

## **SANCTIONED ATTORNEYS**

### **CARMEN A. CHENAL**

Bar No. 009428; File Nos. 03-0811, 03-1089, 03-1370, 03-1412, 03-2009, 04-0930, 04-1091

By Arizona Supreme Court judgment and order dated August 30, 2005, Carmen A. Chenal, P.O. Box 1042, Carefree, AZ 85377, a member of the State Bar, was suspended from the practice of law for 120 days. She was placed on probation for two years and ordered to participate in the State Bar's Member Assistance Program and Law Office Management Assistance Program. Ms. Chenal was ordered to pay restitution of \$2,500 and was assessed the costs and expenses of the disciplinary proceedings of \$1,018.71, together with interest at the legal rate from the date of judgment.

In one case, Ms. Chenal listed a party but did not provide any allegations against the person in the civil complaint; presented claims barred by the statute of limitations; and after listing many witnesses on the disclosure statement, only one testified and the testimony was inconsistent with that listed on the disclosure statement. In another matter, Ms. Chenal applied settlement monies in one collection matter toward the client's bill in a second matter without the client's consent and then failed to file an appeal in the second matter after agreeing to do so. In the third case, she engaged in the unauthorized practice of law when she filed a notice of appearance in an Illinois Circuit Court, when she was not admitted to practice in Illinois.

In a fourth matter, Ms. Chenal paid filing fees to the Maricopa County Superior Court by checks that were returned due to insufficient funds. In other cases, she negligently submitted altered documents of an expert in a medical malpractice matter to opposing counsel and failed to adequately communicate with her client.

Two aggravating factors were found: multiple offenses and substantial experience in the practice of law.

Five mitigating factors were found: absence of 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 remorse.

Ms. Chenal violated Rule 42, ARIZ.R.S.Ct., ERs 1.1, 1.3, 1.4, 3.1, 3.4, 5.5(a) and 8.4(d), and Rules 43, 44, 53 ARIZ.R.S.Ct.

### **RICHMOND KELLY TURNER**

Bar No. 002445; File No. 03-2283, 04-0383

By Arizona Supreme Court judgment and order dated August 24, 2005, Richmond Kelly Turner, 401 W. Baseline Road, Suite 107, Tempe, AZ 85283-5349, a member of the State Bar, was censured; placed on probation for one year with participation in the State Bar's Law Office Management Assistance Program and Ethics

Enhancement Program; and assessed the costs and expenses of the disciplinary proceedings in the amount of \$927.75, together at the legal rate from the date of judgment. The discipline resulted from a consent agreement between the State Bar and Mr. Turner.

In a civil litigation matter Mr. Turner filed an answer after which his client instructed him to stop work on the case. He failed to withdraw from representing his client and there after failed to respond to motions, submit discovery or appear at the hearing on a motion to compel. He was found in contempt and ordered to pay \$500 of opposing counsel's fees.

Two aggravating factors were found: multiple offenses and substantial experience in the practice of law (36 years).

Four mitigating factors were found: absence of a prior disciplinary record; full and free disclosure to a disciplinary board or cooperative attitude toward proceedings; imposition of other penalties or sanctions; and remorse.

Mr. Turner violated Rule 42, ARIZ.R.S.CT., ERs 1.3, 3.2, 3.4 and 8.4(d), and Rule 53(c), ARIZ.R.S.CT.

#### ADAM P. WEBER

Bar No. 017546; File No. 02-1151, 02-1590, 02-1676, 02-1694, 03-0568, 03-0843, 03-1608

By Supreme Court judgment and order dated May 25, 2005, Adam P. Weber, P.O. Box 15146, Scottsdale, AZ 85267, a suspended member of the State Bar, was suspended for six months and one day, by consent, for violation of his duties and obligations as a lawyer. Mr. Weber shall be placed on probation upon reinstatement. Mr. Weber is required to pay restitution to three clients in an amount totaling \$2,493.50, and assessed the costs and expenses of the disciplinary proceedings in the amount of \$2,145.29, together with interest at the legal rate.

In this matter, Mr. Weber had initially agreed to participate in the State Bar's diversion program in counts 1, 2, 3, 4 and 5. Mr. Weber signed a memorandum of understanding with the Law Office Membership Assistance Program (LOMAP). However, he failed to communicate with LOMAP and a

notice of non-compliance with diversion was filed against him. After he failed to respond to the notice, formal charges were instituted. Three additional matters were included in the complaint.

In the first case, a personal-injury matter, Mr. Weber ceased communicating with his clients after the opposing party appealed an arbitration decision. In the second case, Mr. Weber was paid to file a lawsuit but did not do so until four months later. He failed to perfect service of the complaint, which resulted in the case being dismissed. In the third case, Mr. Weber failed to timely file a complaint or prosecute the litigation. In the fourth case, Mr. Weber ceased communicating with his client after filing the complaint and the court ordered mediation. The opposing party filed a motion to dismiss for failure to mediate, which the court granted.

In the fifth case, Mr. Weber failed to respond to motions and failed to return client files. In the sixth case, Mr. Weber failed to inform his client of the trial date, failed to appear at trial and failed to inform his clients that a judgment had been entered against them. In the seventh case, Mr. Weber ceased communicating with his client after receiving an advance on filing fees. He also failed to cooperate with the State Bar's investigation. The eighth case involved Mr. Weber's failure to provide a disclosure statement and his failure to respond to a *subpoena duces tecum* in this disciplinary matter.

Two aggravating factors were found: a pattern of misconduct and multiple offenses. Four mitigating factors were found: absence of prior disciplinary record, absence of a dishonest or selfish motive, personal or emotional problems, and remorse.

Mr. Weber violated Rule 42, ARIZ.R.S.CT., ERs 1.3, 1.4, 1.16(d), 3.4(c) and 8.1(b) and Rules 51(h) (in effect through December 1, 2003) & 53(d) (in effect as of December 1, 2003), 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, addresses and Bar numbers.