

REINSTATED ATTORNEY

ROBERT A. ROJAS

Bar No. 12864; File No. 14-9022

PDJ No. 2014-9022

By Arizona Supreme Court order dated Nov. 7, 2014, Robert A. Rojas, Glendale, Ariz., was reinstated to active membership status.

SANCTIONED ATTORNEYS

ZUBAIR ASLAMY

Bar No. 019659; File No. 12-1047

PDJ No. 2014-9081

By the presiding disciplinary judge's judgment and order dated Sept. 29, 2014, Zubair Aslamy, Mesa, was reprimanded. He also was assessed the costs and expenses of the disciplinary proceeding.

Mr. Aslamy represented a defendant who had been charged with second-degree murder. Shortly before trial was scheduled to commence, Mr. Aslamy emailed copies of two grand jury transcripts to a news reporter. At that time, Mr. Aslamy was unaware of statutory and criminal rule prohibitions against disclosing grand-jury transcripts. Criminal Rule 12.8 permits certified transcripts to be made available only to the prosecution and defendant. Furthermore, Mr. Aslamy should have been aware that disclosing the grand-jury transcripts could have adversely affected the legal process, whether or not he knew that a knowing disclosure, except in very limited circumstances, could result in a misdemeanor conviction (A.R.S. § 13-2812). Mr. Aslamy's disclosure of the grand-jury transcripts was prejudicial to the administration of justice.

Aggravating factors: prior disciplinary offenses, substantial experience in the practice of law, and illegal conduct.

Mitigating factor: delay in the disciplinary proceedings.

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

LEON J. BRANDRIET

Bar No. 012440; File Nos. 02-0662, 03-0587, 03-0837

PDJ No. 2014-9056

By the presiding disciplinary judge's Oct. 27, 2014 order, Leon J. Brandriet, Watertown, S.D., was disbarred, effective Sept. 29, 2014. Mr. Brandriet was ordered to pay restitution of \$85,394.50 with interest to one former client and \$14,352.65 with interest to another. Mr. Brandriet also was assessed the costs and expenses of the disciplinary proceeding of \$2,036.30.

Mr. Brandriet was transferred to disability inactive status on April 12, 2004. On Jan. 18, 2013, the State Bar filed a petition for order to show cause to proceed on the stayed disciplinary cases. On March 19 and 26, 2013, the presiding disciplinary judge vacated all stays. The presiding disciplinary judge found that Mr. Brandriet "acknowledges that the disability

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.

which originally caused his transfer to disability inactive status is no longer active." Mr. Brandriet, however, remained on disability inactive status.

Mr. Brandriet failed to maintain trust account records, failed to properly safeguard client funds, and knowingly failed to promptly respond to lawful demands and requests for information by bar counsel.

Mr. Brandriet failed to deposit funds belonging to clients in the trust account and failed to hold those funds until a dispute with the bankruptcy trustee was resolved. Mr. Brandriet's trust account had a negative balance for at least two months in 2003. He failed to appear at a return hearing and knowingly failed to file a statement in response to the complaint for sanctions filed by the bankruptcy trustee's attorney. Mr. Brandriet's misconduct used finite judicial resources.

Mr. Brandriet has made no effort to pay court-ordered sanctions.

Aggravating factors: dishonest or selfish motive, multiple offenses, bad-faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, refusal to acknowledge wrongful nature of conduct, and indifference to making restitution.

Mr. Brandriet violated Rule 42, specifically ERs 1.15(a) and (c), 3.4(c), 8.1(b), and 8.4(d), and former Rules 43, 44,¹ 51(h)² and 53(c), ARIZ.R.S.CT.

FRED L. HOWE

Bar No. 013270; File Nos. 12-1849, 12-2586, 13-1993, 13-3229

PDJ No. 2014-9055

By the presiding disciplinary judge's order dated Oct. 27, 2014, Fred L. Howe, Surprise, was disbarred and ordered to pay restitution and the costs and expenses of the disciplinary proceeding.

Mr. Howe engaged in misconduct associated with his representation of four clients. In one case, Mr. Howe failed to file a response to a motion to discontinue child-support payments pending a hearing on a motion to modify child support and legal custody. As a result, the court entered an order discontinuing child-support payments until further notice, which caused a temporary discontinuance of child-support payments to his client. Mr. Howe also failed to adequately

communicate with his client or her husband, failed to promptly return his client's or her husband's telephone calls, failed to file a motion to withdraw as counsel for his client after he was discharged, failed to file a motion to withdraw as counsel for his client prior to the effective date of a 60-day disciplinary suspension, failed to refund unearned fees for about two months, and failed to timely and properly notify his client that he would be disqualified from continuing to represent her because of a forthcoming 60-day suspension.

In a second matter, a non-lawyer assistant deposited advance fees into Mr. Howe's operating or business account rather than his trust account. Mr. Howe failed to refund unearned fees to his client for several months following the conclusion of representation and failed to take adequate steps to ensure compliance with the trust account rules.

In a third matter, Mr. Howe settled his client's personal-injury case without his client's consent. Mr. Howe negotiated the settlement checks, but failed to pay his client's lienholders or submit any funds to his client. Mr. Howe's misappropriation of the settlement funds resulted in the theft of his client's and the lienholders' funds. Additionally, Mr. Howe failed to adequately communicate with his client and failed to deliver to his client or his subsequent counsel the file he maintained on his client's behalf, as requested by his client's subsequent counsel.

In the fourth case, Mr. Howe failed to provide opposing counsel with a disclosure statement or respond to any of the discovery requests submitted to him. He also failed to respond to the opposing party's motion to dismiss, which resulted in the court dismissing his client's case with prejudice. Mr. Howe failed to provide his client's subsequent counsel, as requested, with the file he maintained on his client's behalf. He also failed to comply with a subpoena *duces tecum* served in a malpractice lawsuit filed against him by his former client. Mr. Howe failed to appear at a hearing scheduled to address a petition for contempt related to his failure to provide opposing counsel with the file he maintained on his client's behalf and a copy of his professional malpractice insurance file. The court found Mr. Howe in indirect civil contempt by failing to comply with a court order and a lawful subpoena, and ordered a civil arrest warrant for Mr. Howe's arrest. Mr. Howe failed to appear at the default hearing scheduled in the malpractice case against him. The court granted a judgment against Mr. Howe.

During the State Bar's investigation into these matters, Mr. Howe failed to provide bar counsel with written responses to three of the charges. Mr. Howe also failed to file an answer to the State Bar's formal disciplinary complaint, which resulted in the entry of a default against him.

Aggravating factors: prior disciplinary offenses.

1. Rule 44, ARIZ.R.S.CT., in effect at the time of the violations, was combined with Rule 43 and has since been reserved.
2. In effect in 2002; the current rule is Rule 54(d), ARIZ.R.S.CT.

es, a dishonest or selfish motive, a pattern of misconduct, multiple offenses, bad-faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency, refusal to acknowledge the wrongful nature of his misconduct, vulnerability of the victims, substantial experience in the practice of law, indifference to making restitution, and illegal conduct.

Mitigating factor: delay in the disciplinary proceeding.

Mr. Howe violated Rule 42, ARIZ.R.S.Ct., specifically ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.15(a) and (d), ER 1.16(a) and (d), ER 3.4(c), ER 8.1(b), and ER 8.4(b) and (d), and Rules 43(a), 54(c) and (d), and 72(a) and (b)(2), ARIZ.R.S.Ct.

JOANNA M. KIEFFER

Bar No. 022085; File No. 14-0954

PDJ No. 2014-9089

By judgment and order dated Oct. 9, 2014, the presiding disciplinary judge accepted an agreement for discipline by consent by which Joanna M. Kieffer, Cibolo, Texas, was reprimanded. Ms. Kieffer was placed on probation for one year and ordered to complete the continuing legal education course titled "The Ten Deadly Sins of Conflicts." Ms. Kieffer further must pay the State Bar's costs and expenses of the disciplinary proceeding of \$1,200.

Ms. Kieffer commenced a sexual relationship with a neighbor and then subsequently agreed to update this neighbor's and his wife's wills and powers of attorney. Ms. Kieffer drafted the updated wills and powers of attorney but did not communicate with the wife regarding this. In addition, Ms. Kieffer notarized the wills and powers of attorney without actually observing the neighbor or his wife executing the wills or powers of attorney and without observing any witnesses' signatures on these documents.

Aggravating factors: None.

Mitigating factors: Absence of a prior disciplinary record; absence of a dishonest or selfish motive; personal or emotional problems; full and free disclosure to disciplinary board or cooperative attitude toward proceedings; and imposition of other penalties or sanctions.

Ms. Kieffer violated Rule 42, ARIZ.R.S.Ct., specifically ER(s) 1.2(a), 1.4, 1.7(a)(2), and 8.4(c).

DANIEL J. RADACOSKY

Bar No. 0011673

PDJ No. 2014-9045

By amended judgment and order dated Oct. 9, 2014, the presiding disciplinary judge accepted an agreement for discipline by consent by which Daniel J. Radacosky, Phoenix, was suspended for six months and one day, effective Oct. 9, 2014. Mr. Radacosky also was ordered to pay restitution of \$3,630 and costs and expenses of \$1,216.95.

Following a personal injury and conservatorship case, Mr. Radacosky negligently transferred his client's settlement funds from a restricted bank account to his personal bank account.

Aggravating factors: Refusal to acknowledge wrongful nature of conduct and indifference to making restitution.

Mitigating factor: Personal or emotional problems, timely good-faith effort to rectify consequences of misconduct, delay in disciplinary proceedings, remorse.

Mr. Radacosky was found to have violated Rule 42, ARIZ.R.S.Ct., ER 8.4(d).

WILLIAM WAS III

Bar No. 25909; File No. 13-3034

PDJ No. 2014-9091

By judgment and order dated Oct. 23, 2014, the presiding disciplinary judge accepted an agreement for discipline by consent by which William G. Was III, Phoenix, was reprimanded. He also was assessed the costs and expenses of the disciplinary proceeding and placed on probation requiring the completion of two CLE courses.

In the underlying matter, Mr. Was provided legal services to a business in which he believed he had acquired an equity interest. In providing such services and allegedly acquiring an equity interest, Mr. Was failed to comply with Ethical Rule 1.8(a) regarding a potential conflict of interest. Around the same time, Mr. Was also communicated directly with a person represented by counsel in violation of ER 4.2, and later failed to timely respond to the State Bar's investigation in violation of Rule 54(d)(2).

Aggravating factors: Bad-faith obstruction of the disciplinary proceeding by failing for a period of months to respond to the State Bar's investigation.

Mitigating factor: Lack of a prior disciplinary record and inexperience in the practice of law.

Mr. Was violated Rule 42, ARIZ.R.S.Ct., specifically ERs 1.8(a), 4.2 and 8.4(c). He also violated Rule 54(d)(2), ARIZ.R.S.Ct.