

bar community

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from the board

STATE BAR BOARD OF GOVERNORS December Meeting Review

Below are highlights from the December 14, 2001, State Bar Board of Governors meeting. Meetings are held monthly at the Arizona Bar Center in Phoenix.

- ▶ President Nick Wallwork reported that he had attended the Arizona Judicial Council Meeting the previous day. The Council has developed a proposal to reform the justice of the peace court system.
- ▶ Don Bivens, the State of Arizona representative in the ABA House of Delegates, summarized recent matters voted on by the House. He noted that, with the number of Arizona lawyers serving in various capacities within the ABA network, Arizona has a high level of influence at the national level in addressing issues affecting the legal profession and the justice system.
- ▶ Mr. Bivens also reported that he and other interested Arizona attorneys created the Arizona Equal Justice Campaign to support legal services throughout the state. To date, 1,200 attorneys have signed up to donate two hours of their billable time per year, and \$400,000 in cash has been raised and \$1.3 million has been pledged over the next three years.
- ▶ Executive Director Cynthia Zwick introduced recent Employees of the Month chosen to be honored by the Bar Center staff: Mirna Nemr, Discipline (November), and Tim Eigo, Communications (December).
- ▶ Amelia Cramer and Kathie Gummere, representing the Sexual Orientation and Gender Identity Committee, requested that the Bar support and lobby in favor of the Employment Non-Discrimination Act, which will be introduced in the 2002 legislative session. This matter was referred to the Rules Review Committee for study on an expedited basis.
- ▶ Secretary/Treasurer Helen Grimwood presented the proposed 2002 State Bar budget indicating that it was unanimously endorsed by the Finance Committee. The Board unanimously approved the budget as presented. The Board also unanimously approved making a matching fund contribution to the staff's 401(k) plan from the forfeitures of the Bar's Money Purchase Pension Plan.
- ▶ The Honorable Robert Van Wyck, Chair of the Consumer Protection Committee, reported that comments had been received from the Bar community regarding its unauthorized practice of law (UPL) proposal. The Board unanimously approved the Proposed Revisions to Changes and Additions to the Supreme Court Rules for the Regulation of the UPL and to forward the package to the Court for its consideration.
- ▶ The Board approved the Consent Agenda: one reinstatement, three summary suspensions due to the failure to pay MCLE delinquency fees, and minutes of the November 16, 2001, Board meeting.
- ▶ Discipline Committee Chair Chas Wirken reviewed the committee's proposal to track and assist Arizona attorneys whose cumulative number of complaints indicate a lack of professionalism but which do not meet the level of an ethical violation. A portion of the committee's recommendations will be implemented internally by staff; other proposed reforms will require time and outside resources to initiate.
- ▶ Mr. Wirken, Chair of the Appointments Committee, summarized the committee's recommendations and, after discussion, the Board voted to forward the names of the following nominees to Gov. Jane Dee Hull for appointment:
 - Stanton Bloom (Supervisory District 5), Pima County Commission on Trial Court Appointments
 - John J. Tuchi (Supervisory District 1) and Urcinio C. Salaiz (Supervisory District 5), Maricopa County Commission on Trial Court Appointments
 - Robert E. Schmitt (Yavapai County) and the Hon. James Moeller (Maricopa County), Commission on Appellate Court Appointments

news for members

Los Abogados and State Bar Sponsor...

The Spanish-Speaking Client

This program is a must-attend event for any lawyer who has or may have a diverse client base. Arizona lawyers benefit greatly from the program's lineup:

- Hispanic population overview
- Panel discussion on unique client needs
- Application of a practice involving Spanish-speaking clients, including a discussion of interpreters, document translation and depositions/interviews
- Panel discussion of access to law issues and how to improve access

When:
Where:

Thursday, February 28, 9:00-12:15
Sandra Day O'Connor U.S. Courthouse,
401 W. Washington, Phoenix

Co-chairs:

Gary Husk, Esq., Jamieson & Gutierrez
Daniel R. Ortega, Esq., Ortega &
Associates

For information or to register:

Go to cle.azbar.org or call (602) 340-7322.

This program may qualify for up to three MCLE hours.

arizona bar foundation award nominations

The Arizona Bar Foundation is soliciting nominations for awards.

Nominations should be submitted to:

Jessica Ponzio,

Arizona Bar Foundation, 111 W. Monroe, Suite 1800,
Phoenix, AZ 85003-1742.

No form is necessary. A detailed letter with letters of support is encouraged. The deadline for nominations is Friday, March 1.

For more information, go to www.azbf.org.



THE WALTER E. CRAIG DISTINGUISHED SERVICE AWARD

Awarded to that attorney who has manifested adherence to the highest principles and tradition of the legal profession and service to the public in the community in which he or she lives. In 2001, the award was given to Lawrence A. Hammond.

WILLIAM E. MORRIS PRO BONO SERVICE AWARD

Awarded to recognize extraordinary contributions by an Arizona attorney in making legal services available to persons who otherwise could not afford them, and thereby to focus public awareness on the substantial voluntary services rendered by Arizona attorneys in this area. In 2001, the award was given to Luis A. Ochoa.

ATTORNEY LAW-RELATED EDUCATION AWARDS

The Attorney Law-Related Education Award recognizes exceptional contributions of Arizona attorneys or law firms in furthering education

and understanding of the role of the law in our democratic society. This award focuses public awareness on the contributions that attorneys provide

to the community. In 2001, this award was given to the Hon. Robert Brutinel. See www.azbf.org for details.

"To appreciate what it might mean to receive the Walter E. Craig award one need only look to the list of previous recipients. Dean Ares, Ken Sherk (to name only a couple) ... pretty humbling, I would say. The Foundation does important work in which all of us, and the community in which we serve, benefit."

—Larry Hammond



LAWRENCE HAMMOND AND BAR FOUNDATION BOARD MEMBER DEBRA HILL



HON. ROBERT BRUTINEL AND BAR FOUNDATION BOARD MEMBER TERI THOMSON-TAYLOR

JOHN J. ROSS AWARD FOR TEACHER EXCELLENCE IN LAW-RELATED EDUCATION

The John J. Ross Memorial Award was created through the Arizona Bar Foundation to honor the memory of John Ross, who was a senior partner in the law firm Brown and Bain. Each year, the Arizona Bar

Foundation awards at least one \$250 cash award for teacher excellence in law-related education. In 2001, this award was given to Robin Andre, Shelly Baker and Georgia Davison (a teaching team — joint award), Arlie Hunt and Darla Johnson. See www.azbf.org for details.

new people, new places

Dominique Koss Barrett has joined **Lewis and Roca LLP** as an associate in the firm's Tort Litigation Practice Group.



BARRETT

Robbins & Green P.A. has announced that **Shawn E. Nelson** and **Juan F. Moreno** have joined the firm as associate attorneys. Nelson will concentrate on commercial litigation, and Moreno will handle commercial transactions.



LIEBERMAN

Amy Lieberman has joined **Out of Court Solutions** and will focus her practice on mediation of workplace conflicts and employment litigation.



WEAVER

Linda D. Weaver has joined **Osborn Maledon, PA**, and will handle health care and commercial litigation issues.



MORING

Thomas S. Moring has joined **Morrison & Hecker LLP** as an associate in the area of litigation practice.

F. Robert Connelly has joined **Rose & Hildebrand, PC**, as an associate. Connelly will focus his practice in the areas of general civil litigation, complex domestic relations and appeals.

Erich O. Hart has joined the **Department of the Interior's Office of Inspector**

General as a GS-15 attorney-advisor. Hart retired from the Air Force JAG, where he served his last three years as Chief/Deputy Chief of the Environmental Law & Litigation Division.



FUNG

Keriann M. Fung has joined **Greenberg Traurig LLP** as an associate in the firm's Re-organization, Bankruptcy & Restructuring Practice Group.

Robert E. Siesco has relocated his office to 2800 N. Central Avenue, Suite 1800, Phoenix, AZ 85004. Telephone (602) 265-1234.

Gallagher & Kennedy has hired **William F. Allison** and **Andrew G. Miller** as associates. Allison practices in governmental affairs and land use regulation. Before joining the firm, he was a city planner for Phoenix for 13 years, and he served as the City's Zoning Administrator from 1997 to 2001. Miller practices in real estate transactions. Previously, he was Associate General Counsel for Del Webb Corporation.



ALLISON



MILLER

Stephen J. Anthony has joined **Sacks Tierney, PA**, Phoenix. His practice will focus on construction law and commercial litigation, and he will be a member of the firm's litigation group. Previously, he was an associate with Jennings, Haug & Cunningham in Phoenix.

Greenberg Traurig LLP announced that the attorneys and staff of the **Weinberg Cumberford Legal Group** have joined its Phoenix office. Greenberg Traurig is the largest national law firm with offices in

Arizona. **Steven M. Weinberg** and **John E. Cumberford**, associate attorney **Jeffrey C. Whitley** and their paralegal and business staff will join Greenberg Traurig's office at 24th Street and Camelback Road, bringing the number of attorneys there to 43. Greenberg Traurig has 800 attorneys and lobbyists in 17 offices nationwide. The firm leads *The National Law Journal's* 2001 list of five-year growth leaders and is No. 21 on the publication's list of the country's largest law firms.



JONES



MAROVICH



MANLEY



PALUMBO



CALDWELL



COVELL

Jennings, Strouss & Salmon PLC announced that six new associates have joined the firm. **Amanda A. Caldwell**, **Rebecca L. Covell**, **Lindsay E. Jones**, **James M. Marovich** and **Scott I. Palumbo** will concentrate on commercial litigation. **Stewart Manley** will focus on corporate law.

honors & awards



MARTONE

Arizona Supreme Court Justice **Frederick J. Martone** has been confirmed by the U.S. Senate to serve as a **U.S. District Court Judge** for the District of Arizona. He succeeds retired District Court Judge Roger Strand. He

also has served as a judge on the Maricopa County Superior Court and as a partner at Jennings, Strouss & Salmon in Phoenix.

Ernest Calderón, a partner at Jennings, Strouss & Salmon, PLC, and President-Elect of the State Bar of Arizona, has been elected to the board of the **Arizona Community Foundation** for a full four-year term. He practices in labor and employment law, education law and construction law. He earned his J.D. from the University of Arizona.

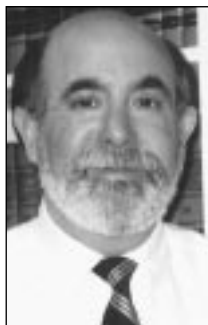
The Foundation is a nonprofit charitable organization that makes grants to nonprofit organizations and governmental agencies to create opportunities where the need is greatest. These grants affect social, educational, environmental, cultural, health and human services issues.



CALDERÓN

The **Maricopa County Volunteer Lawyers Program** recently presented its Attorney of the Month awards for the following months: October—**Kimberly L.S. Pugh** of Levenbaum & Cohen; November—**Danielle H. Riordan** of Mead & Associates; and December—**Benjamin R. Norris** of Quarles & Brady Streich Lang.

Philip Abromowitz was selected as the December Outstanding Pro Bono Attorney of the Month by the **Volunteer Lawyers Program**. He has accepted VLP cases in the area of Chapter 7 bankruptcy for 19 years.



ABROMOWITZ

Wayne C. Benesch of Byrne, Benesch & Villarreal, PC, has been appointed to the Board of Directors of the **Arizona-Mexico Commission**.



BENESCH

Gary L. Birnbaum, a partner in the firm of Mariscal, Weeks, McIntyre & Friedlander, PA, has become a Fellow of the **American College of Trial Lawyers**.

The college was created in 1950 to recognize outstanding trial lawyers and to improve the standards of trial practice, the administration of justice and the ethics of the profession.

The **Maricopa County Bar Association's Young Lawyers Division** has announced that **Jessica J. Fotinos**, an associate with Lewis and Roca LLP, has received the Outstanding Volunteer of the Year award. She was chosen for her efforts on behalf of the HIV Aids Law Project.



FOTINOS

Scott Bales, former Arizona Solicitor General and currently Of Counsel to Lewis and Roca LLP, has been appointed to the **Ninth Circuit's Advisory Committee on Appellate Rules and Internal Operating Procedures**. The committee reviews and recommends changes in the rules and general procedures for the federal court of appeals.

The Arizona office of **Greenberg Traurig LLP** was ranked No. 21 on the annual list of the nation's largest law firms in the **National Law Journal**. The firm moved up from No. 25 on the previous year's list. The Phoenix office was established in 1999 and employs 41 attorneys. ▴

in memoriam

James F. Gatewood

Mr. Gatewood died Oct. 11 in a Tyler, Arizona, hospital. He was 82. Born in Wellington, Kansas, on Aug. 4, 1919, he lived in Tyler since 1977. He graduated from the New Mexico Military Institute and earned his B.S. in Business Administration from the University of Arizona. He also earned his Bachelor of Laws and a J.D. from the U of A. He served in the Army Corps of Engineers in World War II, receiving six Battle Stars in 1944 and a battlefield com-

mission as a second lieutenant. He is survived by his wife, Virginia Louise Gatewood.

Jed Jurkowitz

A Phoenix attorney for 30 years, Mr. Jurkowitz died on Oct. 27 at age 57. He is survived by his wife Judy; his children Jeffrey, Jonathan, Jennifer and Jordan; his mother Florence; and his brother Harvey. Contributions in his memory were made to the Phoenix Hebrew Academy Rabbi

Cooperman Educational Fund and to the Arizona Humane Society.

ARIZONA ATTORNEY welcomes obituaries of Bar members. Submissions will appear as space allows, and they may be edited for length.

RECENTLY DECEASED

Gary J. Jensen, Salt Lake City, UT
Jed W. Jurkowitz, Phoenix
Sharon Ann O'Brien-Reyes, Mesa
Elias M. Romley, Phoenix

SANCTIONED ATTORNEYS

STEVEN W. ALLEN

Bar No. 003371; File No. 99-1247

By Supreme Court Judgment and Order dated August 30, 2001, Steven W. Allen, 1236 North Spencer, Suite 1, Mesa, AZ 85203, was suspended for 30 days by consent agreement, effective September 29, 2001, for conduct in violation of his duties and obligations as a lawyer. Mr. Allen also was placed on probation for two years, effective upon reinstatement, including attending the Trust Account Ethics Enhancement Program within one year of reinstatement. Mr. Allen was ordered to pay costs and expenses in the amount of \$1,087.60 incurred by the State Bar, together with interest at the legal rate from the date of the judgment.

The State Bar was notified that Mr. Allen's client trust account was in a negative balance on numerous occasions. A review of Mr. Allen's trust account records revealed that he failed to maintain client ledger cards, failed to sufficiently identify deposited funds, failed to keep client funds separate from his own when he deposited earned fees into his trust account, failed to identify clients associated with payments he made to himself and failed to maintain adequate funds in his trust account, which resulted in the client trust account being overdrawn.

Mr. Allen's conduct violated Rule 42, ARIZ.R.S.C.T., particularly ER 1.15 and Rules 43(d) and Rule 44, ARIZ.R.S.C.T. There were three aggravating factors found and three mitigating factors found pursuant to the ABA *Standards for Imposing Lawyer Sanctions*.

BRYAN H. GOFF, JR.

Bar No. 003257; File Nos. 98-0567, 98-1573 and 98-1712

By Supreme Court Judgment and Order dated September 11, 2001, Bryan H. Goff, Jr., 7150 East Camelback, Suite 300, Scottsdale, AZ 85251, was censured by consent for conduct in violation of his duties and obligations as a lawyer. Mr. Goff also was ordered on probation for two years and

ordered to attend the Trust Account Ethics Enhancement Program, participate in LOMAP and have a practice monitor. Mr. Goff was ordered to pay costs and expenses in the amount of \$886.65 incurred by the State Bar, together with interest at the legal rate from the date of the judgment.

Between March and August of 1998, Mr. Goff had three trust account violations. The first was a \$550 check drawn on his account resulting in a trust account negative balance of \$43.87 due to a mathematical error. The second was an \$800 trust account check that was returned unpaid, as his balance was only between \$200 and \$314.02. The third was a \$210 trust account check resulting in a negative balance of 48 cents. After investigating Mr. Goff's trust account, the State Bar found that Mr. Goff did not properly identify his trust account as such, did not keep a "correct" running balance on old journal or register transactions and did not have individual client ledgers, except in personal injury matters. In addition, he paid bar dues, the local and long distance telephone companies, the storage facility, his landlord and his wife from his trust account. Furthermore, Mr. Goff had a large amount of white-out that was still sticky to the touch in some areas. Mr. Goff recreated the original documents because he was unable to produce them, and he stated that he used the white-out to correct mathematical errors.

There were two aggravating factors found pursuant to the ABA *Standards for Imposing Lawyer Sanctions*, Section 9.22: (d) multiple offenses and (i) substantial experience in the practice of law. There were four mitigating factors found pursuant to Section 9.32 of the ABA *Standards*: (a) absence of a prior disciplinary record, (b) absence of a dishonest or selfish motive, (d) timely good faith effort to make restitution or to rectify consequences of misconduct and (e) cooperative attitude toward proceedings.

Mr. Goff's conduct violated Rule 42, ARIZ.R.S.C.T., particularly ER 1.15 and Rules 43 and 44, ARIZ.R.S.C.T.

MARK A. KIRKORSKY

Bar No. 010029; File No. 99-1187

By Supreme Court Judgment and Order dated July 5, 2001, Mark A. Kirkorsky, 9420 East Doubletree Ranch Rd, Suite C104, Scottsdale, AZ 85258, was censured by consent in violation of his duties and obligations as a lawyer. Mr. Kirkorsky was placed on probation for one year and ordered to attend six

hours of CLE in the area of juvenile representation. Mr. Kirkorsky also was ordered to pay costs and expenses incurred by the State Bar of \$997.13, together with interest at the legal rate from the date of the judgment.

Mr. Kirkorsky agreed to represent a family in a personal injury matter. Mr. Kirkorsky settled the case for the children and received payment in the amount of \$50,000 and \$2,500, respectively. Mr. Kirkorsky failed to competently represent the minor children by releasing the settlement funds to their parents prior to the establishment of a conservatorship; failed to reduce to writing verbal amendments to the fee contract to allow for a contingency fee; failed to determine prior to hearing whether the mother had the conservatorship funds available; failed to advise the court that the conservatorship funds had been released to the mother prior to the hearing; and failed to timely file proof of establishment of the conservator account or to advise the court that such proof could not be filed within 30 days of the hearing.

There were two aggravating factors found pursuant to the ABA *Standards for Imposing Lawyer Sanctions*, Section 9.22: (h) vulnerability of victim (found by the commission) and (i) substantial experience in the law. There were four mitigating factors found pursuant to Section 9.32 of the ABA *Standards*: (a) absence of a prior disciplinary record, (e) full and free disclosure to disciplinary board or cooperative attitude toward proceeding, (k) imposition of other penalties or sanctions and (l) remorse.

Mr. Kirkorsky's conduct violated Rule 42, ARIZ.R.S.C.T., particularly ER 1.1, ER 1.5, ER 1.15 and ER 8.4.

STEVEN G. LUSTIG

Bar No. 011600; File No. 99-0560

By Supreme Court Judgment and Order dated September 7, 2001, Steven G. Lustig, 1005 North 2nd Street, Suite 202, Phoenix, AZ 85004, was censured by consent agreement, for conduct in violation of his duties and obligations as a lawyer. Mr. Lustig was ordered to pay costs and expenses in the amount of \$928.85 incurred by the State Bar, together with interest at the legal rate from the date of the judgment.

Mr. Lustig shared office space for approximately one year with two other attorneys and agreed to share in the responsibility of handling collection matters with them. During that time, Mr. Lustig failed to supervise two non-lawyers who held themselves out as

CAUTION

Nearly 16,000 attorneys are eligible to practice law in Arizona. Many attorneys share the same names. All discipline reports should be read carefully for names, ages, addresses and Bar numbers.

lawyers, and he facilitated the unauthorized practice of law. Mr. Lustig failed to report attorney misconduct for fee sharing with a non-lawyer and used firm letterhead indicating that the office sharing arrangement was a partnership, when in fact it was not.

There were two aggravating factors found pursuant to the ABA *Standards for Imposing Lawyer Sanctions*, Section 9.22: (a) prior disciplinary record and (i) substantial experience in the practice of law. There were three mitigating factors found pursuant to Section 9.32 of the ABA *Standards*: (b) absence of a dishonest or selfish motive, (c) cooperative attitude toward proceedings and (l) remorse.

Mr. Lustig's conduct violated Rule 42, ARIZ.R.S.CT., particularly ER 5.3(b), ER 5.5(b), ER 7.5(d), ER 8.3 and ER 8.4(a).

EDWARD DAVID MCCARTHY, III

Bar No. 016985; File Nos. 99-1593, 99-2175 and 00-1464

By Supreme Court Judgment and Order dated August 31, 2001, Edward David McCarthy, III, 1506 West Jerome, Mesa, AZ 85202, was suspended for two years for conduct in violation of his duties and obligations as a lawyer. Mr. McCarthy also was ordered on probation for two years effective upon reinstatement. Mr. McCarthy was ordered to pay restitution to one client in the amount of \$700 and was further ordered to reimburse the Client Protection Fund for any claims the Fund may have paid out. Mr. McCarthy was ordered to pay costs and expenses in the amount of \$1,527.56 incurred by the State Bar, together with interest at the legal rate from the date of the judgment.

In all three counts, Mr. McCarthy failed to communicate or consult with his clients and failed to act with reasonable diligence. Mr. McCarthy knowingly failed to respond to the State Bar's investigation, refused to cooperate with the State Bar and failed to keep his address current with membership records. Additionally, in Count One, Mr. McCarthy failed to make reasonable efforts to expedite litigation consistent with his client's interests, failed to return his client's file and failed to attend two court hearings. In his only response to the State Bar, Mr. McCarthy made misrepresentations. In Count Three, Mr. McCarthy's fee was unreasonable, he was dishonest in his representation to his client that he was working on the client's file and he failed to properly withdraw and protect his client's interests.

Mr. McCarthy's conduct violated Rule

42, ARIZ.R.S.CT., particularly ER 1.2, ER 1.3, ER 1.4, ER 1.5(a), ER 1.16(d), ER 3.2, ER 8.1(b) and ER 8.4(c) and (d) and Rules 31(c)(3) and 51 (h) and (i), ARIZ.R.S.CT. There were three aggravating factors and one mitigating factor found pursuant to the ABA *Standards for Imposing Lawyer Sanctions*.

KENT RUSSELL ROMNEY

Bar No. 011686; File Nos. 96-1694, 96-1815, 96-1983, 96-2198, 96-2220, 96-3105, 97-0157, 97-0332, 97-0530, 97-0588, 97-1071 and 97-1774

By Supreme Court Judgment and Order

Opinion No. 2001-11

(November 2001)

A law firm may only contract with an agency that would assist firm clients in preparing forms for medical benefits if: (a) the clients are informed about the costs of such support services, and (b) the lawyers adequately supervise the work of the Agency (and review the forms) to assure that the Agency's conduct is compatible with the lawyers' ethical obligations. [ERs 1.4, 1.5, 1.6, 5.3, 5.5]

Opinion No. 2001-12

(November 2001)

This Opinion discusses the possible conflicts of interest when a public defender and law enforcement officer have a personal relationship. [ERs 1.6, 1.7, 1.10]

Opinion No. 2001-13

(November 2001)

Prosecutors ethically may reveal substance of discussions with law enforcement witnesses; such discussions are not considered "client confidences" under ER 1.6. [ERs 1.6, 3.8]

Opinion No. 2001-14

(November 2001)

A lawyer who discovers while a criminal appeal is pending that his client used a false name in the trial court must advise his client that he cannot use a false name with the appellate court; if the client insists on using a false name, the lawyer should seek to withdraw but not reveal the client's use of a false name. If the motion to withdraw is denied, counsel must proceed but cannot rely upon or argue the client's false statement in any further representation. [ERs 1.6, 3.3(a)(1), (4)]

Need an Opinion?

Check out the State Bar Web site at www.azbar.org/EthicsOpinions/ for a listing of the ethics opinions issued between 1985 and 2002.

If you are an Arizona attorney and have an ethics question, contact Lynda Shely, Director of Ethics, at (602) 340-7284.

dated March 23, 2001, Kent Russell Romney, 2712 North 7th Street, Phoenix, AZ, was suspended for 42 months retroactive to April 15, 1997. Mr. Romney agreed to this sanction by consent. Upon Mr. Romney's reinstatement, he will be placed on probation for two years with LOMAP, MAP and a practice monitor. Mr. Romney was ordered to pay restitution to three clients in the total amount of \$2,250.00. Mr. Romney also was ordered to pay costs and expenses incurred by the State Bar of \$1,636.85, together with interest at the legal rate from the date of the judgment.

Mr. Romney's conduct consisted of tak-

ing retainers to work on cases and then abandoning the clients, failing to communicate with the clients about the case, failing to turn over client files to successor counsel after termination when requested, failing to obey court orders, failing to return unearned fees and failing to cooperate with the State Bar during its investigation.

There were three aggravating factors found pursuant to the ABA *Standards for Imposing Lawyer Sanctions*, Section 9.22: (c) pattern of misconduct, (d) multiple offenses and (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency. There were six mitigating factors found pursuant to Section 9.32 of the ABA *Standards*: (a) absence of disciplinary record, (b) absence of a dishonest or selfish motive, (c) personal or emotional problems, (d) timely good faith effort to make restitution, (e) full and free disclosure to disciplinary board and (l) remorse.

Mr. Romney's conduct violated Rule 42, ARIZ.R.S.Ct., particularly ER 1.2, ER 1.3, ER 1.4, ER 1.5, ER 1.15, ER 1.16, ER 3.2, ER 3.3, ER 4.1, ER 8.1(b) and ER 8.4(c) and (d) and Rule 51(h) and (i), ARIZ.R.S.Ct.

WILLIAM L. SCHOLL

Bar No. 003965; File No. 97-0622

By Supreme Court Judgment and Order dated May 11, 2001, William L. Scholl, 100 North Stone, Suite 801, Tucson, AZ 85701, was suspended for six months retroactive to April 18, 2001, for conduct in violation of his duties and obligations as a lawyer. Mr. Scholl also was ordered to pay costs and expenses incurred by the State Bar of \$1,469.68, together with interest at the legal rate from the date of the judgment.

Mr. Scholl was convicted after a jury trial in federal district court of seven felony offenses, including filing false tax returns and structuring currency transactions. At the time of these intentional crimes of dishonesty, Mr. Scholl was a superior court judge in Pima County. Mr. Scholl resigned from the bench shortly after the convictions, rendering moot the proceedings instituted against him by the Commission on Judicial Conduct. At the disciplinary hearing, the State Bar of Arizona sought the sanction of disbarment. The Hearing Officer recommended a censure, probation and costs. The Disciplinary Commission accepted the findings of facts of the Hearing Officer but changed the recommended sanction to a two-year suspension. The Supreme Court then reviewed the

Disciplinary Commission's recommendation *sua sponte* and imposed a six-month suspension. The full opinion can be found at the Supreme Court's Web site.

The Court found four mitigating factors pursuant to Section 9.32 of the ABA *Standards for Imposing Lawyer Sanctions*, Section 9.32: (a) absence of a prior disciplinary record, (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings, (g) character or reputation and (k) imposition of other penalties or sanctions.

Mr. Sholl's conduct violated Rule 57(a), ARIZ.R.S.Ct.

ERNEST E. SHAVER

Bar No. 012881, File Nos. 98-0485, 98-0953, 98-1961, 98-2006, 98-2010 and 00-0183

By Supreme Court Judgment and Order dated June 26, 2001, Ernest E. Shaver, P.O. Box 7482, Phoenix, AZ 85011, was censured by consent in violation of his duties and obligations as a lawyer. Mr. Shaver, upon resuming active practice as a sole practitioner or managing partner in a law firm within two years of the commission order, agreed to six months' probation with LOMAP. Mr. Shaver also was ordered to pay restitution to two clients in the amount of \$700. Mr. Shaver also was ordered to pay costs and expenses in the amount of \$834.05 incurred by the State Bar, together with interest at the legal rate from the date of the judgment.

In 1996, 1997 and 1998 Mr. Shaver represented five different individuals in divorce matters and one individual in a bankruptcy matter. Mr. Shaver's conduct was similar in each case in that he did not provide adequate attention to files, was not diligent failed to communicate and failed to resolve fee disputes.

There were three aggravating factors found pursuant to the ABA *Standards for Imposing Lawyer Sanctions*, Section 9.22: (c) pattern of misconduct, (d) multiple offenses and (i) substantial experience in the practice of law. There were six mitigating factors found pursuant to Section 9.32 of the ABA *Standards*: (a) absence of a prior disciplinary record, (b) absence of selfish or dishonest motive, (c) personal problems, (d) timely good faith effort to rectify consequences of misconduct, (e) full and free disclosure to disciplinary board cooperative attitude toward proceeding, and (l) remorse.

Mr. Shaver's conduct violated Rule 42, ARIZ.R.S.Ct., particularly ER 1.2, ER 1.3, ER 1.4, ER 1.5, ER 1.15 and ER 1.16. ▀