

REINSTATED ATTORNEY

JOHN F. SERAFINE

Bar No. 02092; File No. 15-9051

PDJ No. 2015-9051

By order of the Arizona Supreme Court filed on Jan. 5, 2016, John F. Serafine, Phoenix, was reinstated as an active member of the State Bar of Arizona from an administrative suspension for failure to pay dues, effective the date of the order.

SANCTIONED ATTORNEYS

JAMES R. ANDREWS II

Bar No. 027886; File Nos. 14-3042, 15-2207, 15-2802

PDJ No. 2015-9126

By final judgment and order dated Dec. 23, 2015, the presiding disciplinary judge accepted an agreement for discipline by consent by which James R. Andrews II, Chandler, Ariz., was suspended for one year and placed on supervised probation for two years, upon reinstatement. Mr. Andrews also was ordered to pay restitution to two former clients and the Clerk of the Superior Court of Arizona for Maricopa County,

totaling \$36,246.90. Mr. Andrews also was ordered to pay costs and expenses totaling \$1,200.

In count one, Mr. Andrews over-drew his trust account by writing a check for \$100, leaving the account with a negative balance. During its investigation the State Bar discovered that Mr. Andrews failed to pay several recorded medical liens for two clients.

In count two, Mr. Andrews wrote four insufficient funds checks to the Clerk of the Superior Court of Arizona in Maricopa County. Three checks remain outstanding and unpaid.

In count three, Mr. Andrews filed pleadings in a Superior Court action while he was administratively suspended from the practice of law.

The presiding disciplinary judge decided that two aggravating factors applied: a pattern of misconduct, and multiple offenses, while the lone mitigating factor was absence of a prior disciplinary record. Mr. Andrews violated Rule 42, ARIZ.R.S.Ct., ERs 1.15(a), 5.5,

and 8.4(d). Mr. Andrews violated numerous subsections of Rule 43 (commonly referred to as the trust account rules) and Rule 54(d)(2) as well.

BRUCE D. BRIDEGROOM

Bar No. 002649; File No. 14-2635

PDJ No. 2015-9070

On Nov. 24, 2015, the presiding disciplinary judge reprimanded Bruce D. Bridgroom, Tucson, for violating the trust account rules. Mr. Bridgroom will be placed on probation for one year and attend the State Bar's trust account ethics enhancement program. He also was assessed the costs and expenses of the disciplinary proceeding totaling \$1,200.

Mr. Bridgroom wrote an IOLTA check to his client when there were insufficient funds on deposit. He did not provide the client with the written statement upon conclusion of a contingent fee matter as required by ER 1.5(c), and he does not maintain an administrative funds ledger or individual

client ledgers for any of his clients. Mr. Bridgroom duplicate deposit slips do not identify the name of the clients on whose behalf funds were deposited. He failed to keep a copy of the item deposited in the IOLTA on Aug. 19, 2014 in the amount of \$3,200, or the corresponding deposit slip, and he did not give a reason for those omissions. Mr. Bridgroom does not perform monthly reconciliations and his checkbook register does not include the unexpended balance after each transaction. Finally, he failed to use pre-numbered checks or electronic transfers on three withdrawals; he converted the withdrawals to cashier's checks thereby losing the audit trail.

The lone aggravating factor was substantial experience in the practice of law, and there were two mitigating factors: Absence of a prior disciplinary record and absence of a dishonest or selfish motive.

Mr. Bridgroom violated Rule 42, ARIZ.R.S.Ct., ERs 1.5(c) and 1.15(a); and Rule 43(a)(4); (b)(1)

(A) and (C); 43(b)(2)(A), (B), (C), and (D); (b) (5); and (d)(3), ARIZ.R.S.C.T.

MARK HELDENBRAND

Bar No. 011790; File No. 14-0951
PDJ No. 2015-9123

By the presiding disciplinary judge's Dec. 21, 2015, judgment and order, J. Mark Heldenbrand, Phoenix, was reprimanded and placed on one year of probation to obtain six hours of Continuing Legal Education in addition to the annual requirement per educational year. He also was assessed the costs and expenses of the disciplinary proceeding totaling \$1,266.20.

Mr. Heldenbrand represented a client in a tax reduction matter and some collections matters which resulted in litigation. Thereafter, Mr. Heldenbrand sought to recover nearly ten times the principal debt of \$600 through settlement offers, which were rejected. He further failed to act consistent with his client's direction and failed to keep his client informed regarding the litigation.

Aggravating factors included prior disciplinary offenses and substantial experience in the practice of law. There were no mitigating factors.

Mr. Heldenbrand violated Rule 42, ARIZ.R.S.C.T., specifically ERs 1.2, 1.3, 1.4, 4.4 and 8.4(d).

KARL R. LAUTZ

Bar No. 014211; File Nos. 14-1620, 14-2166, 14-3377, 14-3556, 15-0667, 15-0783
PDJ No. 2015-9076

By judgment and order dated Jan. 8, 2016, the presiding disciplinary judge accepted the consent to disbarment of Karl R. Lautz, Pinetop, Ariz., and ordered him disbarred effective Feb. 8, 2016.

JUDD NEMIRO

Bar No. 028491; File No. 14-3589
PDJ No. 2015-9080

By final judgment and order dated Dec. 22, 2015, the presiding disciplinary judge accepted an agreement for discipline by consent by which Judd Nemiro, Phoenix, was suspended for 30 days beginning Jan. 21, 2016. Mr. Nemiro was suspended for filing a Petition for Dissolution knowing his client did not meet the jurisdictional requirement for filing in Arizona. The court ultimately dismissed the case and assessed attorney's fees against Mr. Nemiro's client, finding in part that the Petition for Dissolution was not filed in good faith. Mr. Nemiro was assessed the costs of the subsequent disciplinary proceedings in the sum of \$1,200.

Aggravating factors: dishonest or selfish motive.

Mitigating factors: absence of a prior disciplinary record, timely good faith effort to rectify the consequences of misconduct, full and free disclosure to the disciplinary board, inexperience in the practice of law, and remorse. Mr. Nemiro violated Rule 42, ARIZ.R.S.C.T., ERs 3.1, 3.3(a)(1) and (b), and 8.4(c) and (d).

WILLIAM D. SHOSTAK

Bar No. 016018; File No. 15-0376
PDJ No. 2015-9111

By final judgment and order dated Jan. 15, 2016, the presiding disciplinary judge accepted an agreement for discipline by consent by which William D. Shostak, Chandler, Ariz., was reprimanded for violating the Arizona Rules of Professional Conduct. Mr. Shostak also was placed on one year of probation and ordered to pay his former client restitution of \$2,500 and complete Continuing Legal Education programs addressing the unauthorized practice of law. Mr. Shostak also was ordered to pay costs and expenses totaling \$1,200.

Mr. Shostak permitted a paralegal licensed as an attorney in Mexico to engage in the unauthorized practice of law. By permitting the paralegal to perform most, if not all, of the legal services related to the representation of a client, Mr. Shostak permitted the unauthorized practice of law, failed to supervise his non-lawyer assistants, failed to reasonably communicate with the client, and charged the client unreasonable fees for the legal services performed. Some of those services included taking the deposition of a witness, providing legal opinions to the client and providing legal advice to the client and witness.

The presiding disciplinary judge determined that one aggravating factor applied—substantial experience in the practice of law, while there were three mitigating factors—absence of prior disciplinary record, timely good faith effort to make restitution or to rectify consequences, and full disclosure to disciplinary board or cooperative attitude toward proceedings. Mr. Shostak was found to have violated Rule 42, ARIZ.R.S.C.T., ERs 1.4, 1.5, 5.3 and 5.5.

ALAN R. SOLOT

Bar No. 006587; File No. 14-1398
PDJ No. 2015-9055

By the presiding disciplinary judge's final judgment and order filed Jan. 15, 2016, Alan R. Solot, Tucson, was suspended from the practice of law for one year. The effective date of the suspension is Nov. 16, 2015, following a hearing panel's decision and order filed on Oct. 16, 2015. Mr. Solot appealed the decision but later withdrew his appeal. In addition to being suspended, Mr. Solot paid \$2,690 in ordered restitution to his client, and must pay the costs of the proceedings, totaling \$2,155.28.

In 2013 Mr. Solot represented Martin Hussak in a bankruptcy case. Mr. Hussak owned business property and a home, and had retained separate counsel, Lawrence Schubart, to represent him in an eminent domain proceeding. Hussak was imprisoned (on charges unrelated to the bankruptcy) although from his detention facility he was able to communicate fairly well. His eminent domain case was pending in Superior Court. Mr. Schubart referred Hussak to Mr. Solot, the latter filed a Chapter 13 bankruptcy petition for Hussak, and the Superior Court matter was stayed.

Thereafter, Mr. Solot failed to communicate

with or respond appropriately to any of the people essential to promoting Mr. Hussak's interests. Mr. Schubart needed Mr. Solot to get Schubart appointed associate counsel in the bankruptcy case in order to properly administer the eminent domain matter, but Mr. Solot did not respond to Schubart's requests for information or assistance. Ultimately, the Superior Court dismissed Hussak's case. Mr. Solot failed to respond to Hussak or any of those whom Hussak authorized to communicate for him. Mr. Solot also failed to respond to Hussak's realtor who had a buyer interested in buying Hussak's home. At one point the realtor scolded Mr. Solot in an email for his unprofessionalism in failing to respond to people important to Hussak's legal matters. Mr. Solot still did not respond. The bankruptcy court dismissed Hussak's case several times due to Mr. Solot's missing or inadequate filings. Although he got the case reinstated, Mr. Solot did not report these events to Hussak.

Unable to obtain case-related information from Mr. Solot, Mr. Hussak learned from the bankruptcy clerk that his case had been dismissed. From prison, Hussak filed a motion in pro per to reinstate the case. When Mr. Solot learned that Hussak was able to do this, he finally communicated with Hussak. However, he failed to appear in court for the hearing on Hussak's motion to reinstate, and the court dismissed the case. Mr. Solot agreed to file a new Chapter 13 case for free, and did so, but failed to advise Hussak that he had 30 days after filing within which to seek an extension of the automatic bankruptcy stay. Mr. Solot did not seek an extension. Hussak lost his business property, the property subject to the eminent domain case, his home, and any chance to sell assets, negotiate debts with creditors, and salvage anything for himself. Mr. Schubart lost the opportunity to earn a contingent fee in the eminent domain case. Mr. Solot converted the Chapter 13 case to a Chapter 7 case, and Hussak obtained a discharge in bankruptcy.

During the State Bar's screening investigation, Mr. Solot failed to respond to the Bar's requests for a response. Later, he failed to file an answer to the formal complaint. Mr. Solot claimed that he and the bar reached a consent agreement; however, although he and bar counsel discussed entering into an agreement for discipline by consent, they did not reach a settlement. The presiding disciplinary judge entered a default and the case went to an aggravation/mitigation hearing. Although Mr. Solot testified, he offered no discernible reason for failing to respond to Mr. Hussak and others in the underlying case or to the State Bar during the screening investigation. The hearing panel decided that Mr. Solot knowingly abandoned his client and failed to fulfill his duty to cooperate in a State Bar investigation.

Aggravating factors were: a prior disciplinary offense, selfish motive, multiple offenses, bad faith obstruction of disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency, vulnerability of victim, substantial experience in the practice of law, and

indifference to making restitution. There were no mitigating factors.

Mr. Solot violated Rule 42, ARIZ.R.S.Ct., ERs 1.2, 1.3, 1.4, 3.2, 8.1, and 8.4(d); and Rule 54(d), ARIZ.R.S.Ct.

TIMOTHY W. STEADMAN

Bar No. 022708; File Nos. 14-0274, 14-0385, 14-3052, 15-0644

PDJ No. 2015-9086

By final judgment and order dated Dec. 23, 2015, the presiding disciplinary judge accepted an agreement for discipline by consent by which Timothy W. Steadman, Mesa, Ariz., was suspended for 60 days and placed on supervised probation for two years, upon reinstatement. As a term of probation, Mr. Steadman will be required to participate in the State Bar Law Office Management Assistance Program and pay restitution to two former clients totaling \$1987.50. Mr. Steadman also was ordered to pay costs and expenses totaling \$1,200.

In count one, Mr. Steadman was hired to represent a client in a divorce proceeding. During the representation, the parties reconciled and filed a pro per stipulation to dismiss the case. When the client requested a refund, Mr. Steadman claimed that the prepaid fees of \$975 were expended on one letter, research, and discovery.

In count two, Mr. Steadman was hired to collect an outstanding promissory note. While Mr. Steadman filed pleadings in a family court case, the court determined that it had no jurisdiction over the collection matter. Mr. Steadman delayed filing a civil lawsuit for six months, and although he served the summons he failed to seek a default judgment for many months.

In count three, Mr. Steadman was hired to complete an adoption. After the adoption was finalized in court, Mr. Steadman was informed that he failed to submit a form to amend the birth certificate with the Department of Vital Statistics. Despite multiple requests, Mr. Steadman failed to provide the requested form for several months.

In count four, a client hired Mr. Steadman to set aside a Consent Decree and oppose a request for an award of attorney fees. Despite his client's prodding, Mr. Steadman failed to file any documents or inform his client of his inaction.

The presiding disciplinary judge determined that three aggravating factors applied: prior disciplinary offenses, a pattern of misconduct, and multiple offenses. There were two mitigating factors: absence of a dishonest or selfish motive, and full and free disclosure to disciplinary board or cooperative attitude toward proceedings. Mr. Steadman violated Rule 42, ARIZ.R.S.Ct., ERs 1.1, 1.2, 1.3, 1.4, 1.5, 3.2, and 8.4(d).

CAUTION!

Nearly 17,000 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.