

SUPREME COURT OF ARIZONA
DISCIPLINARY CASES MATRIX
(1981-1985)

<u>CASE NAME NUMBER/DATE</u>	<u>VIOLATIONS DESCRIPTION/ DISCIPLINARY RULES</u>	<u>COMMITTEE RECOMMEND.</u>	<u>COMMISSION RECOMMEND.</u>	<u>COURT SANCTION</u>	<u>COMMENTS</u>
<u>1985</u>					
<u>Bowen, Ted B.</u> 02/26/85 SB 308 (Opinion)	\$25,000 financial help to client. Failed to inform clients about lawsuit status. DR 5-103(B) DR 6-101(A)(3) DR 7-101(A)(2)	Censure	Censure	Censured \$3360 costs	Clients Partially responsible for problems
<u>Cody, John D.</u> 06/24/85 SB 326 (Opinion)	Abandoned practice and disappeared with \$100,000 in client trust funds. DR 1-102(A)(3)(4)(5) & (6) DR 6-101(A)(3) DR 7-101(A)(1)(2) & (3)	Disbarment	Disbarment	Disbarred \$4665 costs	Client injury Multiple offenses
<u>Everidge, Howard L.</u> 09/19/85 SB 336 (Opinion)	Fraud and misrepresentations to clients. Breach of fiduciary duty. Abandonment of clients. Failed to disclose New Mexico complaint in Bar application. Borrowed funds from clients. Failed to file response to appear. DR 1-101(A) DR 1-102(A)(1)(3)(4)(5)(6) DR 2-106(A) DR 2-110(A)(1)(2)(3) DR 5-101(A); R 5-104(A) DR 6-101(A)(2) & (3) DR 7-101(A)(1)(2) & (3) DR 7-102(A)(8) DR 9-102(A) & (B)(3) & (4)	Disbarment	Disbarment	Disbarred	Client injury Multiple offenses Intentional conduct New Mexico discipline

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<p><u>Ireland, George M.</u> 07/10/85 SB 297 (Per Curiam Opinion)</p>	<p>Engaged in pattern of deception to Superior Court regarding client's financial condition in dissolution proceeding. Failed to disclose client conflict. Negligent handling of PI lawsuit and misrepresented to clients. DR 1-102(A) DR 2-106(A) DR 5-105 DR 6-101(A)(2) & (3) DR 7-102(A)</p>	<p>Disbarment</p>	<p>Suspend 2 Years</p>	<p>Suspended 2 Years \$9301 costs</p>	<p>Client injury Multiple offenses</p>
<p><u>Montano, Gilbert R.</u> 04/30/85 SB 322 (Opinion)</p>	<p>Misrepresentations to clients. Insufficient funds checks. Neglect of client matters. Failed to account. Commingled client's property. Conflict of interest. DR 1-102(A)(3)(4)(5) & (6) DR 5-105(A) & (B) DR 6-101(A)(3) DR 7-101(A)(1)(2) & (3) DR 9-102(A) & (B)(3) & (4)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarred \$3757 costs</p>	<p>Client injury Multiple offenses</p>
<p><u>Murray, Robert L.</u> 11/18/85 SB 335 (Opinion)</p>	<p>Lack of diligence. Business transactions with clients. Criminal convictions. Failed to represent or appear for clients. Failed to disburse \$30,000 settlement to client. DR 1-102(A) DR 5-104(A) DR 6-101(A)(3) DR 7-101 DR 7-101(A)(2) DR 9-102(B)(4)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarred \$1179 costs</p>	<p>Client injury Multiple offenses</p>

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<p><u>Neville, Robert T.</u> 09/23/85 SB 316 (Opinion)</p>	<p>Real estate transaction with client. Inadequate disclosures to client. Inadequate terms in agreement. Failed to obtain client's consent to represent adverse client. DR 5-104(A) DR 5-105(A)</p>	<p>Suspend 90 days</p>	<p>Suspend 60 days</p>	<p>Censured \$2864 costs</p>	<p>No priors No client injury</p>
<p><u>Quisenberry, James A.</u> 03/26/85 SB 319 (By Order)</p>	<p>Unauthorized charges on corporate credit card. Abandoned client. Insufficient funds check. DR 1-102(A)(1)(3)(4)(5) & (6) DR 6-101(A)(3) DR 7-101(A)(1) DR 7-102(A)(8) DR 9-102(B)(4)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarred \$956 costs</p>	<p>Intentional conduct Client injury</p>
<p><u>Salazar, Benito</u> 01/18/85 SB 295 143 ARIZ 423, 694 P2d. 253 (Opinion)</p>	<p>Abusive to Judge. Commingled and used client property. Failed to properly account. Failed to inform client about lawsuit status. DR 1-102(A)(3)(4)(5)(6) DR 2-106(A) DR 6-101(A)(3) DR 7-101(A)(1)(2)(3) DR 7-102(A)(2)(5)(8) DR 7-106(C)(6) DR 9-102(B)(3)(4)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarred \$4181 costs</p>	<p>Client injury Multiple offenses</p>
<p><u>Scanlon, Fred T.</u> 03/26/85 SB 303 90 days (Opinion)</p>	<p>Secretary embezzled client accounts. Failed to supervise client accounts. Failed to keep adequate client property records. DR 1-102(A)(6) DR 9-102(B)(3)</p>	<p>Suspend 90 days Restitution</p>	<p>Suspend 90 days Restitution Audit</p>	<p>Suspended 90 days Audit \$3452 costs</p>	<p>Prior Censure Client injury</p>

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<u>1984</u>					
<u>Bentley, Burton M.</u> 05/29/84 SB 284 141 ARIZ 593 668 P2d. 601	Conflict of interest. Attorney simultaneously represented parties with apparent adverse interests. DR 5-105(A)	Censure	Suspend 30 days	Censured \$1858 costs	No priors Insubstantial client injury
<u>Blankenburg, Robert J.</u> 12/21/84 SB 312 143 ARIZ 365 694 P2d. 195 (Opinion)	Abandoned practice. Failed to diligently represent clients' interests and misrepresented incorporation of corporation to client. DR 1-102(A)(4)(5) & (6) DR 6-101(A)(3) DR 7-102(A)(5) DR 9-102(A)(2)	Disbarment	Disbarment	Disbarred \$2607 costs	Client injury Multiple offenses
<u>Blum, Michael A.</u> 09/19/84 SB 305 (By Order)	Neglect of client legal matters. Failed to represent criminal defendant. Failed to return unearned fees. DR 1-102(A)(4)(5) & (6) DR 6-101(A)(3) DR 7-101(A)(2) & (3) DR 9-102(B)(3)	Disbarment	Disbarment	Disbarred \$4394 costs	Client injury Multiple offenses
<u>Burns, Thomas B.</u> 03/12/84 SB 278 139 ARIZ 487 679 P2d. 510 (Opinion)	Failed to determine proper disposition of trust funds, charged client unauthorized contingency fee and counseled client to commit theft. DR 1-102(A)(6) DR 2-106(A) DR 7-102(A)(7)	Suspend 9 months	Suspend 1 year	Suspended 1 year \$2159 costs	No priors Public service activities

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<p><u>Fritz, James R.</u> 09/19/84 SB 304 (By Order)</p>	<p>Settled case for \$20,000 and failed to inform clients. Failed to release settlement funds to clients. Withdrew part of client's funds from trust account. DR 1-102(A)(3) & (4) DR 7-101(A)(1)(2) & (3) DR 9-102(B)(1)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarred \$1477 costs</p>	<p>Client injury Multiple offenses</p>
<p><u>Gaynes, Alex A.</u> 09/25/84 SB 313 (By Order)</p>	<p>Negligent handling of lawsuit. Gave \$15,000 to client because statute of limitations had run. Failed to disclose nonexistence of settlement. DR 1-102(A)(4) DR 7-102(A)(3) & (5)</p>	<p>Censure</p>	<p>Censure</p>	<p>Censured \$1164 costs</p>	<p>No priors Insubstantial client injury</p>
<p><u>Hansen, John K.</u> 09/25/84 SB 311 (By Order)</p>	<p>Neglected client legal matters. DR 6-101(A)(3)</p>	<p>Suspend 90 days</p>	<p>Suspend 90 days</p>	<p>Suspended 90 days \$1694 costs</p>	<p>Multiple offenses</p>
<p><u>Larson, A. Elwyn</u> 09/19/84 SB 296 (By Order)</p>	<p>Failed to file opening brief. Appeal dismissed. Advised clients that appeal had been "lost." Failed to communicate in writing to clients. DR 6-101(A)(3) DR 7-101(A)(1) & (2)</p>	<p>Suspend 60 days</p>	<p>Censure</p>	<p>Censured \$1373 costs</p>	<p>No priors</p>

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<p><u>Nedd, Ernest E.</u> 05/04/84 SB 293 (By Order)</p>	<p>Failed to prosecute 65 subrogation claims or file related status reports. Abandoned practice. Failed to communicate to clients or respond to Bar complaints. DR 1-102(A)(1)(5) & (6) DR 6-101(A)(3) DR 7-101(A)(1)(2) & (3)</p>	<p>Disbarment</p>	<p>Suspend 18 months Restitution</p>	<p>Suspended 18 months Restitution \$1131 costs</p>	<p>Multiple offenses</p>
<p><u>Riley, James L.</u> 11/28/84 SB 289 142 ARIZ 604 691 P2d. 695 (Opinion)</p>	<p>Improper communication with Judge before sentencing. False statements concerning <u>ex parte</u> communications. Improper comments to the Court. DR 1-102(A)(4)(5) & (6) DR 7-102(A)(5) DR 7-110(B)</p>	<p>Suspend 30 days</p>	<p>Suspend 30 days</p>	<p>Censured \$6459 costs</p>	<p>No client injury Multiple offenses</p>
<p><u>Sinema, Dan A.</u> 05/31/84 SB 287-2 (By Order)</p>	<p>Failed to file suit for client after fee paid. Failed to return client phone calls or inform him of case status. DR 6-101(A)(3) DR 7-101(A)</p>	<p>Censure</p>	<p>Censure</p>	<p>Censured \$517 costs</p>	<p>Prior suspension</p>
<p><u>Swartz, John F.</u> 07/10/84 SB 72-3 141 ARIZ 266 686 P2d. 1236 (Opinion)</p>	<p>Failed to compromise comp fund lien to benefit client. Charged accident victim clearly excessive contingent fee. DR 1-102(A)(5) DR 2-106(A)</p>	<p>Suspend 6 months</p>	<p>Suspend 30 days</p>	<p>Suspended 6 months \$3405 costs Fee restitution.</p>	<p>Prior censure Client injury</p>

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Wetzel, Manfred R.

08/08/84 SB 112-3
143 ARIZ 35
691 P2d. 1063

(Per Curiam Opinion)

Misrepresentations to Court.
Neglect of client legal
matters. Attempted baby
selling & mishandled divorce.
Filed questionable actions to
harass. Withheld client
papers.
DR 1-102(A)(4)(5)(6)
DR 2-109(A)(1)(2)
DR 2-110(A)(2)
DR 6-101(A)(2) & (3)
DR 7-102(A)(1)(2)(5)(8)
DR 7-106(C)(1)

Disbarment

Disbarment

Disbarred
\$4376 costs

Prior suspension
Multiple offenses

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<u>1983</u>					
<u>Campbell, Diana S.</u> 05/04/83 SB 273 (By Order)	Failed to respond to client inquiries or return file after services were terminated. Failed to appear at hearing or advise client about case status. DR 1-102(A)(6) DR 7-101(A)(2) DR 9-102(B)	Suspend 6 months	Suspend 90 days	Suspended 90 days \$1442 costs	No priors
<u>Fortner, William B.</u> 11/17/83 SB 286 (By Order)	Filed lawsuits for harassment purposes. Filed suits without client knowledge. False accusations against judges. Non-sufficient funds check. DR 1-102(A)(5) & (6) DR 6-101(A)(2) DR 7-101(A)(3) DR 7-102(A)(1) & (2) DR 8-102(B)	Suspend Indefinitely	Suspend Indefinitely	Suspended Indefinitely \$3772 costs	Multiple offenses Intentional conduct
<u>Mercer, Paul W.</u> 01/20/83 SB 183-3 (By Order)	Inadequate records concerning investments for partnership. Permitted undisclosed conflicts to occur. DR 5-104(A)	Disbarment	Disbarment	Disbarred \$2109 costs	Prior suspension Prior disbarment
<u>Sinema, Dan A.</u> 12/14/83 SB 287 (By Order)	Filed lawsuit which had no legal basis. Falsely advised client about suit. Failed to provide proper accounting to client. Lied about filing libel suit. DR 1-102(A)(4) DR 9-102(B)(3)	Suspend Indefinitely	Suspend Indefinitely	Suspended Indefinitely \$1319 costs	Multiple offenses Intentional conduct

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Wines, Eugene W.

01/28/83 SB 140-2
135 ARIZ 203
660 P2d. 454

(Opinion)

Failed to file tax information.
Understated law practice gross
income.
DR 1-102(A)(3) & (4)

Suspend
5 years

Suspend
5 years

Suspended
5 years
\$1721 costs

Prior censure
Missouri suspension

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<u>1982</u>					
<u>Dimuria, Nicholas A.</u> 10/20/82 SB 258 (By Order)	Practiced law after suspension for non-payment of dues. Neglected two dissolution clients. Allowed default judgment to be entered against client. DR 1-102 DR 6-101(A)(3) DR 7-101(A)(2)	Disbarment	Suspend 2 years	Suspended 2 years \$1757 costs	Multiple offenses
<u>Kleindiest, Richard G.</u> 05/11/82 SB 60-2 132 ARIZ 95 644 P2d. 249 (Opinion)	False statements in deposition. DR 1-102(A)(4) & (5)	Suspend 1 year	Suspend 1 year	Suspended 1 year \$11,824 costs	Prior censure Intentional conduct
<u>Mercer, Paul W.</u> 09/21/82 SB 183-2 133 ARIZ 391 652 P2d. 130 (Opinion)	Real estate transaction with clients. Inadequate disclosures. Poor documentation. Violation of agreement. DR 5-104(A) DR 5-105(A) & (B)	Disbarment	Suspend 2 years	Disbarred	Prior suspension

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Rubi, Peter M.

09/15/82 SB 242
133 ARIZ 491
652 P2d. 1014

(Opinion)

Converted client funds. False statements to State Bar. Concealed information. Commingled client's property. Failed to maintain records and refund monies.

DR 1-102(A)(4)
DR 7-102(A)(3)
DR 9-102(A)(1) & (2)

Suspend
10 years

Suspend
1 year

Suspended
1 year
\$2117 costs

Vulnerability
of client
Restitution made

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<u>1981</u>					
<u>Alton, Thomas R.H.</u> 11/03/81 SB 243 (By Order)	As personal representative misappropriated \$14,000 in estate funds. Committed perjury in testimony before Court. Prepared false ledger sheets and documents. DR 1-102(A)(3)(4) & (5) DR 2-106(A) DR 7-101(A)(3) DR 7-102(A)(3)(5) & (7)	Disbarment	Disbarment	Disbarred \$3324 costs	Intentional conduct Multiple offenses
<u>Berger, Edward B.</u> 12/07/81 SB 245 (By Order)	Attempted to collect fee in excess of agreed amount. Misrepresented amount and value of legal services. DR 1-102(A)(4) DR 2-106(A) & (B)	Suspend 1 year	Suspend 6 months	Suspended 6 months \$3514 costs	Intentional conduct
<u>Davis, Jacob D.</u> 04/08/81 SB 201 129 ARIZ 1 628 P2d. 38 (Opinion)	Commingled and converted client's funds and failed to properly account for monies received. DR 1-102(A)(3)(4) & (6) DR 9-102(A) & (B)	Disbarment	Disbarment	Disbarred \$858 costs	Client injury Intentional conduct
<u>Diettrich, Charles C.</u> 03/31/81 SB 221 (By Order)	Failed to perform duties for criminal clients. Failed to communicate with clients. Failed to attend Court appearances. DR 1-102 DR 6-101(A)(3)	Suspend 90 days (Suspend w/probation)	Suspend 7 months	Suspended 7 months \$1296 costs	Multiple offenses

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<p><u>List, Ronald R.</u> 09/10/81 SB 240 (By Order)</p>	<p>Ran bar business from client's trust account. Investment and business dealings with clients. Failed to disclose investment fee. Inadequate disclosures to clients regarding risks. DR 5-101(A) DR 5-104(A) DR 9-102(A)</p>	<p>Suspend 2 years Restitution</p>	<p>Suspend 2 years</p>	<p>Suspended 2 years \$2895 costs</p>	<p>Multiple offenses Intentional conduct</p>
<p><u>Premeau, Donald C.</u> 07/15/81 SB 239 (By Order)</p>	<p>Neglect of probate matter. Didn't include coins in inventory of estate. Neglect of personal injury case. Failed to set aside dismissal or inform client. DR 6-101(A)(3) DR 7-101(A)(1) & (2)</p>	<p>Suspend 30 days</p>	<p>Suspend 30 days</p>	<p>Suspended 30 days \$1672 costs</p>	<p>No priors</p>
<p><u>Riley, Joseph H.</u> 06/24/81 SB 224 (By Order)</p>	<p>Grossly negligent in handling several estates. Commingled estate assets and delays in distribution to heirs. Wife's mortuary named in wills to handle funeral arrangements. DR 1-102(A)(4) & (5) DR 5-101(A) DR 5-103(A) DR 5-104(A) DR 6-101(A)(3) DR 7-101(A)(2) & (3) DR 9-102(A) DR 9-102(B)(1)(3) & (4)</p>	<p>Suspend 6 months</p>	<p>Suspend Indefinitely</p>	<p>Suspended Indefinitely \$4643 costs</p>	<p>Multiple offenses Intentional conduct</p>

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Swartz, John F.

06/15/81 SB 72-2
129 ARIZ 288
630 P2d. 1020

Deceit and concealment.
Failure to disclose status of
commission to clients.
DR 1-102(A)(4)
DR 7-102(A)(3)

Suspend
6 months

Suspend
6 months

Censured
\$785 costs

No priors

(Opinion)