

LAWYER REGULATION

RESINSTATED ATTORNEYS

TIMOTHY W. STEADMAN

Bar No. 022708

PDJ No. 2016-9027-R

By order dated April 15, 2016, the presiding disciplinary judge reinstated Timothy W. Steadman, Mesa, Ariz., to the active practice of law pursuant to Rule 64(c)(2), ARIZ.R.S.Ct.

The presiding disciplinary judge also placed Mr. Steadman on two years of probation requiring Mr. Steadman to notify the State Bar if he resumes the practice of law and, if he does so, to participate in the State Bar's Law Office Management Assistance Program (LOMAP).

JAMES ROGER WOOD

Bar No. 018948

PDJ No. 2016-9016-R

By order of the presiding disciplinary judge dated February 17, 2016, James Roger Wood, Tempe, Ariz., was reinstated to the active practice of law in Arizona effective that date. Mr. Wood was placed on probation for one year and ordered to participate in the State Bar's Law Office Management Assistance Program.

LINCOLN M. WRIGHT

Bar No. 020076; File No. 14-0060-R

PDJ No. 2016-9004-R

By order of the presiding disciplinary judge dated March 15,

2016, Lincoln M. Wright, Mesa, Ariz., was reinstated as an active member of the State Bar of Arizona effective the date of the order.

SANCTIONED ATTORNEYS

JASON C. ADAMS

Bar No. 018209; File Nos. 15-1140, 15-

1142, 15-1035

PDJ No. 2016-9025

By final judgment and order dated March 22, 2016, the presiding disciplinary judge accepted an Agreement for Discipline by Consent by which Jason C. Adams, Scottsdale, was suspended for six months and one day. Upon reinstatement, Mr. Adams shall be placed on probation for a period to be determined by the court.

In Count One, Mr. Adams was hired to represent a client in a criminal matter. When the client appealed and his appellate attorney requested the file, Mr. Adams failed to send client's file to that attorney. During the State Bar's investigation, Bar Counsel requested a copy of the client file, but Mr. Adams failed to provide one.

In Count Two, Mr. Adams represented a client in a civil matter and filed a complaint, paying \$319 in filing fees drawn on his law firm account. Thereafter, Mr. Adams requested a stop payment of the check. The Clerk of the Court

repeatedly tried to contact Mr. Adams regarding the unpaid filing fee. Mr. Adams did not respond. Mr. Adams also failed to provide a timely response to the State Bar's request for information.

In Count Three, Mr. Adams was hired in May 2013 to represent a client in a personal injury matter. Mr. Adams failed to adequately communicate with the client, causing the client to hire another attorney who filed the complaint in May 2015. One week later Mr. Adams, without informing his client, also sued on her behalf. Mr. Adams failed to respond to requests for information from the State Bar.

Aggravating factors: prior discipline, pattern of misconduct, multiple offenses, and bad faith obstruction of the disciplinary process.

Mitigating factors: absence of a dishonest or selfish motive, personal or emotional problems, and remorse.

Mr. Adams violated Rule 42, ARIZ.R.S.Ct., ERs 1.3, 1.4, 1.16, 8.1(b), and 8.4(d), and Rule 54(d), ARIZ.R.S.Ct.

WILLIAM L. ASDELL

Bar No. 017113; File No. 15-1543

PDJ No. 2015-9122

On Feb. 16, 2016, the presiding disciplinary judge issued a Final Judgment and Order accepting the Agreement for Discipline by

Consent by which William L. Asdell, Tucson, was suspended for one year, ordered to make restitution to his former employer in the amount of \$46,325 plus interest, and assessed the costs and expenses of the disciplinary proceedings in the amount of \$1,200. The suspension was effective March 17, 2016. If reinstated, Mr. Asdell shall be placed on probation on such terms and conditions as are ordered upon his reinstatement.

While employed with a law firm, Mr. Asdell diverted client payments for legal services to himself instead of the firm. After the firm terminated his employment, Mr. Asdell distributed his business card on at least one occasion, which still identified him as a member of the firm. He also failed to update his AVVO.com and LinkedIn.com listings, which identified him as a member of the firm.

Aggravating factors: prior disciplinary offense; dishonest or selfish motive; substantial experience in the practice of law; and illegal conduct.

Mitigating factors: personal or emotional problems; full and free disclosure to disciplinary board or cooperative attitude toward proceedings; and remorse.

Mr. Asdell violated Rule 42, ARIZ.R.S.Ct., ERs 7.1 (communications concerning a lawyer's

services), 8.4(b) (criminal conduct), and 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

KIRK A. GUINN

Bar No.: 015448; File No. 15-0660
 PDJ No. 2015-9112

By judgment and order dated March 28, 2016, the presiding disciplinary judge accepted an agreement for discipline by consent by which Kirk A. Guinn, Mesa, Ariz., was reprimanded. He also was assessed the costs and expenses of the disciplinary proceeding in the amount of \$1,207.56.

In the underlying matter, Mr. Guinn, a bankruptcy attorney, failed to disclose required financial information in his personal bankruptcy filings. As a result, on Oct. 7, 2014, Mr. Guinn and the Trustee filed a Joint Stipulated Judgment and Waiver of Discharge under which Guinn agreed to be permanently denied a discharge of his personal debts listed in the bankruptcy or that could have been included in the schedules in the case.

Aggravating factors: None.

Mitigating factor: Absence of a prior disciplinary record.

Mr. Guinn violated Rule 42, ARIZ.R.S.CT., specifically ER 8.4(d).

KRISTOFER E. HALVORSON

Bar No. 016525; File No. 15-2381
 PDJ No. 2016-9006

By final judgment and order dated May 5, 2016, a discipline hearing panel suspended Mr. Halvorson for six months and one day, consecutive to his current suspension of one year in PDJ-2015-9001. The hearing panel ordered Mr. Halvorson to pay his client restitution of \$5,245 and to pay costs and expenses of \$2,000.

In the sole count, Mr. Halvorson was hired to obtain a patent and/or trademark for his client but later abandoned his client causing the dismissal of the patent petition. After filing the petition, Mr. Halvorson disappeared and rendered no further services (later, he quit practicing law and obtained a non-lawyer job). Accordingly, Mr. Halvorson failed to abide by the

client's authority, failed to act diligently during the representation, and failed to communicate with the client. Mr. Halvorson also failed to account for prepaid fees, failed to withdraw from the representation, and failed to respond to the State Bar's requests for information during its investigation.

The discipline hearing panel found four aggravating factors: prior disciplinary offenses, pattern of misconduct, multiple offenses, and substantial experience in the practice of law (20 years). There were no mitigating factors.

Mr. Halvorson violated Rule 42, ARIZ.R.S.CT., ERs 1.2, 1.3, 1.4, 1.5, 1.16, 8.1(b), and 8.4(d); and Rule 54(d)(2), ARIZ.R.S.CT.

TERENCE J. HISLOP

Bar No. 026963; File No. 15-0669
 PDJ No. 2016-9032

By Final Judgment and Order dated April 4, 2016, the presiding disciplinary judge accepted an agreement for discipline by consent by which Terence J. Hislop, Phoenix, was reprimanded and placed on

probation for one year. Mr. Hislop must participate in the State Bar's Law Office Management Assistance Program; attend the State Bar's Trust Account Ethics Enhancement Program CLE; retain an accountant to prepare necessary documents and report on what amounts of money need to be paid to clients or third parties; and abide by the accountant's findings. Mr. Hislop also was assessed the costs and expenses of the disciplinary proceeding totaling \$1,241.36.

Mr. Hislop committed numerous trust account violations by commingling and converting client funds for an extended period. The parties agreed that he was grossly negligent in mismanaging his trust account but did not steal client funds. Also, his written contingent fee agreements did not state the method by which the fee was to be determined, or other required information.

Aggravating factors: a pattern of misconduct, and multiple offenses.

Mitigating factors: absence of a prior disciplinary record, absence

of a dishonest or selfish motive, full and free disclosure to the disciplinary board or cooperative attitude toward proceedings, and remorse.

Mr. Hislop violated Rule 42, ARIZ.R.S.CT., specifically ERs 1.5(c), 1.5(d)(3), 1.15(a), 1.15(d); and Rule 43(b)(1)(A) and (C), (b)(2)(A)–(D), and (d)(3).

TIMOTHY W. HOLT

Bar No. 9724; File No. 14-0897
SB-15-0050-AP; PDJ No. 2015-9030

On March 23, 2016, the Supreme Court of Arizona granted the State Bar's appeal from an Aug. 24, 2015, Decision and Order Imposing Sanctions by which the Hearing Panel suspended Timothy W. Holt, Glendale, Ariz., for 60 days. The Court lengthened the suspension to six months, effective April 22, 2016. Mr. Holt also was assessed the costs and expenses of the disciplinary proceedings totaling \$6,862.15.

Mr. Holt negligently prepared an incorrect trust document. Rather than disclose and correct the error,

he intentionally and fraudulently altered the document to create the impression that he originally prepared it consistent with his now-deceased client's instructions.

Aggravating factors: dishonest or selfish motive, substantial experience in the practice of law, and illegal conduct.

Mitigating factors: absence of a prior disciplinary record, timely good faith effort to make restitution or to rectify consequences of misconduct, full and free disclosure to disciplinary board or cooperative attitude toward proceedings, character or reputation, and remorse.

Mr. Holt violated Rule 42, ARIZ.R.S.CT., specifically ERs 3.4(a) (Unlawfully Alter, Destroy or Conceal a Document or Other Material Having Potential Evidentiary Value); 3.4(b) (Falsify Evidence); 4.1(a) (Knowingly Make a False Statement of Material Fact or Law to a Third Person in the Course of Representing a Client); 8.4(b) (Commit a Criminal Act); 8.4(c) (Engage in Conduct involving Dishonesty, Fraud, Deceit or

Misrepresentation); and 8.4(d) (Engage in Conduct Prejudicial to the Administration of Justice).

KAREN L. KILLION

Bar No. 021865; File No. 14-2564
PDJ No. 2015-9048

By Final Judgment and Order dated April 13, 2016, following a one-day hearing, Karen L. Killion, Puyallup, Wash., was suspended for six months and one day and ordered to obtain a Member Assistance Program assessment prior to applying for reinstatement. She also was assessed the costs and expenses of the disciplinary proceeding totaling \$4,016.95.

Ms. Killion pled guilty to extreme DUI, threatened a former acquaintance that she would direct a hitman to have him killed, threatened to use her legal connections to harass or control his actions, and harassed his mother and friends through social media.

Aggravating factors: multiple offenses; submission of false evidence, false statement, or other deceptive practices during the

disciplinary process; and refusal to acknowledge wrongful nature of conduct.

Mitigating factors: absence of a prior disciplinary record, and personal and emotional problems.

Ms. Killion violated Rule 42, ARIZ.R.S.CT., specifically ERs 8.4(b), 8.4(c), and Supreme Court Rule 41(g).

WILLIAM C. LOFTUS

Bar No. 001412; File No. 14-3670
PDJ No. 2015-9120

By Final Judgment and Order dated May 2, 2016, following a one-day hearing, William C. Loftus, Phoenix, was disbarred. He also was assessed the costs and expenses of the disciplinary proceeding totaling \$4,002.10.

Mr. Loftus intentionally engaged in fraudulent misconduct by arranging for and counseling his client to transfer funds out of the country only days before a debtor's examination. Moments prior to the start of the debtors examination, Loftus told his client not to tell opposing counsel of

his involvement in the transfer because doing so might result in his disbarment. The hearing panel found that his conduct caused actual injury to opposing parties, the legal system, and the legal profession.

Aggravating factors: prior disciplinary offenses; dishonest or selfish motive; pattern of misconduct; submission of false evidence; substantial experience in the practice of law; and illegal conduct.

Mitigating factor: full and free disclosure to the State Bar.

Mr. Loftus violated Rule 42, ARIZ.R.S.C.T., specifically ERs 1.1, 1.2(d), 3.3(a)(3), 8.4(c), and 8.4(d).

KATIE LYNN LYONS

Bar No. 025181; File Nos. 13-3124, 14-2080

PDJ No. 2015-9121

By the presiding disciplinary judge's April 6, 2016, judgment and order, Katie Lynn Lyons, Pinetop, Ariz., was suspended from the practice of law for three years effective April 6, 2016. Ms. Lyons also was assessed \$4,094.35 for the costs and expenses of the disciplinary proceeding and ordered to obtain a Member Assistance Program (MAP) assessment prior to applying for reinstatement.

Ms. Lyons failed to appear for court hearings and failed to respond to opposing counsel, the courts, and the State Bar's requests for information. In one case, Ms. Lyons persistently asked for continuances even after the court ordered that she would not grant any more such requests. Ms. Lyons also violated the court's order to appear at a March 18, 2014, hearing. Ms. Lyons blamed health problems for many of the delays. One reason she requested a continuance was because of her alleged disabling medical treatment for cancer. Yet she failed to withdraw from her client's representation or take any other action that the trial judge ordered. Ms. Lyons' motive to continue to represent her client while she claimed that chronic medical problems necessitated continuances, was selfish and self-serving. Ms. Lyons billed her client, and he paid her, for requesting numerous continuances due to her medical condition and not based on the client's needs.

Ms. Lyons asked for extensions to reply to the State Bar's request for information based on her alleged cancer diagnosis. She told the Bar she "received devastating news regarding [her] on-going battle with cervical cancer in that additional surgery and treatment is needed and, if not removed from the surrounding organs, the cancer has been deemed terminal." The State Bar asked her to produce corroborating medical records. Ms. Lyons claimed she submitted documents supporting her alleged diagnosis, but her documents did not support her claims or were illegible. Ms. Lyons failed to sign releases so the State Bar could obtain her records from her providers at no expense to her. Ms. Lyons also claimed that her father's death impeded her

ability to respond to the Bar. The person who passed away, however, was not her father.

During the formal disciplinary proceedings, Ms. Lyons failed to serve a disclosure statement, twice failed to appear for ordered teleconferences, failed to provide the State Bar with any hearing exhibits, and failed to participate in preparing a joint prehearing statement. The presiding disciplinary judge struck Ms. Lyons' answer and reset the merits hearing to a sanction (aggravation/mitigation) hearing. Ms. Lyons failed to appear for that hearing, too.

Aggravating factors included dishonest or selfish motive, bad faith obstruction of the disciplinary process, submission of false evidence, and false statements or other deceptive practices.

Mitigating factors included absence of disciplinary record, and personal or emotional problems.

Ms. Lyons violated Rule 42, ARIZ.R.S.C.T., specifically ERs 1.16(a)(2), 3.3(a), 8.1(b), and 8.4(c) and (d); and Rule 54(c) and (d), ARIZ.R.S.C.T.

JENNIFER MARIE McDONALD

Bar No. 030823; File No. 15-0686

PDJ No. 2016-9019

By final judgment and order dated March 24, 2016, the presiding disciplinary judge accepted an Agreement for Discipline by Consent by which Jennifer Marie McDonald, Beaverton, Ore., was suspended for 120 days and ordered to pay \$2,316 in restitution.

Ms. McDonald, while employed at Vannova Legal ("Vannova"), represented several clients in bankruptcy proceedings. She supervised case manager/paralegal William Linares who performed the client intake interview, determined if the prospective client met the bankruptcy filing requirements, and determined what type of bankruptcy was appropriate for the client. If the prospective client qualified, Mr. Linares executed the fee agreement, collected financial information, completed forms, and assigned the client to Ms. McDonald. Most prospective clients thought they were meeting with an attorney at the intake interview, as that is what was advertised. Ms. McDonald knew Mr. Linares provided legal advice to prospective clients but did not try to stop him.

After Ms. McDonald left her employment at Vannova in November 2014, Mr. Linares referred four clients to her. Mr. Linares completed the client intake process, signed fee agreements, and collected funds while he was still employed by Vannova, but the client's fees were paid to Ms. McDonald's personal practice, not to Vannova. The clients believed they were being represented by a Vannova attorney and Ms. McDonald did nothing to correct the misunderstanding.

Ms. McDonald failed to pay filing fees in one case and failed to file the Declaration of Electronic Filing in another. Both cases were dismissed. The clients then learned that Ms.

McDonald was no longer employed by Vannova.

Ms. McDonald failed to provide all of the records requested by the State Bar in its investigation of these matters, and purposely omitted relevant bank and phone records.

Aggravating factors: dishonest or selfish motive and deceptive practices during the disciplinary process. Mitigating factors: absence of a prior disciplinary record and inexperience in the practice of law.

Ms. McDonald violated Rule 42, ARIZ.R.S.Ct., ERs 1.3, 5.3(b)(2), 5.5(a), 8.1(b), 8.4(c), and 8.4(d), and Rule 54(d), ARIZ.R.S.Ct.

SOPO NGWA

Bar No. 021953

PDJ No. 2016-9038

By final judgment and order dated May 11, 2016, the presiding disciplinary judge accepted an agreement for discipline by consent by which Sopo Ngwa, Jackson Heights, N.Y., was reprimanded for violating the Arizona Rules of Professional Conduct. Mr. Ngwa also was placed on two years' probation and ordered to notify the State Bar within 10 days of changing his residence to the State of Arizona or accepting any representation(s) requiring any legal services to be performed in the State of Arizona. Mr. Ngwa also was ordered to pay costs and expenses totaling \$1,200 within 30 days.

In the sole count, Mr. Ngwa failed to explain the immigration asylum interviewing process or the possibility of deportation to his clients, failed to respond to his clients' questions regarding the immigration process, failed to file a work permit renewal as requested by his clients, and failed to inform his client of a court hearing that was ultimately held in her absence wherein she was ordered removed from the United States.

The presiding disciplinary judge found two aggravating factors: prior disciplinary history and pattern of misconduct.

There was one mitigating factor: cooperative attitude towards the investigation and proceedings.

Mr. Ngwa violated Rule 42, ARIZ.R.S.Ct., ERs 1.2, 1.3, 1.4, and 8.4(d).

MICHAEL T. REYNOLDS

Bar No. 016719; File Nos. 12-1738, 13-1621, 13-1629, 13-1701, 13-1907, 13-1928, 13-1977, 13-2015, 13-2062, 13-2342, 13-2348, 13-3165, 14-0900

PDJ No. 2016-9020

By final judgment and order dated April 13, 2016, the presiding disciplinary judge accepted an agreement for discipline by consent by which Michael T. Reynolds, Avondale, Ariz., was suspended for two years retroactive to Oct. 30, 2013, and placed on supervised probation for two years, upon reinstatement. As terms of probation, Mr. Reynolds will be required to attend the State Bar's Trust Account Ethics Enhancement Program ("TAEPP") and pay restitution

to 10 former clients totaling \$33,750.07. Mr. Reynolds also was ordered to pay costs and expenses totaling \$3,194.58.

In count 1, Mr. Reynolds was ordered to attend TAEFP as part of a diversion agreement. While Mr. Reynolds scheduled and paid for the course, he failed to attend as scheduled.

In counts 2 through 4, clients paid Mr. Reynolds a total of \$7,300 to represent them in various matters. Mr. Reynolds failed to perform any of the agreed-upon legal services and failed to respond to the State Bar's requests for information.

In count 5, a company paid Mr. Reynolds \$4,000 to represent it in a corporate bankruptcy. Mr. Reynolds failed to timely file documents with the court, reasonably communicate or meet with his client, take any actions to assist his client in purchasing certain company equipment, or properly terminate the representation.

In counts 6, 9, and 13, clients

paid Mr. Reynolds a total of \$7,150 to represent them in various legal matters. Mr. Reynolds failed to reasonably communicate with his clients before relocating his law firm and failed to properly terminate the representation.

In count 7, a client retained Mr. Reynolds to negotiate a debt. Mr. Reynolds failed to reasonably communicate with his client throughout the representation, inform the client that the bank was pursuing collection efforts, or properly terminate the representation.

In count 8, Mr. Reynolds represented a client in a lawsuit for approximately five years. In the months before the scheduled jury trial, Mr. Reynolds increasingly failed to reasonably communicate with his client. The client ultimately hired successor counsel as a result of his inability to contact Mr. Reynolds.

In count 10, a client paid Mr. Reynolds \$3,000 to challenge an opposing party's attempt to discharge a debt in the United States

Bankruptcy Court. Over the next two years, Mr. Reynolds failed to take reasonable actions to expedite the adjudication of the bankruptcy challenge or reasonably communicate with the client.

In count 11, a company paid Mr. Reynolds \$3,500 to represent it in a corporate bankruptcy. Mr. Reynolds failed to timely file documents with the court, reasonably communicate or meet with his client, or properly terminate the representation.

In count 12, Mr. Reynolds represented a client in a federal lawsuit. Mr. Reynolds failed to respond to a dispositive motion for summary judgment and failed to file an objection to the request for attorney's fees, resulting in an attorney's fee award of \$8,800.07 against the client. Mr. Reynolds also failed to properly terminate the representation.

The presiding disciplinary judge determined that two aggravating

factors applied: a pattern of misconduct and multiple offenses.

There were seven mitigating factors: absence of a prior disciplinary record, absence of a dishonest or selfish motive, personal or emotional problems, timely good faith effort to make restitution or to rectify consequences of misconduct, character or reputation, mental disability when: 1) medical evidence of mental disability, 2) the mental disability caused the misconduct, 3) meaningful and sustained period of successful recovery, and 4) recovery arrested the misconduct and recurrence is unlikely, and remorse.

The presiding disciplinary judge determined that Mr. Reynolds committed multiple violations of Rule 42, ARIZ.R.S.Ct., ERs 1.2(a), 1.3, 1.4, 1.5, 1.16(d), 3.2, 8.1(b), 8.4(d), Rule 54(d) and Rule 54(e).

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.