

LAWYER REGULATION

SANCTIONED ATTORNEYS

JOHN R. AUGUSTINE, JR.

Bar No. 013743; File No. 15-0924
PDJ No. 2015-9072

By final judgment and order dated Sept. 14, 2015, the presiding disciplinary judge accepted an agreement for discipline by consent by which John R. Augustine, Jr., Phoenix, was suspended for six months and one day. Mr. Augustine also was assessed the costs and expenses of the disciplinary proceeding in the amount of \$1,200.

Mr. Augustine was involved in a domestic altercation with his father on Nov. 4, 2014. A police investigation concluded that Mr. Augustine had a gun, threatened his father, pushed his father to the floor, and discharged the firearm into the ground outside of his father's home. Augustine pled guilty to disorderly conduct, a class-6 un-

designated felony, and to a domestic violence offense. The court sentenced Mr. Augustine to two years of probation.

There were two aggravating factors: prior disciplinary offenses and illegal conduct. The sole mitigating factor was imposition of other penalties or sanctions. Mr. Augustine violated Rule 42, ARIZ.R.S.Ct., ER 8.4(b).

BRENDAN M. BURNS

Bar No. 022833; File No. 14-2541
PDJ No. 2015-9038

By judgment and order dated Aug. 25, 2015, the presiding disciplinary judge accepted an agreement for discipline by consent by which Brendan M. Burns, Phoenix, was reprimanded. Mr. Burns also was assessed \$1,200 in costs and expenses of the disciplinary proceeding, and

was placed on probation for two years requiring participation in the State Bar's Member Assistance Program.

While his divorce was pending Mr. Burns, on multiple occasions, violated an order of protection his wife obtained by repeatedly calling her and by entering the family residence in violation of the temporary orders to which the parties stipulated under Rule 47, ARIZ.R.FAM.L.P. On one occasion while Burns argued with his wife, he held a knife to his stomach and asked her to stab him. Their 8-year-old daughter entered the room while this occurred. On another occasion Burns texted his wife that someone "keyed the fxxk out of your car." He asserted Fifth Amendment protections when the police interviewed him about the damage. Mrs. Burns reported

that Burns never threatened her and she did not fear for her personal safety. Burns pled guilty to misdemeanor Criminal Trespass (First Degree) in Pima County Consolidated Justice Court and was placed on one year of probation requiring him to attend an offender treatment program. Mr. Burns also pled guilty in Pima County Superior Court to misdemeanor Criminal Trespass and was placed on two years of probation effective Dec. 17, 2014.

There were two aggravating factors: a pattern of misconduct and illegal conduct.

There were two mitigating factors: absence of a prior disciplinary record and personal or emotional problems.

Mr. Burns violated Rule 42, ARIZ.R.S.Ct., specifically ERS 3.4(c) and 8.4(b).

PATRICK CAMUNEZ

Bar No. 028662; File No. 15-0420

PDJ No. 2015-9083

By final judgment and order dated Sept. 3, 2015, Patrick Camunez was suspended from the practice of law for one month effective 30 days from the date of the order. Upon reinstatement, Mr. Camunez will be placed on one year's probation and complete 15 hours of ethics-related continuing legal education.

Mr. Camunez misrepresented to a potential employer the substance of a prior disciplinary offense. Camunez was admonished by the Attorney Discipline Probable Cause Committee on Aug. 29, 2014, for altering an email from the Office of Chief Counsel, National Guard Bureau, to help facilitate a promotion. While interviewing for a general counsel position in 2015, Mr. Camunez misrepresented that he was disciplined in 2014 for failing to report a supervisor's breach of attorney/client privilege, not for altering an email.

There were three aggravating factors: prior disciplinary offenses, a pattern of misconduct, and dishonest or selfish motive.

There was one mitigating factor: cooperative attitude toward proceedings.

Mr. Camunez violated Rule 41(g), ARIZ.R.S.Ct., and Rule 42, ARIZ.R.S.Ct., ER 8.4(b).

JOSEPH J. LODGE

Bar No. 013306; File No. 14-2170

PDJ No. 2015-9073

By judgment and order dated Aug. 11, 2015, the presiding disciplinary judge accepted an agreement for discipline by consent by which Joseph J. Lodge, Flagstaff, was suspended for six months and one day effective Sept. 11, 2015. Upon reinstatement, Mr. Lodge will be placed on probation on terms to be determined at that time. Mr. Lodge also was assessed the costs and expenses of the disciplinary proceeding of \$1,200.

In 2012, Mr. Lodge was charged with extreme DUI or having a blood alcohol content (BAC) of 0.20 or greater, and with driving while impaired to the slightest degree, both class-1 misdemeanors. In 2013, he pled guilty to having a BAC of 0.15 or more but less than 0.20. The court sentenced Lodge to 30 days in jail with 21 days suspended and 9 days served, and ordered him to undergo alcohol screening and equip his car with an ignition interlock device for one year. In 2014, Lodge was charged with nine counts of aggravated DUI, all class-4 felonies. On April 15, 2015, he pled guilty to aggravated DUI—impaired, a class-4 felony; endangerment, a class-6 undesignated felony; and driving under the influence of alcohol—extreme (BAC of 0.15 or more) a class-1 misdemeanor. The court entered judgment finding Lodge guilty of the endangerment and extreme DUI counts but deferred entry of judgment on the aggravated DUI count. The court imposed probation for two years and

ordered Lodge to be admitted into the Drug Court Program. The court also sentenced Lodge to serve 30 days in the Coconino County Jail and up to 364 additional days, which were suspended subject to further court review. Finally, the court ordered Lodge to equip any vehicle that he operates with an ignition interlock device for 12 months upon conclusion of his license suspension or revocation.

Aggravating factors: pattern of misconduct; substantial experience in the practice of law; and illegal conduct.

Mitigating factors: absence of a prior disciplinary record; full and free disclosure to disciplinary board or cooperative attitude towards proceedings; and imposition of other penalties or sanctions.

Mr. Lodge violated Rule 42, ARIZ.R.S.Ct., specifically ER 8.4(b).

ANDREA ELIZABETH MOUSER

Bar No. 023967; File Nos. 14-2355, 14-2765

PDJ No. 2015-9075

By final judgment and order dated Sept. 3, 2015, the presiding disciplinary judge accepted an agreement for discipline by consent by which Andrea Elizabeth Mouser, Scottsdale, was suspended for six months and one day. She also was assessed the costs and expenses of the disciplinary proceeding in the amount of \$1,200.

In count one, Ms. Mouser knowingly misrepresented to her law partners that the State Bar selected their new firm for a "random audit" of the firm's internal procedures. In truth, the State Bar's Law Office Management Assistance Program conducted an audit of Mouser's compliance with probation terms imposed in previous discipline cases (State Bar File Nos. 10-1301, 10-1978, 11-1589), which required participation by her partners. In count two, in a family law case Ms. Mouser filed with the court a notice of lodging and stipulated order relating to a parenting plan. Ms. Mouser misrepresented to the court that the parties agreed to the parenting plan when the parties had not so agreed.

There were four aggravating factors: prior disciplinary offenses; dishonest or selfish motive; a pattern of misconduct; and multiple offenses. There were no mitigating factors present.

Ms. Mouser violated Rule 42, ARIZ.R.S.Ct., ERs 3.3, 8.4(c), and 8.4(d).

THOMAS C. NICKEL

Bar No. 012539; File No. 15-0271

PDJ No. 2015-9087

By final judgment and order dated Sept. 8, 2015, Thomas C. Nickel, Phoenix, was reprimanded and placed on probation for one year. Mr. Nickel must undergo a Law Office Management Assistance Program evaluation and comply with any resulting terms.

Mr. Nickel failed to maintain communication with a bankruptcy client, causing the client to

file his own motions and make arguments without the assistance of counsel. He failed to attend two substantive hearings and one order to show cause hearing set to address his non-appearances. The Court ordered Mr. Nickel to refund to the client all amounts the client previously paid, and to pay an additional punitive sanction.

Aggravating factors: substantial experience in the practice of law.

Mitigating factors: absence of a prior disciplinary record, absence of a dishonest or selfish motive, and imposition of other penalties or sanctions.

Mr. Nickel violated Rule 42, ARIZ.R.S.Ct., ERs 1.3, 1.4(a)(2),(3),(4) & (b), 1.16(a), 3.2, 3.4(c), 8.4(d), and Rule 54(c), ARIZ.R.S.Ct.

STEVEN R. RENSCH

Bar No. 009914; File No. 15-0544
PDJ No. 2015-9081

By final judgment and order dated Sept. 4, 2015, the presiding disciplinary judge accepted an agreement for discipline by consent by which Steven R. Rensch, Mesa, Ariz., was reprimanded and placed on probation for 18 months. Mr. Rensch must participate in the State Bar's Law Office Management Assistance Program (LOMAP) to monitor his compliance with trust account rules and procedures. He also was ordered to pay the costs and expenses of the proceedings totaling \$1,200. Mr. Rensch improperly deposited earned fees into his trust account; commingled a "bury" of his own funds in his trust account to guard against "an unusual occurrence" rather than maintain administrative funds to cover bank fees; did not keep individual client or administrative fund ledgers; and discarded deposit slips because "the transaction is official once it appears on the bank statement." Mr. Rensch knowingly violated the trust account rules of which he was aware, negligently violated the rules of which he was unaware, and had drawn the Bar's attention three times in the past for trust accounting violations. No client funds were missing.

The PDJ considered five aggravating factors: prior trust accounting offenses, a pattern of misconduct, multiple offenses, refusal to ac-

knowledge wrongful conduct, and substantial experience in the practice of law.

The lone mitigating factor was absence of a dishonest motive.

Mr. Rensch violated Rule 42, ER 1.15(a), and Rule 43(a) and (b), ARIZ.R.S.Ct.

W. BLAKE SIMMS

Bar No. 021595; File No. 15-9071
PDJ No. 2015-9071

By order of the Presiding Disciplinary Judge dated Sept. 8, 2015, W. Blake Simms, Tempe, Ariz., was suspended from the practice of law for 120 days, effective the date of the order.

Mr. Simms was the subject of a formal disciplinary proceeding in Oregon. That proceeding included two separate client matters. In both cases, the clients hired Mr. Simms to pursue employment discrimination claims. In one case, he settled the client's claims and received settlement funds but did not remit the funds belonging to the client. Despite repeated requests, Mr. Simms did not pay the client until six months after he received the funds. In the second case, Mr. Simms filed an action on the client's behalf but soon thereafter closed his office. He failed to notify the court that he closed his office, and he did not provide an alternate address. The client terminated the representation and asked for an accounting and a return of funds advanced for costs. Mr. Simms failed to promptly account for the funds and failed to return funds to which the client was entitled. He also failed to properly withdraw from the case. Mr. Simms violated Oregon's Rules 1.15 and 1.16.

By order of the Disciplinary Board of the Supreme Court of Oregon, Mr. Simms was suspended for 120 days. The Presiding Disciplinary Clerk of Arizona was notified of the order of suspension and the Presiding Disciplinary Judge imposed reciprocal discipline in Arizona pursuant to Rule 57, ARIZ.R.S.Ct.

STEVEN ALEXANDER STEWART

Bar No. 030288; File No. 14-3571
PDJ No. 2015-9037

Following a hearing panel's decision on Aug. 12, 2015, the presiding

disciplinary judge entered a final judgment and order on Sept. 1, 2015, disbaring Steven Alexander Stewart, Phoenix. A June 12, 2015, order placing Mr. Stewart on interim suspension (State Bar File No. 15-1434, PDJ No. 2015-9053) was vacated.

In the sole count, Mr. Stewart pled no contest to two sex offenses involving attempted solicitation of a minor, Calif. Penal Code §§ 288.4(a)(1) and (b), in State of California v. Steven Stewart, Los Angeles County Superior Court BA424599. Mr. Stewart violated Rules 42, ER 8.4(b), and 54(g), ARIZ.R.S.Ct.

As a result of the convictions Mr. Stewart was sentenced to two days in the county jail, five years of probation, fines/fees/restitution, and other terms including registration as a sex offender.

The disciplinary panel found one aggravating factor: illegal conduct. It also found one mitigating factor: absence of a prior disciplinary record. It also ordered Mr. Stewart to pay costs and expenses totaling \$2,000.

DEEAN GILLESPIE STRUB

Bar No. 009987; File Nos. 13-2654, 13-2672

PDJ No. 2015-9025

On June 18, 2015, the Presiding Disciplinary Judge issued a Decision Accepting Consent for Discipline by which Deean Gillespie Strub, Phoenix, was reprimanded and assessed the costs and expenses of the disciplinary proceeding in the amount of \$1,234.80. Ms. Strub, a certified specialist in family law, was sanctioned for her conduct in two cases.

In the first case, Ms. Strub filed a "Motion for New Trial on Issue of School Placement and Other Relief" after a client received an adverse ruling. She argued, among other things, that the court had imposed unfair time constraints at the trial, which had been handled by one of her associates. The trial court held an evidentiary hearing and observed that the motion contained factual assertions that were contrary to the record. The court noted that it had lost 45 minutes to an hour reviewing the record to uncover the factually inaccurate assertions. Ms. Strub apologized for the oversight.

The trial court admonished Ms. Strub; found that she had violated Rule 11, ARIZ.R.Civ.P.; and sanctioned her \$500, which was paid to a charity of Ms. Strub's choosing.

In the second case, Ms. Strub filed a motion for a new trial after a client received an adverse ruling. She alleged, among other things, that the trial court had failed to allocate sufficient time for the hearing. The court denied the motion and found that the argument was a clear violation of Rule 31 of the Arizona Rules of Family Law Procedure, the counterpart to Rule 11, because Ms. Strub had not requested more time for trial.

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

Mitigating factors: absence of a dishonest or selfish motive, 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, imposition of other penalties or sanctions, and remorse.

Ms. Strub violated Rule 42, ARIZ.R.S.Ct., specifically ERs 3.1 and 8.4(d).

WILLIAM W. WEBB

Bar No. 021386; File Nos. 15-0632, 15-1153, 15-1579

PDJ No. 2015-9097

By Judgment of Disbarment dated Sept. 15, 2015, the presiding disciplinary judge accepted a Consent to Disbarment filed by William W. Webb, Glendale, Ariz., and ordered him to pay costs and expenses of \$1,223.15.

The Judgment of Disbarment was based on Mr. Webb's decision to continue to practice law while serving a suspension for a past episode of practicing law while suspended.

DOUGLAS S. YOUNGLOVE

Bar No. 012034; File Nos. 13-1767, 13-2016, 13-3342, 14-2180

PDJ No. 2015-9041

By final judgment and order dated Aug. 18, 2015, the presiding disciplinary judge accepted an agreement for discipline by consent by which

Douglas S. Younglove, Phoenix, was suspended for 60 days, effective Nov. 1, 2015. Mr. Younglove also was ordered to complete one year of probation upon reinstatement by enrolling in the State Bar's Law Office Management Assistance Program, obtaining a practice monitor, and completing the CLE program titled "Candor, Courtesy, and Confidences: Common Courtroom Conundrums." Mr. Younglove also was ordered to pay costs and expenses of the disciplinary proceedings totaling \$1,200.

Mr. Younglove's conduct in all four counts occurred while he was employed at Lerner and Rowe Law Group representing clients in criminal matters. At one point during the relevant time period he became the supervising criminal law attorney for the firm.

In State Bar File No. 13-1767, Mr. Younglove represented a DUI defendant in Tempe Municipal Court. He failed to appear for two pretrial conferences. On the second occasion, at 6:30 p.m. he filed a motion to continue the 8:30 a.m. matter that he'd already missed. The basis for the motion was that he was occupied with other cases in Superior Court, matters about which he had known for several weeks. The court denied Mr. Younglove's motion and set a \$500 bond for the client to pay before it would quash an arrest warrant issued due to the client's failure to appear at a previous matter. Mr. Younglove did not notify the client of these circumstances so when she later appeared in court on an unrelated matter with a different attorney, she was arrested.

In State Bar File No. 13-2016, Mr. Younglove represented a client in a criminal proceeding in Bullhead City Municipal Court. He was three hours late for a pretrial hearing. Upon arriving in court Mr. Younglove asked to have his client's matter heard to avoid making another trip from Phoenix. Judge Psareas admonished Mr. Younglove for expecting the court to drop everything it was doing at 4:50 p.m. to accommodate him. During the hearing Judge Psareas asked Mr. Younglove if he knew Tempe Judge MaryAnne Majestic, and if he thought she would hear his case under similar circumstances. Mr. Younglove told Judge Psareas that he knew Judge Majestic from his many court appearances and that because she was his golfing companion and she would be happy to hear his case under the scenario presented. Judge Majestic learned of this conversation and asked Mr. Younglove to self-report his lie to the State Bar because "1) you may have appeared before me but I have no recollection of you, 2) I am not your 'golfing companion,' and 3) I do not play golf." Mr. Younglove did not self-report. In the discipline case Mr. Younglove acknowledged that he never appeared before Judge Majestic in person although he had cases in her court. He explained that years earlier he was once paired with a woman golfer who introduced herself as a Municipal Court judge, could not recall her name, and assumed without actually knowing that it was Judge Majestic because she was the only woman

Municipal Court judge with whom he was familiar.

In State Bar File No. 13-3342, Mr. Younglove represented a DUI client. In keeping with his law firm's policies he filed a motion to withdraw due to client non-payment of fees, which the court denied. Mr. Younglove missed two preliminary hearings and a final management conference due, variously, to a lack of knowledge of one hearing, his failure to manage his calendar and obtain coverage for conflicting court appearances, and a family emergency for which he filed a motion to continue after the court matter already had occurred. The trial judge asked a public defender who was present to stand in for Mr. Younglove. The judge ordered Mr. Younglove to show cause why he should not be sanctioned. Mr. Younglove properly withdrew from the representation and, at the OSC hearing, in part blamed his firm's policies for his actions. The judge declined to sanction Mr. Younglove but he did express concern over the Lerner & Rowe firm's seeming disregard for a certain class of clients for whom the firm was counsel of record.

In State Bar File No. 14-2180, Mr. Younglove represented a criminal law defendant in two cases. The second charge allegedly constituted a violation of probation for the first offense. The court set a Non-Witness Violation Hearing for June 5, 2014, at which neither the client nor Mr. Younglove appeared. The court issued a bench warrant for the client with a bond set at \$5,000. At about 5:00 p.m. Mr. Younglove filed a motion to continue the hearing that already had occurred for reasons that included his own scheduling conflicts. Mr. Younglove also missed a June 16, 2014, hearing, resulting in issuance of a second bench warrant against his client, with bond set at \$2,700. The client fired Mr. Younglove and hired new counsel. The court quashed one warrant but set a \$2,600 bond on the other. When the client and her new lawyer appeared in court the client was jailed for about 22 hours before posting the bond.

Mitigating factors included absence of a dishonest motive, cooperative attitude toward the disciplinary proceedings, remorse, and remoteness of prior offenses.

Aggravating factors included prior disciplinary offenses (given little weight due to their remoteness), pattern of misconduct, multiple offenses, and substantial experience in the practice of law.

Mr. Younglove violated Rules 41(c) and Rule 42, ERs 1.3, 1.4, 5.1, 5.3, and 8.4(d), ARIZ.R.S.Ct.

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.