

SUPREME COURT OF ARIZONA

In the Matter of an Inactive) Arizona Supreme Court
Member of the State Bar of) No. SB-06-0136-D
Arizona,)
) State Bar of Arizona
ROGER A. McKEE,) No. DC 00-1831
Attorney No. 2715,)
)
Respondent.)
)
_____)

O R D E R

This matter comes before the Court as a result of a Petition for Order to Show Cause Re: Contempt filed by the State Bar of Arizona. Based on the findings of fact, conclusions of law, and recommendations submitted by Hearing Officer 8T, and the Cease and Desist Agreement entered into by the parties,

IT IS ORDERED finding Respondent Roger A. McKee in contempt of the Disciplinary Commission's Report and Order filed December 24, 2001 and this Court's Memorandum Decision filed July 15, 2002.

FURTHER ORDERED permanently enjoining Roger A. McKee from engaging in the unauthorized practice of law.

FURTHER ORDERED that Roger A. McKee shall continue to abide by all "conditions of conduct" previously ordered by the Disciplinary Commission on December 24, 2001 and these terms are incorporated by reference.

FURTHER ORDERED amending the December 24, 2001 "conditions of conduct" to add the following:

Roger A. McKee shall have no contact with clients, including contact by telephone or e-mail, unless supervised by an active Arizona attorney who represents such client, and Roger A. McKee is clearly identified to the client.

FURTHER ORDERED permanently enjoining Roger A. McKee from engaging in those activities which constitute the practice of law, unless properly licensed or certified, including but not limited to:

Document Preparation

1. Preparing any document in any medium intended to affect or secure legal rights for a specific person or entity, unless supervised by an active Arizona attorney;
2. Preparing any document through any medium for filing in any court, administrative agency, or tribunal for a specific person or entity, unless supervised by an active Arizona attorney;

Advertising

3. Using or permitting or encouraging the use of the designations "lawyer," "attorney at law," "counselor at law," "law," "law office," "J.D.," "Esq.," or other equivalent words, initials, or designations, by any person or entity who is not authorized to practice law in this state pursuant to Rule 31 paragraphs (b) or (c) or specially admitted to practice pursuant to Rule 33(d), the use of which is reasonably likely to induce others to believe that the person or entity is authorized to engage in the practice of law in this state;
4. Using the terms "legal assistants," "legal document assistants," "legal document preparers," "paralegals," or phrases of similar import, unless meeting the qualifications of such designation under Rule 31(a)(C), Ariz.R.S.Ct.
5. Advertising in any way that represents Roger A. McKee is a provider of "legal services";

Legal Advice/Opinions

6. Preparing or expressing legal opinions, except when given solely and directly to an active Arizona attorney employing him as a paralegal;

7. Providing oral or written legal or guidance, including, without limitation, providing advice or explanations regarding laws, rules, regulations and practices affecting the legal rights of consumers under such laws, regulations and practices, or otherwise providing guidance to consumers about the logistics of proceeding with or without the advice or assistance of a lawyer;

Representation

8. Representing another in a judicial, quasi-judicial, or administrative proceeding, or other formal dispute resolution process such as arbitration or mediation;
9. Representing a corporation or other legal entity in any judicial, quasi-judicial or administrative proceeding;
10. Engaging in the practice of law through the use of a power of attorney or by representation of consumers by assignment;
11. Negotiating legal rights or responsibilities for any specific person or entity.

FURTHER ORDERED that Roger A. McKee shall:

- A. Notify existing customers, clients, opposing counsel, and opposing parties, if not represented by counsel, of such sanctions;
- B. Return to all customers in pending matters any documents or other property to which the customers are entitled, including their files; and
- C. Cease use of any reference to titles or descriptions prohibited in this Order on all advertising, business cards, and letterhead.

FURTHER ORDERED that Roger A. McKee shall provide proof to the Disciplinary Clerk of his initial compliance with this Order and the "conditions of conduct" as previously ordered within thirty (30) days of the entry of this Order, for assignment by the Disciplinary Clerk to a Hearing Officer for such proceedings as are necessary to determine compliance. Failure to comply with this Order may result in Roger McKee being found in civil or criminal contempt.

FURTHER ORDERED that there will be no costs or expenses assessed as a result of these proceedings.

FURTHER ORDERED that Roger A. McKee shall remain subject to the jurisdiction of this Court with respect to unauthorized practice of law matters.

DATED this _____ day of March, 2007.

Ruth V. McGregor
Chief Justice

TO:

Roger A McKee (Certified Mail, Return Receipt and Regular Mail)
Robert B Van Wyck, Chief Counsel, State Bar of Arizona
Yvette C Gray, State Bar of Arizona
Frederick K Steiner Jr, Hearing Officer
Lauren Elisabeth Eiler, Disciplinary Clerk
Sandra Montoya, Records Manager, State Bar of Arizona

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