

1 COPY of the foregoing mailed
this 6th day of November, 2014 to:

2 William Mayo Reid
311 S Magnolia Ave
3 Yuma, AZ 85364-1832

4 Karen Clark
Adams & Clark PC
5 520 E. Portland Street, Suite 200
Phoenix, Arizona 85004
6

7 Members of the Committee on
8 Character and Fitness

Denise Vernon/ Emily Holliday
9 Committee on Character and Fitness
1501 West Washington Avenue, #104
10 Phoenix, AZ 85007
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EXHIBIT D

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**WILLIAM MAYO REID,
Bar No. 031802,**

Respondent.

PDJ 2015-9118

[State Bar File No. 15-1390]

FINAL JUDGMENT AND ORDER

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the parties Second 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, **William Mayo Reid**, is hereby suspended for 30 days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the ____ of _____. Respondent shall comply with Rules 64 and 70, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for one year. The terms of Respondent's conditional admission that he signed on June 2, 2014, are incorporated as the terms of Respondent's probation.

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 Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00 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 February, 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 February, 2016.

Copies of the foregoing mailed/emailed
this _____ day of February, 2016.

William M. Reid
Community Legal Services
204 S. 1st Ave.
Yuma, AZ 85364-2206
wreid@clsaz.org

Copy of the foregoing emailed/hand-delivered
this ____ day of February, 2016, to:

Shauna R Miller
Senior Bar Counsel - Litigation
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 February, 2016 to:

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

by: _____