

**REINSTATED ATTORNEY
MATTHEW STEVEN SCHULTZ**

Bar No. 022017; File No. 10-0037

By order of the presiding disciplinary judge dated July 1, 2011, Matthew Steven Schultz, Tempe, Ariz., was reinstated to active membership, effective on the date of the order.

**SANCTIONED ATTORNEYS
THOMAS A. CIFELLI**

Bar No. 013794; File No. SB-11-0024-R

By Arizona Supreme Court order filed May 25, 2011, the reinstatement application of Thomas A. Cifelli, Scottsdale, Ariz., was dismissed. Mr. Cifelli failed to establish to the satisfaction of the Disciplinary Commission and the Court that he is qualified for reinstatement to active bar membership. Mr. Cifelli's suspension was based on a felony DUI conviction. The hearing officer, in his May 28, 2010, report, found that Mr. Cifelli had failed to show clear and convincing evidence of rehabil-

itation as required by *In re Arrotta*, 208 Ariz. 509, 96 P.3d 213 (2004). Specifically, the hearing officer found that Mr. Cifelli had failed to meet the second prong of the *Arrotta* analysis in that he did not present evidence that he had overcome the stressors or weaknesses that caused his misconduct.

GARY W. KAZRAGIS

Bar No. 012215; File Nos. 08-1907, 09-0075, 09-0181, 09-0324, 09-0394, 09-1058, 09-1395, 10-0458, 10-0493

Supreme Court No. SB-11-0052-D

By final judgment and order of the Supreme Court dated June 15, 2011, Gary W. Kazragis of Sedona, Ariz., was suspended for 18 months and, if reinstated, will be placed on two years of probation. He also was ordered to pay restitution to two people, initiate and participate in binding fee arbitration with five others and timely pay any resulting awards. In addition, Mr. Kazragis was assessed the costs and expenses of the disciplinary proceeding.

In count one, Mr. Kazragis failed to adequately communicate with his client, failed to promptly file a complaint on his client's behalf, failed to accomplish service on the defendant (resulting in dismissal of the complaint), re-filed the complaint but failed to timely prosecute the case (resulting in the complaint being dismissed a second time), and failed to refund the unearned portion of an advance fee. In count two, Mr. Kazragis failed to keep sufficient administrative funds in his trust account to pay credit-card transaction fees. As a result, he converted client funds that were in his trust account. In count three, Mr. Kazragis failed to promptly file a motion to dismiss certain defendants from a lawsuit he had filed on his clients' behalf, even though he had agreed to do so.

In count four, Mr. Kazragis failed to promptly file a petition to enforce visitation, failed to serve an order to appear, failed to timely move to modify a child support order, and failed to comply with an order to submit an approved form of order within 30 days. In count five, Mr. Kazragis failed to disclose emails to opposing counsel as ordered by the court, resulting in monetary sanctions related to the opposing party's need to file a motion to compel; failed to timely disclose an expert witness (which resulted in that witness being precluded from testifying), failed to comply with a court order regarding disclosure of expert opinions, and failed to timely disclose fact witnesses or an expert witness regarding damages. In addition, one month after the deadline for disclosing expert witnesses, Mr. Kazragis attempted to disclose three expert witnesses as fact witnesses, which resulted in the preclusion of their testimony. In count six, Mr. Kazragis violated discovery orders, which resulted in monetary sanctions related to

opposing counsel's need to compel disclosure, and failed to investigate and contact witnesses.

In count seven, Mr. Kazragis failed to serve a party on his client's behalf, failed to timely prosecute the lawsuit (which resulted in the dismissal of the lawsuit), and billed his client to respond to the charges of misconduct his client filed with the State Bar. In count eight, Mr. Kazragis failed to inform his clients about settlement offers, failed to inform his clients of an upcoming public auction of their property, failed to inform his clients that their property had been sold at an auction, made false statements of fact to one of his clients, failed to comply with his clients' instructions (*e.g.*, to file an answer and counterclaim), failed to diligently comply with his clients' requests for information, and failed to comply with an agreement to make a partial refund to his clients. In count nine, Mr. Kazragis charged an unreasonable fee for a motion for summary judgment that he never filed, failed to adequately communicate with his client, and failed to pay a judgment of costs entered against his client as he stated he would.

Aggravating factors: prior disciplinary offenses, dishonest or selfish motive, a pattern of misconduct, multiple offenses, and substantial experience in the practice of law. Mitigating factors: personal or emotional problems, cooperative attitude toward the disciplinary proceedings, character or reputation, and remorse.

Mr. Kazragis violated Rule 42, ARIZ.R.S.C.T., specifically ER 1.2, ER 1.3, ER 1.4(a)(2), ER 1.4(a)(3), ER 1.4(a)(4), ER 1.4(b), ER 1.5(a), ER 1.15(b)(2), ER 8.4(c), and ER 8.4(d), and Rules 43(b)(2)(A), 43(b)(3), and 43(b)(4), ARIZ.R.S.C.T.

EDWARD V. LACAMBRA

Bar No. 002153; File Nos. 10-0439 and 10-1860

Supreme Court No. PDJ-2011-9005

By amended final judgment and order of the presiding disciplinary judge dated May 19, 2011, Edward V. Lacambra, Tucson, was suspended for six months and one day. Mr. Lacambra was ordered to pay \$500 in restitution to Kim Arana before the end of the suspension period. Upon reinstatement, Mr. Lacambra will be placed on probation for two years. Probation terms will include participating in the State Bar's Member Assistance and Law Office Management Assistance programs. Mr. Lacambra was also assessed the costs of the disciplinary proceeding.

In one matter, Mr. Lacambra filed a complaint on behalf of a client for breach of contract and tort. He failed to timely provide responses or oppositions to motions for summary judgment and initial disclosures. Although admitting at oral argument that no contract existed, he refused to withdraw the contract claim, forcing the opposing party in

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.

incur expenses in filing a motion for partial summary judgment. The opposing party was granted \$13,874.80 in attorney's fees. The court eventually dismissed the case for lack of prosecution.

In a second case, Mr. Lacambra defended the same client in a breach-of-contract and judicial-foreclosure action. Mr. Lacambra failed to timely provide an initial disclosure statement, failed to respond to a motion to compel, failed to appear at a pretrial scheduling conference with his client, and failed to file a disclosure statement after the court had ordered it filed by a date certain. Mr. Lacambra was held jointly responsible for paying the sanction award. He also failed to file a motion to withdraw or motion for substitution of counsel when he believed new counsel was taking over the representation.

In a second matter, Mr. Lacambra was hired to probate an estate and to translate a will from Spanish to English. Mr. Lacambra deposited the fee in his personal bank account when it should have been placed in his trust account. Mr. Lacambra failed to correctly file applications for informal probate. As a result, the applications were declined. Subsequently, the client hired new counsel, who requested a refund on client's behalf. After many attempts to obtain a complete refund, Mr. Lacambra failed to refund \$500 he owed the client.

In both of the matters, Mr. Lacambra also failed to provide timely responses to the State Bar.

Aggravating factors: prior disciplinary offenses, multiple offenses, bad-faith obstruction and substantial experience in the practice of law.

Mitigating factors: personal or emotional problems and remorse.

Mr. Lacambra was found to have violated Rules 42, ARIZ.R.S.C.T., specifically ERs 1.1, 1.2, 1.3, 1.4, 1.15, 1.16, 3.2, 3.4 (c), 8.1(b), 8.4 (d), and 53 (c) (d) and (f), ARIZ.R.S.C.T.

BRAD REINHART

Bar No. 020272; File Nos. 09-0604, 09-1934, 10-0494

By final judgment and order dated June 24, 2011, the Arizona Supreme Court censured Brad Reinhart, Phoenix, and placed him on two years of probation. He also must pay the costs and expenses of the disciplinary proceeding.

Mr. Reinhart represented a criminal defendant with prior convictions who had been

charged with forging a fingerprint card. Mr. Reinhart's first meeting with his client lasted five minutes and took place in the courthouse hallway. During that meeting, Mr. Reinhart discussed the charges and the prosecutor's plea offer. The majority of the conversation, however, pertained to the client's personal issues and that he did not want to enter into a plea agreement and be taken into custody. Although he appeared for the pretrial conference, Mr. Reinhart's client failed to appear for the scheduled trial. After a trial *in absentia*, Mr. Reinhart's client was found guilty of forgery, a class four felony.

Approximately a year and a half later, Mr. Reinhart's client filed a petition for post-conviction relief. The trial court granted the petition and set aside the conviction and prison sentence. The trial court found that Mr. Reinhart failed to adequately communicate with his client, failed to schedule an appointment to discuss the case with his client, failed to schedule a settlement conference, and failed to properly perform his duties as counsel, which resulted in his client's failure to accept a favorable plea offer or appear at trial.

In the disciplinary proceeding, the hearing officer found that Mr. Reinhart failed to respond to his client's inquiries, failed to maintain adequate communication, failed to spend sufficient time with his client to competently represent him, and failed to cooperate with his client's post-conviction relief counsel, which necessitated the issuance of a subpoena for Mr. Reinhart's deposition.

Aggravating factors: a pattern of misconduct and substantial experience in the practice of law. Mitigating factors: absence of a prior disciplinary record, full and free disclosure to bar counsel and cooperative attitude toward the disciplinary proceedings, character or reputation, and remorse.

Mr. Reinhart violated Rule 42, ARIZ.R.S.C.T., specifically ER 1.3, ER 1.4(a)(2), ER 1.4(a)(3), ER 1.4(a)(4), ER 1.4(b), and ER 8.4(d).

KATHERINE L. ROBERTS

Bar No. 014673; File Nos. 09-0758, 10-0490, 10-0491, 10-0492

Supreme Court No. SB-11-0056-D

By Arizona Supreme Court judgment and order dated June 15, 2011, Katherine L. Roberts, Lakeside, Ariz., was suspended for one year retroactive to July 21, 2010, the date of her interim suspension. Upon reinstatement, she will be placed on probation for two years. Probation terms will include participating in the State Bar's Member Assistance and the Law Office Management Assistance programs. Ms. Roberts also must pay \$9,048.47 in restitution by July 21, 2011, or in compliance with a schedule agreed to by Ms. Roberts and the judgment creditor unless a court vacates the judgment for

\$5,210. Ms. Roberts also must pay the costs and expenses of the disciplinary proceeding.

In one matter, Ms. Roberts represented the husband in a child-custody and divorce matter. The trial court continued the trial to allow Ms. Roberts, who filed a motion to continue because she needed to have surgery, to recover. Ms. Roberts did not have the surgery, however, but failed to inform opposing counsel or the court. The court awarded attorney's fees of \$3,838.70 as a sanction. On the date of the bench trial, Ms. Roberts failed to appear when the trial reconvened after the lunch break. The bench trial was then reset for another date. On this second trial setting, opposing counsel requested sanctions due to Ms. Robert's failure to disclose information. At some point later in the proceeding, Ms. Roberts requested permission from the court to retrieve files from her car. When the court reconvened, Respondent failed to appear. Subsequently, Ms. Roberts was ordered to pay \$5,012 in attorney's fees and costs by May 12, 2010. She failed to pay the judgment as ordered.

In a second matter, Ms. Roberts failed to timely file her opening brief with the Court of Appeals on the due date or request an extension of time. At a second order-to-show-cause hearing, Ms. Roberts failed to appear and was found in civil contempt for failing to file the opening brief. Ms. Roberts' assistant subsequently informed court staff that the brief had been filed, but court staff could not ascertain proof of filing. After several subsequent attempts by court staff to contact Ms. Roberts, she filed the opening brief. The Court of Appeals sanctioned Ms. Roberts \$700 for failing to timely file the brief.

In a third matter, Ms. Roberts represented a client in a criminal case that was set for a jury trial. Ms. Roberts failed to appear for the trial. Ms. Robert's assistant called the court staff to notify them that Ms. Roberts was injured. A contempt hearing was held and Ms. Roberts was fined \$300. Ms. Roberts failed to pay the fine by May 1, 2010.

In the fourth matter, Ms. Roberts engaged in the unauthorized practice of law by filing a notice of appearance and request for disclosure on behalf of one client and filed a motion to continue for another client while she was on administrative suspension for not paying State Bar dues.

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

Mitigating factors: absence of discipline history, absence of dishonest or selfish motive, personal or emotional problems, full and free disclosure, character and reputation, imposition of other penalties and sanctions, and remorse.

Ms. Roberts violated Rule 42, ARIZ.R.S.C.T., specifically ERs 1.3, 3.2, 3.3, 3.4(c), 5.5, and 8.4 (a) and (d), and 53 (c), ARIZ.R.S.C.T.

SAMUEL S. TIFFANY

Bar No. 018662; File Nos. 09-1275, 10-0098, 10-0121, 10-0186, 10-0387, 10-0527, 10-0528, 10-0665, 10-1323

Supreme Court No. SB-11-0055-D

By Arizona Supreme Court judgment and order dated June 15, 2011, Samuel S. Tiffany, Phoenix, was suspended for one year retroactive to Nov. 30, 2010, the date his interim suspension became effective. Upon reinstatement, he will be placed on probation for two years, with probation terms to include participating in the State Bar's Member Assistance, Trust Account Ethics Enhancement, and the Law Office Management Assistance programs. Mr. Tiffany also must pay the costs of the disciplinary proceeding.

In one matter, Mr. Tiffany was retained to defend a client in post-judgment proceedings. Mr. Tiffany filed an untimely answer, failed to communicate with his client and opposing counsel, failed to file a disclosure statement, and failed to file a response to a motion for summary judgment. Mr. Tiffany failed to timely respond to the State Bar's request for additional information.

In a second matter, Mr. Tiffany was hired to represent a client in a partnership dispute. Mr. Tiffany failed to provide a written confirmatory statement regarding the scope of representation, failed to communicate with his client, and failed to respond to the State Bar. Although Mr. Tiffany filed a complaint on behalf of the client, the court eventually dismissed the case without prejudice for lack of prosecution.

In the third matter, Mr. Tiffany was hired to litigate several collection matters for a law group. Respondent failed to communicate with the client, failed to timely return client files after the client discharged him, and failed to respond to the State Bar. One of the cases Mr. Tiffany handled was dismissed. The client had to hire another attorney to attempt to reinstate the case.

In the fourth matter, Mr. Tiffany was retained to obtain a refund of a rent payment on a vacation home. Respondent failed to communicate with the client, failed to timely refund the fee or provide an itemized expense report, and failed to respond to the State Bar.

In the fifth matter, a client hired Mr. Tiffany to seek damages against another company. Mr. Tiffany filed the complaint and attempted to negotiate a settlement. The client ultimately negotiated the settlement without Mr. Tiffany's assistance. Mr. Tiffany failed to keep the client informed of the progress of the case and failed to abide by the scope of representation. In an informal response to the State Bar, Mr. Tiffany falsely stated that he settled the lawsuit. Later, Mr. Tiffany admitted to the State Bar that the client had settled the lawsuit on his own.

In the sixth matter, Mr. Tiffany represented clients in a landlord-tenant matter. Mr. Tiffany

failed to provide a written confirmatory statement to the clients. Mr. Tiffany filed a complaint on behalf of the clients, but failed to disclose documents to the opposing party. The arbitrator subsequently precluded the documents as a sanction and also subsequently ruled against Mr. Tiffany's clients and awarded \$18,163.50 in attorney's fees and \$223 in costs. Mr. Tiffany failed to inform the clients of the deadline for filing an appeal. As a result, the arbitration award was converted to a judgment.

In a seventh matter, Mr. Tiffany failed to respond to a bar charge. In the eighth matter, Mr. Tiffany engaged in the unauthorized practice of law by filing an answer and counterclaim after he had been summarily suspended for failing to comply with his mandatory continuing legal education requirement.

In the ninth matter, Mr. Tiffany failed to timely comply with a State Bar subpoena for documents.

Mr. Tiffany also admitted that he failed to establish and maintain a client trust account. Mr. Tiffany refunded the fees paid to several clients in the above matters and agreed to participate in the State Bar Fee Arbitration Program.

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

Mitigating factors: absence of discipline history, absence of dishonest or selfish motive, personal or emotional problems, full and free disclosure, character and reputation, imposition of other penalties and sanctions, and remorse.

Mr. Tiffany violated Rule 42, ARIZ.R.S.CT., specifically ERs 1.3, 3.2, 3.3, 3.4(c), 5.5, and 8.4 (a) and (d), and 53(c), ARIZ.R.S.CT.

ALAN A. WAUGH

Bar No. 025290; File No. 10-0929

By judgment and order dated Feb. 28, 2011, the presiding disciplinary judge suspended Alan A. Waugh, 7201 East Camelback Road, Scottsdale, Ariz., for six months and one day. Mr. Waugh also was ordered to pay the costs and expenses of the disciplinary matter.

While representing a client in a family-law matter, Mr. Waugh failed to notify his client of a hearing and then failed to appear for that hearing. Mr. Waugh also failed to notify his client of, or respond to, a motion to continue and stipulations submitted by opposing counsel. Mr. Waugh had inappropriate language in his fee agreement that purported to allow him to hold the client's file as collateral for payment of fees, and when he did provide the client file to his client, it contained documentation from another client's case. Mr. Waugh defaulted in the disciplinary proceeding. Mr. Waugh's conduct violated Rule 42, ARIZ.R.S.CT., specifically ERs 1.3, 1.4, 1.6, 1.16(d), 3.4(c), 8.1(b), and 8.4(a), and Rule 53(f), ARIZ.R.S.CT.