

BEFORE THE PRESIDING DISCIPLINARY

JUDGE

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

**KENDRIC VANN ROLLINS,
CA Bar No. 170564**

Respondent.

PDJ 2015-9105

FINAL JUDGMENT AND ORDER

[State Bar No. 15-0609]

FILED FEBRUARY 19, 2016

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on February 9, 2016, under Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement.

Accordingly:

IT IS ORDERED Respondent, **Kendric Vann Rollins**, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the date of this order.

IT IS FURTHER ORDERED Mr. Rollins shall pay the costs and expenses of the State Bar of Arizona in the amount of \$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 in connection with these disciplinary proceedings.

DATED this 19th day of February, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/mailed
this 19th day of February, 2016, to:

Ralph W. Adams
Adams & Clark, PC
520 E. Portland Street
Phoenix, Arizona 85004-1843
Email: ralph@adamsclark.com
Respondent's Counsel

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

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 NON-MEMBER OF
THE STATE BAR OF ARIZONA,

**KENDRIC VANN ROLLINS,
CA Bar No. 170564**

Respondent.

PDJ-2015-9105

**DECISION ACCEPTING CONSENT
FOR DISCIPLINE**

[State Bar No. 15-0609]

FILED FEBRUARY 19, 2016

A Probable Cause Order issued on September 18, 2015, and the formal complaint was filed on October 2, 2015. An Agreement for Discipline by Consent ("Agreement") was filed by the parties on February 9, 2016, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct.¹ 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 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.

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

Under Rule 53(b)(3), notice of this Agreement was provided to the complainant(s) by letter on January 12, 2016. Complainant(s) were 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. No objection has been filed. The conditionally admitted misconduct is summarized.

Mr. Rollins was licensed to practice law in California on or about June 6, 1994. Mr. Rollins is not licensed to practice law in Arizona. He represented a client in a DMV matter in California, who was subsequently cited while driving in Arizona for licensing issues resulting from the California matter. A pretrial conference was scheduled and occurred on March 3, 2015. No notice of appearance was filed on behalf of the client. The client did not appear for the pre-trial conference and a bench warrant issued. Mr. Rollins, while attempting to reach the prosecutor regarding a brief continuance for his client, was transferred to the courtroom where the prosecutor was attending the pretrial conference. The Court recalled the matter and Mr. Rollins requested the Court quash the warrant and the matter be reset. The call reception was not clear and the call was disconnected. The Court again recalled the matter and Mr. Rollins identified himself as a CA attorney representing the client. The Court stated Mr. Rollins was not licensed to practice law in Arizona and that the warrant would stand.

Mr. Rollins conditionally admits his misconduct violated Rule 42, ERs 5.5 (unauthorized practice of law). The parties stipulate to a reprimand and the payment of costs totaling \$1,200.00, to be paid within 30 days from this Decision and Order.

Presumptive Sanction

The parties agree the presumptive sanction is reprimand and *Standard 7.3* Violations of Other Duties Owed As A Professional is applicable. *Standard 7.3* provides:

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.

Mr. Rollins conditionally admits he negligently violated his duties to his client and the legal system with no injury or potential injury occurring. Mr. Rollins negligently engaged in the unauthorized practice of law when he unintentionally appeared on behalf of his client without authorization to practice law in Arizona.

Aggravation and Mitigation

The parties agree there are no aggravating factors. Mitigating factors include: 9.32(a) (absence of prior disciplinary record), 9.32(b) (absence of dishonest or selfish motive), and 9.32(e) (full disclosure to disciplinary board or cooperative attitude toward proceedings).

The object of lawyer discipline is to protect the public, the legal profession, the administration of justice, and to deter other attorneys from engaging in unprofessional conduct. *In re Peasley*, 208 Ariz. 27, 38, 90 P.3d 764, 775 (2004). Attorney discipline is not intended to punish the offending attorney, although the sanctions imposed may have that incidental effect. *Id.* Here, the PDJ is satisfied the proposed sanction of reprimand meets the objectives of discipline.

IT IS ORDERED incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are: reprimand and \$1,200.00 in costs,

which shall be paid within thirty (30) days of the final judgment and order. These financial obligations shall bear interest at the statutory rate.

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. Now therefore, a Final Judgment and Order is signed this date.

DATED this 19th day of February, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed this 19th day of February, 2016, to:

Ralph W. Adams
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520 E. Portland Street
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Lawyer Regulation Records Manager
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by: AMcQueen

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Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**KENDRIC VANN ROLLINS,
CA Bar No. 170564,**

Respondent.

PDJ 2015-9105

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

[State Bar File No. 15-0609]

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Kendric Vann Rollins, who is represented in this matter by counsel, Ralph W. Adams, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on September 18, 2015, and a formal complaint has been filed in this matter. 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(s) by letter dated January 12, 2016. 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.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ER 5.5 (Unauthorized Practice of Law). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand. 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. On or about June 6, 1994, Respondent was a lawyer licensed to practice law in the State of California with the California Bar No. 170564.
2. At all times relevant, Respondent was not licensed or admitted to practice law in the State of Arizona.

COUNT ONE (File No. 15-0609/Judicial Referral)

3. Respondent represented Paris Daneille McCarthy in a California DMV matter.
4. Ms. McCarthy was later pulled over and cited while driving in Arizona for licensing issues resulting from the California DMV matter.

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.

5. On or about March 3, 2015, the Salome Justice Court judge (hereinafter referred to as "Court") was scheduled to conduct a pretrial conference in the case of State v. Paris Danielle McCarthy, TR2014-3389.

6. The Court called the case of State v. Paris Danielle McCarthy, TR2014-3389 at approximately 1:57 p.m., but the defendant did not answer and a bench warrant was issued.

7. A notice of appearance had not been filed by any attorneys on behalf of the defendant.

8. If this matter were to proceed to hearing, Respondent would testify that on February 26, 2015, Respondent spoke with Steven W. McClure an attorney licensed to practice law in the State of Arizona; Mr. McClure agreed to become the attorney of record in the case of State v. Paris Danielle McCarthy, TR2014-3389; Mr. McClure was unable to make the scheduled appearance on March 3, 2015, and needed a brief continuance on the matter; Respondent was informed by Mr. McClure that the Deputy County Attorney, Dan Terrell, would give Mr. McClure a brief continuance if Respondent asked him to continue the matter for Mr. McClure to appear; Respondent was informed by Mr. McClure that he and the Mr. Terrell were friendly and that it would be "no problem"; Respondent attempted to reach Mr. Terrell by telephone on March 2, 2015, but was unsuccessful.

9. Respondent attempted to reach Mr. Terrell again on March 3, 2015, by telephone and was transferred to the courtroom where Mr. Terrell was attending the pretrial conference.

10. When the Court thought Ms. McCarthy was on the phone, the Court recalled the case of State v. Paris Danielle McCarthy, TR2014-3389 and asked "Miss McCarthy can

you hear me clearly?" The transmission of the telephone call was not sufficiently clear for any party to understand the other.

11. A male voice stated "I kinda of...yes."

12. When advised that the Court had already issued a bench warrant, the male voice advised that he forgot about the time change and requested that the warrant be withdrawn and the matter reset.

13. As the Court began holding the pretrial conference, the Deputy County Attorney, Dan Terrell's (hereinafter referred to as "Terrell") assistant, Tina Rose (hereinafter referred to as "Rose") stated "Something is wrong."

14. Terrell then asked "Is this Paris Danielle McCarthy?"

15. The male voice responded "What?" before the call disconnected.

16. Later that day, at approximately 3:25 p.m., the Court again recalled the case State v. Paris Danielle McCarthy, TR2014-3389 and, upon hearing the same voice on the phone, asked "Who are you sir?"

17. Respondent responded stating that he could barely hear the Court. Again, the transmission of the call was insufficient for the parties to clearly hear and understand each other.

18. After the Court asked who was on the line, Respondent then said, in pertinent part, that his name was Kendrick Rollins appearing on behalf of Paris McCarthy.

19. When asked to repeat his name, Respondent stated his name, that he was an attorney in Los Angeles and that he was appearing for Ms. McCarthy.

20. The Court informed Respondent that he was not authorized to practice law in Arizona and that the bench warrant would stand before disconnecting the phone call.

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 42, Ariz. R. Sup. Ct., ER 5.5 (Unauthorized Practice of Law).

CONDITIONAL DISMISSALS

There are no other allegations against Respondent.

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 sanction is appropriate: Reprimand.

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 7.3* is the appropriate *Standard* given the facts and circumstances of this matter. *Standard 7.3* provides that 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. While Respondent did not request to be telephonically transferred into the courtroom, Respondent unintentionally made an appearance on behalf of his client without authorization to practice law in the State of Arizona.

The duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent negligently engaged in the unauthorized practice of law and that his 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 no injury or potential injury to a client, the public or the legal system.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is reprimand. The parties conditionally agree that no aggravating factors should be considered.

Mitigation:

ABA Standards sections:

9.32(a) absence of prior disciplinary record;

9.32(b) absence of dishonest or selfish motive. If this matter were to proceed to hearing, Respondent would present evidence and testimony that in the two weeks prior to the hearing he called six Arizona attorneys on behalf of his client in attempts to locate Arizona counsel to represent the client in Arizona. Respondent would further testify that on the day his call was transferred into the court he was attempting to contact the prosecuting attorney to ask for additional time so that he could locate Arizona counsel for his client. Respondent would further testify that he was ultimately successful in contacting Arizona attorney Steve McClure who agreed to represent the client, but, was not available for the March 3, 2015, hearing. Mr. McClure did eventually agree to represent the client and the client's matter was dismissed by the Arizona court. Respondent would testify that each and every call he made to Arizona attorneys, even the call that was directed into the court on March 3, 2015, was made for the specific purpose of obtaining Arizona counsel for the client because he knew he could not represent the client in the Arizona proceeding.

9.32(e) full and free disclosure to the disciplinary board or cooperative attitude toward proceeding. Even in his Answer in this matter he admitted that requesting a continuance violated ER 1.5.

Discussion

The parties have conditionally agreed that 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. This agreement was based on the following:

The purposes of lawyer discipline are served by imposing a public sanction that helps educate Respondent, deter future violations, and inform the public and other members of the profession that the unauthorized practice of law is improper.

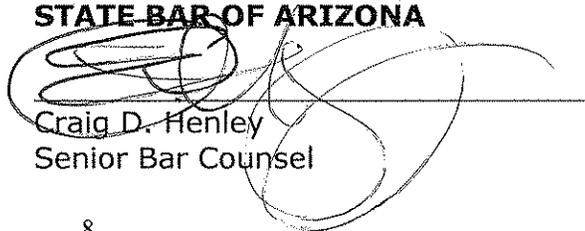
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

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

DATED this 9th day of February 2016.

STATE BAR OF ARIZONA


Craig D. Henley
Senior Bar Counsel

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

DATED this 8th day of February, 2016.


Kendric Vann Rollins
Respondent

DATED this _____ day of February, 2016.

Adams & Clark, PC

Ralph W. Adams
Counsel for Respondent

Approved as to form and content


Maret Vessella
Chief Bar Counsel

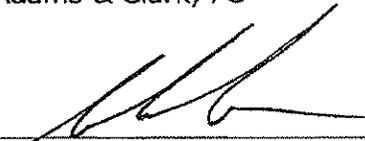
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this _____ day of February, 2016.

Kendric Vann Rollins
Respondent

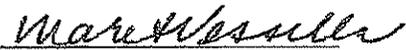
DATED this 9th day of February, 2016.

Adams & Clark, PC



Ralph W. Adams
Counsel for Respondent

Approved as to form and content


Maret Vessella
Chief Bar Counsel

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

DATED this _____ day of February, 2016.

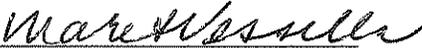
Kendric Vann Rollins
Respondent

DATED this _____ day of February, 2016.

Adams & Clark, PC

Ralph W. Adams
Counsel for 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 9TH day of February, 2016.

Copy of the foregoing emailed
this 9TH day of February, 2016, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 W. Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 9TH day of February, 2016, to:

Ralph W. Adams
Adams & Clark, PC
520 E. Portland Street
Phoenix, Arizona 85004-1843
Email: ralph@adamsclark.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 9TH day of February, 2016, to:

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

by: 
CDH/ts

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Non-Member of the State Bar of Arizona,
Kendric Vann Rollins, CA Bar No. 170564, Respondent

File No. 15-0609

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

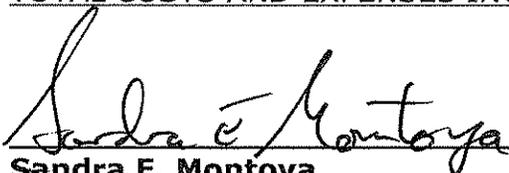
\$1,200.00

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

2-8-16
Date

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY

JUDGE

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

KENDRIC VANN ROLLINS,
CA Bar No. 170564,

Respondent.

PDJ 2015-9105

FINAL JUDGMENT AND ORDER

[State Bar No. 15-0609]

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, **Kendric Vann Rollins**, is hereby Reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective immediately.

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, to:

Ralph W. Adams
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Respondent's Counsel

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by: _____