

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**DAVID D. WHITE,
Bar No. 012014**

Respondent.

PDJ-2015-9102

**FINAL ORDER DISMISSING
COMPLAINT**

[State Bar No. 14-0016]

FILED MARCH 16, 2016

This matter having come on for hearing before the Hearing Panel, it having duly rendered its decision and no appeal having been filed and the time to appeal having expired, accordingly,

IT IS ORDERED dismissing the complaint filed in this matter as disclosed in the Hearing Panel's Decision and Order Imposing Sanctions filed on February 23, 2016. 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 16th day of March, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 16th day of March, 2016.

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**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**DAVID D. WHITE,
Bar No. 012014**

Respondent.

No. PDJ-2015-9102

**DECISION AND ORDER
DISMISSING COMPLAINT**

[State Bar No. 14-0016]

FILED FEBRUARY 23, 2016

On February 1, 2015, the Hearing Panel ("Panel"), composed of Carole Kemps, volunteer public member, Glen Thomas, volunteer attorney member, and Presiding Disciplinary Judge, William J. O'Neil ("PDJ"), held a one (1) day hearing under Rule 58(j), Ariz. R. Sup. Ct. Senior Bar Counsel, Shauna R. Miller appeared on behalf of the State Bar of Arizona ("State Bar"). David D. White appeared and was represented by Nancy A. Greenlee.

The Panel carefully considered the Complaint, Answer, Separate Pre-Hearing Statements, Pre-Trial Memorandum, admitted exhibits, and testimony. The Panel now issues the following Decision for David D. White and dismissing this case under Rule 58(k), Ariz. R. Sup. Ct.

I. ORDER ENTERED:

DISMISSING THE COMPLAINT

II. BACKGROUND AND PROCEDURAL HISTORY

This single count complaint arose out of husband calling the State Bar 42 times from four phones in a single day, regarding the representation by Mr. White of

husband's wife ("client")¹ in divorce proceedings in 2013. The divorce case involved allegations of significant and pervasive domestic violence by husband against client. The complaint alleges three categories of unethical actions occurred during the representation of client. The first of these is Mr. White made descriptive sexual comments to client. There is no allegation he propositioned her or committed domestic violence against her, but that he made rude and inappropriate descriptive sexual comments. We find this untrue. The second category is Mr. White was inadvertently insensitive in two other comments. We believe he was insensitive and as he acknowledged, thoughtless. We find his tactless comments did not violate the ethical rules.

The third category alleged Mr. White failed to timely withdraw from representation and "filed a frivolous notice to the court." The allegation stated that pleading revealed confidential client information to the court submitted without the informed consent of his client. We find this also untrue. As a result, we dismiss the case.

Specifically, the complaint alleges Mr. White violated Arizona Supreme Court Rule 42, ERs 1.6, confidentiality of information, (a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized or the disclosure is permitted or required under other rules) 1.16(a), termination of representation, (a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer is discharged), 3.1, meritorious claims and

¹ Although these proceedings were open to the public and members of the public attended, we refer to complainant as "husband" and his wife as "client."

contentions, (a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a good faith basis in law and fact for doing so that is not frivolous), and Rule 41(g), (engage in unprofessional conduct). Mr. White filed his answer on November 2, 2015, denying any sexual comments or similar conduct and denying he violated any ethical rule.

We, the Panel, briefly summarize the context from which the allegations arise. The parties jointly stipulated to 24 separate facts, none of which we reject. Husband, through his attorney, filed for divorce on July 30, 2013. On August 5, 2013, client hired Mr. White to represent her in those divorce proceedings filed by her husband.

While we have no authority to make binding findings regarding husband, the testimony was uncontroverted that when client first met with Mr. White she had been beaten "black and blue" on multiple occasions by husband. Mr. White testified some of the bruising was older but multiple bruises were recent. Based on the statements of client and the evidence Mr. White would later review, Mr. White believed the statements of his client that her husband had inflicted multiple physical and mental injuries upon her over the course of their eighteen year marriage. In his decades long career, he testified it was the worst case of domestic violence he had ever encountered and was shocked by it.

Client told him these latest beatings took place immediately prior to her retaining Mr. White and the bruising aftermath of those assaults were obvious to Mr. White at the time of his initial conference with her. [Testimony of Mr. White and client.] The control of the husband over client appeared widespread and complete. He removed substantially all of the funds and assets of the marriage and attempted to close her access to all funds. He also threatened to take custody of their daughter

in common and the other two children of client. He had cleaned out their properties and destroyed other assets to preclude their utilization by her. He obtained an Order of Protection against her and closed her access to their two businesses.

Husband's threats were overt and evident in the voluminous emails, texts and photographs he sent to her. He cancelled her health insurance. He threatened to take both their child and the two other children of client. Husband was charged with domestic violence crimes in Navajo County in which client was the victim. The underlying evidence given to Mr. White, which included compromising photographs of client used by husband against her, threatening emails, notes and texts of husband and other evidence were not exhibits before us. There is no dispute they exist and the domestic violence was pervasive. [Testimony of client and Mr. White.]

In domestic violence, the victim is often subjected to emotionally abusive and controlling behavior. At its core, domestic violence seeks control of its victim. Violence is but one tool of a methodical design to dominate, control and isolate the victim from any who might protect or rescue. While not presented, we accept domestic violence is epidemic with a wide range of victims in every community. Its reach seems limitless. Neither age, economic status, faith or its absence, race, nationality, gender identity, sexual orientation, education or intellectual prowess assure its absence. Like echoes in a canyon, the consequences of domestic violence can reverberate generationally and last multiple lifetimes. As a result, the children were also victims of the domestic violence. It is in this context the case was presented.

We do not ignore the ongoing plight of client by our dismissal. It appears likely to us she was compelled by husband, as part of his continuing control of her, to report

these non-existent statements of Mr. White to the police. It was likely intended by husband to place client in a position where she believes she could not retract her statements as they would constitute a false police report. Regardless, we find her testimony before us diminished substantively the allegations. While we regret the plight of client and the seemingly ongoing domestic violence against her, we focus on the evidence before us to determine what is true regarding the allegations in the complaint.

Client testified she specifically sought the services of a divorce lawyer with experience in domestic violence representation. When Mr. White first met with client on August 5, 2013, she was "shell-shocked" and her sister did most of the talking. It was clear from the testimony of multiple witnesses and our observations, Mr. White is substantially hearing impaired and speaks loudly, most likely because of that impairment. This affected the lawyer for husband and likely affected the client's perception of Mr. White.

Mr. White entered his appearance on behalf of client. Diana Rader, Esq. represented husband and filed the petition for dissolution. Mr. White immediately and strongly advocated for client, including contacting opposing counsel. Ms. Rader initially thought the call from Mr. White was a friend's joke. She testified Mr. White was loud, and she found the loudness of his voice intimidating as he verbally laid out a list of things he demanded she do. He demanded the threats, violence and apparent sale and destruction of assets stop and demanded disclosure and discovery, none of which would be forthcoming. In defending his client, it is apparent to this Panel Mr. White presented a list of demands to protect his client. We conclude Mr. White viewed the domestic violence as criminal and viewed it the responsibility of both attorneys

to stop the domestic violence. Ms. Rader appeared to view the alleged domestic violence as a family matter. She hung up on Mr. White. Mr. White filed an answer, sought to transfer the Navajo County order of protection of husband to the dissolution action to enable the family court orders to control the matter, instead of the limited jurisdiction protective order that was issued. Mr. White requested a temporary resolution conference. Husband successfully delayed that court hearing when Ms. Rader filed a notice of change of judge. [Testimony of client; Mr. White; Ms. Rader; and Ex. 1.]

Client expressed her concerns regarding the threats to her life and fear of the potential loss of custody of her children. Client faced what is increasingly being called "revenge porn." It is pornographic images posted, on the Internet, by an individual such as husband. It is used to inflict harm and embarrassment upon the person exposed in the revenge porn. Client sent Mr. White emails of nude photos of herself that her husband was posting on the internet and threatening to send to her potential employers.

Client also gave Mr. White additional threatening texts from husband and other evidence. She asked to meet with Mr. White as her concerns were multiple, including her husband's and her use of drugs during the marriage, their voluntary lifestyle of having multiple sexual encounters with third parties, and soliciting for such partners with multiple compromising photographs of her posted on various websites.

Domestic violence is not only pervasive; it is effective in controlling the victim. Pornography exists and we offer no analysis beyond recognizing its existence. Revenge porn exists. That, we unequivocally denounce. What client discovered through husband's multiple threats is revenge pornography is compounded by an

entire industry of websites that curate, distribute and profit from these images. For the lawyer-advocate, the analysis is not limited to the threat posed by the revenge porn, but the parent fitness issues that may follow.

As Mr. White stated in his testimony, he was not judging client; nor do we. It was his responsibility as her advocate to obtain answers to questions that would likely surface in a custody dispute. We do not doubt this questioning was uncomfortable for client. But the questioning was not to judge her, it was to prepare her and himself for the hearing. The questioning included asking whether her conduct was voluntary. Client testified before us she told Mr. White she was voluntarily involved in posting multiple nude images of herself to enable her husband and her to enter sexual relations with multiple other partners. That client and her husband were also taking illegal drugs compounded the concerns of Mr. White. He asked whether any of these actions occurred in front of the children. That husband had also abused the children drew additional concerns. Mr. White told client to get counseling and gave her the name and information of a counselor he recommended. He would remind her of this in a later letter. [Ex. 3, Bates SBA000011.] He also told her to be examined by a physician and tested for sexually transmitted diseases. He told her to stay away from her husband.

Before the Panel, client had little memory of any of her conferences with Mr. White nor their dates. We found her testimony contradicted her statements alleged. During the conferences with client, Mr. White was focused on aggressively advocating her best interests. Client acknowledged she was focused on the fact it was an eighteen year marriage of issues but, it was the first time either had filed for divorce. She appeared to view the domestic violence as a family matter, not a crime.

Client and Mr. White agree that he called and apologized for his aggressive examination of her. Mr. White states he apologized for his cross-examination of her and insensitivity to her state of mind. [Testimony of client and Mr. White.] It is apparently out of this conference, husband would later complain to the State Bar 42 times from four phones in one day claiming inappropriate sexual comments by Mr. White. The allegations of client that Mr. White made inappropriate sexual comments apparently did not surface from *her* until February 20, 2014, four months after husband's allegations. Client's allegations occurred when she and her husband, having reconciled again, called the police after receiving another written request from Mr. White to make payments on the balance of her bill. The police reported she stated,

[H]er previous divorce attorney David White had made sexual comments to her during their contact with each other for Trisha's (client) divorce. Trisha has since reconciled with her husband and decided to seek what could be done to David."

The dates of these purported "sexual comments" were reported to the police as having occurred some unspecified time between August 13 and November 13, 2013.

[Ex. 19.]

We find these allegations untrue and inconsistent with the evidence. In addition, multiple character witnesses testified such comments would be entirely inconsistent with the character of Mr. White.

Two days later, Mr. White spoke again with client to further prepare her and himself for the upcoming September 25, 2013, hearing. The following day Mr. White again met with client and drafted a letter to Ms. Rader. If there were any concerns about his conduct, nothing was raised by client.

On September 24, 2013, Ms. Rader telephoned Mr. White to inform him his client was in her office with husband and the parties were reconciling. Mr. White testified he was shocked and troubled that his client was speaking with husband and husband's attorney and was present in that attorney's office. Mr. White was concerned with his client being coerced, controlled and dominated. He demanded he be able to talk with his client alone. Client testified she was put in a separate conference room and Mr. White called her. Client told Mr. White they had reconciled and instructed him to withdraw as her attorney. Mr. White had no prior notice or indication of any reconciliation. He moved to withdraw and it was granted on September 25, 2013. Apparently, the hearing proceeded with Ms. Rader representing husband and client was unrepresented. [Testimony of client and Mr. White; Ex. 2.]

Within days, client asked Mr. White if he would take her back as a client. Client stated to Mr. White that her husband and she had, in violation of their respective orders of protection, met for a sexual encounter with a third person. The evidence before the Panel was the following morning, husband physically beat her again. She showed Mr. White photos of those injuries. She also told him as she fled her husband, he pursued her in his car and attempted to drive her off the road. Husband then forced her to give him what money she had. [Ex. 12, Bates SBA000040.]

Husband later entered her car while she was at work and left a threatening note which she gave to Mr. White. Mr. White noticed his appearance again and advocated for his client. He filed for temporary orders listing the domestic violence and multiple threats by text and email to both client and her children. The evidence was the request for temporary orders detailed the pervasive domestic violence of husband against wife and were filed with the permission of client. Client was also

due to testify in the criminal proceeding against husband for his alleged assault of her in Navajo County. On October 8, 2013, client sent another email to Mr. White requesting he withdraw as she was reconciling with husband.

Mr. White sent her a letter on October 8, 2013, expressing his unease for client and her children. He stated his concern husband had manipulated her to have the Navajo County prosecution dropped and would continue manipulating community assets. He warned her, "All evidence that I have reviewed indicated that he is incapable of believing that he has done anything wrong." He pointed out the multiple threats by husband to her and her children including his "kidnapping" one of them and attempting to drive her off the road. He encouraged her to get counseling and reminded her, he had previously given her the name of a qualified counselor. He encouraged her to choose any qualified counselor but warned her not to go to one chosen by her husband. Mr. White strongly advocated for her best interests. We find such actions consistent with an advocate, and inconsistent with the later allegations made against him by husband and much later by client after their final reconciliation. Mr. White forwarded the motion to withdraw for her signature. [Testimony of Mr. White; Ex. 3 and 4.]

Client changed her mind again, did not return the motion to withdraw and, on October 14, 2013, requested Mr. White to represent her at the hearing. The motion to withdraw sent by Mr. White to client would later resurface when it was returned to Mr. White by husband. They prepared for the hearing. Mr. White inquired why the motion to withdraw had not been returned. Client gave him an explanation and Mr. White, while attempting to emphasize the importance of her proceeding for the sake of her and her children, jokingly and inappropriately stated if she requested he file

such a motion again he would put her over his knee and spank her and enjoy it. We, the Panel, find this statement entirely inappropriate. However, we find no sexual intent in the comment, but rather past frustration at the inability of client to follow the steps to protect her children and herself from husband.

We recognize the frustration of striving to protect and advocate for a domestic violence victim who is a client and declines to be protected. Regardless, Mr. White's frustration spilled into a spur of the moment cautionary warning we find to be well intended, but entirely tactless under the circumstances. However, it is not a cause for disciplinary sanctions. Mr. White regrets and condemns himself for such a thoughtless comment. He has taken an educational course to assure such comments are never repeated. [Ex. 21.] We are reminded the purpose of attorney discipline is not to punish the offending lawyer. *In re Petrie*, 154 Ariz. 295, 742 P.2d 796 (1987). Lawyers are human and capable of tactless errors. Not all human errors are violations of the Code of Professional Responsibility or warrant sanctions.

Client testified Mr. White made a lewd statement to her prior to the family court hearing. Again, her testimony contradicted her statements alleged. She testified before us on direct examination her daughter was standing with her when Mr. White made his statement. On cross-examination, client was impeached and acknowledged her daughter heard no such statement from Mr. White. Again, this allegation first arose from the complaint of husband after Mr. White was finally discharged and the case effectively concluded.

The parties in our proceeding have both apparently listened to the recording of the family court hearing. It was not provided to us as both parties acknowledge husband was substantially and substantively out of control, frequently interrupting

his attorney and the judge who repeatedly admonished him. Husband was often screaming even after the hearing ended while walking down the lengthy courthouse hallway. Mr. White succeeded in having orders entered appointing both a forensic accountant and family court advisor. The overdue disclosure from husband was addressed and a strict discovery schedule imposed. Supervised parenting time was ordered. These were all things client had wanted and husband did not. [Ex. 13, Bates SBA000052.]

As Mr. White watched the apparently ranting husband of client walking down the courthouse hallway shouting, Mr. White to lighten the circumstances, said out loud something to the effect he should pay client for being part of the hearing, as it was one of the most bizarre and memorable experiences of his trial career. He then turned and saw client was weeping while watching her husband walk away. He immediately apologized. [Testimony of Mr. White.]

It is unfortunate when a person states something oblivious to the emotional condition of another, especially when that person is a client. However, nothing in Mr. White's statement amounted to a violation of the Rules of Professional Conduct. Nothing in the words are inappropriate. The statement was not made in spite of the state of mind of client. It was made without awareness of that state of mind. Mr. White was appropriate in his immediate apology to client. That apology was acknowledged by both parties and was sincere.

The following days, Mr. White discussed strategy with his client to assist her in protecting the assets of the marriage. Client informed him she was intending to take her three children with her to testify at the criminal proceedings on November 7, 2013 in Navajo County. Perhaps Mr. White should have perceived client in taking the

children with her to Navajo County meant she was instead reconciling with her husband. He did not. Soon thereafter, Mr. White received a call telling him husband would check himself into Banner Health Behavioral Center. Client called and asked Mr. White if he thought it was another tactic by her husband. Mr. White was blunt and stated he was positive it was and cautioned her not to succumb to what he perceived to be another tactic of husband to maintain his control over her.

On November 8, 2013, Mr. White received the court ruling mandating speedy disclosure from husband. A temporary orders hearing was set for December 15, 2013. Later that day, Mr. White received an email from the family court advisor that both parties had failed to contact her as directed after the criminal proceedings involving the testimony of client in Navajo County. Mr. White tried to contact client, including sending her correspondence. He received no response. He learned client had refused to testify in the Navajo County criminal proceedings against her husband and the criminal case dismissed.

With the mandated discovery past due from husband, on November 18, 2013, a hand-delivery courier provided an envelope to Mr. White's office. The addressing of the envelope was in the hand-writing of husband. Inside the envelope was the second motion to withdraw Mr. White had sent client on October 8, 2013, that had never been returned. Later, the courier called the receptionist at Mr. White's office and told her husband was demanding to know the receptionist's last name. The receptionist declined to give her name.

Multiple efforts were made by Mr. White to contact client, including writing a letter to verify the request had come voluntarily from her. At some point, Mr. White called Ms. Rader. Ms. Rader told him she was filing a petition for injunction against

harassment against her client (husband) and purchasing a gun. Client refused to talk with Mr. White. Instead, she communicated with a member of his office staff. Husband reported Mr. White to the State Bar by calling the State Bar 42 times from four phones in one day. The State Bar contacted Mr. White and informed him of the charges. [Testimony of Thomas McCauley, Esq.]

As requested, Mr. White had filed the motion to withdraw. [Ex. 14.] Concerned for the well-being of client and her children, Mr. White filed a notice to the court stating the circumstances surrounding the delivery of the motion to withdraw and his concern his client may have signed it under duress. Mr. White also stated the multiple reports to the State Bar by husband. He concluded by reminding the court of his belief his client has been the victim of pervasive domestic violence. [Ex. 15.] The complaint alleges the notice to the court was frivolous. We do not find such protective action as frivolous. We do not find the statements by Mr. White in that pleading violated any ethical duty. We find his pleading filed with the court followed his duties to the court and his concern for client.

Before us, client testified she and her husband thereafter moved to California when the Arizona dissolution case was dismissed. Soon, the ongoing domestic abuse resumed and client fled back to Arizona. However, husband had successfully established jurisdiction in California. Husband's divorce petition is being litigated in California.

Domestic Violence has been defined by the United States Department of Justice as,

[A] pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors

that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. ["Domestic Violence." *The United States Department of Justice*. Office on Violence Against Women, 6 Oct. 2015. Web. 3 Feb. 2016.]

We find Mr. White aggressively advocated for his client and sought to protect her. We expect no less, especially in such pervasive domestic violence. We believe the State Bar properly brought this case before us. It is our task to determine the facts and apply the law to those facts. The duty of the State Bar is clear under Supreme Court Rule 55(a). "The state bar shall evaluate all information coming to its attention, in any form, by charge or otherwise, alleging unprofessional conduct, misconduct, or incapacity." Because we find the substantive allegations untrue or not violations of the Rules of Professional Responsibility, we dismiss this case.

DATED this 23rd day of February, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

CONCURRING:

Glen Thomas

Glen Thomas, Volunteer Attorney Member

Carole Kemps

Carole Kemps, Volunteer Public Member

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Copies of the foregoing mailed/e-mailed
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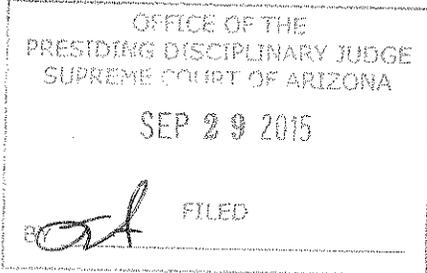
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**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

DAVID D. WHITE,
Bar No. 012014,

Respondent.

PDJ 2015- 9102
[State Bar File No. 14-0016]

COMPLAINT

Complaint is made against Respondent as follows:

GENERAL ALLEGATIONS

1. Respondent was admitted to practice law in Arizona on May 21, 1988, and was an active member at all relevant times.

COUNT ONE (File no. 14-0016/Beletz)

2. On August 5, 2013, Trisha Beletz ("Ms. Beletz") hired Respondent to represent her in a divorce proceeding that her husband had filed on July 30, 2013.

3. On August 8, 2013, Respondent filed a notice of appearance and an answer on Ms. Beletz's behalf.

4. On August 20, 2013, a motion for temporary orders was filed.

5. On September 4, 2013, the assigned judge scheduled a temporary orders hearing for September 13, 2013.

6. On September 6, 2013, Ms. Beletz's husband noticed the judge, thereby delaying the temporary orders hearing and his support obligations to Ms. Beletz .

7. On September 13, 2013, the newly appointed judge scheduled the hearing for September 25, 2013.

8. Respondent asked Ms. Beletz to meet him at his office on Saturday, September 14, 2013, to discuss her case before the hearing.

9. During the Saturday meeting, Ms. Beletz shared private information about her marriage with Respondent, including highly sensitive photographs. Respondent made sexual comments to Ms. Beletz after viewing the photographs.

10. Respondent called Ms. Beletz after she left his office and told her that he had said things during the meeting that he should not have said, and told her he could get in trouble because of what he said to her.

11. On Monday, September 23, 2013, Respondent learned that Ms. Beletz wanted to reconcile with her husband, so he filed a motion to withdraw, which was granted.

12. On September 30, 2013, Ms. Beletz called Respondent's office and asked if he would continue as her lawyer in the dissolution proceedings, which he did.

13. During the course of the representation, Respondent made sexual comments to Ms. Beletz , such as:

- a. "If you go back to him I will personally put you over my knee and spank you. And I will enjoy it."

b. "You have nice tits and a nice body. I would love to do you."

c. "You look fuckin hot babe."

14. On October 8, 2013, Respondent received another email from Ms. Beletz, stating that she had again decided to reconcile and that she wanted Respondent to withdraw again.

15. Respondent sent Ms. Beletz a motion to withdraw with client consent for her signature, but she did not return the signed original to Respondent.

16. On October 14, 2013, Ms. Beletz told Respondent that she was not going to sign the motion to withdraw and that she wanted to go forward with the temporary orders hearing.

17. On October 30, 2013, the morning of the temporary orders hearing, Respondent met with Ms. Beletz at the courthouse. Ms. Beletz and her husband were both emotional and distraught, and her husband was crying and wanted to get back together.

18. When they left court Ms. Beletz was crying and Respondent told her that he should be paying her for the experience, as it had been one of the most bizarre and memorable experiences of his trial career.

19. On November 8, 2013, Respondent received the Court's ruling from the hearing. The Court ordered that certain discovery be exchanged by the parties no later than November 14, 2013.

20. Around November 18, 2013, Respondent received from Ms. Beletz the signed motion to withdraw from October 8, 2013.

21. Concerned whether his client had actually signed the motion to withdraw, in a November 21, 2013, letter Respondent asked Ms. Beletz if she had signed the motion to withdraw. Ms. Beletz sent an email on November 22, 2013, stating that it was her signature. Ms. Beletz then received an email from Respondent's assistant telling her that Respondent would still need to speak with her. Ms. Beletz called the assistant and told her that Respondent scared her and she wanted him to withdraw.

22. On November 25, 2013, Respondent again wrote to Ms. Beletz and told her that he needed to speak with her before he would withdraw.

23. On the morning of December 3, 2013, Ms. Beletz called Respondent's legal assistant/secretary and confirmed that she wanted Respondent to file the motion to withdraw.

24. On December 3, 2013, Respondent filed a frivolous notice to the court that contained confidential client information. That same day he also filed the motion to withdraw.

25. The notice Respondent filed revealed confidential client information to the court, including that Ms. Beletz had been the "victim of severe domestic abuse," that he believed the motion to withdraw with client consent might have been signed under duress, and that his attempts to speak to Ms. Beletz went unanswered. Respondent wanted the court to take these things into consideration before ruling on his motion to withdraw.

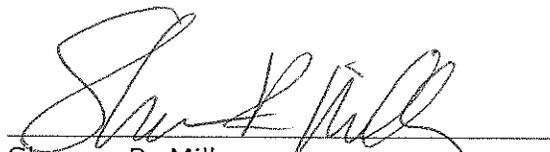
26. On December 10, 2013, the Court entered the order removing Respondent as Ms. Beletz's lawyer.

27. By engaging in the above referenced misconduct, Respondent violated Rules 41 and 42, Ariz. R. Sup. Ct., specifically:

- a. **Rule 42, ER 1.6(confidentiality of information)**(a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized or the disclosure is permitted or required by paragraphs (b), (c) or (d) or ER 3.3(a)(3)).
- b. **Rule 42, ER 1.16(a)(termination of representation)**(a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer is discharged).
- c. **Rule 42, ER 3.1(meritorious claims and contentions)**(a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a good faith basis in law and fact for doing so that is not frivolous).
- d. **Rule 41(g)(duties and obligations of lawyers)**(to avoid engaging in unprofessional conduct and to advance no fact prejudicial to the honor or reputation of a party or a witness).

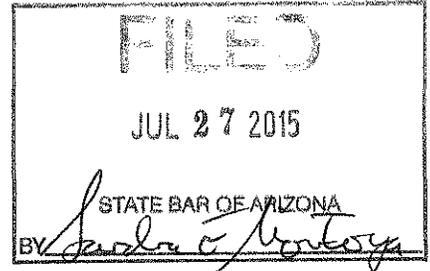
DATED this 29th day of September, 2015.

STATE BAR OF ARIZONA


Shauna R. Miller
Senior Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 29th day of September, 2015.

by: 
SRM:jao



**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**

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

**DAVID D. WHITE
Bar No. 012014**

Respondent.

No. 14-0016

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on July 10, 2015, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 7-0-2¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 14-0016.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 27 day of July, 2015.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

¹ Committee members Ben Harrison and Daisy Flores did not participate in this matter.

Original filed this 27th day
of July, 2015, with:

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