

SUPREME COURT OF ARIZONA  
DISCIPLINARY CASES MATRIX  
(1989)

<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>1989</u>					
<u>Arrick, Kenneth M.</u> 06/08/89 DC No. 85-0147  (By Opinion) 161 ARIZ. 16 775 P.2d 1080	Failed to comply with court order regarding reimbursement of overpayment by client; inappropriately withdrew funds from client's trust account; failed to properly advise and take responsibility for the handling of estate matters. DR 1-102(A)(1); DR 1-102(B)(4) DR 1-102(A)(5); DR 9-102(B)(4) DR 1-102(A)(6) Former SCR 29(b)(1) Former SCR 29(b)(2) Former SCR 29(b)(6)	Informal Reprimand	Suspend 6 months	Suspend 6 months Completion of course in estate and probate matters.	No priors
<u>Bowen, Ted B.</u> 07/10/89 DC No. 85-1102  (By Opinion) 160 ARIZ. 558 774 P.2d 1348	Knowingly used a statute for purposes he understood to be outside the scope of the statute. DR 7-102(A)(2)	Dismissal	Censure	Censure	1 prior Censure
<u>Burns, Thomas B., Jr.</u> 08/25/89 DC No. 85-1585  (By Order)	Failed to provide diligent and competent representation to his clients. DR 6-101(A)(3)	Informal Reprimand Restitution	Censure Restitution		Censure & Restitution imposed by order of Commission; Currently on suspension

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<p><b><u>Coburn, Maurice</u></b> 02/06/89 DC No. 85-0056 Effective 02/03/89  (By Order)</p>	<p>Deposited clients' settlement check into his general office bank account; Represented, without securing informed consent, client charged with molestation of another of his client's sons. DR 9-102 DR 5-105</p>	<p>Suspension 1 year</p>	<p>Censure Probation 12 months By Consent</p>	<p>Censure Probation 12 months</p>	<p>2 prior Informal Reprimands</p>
<p><b><u>Diettrich, Charles C.</u></b> 05/23/89 DC No. 88-0777  (By Opinion) 161 ARIZ. 338 778 P.2d 1234</p>	<p>Tested positive for cocaine use thereby violating the terms of probation and reinstatement.</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Prior Disbarment</p>
<p><b><u>Engan, Thomas Keith</u></b> 11/14/89 DC No. 89-1644  (By Order)</p>	<p>Suspension in effect until final disposition of all charges or complaints pending before the State Bar of Arizona because it appears that he is engaged in a pattern of severe neglect of his clients' interests and he has consistently failed to respond to the State Bar. His practice of law has caused substantial harm to the public, the legal profession and the administration of justice.</p>			<p>Interim Suspension</p>	<p>1 prior Informal Reprimand</p>

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**Farrison, William L.**

03/16/89  
Effective 07/11/86  
DC Nos. 85-2168  
86-0349  
86-0363

(By Opinion)  
159 ARIZ 417  
768 P.2d 149

Failed to perform the services for which he was retained; abandoned clients without prior notice; failed to obey a court order issued against him.  
DR 1-102(A)(1), (6)  
DR 2-106  
DR 6-101(A)(3)  
ER 1.3  
ER 1.4  
ER 1.5  
ER 1.15  
ER 1.16  
ER 8.4(a)(b)(c)(d)  
SCR 51(h)  
SCR 51(i)

5 year  
suspension

5 year  
suspension

5 year  
suspension

**Fresquez, Joseph E.**

12/28/89  
DC No. 85-1288

(By Opinion)  
162 ARIZ 328  
783 P.2d 774

Made false statements to clients; falsely testified to the Hearing Committee on numerous occasions; prepared and filed a false affidavit attempting to justify his actions.  
DR 1-102(A)(4)  
ER 8.4(c)

Disbarment

1 year  
suspension

Disbarment

**Galusha, Lee**

05/03/89  
Effective 06/17/89  
DC No. 87-0380

(By Order)

Failed to act with reasonable diligence in representing client; failed to keep client informed; failed to comply promptly with reasonable requests for information from the State Bar.  
ER 1.3                    SCR 51(h)  
ER 1.4                    SCR 51(i)  
ER 8.1

6 months  
and 1 day  
Suspension

6 months  
and 1 day  
Suspension

6 months  
and 1 day  
Suspension

Prior  
Suspension

**DISCIPLINARY CASES MATRIX  
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**Grant, Marc Roger**

01/17/89  
DC No. 88-1886

(By Order)

Suspension in effect until final disposition of all charges or complaints pending before the State Bar of Arizona because it appears he is engaging in a pattern of severe neglect of his clients' interests and he has consistently failed to respond to the State Bar. His practice of law has caused substantial harm to the public, the legal profession and the administration of justice.

Interim  
Suspension

1 prior  
Censure  
  
2 prior  
Informal  
Reprimands

**Hansen, J. Kendall**

05/12/89  
DC Nos. 85-0374  
85-1691  
86-1184

(By Order)

Abandoned clients; failed to perform work for which he was retained; failed to cooperate with the State Bar.  
DR 6-101(A)(3)  
DR 7-101(A)(1)  
DR 7-101(A)(2)  
ER 8.1(b)

Accept  
agreement  
for 2 year  
suspension

Accept  
agreement  
for 2 year  
suspension

Suspension  
2 years

Multiple  
Offenses

**Hoover, Charles**

07/28/89  
Effective 09/26/89  
DC No. 85-0469

(By Opinion)  
161 ARIZ 529  
779 P.2d 1268

Misappropriated substantial sums from his client and fraudulently billed for personal expenses.  
DR 1-102(A)(1)  
DR 1-102(A)(4)  
DR 1-102(A)(6)

Probation

Suspension  
6 months  
and 1 day  
Probation

Suspension  
6 months  
Probation

Evidence of  
mental ill-  
ness during  
time of mis-  
conduct.  
No priors.

**DISCIPLINARY CASES MATRIX  
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**Johnson, Ward S.**

10/04/89  
Effective 12/16/86  
DC No. 86-0451, et al.

(By Order)

Abandoned his law office; failed to perform work for which he was retained; failed to communicate with clients; converted money given to him for attorney fees and costs to his own personal use without having earned the fees; failed to cooperate with the State Bar's investigation.

ER 1.3  
ER 1.4  
ER 1.5  
ER 8.1  
ER 1.16  
SCR 51(h)  
SCR 51(i)

Suspension  
2 years,  
retroactive  
to 12/16/86  
\$5,411  
Restitution  
Probation

Suspension  
3 years,  
retroactive  
to 12/16/86  
\$5,411  
Restitution

Suspension  
3 years,  
retroactive  
to 12/16/86  
\$5,411  
Restitution

Multiple offenses; Evidence of mental illness during time of misconduct. 1 prior Informal Reprimand

**Kame, Luis E.**

10/04/89  
DC No. 86-0602, et al.

(By Order)

Failed to communicate with clients in personal injury actions causing case to be dismissed; received settlements in four personal injury cases, but failed to turn money over to clients; failed to appear at trial for client and lost clients' important documents; failed to perform on behalf of conservator of the estate to lose \$18,991.45

ER 1.2(a)      ER 1.16(d)  
ER 1.4          ER 3.4(c)  
ER 1.5          ER 8.4(b)  
ER 1.15(a)     ER 8.4(c)  
ER 1.15(b)     ER 8.4(d)

Accept agreement for 3 year suspension and restitution.

Accept agreement for 3 year suspension and restitution.

Suspension  
3 years  
Restitution

Multiple Offenses; Placed on Interim Suspension 03/13/87.

**DISCIPLINARY CASES MATRIX  
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<p><b><u>King, William M.</u></b> 05/24/89 DC Nos. 87-0190 87-0812  (By Order)</p>	<p>In bankruptcy proceeding, failed to separately list the corporation's sublease agreements, thus contributing to the corporation's inability to reorganize; advised client to file Chapter 13 Bankruptcy rather than initiate court proceedings against seller who concealed serious problems with the home client purchased. ER 1.1</p>	<p>Accept agreement for censure and probation. 24 hours cle/year</p>	<p>Accept agreement for censure and probation. 24 hours cle/year</p>	<p>Censure and probation imposed by order of Commission</p>	
<p><b><u>LaLonde, Herbert J.</u></b> 09/12/89 DC No. 86-1098  (By Order)</p>	<p>Convicted of second degree murder - a Class 1 felony. ER 8.4(b)</p>	<p>N/A</p>	<p>N/A</p>	<p>Disbarment by consent</p>	<p>Placed on Interim Suspension 09/11/86</p>
<p><b><u>Miranda, Jesse R.</u></b> 05/12/89 DC Nos. 86-0733 86-1496  (By Order)</p>	<p>Misrepresented to client that he filed complaint in personal injury case; advanced to clients, on two occasions, money against anticipated property damage settlement and proceeds of a lawsuit. ER 1.8(e) DR 1-102(A)(4) ER 1.8(j)</p>	<p>Accept agreement for censure and probation.</p>	<p>Accept agreement for censure and probation.</p>	<p>Censure and probation imposed by order of Commission No priors</p>	
<p><b><u>Morris, Richard W.</u></b> 02/03/89 DC No. 88-1871  (By Order)</p>	<p>Felony conviction for misprision of a felony. ER 8.4(b)</p>			<p>Interim Suspension</p>	

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<p><b><u>Mulhall, Michael</u></b> 03/29/89 DC No. 85-0071  (By Opinion) 159 ARIZ 528 768 P.2d 1173</p>	<p>Failed to inform client that statute of limitations had run on client's personal injury case; failed to inform client that settlement of case was from his own personal funds; failed to advise client to seek independent counsel prior to entering into a release and settlement agreement.</p>	<p>Informal Reprimand</p>	<p>Suspend 30 days</p>	<p>Censure</p>	<p>Unblemished record</p>
<p><b><u>Murray, Stanley David</u></b> 03/20/89 Effective 01/01/89 DC No. 85-0030  (By Opinion) 159 ARIZ 280 767 P.2d 1</p>	<p>Engaged in unethical conduct; concealed matters which he was required by law to disclose; repeatedly made false statements to client; failed to promptly deliver settlement proceeds to a client. DR 9-102(B)(4) DR 7-102(A)(3) DR 1-102(A)(3) DR 7-102(A)(5) DR 1-102(A)(4)</p>	<p>Suspend 6 months and 1 day</p>	<p>Suspend 4 years</p>	<p>Suspend 2 years with credit given for 1 year</p>	
<p><b><u>Nefstead, Christopher</u></b> 01/11/89 DC No. 85-2028  (By Order)</p>	<p>Interim suspension on recommendation of disbarment pending final disposition of disciplinary proceedings. Rule 53(d)(3)</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>	
<p><b><u>Nelson, Aaron Garth</u></b> 12/12/89 DC No. 85-1332  (By Order)</p>	<p>Failed to provide competent representation to his clients. ER 1.1 ER 1.4</p>	<p>Informal Reprimand Probation 12 months</p>	<p>Censure Probation 12 months</p>		<p>Censure and probation imposed by order of Commission Prior suspension</p>

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<p><b><u>Pappas, Harry</u></b> 03/27/89 DC No. 85-0075 Effective 12/08/88  (By Opinion) 159 ARIZ 516 768 P.2d 1161</p>	<p>Conflict of interest; failed to disclose differing interests; neglect; failed to account for clients' money; commingled funds. DR 5-101 DR 5-505 DR 5-104(A) DR 6-101(A)(3)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Suspend 5 years</p>
<p><b><u>Polley, Alan K.</u></b> 02/21/89 DC No. 85-1302  (By Order)</p>	<p>Failed to perform work for which he was retained; failed to communicate with client; failed to insure that his client would be adequately represented when he left private practice; neglect. DR 6-101(A)(3) DR 7-101(A)(2) DR 7-101(A)(1)</p>	<p></p>	<p>Censure Probation 2 years by consent Restitution \$300.00</p>	<p>Censure and probation imposed by order of Commission 1 Prior Censure; Evidence of mental illness during time of misconduct</p>
<p><b><u>Rantz, Harley P.</u></b> 02/27/89 DC Nos. 86-1399 87-0122 87-0104  (By Order)</p>	<p>Presented false and misleading communications to public; commingled practice with non-lawyers in fashion which created impression that non-lawyers were receiving a portion of his fees; failed to properly supervise non-lawyer assistant; conflict of interest; failed to cooperate with State Bar. ER 1.7 ER 7.5 ER 4.2 ER 8.1(b) ER 5.3 SCR 51(e) ER 5.4 SCR 51(f) ER 5.5 SCR 51(h) ER 7.1 SCR 51(i)</p>	<p>Censure</p>	<p>Censure and Probation</p>	<p>Censure and probation imposed by order of Commission; 2 Prior Informal Reprimands</p>

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<p><b><u>Spear, Donald B.</u></b> 07/14/89 DC No. 85-0274  (By Opinion) 160 ARIZ 545 774 P.2d 1335</p>	<p>Filed false or fraudulent documents to secure unwarranted tax benefits; entered into business transaction with client who had differing interest; failed to make full disclosure to client regarding possible conflict. DR 1-102(A)(4) DR 4-101(B)(3) DR 5-104(A)</p>	<p>Disbarment</p>	<p>Suspend 6 months</p>	<p>Suspend 5 years</p>
<p><b><u>Weninger, Charles</u></b> 04/26/89 DC No. 85-0271  (By Order)</p>	<p>Failed to competently and zealously represent client in personal injury case, allowing case to be dismissed. DR 6-101(A)(3) DR 7-101(A)(3)</p>	<p>Accept agreement for censure</p>	<p>Accept agreement for censure</p>	<p>Censure imposed by order of Commission; 1 prior Informal Reprimand</p>
<p><b><u>Wilson, Robert J.</u></b> 07/19/89 DC Nos. 89-0888 89-0889  (By Order)</p>	<p>Felony conviction - embezzlement. ER 1.15 ER 8.4(b)</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>
<p><b><u>Wilson, Robert J.</u></b> 09/05/89 DC Nos. 89-0888 89-0889  (By Order)</p>	<p>Felony conviction - embezzlement. ER 1.15 ER 8.4(b)</p>	<p>N/A</p>	<p>N/A</p>	<p>Disbarment by consent</p>