

REINSTATED ATTORNEYS

MARK K. BRIGGS

Bar No. 015645; File No. 11-9043

PDJ No. 2011-9043

By Arizona Supreme Court order dated Jan. 11, 2012, Mark K. Briggs, Phoenix, was reinstated as an active State Bar member, and placed on probation for two years, effective the date of the order.

PETER STROJNIK

Bar No. 006464; File No. 10-1223

PDJ No. 2011-9096

By the presiding disciplinary judge's Jan. 3, 2012, order, Peter Strojnik, Phoenix, was reinstated to active membership in the State Bar effective the date of the order.

SANCTIONED ATTORNEYS

KATHRYN L. BUSBY

Bar No. 07142; File No. 10-1720

PDJ No. 2011-9086

By final judgment and order of the presiding disciplinary judge dated Dec. 19, 2011, Kathryn Busby, Phoenix, was reprimanded. She was placed on probation to view the State Bar's educational program *Ten Deadly Sins of Conflict*. Ms. Busby also was assessed the costs and expense of the disciplinary proceeding.

In 1988, Ms. Busby became a frequent patron of a Phoenix restaurant. She later became social acquaintances with the owner and then provided him with legal and business advice involving the business. In 1989, Ms. Busby filed a dissolution action on behalf of him. When he remarried, his new wife helped with managing and operating several restaurants. Ms. Busby received a one percent ownership interest in various restaurants as payment for her legal work. She failed, however, to make her client, the restaurant owner, aware of any of the legal ramifications of a business transaction with a client. The terms of the business transaction were also not fully disclosed in writing as required by the Ethical Rules.

In the mid 2000s, Ms. Busby drafted a boilerplate will for the restaurant owner and his wife, but failed to obtain their informed consent in writing for the joint representation.

When, in 2007, the husband and wife separated, they asked Ms. Busby to draft a settlement agreement using terms upon which they already had agreed. Ms. Busby complied, but the settlement failed because she had added additional language that the parties had not discussed. Ms. Busby failed to have a written waiver of conflict of interest when she drafted the settlement agreement. Ms. Busby also failed to notify the wife that she had a personal interest in the restaurants at the time she drafted the settlement agreement.

Subsequently the husband and wife hired separate counsel to represent them in the dissolution proceedings. A six-day dissolution trial occurred before a special master. In August 2009, the special master issued a report regarding all contested issues except for attorney's fees and costs. The special master awarded the wife an equalization payment from the husband. However, there was no restriction on transferring ownership because the special master awarded the businesses to husband.

In January 2010, the court entered a decree of dissolution. There was no ruling regarding the security for the equalization award because the parties were to determine this on their own. On or about Mar. 30, 2010, the husband transferred several shares of various businesses to his business adviser and Ms. Busby for their past and future work.

On Aug. 23, 2010, the wife filed a complaint alleging fraudulent conveyance against Ms. Busby and others. The case was settled on Sept. 7, 2010. As part of the settlement, the businesses were to be used as security for the money the husband owed his ex-wife.

At the time of the transfer of shares, Ms. Busby failed to have her client sign a waiver of any potential conflict of interest created by her owning shares in the business while also drafting the documents associated with the transfer of shares to herself and the business advisor in violation of the Ethical Rules.

Aggravating factor: substantial experience in the practice of law.

Mitigating factors: absence of prior disciplinary record, timely good faith-effort to rectify the consequences of her misconduct, full and free disclosure to disciplinary board, and remorse.

Ms. Busby violated Rule 42, ARIZ.R.S.C.T., specifically ERs 1.7, 1.8, and 4.3.

ROSEMARY STATHAKIS COOK

Bar No. 006842; File Nos. 09-2114, 10-0253, 10-0575, 10-0784, 10-1074, 10-1466, 10-1776, 10-1828, 10-1972, 10-1982, 10-2066, 10-2108, 10-2111, 11-0110, 11-2027, 11-2176, 11-2189

PDJ No. 2011-9088

By judgment and order of the presiding discipli-

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, addresses and Bar numbers.

nary judge dated Dec. 15, 2011, Rosemary Stathakis Cook, Phoenix, was suspended for four years, retroactive to Oct. 19, 2010. She also was assessed the costs and expenses of the disciplinary proceeding.

The four-year suspension was based in part on matters unrelated to the practice of law. Ms. Cook was convicted in three unrelated criminal cases. In one case she was convicted of aggravated assault (while driving a vehicle under the influence of alcohol, Ms. Cook caused an accident that resulted in minor injuries to another driver), and in the other two cases she was convicted of aggravated driving under the influence of intoxicating liquor (Ms. Cook had an alcohol concentration of 0.08 percent or more within two hours of the time of driving while her driver's license or privilege to drive was suspended pursuant to the implied consent law).

Regarding the practice of law, Ms. Cook failed to adequately supervise her non-lawyer employees for a period of months while she was incarcerated. As a result, Ms. Cook's non-lawyer employees failed to adequately and promptly communicate with a number of Ms. Cook's clients. Ms. Cook disclosed confidential information to a prospective employee and filed a pleading on a client's behalf three days after the client discharged her from further representation. In addition, Ms. Cook and her non-lawyer employees were unable to locate documents given to her or her staff by a client.

In three unrelated District Court cases, Ms. Cook engaged in conduct prejudicial to the administration of justice. In two cases, Ms. Cook was impaired by alcohol when she appeared before magistrate judges at settlement conferences. In one of those cases, she refused to communicate with the magistrate judge, and in the other case she interrupted the magistrate judge to ask inappropriate questions.

Following her placement on interim suspension, Ms. Cook failed to notify her clients, opposing counsel and the courts that she had been suspended; failed to withdraw from further representation of at least some of her clients; failed to file a complete and accurate affidavit with the Disciplinary Commission and the Supreme Court regarding her compliance with the order of interim suspension; failed to close her law office after being suspended on an interim basis; and allowed two non-lawyer employees to manage and operate her law firm.

Aggravating factors: prior disciplinary offenses, a pattern of misconduct, multiple offenses, and substantial experience in the practice of law.

Mitigating factor: personal or emotional problems.

Ms. Cook violated Rule 42, ARIZ.R.S.C.T., specifically ER 1.4(a) and/or (b), ER 1.6(a), ER

1.15(a), ER 1.16(a), ER 3.5(d), ER 5.3(a), ER 5.3(b), ER 8.4(b), ER 8.4(d), Rule 41(c), ARIZ.R.S.Ct., Rule 41(g), ARIZ.R.S.Ct., and Rule 72, ARIZ.R.S.Ct. (2010 rule).

MARK J. A. HUGHES

Bar No. 015113; File No. 10-1856
PDJ No. 2011-9091

By order dated Jan. 3, 2012, the presiding disciplinary judge declined to reinstate Mark J. A. Hughes, Phoenix, after Mr. Hughes had been suspended for 30 days. Mr. Hughes had failed to comply with Rule 72, ARIZ.R.S.Ct., which is a condition precedent to reinstatement.

ANDREA MOUSER

Bar No. 023967; File Nos. 10-1301 et al.
PDJ No. 2011-9094

By final judgment and order of the presiding disciplinary judge dated Jan. 9, 2012, Andrea Mouser, Phoenix, was reprimanded. She also was placed on probation for two years and ordered to participate in the State Bar's Member Assistance Program, Law Office Management Assistance Program, Fee Arbitration and the Trust Account Ethics Enhancement Programs. Ms. Mouser also was assessed the costs and expense of the disciplinary proceeding.

In one matter, Ms. Mouser was hired to file a petition for visitation of a minor child who had moved to Arizona in April 2009. Ms. Mouser was paid \$3,000. Ms. Mouser failed to act diligently and failed to communicate with her client. In approximately March 2010, Ms. Mouser determined that she could not file the petition due to extenuating circumstances. As result, Ms. Mouser withdrew and another attorney took over the case and filed the petition. When a trust account examination was conducted, Ms. Mouser failed to provide original trust account records due to a computer software malfunction in violation of the Ethical Rules.

In the second matter, Ms. Mouser met with a potential client regarding assistance with documentation for an expedited motion for temporary order in a dissolution action. The potential client did not hire Ms. Mouser. Ms. Mouser later filed a notice of appearance to represent the husband of the potential client. In July 2010, the opposing counsel filed a motion to disqualify Ms. Mouser due to the conflict of interest. Ms. Mouser went to the hearing and informed the court that she would not represent the client. The court ordered attorneys fees, which Ms. Mouser failed to timely pay. Ms. Mouser had memory issues caused by addiction to pain medication and a subsequent seizure.

Aggravating factors: pattern of misconduct, multiple offenses, failure to comply with the State Bar, illegal conduct involving use of controlled substance.

Mitigating factors: absence of prior discipline, personal or emotional issues, chemical dependency, inexperience in the practice of law,

imposition of other penalties and remorse.

Ms. Mouser violated Rule 42, ARIZ.R.S.Ct., specifically ERs 1.3, 1.4, 1.5, 1.9, 1.15, 1.16, and 8.4 (d), and Rule 43, ARIZ.R.S.Ct.

GIL SHUGA

Bar No. 014049; File No. 11-0095-D
PDJ No. 2011-9066

On Nov. 22, 2011, the presiding disciplinary judge issued an order temporarily suspending Gil Shuga and recommending that the Arizona Supreme Court issue an order of interim suspension. By Supreme Court order filed Jan. 11, 2012, Mr. Shuga, Mesa, was placed on interim suspension, effective that same date. The suspension will continue in effect until final disposition of all pending proceedings against Mr. Shuga, unless earlier vacated or modified.

INGRID-JOY WARRICK

Bar No. 019624; File No. 11-0093-R
PDJ No. 2011-9031

By order dated Jan. 11, 2012, the Arizona Supreme court dismissed Ingrid-Joy Warrick's application for reinstatement, after finding that Ms. Warrick failed to establish that she is qualified to be reinstated to the active practice of law. Ms. Warrick, Phoenix, had been suspended for 90 days effective April 6, 2010.

CHAD JAMES WHITE

Bar No. 028494; File No. 11-0091-D
PDJ No. 2011-9073

On Nov. 14, 2011, the presiding disciplinary judge issued an order temporarily suspending Chad J. White and recommending that the Arizona Supreme Court issue an order of interim suspension. By Supreme Court order filed Jan. 11, 2012, Mr. White, Tucson, was placed on interim suspension, effective that date. The suspension will continue in effect until final disposition of all pending proceedings against Mr. White, unless earlier vacated or modified.