

CORRECTION

Please be advised that the Bar Number listed for Mr. Gary C. Brown in the October 2001 *Arizona Attorney* belongs to Mr. John H. Cotton. Mr. Brown's bar number is 004533. The magazine listed his bar number as 012456.

REINSTATED MEMBER**ROBERT W. FINN**

Bar No. 001121, File No. 97-1248

By Supreme Court Judgment and Order dated July 3, 2001, Robert W. Finn, P.O. Box 30634, Tucson, AZ 85751, was reinstated pursuant to Rule 71(c) after completing his suspension ordered on March 16, 2001.

**MEMBER TRANSFERRED
TO DISABILITY INACTIVE STATUS****BRIAN R. WINSKI**

Bar No. 012021, File No. 01-5004

By Supreme Court Judgment and Order dated July 9, 2001, Brian R. Winski, 21810 North Calle Royal, Scottsdale, AZ 85255, pursuant to Rule 59(b)(1)(D), was transferred to disability inactive status for an indefinite period and until further order of the Disciplinary Commission.

SANCTIONED ATTORNEYS**KLAUS T. AXEN**

Bar No. 014318, File No. 97-2334

By Supreme Court Judgment and Order dated June 19, 2001, Klaus T. Axen, 4011 East Calle De Jardin, Tucson, AZ 85711, was suspended for three years. Upon reinstatement, Mr. Axen will be placed on probation for one year with LOMAP participation. Mr. Axen also was ordered to pay costs and expenses incurred by the State Bar, together with interest at the legal rate from the date of the judgment.

Mr. Axen initially represented a client in a probate matter and in obtaining insurance proceeds. Mr. Axen also negotiated an agreement with the mortgage company to prevent a foreclosure. The mortgage company miscalculated the amount of payments, and the client was unable to meet the monthly obligations. The client again contacted Mr. Axen, who agreed to seek refinancing assistance for the principal amount of the existing loan. Thereafter, Mr. Axen obtained agreement from two private lenders to provide \$40,000 each to refinance the client's residence. Mr. Axen received \$40,000 from one lender, who was also a client of respondent's, both pre-

viously and in this transaction. A second lender declined to invest and withdrew the offer. Mr. Axen was unable to find a substitute lender, and the mortgage company ultimately sued for foreclosure.

When the client/lender did not receive monthly payments on the loan, he contacted Mr. Axen, who issued a check for \$2,200 from his trust account and misrepresented to the client/lender that this was a payment from the client/borrower. Mr. Axen later misrepresented to the client/lender that a trustee sale had been scheduled, fabricated a Notice of Trustee Sale and faxed it to the client/lender. Mr. Axen failed to explain the conflict of interest or obtain consent to the conflict in representing the client/borrower and the client/lender. Rather than return the \$40,000 obtained from the client/lender, Mr. Axen converted the funds to his own personal use.

There were two aggravating factors found pursuant to the ABA *Standards for Imposing Lawyer Sanctions*, Section 9.22: (b) dishonest or selfish motive and (c) pattern of misconduct. There were four mitigating factors found pursuant to Section 9.32 of the ABA *Standards*: (a) absence of prior disciplinary record, (c) personal or emotional problems, (e) cooperative attitude toward proceeding and (l) remorse.

Mr. Axen's conduct violated Rule 42, ARIZ.R.S.C.T., particularly ER 1.2, ER 1.3, ER 1.4, ER 1.7, ER 1.15, ER 1.16(d), ER 4.1 and ER 8.4(b), (c) and (d) and Rule 44(a) and (b), ARIZ.R.S.C.T.

WENDY K. LANCASTER

Bar No. 015152, File No. 99-1513

By Supreme Court Judgment and Order dated June 28, 2001, Wendy K. Lancaster, 3030 North Central Ave., Suite 704, Phoenix, AZ 85012, was censured by consent in violation of her duties and obligations as a lawyer. Ms. Lancaster, upon resuming active practice as a sole practitioner or managing partner in a law firm with trust account responsibility, agreed to one year's probation with LOMAP. Ms. Lancaster also was ordered to complete the Trust Account Ethics Enhancement Program within six months of the order. Ms. Lancaster also was ordered to pay costs and expenses in the amount of \$1,151.20 incurred by the State Bar, together with interest at the legal rate from the date of the judgment.

Between June and October 1999, Ms. Lancaster withdrew client funds from her trust account prior to earning those funds; disbursed funds that belonged to clients from the trust account to pay costs for

clients who had no client funds on deposit in the account; and failed to maintain accurate records regarding client trust funds.

There was one aggravating factor found pursuant to the ABA *Standards for Imposing Lawyer Sanctions*, Section 9.22: (c) pattern of misconduct. 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 or emotional problems, (e) full and free disclosure to disciplinary board or cooperative attitude toward proceeding, (g) character or reputation and (l) remorse.

Ms. Lancaster's conduct violated Rule 42, ARIZ.R.S.CT., particularly, ER 1.15 and Rules 43 and 44, ARIZ.R.S.CT.

ARNOLD M. SODIKOFF

Bar No. 001821, File Nos. 97-1523 and 98-1874

By Supreme Court Judgment and Order dated June 21, 2001, Arnold M. Sodikoff, P.O. Box 3365, Prescott, AZ 86302, was censured by consent in violation of his duties and obligations as a lawyer. Mr. Sodikoff was placed on probation with LOMAP and MAP participation. Mr. Sodikoff also was ordered to pay costs and expenses incurred by the State Bar of \$1,015.79, together with interest at the legal rate from the date of the judgment.

In Count One, Mr. Sodikoff failed to communicate with a client or provide an accounting of services and failed to timely respond within the time limits to inquiries from the State Bar. In Count Two, Mr. Sodikoff failed to respond timely to inquiry from the State Bar, and Count Three dealt with Mr. Sodikoff's prior discipline.

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

Mr. Sodikoff's conduct violated Rule 42, ARIZ.R.S.CT., particularly ER 1.2, ER 1.3, ER 1.4, ER 1.15(b), ER 3.2 and ER 8.1(b) and Rule 51(h), ARIZ.R.S.CT.

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.