

**SUPREME COURT OF ARIZONA  
DISCIPLINARY CASES MATRIX  
(1996)**

<u>CASE NAME NUMBER/DATE</u>	<u>VIOLATIONS DESCRIPTION/ DISCIPLINARY RULES</u>	<u>COMMITTEE/ OFFICER RECOMMEND.</u>	<u>COMMISSION RECOMMEND.</u>	<u>COURT SANCTION</u>	<u>COMMENTS</u>
1996  <b><u>Aaron, Michael</u></b>  11/4/96 DC No. 93-0312 SB-96-0068-D  (By Judgment)	Deposited client funds into his own trust account, rather than that of the firm for which he worked, then failed to inform firm of the receipt of the money. ER 1.4(b) ER 8.4(c)	Censure	Censure	<i>Sua sponte</i> review declined	Commission specifically noted he did not pocket money or intend to take money from client
<b><u>Auerbach, Roger S.</u></b>  04/01/96 DC No. 94-0201 SB-96-0019-D  (By Judgment)	While representing defendant in federal narcotics case, filed affidavit falsely stating he had first learned that a key piece of evidence was missing at sentencing and that government had never told him it was lost. ER 3.3(a)(1) ER 8.4(c) ER 8.4(d)	Accept Agreement for Censure	Accept Agreement for Censure	<i>Sua sponte</i> review declined	Conduct led to Auerbach's 2-year suspension from federal court; Says he knew tape was "missing" but not permanently lost; Significant mitigation--cooperation during disciplinary proceedings, remorse, no prior discipline in +20 years' practice--indicates censure over suspension

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Augenstein, Steven T.</u></b> 02/27/96 DC Nos. 93-0976 93-1507 SB-95-0067-D  (By Judgment)</p>	<p>Failed to attempt settlement on client's behalf with insurance carrier; failed to notify clients of MCLE suspension; represented client in court while suspended; failed to respond to State Bar inquiries. ER 5.5(a) SCR 31(a)(3) SCR 51(i) ER 8.1 SCR 51(e) SCR 51(k) ER 8.4(a) SCR 51(h) SCR 63 ER 8.4(c)</p>	<p>Suspension: concurrent with prior 2-year suspension, + 1 year</p>	<p>Suspension: concurrent with prior 2-year suspension, + 1 year</p>	<p><i>Sua sponte</i> review declined</p>	<p>Prior censure, Prior discipline suspension; Both priors involved failure to cooperate with State Bar</p>
<p><b><u>Bartz, Jay I.</u></b> 07/03/96 DC No. 96-0086 SB-96-0021-D  (By Judgment)</p>	<p>Convicted on four counts of money laundering ER 8.4(b) SCR 51(a)</p>	<p>N/A</p>	<p>N/A</p>	<p>Consent to Disbarment</p>	
<p><b><u>Blackley, John F.</u></b> 03/22/96 DC Nos. 93-0677 94-0590 SB-96-0009-D  (By Judgment)</p>	<p>Prepared client's will and living trust, then did nothing; failed to notify client he was closing his office; did not respond to client's requests for file for six months; failed to take action while acting as arbitrator, despite judge's request, resulting in 4 to 6 month delay in case; failed to appear at OSC contempt hearing; failed to respond to any letters from State Bar. ER 1.4 ER 8.4(d) SCR 51(k) ER 1.16(d) SCR 31(c) ER 3.4(c) SCR 51(e)</p>	<p>Suspension, 1 year &amp; Restitution &amp; Return client's file &amp; Resolve contempt order</p>	<p>Suspension, 2 years &amp; Restitution &amp; Return client's file &amp; Resolve contempt order</p>	<p><i>Sua sponte</i> review declined</p>	<p>Abandoned practice; Claims he did not receive arbitration letters or State Bar letters; Had taken no remedial action re: contempt as of July 1995; 1 client suffered financial injury; Used his failure to provide State Bar with current address as excuse for not responding to State Bar</p>

**DISCIPLINARY CASES MATRIX  
(1996)**

**Bowen, Ted B.**

11/27/96  
DC Nos. 91-0651  
92-1698  
94-1464  
94-2326  
SB-96-0069-D

(By Judgment)

Allowed client's bankruptcy case to be dismissed by failing to timely object to creditor's motion for termination of stay and failing to continue hearing at which he could not appear; allowed client's legal malpractice case to be dismissed, judge to preclude expert's opinion, and sanctions to be awarded against client by failing to disclose expert witness's opinion during discovery and instructing client not to appear at trial; accepted client's retainer without informing him that suspension recommendation was pending before Court; failed to follow client's instructions on handling his case.  
ER 1.1 ER 1.2 ER 1.3 ER 1.4

Accept  
Agreement for  
Suspension, 1  
year, retroactive  
to 07/04/95

Accept  
Agreement for  
Suspension, 1  
year, retroactive  
to 07/04/95

*Sua sponte*  
review declined

2 prior informal reprimands,  
2 prior censures, prior  
suspension; Damages  
awarded against client were  
reversed on appeal;  
Significant mitigation  
includes personal/emotional  
problems, substance abuse,  
subsequent rehabilitation and  
voluntary participation in AA  
and MAP

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Brady, Michael James</u></b> 10/24/96 DC Nos. 91-1753 92-0011 92-0605 92-0758 92-0789 92-0890 92-0979 92-0932 92-1009 93-0689 SB-96-0003-D  (By Opinion) 186 ARIZ 370 923 P.2D 836</p>	<p>Accepted retainers from clients, then mishandled or abandoned their cases; in child molestation case, potentially subjected client to 35-year prison term by failing to take any action; falsely told client he had not yet received her full settlement and needed more money from her to collect the balance; gave client's case to another attorney without informing client; failed to return client's files; failed to tell client he had lost his client's stock certificates; left country without informing client of upcoming settlement conference, resulting in sanctions against client; failed to provide psychologist's report or testimony in criminal matter prior to sentencing; failed to comply with court order; made false statement to State Bar; failed to cooperate with State Bar's investigation.</p>	<p>Disbarment &amp; Restitution</p>	<p>Disbarment &amp; Restitution</p>	<p>Disbarment &amp; Restitution</p>	<p>After post-conviction relief granted due to Brady's ineffective assistance of counsel, child molestation client sentenced to probation only; Court found Brady's due process argument meritless, as Brady chose not to be present at discipline hearing and he had opportunity to testify; 2 prior informal reprimands for similar conduct; Court found Brady danger to clients, disgrace to profession</p>
	<p>ER 1.1    ER 1.15    ER 8.4 ER 1.3    ER 1.16    SCR 51(e) ER 1.4    ER 3.3        SCR 51(h) ER 1.5    ER 8.1        SCR 51(i)</p>				

**DISCIPLINARY CASES MATRIX  
(1996)**

**Brody, David C.**

DC Nos. 94-0244

94-1011

94-1359

94-1561

SB-96-0012-D

(By Judgment)

Failed to pursue clients' cases diligently, promptly, or competently; failed to maintain communication with clients; failed to take steps to protect clients' interests after ceasing practice of law; falsely told client he had filed complaint, resulting in claim being barred by statute of limitations; failed to return client's file or any documents after closing office; incorrectly told client she need not attend pre-trial conference in custody proceeding, resulting in ruling against client; cashed settlement draft without complying with instructions to first return release and stipulation to opposing counsel; failed to appear at OSC hearing; failed to respond to State Bar inquiries.

ER 1.1 ER 1.16 SCR 51(h)

ER 1.2 ER 3.2 SCR 51(i)

ER 1.3 ER 8.1(b)

ER 1.4 ER 8.4

Disbarment

Disbarment

*Sua sponte*  
review declined

Did not participate in disciplinary proceedings; Abandoned practice; Lacks character, ethics, fitness to practice law

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Brown, Leonard G.</u></b>  03/27/96 DC No. 93-1413 SB-95-0018-D  (By Opinion) 184 ARIZ 480 910 P.2D 631</p>	<p>Failed in guardian/conservator action to communicate with and advise client, appear at hearings, cooperate with other counsel, comply with court orders, inform court, client, or opposing counsel of suspension, and properly withdraw from representation; Failed to timely respond to State Bar inquiries. ER 1.1 ER 8.1(b) SCR 51(i) ER 1.3 ER 8.4(d) SCR 51(k) ER 1.4 SCR 51(e) ER 3.2 SCR 51(f) ER 3.3 SCR 51(h)</p>	<p>Suspension, 9 months &amp; Ethics course &amp; Pass MPRE &amp; Complete State Bar's professionalism course</p>	<p>No further sanction &amp; Impose costs</p>	<p>Suspension, 9 months, effective 01/30/96 &amp; Pass MPRE &amp; Attend State Bar's professionalism course prior to reinstatement &amp; Resume current probation upon reinstatement</p>	<p>Commission recommendation unanimous; Only one client involved; Disciplinary history includes suspension, 3 censures, 3 informal reprimands, period of probation; Misconduct occurred during same time period as previous misconduct and before prior sanctions imposed; Court notes Brown's apparent indifference to disciplinary process; Court urges Bar to group similar complaints together when possible</p>
<p><b><u>Carrasco, Daniel, Jr.</u></b>  09/19/96 DC Nos. 94-0111 94-2006 95-0527 SB-96-0044-D  (By Judgment)</p>	<p>Failed to pursue cases of 3 clients; repeatedly failed to inform client of hearings and failed to appear at hearings, compelling one client to appear on his own; failed to inform client of his suspension; failed to keep clients informed of case status; misplaced client's file; allowed client's case to be dismissed for lack of prosecution, then offered \$3,750 as payment, which he did not pay. ER 1.2 ER 1.15 ER 8.4 ER 1.3 ER 1.16(d) SCR 51(e) ER 1.4 ER 3.2</p>	<p>Accept Agreement for Suspension, 3 years retroactive to 09/12/94 &amp; Restitution</p>	<p>Accept Agreement for Suspension, 3 years retroactive to 09/12/94 &amp; Restitution</p>	<p><i>Sua sponte</i> review declined</p>	<p>2 prior concurrent suspensions, which occurred after some of the subject misconduct, 2 prior informal reprimands; 1 client filed malpractice lawsuit, resulting in \$85,000 default judgment; Effective date is date prior suspensions were to expire</p>

**DISCIPLINARY CASES MATRIX  
(1996)**

**Clark, Leighton Pyper**

03/21/96

DC Nos. 92-1239

92-1550

92-1734

92-1813

92-2152

93-0089

93-0947

93-1526

SB-95-0066-D

(By Order)

Motion for interim suspension based on Commission's recommendation of disbarment; continuance of his law practice would be highly detrimental to integrity and standing of bar and administration of justice, contrary to the public interest, and would result in irreparable harm and injury.

N/A

N/A

Interim  
Suspension

Permission given to continue  
representing clients until  
03/29/96

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Clark, Leighton Pyper</u></b> 09/17/96 DC Nos. 92-1239 92-1550 92-1734 92-1813 92-2152 93-0089 93-0947 93-1526 SB-95-0068-D</p> <p>(By Memorandum Decision)</p>	<p>After advising client to reject third party's offer to buy her business, offered to buy it himself without advising her to seek independent counsel, then defaulted on his promissory note and failed to protect client from resulting creditors; took 50% contingency from same client without written fee agreement upon recovering \$20,000 on a life insurance policy; claimed \$6,500 of client's money was used to buy now-worthless stock, though he never provided stock certificates; failed to diligently pursue clients' cases; failed to safeguard client property; submitted forged document to court; allowed client's case to be dismissed for lack of prosecution then failed to inform client of dismissal; communicated <i>ex parte</i> with opposing party; signed client's and notary's name to affidavit in attempt to remove judge from case; failed to comply with discovery requests; failed to attend scheduled hearing; issued NSF trust account check to pay for residence; represented client while suspended; failed to cooperate with State Bar.</p> <p>ER 1.3 ER 1.5(c) ER 1.15 ER 8.4 ER 1.4 ER 1.8(a) ER 4.2</p>	<p>Disbarment &amp; Restitution</p>	<p>Disbarment &amp; Restitution</p>	<p>Disbarment &amp; Restitution</p>	<p>Claims he did not have notice of his suspension because he had not provided Bar with current address; 3 prior informal reprimands for similar conduct</p>
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**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Creasy, Frederick C., Jr.</u></b>  09/19/96 DC Nos. 93-0140 93-1509 94-0507 SB-96-0043-D  (By Judgment)</p>	<p>Held insufficient funds in trust account; lied to State Bar; held funds received on client's behalf without notifying client, then unsuccessfully attempted to distribute them minus his 1/3 fee after 3 years; failed to properly supervise trust account administration. ER 1.15 SCR 43 SCR 51(i) ER 5.3 SCR 44 ER 8.1 SCR 51(h)</p>	<p>Suspension, 3 years &amp; Probation, 2 years</p>	<p>Disbarment &amp; Probation, 2 years</p>	<p><i>Sua sponte</i> review declined</p>	<p>Probation includes trust account audit, LOMAP audit; 6 prior informal reprimands over 10-year period; Significant monies involved; Intentional conduct; Remorse</p>
<p><b><u>Curtis, David W. Jr.</u></b>  01/10/96 DC No. 91-0498 SB-94-0086-D  (By Opinion) 184 ARIZ 256 908 P2D 472</p>	<p>In civil matter involving defective pool construction, failed to get pool company's bankruptcy stay lifted so client could file claim against Contractor's Recovery Fund; repeatedly failed to comply with reasonable requests for information. ER 1.1 ER 1.4</p>	<p>Suspension, 6 months &amp; Restitution &amp; Probation, 1 year</p>	<p>Suspension, 3 months &amp; less Restitution &amp; Probation, 1 year</p>	<p>Censure &amp; Restitution (same amount as Disciplinary Commission) &amp; Probation</p>	<p>Court finds no actual or potential injury; Lack of credibility, alone, not equivalent to intentional dishonesty; Refused to acknowledge wrongful nature of conduct; Stalwart but honest defense in adversarial proceeding cannot be considered in aggravation; No dishonest or selfish motive</p>

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Duckworth, Francis A.</u></b>  05/22/96 DC No. 91-1810 SB-95-0051-D  (By Opinion) 185 ARIZ 197 914 P2D 900</p>	<p>Provided false opinion letters to potential buyers of client's land, enabling clients to profit from an undisclosed double sale and escrow. ER 4.1 ER 8.4</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Intentional conduct involving deceit; prior suspension</p>
<p><b><u>Finn, Robert W.</u></b>  05/16/96 DC No. 89-1801 SB-95-0052-D  (By Memorandum Decision)</p>	<p>In handling private adoption, negligently failed to place 1 client's baby with another client, which was mutual desire of those clients; failed to return calls from prospective parents; when confronted, lied to both clients about why the baby was not placed as expected; lied during disciplinary proceedings about how/why "mix-up" occurred. ER 1.2 ER 1.4 ER 8.4(c)</p>	<p>Censure</p>	<p>Censure &amp; LOMAP audit</p>	<p>Censure</p>	<p>Substantial mitigation, including no prior discipline in 45 years</p>

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Groves, Richard N.</u></b> 09/17/96 DC Nos. 91-0565           91-0918           91-1101 SB-96-0058-D  (By Judgment)</p>	<p>Obtained attorney's fees from garnishment funds which were based on improper statements of account he submitted to garnishees; deposited garnishment funds into general business account, rather than IOLTA trust account; failed to collect interest awarded, but signed and filed satisfaction of judgment without client's consent; maintained improper trust account records and inadequately trained and supervised non-lawyer assistant, resulting in misappropriation of \$7,000 of client funds; knowingly submitted false statement to forcible detainer service; allowed staff to sign his name on complaints; failed to consult with client before making decisions in bankruptcy matter; failed to attend or notify client of hearing, resulting in default judgment against client. ER 1.2    ER 3.3    SCR 43 ER 1.4    ER 4.1    SCR 44 ER 1.15   ER 5.3 ER 3.1    ER 8.4(c)</p>	<p>N/A</p>	<p>Accept Agreement for Censure &amp; Restitution &amp; Probation, 2 years</p>	<p><i>Sua sponte</i> review declined</p>	<p>Garnishment matter result of incorrect advice from other lawyers; Took immediate corrective action upon learning of misappropriation; Conduct negligent, not intentional; False statement to forcible detainer service enabled him to correct misappropriation; Voluntarily corrected mistakes/improper procedures; Prior informal reprimand</p>
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**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Jensen, Gary J.</u></b> 03/14/96 DC No. 92-0993 SB-96-0015-D  (By Judgment)</p>	<p>Continued to represent husband and wife in lawsuit after husband filed for divorce, then failed to explain potential conflict of interest when husband, alone, decided to declare bankruptcy to avoid judgment after trial; failed to supply wife with documents she requested; failed to keep wife informed of settlement negotiations; followed instructions of husband's divorce counsel not to pass information about husband to wife's divorce counsel. ER 1.4(a) ER 1.7(b)</p>	<p>Accept Agreement for Censure</p>	<p>Accept Agreement for Censure</p>	<p><i>Sua sponte</i> review declined</p>	<p>Misconduct due to negligence</p>
<p><b><u>Kalish, Ronald Jay</u></b> 03/22/96 DC Nos. 93-0951 92-2156 94-1826 SB-96-0013-D  (By Judgment)</p>	<p>Failed to turn files over to and cooperate with clients' new counsel; failed to comply with prior Order of Diversion; failed to pay costs or comply with probation in earlier disciplinary proceeding; appeared in court, filed pleadings while on MCLE suspension; failed to notify client of suspension; failed to respond to State Bar inquiries. ER 1.4(b) ER 8.4(a) SCR 51(h) ER 1.16(d) ER 8.4(c) SCR 51(i) ER 5.5 SCR 51(e) SCR 51(j) ER 8.1(b) SCR 51(f)</p>	<p>Suspension, 4 months &amp; Probation, 4 months</p>	<p>Suspension, 4 months &amp; Probation, 4 months</p>	<p><i>Sua sponte</i> review declined</p>	<p>Probation includes LOMAP, CLE, MAP; No prior discipline in +20 years of practice; Personal and emotional problems</p>

**DISCIPLINARY CASES MATRIX  
(1996)**

**Kasen, Allan J.**

09/19/96  
DC No. 94-1019  
SB-96-0036-D

(By Judgment)

Greatly increased his own compensation while serving in numerous key positions in law firm by manipulating firm's records to falsely bill 400 -1000 hours each year.  
ER 8.4(b) ER 8.4(c)

N/A

Accept Agreement for Suspension, 3 years, retroactive to 04/23/94

*Sua sponte* review declined

Effective date is date Kasen stopped practicing law; False hours never billed to clients; Significant mitigation includes no prior discipline, expression of remorse, previous impeccable character, conduct due to mental disability, immediately admitted conduct and sought treatment, totally aberrant behavior

**DISCIPLINARY CASES MATRIX  
(1996)**

**King, Victoria Ann**

09/20/96

DC Nos. 91-1755 91-2019  
 92-0568 92-1321  
 92-1390 93-1474  
 92-1593 92-1657  
 92-1845 93-0157  
 93-0672 93-1228  
 93-1303 93-1886  
 93-1908 94-0169  
 94-0190 94-1574  
 94-1593 94-1634  
 94-1837 94-2093  
 95-0157 95-0229  
 95-1115 95-0980  
 95-1537 96-0288  
 96-0313 96-0329  
 96-0502 96-0507  
 96-0730 96-0845  
 96-0950

Convicted on two criminal matters: theft by conversion, and fraudulent scheme and artifice; also failed to diligently pursue client's cases, failed to communicate with clients, failed to provide statements of fees or retainer balances at clients' requests, failed to respond to State Bar, failed to comply with court orders to release client files.  
 ER 1.15 SCR 44(b) SCR 51(i)  
 ER 1.16 SCR 51(e) SCR 51(k)  
 ER 8.1(b) SCR 51(h)

N/A

N/A

Consent to Disbarment (retroactive to 6/15/95) & Restitution

Effective date is date King placed on interim suspension

SB-96-0056-D

(By Judgment)

**DISCIPLINARY CASES MATRIX  
(1996)**

**Levin, M. Louis**

N/A

N/A

Consent to  
Disbarment

08/05/96  
DC No. 95-1402  
SB-96-0042-D

(By Judgment)

**Linsenmeyer, Otto**

Improperly advised client to accept money from a decedent who had wanted client to have the money but whose will prevented it; failed to notify client that accepting decedent's money exposed her to loss of property and liability for legal fees; improperly advised client to reject excellent settlement offers from estate's PR, despite client's wish to settle and avoid litigation; arranged loan to client from sister, through which respondent would benefit, but failed to advise client to seek independent counsel; failed to enter into written fee agreement, failed to inform client of his billing rate, and failed to provide her with accounting.

Suspension, 1  
year

Suspension, 1  
year

Suspension, 1  
year

Over 40 years' experience; 3 prior informal reprimands, prior censure; Refused to acknowledge misconduct; Longer suspension would be appropriate were he not approaching end of his career

10/23/96  
DC 93-0810  
SB-96-0001-D

(By  
Memorandum Decision)

ER 1.1    ER 1.4    ER 1.8  
ER 1.2    ER 1.5    ER 8.4  
ER 1.3    ER 1.7

**DISCIPLINARY CASES MATRIX  
(1996)**

**MacDonald, Rand**

11/07/96  
DC Nos. 93-1539  
94-0136  
94-1480  
SB-96-0060-D

(By Judgment)

Mishandled private adoption case by providing invalid consent forms, which later provided purported father basis for contesting the adoption; failed to return clients' files; failed to maintain communication with clients; failed to serve documents on opposing party; failed to file appropriate pleadings including response to motion to dismiss; failed to cooperate with State Bar.

ER 1.2 ER 1.16(d) SCR 51(i)  
ER 1.3 ER 8.1(b)  
ER 1.4 SCR 51(h)

Accept  
Agreement for  
Censure &  
Probation, 2  
years

Accept  
Agreement for  
Censure &  
Probation, 2  
years

*Sua sponte*  
review declined

Probation includes LOMAP and MAP; Prior informal reprimand; Serious and overwhelming personal and emotional problems; Interim rehabilitation; Sincere remorse; Commission urges psychiatric or psychological assessments during both beginning and ending stages of probation

**McKee, Roger A.**

10/23/96  
DC Nos. 93-0365  
93-0607  
93-0786  
93-0974  
93-1660  
SB-96-0051-D

(By Judgment)

Failed to maintain communication with clients; failed to return clients' documents; failed to perform work he had agreed to do; failed to provide client with medical test results for which client had paid; failed to turn over refund received on behalf of client; petitioned court to reduce bond in amount greater than party posting bond had authorized, for payment of his attorney's fees; failed to respond to State Bar requests for information.

ER 1.2 ER 1.16(d) SCR 51(h)  
ER 1.3 ER 8.1(b) SCR 51(i)  
ER 1.4 ER 8.4(c)

Accept  
Agreement for  
Suspension &  
Restitution &  
Probation

Accept  
Agreement for  
Suspension, 9  
months &  
Restitution

*Sua sponte*  
review declined

Unprecedented consent agreement contained "probationary period" during disciplinary proceedings--had McKee complied with those probationary terms, he would have received shorter suspension with probation; Obsessive-compulsive disorder causally linked to misconduct; Ongoing personal and emotional problems; 3 prior informal reprimands

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>McMillan, Laura J.</u></b> 10/07/96 DC No. 94-0251 SB-96-0062-D  (By Judgment)</p>	<p>Failed to prepare for client's trial prior to leaving practice; failed to notify client she was leaving practice of law; failed to respond to State Bar. ER 1.1 ER 1.16 SCR 51(h) ER 1.2 ER 3.2 SCR 51(i) ER 1.3 ER 8.1(b) ER 1.4 ER 8.4</p>	<p>Accept Agreement for Censure</p>	<p>Accept Agreement for Censure</p>	<p><i>Sua sponte</i> review declined</p>	<p>Conduct negligent, rather than intentional; Inexperience in practice of law; Intended to completely withdraw from practice upon conclusion of disciplinary proceedings</p>
<p><b><u>Melton, Walter Bruce</u></b> 02/27/96 DC Nos. 93-0497 93-1027 93-2048 94-0610 94-0774 SB-96-0002-D  (By Judgment)</p>	<p>Failed to enter notice of appearance or take any action on client's behalf, resulting in judgment against client; took no steps to have judgment set aside, after stating he would, resulting in garnishment of client's bank account; failed to notify another client of judgment against him, resulting in levy of client's bank account twice; fabricated evidence to show to client in order to mask his own incompetence; failed to return client files; allowed bankruptcy client's fee to be paid by third person with conflicting interests without obtaining client consent; failed to respond to State Bar inquiries. ER 1.1 ER 1.7 ER 8.1(b) ER 1.2 ER 1.16(d) ER 8.4(c) ER 1.3 ER 3.2 ER 8.4(d) ER 1.4 ER 3.4(d) SCR 51(h)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p><i>Sua sponte</i> review declined</p>	<p>After his last-minute motion to continue disciplinary hearing denied, Melton left hearing after agreeing to file written response to transcript (which he never did); 2 prior informal reprimands for similar conduct; 1 client compelled to retain counsel to attempt to set aside judgment; Insufficient evidence to support his claim that his skin condition was debilitating</p>

**DISCIPLINARY CASES MATRIX  
(1996)**

**Mybeck, Walter R., II**

N/A

N/A

Consent to  
Disbarment

Mybeck neither admitted nor  
denied the allegations against  
him

10/30/96

DC Nos. 94-1821

94-2146

94-2164

94-2358

95-1209

SB-96-0065-D

(By Judgment)

**Nomura, Edmund Y.**

Negligently failed to issue and serve  
QDRO for client; failed to account to  
client for third party check he had  
received that was payable to client;  
failed to communicate with client; did  
virtually nothing on client's medical  
malpractice case against doctor and  
hospital, then bungled settlement by  
failing to make clear that only hospital  
was to be dismissed; Rule 60(c) motion  
to reverse dismissal of doctor denied  
due to his complete failure to prosecute  
case; failed to inform client of bungled  
settlement and dismissals; failed to turn  
file over to new counsel for 9 months;  
failed to cooperate with State Bar's  
investigation.

Censure &  
Informal  
Reprimand &  
Probation, 2  
years

Censure &  
Informal  
Reprimand &  
Probation, 2  
years

*Sua sponte*  
review declined

Informal reprimand issued  
for technical violation of ER  
1.15(b); Probation includes  
LOMAP, practice monitor,  
CLE; Conduct result of  
carelessness, not intentional;  
Prior informal reprimand

01/26/96

DC Nos. 93-1266

93-1950

94-1423

SB-96-0005-D

(By Judgment)

ER 1.1    ER 1.15(b)    SCR 51(i)  
ER 1.3    ER 8.1(b)  
ER 1.4    SCR 51(h)

**DISCIPLINARY CASES MATRIX  
(1996)**

**Ponath, William E.**

08/12/96  
DC Nos. 92-1440  
92-1582  
93-0088  
SB-96-0046-D

(By Judgment)

Failed to complete judgment debtor questionnaire in legal malpractice lawsuit in which he was defendant, resulting in assessment of sanctions and finding by court that he unnecessarily delayed and expanded scope of litigation; failed to return client phone calls; failed to adequately supervise legal assistant in charge of trust account resulting in general failure to comply with trust account requirements; failed to respond to State Bar inquiries.

ER 1.3      ER 8.4(d)      ER 51(h)  
ER 1.4      ER 43(a)      ER 51(k)  
ER 1.15(a)      ER 43(d)  
ER 8.1(b)      ER 44(b)(3)

Accept  
Agreement for  
Censure &  
Probation, 2  
years (with  
amended terms)

Accept  
Agreement for  
Censure &  
Probation (with  
additional  
amended term)

*Sua sponte*  
review declined

Probation includes LOMAP;  
2 prior informal reprimands;  
No misappropriation;  
Conduct negligent, not  
intentional; Made efforts at  
rehabilitation upon  
discovering improprieties

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Roff, Douglas E.</u></b>  09/19/96 DC Nos. 94-0252 95-0073 SB-96-0047-D  (By Judgment)</p>	<p>Retained \$37,000 of \$40,000 received on behalf of client, after client's death; failed to respond to State Bar's inquiries into his claims that he invested these funds; after being suspended for nonpayment of dues, closed office without notifying clients, failed to take any action to protect clients' interests, failed to return client property, failed to refund unearned fees. ER 1.1 ER 1.16 SCR 43 SCR 63 ER 1.3 ER 8.1(a) SCR 44 ER 1.4 ER 8.1(b) SCR 51(h) ER 1.15 ER 8.4 SCR 51(i)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p><i>Sua sponte</i> review declined</p>	<p>Did not participate in formal proceedings</p>
<p><b><u>Schroeder, Robert J., Jr.</u></b>  02/26/96 DC No. 93-0565 SB-96-0004-D  (By Judgment)</p>	<p>Borrowed +\$24,000 from elderly client at unfair and unreasonable terms, without advising her to seek advice of independent counsel; used power of attorney to withdraw funds from her account but failed to maintain written records of his loan repayments; refused to return client file and property; failed to provide accounting for +\$11,000 he paid himself for legal services; failed to cooperate with State Bar investigation. ER 1.2 ER 1.16 SCR 51(i) ER 1.4 ER 8.4(a) ER 1.15 SCR 51(h)</p>	<p>Suspension, 2 years &amp; Probation &amp; Restitution</p>	<p>Suspension, 2 years &amp; Probation &amp; Restitution</p>	<p><i>Sua sponte</i> review declined</p>	<p>Probation includes community service, CLE, MPRE exam; Failure to return file resulted in client filing income tax returns late; New counsel found Schroeder's services valued no more than \$1,000; No prior discipline; Schroeder stopped actively practicing after 12 years due to stress; Client had been life-long close friend</p>

**DISCIPLINARY CASES MATRIX  
(1996)**

**Segal, Theodore J.**

07/03/96  
DC No. 96-0792  
SB-96-0030-D

(By Order)

Continued practice of law would result in substantial harm, loss, or damages to public, legal profession, or administration of justice.

N/A

N/A

Interim  
Suspension

In effect until all pending proceedings resolved

**Smith, Garth V.**

02/28/96  
DC No. 90-0763  
SB-95-0074-D

(By Judgment)

Pled guilty to possession of cocaine.  
ER 8.4(b) SCR 51(a)

N/A

Accept  
Agreement for  
Suspension, 30  
months  
(retroactive to  
09/13/90) &  
Probation, 2  
years

*Sua sponte*  
review declined

Probation includes random drug testing & 12-step meetings; Effective date is date Smith placed on disability inactive status; No prior discipline in +20 years of practice; No dishonest or selfish motive; Conduct result of personal or emotional problems; Excellent character and reputation; Very cooperative throughout proceedings; Remorse; Interim rehabilitation; Commission found Smith committed to positive change and rehabilitation

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Sodikoff, Arnold M.</u></b>  03/15/96 DC Nos. 90-1967 92-0178 SB-96-0016-D  (By Judgment)</p>	<p>In contesting client's decree of dissolution, filed frivolous pleadings that unreasonably expanded proceedings and failed to conform to rules concerning length and conciseness; filed pleading containing imprecise statements that could have misled the court. ER 1.1    ER 8.4(c)    ER 8.4(d) ER 3.1</p>	<p>N/A</p>	<p>Accept Agreement for Censure &amp; Probation, 1 year</p>	<p><i>Sua sponte</i> review declined</p>	<p>Probation includes practice monitor; Sodikoff believed proceedings were meritorious at the time; 1 prior informal reprimand in nearly 30 years of practice; Cooperative throughout disciplinary process; Monetary sanctions/penalties already levied by court</p>
<p><b><u>Troeh, Paul R., Jr.</u></b>  03/22/96 DC Nos. 91-0790 93-0769 SB-96-0010-D  (By Judgment)</p>	<p>Refused to honor medical lien he had signed after settling PI case; provided inadequate representation and made misstatements to court in client's DUI case, resulting in issuance of bench warrant for client and entry of default judgment; failed to respond to State Bar inquiries. ER 1.3    ER 3.3    ER 8.4(d) ER 1.4    ER 8.1    SCR 51(h) ER 1.15    ER 8.4(c)    SCR 51(i)</p>	<p>Suspension, 2 years &amp; Restitution</p>	<p>Suspension, 2 years &amp; Restitution</p>	<p><i>Sua sponte</i> review declined</p>	<p>Misconduct resulted in client's inability to obtain driver's license after moving out of state; Client incurred great expense setting aside default judgment and quashing warrant; Left disciplinary hearing; Lack of respect, cavalier attitude toward proceedings</p>

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Wark, Jerry W.</u></b>  12/02/96 DC No. 93-1674 SB-96-0074-D  (By Judgment)</p>	<p>Failed to attempt to settle client's case; failed to file client's lawsuit prior to expiration of statute of limitations; falsely told client that claim was still pending; failed to communicate with client for six-month period; denied all allegations in resulting lawsuit client filed against him, although he knew some allegations were true. ER 1.2 ER 1.4 ER 3.3 SCR 51(h) ER 1.3 ER 3.1 ER 8.4</p>	<p>Censure &amp; Probation, 2 years</p>	<p>Censure &amp; Probation, 2 years (amended probationary terms)</p>	<p><i>Sua sponte</i> review declined</p>	<p>Probation includes CLE, LOMAP, MAP &amp; professional liability insurance; Conduct involved only 1 client; Remorse; Personal or emotional problems; No prior discipline in 15 years' practice</p>
<p><b><u>Weninger, Charles L.</u></b>  11/19/96 DC Nos. 93-0920 93-1874 94-0221 SB-96-0071-D  (By Judgment)</p>	<p>Allowed default in client's domestic relations matter by failing to file responses; stopped communicating with client after falsely stating that case was still pending; after accepting \$4,750 retainer from client in criminal matter, failed to maintain contact for over 1 year and continued trial (with good cause) thirteen times without adequately explaining continuances to client. ER 1.3 ER 1.4</p>	<p>Accept Agreement for Censure &amp; Restitution &amp; Probation, 1 year</p>	<p>Accept Agreement for Censure &amp; Restitution &amp; Probation, 1 year</p>	<p><i>Sua sponte</i> review declined</p>	<p>Probation includes practice monitor, LOMAP &amp; MAP; 3 prior informal reprimands, prior censure; Subsequent counsel in DR matter successfully set aside default; Nearly 20 years' experience; Was seeking recovery from alcoholism during misconduct; Ongoing rehabilitation</p>

**DISCIPLINARY CASES MATRIX  
(1996)**

<b><u>Wilkinson, W. Joseph</u></b>	Accepted retainers, then performed little, if any, work; failed to keep clients advised of case status; failed to respond to clients' requests for accounting of retainers; falsely told client that he had filed her lawsuit; included claims in complaint he knew were improper; failed to notify clients of office relocation; failed to comply with court orders; failed to assert claims of client desperately in need of child support; failed to attempt to remedy arbitration ruling against client that resulted from Wilkinson's lack of diligence; failed to inform clients of suspension; represented client while suspended; failed to respond to State Bar's requests for information.	N/A	N/A	Consent to Disbarment (retroactive to 11/23/94)	Prior suspension, 5 prior informal reprimands; Effective date is date of prior suspension
07/03/96 DC Nos. 93-1232 94-0072 94-0835 94-1064 94-1317 94-1365 94-1366 94-1385 94-1422 94-1589 94-1758 94-1777 94-2140 95-0575 SB-96-0025-D  (By Judgment)					
	ER 1.1 ER 3.1 SCR 51(e) ER 1.2 ER 3.2 SCR 51(f) ER 1.3 ER 3.4 SCR 51(h) ER 1.4 ER 5.5 SCR 51(i) ER 1.5 ER 8.1 SCR 51(k) ER 1.15 ER 8.4 ER 1.16				

**DISCIPLINARY CASES MATRIX  
(1996)**

<p><b><u>Wulfers, William C., Jr.</u></b></p> <p>03/22/96 DC Nos. 90-0812 90-2479 93-1249 93-1490 93-1583 94-0023 94-0060 94-0198 94-1204 94-1671 94-1682 94-1688 94-1699 94-1717 94-1760 94-1819 94-1936 94-2096 94-2228 94-2276 95-0216 SB-96-0011-D  (By Judgment)</p>	<p>Abandoned practice, affecting nearly 20 clients: accepted representation and retainer, then did little or no work, failed to appear at hearings and appointments, failed to file briefs with court, failed to inform clients of hearings, lied to clients and court; appeared in court while suspended; submitted NSF trust account checks; failed to honor medical liens; carelessly provided incorrect information to client, which led client to sign fee agreement including significantly larger fee than it would have had client been given correct information; failed to respond to State Bar inquiries.</p> <p>ER 1.1 ER 1.15 SCR 43 ER 1.3 ER 1.16 SCR 44 ER 1.4 ER 5.5 SCR 51(e) ER 1.5 ER 8.1 SCR 51(h) ER 1.8 ER 8.4 SCR 51(i)</p>	<p>Accept Agreement for Suspension, 4 years (retroactive to 08/29/94) &amp; Restitution</p>	<p>Accept Agreement for Suspension, 4 years (retroactive to 08/29/94) &amp; Restitution</p>	<p><i>Sua sponte</i> review declined</p>	<p>Effective date is date Wulfers placed on interim suspension; Cocaine dependency and emotional problems related to previous military experience; Actively and successfully undergoing treatment</p>
<p><b><u>Zavala, Michael O.</u></b></p> <p>10/31/96 DC No. 96-1617 SB-96-0050-D  (By Order)</p>	<p>Failed to comply with previous suspension order; hearing committee recommendation of disbarment pending in another matter.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>	<p>Suspension in effect until final disposition of all pending proceedings</p>