

REINSTATEMENTS

CAMERON T. CHANDLER

Bar No. 013183; File No. 08-6003
Supreme Court No. SB-08-0173-R

By Arizona Supreme Court judgment and order dated Feb. 11, 2009, Cameron T. Chandler, 1700 Lincoln St., Suite 2900, Denver, CO, was reinstated as a member of the State Bar.

BRIAN G. DIPIETRO

Bar No. 014769; File No. 07-6019
Supreme Court No. SB-08-0148-D

By Arizona Supreme Court judgment and order dated Dec. 5, 2008, Brian G. DiPietro, 4652 Lavender Lane, Phoenix, AZ, has been reinstated as a member of the State Bar.

BRUCE A. GILES

Bar No. 012723; File No. 08-6005
Supreme Court No. SB-09-0004-R

By Arizona Supreme Court judgment and order dated Mar. 17, 2009, Bruce A. Giles, 230 S.

Washington Ave., Prescott, AZ, was reinstated as a member of the State Bar.

ROBERT M. GREGORY

Bar No. 021805; File Nos. 06-1832, 07-0265

Supreme Court No. SB-08-0128-D/R

By Arizona Supreme Court judgment and order dated Mar. 10, 2009, Robert M. Gregory, 1930 S. Alma School Rd., Suite A115, Mesa, AZ, was reinstated as a member of the State Bar.

RUSSELL KWAN

Bar No. 016967; File No. 08-6001
Supreme Court No. SB-08-0145-R

By Arizona Supreme Court judgment and order dated Dec. 5, 2008, Russell Kwan, 1121 Viscano Dr., Glendale, CA, was reinstated as a member of the State Bar.

HEATH H. MCWHORTER

Bar No. 021224; File No. 03-1960
Supreme Court No. SB-07-0197-D

By Arizona Supreme Court judgment and order dated September 2, 2008, Heath H. McWhorter, 31 S. 63rd St., Ste. 2, Mesa, AZ, was reinstated as a member of the State Bar.

BARRY G. NELSON

Bar No. 006746; File No. 07-6017
Supreme Court No. SB-08-0120-R

By Arizona Supreme Court judgment and order dated Oct. 28, 2008, Barry G. Nelson, 12520 Broadmoor, Leawood, KS, was reinstated as a member of the State Bar. He also was placed on probation for two years with terms including participation in the State Bar's Law Office Management Program and Member Assistance Program.

KATHY M. O'QUINN

Bar No. 021264; File No. 07-6018
Supreme Court No. SB-08-0132-R

By Arizona Supreme Court judgment and order dated Oct. 28,

2008, Kathy M. O'Quinn, 2942 N. 24th St., Ste. 114-308, Phoenix, AZ, was reinstated as a member of the State Bar. She also was placed on probation for two years with the terms including participation in the State Bar's Member Assistance Program.

ADAM P. WEBER

Bar No. 017546; File No. 08-6002
Supreme Court No. SB-08-0158-R

By Arizona Supreme Court judgment and order dated Jan. 7, 2009, Adam P. Weber, 14362 N. Frank Lloyd Wright Blvd., Suite 100, Scottsdale, AZ, was reinstated as a member of the State Bar.

RUSSELL J. ZARKOU

Bar No. 006516; File No. 08-6000
Supreme Court No. SB-08-0164-R

By Arizona Supreme Court judgment and order dated Jan. 7, 2009, Russell J. Zarkou, P.O. Box 30056, Mesa, AZ, was reinstated as a member of the State Bar.

SANCTIONED ATTORNEYS

IVAN S. ABRAMS

Bar No. 012608; File Nos. 06-1405, 06-1539, 07-0689
Supreme Court No. SB-08-0113-D

By Arizona Supreme Court judgment and order dated Sept. 3, 2008, Ivan S. Abrams, 9918 E. Colette St., Tucson, AZ, was censured and placed on probation for two years. His probation requires that he participate in the State Bar's Law Office Management Assistance Program and fee arbitration, and also to pay restitution. He also was assessed the costs and expenses of the disciplinary proceedings.

In count one, a group of homeowners hired Mr. Abrams to do legal research and attend meetings regarding the status of their homes. He was paid \$5,000. There was no written fee agreement and the funds were not deposited into his trust account. Upon realizing that he had overcharged the clients by \$1,081.40, Mr. Abrams could not refund the fee because insufficient funds were in the trust account. Thereafter, in 2006, Mr. Abrams began the process of closing his practice and opened a joint checking account with his former legal assistant that they used as an operating account. Funds that should have been held in trust for the clients were negligently used. Mr. Abrams admitted he failed to maintain a trust account general ledger and to properly monitor the funds held on his client's behalf when he closed his practice. He ultimately paid the refund in January 2007.

In count two, Mr. Abrams was hired to represent a client against several family members and the Roman Catholic Church. He was paid \$5,200, which was not deposited into the trust account. Mr. Abrams self-reported to the State Bar. The funds should have been deposited in the trust account. An accounting determined that the client was due a \$2,000 refund. As in count one, the trust account contained insufficient funds, so the refund was unreasonably delayed and eventually paid out of the joint checking account.

In count three, Mr. Abrams was

retained to represent a client in a criminal matter. The total fee was \$40,000, of which the client paid \$5000. To secure a portion of the outstanding balance, Mr. Abrams agreed to take title to a parcel of land, which was sold for \$25,000 as payment for the fees. Mr. Abrams failed to reduce the transaction and the terms to writing and failed to advise the client in writing to seek the advice of independent counsel.

Three aggravating factors were found: pattern of misconduct, multiple offenses and substantial experience in the practice of law.

Six mitigating factors were found: absence of dishonest or selfish motive, personal or emotional problems, good-faith effort to make restitution, cooperative attitude toward the proceedings, character or reputation and remorse.

Mr. Abrams violated Rule 42, ARIZ.R.S.CT., ERs 1.5(b), 1.8(a) and 1.15, and Rules 43 and 44, ARIZ.R.S.CT.

KRISTOPHER C. CHILDERS

Bar No. 022388; File No. 07-2136
Supreme Court No. SB-08-0115-D

By Arizona Supreme Court judgment and order dated Sept. 24, 2008, Kristopher C. Childers, 1837 S. Mesa Dr., Ste. 1609, Mesa, AZ, was suspended for six months and one day and shall be on probation for two years upon reinstatement. Participation in the State Bar's Law Office Management Assistance Program will be a term of probation. Mr. Childers also must complete the State Bar's Ethics Enhancement Program prior to reinstatement. He also was assessed the costs and expenses of the disciplinary proceedings.

Mr. Childers was conditionally admitted to practice in Arizona in 2004. He was to submit quarterly financial reports to the State Bar and participate in the State Bar's Law Office Management Assistance Program if he practiced as a sole practitioner or was a member of a firm with fewer than three attorneys. Mr. Childers failed to do so and an order of informal reprimand, probation and costs was entered on April 23, 2007. As a condition of probation, he was required to participate in the State

Bar's Trust Account Program, pay a fee of \$175 and submit quarterly reports to the State Bar. Mr. Childers submitted his first quarterly report late. The report indicated a shortage in his client trust account to cover administrative fees. He was instructed, by letter, to deposit personal funds to cover the shortage and any future bank charges and he was reminded of the due date for the next quarterly report. Mr.

Childers failed to respond to the State Bar's correspondence, file the quarterly report and pay the program fee.

Three aggravating factors were: prior disciplinary offenses, pattern of misconduct, and bad-faith obstruction of the disciplinary proceeding.

There were no mitigating factors.

Mr. Childers violated Rule 42, ARIZ.R.S.CT., ER 8.1(b), and Rule 53(e) and (f), ARIZ.R.S.CT.

PAUL M. CRANE

Bar No. 010586; File No. 05-0336
Supreme Court No. SB-08-0107-D

By Arizona Supreme Court judgment and order dated Aug. 13, 2008, Paul M. Crane 101 W. Pierson St., Phoenix, AZ, was censured and placed on probation for two years. His probation requires that he participate in the State Bar's Law Office Management Assistance Program and Members Assistance Program. He also shall complete the continuing legal education course entitled "Ten Deadly Sins of Conflict" and be assessed the costs and expenses of the disciplinary proceedings.

Mr. Crane was retained to represent a client in a criminal matter. The client was convicted and ordered jailed pending sentencing. Mr. Crane obtained one or more powers of attorney from the client to manage the client's financial affairs, including his home and vehicle. Mr. Crane used the docu-

ments to take control of the client's three bank accounts. Respondent paid himself approximately \$7,000 in fees owed to him by the client from the accounts when there were insufficient funds available to meet all of the client's financial obligations. Due to lack of payments of the client's mortgage, foreclosure proceedings ensued and the client lost his home. In addition, Mr. Crane failed to advise the client of the potential conflict involved and failed to advise the client to seek independent counsel regarding the decision to give Mr. Crane authority over his financial affairs at a time when the client owed legal fees to Mr. Crane.

Two aggravating factors were found: vulnerability of the victim and substantial experience in the practice of law.

One mitigating factor was found: absence of prior disciplinary record.

Mr. Crane violated Rule 42, ARIZ.R.S.CT., ERs 1.7, 1.8 and 1.15.

STEPHEN GOREY

Bar No. 004357; File No. 07-0264
Supreme Court No. SB-08-0117-D

By Arizona Supreme Court judgment and order dated Sept. 2, 2008, Stephen Gorey, 6818 N. Oracle Rd., #414, Tucson, AZ, was censured and placed on probation for one year. His probation requires that he complete the continuing legal education course entitled "Ten Deadly Sins of Conflict."

ETHICS OPINION

Opinion No. 09-01 (May 2009)

A law firm may not employ associate lawyers using a contract that requires a departing associate to pay \$3,500 to the law firm for each instance in which the departing associate continued to represent a law firm client. This requirement would violate the policy underlying ER 5.6 that puts the commercial interests of law firms secondary to the need to preserve client choice.

Need an Opinion?

Check out the State Bar Web site at www.myazbar.org/Ethics

for a listing of the ethics opinions issued between 1985 and the present, as well as Arizona's Rules of Professional Conduct.

If you are an Arizona attorney and have an ethics question, call our ethics counsel, Patricia A. Sallen, at the ethics hotline: (602) 340-7284.

He also was assessed the costs and expenses of the disciplinary proceedings.

Mr. Gorey was retained to represent two clients in a personal injury matter. At the clients' request, Mr. Gorey rented a car for them without informing them that such an act would create a conflict of interest. He also did not obtain written, informed consent regarding the car rental.

Upon settlement of the personal injury matter for one of the clients, Mr. Gorey wanted to be reimbursed for the rental car bill and made an agreement that most of the fee would come out of the settlement proceeds. When the other client was offered a settlement, Mr. Gorey agreed to waive his fee and requested that both clients sign a malpractice waiver. Thereafter, Mr. Gorey filed a motion to withdraw citing a conflict of interest.

One aggravating factor was found: substantial experience in the practice of law.

Four mitigating factors were found: absence of prior disciplinary record, full and free disclosure or cooperative attitude toward the proceedings and remorse.

Mr. Gorey violated Rule 42, ARIZ.R.S.C.T., ERs 1.7 and 1.8(c).

ROBERT M. GREGORY

Bar No. 021805; File Nos. 06-1832, 07-0265

Supreme Court No. SB-08-0128-D

By Arizona Supreme Court judgment and order dated Oct. 28, 2008, Robert M. Gregory, 1930 S. Alma School Rd., Ste. A115, Mesa, AZ, was suspended for 30 days and, upon reinstatement, shall be placed on probation for one year. The terms of probation will require him to participate in the State Bar's Law Office Management Assistance Program, completing the Trust Account Ethics Enhancement Program and reviewing the continuing legal education course entitled "Ten

Deadly Sins of Conflict." He also was assessed the costs and expenses of the disciplinary proceedings.

In count one, Mr. Gregory was retained to represent a client in a personal injury matter. Mr. Gregory did not comply with the deadline to disclose expert witnesses. Consequently, the court granted the motion to preclude expert testimony. Opposing counsel offered to settle the claim. Mr. Gregory told the client that he would waive his fee if she signed a malpractice waiver, which she agreed to do.

In count two, Mr. Gregory was retained to represent a client in an employment discrimination action. The client signed a contingency fee agreement, which stated that costs would be paid upon demand. On Mar. 12, 2004, Mr. Gregory filed a five-count complaint in the U.S. District Court and sent the client a statement of costs totaling \$1,502.72. It was his practice to send yearly cost summary statements rather than monthly invoices. On Oct. 18, 2005, the client wrote a check for \$7,000 for expert witnesses. The client approved using a portion of the check to cover outstanding costs but did not specify the specific portion amount. Mr. Gregory deposited the check into his general operating account rather than his trust account. The client then wrote another check for \$3,000 for the balance of expert witness fees. Mr. Gregory again deposited the check in his general operating account rather than his trust account. The end-of-year statement did not reflect that he had received either check. On Feb. 15, 2006, Mr. Gregory withdrew as counsel and the client requested fee arbitration through the State Bar. Mr. Gregory was ordered to refund \$4,918.48 to the client.

Two aggravating factors were found: dishonest or selfish motive and multiple offenses.

Four mitigating factors were found: absence of prior disciplinary record, personal or emotional problems, full and free disclosure and remorse.

Mr. Gregory violated Rule 42, ARIZ.R.S.C.T., ERs

1.3, 1.8(h) and 1.15, and Rules 43(d)(2)(b) and 44(a), ARIZ.R.S.C.T.

GREGORY G. GROH

Bar No. 005435; File No. 03-0062

Supreme Court No. SB-08-0095-D

By Arizona Supreme Court judgment and order dated Sept. 24, 2008, Gregory G. Groh, P.O. Box 30281, Phoenix, AZ, was suspended for two years. Upon reinstatement, he will be placed on probation for two years. He must pay restitution and be assessed the costs and expenses of the disciplinary proceedings.

Mr. Groh, an estate planning attorney, initially worked on a contract basis for companies that sold trust plans. As such, he maintained contact information for former clients and allowed salespeople from another company to use the information to sell financial products to them. He also assisted the unauthorized practice of law by allowing the salespeople to represent themselves as paralegals for his law firm and meet with the clients to review legal documents and update information. The salespeople then attempted to sell the clients an annuity product that was not a sound financial investment. Mr. Groh received a commission for every annuity sold over a three-year period, which amounted to a vast sum of money. The commission was not disclosed to the clients.

Three aggravating factors were: selfish motive, pattern of misconduct and substantial experience in the practice of law.

Four mitigating factors were: absence of prior disciplinary record, full and free disclosure, delay in disciplinary proceedings and imposition of other penalties.

Mr. Groh violated Rule 42, ARIZ.R.S.C.T., ERs 1.6, 1.7, 1.8, 5.3 and 5.5.

RICHARD B. JOHNSON

Bar No. 002118; File Nos. 06-1667, 07-1658

Supreme Court No. SB-08-0090-D

By Arizona Supreme Court judgment and order dated Sept. 3, 2008, Richard B. Johnson, 1003 N. Rosewood Circle, Payson, AZ, was suspended for six months and one day. He also was assessed the costs and expenses of the discipli-

nary proceedings.

In count one, Mr. Johnson was retained to prepare a will for a client who devised his entire estate, which consisted of his home, to his daughter. Mr. Johnson kept the original will in his office. Eight months after the client passed away, his daughter retained Mr. Johnson to file probate. She was facing financial difficulty because the mortgage on the home had fallen behind and could not be refinanced until probate was complete. Prior to meeting with the client, Mr. Johnson misplaced the will. He advised his client of the mishap and that formal probate proceedings would be required that would delay her appointment as personal representative and her ability to refinance the home.

Mr. Johnson suggested that she re-execute the will, using a copy of the original that was still in the client file. Mr. Johnson backdated the copy and the daughter signed the deceased's name. Mr. Johnson then filed for informal probate using the altered document. The original will was subsequently located but Mr. Johnson did not notify the court until other family members questioned the signature on the altered will.

In count two, Mr. Johnson was retained by a mother and daughter to do estate planning. When the daughter passed away, he performed estate administration and estimated that his fee would be \$25,000. He did not have a written fee agreement with the mother, his client. When she decided to sell her home, Mr. Johnson offered to buy it for \$450,000. The offer was accepted but Mr. Johnson did not obtain written consent stating his role in the transaction and did not advise her, in writing, to seek independent counsel. When the sale was complete, the client amended her trust making Mr. Johnson a co-trustee. The client then passed away. Mr. Johnson continued to act as the sole remaining trustee and personal representative of the estate. As such, he charged a total of \$54,591.84 and withdrew that amount, in increments, from the estate. Mr. Johnson did not execute a written fee agreement with the beneficiaries.

Two aggravating factors were found: multiple offenses and sub-

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.

stantial experience in the practice of law.

Four mitigating factors were found: absence of prior disciplinary record, full and free disclosure, remorse and absence of a dishonest or selfish motive.

Mr. Johnson violated Rule 42, ARIZ.R.S.C.T., ERs 1.2(d), 1.5, 1.8, 3.3, 3.4(b) and 8.4(c) and (d).

JASON J. KELLER

Bar No. 022205; File No. 08-1731

Supreme Court No. SB-08-0141-D

By Arizona Supreme Court judgment and order dated Oct. 24, 2008, Jason J. Keller, 4515 S. Lakeshore Dr., Ste. 102, Tempe, AZ, was placed on interim suspension pursuant to Rule 61(c), ARIZ.R.S.C.T., following his arrest on a direct complaint charging him with six felonies. The suspension shall continue in effect until the final disposition of all pending proceedings against him. Mr. Keller did not object to the State Bar's motion.

ANDREW R. KLAUSNER

Bar No. 015852; File Nos. 07-0323, 07-1529, 08-0153

Supreme Court No. SB-08-0124-D

By Arizona Supreme Court judgment and order dated Sept. 10, 2008, Andrew R. Klausner, 1900 E. Ocean Blvd., #1712, Long Beach, CA, was censured and placed on probation for one year. His probation requires that he complete six hours of continuing legal education in the area of trust account management. He also was assessed the costs and expenses of the disciplinary proceedings.

In count one, on Feb. 23, 2007, the State Bar received notice that Mr. Klausner issued numerous checks from his trust account to pay personal expenses.

The trust account records and information reviewed by the State Bar revealed that Mr. Klausner commingled personal and/or business funds, failed to maintain complete client records and have adequate internal controls regarding his trust account.

In count two, on or about Oct. 11, 2007, the State Bar received notification that a check was presented for payment against insufficient funds in Mr. Klausner's trust account. A review of Mr. Klausner's trust account records revealed that Mr. Klausner failed to exercise due professional care in maintaining his trust account and failed to maintain adequate internal controls.

In count three, on or about Jan. 25, 2008, the State Bar received notification that a check was presented against a zero balance in Mr. Klausner's trust account. The bank honored the check and charged an overdraft fee, which left a negative balance in the account. Although the overdraft was the result of a bookkeeping error whereby the funds were erroneously deposited into his operating account rather than the trust account. Mr.

Klausner took no steps to stop payment of the check before it was presented to the bank.

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

Three mitigating factors were found: absence of prior disciplinary record, absence of a dishonest or selfish motive and cooperative attitude toward the proceedings.

Mr. Klausner violated Rule 42, ARIZ.R.S.Ct., ER 1.15, and Rules 43 and 44, ARIZ.R.S.Ct.

LISA A. MAGGIORE-CONNER

Bar No. 019190; File No. 07-1095

Supreme Court No. SB-08-0140-D

By Arizona Supreme Court judgment and order dated Oct. 10, 2008, Lisa A. Maggiore-Conner, 7151 E. Sixth Ave., Scottsdale, AZ, consented to disbarment.

JAMES R. MCDONALD, JR.

Bar No. 013604; File No. 07-1812

Supreme Court No. SB-08-0109-D

By Arizona Supreme Court judgment and order dated Aug. 13, 2008, James R. McDonald, Jr., 1907 E. Broadway, Ste. 1, Tempe, AZ, was censured and placed on probation for one year. Completion of the Trust Account Ethics Enhancement Program and Trust Account Program are the terms of probation. He also was assessed the cost and expenses of the disciplinary proceedings.

The State Bar received notification that Mr. McDonald's trust account was overdrawn. Upon request, Mr. McDonald provided an explanation and records to the State Bar for review. A review of the records revealed that Mr. McDonald used his trust account to pay operating expenses and payroll. In addition, Mr. McDonald failed to maintain and preserve complete trust account records for his clients.

One aggravating factor was: substantial experience in the practice of law.

Two mitigating factors were: absence of prior discipline and good-faith effort to make restitution or to rectify consequences of misconduct.

Mr. McDonald violated Rule 42, ARIZ.R.S.Ct., ERs 1.15, and Rules 43 and 44, ARIZ.R.S.Ct.

VICTORIA R. MIRANDA

Bar No. 018511; File No. 07-0933

Supreme Court No. SB-08-0114-D

By Arizona Supreme Court judgment and order dated Aug. 22, 2008, Victoria R. Miranda, 532 E. Lynwood St., Phoenix, AZ, was censured and placed on probation for one year. Completion of the continuing legal education course entitled "The Ten Deadly Sins of Conflict" is a term of probation. She also was assessed the costs and expenses of the disciplinary proceedings.

Ms. Miranda was hired to represent a client

in a dissolution. The client could not read, write or speak English fluently nor read or write Spanish. Ms. Miranda did not adequately explain the written fee agreement nor provide a Spanish translation. The client believed he was going to be divorced rather than separated. Ms. Miranda failed to adequately communicate with the client. In addition, Ms. Miranda engaged in a conflict of interest by placing a lien on the marital property without complying with ER 1.8(a).

One aggravating factor was found: prior disciplinary offenses.

Two mitigating factors were found: absence of dishonest or selfish motive and full and free disclosure.

Ms. Miranda violated Rule 42, ARIZ.R.S.Ct., ERs 1.2, 1.4, 1.5 and 1.8(a).

MICHAEL NEUMANN

Bar No. 018859; File Nos. 05-1642, 05-2091, 06-0712

Supreme Court No. SB-08-0089-D

By Arizona Supreme Court judgment and order dated July 28, 2008, Michael Neumann, 9121 E. Tanque Verde Rd., Tucson, AZ, was suspended for three years, retroactive to April 14, 2006, and placed on probation for two years. Participation in the State Bar's Law Office Management Assistance Program and Member Assistance Program and completion of the Trust Account Ethics Enhancement Program and Trust Account Program were included in the terms of probation. He was ordered to pay restitution and also was assessed the costs and expenses of the disciplinary proceedings.

In all counts, Mr. Neumann misused client funds during the time he was experiencing emotional problems.

In count one, Mr. Neumann represented two clients while he was a solo practitioner. The two clients are the subjects of counts two and three. Mr. Neumann, upon joining a firm, transferred the client files to the firm, but did not transfer client funds to the firm's trust account. In addition, Mr. Neumann failed to adequately communicate with several clients at the firm.

In count two, while in solo practice, Mr. Neumann counseled a client on several financial matters and was paid a retainer of \$15,000. The funds were deposited into his trust account. Upon joining another firm, Mr. Neumann transferred the file but did not transfer the client funds. A review of the trust account records revealed that withdrawals were made from the client's account that were unrelated to services rendered prior to joining the new firm.

In count three, while at a firm, Mr. Neumann represented a client in a civil matter that settled and in which a stipulated judgment was entered. The court's order required that garnished funds be placed in an interest-bearing trust account pending either an agreement between the parties or further order of the

court. Mr. Neumann left the firm and while a solo practitioner, continued to represent the client. He deposited the garnished funds into a business market rate savings account and made numerous withdrawals from that account to his business checking account. Upon joining another firm, Mr. Neumann transferred the client file but not the garnished funds.

Four aggravating factors were found: dishonest or selfish motive, multiple offenses, substantial experience in the practice of law and illegal conduct.

Three mitigating factors were found: absence of prior disciplinary record, personal or emotional problems, full and free disclosure to the disciplinary board or cooperative attitude toward the proceedings.

Mr. Neumann violated Rule 42, ARIZ.R.S.C.T., ERs 1.4, 1.15 and 8.4(c) and (d), and Rules 43 and 44, ARIZ.R.S.C.T.

DAVID M. PATTON

Bar No. 019563; File No. 07-0529

Supreme Court No. SB-08-0121-D

By Arizona Supreme Court judgment and order dated Sept. 9, 2008, David M. Patton, 8300 N. Hayden Rd., Ste. 207, Scottsdale, AZ, was censured and assessed the costs and expenses of the disciplinary proceedings.

In approximately August 2006, Mr. Patton contracted with a medical consultant to research and review medical records for current and potential clients. Mr. Patton failed to pay one of the consultant's bills so she filed suit against him in Justice Court. When Mr. Patton filed his answer it included exhibits that contained personal and confidential information about current and potential clients. He filed a motion to seal the disclosed information only after a charge was filed with the State Bar.

One aggravating factor was found: substantial experience in the practice of law.

Four mitigating factors were found: absence of prior disciplinary record, absence of dishonest or selfish motive, full and free disclosure and remorse.

Mr. Patton violated Rule 42, ARIZ.R.S.C.T., ERs 1.6(a) and 1.15.

T. MICHAEL RYAN

Bar No. 012337; File No. 08-4000

Supreme Court No. SB-08-0118-RD

By Arizona Supreme Court judgment and order dated Sept. 24, 2008, T. Michael Ryan, P.O. Box 80211, Portland, OR, was suspended for 18 months effective Jan. 8, 2008, and assessed the costs and expenses of the disciplinary proceedings.

The Arizona Supreme Court imposed reciprocal discipline upon Mr. Ryan based on discipline imposed by the Oregon Supreme Court on Dec. 13, 2007.

In the Oregon case, Mr. Ryan represented a client in a child custody matter for a flat fee of \$750. There was no written fee agreement. The

fee was paid in installments and deposited into his general operating account prior to being earned. A hearing date had already been scheduled in the matter but Mr. Ryan rescheduled the date and then did not appear. He, instead, sent another attorney to request a continuance. Thereafter, Mr. Ryan failed to appear for at least two additional status conferences and failed to prepare the final modification order. Following the modification hearing, Mr. Ryan failed to respond to the client's numerous attempts to contact him regarding the status of the final order.

Mr. Ryan then represented the client in a contempt action for a flat fee of \$250. Again, there was no written fee agreement and the funds were deposited into his general operating account prior to being earned. Mr. Ryan decided not to pursue the contempt action without consulting his client or refunding the fee.

Mr. Ryan failed to respond to the Oregon State Bar's numerous attempts to contact him. The documents finally submitted did not represent an accurate accounting of time spent on the client's matters.

Six aggravating factors were found: prior discipline, dishonest or selfish motive, pattern of misconduct, multiple offenses, substantial experience in the practice of law and multiple offenses.

Two mitigating factors were found: personal or emotional problems and remorse.

Mr. Ryan violated Rule 42, ARIZ.R.S.Ct., ERs 1.2, 1.4(b), 1.5, 1.15 (a) and (c), 8.1(b) and 8.4(d).

GIL SHAW

Bar No. 009290; File No. 07-1069

Supreme Court No. SB-08-0122-D

By Arizona Supreme Court judgment and order dated Sept. 9, 2008, Gil Shaw, 141 S. McCormick St., Ste. 206, Prescott, AZ, was censured and placed on probation for one year. Participation in the State Bar's Law Office Management Assistance Program is a term of probation. He also was assessed the costs and expenses of the disciplinary proceedings.

Mr. Shaw was hired to represent a client in a dissolution and was paid \$756. After he filed the dissolution petition, the client made numerous attempts to contact Mr. Shaw regarding the status of her case. When Mr. Shaw eventually communicated with the client, he falsely told her that documents had been sent to her husband for signature. Acting on her own behalf, the client found out from the clerk of court that her case had been dismissed. When she confronted Mr. Shaw regarding the dismissal, he drafted the necessary documents, in her presence, and gave them to her to file. The court rejected the filing because she was not the original filer. Again, after numerous attempts to contact Mr. Shaw, the client was finally able to return the documents to him to be filed.

The client filed a complaint with the State Bar and Mr. Shaw failed to respond to the State

Bar's numerous attempts to contact him regarding the matter.

One aggravating factor was found: substantial experience in the practice of law.

Three mitigating factors were found: no prior disciplinary record, personal or emotional problems and full and free disclosure or cooperative attitude toward the proceedings.

Mr. Shaw violated Rule 42, ARIZ.R.S.Ct., ERs 1.2, 1.3, 1.4, 3.2, 8.4(d), and Rules 52(d) and (f), ARIZ.R.S.Ct.

ANDREW TODD WIRTH

Bar No. 022317; File Nos. 07-0588, 07-0683, 07-1096, 07-1101, 07-1207, 07-1258, 07-1367, 07-1811

Supreme Court No. SB-08-0110-D

By Arizona Supreme Court judgment and order dated Oct. 9, 2008, Andrew Todd Wirth, 1101 N. Old Chisholm Trail, Suite B, Dewey, AZ, was disbarred from the practice of law in Arizona.