

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

RONALD L. HOFFBAUER,
Bar No. 006888

Respondent.

PDJ-2015-9063

FINAL JUDGMENT AND ORDER

[State Bar Nos. 13-1395, 13-2080,
13-2089, 13-2254, 13-2327, 13-2560,
13-2692, 13-3065, 13-3077, 13-3335,
13-3496, 13-3655, 14-0350, 14-1675,
14-2212, 14-2606]

FILED JULY 29, 2015

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed July 6, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED Respondent, **Ronald L. Hoffbauer**, is hereby suspended from the practice of law in Arizona for one (1) year, retroactive to February 27, 2015, the date of his summary suspension for failure to comply with mandatory continuing legal education requirements, as outlined in the consent documents, effective the date of this order.

IT IS FURTHER ORDERED Respondent shall be subject to a period of probation upon reinstatement to the practice of law, if deemed appropriate following a reinstatement hearing, with terms to be imposed by the Supreme Court. In the event that Respondent fails to comply with any probation term, and information thereof is received by the State Bar of Arizona, bar counsel will 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 impose an appropriate sanction. If there is an allegation that Respondent failed to comply with any term of probation, 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 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 Respondent 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 29th day of July, 2015.

William J. O'Neil

William J. O'Neil
Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 30th day of July, 2015, to:

Ronald L. Hoffbauer
4059 East Cholla Street
Phoenix, Arizona 85028-2213
Email: rlhoffbauer@cox.net
Respondent

James D. Lee
Senior Bar Counsel
State Bar of Arizona
4201 North 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: JAlbright

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**RONALD L. HOFFBAUER,
Bar No. 006888**

Respondent.

PDJ-2015-9063

**DECISION ACCEPTING CONSENT
FOR DISCIPLINE**

[State Bar Nos. 13-1395, 13-2080,
13-2089, 13-2254, 13-2327, 13-
2560, 13-2692, 13-3065, 13-3077,
13-3335, 13-3496, 13-3655, 14-
0350, 14-1675, 14-2212, 14-2606]

FILED JULY 29, 2015

An Agreement for Discipline by Consent ("Agreement") was filed on July 6, 2015, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct¹. The Agreement was reached before the authorization to file a formal complaint. 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 complainants by letter dated June 17, 2015. Complainants were notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) days of bar counsel's notice. No objection was received.

Mr. Hoffbauer was licensed to practice law in Arizona on October 17, 1981. On February 27, 2015, he was summarily suspended for failing to meet his Mandatory Continuing Legal Education requirements. The Agreement details a factual basis for the admissions to the sixteen² (16) counts in the agreement, all arising out of Mr. Hoffbauer's bankruptcy cases. Mr. Hoffbauer conditionally admits violations of Rule 42, ERs 1.2(a), 1.3, 1.4(a) and (b), 1.16(a)(1) and (d), 3.2, 8.1 and 8.4(d), and Rules 54(c) and (d). The parties stipulate to a sanction of one (1) year suspension.³ Further, Mr. Hoffbauer has agreed to pay \$1,200⁴ in costs and expenses related to this disciplinary proceeding within 30 days from this order. Restitution is not an issue because no attorney's fees were ever directly received by Mr. Hoffbauer.

Mr. Hoffbauer represented bankruptcy clients as an associate in the law firm, David Wroblewski & Associates, ("DWA") from early 2011 through December 2012. Mr. Hoffbauer was terminated from DWA in December 2012, but was rehired as a contract attorney around March or April 2013 and remained in that position through the end of November 2013. When Mr. Hoffbauer began contract work at DWA, he was provided a non-lawyer assistant to work with him during the evening. Regardless, the complainant-clients were all assigned to Mr. Hoffbauer. In apparent mitigation, after Mr. Hoffbauer returned as a contract attorney to DWA, there were

² There are sixteen counts, but Count Eight has 23 clients associated with that count.

³ Suspension *nunc pro tunc* the February 27, 2015 summary suspension.

⁴ Exhibit A of the Agreement lists only "General Administrative Expenses."

issues with the operation of DWA's computer and telephone systems, creating communication issues with clients.

In the first count, Mr. Hoffbauer took over representation of the client's case in April 2013.⁵ He charged no additional fees to the clients. Often the client could not contact Mr. Hoffbauer due to the voice mailbox of Mr. Hoffbauer at DWA being full. On those occasions when the client could leave messages, no response was received. The client attempted to get an update regarding the status of her case in May 2013 with no response. No bankruptcy petition was ever filed by anyone working at DWA. Ultimately, the client hired another attorney on June 6, 2013.

In the second count, the client made payments to DWA for representation and was eventually assigned to Mr. Hoffbauer.⁶ Client tried to make contact through the DWA telephone system and left voice mails for Mr. Hoffbauer but never received a return call. No bankruptcy petition was ever filed by anyone working at, or contracted with, DWA.

On September 9, 2013, the State Bar sent an initial screening investigation letter to Mr. Hoffbauer requiring a response within the stated 20 days under Rule 55(b)(1). He failed to respond to the letter. On October 22, 2013, the State Bar sent another letter directing Mr. Hoffbauer to submit a response within 10 days. He failed to respond. On July 30, 2014, the State Bar emailed Mr. Hoffbauer to inform him no response to the State Bar's investigation had been received and requested him to respond within seven (7) days. He did not respond.

⁵ There is no record of Mr. Hoffbauer ever communicating with the client. The client was informed Mr. Hoffbauer would be handling her case through communication with a non-lawyer assistant working at DWA. [Agreement, ¶ 10.]

⁶ Mr. Hoffbauer was the second attorney assigned to this particular client. [Id., ¶ 15.]

In the third count, Mr. Hoffbauer represented a husband and wife. The clients hired DWA around April 2011 and had been assigned to Mr. Hoffbauer. On April 28, 2011, Mr. Hoffbauer filed a Chapter 13 petition on their behalf. On February 21, 2012, a Chapter 13 Trustee filed a Trustee's Recommendation stating the clients had until March 22, 2012 to resolve issues and submit a Stipulated Order Confirming Chapter 13 Plan. Mr. Hoffbauer filed no First Amended Chapter 13 Plan until July 18, 2012.

On November 9, 2012, the Trustee filed a Trustee's Recommendation on Amended Plan stating the clients had until December 10, 2012 to resolve stated issues and submit a Stipulated Order Confirming Amended Chapter 13 Plan. The clients failed to meet at least one required issue and Mr. Hoffbauer failed to submit the Stipulated Order Confirming Amended Chapter 13 Plan.

Mr. Hoffbauer was terminated from DWA in December 2012. As per the Agreement, Mr. Hoffbauer returned to DWA as a contract worker in March or April of 2013. [Agreement, ¶ 28.] On March 11, 2013, while the Trustee lodged a proposed Order Dismissing Case. On March 18, 2013, the Trustee withdrew his proposed Order Dismissing Case. On March 20, 2013, the Trustee lodged a proposed Stipulated Order Confirming First Amended Chapter 13 Plan, which was entered by the bankruptcy court the following day.

Also during March 2013, the clients called to inquire about options to modify their bankruptcy plan payments due to a scheduled back surgery. A non-lawyer assistant informed the clients that Mr. Hoffbauer would be notified and someone would call back with information. In April 2013, the clients were told by a non-lawyer assistant there was no need to submit documentation about the surgery unless

requested by the trustee. The non-lawyer assistant told the clients a modification to their payment plan was being prepared.

After April 2013, the clients regularly attempted to communicate with Mr. Hoffbauer—or anyone at DWA—by phone and email communication, but to no avail through August 2013. On September 19, 2013, the Trustee moved to dismiss the clients' bankruptcy case because they had defaulted on their payment plan. The motion included three options to prevent the dismissal of the bankruptcy case, one of which needed to be met by October 22, 2013. On November 22, 2013, the Trustee proposed an Order Dismissing Case. On November 27, 2013, the bankruptcy court removed DWA and Mr. Hoffbauer as counsel of record for the clients. On December 3, 2013, the bankruptcy court dismissed the clients' case.

In the fourth count, Mr. Hoffbauer moved for Substitution of Counsel⁷ on August 10, 2012, which was granted by the bankruptcy court. When the client called DWA, she was referred to Mr. Hoffbauer. The client told Mr. Hoffbauer she was making payments towards a student loan, but a health condition had resulted in an increase of medical bills.

On July 1, 2013, Mr. Hoffbauer received the information needed to prepare motions to modify the client's payment plan. Thereafter, the client repeatedly could reach no one at DWA to discuss her concerns, as she had stopped making plan payments, as instructed by Mr. Hoffbauer. On August 30, 2013, the Trustee moved to dismiss the client's case because she was in default on her plan payments. The motion included three options to prevent the dismissal of the bankruptcy case, one

⁷ Client originally hired Phillips and Associates who filed the petition in October 2010. [Agreement, ¶40-41.]

of which needed to be met by October 3, 2013. By September 26, 2013, the client had hired an attorney from a different firm to convert the client's case to a Chapter 7 matter. The client's case was discharged on January 6, 2014.

In the fifth count, Mr. Hoffbauer represented a client whose case originated with Phillips and Associates Bankruptcy Law Center, ("Phillips and Associates") and later was handled by DWA. During July 2013, a non-lawyer assistant working with Mr. Hoffbauer spoke with the client. The client wanted a refund of unearned fees, but was convinced to stay with DWA. The client was directed to take an online bankruptcy course. Around July 2013, the client spoke with Mr. Hoffbauer about getting a bankruptcy petition filed to delay the bankruptcy trustee's sale of the client's home. However, the client could never contact Mr. Hoffbauer or anyone at DWA and no bankruptcy petition was filed.

The eighth⁸ count is a consolidation of matters regarding Mr. Hoffbauer's representation of various clients. All the clients were reassigned to Mr. Hoffbauer with the majority of clients beginning representation with Phillips and Associates.⁹ The clients had inadequate communication with Mr. Hoffbauer regarding their bankruptcy matters. By 2013, Mr. Hoffbauer had become unable to adequately represent the bankruptcy clients assigned to him by DWA as a contract attorney. During 2013, all of Mr. Hoffbauer's current clients were facing dismissal of their cases for various issues relating to failures of meeting obligations of existing payment plans. Due to the lack of support and continued association with DWA, Mr. Hoffbauer could

⁸ See *Below*, Count Six, Seven, Nine, Ten, and Sixteen are consolidated on page 13 of this Acceptance of Agreement for Discipline by Consent.

⁹ Clients mentioned in ¶¶ 72, 80, 86, and 91 of the Agreement were first represented by DWA through Josh Parilman and client mentioned in ¶ 92 of the Agreement was first represented by DWA through Amanda Nelson.

not fulfill the needs of his clients. Because of the continued failures, Mr. Hoffbauer and DWA were removed as counsel of record in November 2013. Some clients could hire another law firm to carry on with the bankruptcy proceedings. Other clients were directed to the bankruptcy court self-help center, where they could file *pro se* motions to discharge their bankruptcy matters. Unfortunately, at the time of the State Bar's investigations, there were still clients with pending matters and no representation. [Agreement, ¶¶ 70, 74, 76-78, 80-83, 90, and 92.] Some clients had their case dismissed because of the failures by Mr. Hoffbauer and DWA. [Id., ¶¶ 71-73.]

On November 13, 2013, the State Bar sent an initial screening letter to Mr. Hoffbauer, inquiring about these matters, directing him to respond by December 12, 2013. He failed to respond within the requested time period. On June 3, 2014, the State Bar sent Mr. Hoffbauer an email to inquire about the lack of response to the initial screening letter. On June 5, 2014, Mr. Hoffbauer responded to the State Bar's email stating he never received the screening letters and believed they might have been sent to DWA's Mesa office, which was not where his office was located. The State Bar forwarded a copy of the screening letter via email, but Mr. Hoffbauer never responded to the charges of misconduct.

In the eleventh count, Mr. Hoffbauer failed to perform arbitration services and respond to State Bar investigation. On February 2, 2012, the complainant had a complaint filed against her by Cavalry Portfolio Services, LLC ("Cavalry"). The complainant filed, *pro se*, an Answer. On August 17, 2012, Mr. Hoffbauer was appointed to act as arbitrator in the resulting arbitration hearing to be held by December 17, 2012. On November 8, 2012, counsel for Cavalry filed a Motion to

Continue on the Court's Inactive Calendar because there had been no communication from Mr. Hoffbauer. On December 13, 2012, the motion to continue was granted.

On January 12, 2013, the court issued a Notice to Set Arbitration Hearing directing Mr. Hoffbauer to set a date for the arbitration by January 25, 2013. He failed to schedule an arbitration hearing or send notices of such hearing by the deadline.

On April 4, 2013, counsel for Calvary filed a Motion to Continue Case on the Court's Inactive Calendar for ninety (90) days. Calvary's counsel noted Mr. Hoffbauer had contacted them on March 29, 2013 to provide current contact information. On May 8, 2013, the motion to continue case was granted.

On September 12, 2013, the court issued a Notice to Set Arbitration Hearing directing Mr. Hoffbauer to set a date for the arbitration hearing by September 26, 2013. On September 20, 2013, counsel for Calvary had to move to continue case due to being unable to communicate with Mr. Hoffbauer. The motion was granted.

On November 22, 2013, the court issued a minute entry that scheduled a telephonic status conference for December 11, 2013, due to the continued difficulty in getting Mr. Hoffbauer to set a date for an arbitration hearing. Mr. Hoffbauer failed to appear at the telephonic conference. On January 13, 2014, counsel for Calvary moved to continue due to unsuccessful communication with Mr. Hoffbauer and complainant. On January 15, 2014 the court scheduled and order to show cause why Mr. Hoffbauer should not be held in contempt of court for failing to appear at the telephonic conference. He did not show up to the order to show cause hearing. There is no record of sanctions imposed by Judge Cooper.

The case was continued on January 23, 2014, March 6, 2014, and March 26, 2014, before the case was dismissed without prejudice on October 2, 2014.

On January 16, 2014, the State Bar sent an initial screening investigation letter to Mr. Hoffbauer, directing him to respond within 20 days. He failed to respond within the requested time period. On February 11, 2014, the State Bar sent another letter to Mr. Hoffbauer. He failed to respond to that letter. On June 3, 2014, the State Bar sent Mr. Hoffbauer an email to inquire about his lack of response to the initial screening letter. Mr. Hoffbauer responded to the State Bar's email stating he never received the screening letters and believed they might have been sent to DWA's Mesa office, which was not where his office was located. The State Bar forwarded a copy of the screening letter and Judge Cooper's minute entry via email, but Mr. Hoffbauer never responded to the charges of misconduct.

In the twelfth count, the clients originally were clients of Phillips and Associates and were became part of the client base of DWA after the 2011 name change. The clients were told by someone at DWA in the early portion of 2013 that Mr. Hoffbauer was the attorney handling their case. The clients had trouble contacting anyone at DWA and received no return calls from Mr. Hoffbauer or his non-lawyer assistants. The clients sent Mr. Hoffbauer an email, but never received a response.

On November 27, 2013, a bankruptcy court removed DWA and Mr. Hoffbauer as counsel of record for the clients' case. A subsequent attorney was hired by the clients and named counsel of record.

On January 3, 2014, the State Bar sent an initial screening letter to Mr. Hoffbauer, directing him to respond within 20 days. He failed to respond within the requested time period. On June 3, 2014, the State Bar sent Mr. Hoffbauer an email

to inquire about the lack of response to the initial screening letter. On June 5, 2014, Mr. Hoffbauer responded to the State Bar's email stating he never received the screening letters if they were sent to DWA's Mesa office. The State Bar forwarded a copy of the screening letter via email, but Mr. Hoffbauer never responded to the charges of misconduct.

In the thirteenth count, the clients initially hired Phillips and Associates to represent them. On May 17, 2013, the clients contacted DWA and were informed Mr. Hoffbauer would represent their case. During an initial meeting, the clients inquired about converting their Chapter 13 case into a Chapter 7 bankruptcy proceeding due to the husband suffering a heart attack and recently becoming unemployed. Mr. Hoffbauer suggested a modification to the existing payment plan rather than converting to Chapter 7 to avoid potential loss of their home and vehicles.

On May 13, 2013, the clients called Mr. Hoffbauer to request he begin the process of modification to the existing payment plan. The clients submitted all requested documents on the same day through email.

On July 31, 2013, the clients called Mr. Hoffbauer to determine the status of the modification to their payment plan. Mr. Hoffbauer informed the clients the email system had been changed and had yet to receive the email with the documents needed to complete the modification to their payment plan. The clients asked about transfer monies from their 401(k) account to an IRA to pay off their vehicle. Mr. Hoffbauer directed the clients to not make payments to the trustee for August or September 2013 because he would address those missed payments in his pleading with the bankruptcy court. After their phone call the clients emailed the documents

to prepare a modification to their payment plan with a message for Mr. Hoffbauer to proceed with the modification of payment plan.

On August 14, 2013 the clients sent another email as they had not received a response to the last email and wanted to be sure he has received it. On August 16, 2013, the clients called Mr. Hoffbauer and found he had not prepared the modification pleadings because he was overwhelmed with bankruptcy matters at DWA. Mr. Hoffbauer informed the clients he would work on the matter that weekend and would contact them. Thereafter, the clients tried but could not contact Mr. Hoffbauer.

On November 27, 2013, the bankruptcy court removed Mr. Hoffbauer and DWA as counsel of record for the clients' case. No modification to payment plan was ever filed by anyone with DWA.

In the fourteenth count, the clients' case originated with Phillips and Associates with an attorney other than Mr. Hoffbauer representing the clients. On June 15, 2011, Mr. Hoffbauer filed a Notice of Substitution of Counsel after getting the case assigned to him to prevent dismissal of the clients' case. Mr. Hoffbauer filed an Objection to Trustee's Lodged Order Dismissing Case and requested an extension to respond to the trustee's proposed Order Dismissing Case. On July 27, 2011, Mr. Hoffbauer was given a two (2) week extension to submit a proposed Stipulated Order Confirming Chapter 13 Plan. Mr. Hoffbauer submitted the proposed Stipulated Order with the trustee on August 2, 2011. On October 21, 2011, the proposed Stipulated Order was lodged with the bankruptcy court and was later entered on November 9, 2011.

On September 12, 2013, legal counsel for the clients' mortgage company sent a letter to the clients, the bankruptcy trustee, and Mr. Hoffbauer to put the parties

on notice of a \$7,000 debt that the mortgage company was attempting to collect. The clients tried but could not make contact Mr. Hoffbauer as the number had been disconnected. The clients sent a fax directed to Mr. Hoffbauer about the issue with the mortgage company and included their contact information and case number.

On September 20, 2013, counsel for the mortgage company moved for Relief from Stay and mailed copies to the clients, the bankruptcy trustee, and Mr. Hoffbauer. The clients could contacted someone at DWA and set up an appointment with Mr. Hoffbauer.

On October 8, 2013, Mr. Hoffbauer filed a Debtor's Response to the Motion for Relief from Automatic Stay. The clients met with Mr. Hoffbauer in early October 2013 and told them he would contact them after discussing the matter with counsel for the mortgage company. However, the clients tried but could not communicate with Mr. Hoffbauer after the October 2013 meeting. The clients contacted the mortgage company and made payments on the debt for dismissing the motion. The clients made all past due payments by the end of October 2013. Counsel for the mortgage company eventually filed a Withdrawal of Motion for Relief from Automatic Stay.

On November 27, 2013, the bankruptcy court entered an order removing DWA and Mr. Hoffbauer as counsel of record.

On July 18, 2014, the State Bar sent Mr. Hoffbauer an initial screening letter directing him to respond by August 7, 2014. He did not respond to the screening letter.

In the fifteenth count, the client originally hired Phillips and Associates to represent her. The client made installment payments to Phillips and Associates and made her final payments to DWA by 2013. On or about May 2013, Mr. Hoffbauer

informed the client her case was fourth in line for preparation and her file was in his possession. Mr. Hoffbauer told the client he would follow up when he could prepare the bankruptcy petition. The client did not hear from anyone in DWA for months. The client attempted to contact Mr. Hoffbauer, but had difficulty communicating with anyone at DWA due to its non-functioning telephone systems. The client was unsuccessful in reaching Mr. Hoffbauer by email communication. On November 27, 2013, DWA and Mr. Hoffbauer were removed as counsel of record.

On July 28, 2014, the State Bar sent an initial screening letter to Mr. Hoffbauer directing him to submit a response by August 14, 2014. He failed to respond to the screening letter.

In the sixth, seventh, ninth, tenth, and sixteenth counts, the State Bar's main complaints stem from a failure to respond during the initial screening investigation.¹⁰ At various times the State Bar sent an initial screening letter to Mr. Hoffbauer, directing him to respond by a certain date. He failed to respond within the requested time period. On June 3, 2014, the State Bar sent Mr. Hoffbauer an email to inquire about the lack of response to the initial screening letter. On June 5, 2014, Mr. Hoffbauer responded to the State Bar's email stating he never received the screening letters and believed they might have been sent to DWA's Mesa office, which was not where his office was located. The State Bar forwarded a copy of the screening letter via email, but Mr. Hoffbauer never responded to the charges of misconduct.

/

/

¹⁰ See Agreement, ¶¶ 57-62 (Count Six), ¶¶ 63-68 (Count Seven), ¶¶ 98-103 (Count Nine), ¶¶ 104-09 (Count Ten), and ¶¶ 201-02 (Count Sixteen).

Presumptive Sanctions

The parties agree that *Standards* 4.42, 6.23, and 7.2 of the American Bar Association's *Standards for Imposing Lawyer Sanctions* ("ABA Standards") apply under the circumstances.

Suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

ABA Standards Standard 4.42

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.

ABA Standards Standard 6.22

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.

ABA Standards Standard 7.2

The parties agree Mr. Hoffbauer knowingly engaged sometimes in misconduct by failing to comply with court orders. As conditionally agreed, the presumptive sanction for Mr. Hoffbauer's knowing failure to respond to the State Bar's screening letter is a suspension. Further, there is a presumptive sanction of suspension for knowing failures to meet the needs of his clients' bankruptcy matters.

The parties agree Mr. Hoffbauer was negligent in acting with reasonable diligence in client matters. Further, the parties agree Mr. Hoffbauer was negligent in the level of communication with some of his clients. It is conditionally agreed, the presumptive sanction for the other violations is a reprimand for Mr. Hoffbauer's negligent handling of the bankruptcy matters. Finally, the parties set forth mitigating

and aggravating factors to determine the sanctions, which will best serve the purpose of attorney discipline.

Aggravation and Mitigation

The mitigation includes: absence of a dishonest motive, cooperative attitude toward the disciplinary proceedings, character and reputation¹¹, remorse, and remoteness of prior offenses. It is conditionally agreed upon that aggravating factors include: prior disciplinary offenses¹², a pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agent, vulnerability of the victims, and substantial experience in the practice of law. On February 27, 2015, Mr. Hoffbauer was summarily suspended for failing to meet his Mandatory Continuing Legal Education requirements and poses no present threat to the public or profession.

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. *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.*

It may appear a suspension of one year is insufficient considering the large number of clients injured or potentially injured by the misconduct of Mr. Hoffbauer coupled by the obstructive inaction of Mr. Hoffbauer in this disciplinary matter. However, the agreement demonstrates the difficulties of attempting to maintain a

¹¹ Character references from Amanda Nelson, Chad Schatz, Garrett D. Johnson, and Eric M. Nolan. [Agreement, Exhibit B.]

¹² As conditionally agreed upon, this aggravating factor is given minimal weight due to the remoteness of the prior disciplinary offense, which occurred in 1998. [Agreement, p. 68.]

job while being overwhelmed by case assignment while simultaneously being undermined by disorganization of the law firm one is employed by. Here, the wiser course for Mr. Hoffbauer might have been to resign. Notwithstanding the end results of his conduct, the agreement suggests a sincere desire by Mr. Hoffbauer to serve his clients in a setting over which he had no control. Further, there appears to be genuine remorse by Mr. Hoffbauer.

With open remorse there is little middle ground in the expression of remorse. If honest remorse is to be expressed, it is not a time to hide from one's misdeeds or duck the issues. Mr. Hoffbauer was straight forward and has not submitted qualifying language, minimization or the blame-shifting that too often is tendered. Remorse is difficult because of the internalizing of the wrong done and the necessity, because of one's actions, to strive for restoration through one's walk (actions) and talk (words). These are both affirmative actions. The Supreme Court referred to the need of such affirmative steps in *Matter of Augenstein*, 178 Ariz. 133, 137, 871 P.2d 254, 258 (1994).

Those seeking mitigation relief based upon remorse must present a showing of more than having said they are sorry.... [T]he best evidence of genuine remorse is affirmative and, if necessary, creative efforts to make the injured client whole. For this reason, we think that respondent's late apology, standing alone, is insufficient to support a finding of remorse.

There can be a reluctance to expose oneself to the transparency self-effacing remorse demands. There is no room for equivocation when one offers authentic remorse. There is no equivocation in the admissions of Mr. Hoffbauer. Such open remorse is uncommon. Perhaps it is not that individuals are unclear or uncertain of their misconduct, but pride or ego results in some respondents emphasizing the

wrongs of others or rationalizations of their misconduct rather than empathy for the injury caused to the profession and people by the ethical misconduct.

A paper thin remorse fails to uphold human dignity or the profession. To the contrary it assures a deterioration of regard for the profession by the public and an erosion of the recognition of worth and individuality of each individual injured by a don't-bother-me-I'm-too-busy coldness resulting in a greater loss of human dignity. Remorse opens one to the opportunity of resolving injury and healing battered interpersonal relationships. But that require self-analysis, candor and affirmative action. In unpretentious remorse, self-centered rationalization of one's misconduct and caution are laid aside in favor of the potential of true resolution. Upholding human dignity and the profession is worth the effort. True remorse is a significant mitigating factor in attorney discipline. This judge is satisfied Mr. Hoffbauer has actual remorse and the agreement properly recognizes that as a significant mitigating factor.

In that context, the PDJ finds the proposed sanction of a one (1) year suspension meets the objectives of discipline. Should Mr. Hoffbauer seek reinstatement to the practice of law he may be subject to a period of probation, as recommended to the Supreme Court. The Agreement is accepted.

IT IS ORDERED incorporating by this reference the Agreement and any supporting documents by this reference. The agreed upon sanctions are: one (1) year suspension, a potential term of probation, following a reinstatement hearing, and the payment of costs and expenses of the disciplinary proceeding for \$1,200.00 to be paid within thirty (30) days of the final order. These financial obligations shall

bear interest at the statutory rate of ten per cent per annum from December 1, 2015, for the costs and expenses of the disciplinary proceeding.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved for \$1,200.00 to be paid within thirty (30) days of the final order. Now therefore, a final judgment and order is signed this date. Mr. Hoffbauer is suspended with the starting date set from February 27, 2015.

DATED 29th day of July, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed this 30th day of July, 2015.

Maret Vessella
Chief Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Ronald L. Hoffbauer
4059 East Cholla Street
Phoenix, Arizona 85028-2213
Email: rlhoffbauer@cox.net
Respondent

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

by: JAlbright

James D. Lee, Bar No. 011586
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone: (602) 340-7272
Email: LRO@staff.azbar.org

Ronald L. Hoffbauer, Bar No. 006888
4059 East Cholla Street
Phoenix, Arizona 85028-2213
Telephone (602) 687-0164
Email: rhoffbauer@cox.net
Respondent

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

RONALD L. HOFFBAUER,
Bar No. 006888,

Respondent.

PDJ-2015-_____

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar Nos. 13-1395, 13-2080,
13-2089, 13-2254, 13-2327, 13-2560,
13-2692, 13-3065, 13-3077, 13-3335,
13-3496, 13-3655, 14-0350, 14-1675,
14-2212, 14-2606]

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Ronald L. Hoffbauer, who is not represented by counsel, hereby submit this Tender of Admissions and Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. Probable cause orders have been entered in the above-referenced matters, but a complaint has not been filed. Respondent voluntarily waives his right to an adjudicatory hearing regarding the allegations of misconduct, unless otherwise ordered, and waives all motions, defenses, objections or requests which

have been made or raised, or could be asserted hereafter, if the conditional admissions and proposed form of discipline are approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainants by letter on June 17, 2015. Complainants 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 ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.16(a)(1) and (d), ER 3.2, ER 3.4(c), ER 5.3(b), ER 8.1(b), ER 8.4(d), and Rules 54(c) and (d), Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: One-year suspension, retroactive to February 27, 2015, the date that Respondent was administratively suspended for failure to comply with the requirements of Mandatory Continuing Legal Education; Respondent understands he may be placed on probation upon reinstatement if deemed appropriate by the Supreme Court. Respondent also agrees to pay \$1,200.00¹ in costs and expenses related to this disciplinary proceeding within 30 days from the date of service of an order entered by the Presiding Disciplinary Judge accepting this agreement. The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

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 Presiding Disciplinary Judge, and the Supreme Court of Arizona. The amount of costs and expenses agreed to by the parties has been reduced from the amount set forth in Administrative Order No. 2011-17 based upon Respondent's lack of financial resources and other circumstances.

FACTS

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October 17, 1981. Respondent was administratively suspended by the Board of Governors of the State Bar of Arizona, effective February 27, 2015, for failure to comply with the requirements of Mandatory Continuing Legal Education.
2. Attorney David Wroblewski, through a corporate entity, purchased attorney Jeffrey Phillips's bankruptcy practice, effective January 1, 2011. During or about February or March 2011, attorney Wroblewski changed the firm name to David Wroblewski & Associates (DW&A). DW&A assumed responsibility for all of attorney Phillips's bankruptcy clients whose representation had not yet concluded as of the end of December 31, 2010.
3. Respondent was employed by DW&A from early 2011 through December 2012, when attorney Wroblewski terminated Respondent's employment. Attorney Wroblewski rehired Respondent as a contract attorney during March or April 2013 and Respondent continued in that capacity through most of November 2013. Respondent was initially rehired in 2013 to handle Chapter 7 bankruptcy cases. Beginning approximately Memorial Day 2013, Respondent was assigned numerous Chapter 13 cases that had been filed but that had issues that needed to be addressed. Respondent prepared necessary documents for filing "as time allowed." He prioritized cases for people who were experiencing wage or bank garnishments, tax levies, or loss of vehicles or homes.

4. When Respondent accepted the contract attorney position at DW&A in 2013, he incorrectly understood he would receive assistance from two DW&A paralegals. At some point in time while employed as a contract attorney, Respondent had only one non-lawyer assistant, who provided assistance to him in the evenings. Respondent relied on a non-lawyer assistant to enter his clients' personal and financial information into a computer program and prepare drafts of the documents that needed to be signed and filed. He also relied on a non-lawyer assistant to schedule appointments when pleadings were completed and ready to be signed by the clients.
5. DW&A's telephones were not always operational. Respondent asserts that during some periods of time DW&A's employees were unable to contact clients, make necessary calculations, access the bankruptcy court website, access the bankruptcy trustees' websites, access the firm's computer server, prepare bankruptcy petitions, or file bankruptcy cases. He further asserts that attorney Wroblewski was unable to get the computer and telephone systems operational for a period of time after DW&A moved offices over the Memorial Day weekend 2013, but that the two systems worked intermittently. Respondent spent some of his time during the summer of 2013 preparing detailed case status reports, which Bankruptcy Judge Daniel Collins ordered due to delays in completing numerous clients' cases.

COUNT ONE (File No. 13-1395/Shook)

6. During 2010, Teri Shook paid \$1,500.00 to Phillips & Associates Bankruptcy Law Center (P&ABLC) to represent her in a Chapter 7 bankruptcy proceeding, but P&ABLC never filed a bankruptcy petition on her behalf.

7. Between November 2011 and December 2012, Shook had several communications with one or more employees at DW&A.
8. DW&A was still awaiting additional records and information from Shook as of March 2013.
9. Beginning in or about March 2013, Shook began calling DW&A and leaving messages on a nearly weekly basis. Most of Shook's calls were never returned.
10. During April 2013, a non-lawyer assistant at DW&A informed Shook that Respondent, a contract attorney for DW&A, would represent her.
11. On some occasions when Shook called Respondent, his voice-mailbox was full. On other occasions, she left voice-mail messages for Respondent that were not returned. Sometime during May 2013, Shook told a non-lawyer assistant at DW&A that she wanted an update regarding the status of her case. She never received a return call.
12. Neither Respondent nor any other attorney at DW&A ever filed a bankruptcy petition on Shook's behalf.
13. On June 6, 2013, Shook hired another lawyer to represent her regarding her bankruptcy matter.

COUNT TWO (File No. 13-2080/Birchard)

Representation of Eric Avery Birchard

14. Eric Avery Birchard hired DW&A to represent him in a Chapter 7 bankruptcy proceeding. During or about January 2013, Birchard completed payment of the total agreed-upon attorney's fees in the amount of \$1,500.00.
15. Respondent was the second attorney assigned to Birchard's case. Birchard left voice-mail messages at DW&A's telephone number but did not receive return

calls. Neither Respondent nor any other attorney at DW&A ever filed a bankruptcy petition on Birchard's behalf.

Failure to Respond to Bar Counsel during the Screening Investigation

16. On September 9, 2013, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to Birchard's charges of misconduct within 20 days.
17. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated September 9, 2013.
18. On October 22, 2013, bar counsel sent another letter to Respondent, directing him to submit a written response to Birchard's charges of misconduct within 10 days.
19. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated October 22, 2013.
20. On July 30, 2014, bar counsel sent an email message to Respondent informing him that the State Bar had no record of him submitting a written response to Birchard's charges of misconduct. That email message directed him to submit a written response within 7 days.
21. Respondent never provided a written response to the charges of misconduct, as directed by bar counsel.

COUNT THREE (File No. 13-2089/Dahlgren)

22. During or about April 2011, Justin and Christine Dahlgren hired DW&A to represent them in a Chapter 13 bankruptcy proceeding. The Dahlgrens paid the agreed-upon attorney's fees totaling \$4,000.00.

23. On April 28, 2011, Respondent filed a Chapter 13 bankruptcy petition and related documents on the Dahlgrens' behalf.
24. On February 21, 2012, a Chapter 13 Trustee² filed a *Trustee's Recommendation* that stated the Dahlgrens had to resolve specific issues by March 22, 2012, and submit a proposed *Stipulated Order Confirming Chapter 13 Plan* by March 22, 2012, or he could lodge a dismissal order. A copy of that *Trustee's Recommendation* was sent to DW&A.
25. It was not until July 18, 2012, that Respondent filed a *First Amended Chapter 13 Plan* on the Dahlgrens' behalf.
26. On November 9, 2012, the Trustee filed a *Trustee's Recommendation on Amended Plan* that stated the Dahlgrens had to resolve specific issues and submit a proposed *Stipulated Order Confirming an Amended Chapter 13 Plan* by December 10, 2012, or he could lodge a dismissal order. The Dahlgrens failed to comply with at least one requirement set forth in the *Trustee's Recommendation on Amended Plan* and Respondent failed to submit a proposed *Stipulated Order Confirming an Amended Chapter 13 Plan* by December 10, 2012.
27. During December 2012, Respondent was terminated as an employee of DW&A.
28. During or about March or April 2013, Respondent was rehired as a contract attorney for DW&A.
29. On March 11, 2013, the Trustee lodged a proposed *Order Dismissing Case*.
30. On March 18, 2013, the Trustee withdrew his proposed *Order Dismissing Case*.

² References to actions taken by a Bankruptcy Trustee may have been taken by the trustee himself or herself, or by counsel on his or her behalf.

31. On March 20, 2013, the Trustee lodged a proposed *Stipulated Order Confirming First Amended Chapter 13 Plan*.
32. On March 21, 2013, the bankruptcy court entered a *Stipulated Order Confirming First Amended Chapter 13 Plan*.
33. During March 2013, Christine Dahlgren spoke with one of DW&A's non-lawyer assistants and explained she was going to have back surgery and inquired about options regarding a modification of their bankruptcy payment plan. Christine Dahlgren was informed that Respondent would be notified about her request and that the non-lawyer assistant would follow-up with her. Christine Dahlgren also communicated with a non-lawyer assistant by email during March 2013.
34. During April 2013, Christine Dahlgren communicated with one of DW&A's non-lawyer assistants, who explained she did not need to submit any documentation regarding her surgery unless requested by the assigned bankruptcy trustee. She was also informed that a request to modify their bankruptcy payment plan was being prepared.
35. After April 2013, the Dahlgrens attempted to communicate with DW&A by email and telephone, which included a detailed message left for Respondent on his telephone extension. Computer records reflect that DW&A received the email messages sent by the Dahlgrens. Other than possibly one telephone call with a non-lawyer assistant, neither of the Dahlgrens received any communication from Respondent or DW&A through at least August 21, 2013.
36. On September 19, 2013, the Trustee filed a motion to dismiss the Dahlgrens' bankruptcy case because the Dahlgrens had defaulted on their Plan

payments.³ That motion stated the court would grant the motion unless the Dahlgrens took one of three actions set forth in the motion by October 22, 2013. A copy of that motion was sent to DW&A.

37. On November 22, 2013, the Trustee lodged a proposed *Order Dismissing Case* because the Dahlgrens failed to bring their Plan payments current, failed to file a modified Plan or a motion for a moratorium, and failed to convert the case to a Chapter 7 bankruptcy proceeding.
38. On November 27, 2013, the bankruptcy court removed Respondent and DW&A as counsel of record for the Dahlgrens.
39. On December 3, 2013, the bankruptcy court dismissed the Dahlgrens' case.

COUNT FOUR (File No. 13-2254/Paradise)

40. Tegan Paradise hired Phillips & Associates Bankruptcy Law Center (P&ABLC) to represent her in a Chapter 13 bankruptcy proceeding.
41. On October 27, 2010, P&ABLC filed a Chapter 13 bankruptcy petition and related documents on Paradise's behalf. Paradise was informed that her bankruptcy payment plan could be modified once she graduated from college and had to begin making student loan payments.
42. Paradise became unemployed during January 2011 and later attempted to obtain a refund of attorney's fees from DW&A because the court had not yet entered a *Stipulated Order Confirming Chapter 13 Plan*. She was told she was not entitled to a refund because her matter had been pending for so long that the monthly service fee had consumed all of the funds she had paid.

³ "Plan payments" refer to the payments that must be made following the bankruptcy court's entry of a *Stipulated Order Confirming Chapter 13 Plan*.

43. On January 12, 2012, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*.⁴
44. Paradise graduated from college, and began making student loan payments on July 15, 2012.
45. On August 10, 2012, Respondent filed a *Motion for Substitution of Counsel* on Paradise's behalf, which the bankruptcy court granted that same day.
46. Paradise called DW&A and left voice-mail messages. When Paradise eventually spoke with someone at DW&A, she was referred to Respondent. Paradise spoke with Respondent and informed him that she was then making payments toward her student loans and that her physical condition had resulted in increased medical bills.
47. On July 1, 2013, Paradise sent to Respondent the information and/or documents he had requested. Respondent told Paradise not to send any payments to the bankruptcy trustee because her Plan payments would be reduced based upon new calculations and that he needed time to prepare the necessary motion to file with the bankruptcy court. Thereafter, Paradise attempted to communicate with Respondent by telephone on numerous occasions, but he did not answer his phone and no one answered DW&A's main office telephone number. Paradise was concerned that she may be in jeopardy with the bankruptcy trustee or the court since she had stopped making Plan payments, as instructed by Respondent.

⁴ All references in this consent agreement to a *Stipulated Order Confirming Chapter 13 Plan and Application for Payment of Administrative Expense* and any stipulated order confirming a modified Chapter 13 plan and application for payment of administrative expense will be referred to as a *Stipulated Order Confirming Chapter 13 Plan*.

48. On August 30, 2013, a Chapter 13 Bankruptcy Trustee filed a motion to dismiss Paradise's bankruptcy case because Paradise had defaulted on her bankruptcy Plan payments, failed to provide him with copies of her 2012 income tax returns, and failed to turn over to him her 2011 income tax refund. That motion stated the court would grant the motion to dismiss unless Paradise took one of three specific actions set forth in the motion before October 3, 2013.
49. On September 26, 2013, an attorney from another firm filed a *Motion to Convert Case from Chapter 13 to Chapter 7* on Paradise's behalf.
50. On January 6, 2014, the bankruptcy court granted Paradise a discharge.

COUNT FIVE (File No. 13-2327/Rutter)

51. Sandra Rutter hired Phillips & Associates Bankruptcy Law Center (P&ABLC) to represent her in a bankruptcy proceeding. Over a period of time, Rutter paid the total amount of attorney's fees by making monthly payments. P&ABLC never filed a bankruptcy petition on Rutter's behalf.
52. While Rutter waited for a bankruptcy petition to be filed on her behalf, a homeowner's association obtained a judgment against her for non-payment of \$300.00 of homeowner's dues in 2010 and 2011. Rutter's home was scheduled to be sold at auction on July 25, 2013, unless she was able to pay nearly \$11,000.00, which was comprised mostly of attorney's fees.
53. During July 2013, a non-lawyer assistant working with Respondent, spoke with Rutter. Rutter asked for a refund of the unearned fees she had paid, but the non-lawyer assistant stated he would complete her case and directed her to take an online bankruptcy course.

54. During or about mid-July 2013, Rutter spoke with Respondent, who assured her that he could file a bankruptcy petition on her behalf and get the bankruptcy trustee's sale of her home delayed.
55. Thereafter, Rutter made numerous calls to Respondent and the non-lawyer assistant, but never received a return call.
56. Neither Respondent nor any other attorney at DW&A ever filed a bankruptcy petition on Rutter's behalf.

COUNT SIX (File No. 13-2560/Martinez)

Failure to Respond to Bar Counsel during the Screening Investigation

57. On November 12, 2013, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to Amanda Martinez's charges of misconduct within 20 days.
58. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated November 12, 2013.
59. On June 3, 2013, bar counsel sent an email message to Respondent informing him that he had not yet submitted a written response to Martinez's charges of misconduct, and directing him to submit a response within 10 days.
60. On June 5, 2013, Respondent sent an email message to bar counsel in which he stated he did not believe he received bar counsel's screening letters if they were sent to DW&A's Mesa address. He asked that Martinez's charges of misconduct be sent to him by email or prepared for his retrieval from the State Bar's office.

61. On June 5, 2013, a legal secretary for bar counsel emailed to Respondent the charges of misconduct submitted by Martinez, along with a copy of bar counsel's initial screening letter that was previously mailed to Respondent.
62. Respondent never provided a written response to the charges of misconduct, as directed by bar counsel.

COUNT SEVEN (File No. 13-2692/Gutierrez)

Failure to Respond to Bar Counsel during the Screening Investigation

63. On November 12, 2013, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to Vincente and Olga Gutierrez's charges of misconduct within 20 days.
64. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated November 12, 2013.
65. On June 3, 2013, bar counsel sent an email message to Respondent informing him that he had not yet submitted a written response to the Gutierrezes' charges of misconduct, and directing him to submit a response within 10 days.
66. On June 5, 2013, Respondent sent an email message to bar counsel in which he stated he did not believe he received bar counsel's screening letters if they were sent to DW&A's Mesa address. He asked that the Gutierrezes' charges of misconduct be sent to him by email or prepared for his retrieval from the State Bar's office.
67. On June 5, 2013, a legal secretary for bar counsel emailed to Respondent the charges of misconduct submitted by the Gutierrezes, along with a copy of bar counsel's initial screening letter that was previously mailed to Respondent.

68. Respondent never provided a written response to the charges of misconduct, as directed by bar counsel.

COUNT EIGHT (File No. 13-3065/State Bar)

Representation of Various Clients
(Each paragraph pertains to a distinct client)

69. On November 4, 2009, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Fernando and Catherine Agredasalas's behalf (*In re Fernando and Catherine Agredasalas*, No. 2:09-bk-28333-DPC). On May 19, 2011, Respondent filed a *Notice of Substitution of Counsel*, stating he had been assigned to represent the Agredasalases. On May 27, 2011, a Chapter 13 Trustee lodged a proposed *Order Dismissing Case* because the Agredasalases had failed to provide him with evidence of compliance with item 3 of the *Trustee's Recommendation* and failed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan* by November 6, 2010. On June 1, 2011, Respondent filed an *Objection to Trustee's Lodged Order Dismissing Case* in which he stated that a *Stipulated Order Confirming Chapter 13 Plan* would be forthcoming by July 1, 2011. On July 6, 2011, the Trustee lodged an *Order Dismissing Case* because the Agredasalases had failed to provide him with evidence of compliance with items 2 through 6 of the *Trustee's Recommendation* and a proposed *Stipulated Order Confirming Chapter 13 Plan* by November 6, 2010. On August 9, 2011, the bankruptcy court dismissed the Agredasalases' case. On August 17, 2011, the Trustee lodged a proposed *Stipulated Order Reinstating Case*. On August 18, 2011, the bankruptcy court reinstated the Agredasalases' case, and on September 20, 2011, entered a *Stipulated Order Confirming Chapter 13 Plan*. On April 10,

2013, the Trustee filed a motion to dismiss the Agredasalases' bankruptcy case because the Agredasalases had failed to make all Plan payments and provide copies of their 2011 income tax returns. That motion stated the bankruptcy court would dismiss the case if the Agredasalases failed to take one of three actions set forth in the motion by May 14, 2013. On May 30, 2013, the Trustee lodged a proposed *Order Dismissing Case*. On June 5, 2013, Respondent filed an *Opposition to Order Dismissing Case (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to provide the Agredasalases' 2011 tax return and prepare and file a modified Plan or a *Notice of Conversion to Chapter 7*. As of October 21, 2013, neither the Agredasalases nor Respondent had taken any of the three actions to prevent dismissal of the case or, as stated in Respondent's *Opposition to Order Dismissing Case*, filed a modified Plan or a *Notice of Conversion to Chapter 7*. On October 21, 2013, Respondent informed the bankruptcy court during a hearing that the Agredasalases were three months behind in Plan payments and that a modified Plan needed to be filed. On that date, the bankruptcy court terminated DW&A as counsel for the Agredasalases and gave them 30 days to file a modified Plan or a request for a moratorium. During Respondent's representation of the Agredasalases, Respondent failed to return calls that the Agredasalases had made to DW&A. On November 6, 2013, the Trustee filed a motion to dismiss the Agredasalases' bankruptcy case because the Agredasalases were in default on their Plan payments. That motion stated the bankruptcy court would grant the motion unless the Agredasalases took one of three specific actions set forth in the motion by December 10, 2013. The

Agredasalases obtained other counsel, who took action that resulted in the bankruptcy court entering a *Stipulated Order Confirming First Modified Chapter 13 Plan* on July 23, 2014.

70. On December 1, 2009, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Steven and Heather Akers's behalf (*In re Steven and Heather Akers*, No. 2:09-bk-31011-SSC). On May 2, 2012, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*, and on August 8, 2012, an *Amended Stipulated Order Confirming Second Amended Chapter 13 Plan*. On June 3, 2013, a Chapter 13 Trustee filed a motion to dismiss the Akerses' bankruptcy case because the Akerses had failed to make all Plan payments. That motion stated the Trustee would lodge an order dismissing the case if the Akerses failed to take one of three actions set forth in the motion by July 5, 2013. On June 11, 2013, Respondent filed an *Opposition to Trustee's Motion to Dismiss (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise address the delinquent Plan payment(s). As of November 27, 2013, neither Respondent nor any other attorney at DW&A had taken any of the three actions to prevent dismissal of the Akerses' case or, as stated in Respondent's *Opposition to Trustee's Motion to Dismiss*, prepared and filed a modified Plan, prepared and filed a *Notice of Conversion to Chapter 7*, or otherwise addressed the delinquent Plan payment(s). On November 27, 2013, the bankruptcy court

entered an order removing DW&A and Respondent as counsel of record for the Akerses.

71. On November 20, 2009, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Jeremy Baysinger and Sandra Menchaca-Baysinger's behalf (*In re Jeremy Baysinger and Sandra Menchaca-Baysinger*, No. 2:09-bk-30101-CGC). On May 27, 2011, a Chapter 13 Trustee lodged a proposed *Order Dismissing Case* because the Baysingers had failed to comply with items 1 and 2 of the *Trustee's Plan Recommendation* filed on October 14, 2010, and failed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan* prior to November 14, 2010. On June 2, 2011, Respondent filed an *Objection to Trustee's Lodged Order Dismissing Case* in which he requested until July 1, 2011, to submit a response to the Trustee's notice of submitting a proposed dismissal order. On July 6, 2011, the Trustee lodged a proposed *Order Dismissing Case* because the Baysingers had failed to comply with items 1 through 4 of the *Trustee's Plan Recommendation* filed on October 14, 2010, and failed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan* prior to November 14, 2010. On July 8, 2011, Amanda Nelson, a DW&A attorney, filed an *Objection to Trustee's Lodged Order Dismissing Case*. At a hearing on August 31, 2011, the court ordered Respondent to submit a proposed *Stipulated Order Confirming Chapter 13 Plan* within 28 days. On October 3, 2011, the Trustee lodged a proposed *Order Dismissing Case* because Respondent had not submitted a proposed *Stipulated Order Confirming Chapter 13 Plan*. Respondent was "copied" on that proposed order. On October 10, 2011, the bankruptcy court dismissed the Baysingers' case. On December 1,

2011, Respondent submitted a proposed *Stipulated Order Confirming Chapter 13 Plan*. On December 22, 2011, the bankruptcy court entered a *Stipulated Order Reinstating Case*. On February 13, 2012, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On July 31, 2012, Respondent filed a *Motion for Substitution of Counsel* stating he had been assigned to represent the Baysingers, which the court granted on that same day. On April 10, 2013, the Trustee filed a motion to dismiss the Baysingers' bankruptcy case because the Baysingers had failed to make all Plan payments and provide him with copies of their 2011 income tax returns. That motion stated the bankruptcy court would dismiss the case if the Baysingers failed to take one of three actions set forth in the motion by May 14, 2013. It was not until June 11, 2013, that Respondent filed an *Opposition to Trustee's Motion to Dismiss Case (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise address the delinquent Plan payment(s). Neither the Baysingers nor Respondent took any of the three actions to prevent dismissal of the case or, as stated in Respondent's *Opposition to Trustee's Motion to Dismiss*, prepared and filed a modified Plan, prepared and filed a *Notice of Conversion to Chapter 7*, or otherwise addressed the delinquent Plan payment(s). On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for the Baysingers. Thereafter, the Trustee filed a motion to dismiss the Baysingers' bankruptcy case because the Baysingers had failed to make five months of Plan payments.

72. On November 9, 2011, Joshua Parilman, a DW&A attorney, filed a Chapter 13 bankruptcy petition and related documents on Richard Brown's behalf (*In re Richard Brown*, No. 2:11-bk-31295-RJH). On March 1, 2012, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On January 29, 2013, the bankruptcy court entered an *Order Granting Substitution of Counsel within Firm* that ordered attorney Wroblewski to be the attorney of record for Brown. On April 3, 2013, a Chapter 13 Trustee filed a motion to dismiss Brown's bankruptcy case because Brown had failed to make all Plan payments. That motion stated the Trustee would lodge an order dismissing the case if Brown failed to take one of three actions set forth in the motion by May 2, 2013. It was not until June 11, 2013, that Respondent filed an *Opposition to Trustee's Motion to Dismiss Case (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise address the delinquent Plan payment(s). As of September 3, 2013, neither Brown nor Respondent had taken any of the three actions to prevent dismissal of the case; therefore, on September 3, 2013, the Trustee filed a *Notice of Hearing re: Trustee's Lodged Order of Dismissal and Debtor Objection* that scheduled a hearing on September 30, 2013. It was not until September 16, 2013, that attorney Wroblewski filed a *First Modified Chapter 13 Plan and Application for Payment of Additional Administrative Expense*. On November 1, 2013, the Trustee filed a *Trustee's Evaluation and Recommendation(s) Report with Notice of Potential Dismissal if Conditions are Not Satisfied re: Modified Chapter 13 Plan*. The *Trustee's Evaluation and*

Recommendation(s) Report stated the Trustee required completed and signed copies of Brown's 2011 and 2012 state and federal tax returns, W-2s and Form 1099s. It also stated the Trustee may lodge an *Order of Dismissal* if Brown failed to comply with the requirements set forth in the *Trustee's Evaluation and Recommendation(s) Report* and submit a *Stipulated Order Confirming Plan* to the Trustee, or request a hearing, within 30 days. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Brown. Thereafter, the Trustee lodged a proposed *Dismissal Order* because Brown had failed to comply with his recommendations dated November 1, 2013. On February 21, 2014, the bankruptcy court dismissed Brown's case.

73. On May 18, 2009, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Ronald Bunda's behalf (*In re Ronald Bunda*, No. 2:09-bk-10685-SSC). On December 30, 2009, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On February 7, 2013, the bankruptcy court entered an order directing attorney Wroblewski to be the attorney of record for Bunda. On February 13, 2013, attorney Wroblewski filed a *First Modified Chapter 13 Plan* on Bunda's behalf. On March 28, 2013, a Chapter 13 Trustee filed a *Trustee's Evaluation and Recommendation(s) Report with Notice of Potential Dismissal if Conditions are Not Satisfied re: Modified Chapter 13 Plan*. On May 13, 2013, the Trustee lodged a proposed *Dismissal Order* because Bunda had failed to comply with the requirements set forth in the *Trustee's Evaluation and Recommendation(s) Report* filed on March 28, 2013, failed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan*, and failed to set a hearing before the court. It was

not until June 5, 2013, that Respondent filed an *Opposition to Order Dismissing Case (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to respond to the *Trustee's Evaluation and Recommendation(s) Report*. He stated he intended to obtain copies of Bunda's state and federal tax returns, W-2s, and Form 1099s, and submit them along with a *Stipulated Order Confirming Plan*. On August 8, 2013, the Trustee lodged a proposed *Dismissal Order* because Respondent failed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan*, as stated in his *Opposition to Order Dismissing Case*. It was not until August 23, 2013, that attorney Wroblewski filed a *Stipulated Order Confirming First Modified Chapter 13 Plan*. On August 26, 2013, the bankruptcy court rejected the *Stipulated Order* because Bunda had not signed it. On that same date, the Trustee contacted attorney Wroblewski and directed him to obtain Bunda's signature on the *Stipulated Order*. On August 27, 2013, attorney Wroblewski informed the Trustee that he would obtain Bunda's signature. On September 20, 2013, the bankruptcy court lodged a deficiency notice regarding Bunda's missing signature. The Trustee again contacted attorney Wroblewski, at which time he promised to provide the completed signature page. As of October 17, 2013, the Trustee had not received a *Stipulated Order Confirming First Modified Chapter 13 Plan* that had been signed by Bunda, so the Trustee filed a motion to dismiss Bunda's bankruptcy case. On November 8, 2013, the bankruptcy court entered a *Stipulated Order Confirming First Modified Chapter 13 Plan*. On November 26, 2013, the bankruptcy court entered another *Stipulated Order Confirming First Modified Chapter 13 Plan*, and on the following

day entered an order removing DW&A as counsel of record for Bunda. On June 30, 2014, the bankruptcy court entered a *Dismissal Order* because Bunda was delinquent in his Plan payments.

74. On February 4, 2010, Phillips & Associates Bankruptcy Law Center (P&ABLC) filed a Chapter 13 bankruptcy petition and related documents on Deborah Corum's behalf (*In re Deborah Corum*, No. 2:10-bk-02890-RJH). On May 6, 2010, Brandie Sinha, an attorney at P&ABLC, filed a *First Amended Chapter 13 Plan*. On April 4, 2011, a Chapter 13 Trustee filed a *Trustee's Recommendation on Amended Plan*, which stated he would recommend confirmation of the Chapter 13 Plan if certain issues were adequately addressed by May 5, 2011, but that he would lodge an order dismissing the case if Corum failed to adequately address those issues by May 5, 2011. On July 5, 2011, Respondent filed a *Notice of Substitution of Counsel within Firm* stating the case had been assigned to him. On July 8, 2011, the Trustee lodged a proposed *Order Dismissing Case* because Corum had failed to comply with items 1 through 4 of the *Trustee's Recommendation on Amended Plan* and failed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan* by May 5, 2011. On July 21, 2011, the bankruptcy court dismissed Corum's case. It was not until July 22, 2011, that Respondent submitted a *Proposed Order Confirming Chapter 13 Plan* to the Trustee, which the Trustee filed with the bankruptcy court on August 9, 2011. The bankruptcy court entered an order reinstating the case, and on September 6, 2011, entered a *Stipulated Order Confirming First Amended Chapter 13 Plan*. On July 10, 2013, the Trustee filed a motion to dismiss Corum's bankruptcy case because Corum had failed to make all Plan payments and provide him with

copies of her 2011 and 2012 income tax returns. That motion stated the bankruptcy court would dismiss the case if Corum failed to take one of three actions by August 14, 2013. On August 8, 2013, attorney Wroblewski filed a *First Modified Chapter 13 Plan and Application for Payment of Additional Administrative Expense*. As of November 27, 2013, no further action had been taken to ensure the Trustee's and the court's acceptance of the proposed *First Modified Chapter 13 Plan*. On that date, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Corum.

75. On August 20, 2009, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on the Michael and Jane Degrote's behalf (*In re Michael and Jane Degrote*, No. 2:09-bk-20155-GBN). On July 5, 2011, Respondent filed a *Notice of Substitution of Counsel within Firm* stating the Degrotes' case had been assigned to him. On September 27, 2011, a Chapter 13 Trustee lodged an *Order Dismissing Case* because the Degrotes had failed to comply with items 1 through 6 of the *Trustee's Recommendation*, failed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan* by September 27, 2010, and were in default on their Plan payments. On September 30, 2011, Respondent filed an *Objection to Trustee's Lodged Order Dismissing Case* in which he requested until October 29, 2011, to respond to the Trustee's notice of lodging a proposed dismissal order. On December 6, 2011, at the hearing on the *Objection to Trustee's Lodged Order Dismissing Case*, Respondent agreed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan* within 21 days. On December 30, 2011, the Trustee lodged a proposed *Order Dismissing Case* because Respondent had failed to submit a proposed *Stipulated Order*

Confirming Chapter 13 Plan by December 27, 2011. On January 3, 2012, the bankruptcy court dismissed the Degrotes' case. On February 13, 2012, Respondent submitted to the Trustee a proposed *Stipulated Order Confirming Chapter 13 Plan* and a *Stipulated Order Reinstating Case*. On February 14, 2012, the bankruptcy court entered an order reinstating the Degrotes' case, and on February 27, 2012, entered a *Stipulated Order Confirming Chapter 13 Plan*. On March 11, 2013, the Trustee filed a motion to dismiss the Degrotes' bankruptcy case because the Degrotes had failed to make all Plan payments. That motion stated the bankruptcy court would dismiss the case if the Degrotes failed to take one of three actions set forth in the motion by April 15, 2013. It was not until June 11, 2013, that Respondent filed an *Opposition to Trustee's Motion to Dismiss Case (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise address the delinquent Plan payment(s). As of November 6, 2013, Respondent had failed to take any of the steps he outlined in his *Opposition*, so the Trustee filed a motion to dismiss the Degrotes' bankruptcy case. On November 22, 2013, the Trustee filed an amended motion to dismiss the Degrotes' bankruptcy case. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as the Degrotes' counsel of record. On January 13, 2014, the bankruptcy court dismissed the Degrotes' case. The Degrotes subsequently hired other counsel, who took steps to have their bankruptcy case reinstated and get the court to enter an *Amended Stipulated Order Confirming Second Modified Chapter 13 Plan*.

76. On October 5, 2009, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Paul and Angeline Fries's behalf (*In re Paul and Angeline Fries*, No. 2:09-bk-24956-EWH). On August 2, 2011, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On August 16, 2012, the bankruptcy court entered an *Amended Stipulated Order Confirming Chapter 13 Plan*. On February 1, 2013, a Chapter 13 Trustee filed a motion to dismiss the Frieses' bankruptcy case because the Frieses had failed to make all Plan payments and/or failed to repay the Trustee the funds that had previously been paid to the IRS. That motion stated the Trustee would lodge an order dismissing the case unless the Frieses took one of three actions set forth in the motion within 30 days. On February 7, 2013, the bankruptcy court entered an order directing attorney Wroblewski to be the attorney of record for the Frieses. It was not until June 11, 2013, that Respondent filed an *Opposition to Trustee's Motion to Dismiss Case (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise address the delinquent Plan payment(s). On July 11, 2013, the Trustee filed another motion to dismiss the Frieses' case because the Frieses had failed to make all Plan payments. That motion stated the trustee would lodge an order dismissing the case if the Frieses failed to take one of three actions set forth in the motion by August 16, 2013. As of November 27, 2013, Respondent had not taken any of the three actions to prevent dismissal of the case. On that date, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for the Frieses. On

February 7, 2014, the Trustee filed another motion to dismiss the Frieses' bankruptcy case because the Frieses were four months delinquent in making their Plan payments.

77. On November 3, 2010, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Harold and Catalina Hall's behalf (*In re Harold and Catalina Hall*, No. 2:10-bk-35592-CGC). On June 11, 2012, the bankruptcy court granted Respondent's *Motion for Substitution of Counsel* and entered an order directing Respondent to be the attorney of record for the Halls. On August 6, 2012, the bankruptcy court entered an *Order Confirming Chapter 13 First Amended Plan*. On March 15, 2013, a Chapter 13 Trustee filed a motion to dismiss the Halls' bankruptcy case because the Halls had failed to make all Plan payments. That motion stated the court would dismiss the case if the Halls failed to take one of three actions set forth in the motion by April 19, 2013. On May 16, 2013, the Trustee lodged a proposed *Order Dismissing Case*. On May 22, 2013, Respondent filed an *Opposition to Dismissal Order*, which stated the Halls would be filing a motion seeking a hardship discharge pursuant to 11 U.S.C. §1328(b). On that same date, Respondent filed a *Motion for Entry of Hardship Discharge*. On June 4, 2013, the Trustee filed a *Trustee's Objection to Debtors' Motion for Hardship Discharge*, which stated the Halls had failed to meet the statutory requirements for a hardship discharge. At a hearing on June 25, 2013, the Trustee withdrew the proposed *Order Dismissing Case* and stated the Halls should be given approximately 60 days to continue looking for work (which would allow the filing of a modified plan) and provide information about their job search. At a hearing

on August 19, 2013, Respondent stated he was withdrawing his motion for a hardship discharge and requested 30 days to determine whether to file a motion for modification of the Plan or to convert the case to a Chapter 7 case. On September 23, 2013, the Trustee lodged a proposed *Order Dismissing Case* because the Halls had not filed a modified Chapter 13 plan or a motion to convert their case to a Chapter 7 bankruptcy. As of October 1, 2013, Respondent had not filed a motion to modify the Plan or to convert the case to a Chapter 7 case; therefore, on that date, the bankruptcy court dismissed the Halls' case. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for the Halls.

78. On May 29, 2008, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Marilyn Hall's behalf (*In re Marilyn Hall*, No. 2:08-bk-06287-RJH). On December 9, 2008, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On August 10, 2012, Respondent filed a *Motion for Substitution of Counsel* in which he stated he was representing Hall. On August 13, 2012, the bankruptcy court granted Respondent's motion. On May 13, 2013, a Chapter 13 Trustee filed a motion to dismiss Hall's bankruptcy case because Hall had failed to make all Plan payments and submit copies of her 2008 and 2009 income tax returns to him. That motion stated the bankruptcy court would dismiss the case unless Hall took one of three actions set forth in the motion by June 17, 2013. On July 16, 2013, the Trustee lodged a proposed *Order Dismissing Case* because Hall was in default on her Plan payments and had not submitted copies of her tax returns to him. On July 29, 2013, the bankruptcy court dismissed Hall's case because Hall was in default,

had not provided copies of her tax returns to the Trustee, and had not taken any of the three actions to prevent dismissal of the case. As of November 27, 2013, Respondent had not taken steps to reinstate Hall's case. On that date, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Hall.

79. On May 27, 2010, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Jeremy and Jackie Johnson's behalf (*In re Jeremy and Jackie Johnson*, No. 2:10-bk-16748-RTB). On August 23, 2011, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On February 13, 2013, a Chapter 13 Trustee filed a motion to dismiss the Johnsons' bankruptcy case because the Johnsons had failed to make all Plan payments. That motion stated that the Trustee would lodge an order dismissing the case if the Johnsons failed to take one of three actions set forth in the motion by March 22, 2013. On March 1, 2013, the bankruptcy court entered an order directing attorney Wroblewski to be the attorney of record for the Johnsons. It was not until June 11, 2013, that Respondent filed an *Opposition to Trustee's Motion to Dismiss (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise address the delinquent Plan payment(s). On August 27, 2013, the Trustee lodged a proposed *Dismissal Order* because the Johnsons were delinquent on their Plan payments, no modified Plan had been filed, and no motion to convert the case to a Chapter 7 bankruptcy had been filed. The Johnsons hired another law firm, and on September 3, 2013, an attorney from

that firm filed a *Notice of Appearance* and an *Objection to Order Dismissing Case* on the Johnsons' behalf.

80. On September 9, 2011, Joshua Parilman, a DW&A attorney, filed a Chapter 13 bankruptcy petition and related documents on Christopher Kusmit's behalf (*In re Christopher Kusmit*, No. 2:11-bk-25843-RTB). On September 23, 2011, Respondent filed a *Chapter 13 Plan* on Kusmit's behalf. On February 1, 2012, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On June 17, 2013, a Chapter 13 Trustee filed a motion to dismiss Kusmit's bankruptcy case because Kusmit had failed to make all Plan payments. That motion stated the Trustee would lodge an order dismissing the case if Kusmit failed to take one of three actions set forth in the motion by July 20, 2013. As of November 27, 2013, neither Respondent nor any other attorney at DW&A had filed a response to the Trustee's motion to dismiss or taken any action to prevent dismissal of Kusmit's bankruptcy proceeding. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Kusmit. On August 5, 2014, the Trustee filed another motion to dismiss Kusmit's bankruptcy case because Kusmit was delinquent in making his Plan payments.
81. On February 25, 2010, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Tyneckia Lewis's behalf (*In re Tyneckia Lewis*, No. 2:10-bk-04882-GBN). On April 11, 2011, a Chapter 13 Trustee filed a *Trustee's Recommendation*, which stated he would recommend confirmation of the Plan if Lewis complied with certain requirements by May 12, 2011, but would lodge an order dismissing the case if Lewis failed to

comply with the requirements by May 12, 2011. On July 6, 2011, the Trustee lodged a proposed *Order Dismissing Case* because Lewis was in default on her Plan payments, failed to address items 1 and 2 of the *Trustee's Recommendation*, and had not submitted a proposed *Stipulated Order Confirming Chapter 13 Plan*. On July 19, 2011, Amanda Nelson, a DW&A attorney, filed an *Objection to Trustee's Lodged Order Dismissing Case*, which stated that an amended Plan or a *Motion for Moratorium* would be forthcoming within the next 30 days, and requesting until August 19, 2011, to respond to the Trustee's proposed *Order Dismissing Case*. On July 20, 2011, the Trustee filed a *Notice of Hearing* that scheduled a hearing on August 9, 2011, to address Lewis's *Objection to Trustee's Lodged Order Dismissing Case*. At the hearing on August 9, 2011, Respondent informed the court that Lewis had surgery, and the Trustee suggested a 14-day deadline; the bankruptcy court did not set any subsequent hearing. On August 10, 2011, Respondent filed a *Notice of Substitution of Counsel within Firm*. On August 12, 2011, Respondent submitted a proposed *Stipulated Order Confirming Chapter 13 Plan* to the Trustee. On October 4, 2011, the Trustee lodged the proposed *Stipulated Order Confirming Chapter 13 Plan*. On October 5, 2011, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On February 6, 2012, the Trustee filed a motion to dismiss Lewis's bankruptcy case because Lewis had failed to make all Plan payments. That motion stated the bankruptcy court would dismiss the case unless Lewis took one of three actions set forth in the motion by March 10, 2012. On March 9, 2012, Respondent filed a *Motion to Extend Time to Respond to Trustee's Motion to Dismiss Case*, which stated that Lewis had not provided him

with all of the requested information and/or documents; Respondent requested an extension until April 9, 2012. On March 20, 2012, the bankruptcy court entered an *Order to Extend Time to Respond to Trustee's Motion to Dismiss Case*, which gave Lewis until April 9, 2012, to file a response to the *Trustee's Motion to Dismiss Case*. On April 10, 2012, the Trustee lodged a proposed *Order Dismissing Case* because Respondent had not filed a response to the *Trustee's Motion to Dismiss Case*. On April 12, 2012, the bankruptcy court dismissed Lewis's case. On May 18, 2012, Respondent submitted a *First Modified Chapter 13 Plan*. On May 22, 2012, Respondent submitted a proposed *Stipulated Order Reinstating Case*, which the bankruptcy court granted on that same day. On January 10, 2013, the Trustee filed a *Trustee's Recommendation on Modified Chapter 13 Plan*, which stated he could lodge a dismissal order if Lewis failed to resolve certain issues by February 11, 2013. It was not until July 30, 2013, that attorney Wroblewski submitted to the Trustee a proposed *Order Confirming Chapter 13 Plan*. On October 10, 2013, the bankruptcy court entered a *Stipulated Order Confirming First Modified Chapter 13 Plan*. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Lewis.

82. On June 15, 2012, Joshua Parilman, a DW&A attorney, filed a Chapter 13 bankruptcy petition and related documents on Shannon Lunders's behalf (*In re Shannon Lunders*, No. 2:12-bk-13430-CGC). On November 7, 2012, the bankruptcy court entered an order directing Respondent to be the attorney of record for Lunders. On December 21, 2012, a Chapter 13 Trustee filed a *Trustee's Recommendation*, which indicated he would recommend confirmation

of the Plan if Lunders resolved certain issues set forth therein and provided him with a proposed *Stipulated Order Confirming Chapter 13 Plan* by January 21, 2013. The *Trustee's Recommendation* also stated the Trustee would lodge a dismissal order if Lunders failed to timely resolve those issues. It was not until on or about August 9, 2013, that Respondent submitted a *Stipulated Order Confirming Chapter 13 Plan*. On August 12, 2013, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Lunders.

83. On April 5, 2010, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on William Mehrer's behalf (*In re William Mehrer*, 2:10-bk-09748-SSC). On October 20, 2010, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On February 21, 2013, the bankruptcy court entered an order directing attorney Wroblewski to be the attorney of record for Mehrer. On May 28, 2013, a Chapter 13 Trustee filed a motion to dismiss Mehrer's bankruptcy case because Mehrer had failed to make all Plan payments. That motion stated the Trustee would lodge an order dismissing the case if Mehrer failed to take one of three actions set forth in the motion by June 14, 2013. On June 11, 2013, Respondent filed an *Opposition to Trustee's Motion to Dismiss (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise address the delinquent Plan payment(s). On August 15, 2013, the Trustee lodged a proposed *Dismissal Order* because

Mehrer was delinquent in making his Plan payments. On August 26, 2013, the bankruptcy court dismissed Mehrer's case. As of November 27, 2013, neither Respondent nor any other attorney at DW&A had taken any steps to reinstate Mehrer's case. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Mehrer.

84. On December 12, 2008, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Patrick and Deborah Owen's behalf (*In re Patrick and Deborah Owen*, No. 2:08-bk-18054-DPC). On May 24, 2010, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On August 10, 2012, Respondent filed a *Motion for Substitution of Counsel* stating the Owens' case had been assigned to him. On that same date, the bankruptcy court entered an order granting Respondent's motion and ordering Respondent to be the attorney of record for the Owens. On July 10, 2013, a Chapter 13 Trustee filed a motion to dismiss the Owens' bankruptcy case because the Owens had failed to make all Plan payments and submit copies of their 2009, 2010, 2011 and 2012 income tax returns to him. That motion stated the bankruptcy court would dismiss the Owens' case unless the Owens took one of three actions set forth in the motion by August 14, 2013. During the period of time that Respondent represented the Owens, Respondent failed to return a number of telephone calls made to him by the Owens, some of which were made to discuss their need for additional time to bring their Plan payments current. As of November 27, 2013, neither Respondent nor any other attorney at DW&A had taken any steps to prevent dismissal of the Owens' bankruptcy case. On November 27, 2013, the bankruptcy court entered an

order removing DW&A and Respondent as counsel of record for the Owens. On January 7, 2014, the Trustee filed a *Notice of Completed Plan* that stated the Owens had completed their bankruptcy payment plan and that they may be entitled to the discharge of their unpaid debts. On January 21, 2014, the bankruptcy court granted the Owens a discharge.

85. On January 26, 2010, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Dane and Kriston Poe's behalf (*In re Dane and Kriston Poe*, No. 2:10-bk-01873-DPC). On July 21, 2011, the bankruptcy court dismissed the Poes' case because the Poes had failed to comply with items 1 through 6 of the *Trustee's Recommendation* filed on March 21, 2011, and failed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan* by April 22, 2011. The Poes' case was reinstated on August 25, 2011, and on October 20, 2011, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan* (Respondent had previously signed that document and approved its form and content). On July 31, 2012, Respondent filed a *Motion for Substitution of Counsel*. On that same day, the bankruptcy court granted Respondent's motion and ordered Respondent to be the attorney of record for the Poes. On July 11, 2013, a Chapter 13 Trustee filed a motion to dismiss the Poes' bankruptcy case because the Poes had failed to make all Plan payments and submit copies of their 2011 and 2012 income tax returns to him. That motion stated the bankruptcy court would dismiss the case unless the Poes took one of three actions set forth in the motion by August 15, 2013. As of November 27, 2013, neither Respondent nor any other attorney at DW&A had filed a response to the *Trustee's Motion to Dismiss Case* or taken any steps to

prevent the dismissal of the Poes' bankruptcy case. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for the Poes. The Poes subsequently obtained other counsel, who submitted to the Trustee a *Motion to Modify Chapter 13 Plan*.

86. On August 29, 2011, Joshua Parilman, a DW&A attorney, filed a Chapter 13 bankruptcy petition and related documents on Michael and Paula Sarnicki's behalf (*In re Michael and Paula Sarnicki*, No. 2:11-bk-24783-JMM). On December 27, 2011, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On December 13, 2012, the bankruptcy court entered an order directing Respondent to be counsel of record for the Sarnickis. On January 28, 2013, the bankruptcy court entered an order directing attorney Wroblewski to be the attorney of record for the Sarnickis. On June 17, 2013, a Chapter 13 Trustee filed a motion to dismiss the Sarnickis' bankruptcy case because the Sarnickis had failed to make all Plan payments. That motion stated the Trustee would lodge an order dismissing the case if the Sarnickis failed to take one of three actions set forth in the motion by July 20, 2013. On July 29, 2013, the Trustee lodged a proposed *Dismissal Order*. On July 30, 2013, Respondent filed an *Opposition to Trustee's Lodged Order of Dismissal*, which stated that "Counsel for Debtors" had drafted a proposed modified Plan and that counsel would file it as soon as the signed documents were received from the Sarnickis. On August 9, 2013, Respondent filed a *First Modified Chapter 13 Plan*. On September 30, 2013, the Trustee filed a *Trustee's Evaluation and Recommendation(s) Report with Notice of Potential Dismissal if Conditions are Not Satisfied re: Modified Chapter 13 Plan*, which stated he may lodge a proposed *Order of Dismissal* if the

Sarnickis failed to adequately address the items set forth therein and submit a *Stipulated Order Confirming Plan* within 30 days. On November 15, 2013, Respondent filed a *Motion for Substitution of Counsel* in which he stated he would represent the Sarnickis in place of attorney Wroblewski. On November 20, 2013, the bankruptcy judge entered an *Order to Show Cause* that required Respondent and attorney Wroblewski to show cause why Respondent should be allowed to substitute as counsel of record for the Sarnickis. On November 21, 2013, the bankruptcy court entered an order removing attorney Wroblewski and DW&A as counsel of record for the Sarnickis and ordered Respondent to upload a form of order authorizing him to be retained by the Sarnickis. Respondent never submitted to the Trustee a proposed *Stipulated Order Confirming First Modified Chapter 13 Plan* on the Sarnickis' behalf. On January 14, 2014, another law firm filed a *Notice of Representation and Request for Notice and Service of Papers* on the Sarnickis' behalf. On February 14, 2014, the bankruptcy court entered a *Stipulated Order Confirming First Modified Chapter 13 Plan*.

87. On January 19, 2010, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Shane Sinnema's behalf (*In re Shane Sinnema*, No. 2:10-bk-01365-CGC). On February 18, 2011, Amanda Nelson, a DW&A attorney, filed a *Notice of Substitution of Counsel within Firm*. On January 12, 2012, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On August 10, 2012, Respondent filed a *Motion for Substitution of Counsel*, which was granted by the court on August 13, 2012. On April 10, 2013, a Chapter 13 Trustee filed a motion to dismiss Sinnema's bankruptcy case because Sinnema had failed to make all Plan

payments and submit his 2010, 2011 and 2012 income tax returns to him. That motion stated the bankruptcy court would dismiss Sinnema's case unless Sinnema took one of three actions set forth in the motion by May 14, 2013. It was not until June 11, 2013, that Respondent filed an *Opposition to Trustee's Motion to Dismiss Case (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise address the delinquent Plan payment(s). As of November 27, 2013, neither Respondent nor any other attorney at DW&A had taken any of the three actions to prevent dismissal of Sinnema's case. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Sinnema. Sinnema subsequently hired another attorney, who filed a *First Modified Chapter 13 Plan* on his behalf.

88. On January 28, 2010, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Richard and Leslie Slaughter's behalf (*In re Richard and Leslie Slaughter*, No. 2:10-bk-02195-GBN). On June 22, 2010, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On October 23, 2012, the court entered a *Stipulated Order Confirming First Modified Chapter 13 Plan*. On June 3, 2013, a Chapter 13 Trustee filed a motion to dismiss the Slaughters' bankruptcy case because the Slaughters had failed to make all Plan payments. That motion stated the Trustee would lodge an order dismissing the case if the Slaughters failed to take one of three actions by July 5, 2013. On June 11, 2013, Respondent filed an *Opposition to Trustee's Motion to Dismiss (Opposition)*, which was based upon issues related

to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise address the delinquent Plan payment(s). On August 30, 2013, the Trustee filed a *Notice of Hearing re: Trustee's Motion to Dismiss and Debtors['] Objection Too [sic]*, which scheduled a hearing on September 26, 2013. Neither Respondent nor any other attorney at DW&A appeared on the Slaughters' behalf at the September 26, 2013, hearing. During that hearing, the Trustee informed the court that the Slaughters had no contact from DW&A and that it appeared that the Slaughters were not adequately represented. Therefore, she requested a 30-day continuance to allow the Slaughters to confer with new counsel and determine whether to convert their case to a Chapter 7 case. On October 17, 2013, the Slaughters filed *pro se* a notice that they had discharged DW&A. On October 25, 2013, the bankruptcy court entered an order granting the Slaughters' termination of DW&A. The Slaughters subsequently hired other counsel who converted their case to a Chapter 7 bankruptcy proceeding. On March 17, 2014, the bankruptcy court granted the Slaughters a discharge.

89. On September 27, 2010, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Suzan Springfield's behalf (*In re Suzan Springfield*, No. 2:10-bk-30928-CGC). On August 4, 2011, a Chapter 13 Trustee lodged a proposed *Order Dismissing Case* because Springfield had failed to make all Plan payments and failed to provide him with her 2008 state income tax return. On August 12, 2011, Respondent filed an *Objection to Trustee's Lodged Order Dismissing Case* in which he requested that

Springfield be given until September 12, 2011, to become current on her Plan payments. On January 6, 2012, Respondent submitted a proposed *Stipulated Order Confirming Chapter 13 Plan*. On January 27, 2012, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On August 13, 2012, Respondent filed a *Motion for Substitution of Counsel*, which the bankruptcy court granted on that same day (that order directed Respondent to be the attorney of record for Springfield). On August 13, 2013, the Trustee filed a motion to dismiss Springfield's bankruptcy case because Springfield had failed to make all Plan payments and to submit copies of her 2011 and 2012 income tax returns to him. That motion stated the bankruptcy court would dismiss the case unless Springfield took one of three actions set forth in the motion by September 16, 2013. Springfield called Respondent daily between August 13, 2013, the date she learned about the *Trustee's Motion to Dismiss Case*, and September 9, 2013, when she received a return call from him. At that time, Respondent told Springfield that he would file a request for moratorium. On September 18, 2013, the Trustee lodged a proposed *Order Dismissing Case* because Springfield had failed to make all Plan payments. On September 30, 2013, the bankruptcy court dismissed Springfield's case. Springfield called Respondent three times a day beginning September 22, 2013, the date she received the proposed *Order Dismissing Case*, but as of October 1, 2013, had not received a return call from him. On October 3, 2013, Springfield filed *pro se* a *Motion to Terminate Attorney* to which she attached a record of her attempted communication with Respondent. On that same date, Springfield also filed a *Motion to Reconsider Order to Dismiss* in which she stated that since March 2013 she had expected

Respondent to file a request for moratorium; Springfield stated that Respondent had informed her that he would file the request for moratorium in March 2013. On October 7, 2013, the bankruptcy court entered an *Order Reinstating Case*. On that same date, Springfield filed *pro se* a *Motion for Moratorium*. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Springfield. On March 19, 2014, the bankruptcy court entered an *Order Granting [Springfield's] Motion for Moratorium*. On April 15, 2014, the court granted Springfield a discharge.

90. On September 18, 2009, Phillips & Associates Bankruptcy Law Center filed a Chapter 13 bankruptcy petition and related documents on Robert and Peggy Turnbough's behalf (*In re Robert and Peggy Turnbough*, No. 2:09-bk-23298-SSC). On September 17, 2010, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On January 2, 2012, the court entered a *Stipulated Order Confirming Second Modified Chapter 13 Plan*. On February 7, 2013, the bankruptcy court entered an order directing attorney Wroblewski to be attorney of record for the Turnboughs. On April 3, 2013, a Chapter 13 Trustee filed a motion to dismiss the Turnboughs' bankruptcy case because the Turnboughs had failed to make all Plan payments. That motion stated the Trustee would lodge an order dismissing the case if the Turnboughs failed to take one of three actions set forth in the motion by May 2, 2013. It was not until June 11, 2013, that Respondent filed an *Opposition to Trustee's Motion to Dismiss (Opposition)*, which was based upon issues related to the operation of DW&A. In that *Opposition*, Respondent requested an additional 60 days to prepare and file a modified Plan, prepare and file a *Notice of Conversion to Chapter 7*, or otherwise

address the delinquent Plan payment(s). Beginning June 11, 2013, Respondent failed to adequately communicate with the Turnboughs. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for the Turnboughs.

91. On July 16, 2012, Joshua Parilman, a DW&A attorney, filed a Chapter 13 bankruptcy petition and related documents on Kevin Weil and Brenda Szymczak's behalf (*In re Kevin Weil and Brenda Szymczak*, No. 2:12-bk-15820-RTB). On November 9, 2012, the bankruptcy court entered an order directing Respondent to be the attorney of record for Weil and Szymczak. Respondent failed to file a motion to withdraw as Weil and Szymczak's counsel of record when he was terminated from DW&A, and therefore remained as counsel of record. On January 18, 2013, a Chapter 13 Trustee filed a *Trustee's Recommendation*, which stated he would recommend confirmation of the Plan if Weil and Szymczak resolved certain issues set forth therein by February 18, 2013, but that he would lodge an order dismissing the case if Weil and Szymczak failed to adequately address those issues and provide him with a proposed *Stipulated Order Confirming Chapter 13 Plan* by February 18, 2013. On August 29, 2013, the Trustee lodged a proposed order dismissing Weil and Szymczak's bankruptcy case because Weil and Szymczak had failed to adequately address the issues set forth in the *Trustee's Recommendation* filed on January 18, 2013. It was not until September 4, 2013, that attorney Wroblewski submitted to the Trustee a proposed *Stipulated Order Confirming Chapter 13 Plan*. On September 30, 2013, the Trustee lodged a proposed *Stipulated Order Confirming Chapter 13 Plan*, which Respondent had previously drafted and signed, approving it as to

form and content. On October 1, 2013, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for Weil and Szymczak. Weil and Szymczak subsequently obtained other counsel, who represented them before the bankruptcy court.

92. On April 13, 2011, Amanda Nelson, a DW&A attorney, filed a Chapter 13 bankruptcy petition and related documents on David and Carla Young's behalf (*In re David and Carla Young*, No. 2:11-bk-10327-EWH). On March 6, 2012, a Chapter 13 Trustee filed a *Trustee's Recommendation*, which noted two "problems" that needed to be resolved before he would recommend confirmation of the Plan. That *Trustee's Recommendation* stated the Trustee would lodge a dismissal order if the Youngs did not bring their Plan payments current by March 22, 2012. On March 23, 2012, the Trustee lodged a proposed *Order Dismissing Case* because the Youngs were in default on their Plan payments and had failed to address item 1 in the *Trustee's Recommendation*. On March 26, 2012, Respondent filed an *Objection to Trustee's Lodged Order Dismissing Case* in which he stated that an amended Plan or a conversion to a Chapter 7 case would be forthcoming, and requested until April 26, 2012, to respond to the Trustee's proposed *Order Dismissing Case*. At a hearing on June 22, 2012, a bankruptcy judge continued the hearing on the Trustee's proposed *Order Dismissing Case* to July 26, 2012, and ordered the Youngs to make a Plan payment in July 2012. Respondent failed to appear at the continued hearing on July 26, 2012. On July 30, 2012, the Trustee lodged a proposed *Order Dismissing Case* because the Youngs had failed to make a Plan payment in July 2012, as ordered by the court,

and neither Respondent nor any other attorney at DW&A had file an amended plan or a notice of conversion to a Chapter 7 bankruptcy. On that same date, the bankruptcy court dismissed the Youngs' case. On August 16, 2012, Respondent filed a *Stipulated Order Reinstating Case*, and on August 20, 2012, the bankruptcy court reinstated the Youngs' case. On August 27, 2012, the Trustee lodged a proposed *Order Dismissing Case* because the Youngs had failed to make a Plan payment in July 2012, as ordered by the court, and neither Respondent nor any other attorney at DW&A had file an amended plan or a notice of conversion to a Chapter 7 bankruptcy. On that same date, Respondent filed a *Motion for Substitution of Counsel* stating the Youngs' case had been assigned to him. On August 28, 2012, the bankruptcy court dismissed the Youngs' case. On that same date, Respondent filed a *First Amended Chapter 13 Plan*, and on September 7, 2012, lodged a proposed *Order Reinstating Case*. On September 10, 2012, the bankruptcy court reinstated the Youngs' case. On September 13, 2012, the bankruptcy court granted Respondent's *Motion for Substitution of Counsel*, which ordered Respondent to be the attorney of record for the Youngs. On November 2, 2012, the Trustee filed a *Trustee's Recommendation on First Amended Plan*, which noted "problems" that needed to be resolved before he would recommend confirmation of the Plan. That *Trustee's Recommendation* stated the Trustee would lodge a dismissal order if the Youngs failed to resolve certain issues set forth therein and submit a proposed *Stipulated Order Confirming Chapter 13 Plan* to him by December 3, 2012. On December 12, 2012, the bankruptcy court entered an order directing Respondent to be the attorney of record for the Youngs. On August 22, 2013,

the Trustee lodged a proposed *Order Dismissing Case* because neither the Youngs nor Respondent had complied with the requirements set forth in the *Trustee's Recommendation on First Amended Plan*, which was filed on November 2, 2012. Also on August 22, 2013, the bankruptcy court dismissed the Youngs' case. On August 26, 2013, Respondent filed a *Stipulated Order Confirming First Amended Chapter 13 Plan*, and on August 29, 2013, attorney Wroblewski lodged a proposed *Stipulated Order Reinstating Case*. On August 30, 2013, the bankruptcy court reinstated the Youngs' case, and on September 11, 2013, entered a *Stipulated Order Confirming First Amended Chapter 13 Plan*. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for the Youngs.

Failure to Respond to Bar Counsel during the Screening Investigation

93. On November 13, 2013, bar counsel sent an initial screening letter, along with relevant bankruptcy court documents and the recordings of some bankruptcy court hearings, to Respondent, directing him to submit a written response to the charges of misconduct by December 12, 2013.
94. Respondent failed to submit a written response to the allegations of misconduct, as directed by bar counsel in his letter dated November 13, 2013.
95. On June 3, 2014, bar counsel sent an email message to Respondent informing him that he had not yet submitted a written response to the charges of misconduct, and directing him to submit a response within 10 days.
96. On June 5, 2014, Respondent sent an email message to bar counsel stating that he may not have received screening letters that were sent to attorney Wroblewski's Mesa office, where he was previously employed. Later on June

5, 2014, bar counsel's legal secretary send an email message to Respondent to which she attached a copy of bar counsel's initial screening letter. That email message informed Respondent that the documents that comprised the bar charge were substantial and previously forwarded to him on a disk. She inquired whether he wanted her to mail another disk to him or he preferred to retrieve another disk at the State Bar's office.

97. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel.

COUNT NINE (File No. 13-3077/Jones)

Failure to Respond to Bar Counsel during the Screening Investigation

98. On January 2, 2014, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to Roberts Jones's charges of misconduct within 20 days.
99. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated January 2, 2014.
100. On June 3, 2014, bar counsel sent an email message to Respondent informing him that he had not yet submitted a written response to Jones's charges of misconduct, and directing him to submit a response within 10 days.
101. On June 5, 2014, Respondent sent an email message to bar counsel in which he stated he did not believe he received bar counsel's screening letters if they were sent to DW&A's Mesa address. He asked that Jones's charges of misconduct be sent to him by email or prepared for his retrieval from the State Bar's office.

102. On June 5, 2014, a legal secretary for bar counsel emailed to Respondent the charges of misconduct submitted by Jones and a copy of bar counsel's initial screening letter that was previously mailed to Respondent.
103. Respondent never provided a written response to the charges of misconduct, as directed by bar counsel.

COUNT TEN (File No. 13-3335/Vazquez)

Failure to Respond to Bar Counsel during the Screening Investigation

104. On January 3, 2014, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to Blanca Vasquez and her husband's charges of misconduct within 20 days.
105. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated January 3, 2014.
106. On June 3, 2014, bar counsel sent an email message to Respondent informing him that he had not yet submitted a written response to Vasquez and her husband's charges of misconduct, and directing him to submit a response within 10 days.
107. On June 5, 2014, Respondent sent an email message to bar counsel in which he stated he did not believe he received bar counsel's screening letters if they were sent to DW&A's Mesa address. He asked that Vasquez and her husband's charges of misconduct be sent to him by email or prepared for his retrieval from the State Bar's office.
108. On June 5, 2014, a legal secretary for bar counsel emailed to Respondent the charges of misconduct submitted by Vasquez and her husband, along with a

copy of bar counsel's initial screening letter that was previously mailed to Respondent.

109. Respondent never provided a written response to the charges of misconduct, as directed by bar counsel.

COUNT ELEVEN (File No. 13-3496/Judicial Charge)

Failure to Perform Arbitration Services

110. On February 2, 2012, Cavalry Portfolio Services, LLC, filed a complaint in Maricopa County Superior Court against Tracey Orr (*Cavalry Portfolio Services v. Orr*, No. CV2012-003553).
111. On May 9, 2012, Orr filed, *pro se*, an answer.
112. On August 17, 2012, Respondent was appointed by the Maricopa County Superior Court to serve as an arbitrator in *Cavalry Portfolio Services v. Orr*. The notice sent to Respondent stated that the arbitration hearing must commence on or before December 17, 2012.
113. On November 8, 2012, counsel for Cavalry Portfolio Services filed a *Motion to Continue on the Court's Inactive Calendar* because he had not received any communication from Respondent. Counsel stated he was, concurrently with his filing of the motion, sending correspondence to Respondent regarding his and his client's availability for the arbitration hearing and requesting the setting of an arbitration hearing.
114. On December 13, 2012, the court granted the motion and continued the matter on the inactive calendar for 120 days from December 28, 2012 (the order was filed on December 18, 2012).

115. On January 12, 2013, the court issued a *Notice to Set Arbitration Hearing*, directing Respondent to set a date for the arbitration hearing and to mail a *Notice of Arbitration Hearing* by January 25, 2013.
116. Respondent failed to schedule an arbitration hearing or send notices of a hearing by January 25, 2013.
117. On April 4, 2013, counsel for Cavalry Portfolio Services filed a *Motion to Continue Case on the Court's Inactive Calendar for a Period of Ninety (90) Days*. In that motion, counsel stated he initially had been unable to communicate with Respondent, but explained that Respondent contacted him on March 29, 2013, to provide him with his current contact information. Counsel's motion stated the arbitration hearing should be set shortly.
118. On May 8, 2013, the court granted the *Motion to Continue Case on the Court's Inactive Calendar for a Period of Ninety (90) Days*, and continued the matter on the inactive calendar for 90 days from the date of the order (the order was filed on May 9, 2013).
119. On September 12, 2013, the court entered a *Notice to Set Arbitration Hearing*, which directed Respondent to set a date for the arbitration hearing and mail a *Notice of Arbitration Hearing* by September 26, 2013.
120. On September 20, 2013, counsel for Cavalry Portfolio Services filed a *Motion to Continue Case on Court's Inactive Calendar* because he had been unable to communicate with Respondent and an arbitration hearing had not been scheduled.

121. On September 25, 2013, the court entered an *Order Continuing Case on Court's Inactive Calendar* for 90 days (the order was filed on September 26, 2013).
122. On November 22, 2013, the court issued a minute entry that scheduled a telephonic status conference for December 11, 2013, because the parties were having difficulty getting Respondent to schedule a date for the arbitration hearing.
123. Respondent failed to appear at the status conference on December 11, 2013. During the status conference, counsel for Cavalry Portfolio Services informed Maricopa County Superior Court Judge Katherine Cooper that he had made multiple, unsuccessful attempts to communicate with Respondent and Orr, who was unrepresented. The court scheduled an order to show cause (OSC) hearing for January 15, 2014, at which Respondent would be required to explain why he should not be held in contempt of court for failing to fulfill his responsibilities as a court-appointed arbitrator and for failing to comply with the court's order to appear at the status conference on December 11, 2013.
124. On December 13, 2013, the court entered an order continuing the Cavalry *Portfolio Services v. Orr* case on the inactive calendar until January 15, 2014 (the minute entry order was filed on December 16, 2013).
125. On January 13, 2014, counsel for Cavalry Portfolio Services filed a *Motion to Continue on Court's Inactive Calendar* because his repeated efforts to communicate with Respondent and Orr were unsuccessful and an arbitration hearing had not been scheduled.

126. Respondent failed to appear at the OSC hearing on January 15, 2014. The court "made attempts to reach [Respondent] at the phone number available through the Arizona State Bar, without response." Judge Cooper referred the matter to the State Bar for investigation into Respondent's conduct, but reserved the right to impose further sanctions against Respondent. The court continued the *Cavalry Portfolio Services v. Orr* case on the inactive calendar until February 28, 2014.
127. On January 23, 2014, the court continued the case on the inactive calendar until March 28, 2014.
128. On March 6, 2014, the court continued the case on the inactive calendar until March 31, 2014.
129. On March 18, 2014, counsel for Cavalry Portfolio Services filed a *Motion to Continue on Court's Inactive Calendar*.
130. On March 26, 2014, Judge Cooper entered an *Order Continuing Case on Court's Inactive Calendar* to September 19, 2014 (the order was filed on March 27, 2014).
131. On October 2, 2014, Judge Cooper dismissed the lawsuit without prejudice due to lack of prosecution (the order was filed on October 7, 2014).
132. The docket does not reflect the imposition of any sanctions against Respondent by Judge Cooper.

Failure to Respond to Bar Counsel during the Screening Investigation

133. On January 16, 2014, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to Judge Cooper's

December 11, 2013, minute entry within 20 days. A copy of Judge Cooper's minute entry was enclosed with bar counsel's letter.

134. Respondent failed to submit a written response to the minute entry, as directed by bar counsel in his letter dated January 16, 2014.
135. On February 11, 2014, bar counsel sent another letter to Respondent and enclosed a minute entry from Judge Cooper dated January 15, 2014. That letter directed Respondent to address the information in that minute entry in his response to the December 11, 2013, minute entry, which he had not yet provided.
136. Respondent failed to submit a written response to the minute entries, as directed by bar counsel in his letter dated February 11, 2014.
137. On June 3, 2014, bar counsel sent an email message to Respondent informing him that he had not yet submitted a written response addressing Judge Cooper's minute entries, and directing him to submit a response within 10 days.
138. On June 5, 2014, Respondent sent an email message to bar counsel in which he stated he did not believe he received bar counsel's screening letters if they were sent to DW&A's Mesa address. He asked that the minute entries be sent to him by email or prepared for his retrieval from the State Bar's office.
139. On June 5, 2014, a legal secretary for bar counsel emailed to Respondent the minute entries and a copy of bar counsel's screening letters that had previously been sent to him.

140. Respondent never provided a written response to the charges of misconduct, as directed by bar counsel.

COUNT TWELVE (File No. 13-3655/Calderon)

Representation of Anthony Calderon and Karla Juarez-Calderon

141. During or about September 2010, Anthony Calderon and Karla Juarez-Calderon hired Phillips & Associates Bankruptcy Law Center (P&ABLC) to represent them in a Chapter 13 bankruptcy proceeding. They paid P&ABLC \$2,500.00, and the firm was to be paid an additional \$1,500.00 through bankruptcy Plan payments to the Chapter 13 trustee.
142. On September 17, 2010, P&ABLC filed a Chapter 13 bankruptcy petition and related documents on the Calderons' behalf.
143. On February 25, 2011, a Chapter 13 Trustee filed a *Notice of Intent to Dismiss Case for Failure to Confirm Chapter 13 Plan of Reorganization* stating she would lodge a proposed *Order Dismissing Case* unless the Calderons took one of three specific actions set forth in the notice within 30 days.
144. On April 20, 2011, the bankruptcy court entered a *Second Order to Extend Time* [related to the Trustee's *Notice of Intent to Dismiss Case for Failure to Confirm Chapter 13 Plan of Reorganization*], which gave the Calderons until June 1, 2011, to file a response to the *Notice of Intent to Dismiss Case for Failure to Confirm Chapter 13 Plan of Reorganization*.
145. On August 22, 2011, David Wroblewski & Associates (DW&A) submitted to the Trustee a proposed *Stipulated Order Confirming Chapter 13 Plan*.
146. On February 3, 2012, DW&A submitted another proposed *Stipulated Order Confirming Chapter 13 Plan* because the Trustee had objected to some of the

terms included in the initial *Stipulated Order Confirming Chapter 13 Plan*. On that same date, Joshua Parilman, a DW&A attorney, filed a *Notice of Substitution of Counsel Within Firm*, which stated that Parilman, Amanda Nelson and Respondent had been assigned as counsel for the Calderons.

147. On February 6, 2012, the bankruptcy court entered an *Order Granting Substitution of Counsel within Firm*, which ordered Parilman, Nelson and Respondent to be the attorneys of record for the Calderons.
148. On April 12, 2012, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*.
149. On November 16, 2012, the bankruptcy court entered an order directing Respondent to be the attorney of record for the Calderons.
150. During or about the early part of 2013, the Calderons called DW&A and was informed that Respondent was their "contact."
151. The Calderons attempted to communicate with DW&A on or shortly after November 19, 2013, but the telephone numbers they dialed were no longer operational. The Calderons located another telephone number for the firm and called and left a voice-mail message, but they never received a return call. The Calderons then sent an email message to Respondent, but never received a response.
152. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for the Calderons.
153. On December 10, 2013, an attorney from another firm filed an Application for Substitution of Counsel on the Calderons' behalf.

Failure to Respond to Bar Counsel during the Screening Investigation

154. On January 3, 2014, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to the Calderons' charges of misconduct within 20 days.
155. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated January 3, 2014.
156. On June 3, 2014, bar counsel sent an email message to Respondent informing him that he had not yet submitted a written response to the Calderons' charges of misconduct, and directing him to submit a response within 10 days.
157. On June 5, 2014, Respondent sent an email message to bar counsel in which he stated he did not believe he received bar counsel's screening letters if they were sent to DW&A's Mesa address. He asked that the Calderons' charges of misconduct be sent to him by email or prepared for his retrieval from the State Bar's office.
158. On June 5, 2014, a legal secretary for bar counsel emailed to Respondent the Calderons' charges of misconduct and a copy of bar counsel's screening letter that was previously mailed to him.
159. Respondent never provided a written response to the charges of misconduct, as directed by bar counsel.

COUNT THIRTEEN (File No. 14-0350/Gutierrez)

160. David and Olga Gutierrez hired Phillips & Associates Bankruptcy Law Center (P&ABLC) to represent them in a Chapter 13 bankruptcy proceeding.

161. On June 10, 2010, P&ABLC filed a Chapter 13 bankruptcy petition and related documents on the Gutierrezes' behalf.
162. On September 1, 2010, a Chapter 13 Trustee filed a *Trustee's Evaluation and Recommendation(s) Report with Notice of Potential Dismissal if Conditions are Not Satisfied re: Chapter 13 Plan* that stated the Gutierrezes needed to remain current in their Plan payments, resolve six matters, and submit a *Stipulated Order Confirming Chapter 13 Plan* within 30 days or he may lodge a proposed *Order of Dismissal*.
163. On September 28, 2011, DW&A submitted to the Trustee a proposed *Stipulated Order Confirming Chapter 13 Plan*.
164. On February 23, 2012, the Trustee lodged a proposed *Stipulated Order Confirming Chapter 13 Plan* that had been signed by Amanda Nelson, a DW&A attorney.
165. On February 24, 2012, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*.
166. On February 24, 2013, the bankruptcy court entered an order directing attorney Wroblewski to be the attorney of record for the Gutierrezes.
167. On May 17, 2013, Olga Gutierrez contacted DW&A and was informed that Respondent was representing her and her husband. Olga informed Respondent that her husband had suffered a heart attack on or about March 30, 2013, and was unemployed. She then inquired whether they could convert their Chapter 13 bankruptcy to a Chapter 7 bankruptcy proceeding. Respondent recommended against converting their case because they could lose their home and a vehicle. Respondent suggested that they move the

court to modify their bankruptcy payment plan, and asked Olga to discuss the matter with her husband.

168. On May 31, 2013, Olga Gutierrez called Respondent to request that he begin taking steps to modify their payment plan. He asked Olga to send him copies of their two most current paychecks; that same day, Olga sent copies of her paychecks to Respondent. Respondent, however, never responded and never took the necessary steps to modify the Gutierrezes' bankruptcy payment plan.
169. On July 31, 2013, Olga Gutierrez called Respondent to determine the status of their motion to modify their bankruptcy plan payments. He stated he had not yet prepared the necessary documents and explained that DW&A's email system had changed and that her May 31, 2013, email had not been transferred to the new system. Respondent asked Olga whether her husband could transfer his 401(k) account to an IRA, and use money from that account to pay off their vehicle. Respondent also asked for two additional paychecks and told Olga that they did not have to make payments to the Trustee in August or September 2013. Respondent stated he would prepare the necessary pleadings to address the missed payments. Also on July 31, 2013, Olga sent an email message to Respondent, attached to which were copies of her paychecks. That email message stated in part, "Please proceed with the modified plan to reduce our payment to the trustee as we discussed per our telephone conversation today."
170. On August 14, 2013, Olga Gutierrez sent an email message to Respondent stating she had not yet received a response to her July 31, 2013, email

message. In that email, she set forth the difficulties that she and her husband were experiencing and a summary of her communication with Respondent.

171. Not having heard from Respondent, Olga Gutierrez called Respondent on August 16, 2013. He stated he had not yet prepared the necessary documents to modify their bankruptcy payment plan because he was overwhelmed. He said he would begin work on the paperwork over the weekend and then contact her. Respondent never called.
172. On August 23, 2013, Olga Gutierrez attempted to call Respondent several times, but was unable to talk with anyone or leave a voice-mail message. Olga then sent an email message to Respondent on August 23, 2013, inquiring about the status of their motion to modify their bankruptcy plan payments and requesting contact. Respondent failed to contact the Gutierrezes. Out of concern, Olga Gutierrez also called the Trustee's office on August 23, 2013, but she was informed that the Trustee could not assist her. She was told to continue attempting to communicate with Respondent about the need to promptly file a request to modify their bankruptcy payment plan. Olga continued to call Respondent without success.
173. On November 27, 2013, the bankruptcy court entered an order removing DW&A as counsel of record for the Gutierrezes.
174. Neither Respondent nor any other attorney at DW&A ever filed a motion to modify the Gutierrezes' bankruptcy payment plan.

COUNT FOURTEEN (File No. 14-1675/Voltin)

Representation of Douglas and Soua Voltin

175. Douglas and Soua Voltin hired Phillips & Associates Bankruptcy Law Center (P&ABLC) to represent them in a Chapter 13 bankruptcy proceeding. The Voltins paid a total of \$4,000.00 in attorney's fees to P&ABLC and/or DW&A.
176. On October 15, 2009, P&ABLC filed a Chapter 13 bankruptcy petition and related documents on the Voltins' behalf.
177. On October 1, 2010, a Chapter 13 Trustee filed a *Trustee's Recommendation* that stated the Voltins must provide him with six items by November 3, 2010, or he would lodge an order dismissing their case.
178. On June 9, 2011, the Trustee lodged a proposed *Order Dismissing Case* because the Voltins had failed to provide him with five of the six items listed in the *Trustee's Recommendation* and failed to submit a proposed *Stipulated Order Confirming Chapter 13 Plan* by November 3, 2010.
179. On June 15, 2011, Respondent filed a Notice of Substitution of Counsel within Firm that stated the Voltins' case had been reassigned to him. On that same date, Respondent filed an *Objection to Trustee's Lodged Order Dismissing Case*, requesting until July 15, 2011, to respond to the Trustee's proposed *Order Dismissing Case*.
180. On July 27, 2011, the Trustee gave Respondent two weeks to submit a proposed *Stipulated Order Confirming Chapter 13 Plan*.
181. On August 2, 2011, Respondent submitted to the Trustee a proposed *Stipulated Order Confirming Chapter 13 Plan*.

182. On October 21, 2011, the Trustee lodged with the bankruptcy court a proposed *Stipulated Order Confirming Chapter 13 Plan*.
183. On November 9, 2011, the bankruptcy court entered a *Stipulated Order Confirming Chapter 13 Plan*.
184. On September 12, 2013, legal counsel for the Voltins' mortgage company sent a letter to the Voltins, the bankruptcy trustee, and Respondent. That letter stated the Voltins had to pay in excess of \$7,000.00 and had to contact the attorney within seven business days of the date of the notice or a motion for relief from the automatic stay would be filed. Douglas Voltin immediately began calling Respondent, but was unable to leave a message (an automated message stated that the number had been disconnected). Douglas then faxed information about the notice to Respondent (the fax included the Voltins' contact information and case number).
185. On September 20, 2013, counsel for the Voltins' mortgage company filed a *Motion for Relief from Stay*, and mailed copies of the *Motion for Relief from Stay* to the Voltins, the bankruptcy trustee, and Respondent. Douglas Voltin called DW&A and scheduled an appointment to meet with Respondent.
186. On October 8, 2013, Respondent filed a *Debtors' Response to Motion for Relief from Automatic Stay*.
187. One or both of the Voltins met with Respondent in early October 2013. Respondent told the Voltins that he would contact counsel for the mortgage company to discuss the matter and would call the Voltins the following week. Respondent failed to contact the Voltins the following week, as he stated he would.

188. The Voltins attempted to call Respondent, but were unable to communicate with him. Therefore, Douglas Voltin contacted his mortgage company's bankruptcy department. Douglas convinced the mortgage company to allow him to make up the missed payments in exchange for dismissing the motion to lift stay. The Voltins were able to make all past due payments by the end of October 2013.
189. On November 27, 2013, the bankruptcy court entered an order removing DW&A and Respondent as counsel of record for the Voltins.
190. On December 6, 2013, counsel for the mortgage company filed a *Withdrawal of Motion for Relief from Automatic Stay*.
191. On May 30, 2014, the Trustee filed a *Notice of Completed Plan*.
192. On June 6, 2014, the bankruptcy court entered an order granting the Voltins a discharge.

Failure to Respond to Bar Counsel during the Screening Investigation

193. On July 18, 2014, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to the Voltins' charges of misconduct by August 7, 2014.
194. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated July 18, 2014.

COUNT FIFTEEN (File No. 14-2212/Ulloa)

Representation of Georgina Ulloa

195. Georgina Ulloa hired Phillips & Associates Bankruptcy Law Center (P&ABLC) to represent her in a bankruptcy proceeding. Ulloa paid the agreed-upon

attorney's fees totaling \$2,182.00 (most of which was received by DW&A; the final payment for attorney's fees was made during April 2013).

196. During or about May 2013, Respondent informed Ulloa that her case was fourth in line for preparation. Respondent informed her that he had her file and would contact her when he was in a position to prepare her bankruptcy petition.
197. Months passed without any communication from Respondent, and Ulloa had difficulty communicating with anyone at DW&A by telephone or email (e.g., Respondent did not respond to Ulloa's email messages and DW&A's telephone service was non-operational for a period of time).
198. Neither Respondent nor any other attorney at DW&A ever filed a bankruptcy petition on Ulloa's behalf. DW&A also failed to notify Ulloa when they were no longer permitted to represent bankruptcy clients (on November 27, 2013, the bankruptcy court entered an order removing Respondent as counsel in all bankruptcy cases in Arizona, but allowed Respondent to move the court to allow him to represent clients thereafter).

Failure to Respond to Bar Counsel during the Screening Investigation

199. On July 28, 2014, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to Ulloa's charges of misconduct by August 14, 2014.
200. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated July 28, 2014.

COUNT SIXTEEN (File No. 14-2606/DeVirgilio)

Failure to Respond to Bar Counsel during the Screening Investigation

201. On October 17, 2014, bar counsel sent an initial screening letter to Respondent, directing him to submit a written response to DeVirgilio's charges of misconduct by November 6, 2014. That letter was never returned to the State Bar by the U.S. Postal Service.
202. Respondent failed to submit a written response to the charges of misconduct, as directed by bar counsel in his letter dated October 17, 2014. Furthermore, Respondent never requested an extension of time to provide a written response.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and is submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct violated the Rules of the Supreme Court as follows:

- (a) Respondent violated ER 1.2(a) by failing to abide by his clients' decisions concerning the objectives of representation (*i.e.*, Respondent failed to ensure that his clients' cases were timely addressed, which resulted in some clients' cases being dismissed);
- (b) Respondent violated ER 1.3 by failing to act with reasonable diligence and promptness in representing his clients, which resulted in some clients' cases being dismissed;

- (c) Respondent violated ER 1.4(a) and (b) by failing to reasonably consult and communicate with his clients;
- (d) Respondent violated ER 1.16(a)(1) by failing to timely withdraw from representing some of his clients at a point in time when he knew his continued representation would result in violations of the Rules of Professional Conduct (*e.g.*, he was aware that he and his non-lawyer assistants would be unable to diligently represent and communicate with all of his clients);
- (e) Respondent violated ER 1.16(d) by failing, upon termination of representation, to take steps to the extent reasonably practicable to protect his clients' interests, such as giving reasonable notice to his clients and allowing time for the employment of other counsel (Respondent essentially stopped representing some clients when he failed to diligently represent them, failed to timely respond to the requests of the bankruptcy trustees and their counsel, and/or failed to comply with court rules and orders; he also failed to ensure that his clients could represent themselves or obtain other counsel);
- (f) Respondent violated ER 3.2 by failing to make reasonable efforts to expedite litigation consistent with the interests of his clients (*e.g.*, Respondent failed to ensure that all matters were promptly addressed, which resulted in some clients' cases being dismissed);
- (g) Respondent violated ER 3.4(c) by knowingly disobeying an obligation under the rules of a tribunal (*e.g.*, Respondent failed to comply with superior court orders directing him to perform services as an arbitrator

- and failed to attend a telephonic status conference and an Order to Show Cause hearing, as ordered by a superior court judge);
- (h) Respondent violated ER 5.3(b) by having direct supervisory authority over a non-lawyer employee, but failing to make reasonable efforts to ensure that the non-lawyer's conduct was compatible with his professional obligations;
 - (i) Respondent violated ER 8.1(b) by knowingly failing to respond to bar counsel's lawful demand for information;
 - (j) Respondent violated ER 8.4(d) by engaging in conduct that was prejudicial to the administration of justice (*e.g.*, Respondent failed to ensure that all matters were promptly addressed, which resulted in some clients' cases being dismissed);
 - (k) Respondent violated Rule 54(c), Ariz. R. Sup. Ct., by knowingly violating a rule or order of a court (*e.g.*, Respondent failed to comply with superior court orders directing him to perform services as an arbitrator and failed to attend a telephonic status conference and an Order to Show Cause hearing, as ordered by a superior court judge); and
 - (l) Respondent violated Rule 54(d), Ariz. R. Sup. Ct., by refusing to cooperate with bar counsel during the screening investigation and failing to furnish information or respond promptly to bar counsel's inquiries or requests for information relevant to pending charges or matters under investigation concerning his conduct or, alternatively, failing to assert a ground for refusing to do so.

RESTITUTION

Restitution is not an issue in this matter because Respondent did not directly receive any of the attorney's fees or filing fees paid by any of the clients, had no authority to make refunds to clients, and was not a partner, shareholder or owner of David Wroblewski & Associates.

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: One-year suspension from the practice of law in Arizona, retroactive to February 27, 2015, followed by probation upon reinstatement if deemed appropriate by the Supreme Court, and payment of the costs and expenses of the disciplinary proceeding within 30 days from the date of service of an order entered by the Presiding Disciplinary Judge accepting this agreement.

In the event that Respondent fails to comply with any probation term imposed by the Supreme Court upon reinstatement, and information thereof is received by the State Bar of Arizona, bar counsel will 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 impose an appropriate sanction. If there is an allegation that Respondent failed to comply with any term of probation, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standard 1.3, Commentary*.⁵ The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 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 *Standards 4.42, 6.22, and 7.2* are the appropriate *Standards* given the facts and circumstances of this matter. *Standard 4.42* states, "Suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client." *Standard 6.22* states, "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

⁵ On or about February 4, 2012, the ABA House of Delegates passed/adopted a resolution that re-affirmed the "black letter" of the *ABA Standards for Imposing Lawyer Sanctions*, but rescinded its adoption of the Commentary. The Supreme Court of Arizona last referenced the commentary to the *ABA Standards* in an attorney discipline opinion in 2009 (*In re White-Steiner*, 219 Ariz. 323, 198 P.3d 1195 (2009)); therefore, it is unclear whether the Court will also rescind its use of the commentary. Nevertheless, the Court's use of the *ABA Standards* indicates its desire for consistency in the imposition of disciplinary sanctions.

interference or potential interference with a legal proceeding.” *Standard 7.2* states, “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.”

Respondent knowingly failed to diligently represent and adequately communicate with the numerous clients assigned to him, which resulted in actual or potential harm to at least some of those clients; failed to comply with superior court orders directing him to perform services as an arbitrator and failed to attend a telephonic status conference and an Order to Show Cause hearing, as ordered by a superior court judge; failed to withdraw from further representation of the clients assigned to him when he knew his continued representation would violate the Rules of Professional Conduct; failed to notify the clients he represented that he could no longer diligently represent them; failed to adequately supervise the non-lawyer assistants assigned to assist him; and failed to provide bar counsel with written responses in all State Bar screening investigations.

The duty violated

As described above, Respondent’s conduct violated his duty to his clients, the legal system, and the profession.

The lawyer’s mental state

For purposes of this agreement the parties agree that Respondent knowingly engaged in some instances of misconduct (*e.g.*, he knowingly failed to comply with court orders), but negligently engaged in other instances of misconduct (*e.g.*, he negligently failed to act with reasonable diligence on some clients’ behalf and

negligently failed to reasonably communicate with some of his clients) and that his conduct violated the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree there was actual and potential harm to Respondent's clients, the legal system, and the profession.

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 (Respondent was informally reprimanded on October 15, 1998, in File No. 98-0075 for violation of ER 1.2, ER 1.3, ER 1.4, ER 3.2, and ER 5.3) (this aggravating factor should be given little weight due to the remoteness of the prior disciplinary offenses);

Standard 9.22(c) – a pattern of misconduct;

Standard 9.22(d) – multiple offenses;

Standard 9.22(e) – bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;

Standard 9.22(h) – vulnerability of the victims; and

Standard 9.22(i) – substantial experience in the practice of law (Respondent was admitted to practice law in Arizona on October 17, 1981).

In mitigation:

Standard 9.32(b) – absence of a dishonest or selfish motive (Exhibit B, attached hereto or to be supplied shortly after filing this Agreement for Discipline by Consent, consists of statements from Respondent and others attesting to the fact that Respondent continued to represent his clients even after all other attorneys had left David Wroblewski & Associates and he was not being paid; he did so in a sincere attempt to help his clients);

Standard 9.32(e) – cooperative attitude toward the disciplinary proceedings (Respondent's cooperative attitude is evidenced by his willingness to enter into this consent agreement; however, that cooperative attitude must be balanced against Respondent's failure to submit written responses in a number of cases during the State Bar's screening investigations);

Standard 9.32(g) – character or reputation (Exhibit B, referenced above regarding an absence of a dishonest or selfish motive, also includes information attesting to Respondent's character and/or reputation);

Standard 9.32(l) – remorse (as reflected in statements to bar counsel);

and

Standard 9.32(m) – remoteness of prior offenses.

Discussion

The parties have conditionally agreed that a one year period of suspension is appropriate and 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: Respondent agreed to be employed by attorney Wroblewski because he knew attorney Wroblewski was not an experienced bankruptcy attorney and needed immediate help to assist his firm's clients. Although Respondent did not receive the level of law firm assistance he needed to properly represent his clients, he nevertheless continued to represent them and did so even when he was not being paid by the firm. On the other hand, Respondent should have withdrawn from representing some of his clients or resigned from David Wroblewski & Associates when he realized he did not have the assistance necessary to diligently represent and adequately communicate with his clients.

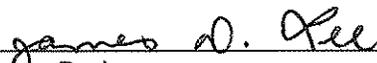
Based upon the *Standards*, and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanctions and will serve the purposes of lawyer discipline.

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 one-year suspension from the practice of law in Arizona, retroactive to February 27, 2015, followed by probation upon reinstatement if deemed appropriate by the Supreme Court, and payment of the costs and expenses of this disciplinary proceeding within 30 days from the date of service of an order entered by the Presiding Disciplinary Judge accepting this agreement. A proposed form order is attached hereto as Exhibit C.

DATED this 2nd day of July, 2015.

State Bar of Arizona



James D. Lee
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 to clients, return of property, and other rules pertaining to suspension.

DATED this 30th day of June, 2015.


Ronald L. Hoffbauer
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 10th day of ~~June~~, 2015.
July

Copies of the foregoing mailed/mailed
this 6th day of ~~June~~, 2015, to:
July

Ronald L. Hoffbauer
4059 East Cholla Street
Phoenix, Arizona 85028-2213
~~ronald_hoffbauer@yahoo.com~~ r/hoffbauer@cox.net
Respondent

Copy of the foregoing emailed
this 6th day of ~~June~~, 2015, to:
July

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

Copy of the foregoing hand-delivered
this 6TH day of ~~June~~^{July}, 2015, to:

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

by: Jalene Stone
JDL/ts

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Suspended Member of the State Bar of Arizona,
Ronald L Hoffbauer, Bar No. 006888, Respondent

File No(s). 13-1395, 13-2080, 13-2089, 13-2254, 13-2327, 13-2560,
13-2692, 13-3065, 13-3077, 13-3335, 13-3496, 13-3655,
14-0350, 14-1675, 14-2212, and 14-2606

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

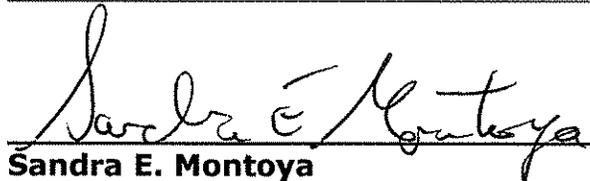
\$1,200.00

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

6-16-15
Date

EXHIBIT B

3001 East Camelback Road
Suite 130
Phoenix, Arizona 85016
Telephone 602.889.0272
Facsimile 602.294.0909

655 West Broadway
Suite 900
San Diego, California 92101
Telephone 619.795.9450
Facsimile 619.795.9453

ELARDO BRAGG
&
ROSSI

A T T O R N E Y S

John A. Elardo, Esq. *
Venessa J. Bragg, Esq. *
Michael A. Rossi, Esq. *
Gary A. Kester, Esq. *
Amanda E. Nelson, Esq. *
April A. Hancock, Esq. *
Jonathan L. Sullivan, Esq. *
Rochelle D. Prins, Esq. *
David R. Seidman, Esq. *
Jack D. Litwak, Esq. *

*Licensed to Practice in AZ
*Licensed to Practice in CA

June 29, 2015

Direct Line: 602.424.4137
Cell: 602.312.3969
anelson@ebarlaw.com

State Bar of Arizona
4201 N 24th St #100
Phoenix, AZ 85016

Re: Ronald Hoffbauer

To Whom It May Concern:

I draft this letter in support of Ronald Hoffbauer. I understand that he is facing reprimand/sanctions from the Bar for reasons unknown to me but that occurred while he was working with David Wroblewski.

I began working with Mr. Hoffbauer near the start of 2011, after Mr. Wroblewski purchased the firm from Jeff Phillips. I was aware of Mr. Wroblewski's efforts to recruit Mr. Hoffbauer which began after the purchase of the firm. Mr. Hoffbauer had worked with Trustee Edward Maney for many years and was well respected in the community.

I was fortunate enough to work closely with Mr. Hoffbauer for approximately one year. His experience and willingness to teach were much needed and valuable to me and the other attorneys in the Bankruptcy Department. Most of us were fairly new to the practice of law and learned quite a bit from Mr. Hoffbauer. He was willing to put in extra hours to help clients as well as to help younger/less experienced attorneys become great.

I would like to clarify that Mr. Hoffbauer was always my colleague, but never my direct supervisor. I, and the other attorneys, were able speak directly with Mr. Wroblewski if we had any concerns or problems we needed to discuss. When Mr. Wroblewski first purchased the firm he took a very hands on approach, even going to hearings and sitting in on meetings to learn bankruptcy. It was not until Martin Creaven was brought in that we had to report to anyone other than Mr. Wroblewski.

There are many examples of Mr. Hoffbauer's dedication to his clients but one that sticks out is when he became ill. I, as well as many others in the office, asked and pleaded for Mr. Hoffbauer to go see a doctor or go to the hospital. Mr. Hoffbauer always claimed to be "ok" and that he had work to do or a client to meet. His dedication was unmatched. It was not until his skin literally lost color and took on a green tint that we could get him to go get checked out. It turned out that Mr. Hoffbauer had been slowly losing blood (and probably feeling terrible). In order to serve his clients, he had pushed off getting checked out so long that he had to receive quite a bit of blood and was hospitalized for several days. I know this because I went to the hospital after finishing meeting with clients that day. (Mr. Hoffbauer would not have wanted me to skip helping people just to check on him). He, of course, continued to work from the hospital as he could.

After I left Wroblewski & Associates in March 2012, I often spoke with Mr. Hoffbauer and other attorneys at the firm. While it appeared to me that all of the attorneys were dedicated, there were indications that the firm was not doing so well and many were seeking different employment. At one point, I asked Mr. Hoffbauer if he planned on finding new employment and he said he needed to stay to help the clients. He even took a reduced salary to stay and continue to help the clients. Eventually, I heard that people working with Wroblewski were not been getting paid. When I spoke with Mr. Hoffbauer he confirmed that was true but he continued to work long hours despite continuing health concerns. He and Mr. Wroblewski were the only attorneys working at the firm at that time and the bankruptcy clients needed him. At that time, I called Mr. Hoffbauer often due to my concern for his health: he was usually working.

Our State Bar Website contains the following statement regarding membership: Members of the State Bar of Arizona join colleagues in an honored profession dedicated to serving those in need of legal services and safeguarding our justice system. This is what Ronald Hoffbauer stood for. He stayed at a firm that was obviously not going to survive since they could not pay their employees; He stayed when he was not receiving any compensation; He stayed when he no longer had health insurance even though he had some health issues; and He stayed because he did not believe it was right to leave people, vulnerable people in bankruptcy, unrepresented. He did what he could in the time he had before the firm ceased to exist. Whatever transpired in the purchase of the firm by Mr. Wroblewski was not information that any of the associates, to my knowledge, were privy to. Ron was not even considered for recruitment until after the purchase.

///

I hope that the State Bar looks at the big picture and realizes that Mr. Hoffbauer did everything in his power to uphold what the our profession stands for: protecting those in need. I truly believe that in a time of turmoil, he was dedicated to serving the clients and not worried about saving himself. I only hope that my dedication to my clients can come close to matching his. I understand that Mr. Hoffbauer is going to be reprimanded and I ask the Bar to reconsider. Mr. Hoffbauer belongs in the public, using his substantial experience to serve the people that need it most. In the meantime, if you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. Nelson".

Amanda E. Nelson, Esq.

CHAD J. SCHATZ

2720 E. Louise Drive*Phoenix, Arizona 85032*(417) 880-8579*ChadJSchatz@gmail.com

June 25, 2015

RE: Attorney Ronald Hoffbauer

To Whom it May Concern:

I am writing regarding the Arizona State Bar's inquiry into Ronald Hoffbauer and David Wroblewski. I have personally known Ron for the last five years. I worked closely with Ron from 2011 to 2013 at David Wroblewski's firm. When Ron came to work with the firm he brought with him a vast knowledge of Bankruptcy and the willingness to pass that knowledge on to newer attorneys such as myself. He always put the needs of his clients first. He was regularly at the office late into the evening and on the weekends working. I learned a lot about Bankruptcy and how to be a good attorney from Ron.

In January 2013 I left the firm. I continued to remain in contact with Ron after I left. Ron expressed concern to me on several occasions about the financial stability of the firm and what was going to happen with all the active Chapter 13 cases if the firm went out of business. Later that year I learned that Ron was not getting paid but continued working out of concern for clients of the firm. Ron continued to work for the firm until it filed Chapter 7 Bankruptcy and was shut down because of the Bankruptcy.

Ron was unfortunate to work for a failing firm. He did the best he could with the resources that were at his disposal until the day the firm was shut down. I ask that the Bar view his situation with leniency given the facts involved with his inquiry.

Sincerely,



Chad Schatz (027212)
Attorney at Law

Garrett D. Johnson, Esq.
1845 East Harvard Drive
Tempe, AZ 85283
garrett.d.johnson@gmail.com

June 30, 2015

RE: Attorney Ronald Hoffbauer Arizona State Bar inquiry

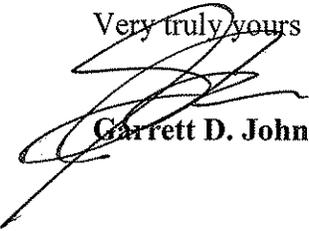
Dear Sir or Madame,

I am writing with reference to attorney Ronald Hoffbauer. It has been brought to my attention that Mr. Hoffbauer is being investigated by the State Bar regarding ethical violations while he was employed by David Wroblewski and Associates, the specifics of which I'm not familiar with. I worked with Mr. Hoffbauer while at David Wroblewski and Associates from approximately the spring of 2011 until I left the firm in March of 2012. During the time I was at the firm, Mr. Hoffbauer worked as an attorney handling Consumer Chapter 13 Bankruptcy cases.

While I did not work on any Chapter 13 cases while I was employed at Wroblewski, I had many opportunities to observe Mr. Hoffbauer in his role as an attorney representing clients in Chapter 13 cases, and he was never less than fully dedicated and focused on providing the best representation possible. In my opinion he was, and still is, an exemplary role model of diligent, thoughtful, and ethical practice as a bankruptcy attorney. Mr. Hoffbauer was often the first attorney into the office and the last to leave, and worked many weekends to ensure that he provided his clients with the most thorough representation possible. I never once observed Mr. Hoffbauer engaging in any ethically dubious behavior of any kind while employed by Wroblewski. Mr. Hoffbauer was also very generous with his time, in and out of the office, with younger attorneys at the firm who had less experience than him. I consider Mr. Hoffbauer a mentor as well as a friend, and I believe a lot of the younger attorneys who worked with him at Wroblewski feel the same way.

Through talking with other former Wroblewski employees after I left the firm in March of 2012, I am aware that the firm ended up in a precarious position with the United States Bankruptcy Court and with the State Bar. However, I can attest that Mr. Hoffbauer is a fine man, an ethical attorney, and did everything he could to ensure that his clients received the best representation possible. I respectfully ask that the State Bar show leniency in his case.

Very truly yours


Garrett D. Johnson (026614)

Eric M. Nolan

Ericnolan111@gmail.com

829 North 4th Avenue, Apartment #13 • Phoenix, AZ 85003 • (480) 321-7160

June 28, 2015

State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266

Re: Character Reference for Ronald L. Hoffbauer

To Whom It May Concern:

I am writing on behalf of Ronald L. Hoffbauer, who has some outstanding matters before your office.

When I first started practicing in Arizona, I had the pleasure of working with Ronald Hoffbauer at David Wroblewski & Associates. While Mr. Wroblewski is currently going through some ethical issues at your office, I am proud to call Mr. Hoffbauer a former co-worker and willing to be a character reference for Mr. Hoffbauer.

As a new attorney, it can be a challenge to find attorneys with free time to answer questions regarding the everyday issues at the job. Even though I did not know much about bankruptcy when I first started practicing bankruptcy law, I cannot remember a time where Mr. Hoffbauer would tell me he was too busy to answer a question regarding one of my cases. Every lesson and piece of advice was given with careful thought and consideration. His incredible knowledge in bankruptcy is/was beyond anything currently offered in a classroom due to his experience. In a fast-paced environment, Mr. Hoffbauer always took ethical issues into consideration and I cannot think of a single time where Mr. Hoffbauer made a decision which would have led to a questionable ethical issue. Even though I have only been practicing for a few years, his knowledge and lessons have been instrumental in my lack of bankruptcy complaints.

While at Wroblewski & Associates, Mr. Hoffbauer identified several issues which would later also be alleged in the current Arizona State Bar investigation into Mr. Wroblewski. Mr. Hoffbauer sat with the remaining attorneys (myself included) and drafted a letter identifying the issues and identifying some possible solutions to Mr. Wroblewski. This letter has been recently provided to Mr. Lee at the Arizona State Bar. I feel it shows that Mr. Hoffbauer was only trying to improve the environment at Mr. Wroblewski's Firm.

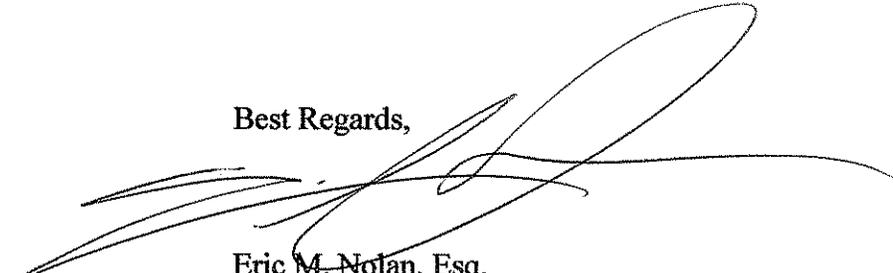
I know that Mr. Hoffbauer was fired or let go after the letter was sent to Mr. Wroblewski. I do not know all of the facts that led Mr. Hoffbauer to join the Firm later on after my departure. Mr. Hoffbauer does have considerable health issues and needs medical insurance. It is my opinion that the medical issues required Mr. Hoffbauer to continue to work. With the exodus of lawyers from Mr. Wroblewski's Firm, Mr. Hoffbauer's rehiring was a good thing for the clients that were able to meet with Mr. Hoffbauer due to the lack of attorneys at the Firm.

The environment at Mr. Wroblewski's Firm had to be hectic, to say the least. While Mr. Hoffbauer was in no position to handle that case load, Mr. Hoffbauer identified this in his letter before he was fired or let go from the Firm. Upon rehiring, Mr. Wroblewski knew of these issues. However, for the remaining clients that met with Mr. Hoffbauer, I know that Mr. Hoffbauer would have given them the best advice possible and also would not have filed cases with known issues. If Mr. Hoffbauer did not have the health issues at the time he rejoined the Firm, or if the job market was better, I do not believe that he would have rejoined the Firm.

Although Mr. Hoffbauer was not in an ideal situation, I believe that he would have continued to provide the clients he was able to meet with the utmost professionalism and knowledge that was beyond that of an average bankruptcy attorney. His knowledge of bankruptcy is incredible. It would have been a misfortune to the remaining clients of Mr. Wroblewski if they could not have access to Mr. Hoffbauer's knowledge and advice before their case was filed. My personal feeling is that bankruptcy filers, Trustees, and Judges would benefit by having Mr. Hoffbauer continue to practice in the bankruptcy field and he should not be suspended from practicing in the area. He was in an unfortunate situation, but continued to help individuals and couples until he was no longer able to work on the cases.

If you have any questions about my interactions with Mr. Hoffbauer, please contact me at (480)321-7160. I would not hesitate to be a character witness or recall my encounters with Mr. Hoffbauer.

Best Regards,

A handwritten signature in black ink, appearing to read "Eric M. Nolan". The signature is fluid and cursive, with a large loop at the end. It is positioned above the typed name "Eric M. Nolan, Esq.".

Eric M. Nolan, Esq.

EXHIBIT C

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

RONALD L. HOFFBAUER,

Bar No. 006888,

Respondent.

PDJ-2014-_____

FINAL JUDGMENT AND ORDER

[State Bar Nos. 13-1395, 13-2080,
13-2089, 13-2254, 13-2327, 13-2560,
13-2692, 13-3065, 13-3077, 13-3335,
13-3496, 13-3655, 14-0350, 14-1675,
14-2212, 14-2606]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on June _____, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Ronald L. Hoffbauer**, is hereby suspended from the practice of law in Arizona for one year, retroactive to February 27, 2015, as outlined in the consent documents, effective thirty (30) days from the date of this order.

IT IS FURTHER ORDERED that Respondent shall be subject to a period of probation upon reinstatement to the practice of law, if deemed appropriate following a reinstatement hearing, with terms to be imposed by the Supreme Court. In the event that Respondent fails to comply with any probation term, and information thereof is received by the State Bar of Arizona, bar counsel will 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 impose an appropriate sanction. If there is an allegation that Respondent failed to comply with any term of probation, 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 \$1,200.00, within thirty (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 thirty (30) days from the date of service of this Order.

DATED this _____ day of June, 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 June, 2015.

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

Ronald L. Hoffbauer
4059 East Cholla Street
Phoenix, Arizona 85028-2213
Email: ronald_hoffbauer@yahoo.com
Respondent

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

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

Copy of the foregoing hand-delivered
this _____ day of June, 2015, to:

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

by: _____