

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**BRIAN K. STANLEY,
Bar No. 004619**

Respondent.

PDJ 2016-9059

FINAL JUDGMENT AND ORDER

[State Bar Nos. 15-3148 & 16-0642]

FILED SEPTEMBER 15, 2016

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on September 2, 2016, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement.

Accordingly:

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

IT IS FURTHER ORDERED Mr. Stanley shall be placed on probation for a period of two (2) years effective the date of this order.

IT IS FURTHER ORDERED Mr. Stanley shall participate in the State Bar Law Office Management Assistance Program (LOMAP) and Member Assistance Program (MAP). Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this Order. Mr. Stanley shall submit to a LOMAP examination of his office procedures. Mr. Stanley shall also submit to a MAP assessment including an evaluation by Dr. Phillip Lett and follow all recommended treatment, if any. Mr. Stanley shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Mr. Stanley shall be responsible for any costs associated with LOMAP and MAP.

IT IS FURTHER ORDERED Mr. Stanley shall obtain a Practice Monitor acceptable to the State Bar and meet regularly regarding Mr. Stanley's law practice including, but not limited to, all open cases and anticipated pleadings.

IT IS FURTHER ORDERED Mr. Stanley shall be subject to any additional terms imposed by the Presiding Disciplinary Judge.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED Mr. Stanley shall pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,207.56, 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 15th day of September, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing emailed
this 15th day of September, 2016, and
mailed September 16, 2016, to:

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

Brian K. Stanley
Law Office of Brian K. Stanley, PLLC
1095 W. Rio Salado Pkwy., Suite 102
Tempe, Arizona 85281-2603
Email: contact@brianstanleylaw.com
Respondent

by: [AMcQueen](#)

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

BRIAN K. STANLEY,
Bar No. 004619

Respondent.

PDJ-2016-9059

**DECISION ACCEPTING CONSENT
FOR DISCIPLINE**

[State Bar Nos. 15-3148 & 16-0642]

FILED SEPTEMBER 15, 2016

Probable Cause Orders were issued on April 26, 2016, and June 29, 2016. The Complaint was filed on June 14, 2016. An Agreement for Discipline by Consent ("Agreement") was filed by the parties on September 2, 2016, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct.¹ Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject, or recommend the agreement be modified." Rule 57(a)(3)(b).

Rule 57 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. Under Rule 53(b)(3), notice of this Agreement was provided to the complainant(s) by letter dated August 29, 2016 informing each of the opportunity to file a written objection within five (5) days. No objection has been received.

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

Mr. Stanley conditionally admits violations of Rule 42, specifically: ER 1.7(a)(2), Conflicts of Interest, Current Clients; ER 3.1, Meritorious Claims and Contentions; ER 3.2, Expediting Litigation; ER 4.4(a), Respect for Rights of Others; and ER 8.4(d), Misconduct, Conduct that is Prejudicial to the Administration of Justice. There is no restitution.

The parties stipulate to Reprimand and Two (2) Years of Probation (LOMAP with Practice Monitor and MAP assessment). The parties stipulate the mental state of Mr. Stanley was negligent, that he violated his duty to his clients and, there was potential harm to his client but actual harm to the legal system and public. The stipulated facts are summarized.

A sister and a brother took over the family business called "Cameo." In the first lawsuit, the sister, through an attorney, filed a Superior Court action naming herself and the business as plaintiffs and the brother as defendant. Mr. Stanley represented the brother. Mr. Stanley filed a Notice of Substitution of Counsel substituting Mr. Stanley as attorney of record for Cameo in place of opposing counsel. Mr. Stanley then filed a Notice of Dismissal on behalf of Cameo dismissing all claims against his client, the brother. He then moved for Judgment on the Pleadings. Opposing counsel filed a Notice of Substitution of Counsel and substituted himself back in as sole attorney for Cameo and withdrew the Notice of Dismissal.

The Court ordered the parties to brief Mr. Stanley's potential conflict of interest under ER 1.7 regarding his representing both the plaintiff and the defendant simultaneously. Mr. Stanley withdrew as attorney of record for Cameo. On November 25, 2015, the attorney for the brother moved Mr. Stanley be removed as attorney for record. Mr. Stanley informed the Court that based upon that motion his

representation of Cameo was a moot issue and the Court signed an order allowing Mr. Stanley to withdraw as attorney for Cameo.

One week later, Mr. Stanley filed a separate Superior Court lawsuit as the sole attorney for the sister and “derivatively on behalf of and for the benefit of Cameo.” On January 6, 2016, Counsel for the brother renewed his motion to disqualify, listing that lawsuit as further cause.

On January 27, 2016 the Court issued a lengthy ruling noting Mr. Stanley had not responded to the motion and never informed the Court he had filed a new lawsuit purporting to again represent Cameo under the same facts as the lawsuit pending before the court. Mr. Stanley was sanctioned \$19,298.50 plus interest until paid.

The parties stipulate in aggravation, *Standard* 9.22(a), prior disciplinary offenses. In 2015, Mr. Stanley received an Admonition with probation for his violation of trust account rules as part of a representation of an out of state individual engaged in cashier’s check/wire fraud scheme targeting lawyers. In 2011, Mr. Stanley received an admonition for his inappropriate discussions with Court services officials in violation of Rule 41(g). Mr. Stanley received a Censure for continuing to practice law while administratively suspended and failing to cooperate with the State Bar investigation. Mr. Stanley received an informal reprimand for his violation of ER 1.15 and 1.16. Additionally, the parties agree *Standard* 9.22(l), substantial experience in the practice of law is present. In mitigation, the parties stipulate *Standard* 9.32(b), absence of a dishonest or selfish motive and *Standard* 9.32(k), imposition of other penalties or sanctions.

Every lawyer is an officer of the court. Each lawyer owes an affirmative duty not to engage in dishonesty, fraud, deceit, or misrepresentation to a court. *See, e.g., In*

re Peasley, 90 P.3d 764, 773 (Ariz. 2004). It is highly improbable that Mr. Stanley informed the Court his representation of Cameo was moot and permitted the Court to sign an order withdrawing him as counsel without an intentional contrary intent to sue the following week as counsel for Cameo. Such an action is inherently assured he would make false statements to the Court either at the time of his "moot" comment or when he filed the second lawsuit as counsel for the same business entity. Such events do not occur by accident, oversight or absent intent. That the second lawsuit contained the same basic facts as the first suggests an intent to defraud the Court.

The presumptive sanctions shift with determining the mental state. If misconduct is "knowingly" then the presumptive starting point is suspension. When the mental state is "negligent" then the presumptive sanction is less than suspension. *In re Van Dox*, 152 P.3d 1183, 1188 (Ariz. 2007) stated the definition of knowledge in the Sanctions Standards "clarifies that merely knowing one performs particular actions is not the same as consciously intending by those actions to engage in unethical conduct."

While Mr. Stanley may not have intended by his actions to engage in unethical conduct, he knowingly made a conscious decision to tell the Court his representation of Cameo was "moot" while he consciously intended to continue that representation through suing before another judge in a different division of the same Court. Knowing misconduct includes actions so carelessly and recklessly negligent that they lead to the conclusion it was done knowingly. *State ex rel. Neb. Bar Ass'n v. Zakrzewski*, 560 N.W.2d 150, 156 (Neb. 1997).

Negligence under the *Standards* is typically not as strong a predictor of future misconduct. That presumption is questionable under the presently expanding history of Mr. Stanley which is magnified with troubling factual circumstances. The stipulated MAP Evaluation shall be conducted by Dr. Lett at the expense of Mr. Stanley. Notwithstanding, "The line between negligent acts and acts with knowledge can be fine and difficult to discern, yet the difference between the presumptive sanction of reprimand or suspension is great." *In re Disciplinary Proceeding Against Stansfield*, 187 P.3d 254, 262 (Wash. 2008).

Accordingly:

IT IS ORDERED incorporating the Agreement and all supporting documents by this reference. The agreed upon sanctions are: reprimand, two (2) years of probation (LOMAP with Practice Monitor and MAP assessment), under agreed terms, which additionally shall include an evaluation by Dr. Phillip Lett at the expense of Mr. Stanley, and costs totaling \$1,207.56, plus interest at the statutory rate.

IT IS FURTHER ORDERED the Agreement is accepted. A final judgment and order is signed this date.

DATED 15th day of September, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

///

Copies of the foregoing were
e-mailed this 15th day of September, 2016,
and mailed on September 16, 2016, to:

Craig D. Henley
Senior Bar Counsel-Litigation
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Brian K. Stanley
Law Office of Brian K. Stanley, PLLC
1095 W. Rio Salado Pkwy., Suite 102
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Respondent

by: AMcQueen

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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
STATE BAR OF ARIZONA

SEP 2 2016

FILED

BY 

Brian K. Stanley, Bar No. 004619
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Tempe, Arizona 85281-2603
Telephone: (602) 956-9201
Email: contact@brianstanleylaw.com
Respondent

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**BRIAN K. STANLEY,
Bar No. 004619,**

Respondent.

PDJ 2016-9059

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

[State Bar File Nos. 15-3148 and
16-0642]

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Brian K. Stanley, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. Probable cause orders were entered on April 26, 2016, and June 29, 2016.

Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainants by emails on August 29, 2016. 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. Copies of Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 1.7(a)(2) ~ Conflict of Interest: Current Clients; 3.1 ~ Meritorious Claims and Contentions; 3.2 ~ Expediting Litigation; 4.4(a) ~ Respect for Rights of Others; and 8.4(d) ~ Misconduct – Conduct that is Prejudicial to the Administration of Justice.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with Two Years of Probation. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of the Final Judgment and Order, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on October, 23, 1976.

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

COUNT ONE (File Nos. 15-3148/Harrison and 16-0642/Caminiti)

2. Jennifer Harrison (hereinafter referred to as "Harrison") and Christopher Caminiti (hereinafter referred to as "Caminiti") are siblings that took over the family photography business, Cameo Photography Studios (hereinafter referred to as "Cameo"). Unfortunately, Cameo did not have an operating agreement and the siblings frequently disagreed on business decisions.

3. On October 9, 2015, Harrison filed the Maricopa County Superior Court case of *Cameo Photography Studios; Jennifer Harrison v. Caminiti*, CV 2015-054239 (hereinafter referred to as "First Lawsuit") through Arizona counsel C. Adam Buck (hereinafter referred to as "Buck").

4. On October 12, 2015, Buck obtained temporary orders requiring Caminiti to return certain equipment and assets.

5. On October 15, 2015, Respondent filed a Motion for Partial Dismissal on behalf of Caminiti alleging, among other things, that certain allegations fail as a matter of law and that Harrison did not have the authority to unilaterally file the lawsuit on behalf of Cameo.

6. While Respondent filed the Court of Appeals, Division One special action of *Caminiti v. Brnovich*, 1 CA-SP 15-0269 alleging, among other things, that the temporary orders were illegal, the Court of Appeals denied jurisdiction on October 21, 2015.

7. On October 21, 2015, Respondent contemporaneously filed two pleadings in the first lawsuit: a) a Notice of Substitution of Counsel substituting Respondent as attorney of record for Cameo instead of Buck, and b) a Notice of Dismissal on behalf of Cameo dismissing all claims against Caminiti.

8. On October 26, 2015, Respondent filed a Motion for Judgment on the Pleadings again arguing, among other things, that Harrison did not have the authority to unilaterally file the lawsuit on behalf of Cameo.

9. On October 27, 2015, Buck contemporaneously filed two pleadings in the first lawsuit: a) a Notice of Substitution of Counsel substituting himself back in as sole attorney of record for Cameo instead of Respondent, and b) a withdrawal of the previously filed Notice of Dismissal.

10. On November 18, 2015, Respondent filed a pleading entitled "Caminiti's Memorandum Re: Return Hearing on Petition and Cross-Petition for Preliminary Injunction" wherein Respondent seeks guidance on all of the issues before the Court.

11. On November 20, 2015, the Court ordered the parties to "brief the issue of (Respondent's) potential conflict of interest under ER 1.7 and his ability to continue representation of (Caminiti)." The Court also scheduled a hearing for December 16, 2015.

12. On November 24, 2015, Respondent filed an Application for Permission to Withdraw as attorney of record for Cameo.

13. On November 25, 2015, Buck filed a Motion to Disqualify Respondent as Respondent "has undertaken representation of both a plaintiff and a defendant in the same lawsuit."

14. On December 4, 2015, Respondent filed a pleading entitled "Response to the Motion to Disqualify Attorney Brian K. Stanley; Motion to Disqualify the Frutkin Law Firm" setting forth, among other things, the factual and legal basis that he believed authorized his actions in the lawsuit.

15. The pleading requested that Buck's law firm be removed as attorney of record for Cameo and Harrison and attached an affidavit by Caminiti which states, among other things, that Caminiti signed a waiver of conflict, individually and on behalf of Cameo, thereby allowing Respondent's representation.

16. On December 23, 2015, Respondent filed the Maricopa County Superior Court lawsuit of *Cameo Photography Studios v. Harrison, et. al.*, CV 2015-014049 (hereinafter referred to as the "Second Lawsuit") as the sole attorney of record for "Caminiti, derivatively on behalf of and for the benefit of Cameo".

17. On January 6, 2016, Buck filed a Renewed Motion to Disqualify in the first lawsuit due, in pertinent part, to Respondent filing the second lawsuit as the sole attorney of record for Cameo.

18. At the January 27, 2016, hearing, the Court issued a four page ruling on the Renewed Motion to Disqualify finding, among other things:

a. Plaintiff's renewed Motion to Disqualify Attorney Brian K. Stanley as Counsel, filed January 6, 2016, is pending. No response was filed;

b. Some procedural history is helpful...Also at that October 16, 2015, return hearing, (Caminiti) indicated that he did not intend to comply with the order issued that day. There is no indication that (Respondent) informed the Court that he believed he was counsel for Cameo on that day;

c. On October 21, 2015 (Respondent) filed two unusual documents - a Notice of Substitution of Counsel, purporting to become the attorney for Cameo, the very Plaintiff who was suing his client in this case, and a Notice of Dismissal, purporting to dismiss Cameo's claims against his client;

d. After the Court questioned whether (Respondent) could ethically represent both the Plaintiff in this case and the Defendant in this case, on November 24, 2015, (Respondent) applied to withdraw as Cameo's attorney in this matter and in the next Court proceeding, informed this judge that, based upon that motion, his potential disqualification based upon his representation of Cameo was a moot issue;

e. Unbeknownst to this Court, one week after the Court signed the order allowing (Respondent) to withdraw from representing Cameo in this case, he filed a new lawsuit, again purporting to be counsel for Cameo Photography Studios, LLC in Maricopa County CV2015-014049. In that case he purports to sue one of the Plaintiffs in this case - Jennifer Harrison. That case arises from the same facts which give rise to the present case;

f. (Respondent's) Conduct violates at least two ethical rules - ER 3.3 and 1.7;

g. (Respondent) never, in subsequent hearings in the present case, informed the Court that he had once again undertaken representation of Cameo.

18. On January 26, 2016, Respondent filed a motion to withdraw as Caminiti's attorney of record.

19. On June 6, 2016, the Court sanctioned Respondent individually and his law firm jointly and severally in the amount of \$19,298.50 plus post-judgment interest until paid for the "additional fees Mr. Stanley's misconduct forced Plaintiffs to incur".

CONDITIONAL ADMISSIONS

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

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., ERs 1.7(a)(2) ~ Conflict of Interest: Current Clients; 3.1 ~ Meritorious Claims and Contentions; 3.2 ~ Expediting Litigation; 4.4(a) ~ Respect for Rights of Others; and 8.4(d) ~ Misconduct - Conduct that is Prejudicial to the Administration of Justice.

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss alleged violations of:

1. Rule 42, Ariz. R. Sup. Ct., ER 3.3 as Respondent believed that he was factually and legally entitled to take actions on behalf client's one-half interest in Cameo;

2. Rule 54(c), Ariz. R. Sup. Ct. and Rule 42, Ariz. R. Sup. Ct., ER 3.4(c) as Respondent submitted his Court-Ordered self-report of the Court's January 27, 2016, order within twenty four hours.

RESTITUTION

Respondent agrees to pay restitution to the Plaintiffs of any and all sanctions (currently \$19,298.50 plus post-judgment interest at a rate of 4.25%) awarded by the Court in the Maricopa County case of CV2015-054239 at such time as the order imposing the sanction becomes final and non-appealable. Respondent also agrees that any future appeal or negotiation will only address the amount of the sanction and not the facts or authority of the Court.

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 sanctions are appropriate: Reprimand with Two Years of Probation.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

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 the following *Standards* are the appropriate *Standards* given the facts and circumstances of this matter:

1. Rule 42, Ariz. R. Sup. Ct., ER 1.7 (Conflict of Interest)

Standard 4.63

Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to a client.

2. Rule 42, Ariz. R. Sup. Ct., ERs 3.1 (Meritless Claims), ER 3.2 (Expediting Litigation), ER 4.4(a) (Respect for Rights of Others) and ER 8.4(d)(Conduct Prejudicial To Administration of Justice)

Standard 6.23

Reprimand is generally appropriate when a lawyer negligently fails to comply with 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.

The duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent negligently filed pleadings in an attempt to enforce his client's one-half interest in Cameo and that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was potential harm to Respondent's client, but actual harm to the legal system and public.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is reprimand. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

1. *Standard* 9.22(a) prior disciplinary offenses
 - SB 15-0127 (2015) [Admonition with Probation – Respondent violated a number of trust account rules as part of a representation of an out-of-state individual engaged in cashier’s check/wire fraud scheme targeting lawyers]
 - SB 11-3585 (2012) [Admonition – Respondent had several inappropriate discussions with Court services officials over the TurboCourt program in violation of Rule 41(g)]
 - SB 98-1781 (2001) [Censure – While administratively suspended, Respondent continued to practice law and failed to cooperate with the State Bar investigation in violation of Rule 42, Ariz. R. Sup. Ct., ERs 5.5, 8.1(b), 8.4(a) and Rule 51(e), (h), (i) and (k)]
 - SB 92-2001 (1993) [Informal Reprimand – Respondent violated Rule 42, Ariz. R. Sup. Ct., ERs 1.15 and 1.16]
2. *Standard* 9.22(i) substantial experience in the practice of law [40 years].

In mitigation:

1. *Standard* 9.22(b) absence of a dishonest or selfish motive [Respondent only received \$1,500.00 in fees]
2. *Standard* 9.22(k) imposition of other penalties or sanctions.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is appropriate.

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following:

Respondent incorrectly believed that he was factually and legally authorized to act on behalf of Cameo in an attempt to enforce his client's purported rights and one-half interest in the company including, but not limited to, filing a number of pleadings attempting to obtain a ruling regarding the parties' authorization, obtaining a conflict waiver from his client and filing the second lawsuit on behalf of "Caminiti, derivatively on behalf of and for the benefit of Cameo".

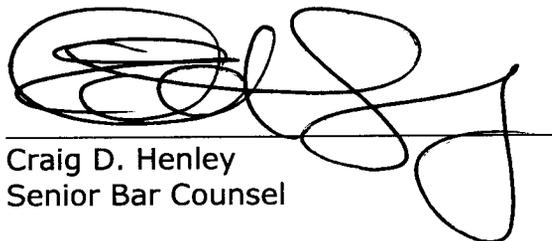
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Reprimand with Two Years of Probation and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

DATED this 2ND day of September 2016.

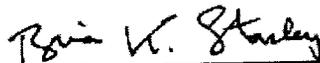
STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

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

DATED this 1st day of September, 2016.



Brian K. Stanley
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 2nd day of September, 2016.

Copy of the foregoing emailed
this 2nd day of September, 2016, to:

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

Copy of the foregoing mailed/emailed
this 2nd day of September, 2016, to:

Brian K. Stanley
Law Office of Brian K. Stanley, PLLC
1095 W. Rio Salado Pkwy., Suite 102
Tempe, Arizona 85281-2603
Email: contact@brianstanleylaw.com
Respondent

Copy of the foregoing hand-delivered
this 2nd day of September, 2016, to:

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

by: Jalene Stone
CDH/ts

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
BRIAN K. STANLEY Bar No. 004619, Respondent

File No(s). 15-3148 & 16-0642

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.

<u>Staff Investigator/Miscellaneous Charges</u>	
02/16/16 Investigator Mileage to pick up CD	\$ 7.56
Total for staff investigator charges	\$ 7.56
<u>TOTAL COSTS AND EXPENSES INCURRED</u>	\$ 1,207.56

EXHIBIT B

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**BRIAN K. STANLEY,
Bar No. 004619,**

Respondent.

PDJ 2016-9059

FINAL JUDGMENT AND ORDER

[State Bar File Nos. 15-3148 and
16-0642]

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

Accordingly:

IT IS HEREBY ORDERED that Respondent, **Brian K. Stanley**, is hereby Reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order or _____.

IT IS FURTHER ORDERED that Respondent shall be placed on probation for a period of two years.

IT IS FURTHER ORDERED that Respondent shall participate in the State Bar Law Office Management Assistance Program (LOMAP) and Member Assistance Program (MAP): Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order. Respondent shall submit to a LOMAP examination of their office procedures. Respondent shall also submit to a MAP assessment and follow all recommended treatment, if any.

Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP and MAP.

IT IS FURTHER ORDERED that Respondent shall obtain a Practice Monitor acceptable to the State Bar and meet regularly regarding Respondent's law practice including, but not limited to, all open cases and anticipated pleadings.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,207.56, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in

connection with these disciplinary proceedings in the amount of _____,
within 30 days from the date of service of this Order.

DATED this _____ day of September, 2016.

William J. O'Neil, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of September, 2016.

Copies of the foregoing mailed/emailed
this _____ day of September, 2016, to:

Brian K. Stanley
Law Office of Brian K. Stanley, PLLC
1095 W. Rio Salado Pkwy., Suite 102
Tempe, Arizona 85281-2603
Email: contact@brianstanleylaw.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of September, 2016, to:

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

Copy of the foregoing hand-delivered
this _____ day of September, 2016 to:

Lawyer Regulation Records Manager

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

by: _____