



BAR COMMUNITY

LAWYER REGULATION

REINSTATED ATTORNEYS

PERCIVAL R. BRADLEY

Bar No. 017149; File No. 12-3242

PDJ No. 2013-9109

By order of the presiding disciplinary judge dated Dec. 10, 2013, Percival R. Bradley, Phoenix, was reinstated as an active State Bar member effective the date of the order.

TIMOTHY L. COCCHIA

Bar No. 018286; File No. 13-9048

PDJ No. 2013-9048

By Arizona Supreme Court order dated Jan. 7, 2014, Timothy L. Cocchia, Phoenix, was reinstated as an active State Bar member effective the date of the order.

JEFFREY S. SIIRTOLA

Bar No. 011717; File No. 13-9060

PDJ No. 2013-9060

By order of the Supreme Court dated Jan. 7, 2014, Jeffrey S. Siirtola, Bisbee, was reinstated as an active member of the State Bar of Arizona.

SANCTIONED ATTORNEYS

ROBERT C. BILLAR

Bar No. 006662; File No. 13-0497

PDJ No. 2013-9085

By judgment and order dated Dec. 20, 2013, the presiding disciplinary judge accepted an agreement for discipline by consent pursuant to which Robert C. Billar, Phoenix, was reprimanded. He also was assessed the costs and expenses of the disciplinary proceeding.

Mr. Billar represented a client in a drug-related criminal matter. When the court granted the state's motion *in limine*, Mr. Billar failed to counsel his client about the ram-

ifications of the court's ruling on the client's planned defense. In addition, Mr. Billar failed to explain to the client the effect of a conviction on his client's separate probation-violation case, including that probation would be revoked, the client would receive prison time, the probation violation would increase the presumptive length of imprisonment in the drug case, and the prison terms would be served consecutively rather than concurrently. The client was convicted on the drug and probation violation charges and was sentenced to consecutive prison terms of 9.25 years and four years. Following an unsuccessful appeal, the client (through new counsel) filed a post-conviction-relief petition alleging that Mr. Billar had provided ineffective

assistance of counsel. The court granted the petition. The client then entered into a plea agreement by which he was sentenced to three years in prison with credit for time already served.

Aggravating factors: prior disciplinary offenses; a pattern of misconduct; multiple offenses; refusal to acknowledge the wrongful nature of the conduct; vulnerability of the victim; and substantial experience in the practice of law.

Mitigating factors: absence of a dishonest or selfish motive and full and free disclosure to a disciplinary board or cooperative attitude toward the proceedings.

In the agreement for discipline by consent, Mr. Billar admitted that he violated Rule 42, ARIZ.R.S.C.T., specifically ERs 1.3, 1.4 and 8.4(d).

GENE C. CHANG

Bar No. 023147; File Nos. 12-0317, 12-1803

PDJ No. 2013-9083

By order of the presiding disciplinary judge dated Nov. 29, 2013, Gene C. Chang, Tucson, was suspended for two years and ordered to pay restitution and the costs and expenses of the disciplinary proceeding.

Mr. Chang engaged in misconduct during his representation of two clients. In one case, Mr. Chang failed to provide his client with copies of court orders, failed to respond to his client's numerous requests for information, and failed to keep his client reasonably informed about the status of his case. Mr. Chang failed to adequately represent his client in a post-conviction-relief proceeding and failed to help his client prepare a *pro se* petition, as ordered by the court. Mr. Chang failed, at the conclusion of representation, to promptly deliver a copy of his entire file to his client.

Regarding a second client, Mr. Chang failed to timely file an opening brief, failed to adequately communicate with his client, failed to respond to his client's attempts to communicate with him, and failed to keep him reasonably informed about the status of his case. Mr. Chang charged or collected an unreasonable amount for expenses, stopped representing his client without notice, and failed to promptly deliver his file to his client or his subsequent counsel. Mr. Chang's conduct was prejudicial to the administration of justice in part because the Court of Appeals found it necessary to appoint other counsel to represent the client, scheduled an order-to-show-cause hearing to address Mr. Chang's failure to file an opening brief on his client's behalf, and addressed motions filed by both the client and his subsequent counsel that would not have been necessary if Mr. Chang had communicated with his client and promptly provided his file to the client's subsequent counsel.

Mr. Chang failed to respond to some requests for information and documents during the State Bar's investigation into the charges of misconduct and failed to report a current address to the State Bar within 30 days of the effective date of his change of address. In addition, Mr. Chang failed to file an answer to the State Bar's complaint, which resulted in the entry of default.

Aggravating factors: 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, vulnerability of the victims, and substantial experience in the practice of law.

Mitigating factors: absence of a prior disciplinary record, personal or emotional problems, and remorse.

Mr. Chang violated Rule 42, ARIZ.R.S.CT., specifically ER 1.2(a), ER 1.3, ER 1.4(a)(2), (3) & (4), ER 1.5(a), ER 1.15(d), ER

1.16(d), ER 3.2, ER 3.4(c), ER 8.1(b) and ER 8.4(d), and Rules 32(c)(3), 54(c), and 54(d)(1) and (2), ARIZ.R.S.CT.

CARMEN L. FISCHER

Bar No. 009975; File No. 10-2084

PDJ No. 2013-9043

By order dated Dec. 20, 2013, the presiding disciplinary judge accepted an agreement for discipline by consent pursuant to which he reprimanded Carmen L. Fischer, Phoenix, and placed her on probation effective immediately. Ms. Fischer also must complete certain continuing education courses and pay costs of \$1,840.06.

Ms. Fischer represented two clients in unrelated criminal matters. The clients were indicted in a drug conspiracy case, and client 1 retained Ms. Fischer to represent him. Client 1 disclosed to Ms. Fischer that the police tried to recruit him to inform on client 2 but that he refused to do so, claiming he had no relevant information to impart to the police in any

event. Although the court denied the state's motion to determine counsel, Ms. Fischer withdrew from representing client 1 a short time later. She admitted that it was negligent for her not to realize that there was a significant risk that her representation of client 1 would be materially limited by her responsibilities to client 2. Client 1 later did provide testimony against client 2, resulting in the latter's conviction.

In a separate forfeiture matter, Ms. Fischer agreed to accept client 1's vehicle in payment of her fees in lieu of cash but did not disclose in writing to client 1 the information required by ER 1.8(a). When client 1 discharged Ms. Fischer as his attorney, she did not withdraw as counsel of record within a reasonable time of her dismissal.

Aggravating factors: dishonest or selfish motive, multiple offenses, vulnerability of victim (Ms. Fischer disputed the applicability of this factor), and substantial experience in the practice of law.

Mitigating factors: absence of a prior disciplinary record, personal or emotional problems, full and free disclosure to disciplinary board or cooperative attitude towards proceedings, and character or reputation.

In the agreement for discipline by consent, Ms. Fischer admitted that she violated Rule 42, ARIZ.R.S.CT., specifically ERs 1.7, 1.8(a) and 1.16(a).

ILLER MICHELLE HARDY

Bar No. 022885; File No. 13-1665
 PDJ No. 2013-9120

By order dated Jan. 3, 2014, the presiding disciplinary judge accepted an agreement for discipline by consent by which Iller Michelle Hardy, Phoenix, was reprimanded and placed on probation for one year. Ms. Hardy will be required to participate in the State Bar's Law Office Management Assistance Program. She also was assessed the costs and expenses of the disciplinary proceeding of \$1,241.81.

While suspended for nonpayment of her State Bar annual member dues, Ms. Hardy practiced law by appearing in court on behalf of clients.

Aggravating factors: none.

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

Ms. Hardy violated Rule 42, ARIZ.R.S.CT., specifically ER 5.5, and Rule 31(c), ARIZ.R.S.CT.

ROBERTO SALAZAR

Bar No. 023444
 File Nos. 11-3886 et al., 12-3236 et al.
 PDJ Nos. 2013-9099, 2013-9074

By judgment and order dated Jan. 8, 2014, the presiding disciplinary judge suspended Roberto

Salazar, Phoenix, for 30 days for failing to comply with the terms of his probation in PDJ No. 2012-9109. Specifically, Mr. Salazar failed to pay a fee arbitration award within the designated time frame for doing so.

By judgment and order dated Jan. 16, 2014, the presiding disciplinary judge also accepted an agreement for discipline by consent by which Mr. Salazar was suspended for five years. Mr. Salazar was ordered to pay restitution to certain clients and ordered to participate in fee arbitration with other clients. Mr. Salazar was ordered to pay the State Bar's costs and expenses of the disciplinary proceeding in the amount of \$5,089.25.

The consent agreement involved Mr. Salazar's conduct in 18 matters. In four of the matters, Mr. Salazar agreed to represent clients in immigration-removal proceedings but failed to submit applications for cancellation of removal, resulting in deportation orders being issued against his clients. In these matters, Mr. Salazar did not timely advise his clients that he had failed to file the applications for cancellation of removal and did not advise them of certain immigration court orders, including the deportation orders. In other matters, Mr. Salazar either advised his clients that they qualified for certain immigration relief when they did not, advised his clients that certain immigration relief was available but failed to inform them of the correct time frame for obtaining such relief, or failed to pursue certain available immigration relief. He also failed to prepare for immigration hearings, failed to prepare his clients for the same, and failed to communicate with clients or provide them status updates. In a criminal matter, he did not attend a sentencing hearing for his client, which resulted in the court having to continue the sentencing. In another criminal matter, he advised his client that he would file a motion to modify the client's bond but then never did so. In the same matter, he failed to communicate a plea offer to his client.

Aggravating factors: prior disciplinary offenses, a pattern of misconduct and multiple offenses, and vulnerability of victims.

Mitigating factor: full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

Mr. Salazar violated Rule 42, ARIZ.R.S.CT., specifically ERs 1.1, 1.2, 1.3, 1.4, 1.5(a), 1.5(b), 1.5(d)(3), 1.15(d), 1.16(d), 3.1, 3.2, 3.4(c), 8.4(c) and 8.4(d), and Rule 54(c), ARIZ.R.S.CT.

CHRISTOPHER SCILEPPI

Bar No. 021591; File No. 13-1001
 PDJ No. 2013-9073

By the presiding disciplinary judge's Jan. 14, 2014, judgment and order, Christopher Scileppi, Tucson, was suspended for 60 days effective April 1, 2014. He also was assessed the costs and expenses of the disciplinary proceed-

ing. Upon reinstatement, Mr. Scileppi shall be placed on probation for six months, with terms requiring him to participate in the State Bar's Law Office Management Assistance Program.

Mr. Scileppi failed to appear for court hearings in three different matters, failed to adequately communicate with his client in one matter, and failed to show a copy of a plea agreement to his client in a criminal matter.

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

Mitigating factor: Lack of a prior disciplinary record.

Mr. Scileppi violated Rule 42, ARIZ.R.S.CT., specifically ERs 1.3, 1.4, 3.4(c) and 8.4(d).

HUBERT SINCHAK

Bar No. 20682; File No. 2013-9022
 PDJ No. 2013-9022

By Arizona Supreme Court order filed Jan. 7, 2014, Hubert S. Sinchak's application for reinstatement was dismissed.

GEORGE A. TACKER

Bar No. 019325; File Nos. 11-1995, 12-1624
 PDJ No. 2013-9047

By the presiding disciplinary judge's judgment and order dated Nov. 4, 2013, accepting the parties' agreement for discipline by consent, George A. Tacker, Phoenix, was suspended for six months and one day, effective Dec. 4, 2013. Prior to applying for reinstatement, Mr. Tacker must pay a former client \$22,000 and file certain documents in Bankruptcy Court as ordered by a Bankruptcy Court judge. If reinstated, Mr. Tacker will be on probation for two years during which he must enroll with the State Bar's Law Office Management Assistance Program and attend specified continuing legal education programs. He also was assessed the costs and expenses of the disciplinary proceeding.

In count one, Mr. Tacker represented a client in Bankruptcy Court. He failed to file a notice of appearance or an application to employ counsel, or to obtain approval of his attorney fees. He missed a status conference due to miscalendaring the time, refused to provide the client with an itemized billing statement, and sent a copy of an email containing client confidences to third persons. When Mr. Tacker and the client became embroiled in a fee dispute, Mr. Tacker was permitted to withdraw from the representation but failed to give the client the case file. The bankruptcy judge ordered Mr. Tacker to file his fee agreements, an accounting of fees, applications for employment, fee applications, and filings required by rule, but Mr. Tacker failed to do so. The court ordered Mr. Tacker to pay the client \$22,000 but he also failed to obey that order.

In count two, Mr. Tacker miscalendared a changed trial date, resulting in his and his clients' failure to appear, causing the court to enter judgment against his clients by default. In

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.

In addition to seeking to set aside the default judgment, Mr. Tacker filed a post-trial motion for summary judgment contrary to procedural rules mandating that such motions be filed no later than 90 days prior to trial, and without filing a separate statement of facts. He filed an initial disclosure statement two days prior to trial but entitled it a "First Supplemental" disclosure statement. The court awarded sanctions against the clients for \$3,302.50 due to their failure to appear, and for \$7,004.50 against the clients and Mr. Tacker jointly and severally for Rule 11 and A.R.S. § 12-349 violations. Mr. Tacker filed an appeal. The court denied his motion to extend the time for filing an opening brief and dismissed the appeal. Nine months later, the clients still were waiting for Mr. Tacker to furnish news of what they thought was their pending appeal. When informed that the appeal was dismissed, Mr. Tacker claimed that he was unaware of that turn of events. He informed the clients of the true state of affairs and paid the joint and several judgment. During the State Bar's screening investigation, Mr. Tacker failed to respond to the Bar's request for information.

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

Mitigating factors: absence of a dishonest or selfish motive, personal or emotional problems, character or reputation, remorse, and remoteness of prior offenses.

In the agreement for discipline by consent, Mr. Tacker admitted that he violated Rule 42, ARIZ.R.S.Ct., specifically ERs 1.1 1.3, 1.4, 1.5(a), 1.6, 1.7(a), 1.16(d), 3.1, 3.2, 3.4(c), 8.1 and 8.4(d), and Rule 54(c) and (d).