

REINSTATED ATTORNEY

EDWARD W. MATCHETT

Bar No. 010057

PDJ No. 2016-9107-R

By order of the presiding disciplinary judge filed on Nov. 2, 2016, Edward W. Matchett, Douglas, Ariz., was reinstated as an active member of the State Bar of Arizona. Mr. Matchett had been suspended for violating a number of ethical rules in connection with two cases, one involving federal court litigation of a wrongful termination claim and the other involving a quiet title action to foreclose on a tax lien.

TRANSFER TO DISABILITY INACTIVE STATUS

RICHARD B. GELLER

Bar No. 021091; File No. 16-2957

PDJ No. 2016-9125

By order dated Dec. 20, 2016, the presiding disciplinary judge transferred Richard B. Geller, Tucson, to temporary disability inactive status.

SANCTIONED ATTORNEYS

NATHANIEL J. CARR, III

Bar No. 018753; File Nos. 12-2482, 15-0328

PDJ No. 2016-9041

By the presiding disciplinary judge's judgment and order dated Dec. 8, 2016, Nathaniel J. Carr,

III, Phoenix, was suspended from the practice of law for four years, effective Jan. 1, 2017. Mr. Carr will be subject to any additional terms imposed if reinstated. He was assessed \$1,532.28 in costs and expenses for the disciplinary proceeding.

Mr. Carr contracted with the Office of Public Defense Services (OPDS) to represent indigent criminal defendants. He was first chair on two separate death penalty cases and advisory counsel on a third case. His billings for those services, open to the public, were replete with statements of client confidences. Mr. Carr billed for services specifically excluded by his contract, including scanning documents and non-substantive motions. He also billed for work not performed. As first chair, Mr. Carr failed to oversee the work of the mitigation expert to assure the work for the mitigation phase of trial was performed. That failure led, in part, to the court granting petitions for post-conviction relief and resentencing his clients. In addition, Mr. Carr was summarily suspended from the practice of law for failing to submit proof of his mandatory continuing legal education. He received actual notice of his suspension but continued to practice law.

Mr. Carr's misconduct was knowing and there was actual harm to his clients, the profession, the legal system, and the public.

Aggravating factors were: selfish or dishonest

motive, pattern of misconduct, multiple offenses, vulnerability of the victims, and substantial experience in the practice of law.

Mitigating factors were: absence of a prior disciplinary record, personal or emotional problems, and delay in disciplinary proceedings.

Mr. Carr violated Rule 42, ARIZ.R.S.Ct., ERs 1.1 (competence), 1.5 (fees), 1.6 (confidentiality of information), 5.5 (unauthorized practice of law), and 8.4(c) (conduct involving dishonesty, deceit, fraud or misrepresentation).

LAURENCE KIRK NURMI

Bar No. 020900; File Nos. 15-3024, 15-3288

PDJ No. 2016-9115

By judgment of disbarment dated Nov. 21, 2016, the presiding disciplinary judge accepted a consent to disbarment filed by Laurence Kirk Nurmi, Phoenix. Mr. Nurmi's disbarment was effective immediately.

While admitting no misconduct, Mr. Nurmi did not contest that he violated ethical rules when he wrote *Trapped with Ms. Arias: Part 1 of 3 From Getting the File to Being Ready for Trial*, a book detailing his representation of Jodi Arias in a criminal case.

The book was published without Arias's permission or authority and presented Arias in a negative light. The book included several confidential discussions between Mr. Nurmi, Arias, and her family. During his promotion of the book, Nurmi disclosed facts and circumstances related to his representation of Arias.

KASEY C. NYE

Bar No. 020610; File No. 15-3110

PDJ No. 2016-9090

By final judgment and order dated Dec. 20, 2016, the presiding disciplinary judge accepted an agreement for discipline by consent by which Kasey C. Nye, Tucson, was reprimanded. Mr. Nye was placed on probation for two years and ordered to participate in fee arbitration and the State Bar's Member Assistance Program. He also was ordered to pay costs and expenses totaling \$1,282.93.

Mr. Nye represented a client in a bankruptcy matter. Mr. Nye agreed to draft certain documents, including a motion for an injunction, to be filed with the bankruptcy court before a hearing. He failed to timely draft the documents. His client subsequently disputed Mr. Nye's fee. Despite the fee dispute, Mr. Nye applied his client's trust account funds to his invoice.

Aggravating factors were bad faith obstruction of disciplinary proceeding by failing to comply with rules/orders of the disciplinary agency, and substantial experience in the practice of law.

Mitigating factors were absence of a prior disciplinary record, personal or emotional problems, and character or reputation.

Mr. Nye violated Rule 42, ARIZ.R.S.Ct., ERs 1.3, 1.4, 1.5, 1.15, 8.1(b), and 8.4(d), and Rule 54(d), ARIZ.R.S.Ct.

DAVID R. WROBLEWSKI

Bar No. 020079; File No. 13-0734 (lead case number in a 191-count case)

PDJ No. 2014-9041

By final judgment and order of the presiding disciplinary judge dated Nov. 8, 2016, David R. Wroblewski, Phoenix, was suspended from the practice of law for four years, retroactive to Jan. 10, 2016. Mr. Wroblewski also was placed on probation for two years during his suspension, the sole term being to participate in fee arbitration, and he will be subject to an additional period of probation upon reinstatement with terms to be determined by a hearing panel during reinstatement proceedings. Finally, Mr. Wroblewski was ordered to pay the State Bar's costs and expenses of \$24,265.

Mr. Wroblewski violated a number of ethical rules when he personally represented bankruptcy clients. He failed to competently and diligently represent those clients, in one case by failing to timely submit a proposed stipulated order confirming a Chapter 13 plan, which resulted in the dismissal of a client's bankruptcy case. He also failed to adequately communicate with those clients, failed to promptly refund unearned fees, and failed to withdraw when it became obvious that he was unable to properly represent them.

Mr. Wroblewski also violated a number of ethical rules as the sole owner of a large bankruptcy practice. At the time he assumed responsibility for another lawyer's bankruptcy practice, he did not have the legal knowledge, education, training or experience to represent clients in bankruptcy cases or to manage the firm, and he failed to take steps to become competent or to employ staff that could properly manage the practice. Mr. Wroblewski failed to establish policies and procedures regarding staff training and supervision that would have ensured compliance with the Rules of Professional Conduct. In addition, he failed to adequately train his lawyer and nonlawyer staff and failed to take appropriate corrective or remedial measures when appropriate.

Mr. Wroblewski failed to control the number of clients his firm agreed to represent, which resulted in extremely heavy caseloads for his staff. As a result, he was unable to ensure that his lawyer and non-lawyer staff promptly and diligently performed services for his firm's clients, expedited litigation consistent with their interests, adequately communicated with them, and promptly returned or responded to client telephone calls, letters and email messages. Mr. Wroblewski also failed to ensure that his firm's lawyers complied with deadlines established by court rules and bankruptcy trustees, which resulted in the dismissal of a number of his clients' cases. Many clients were adversely affected by the representation they received from Mr. Wroblewski's firm.

Mr. Wroblewski failed to promptly refund unearned attorney's fees and unexpended filing fees, and failed to ensure that his firm's clients

promptly received their files. He collected unreasonable fees because his firm failed to perform all services it had agreed to provide.

Mr. Wroblewski's failure to comply with his ethical responsibilities prejudiced clients, the bankruptcy court, and bankruptcy trustees' offices. In addition, Mr. Wroblewski failed to timely submit written responses to the State Bar during its investigation into a number of charges of misconduct.

Aggravating factors: prior disciplinary offenses, selfish or dishonest motive, a pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency, vulnerability of the victims, substantial experience in the practice of law, and adverse effect on the operation of the bankruptcy court.

Mitigating factors: cooperative attitude toward the disciplinary proceedings (by his willingness to enter into a consent agreement), inexperience in the practice of bankruptcy law, and imposition of other penalties or sanctions.

Mr. Wroblewski violated Rule 42, ARIZ.R.S.Ct., ERs 1.1, 1.2(a), 1.3, 1.4(a), 1.4(b), 1.15(d), 1.16(d), 3.2, 5.1(a), 5.1(b), 5.3(a), 5.3(b), and 8.4(d); and Rule 54(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.