

REINSTATED ATTORNEY

THOMAS C. PICCIOLI

Bar No. 012546; File No. 08-6004

Supreme Court No. SB-09-0028-D

By Arizona Supreme Court judgment and order dated June 1, 2009, Thomas C. Piccioli, 5757 N. Camino Esplendor, Tucson, AZ, was reinstated as a member of the State Bar. He was placed on probation for two years and is required to participate in the State Bar's Member Assistance Program.

SANCTIONED ATTORNEYS

ERIN M. ALAVEZ

Bar No. 021108; File Nos. 07-1681, 07-1915, 07-2026, 07-2081, 07-2118, 07-2152

Supreme Court No. SB-08-0170-D

By Arizona Supreme Court judgment and order dated Mar. 17, 2009, Erin M. Alavez, 41 Brook Mill Lane, Chesterfield, MO, was disbarred.

Ms. Alavez's disbarment results from her failure to competently represent and adequately communicate with her clients. During the investigative stage, Ms. Alavez failed to respond to the State Bar's numerous requests for information. Ms. Alavez failed to file an answer to the complaint or participate in the disciplinary proceedings.

In count one, Ms. Alavez was paid \$3,000 to represent a client in a criminal matter. Ms. Alavez told the client that she could obtain a

shorter prison term than what had been offered. Over the course of representation, Ms. Alavez failed to communicate with her client regarding efforts to obtain a plea agreement. At the sentencing hearing, Ms. Alavez presented her client with the plea agreement and persuaded him to sign it although she had not fully explained the content of the document and consequences of signing it. Ms. Alavez did not improve upon the prior offer and did not respond to the client's numerous efforts to contact her after sentencing.

In count two, Ms. Alavez was hired to represent a client in a criminal matter pending in federal court. She failed to appear at both the sentencing hearing and the rescheduled sentenced hearing. The District Court was forced to appoint substitute counsel.

In count three, Ms. Alavez represented a client who was assaulted by a daycare worker. Ms. Alavez failed to file suit and the case was dismissed. After the case was reinstated, Ms. Alavez told her client that a settlement offer had been made but she failed to abide by her client's direction to accept the offer. The case was settled for an amount much less than originally offered and the client did not receive a correctly stated liability release and the settlement check.

In count four, Ms. Alavez was

hired to represent a client in a civil matter. She abandoned her client by failing to appear for trial and failing to inform the court that she had moved out of state.

In count five, Ms. Alavez was hired to represent a client in a personal-injury matter. Ms. Alavez failed to communicate with the client, her office was continually closed and the telephone disconnected. Ms. Alavez did not return the client's file.

In count six, Ms. Alavez was hired to represent a client in a criminal matter pending in federal court and she failed to appear for the sentencing hearing.

Seven aggravating factors were found: prior disciplinary offenses, dishonest or selfish motive, multiple offenses, pattern of misconduct, vulnerability of victims, bad-faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency, substantial experience in the practice of law.

There were no mitigating factors.

Ms. Alavez violated Rule 42, ARIZ.R.S.C.T., ERs 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 3.1, 3.2, 3.3, 3.4 and 8.4(c) and (d), and Rules 41(c) and 53(a), (c), (d), (e) and (f), ARIZ.R.S.C.T.

BOBBI ANNE BERRY

Bar No. 013762; File No. 08-0183

Supreme Court No. SB-09-0023-D

By Arizona Supreme Court judgment and order dated Mar. 26, 2009, Bobbi Anne Berry, 325 W. Franklin, Suite 135, Tucson, AZ, was censured and placed on probation for one year. Completion of a CLE in the area of criminal practice and meeting with a criminal practice attorney to review her actions in this matter is required. She also was assessed the costs and expenses of the disciplinary proceedings.

Ms. Berry represented a client in a murder trial, and the court held that prior bad act evidence was inadmissible. During closing argument, Ms. Berry made statements that her client had not been in trouble and handled problems in a peaceful manner. Such statements suggested to the jury that her client did not have any prior bad acts. Because the statements were made during closing argument, the state did not have the opportunity to

rebut by admitting evidence to the contrary.

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

Five mitigating factors were found: absence of prior disciplinary record, absence of dishonest or selfish motive, full and free disclosure to a disciplinary board or cooperative attitude toward proceedings, character or reputation and remorse.

Ms. Berry violated Rule 42, ARIZ.R.S.C.T., ER 3.3(a)(1), 3.4(e) and 8.4(d).

JAMES J. EVERETT

Bar No. 011205; File Nos. 05-1608, 05-2045, 06-1771, 06-1850, 07-1360, 07-1963, 07-1984, 07-2157, 08-1107

Supreme Court No. SB-09-0003-D

By Arizona Supreme Court judgment and order dated Feb. 25, 2009, James J. Everett, 11811 N. Tatum Blvd., Suite 4010, Phoenix, AZ, was disbarred by consent. The consent to disbarment was based on Mr. Everett's criminal conviction.

MICHAEL L. FREEMAN

Bar No. 010237; File No. 06-2029

Supreme Court No. SB-09-0003-D

By Arizona Supreme Court judgment and order dated Feb. 24, 2009, Michael L. Freeman, 14646 N. Kierland Blvd., Suite 255, Scottsdale, AZ, was censured and placed on probation for two years. Participation in the State Bar's Law Office Management Assistance Program and attending a CLE program relating to the Arizona Constitution's Victims' Bill of Rights is required. He also was assessed the costs and expenses of the disciplinary proceedings.

Mr. Freeman was hired to represent a client regarding the sexual molestation of a minor. Mr. Freeman petitioned the court for an order to compel the production of the minor's counseling records. The petition was denied and while the motion for reconsideration was pending, Mr. Freeman served the minor's counselor with a subpoena *duces tecum* without giving notice to the state, the minor or the minor's representative. Mr. Freeman violated the rights of the minor victim by obtaining the records without a court order.

Three aggravating factors were found: prior disciplinary offenses,

Bar Counsel Insider provides practical and important information to State Bar members about ethics and the disciplinary process.



Supervision of Nonlawyer Assistants

John Donne once wrote, “No man is an island, entire of itself; every man is a piece of the continent.” We all need help every now and then. We need assistance in our personal and professional lives. In fact, many law offices could not operate without the dedicated help of our support staff. But what happens when your secretary or paralegal violates an ethical rule? Is the violation imputed to the attorney? Should your office have policies concerning your support staff?

First, lawyers must properly supervise their assistants. See Rule 42, ARIZ.R.S.CT., specifically ER 5.3(b). Lawyers cannot let their assistants “run wild” with little to no supervision or guidance. If the lawyer discovers that an assistant’s conduct violates an ethical rule, the lawyer must correct the behavior.

Also, a lawyer cannot order a secretary to violate an ethical rule as a way to “get around” our ethical rules. Rule 42, ARIZ.R.S.CT., specifically ER 5.3(c), states that a lawyer who supervises an assistant will be liable for the assistant’s unethical conduct if the lawyer ordered the assistant to act. Therefore, if a lawyer orders an assistant to act in a way that violates the rules, the lawyer is also violating the ethical rules.

Furthermore, a partner, or a lawyer with managerial authority in an office, must make reasonable efforts to create policies and procedures to provide reasonable assurances that nonlawyer assistants will act in accordance with the ethical rules. See Rule 42, ARIZ.R.S.CT., specifically ER 5.3(a); see also Comment 1, ER 5.3. Obviously, the policies and procedures will vary from office to office depending on the size of the office, the type of work performed, and other factors. Many lawyers neglect to take this proactive step, and instead simply react to problems as they arise.

Should you have more questions about supervision of nonlawyer assistants, the ethics counsel at (602) 340-7284 are more than willing to answer your questions. Also, don’t forget about the State Bar’s Law Office Management Assistance Program (LOMAP) at (602) 340-7313 for assistance in drafting your office’s personnel policies and procedures.

Contact the State Bar’s Ethics Counsel at (602) 340-7284.

pattern of misconduct and substantial experience in the practice of law.

Three mitigating factors were found: absence of dishonest or selfish motive, full and free disclosure to a disciplinary board or cooperative attitude toward the proceedings and remoteness of prior offenses.

Mr. Freeman violated Rule 42, ARIZ.R.S.CT., ER 4.4(a).

DAVID S. GINGRAS

Bar No. 021097; File No. 06-2059
Supreme Court No. SB-08-0157-D/R
By Arizona Supreme Court judgment and order dated Dec. 5, 2008, David S. Gingras, 3200 N. Central Ave., 20th Fl., Phoenix, AZ, was suspended for 30 days. He was placed on probation for two years and is required to participate in the State Bar’s Member Assistance Program (MAP). He was also assessed the costs and expenses of the disciplinary proceedings. Mr. Gingras was reinstated effective Feb. 19, 2009.

Mr. Gingras was conditionally admitted to the State Bar and required to enter into a MAP contract. The MAP contract specified that Mr. Gingras was to completely abstain from using alcohol, other drugs, or any other mood-altering or mind-altering chemicals for three years. Mr. Gingras violated the terms of the MAP contract and was arrested for driving under the influence. Mr. Gingras pled guilty to driving while impaired to the slightest degree.

Three aggravating factors were found: dishonest or selfish motive, refusal to acknowledge wrongful nature of conduct and illegal conduct.

Seven mitigating factors were found: absence of prior disciplinary record, personal or emotional problems, timely good-faith effort to make restitution or to rectify consequences of misconduct, full and free disclosure to disciplinary board or cooperative attitude toward proceedings, character or reputation, imposition of other penalties or sanctions and remorse.

Mr. Gingras violated Rule 42, ARIZ.R.S.CT., ER 8.4(b) and Rule 53(g), ARIZ.R.S.CT.

J. VINCENT GONZALEZ

Bar No. 018372; File No. 07-1404
Supreme Court No. SB-08-0177-D
By Arizona Supreme Court judgment and order dated Feb. 11,

2009, J. Vincent Gonzalez, 123 E. Baseline Rd., Suite D-108, Tempe, AZ, was suspended for 30 days. He was reinstated effective June 2, 2009, and placed on probation for one year and required to participate in the State Bar’s Trust Account Program. He also was assessed the costs and expenses of the disciplinary proceedings.

The State Bar received an insufficient funds notice regarding Mr. Gonzalez’s trust account. Mr. Gonzalez informed the State Bar that fees paid by credit card were erroneously deposited into the operating account rather than the trust account. Mr. Gonzalez contacted the bank regarding the error but failed to follow-up to ensure it had been corrected. The State Bar’s further review of the trust account records determined that Mr. Gonzalez was not complying with trust account rules and guidelines.

Two aggravating factors were found: substantial experience in the practice of law and pattern of misconduct.

Three mitigating factors were found: absence of prior disciplinary record, absence of dishonest or selfish motive and timely good-faith effort to make restitution or to rectify consequences of misconduct.

Mr. Gonzalez violated Rule 42, ARIZ.R.S.CT., ER 1.15(a), and Rules 43 and 44, Ariz.R.Sup. Ct.

NICHOLAS S. HENTOFF

Bar No. 012492; File Nos. 07-1589, 08-0040
Supreme Court No. SB-08-0171-D

By Arizona Supreme Court judgment and order dated Jan. 7, 2009, Nicholas S. Hentoff, P.O. Box 790, Phoenix, AZ, was suspended for six months and one day retroactive to November 1, 2008. Upon reinstatement he shall be placed on probation. He also was assessed the costs and expenses of the disciplinary proceedings and shall pay restitution.

In count one, Mr. Hentoff was hired to represent a client in an appeal from a criminal conviction. Mr. Hentoff requested and was granted three extensions to file the opening brief. Upon failing to file the opening brief, the court ordered Mr. Hentoff to appear and show cause why he should not be sanctioned. At the hearing, the court ordered him to file the opening brief

within six days or be sanctioned. He again failed to file the document and was sanctioned \$50 per day beginning August 22, 2007. The opening brief was filed on September 19, 2007, and the sanction was paid in full.

In count two, Mr. Hentoff was paid \$40,000 to represent a client in an appeal from a criminal conviction. He requested and was granted three extensions to file the opening brief. Upon failing to file the opening brief, he was sanctioned \$1,000 and his client was ordered to retain new counsel. In addition, he failed to adequately communicate with his client about the case, failed to time-

ly withdraw as counsel and failed to timely refund any unearned fees.

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

Two mitigating factors were found: absence of dishonest or selfish motive and personal or emotional problems.

Mr. Hentoff violated Rule 42, ARIZ.R.S.CT., ERs 1.2, 1.3, 1.4, 1.16(d) 3.4(c) and 8.4(d).

WILLIAM D. HOWELL, III

Bar No. 020188; File Nos. 06-0230, 06-1633, 07-0013
Supreme Court No. SB-08-0139-D

By Arizona Supreme Court judgment and order dated Dec. 5, 2008, William D. Howell, III, 7119 E. Shea Blvd., #109, Scottsdale, AZ, was suspended for six months and one day and will be placed on probation for two years upon reinstatement. The terms of probation will include participation in the State Bar's Law Office Management Assistance Program, Member Assistance Program, Trust Account Program and Trust Account Ethics Enhancement Program. He also was assessed the costs and expenses of the disciplinary proceedings.

In count one, Mr. Howell was hired to represent a client in a dissolution and the signed fee agreement did not specify that the attorney could be discharged at any time and any unearned fee refunded. Mr. Howell received funds from the sale of the marital home. Without the client's permission, Mr. Howell disbursed the funds to the former spouse and to the firm. The funds disbursed to the firm should have been held in the trust account until a fee dispute between the client and Mr. Howell was resolved. In addition, Mr. Howell failed to timely respond to the State Bar's numerous requests for information regarding the matter.

In count two, Mr. Howell engaged in a conflict of interest when he represented a client in a personal injury matter and then agreed to defend the client's boyfriend in a criminal action for assaulting her. Mr. Howell failed to obtain the required written consent to represent adverse parties. When the State Bar requested information regarding the matter, Mr. Howell, again, failed to respond.

In count three, the State Bar was notified that Mr. Howell's trust account was overdrawn and requested an explanation and specific supporting documents on four occasions. Mr. Howell inadequately responded to one request for information. A subpoena *duces tecum* was issued to compel his response and it was ignored. A review of the records received from the bank determined that Mr. Howell converted and commingled trust funds.

Six aggravating factors were found: prior disciplinary offenses, dishonest and selfish motive, pattern of misconduct, multiple offenses, bad-faith obstruction of the disciplinary proceeding and other deceptive practices during the disciplinary process.

One mitigating factor was: personal or emotional problems.

Mr. Howell violated Rule 42, ARIZ.R.S.CT., ERs 1.5(d)(3), 1.7(a) and (b), 1.15(a) and (e), 8.1(b) and 8.4(d) and Rules 43(a) and (d)(2)(B), 44(a)(1) and 53(d) and (f), ARIZ.R.S.CT.

DANIEL INSERRA

Bar No. 017284; File Nos. 06-1878, 07-0059, 07-0369
Supreme Court No. SB-08-0166-D

By Arizona Supreme Court judgment and order dated Jan. 7, 2009, Daniel Inserra, P.O. Box 2976, Carefree, AZ, was suspended for one year. Upon reinstatement he will be placed on proba-

tion for one year and required to participate in the State Bar's Law Office Management Assistance Program and Member Assistance Program. He also was assessed the costs and expenses of the disciplinary proceedings.

In count one, Mr. Inserra represented a client in contempt and child-custody matters. Mr. Inserra mailed the order to show cause petition to the opposing party at the wrong address. Upon being informed of this and after numerous requests, Mr. Inserra failed to serve the opposing party and also failed to serve her with the order to appear at hearing. Consequently, the hearing on the matters was continued and the court ordered Mr. Inserra to serve the opposing party with the order to show cause petition.

In count two, Mr. Inserra represented a client in a personal injury matter. The complaint was filed but not served although Mr. Inserra had filed two motions to extend the time of service. Consequently, the case was dismissed without prejudice. Mr. Inserra repeatedly failed to respond to the client's attempts to contact him. He failed to inform the client of the dismissal and when he did speak to her, repeatedly told her that the case was ongoing and on the brink of settlement. After discovering that the case had been dismissed, the client retained new counsel and Mr. Inserra failed to provide a copy of the client's file after several requests. In addition, the insurance company has informed the client that no money would be paid on the claim because the statute of limitations has expired.

In count three, Mr. Inserra represented a client in a criminal matter in U.S. District Court. After a guilty plea and judgment were entered Mr. Inserra did not withdraw as counsel. The client filed a notice of appeal in the U.S. Court of Appeals for the Ninth Circuit where due to court rules, Mr. Inserra was obligated to continue the representation, at least until new counsel was appointed. Mr. Inserra was not admitted to the Ninth Circuit. Mr. Inserra advised the court that the appeal would be dismissed without obtaining the client's consent to do so. Mr. Inserra failed to inform the court that the client had been transferred to an out-of-state prison and failed to provide a signed consent to the court. He also failed to notify the court of his own new mailing address. Mr. Inserra was sanctioned \$1,000 for failure to comply with court rules and orders.

Eight aggravating factors were found: prior disciplinary offenses, selfish motive, pattern of misconduct, multiple offenses, refusal to acknowledge wrongful nature of conduct, vulnerability of victim, substantial experience in the practice of law and indifference to making restitution.

One mitigating factor was found: personal or emotional problems.

Mr. Inserra violated Rule 42, ARIZ.R.S.CT., ERs 1.1, 1.2(a), 1.3, 1.4, 1.16(d), 3.2, 3.3, 3.4(c), 4.4(a) and 8.4(c) and (d), and Rule 53(c), ARIZ.R.S.CT.

CHARNA R. JOHNSON

Bar No. 007422; File No. 07-1645

Supreme Court No. SB-08-0175-D

By Arizona Supreme Court judgment and order dated Jan. 6, 2009, Charna R. Johnson, 4045 E. Union Hills Dr., Suite 126, Phoenix, AZ, was censured. She shall be placed on probation for one year and required to view the State Bar's CLE video, "The Ten Deadly Sins of Conflict." She also was assessed the costs and expenses of the disciplinary proceedings.

Ms. Johnson represented a client in a dissolution and during the course of representation, drafted a last will and testament for her. The will, which was signed and witnessed, bequeathed funds to each of the client's two minor children and the remaining real and personal property to Ms. Johnson. Ms. Johnson also was appointed as personal representative for the estate. Ms. Johnson subsequently drafted a new will to cure the conflict of interest.

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

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

Ms. Johnson violated Rule 42, ARIZ.R.S.CT., ERs 1.8 and 8.4(d).

PAUL LENKOWSKY

Bar No. 005529; File No. 05-1347

Supreme Court No. SB-08-0172-D

By Arizona Supreme Court judgment and order dated Jan. 7, 2009, Paul Lenkowsky, 1181 Hancock Rd., Bullhead City, AZ, was suspended for 90 days retroactive to July 1, 2008. He was reinstated effective Feb. 11, 2009, and placed on probation for two years and required to participate in the State Bar's Law Office Management Assistance Program, Member Assistance Program, Trust Account Program, Trust Account Ethics Enhancement Program and Ethics Enhancement Program. He also was assessed the costs and expenses of the disciplinary proceedings.

Mr. Lenkowsky represented a client in a dissolution over the course of five years without a written fee agreement. He charged unreasonable fees, increased his fee four times and charged interest on the unpaid balance without informing his client. To secure his fees, Mr. Lenkowsky had the client sign a promissory note. He failed to advise the client to seek the advice of independent legal counsel and he did not obtain her written informed consent prior to executing the note. In addition, Mr. Lenkowsky engaged in a conflict of interest when he assigned his interest in the client's property to his mother and then initiated foreclosure proceedings on his mother's behalf.

The State Bar's review of Mr. Lenkowsky's trust account revealed that he converted client funds in relation to the representation.

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.

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

Two mitigating factors were found: personal or emotional problems and imposition of other penalties or sanctions.

Mr. Lenkowsky violated Rule 42, ARIZ.R.S.CT., ERs 1.5, 1.6, 1.7(a)(1) and (a)(2), 1.8(a) and (b), 1.9, 1.15(a) and 8.4(d), and Rule 43(a), (d)(1)(A), (d)(1)(C), (d)(1)(D), (d)(1)(E), (d)(2)(C) and (d)(2)(D), ARIZ.R.S.CT.

CHRISTOPHER L. MAY

Bar No. 022583; File Nos. 07-2159, 08-0406
Supreme Court No. SB-09-0001-D

By Arizona Supreme Court judgment and order dated Mar. 17, 2009, Christopher L. May, 7335 E. Sixth Ave., #3, Scottsdale, AZ, was suspended for one year. He shall pay restitution and was assessed the costs and expenses of the disciplinary proceedings.

In count one, Mr. May was hired to represent a client in a child-custody matter and was paid \$2,250. During the course representation, Mr. May was late for the client's deposition and the evidentiary hearing. Mr. May also failed to assist his client in providing adequate responses to interrogatories. Consequently, his client was sanctioned for tardiness and for failure to comply with discovery orders. Mr. May failed to inform his client of the sanctions. When a bar complaint was filed, Mr. May failed to respond to the State Bar's requests for information regarding the matter.

In count two, Mr. May was hired to represent a homeowner's association. A complaint was filed after an unreasonable delay. Thereafter Mr. May failed to respond to the client's numerous attempts to contact him regarding the status of the case. His email, phone numbers and voicemail no longer worked or were disconnected. When the representation was terminated Mr. May did not return the client's file for approximately two months and took no action to protect the client's interest regarding the litigation. The case was dismissed without prejudice because Mr. May failed to pay the filing fee. In addition, the client was ordered to pay the opposing party's attorney fees. A complaint was filed and Mr. May failed to respond to the State Bar's requests for information regarding the matter.

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

by intentionally failing to comply with rules or orders of the disciplinary agency.

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

Mr. May violated Rule 42, ARIZ.R.S.CT., ERs 1.1, 1.3, 1.4(a), 1.15(c), 1.16(d), 3.2, 3.4(c), 8.1(b) and 8.4(c) and (d), and Rule 53, ARIZ.R.S.CT.

SCOTT W. SCHLIEVERT

Bar No. 003188; File No. 07-1484
Supreme Court No. SB-08-0165-D

By Arizona Supreme Court judgment and order dated Jan. 7, 2009, Scott W. Schlievert, 7049 E. Tanque Verde Road, Box 146, Tucson, AZ, a suspended member of the State Bar, was suspended for an additional 90 days retroactive to May 17, 2007. He was also assessed the costs and expenses of the disciplinary proceedings.

While suspended pursuant to the judgment and order filed April 17, 2007, in SB-07-0034, Mr. Schlievert failed to fully comply with Rule 72. Mr. Schlievert did not mail, by registered or certified mail, notice of his suspension to his clients, opposing counsel or adverse parties. Further, Mr. Schlievert stated in his affidavit of compliance that he had complied with the rule. Mr. Schlievert also engaged in the unauthorized practice of law by using the designation "law offices" on correspondence sent to the State Bar while he was suspended.

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

No mitigating factors were found. However, Mr. Schlievert's conduct caused no harm, as he did withdraw from all of his cases and he did not actually practice law or solicit clients.

Mr. Schlievert violated Rule 31, ARIZ.R.S.CT., and Rule 42, ARIZ.R.S.CT., ERs 5.5, 8.1 and 8.4(c).

MARGO A. SHORR

Bar No. 016752; File No. 06-0517
Supreme Court No. SB-08-0174-D

By Arizona Supreme Court judgment and order dated Dec. 29, 2008, Margo A. Shorr, 13835 N. Tatum, Suite 9, Phoenix, AZ, was censured and assessed the costs and expenses of the disciplinary proceedings.

Ms. Shorr was hired to represent two clients in a juvenile court dependency matter regarding a 14-year-old minor.

Prior to the hearing, the dependency action was dismissed with the judge believing that the matter was settled and that the parties had agreed that it was in the best interest of the child to be returned to her mother. On the same day that the action was dismissed, Ms. Shorr filed an *in loco parentis* petition in family court. An emergency hearing was held and she admitted that the dismissal of the dependency action and subsequent filing in family court had been her plan of action all along. She made a misrepresentation by omission when she failed to inform the judge that her withdrawal of the juvenile

court petition was not a settlement of the matter.

One aggravating factor was found: prior disciplinary offenses.

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

Ms. Shorr violated Rule 42, ARIZ.R.S.CT., ERs 3.3(a) and 8.4(d).

GEORGE VICE, III

Bar No. 011753; File No. 07-0169
Supreme Court No. SB-09-0176-D

By Arizona Supreme Court judgment and order dated Mar. 17, 2009, George Vice, III, 5128 N. 15th St., #212, Phoenix, AZ, a suspended member of the State Bar, was disbarred.

While suspended, Mr. Vice engaged in the unauthorized practice of law by providing verbal and written legal opinions to a client. Mr. Vice provided false information to the State Bar and hearing officer by stating his unauthorized practice of law was supervised by a licensed Arizona attorney when, in fact, it was not.

Mr. Vice violated Rule 31(b) and (c), ARIZ.R.S.CT., and Rule 42, ARIZ.R.S.CT., ERs 3.3(a), 5.5(a), 8.1(a) and 8.4(d).

JANET WHITE-STEINER

Bar No. 014295; File No. 06-0796
Supreme Court No. SB-08-0119-D

By Arizona Supreme Court judgment and order dated Feb. 26, 2009, Janet White-Steiner, 2375 E. Camelback Rd., Suite 500, Phoenix, AZ, was censured and placed on probation for two years. Her probation requires participation in the State Bar's Law Office Management Assistance Program, Trust Account Program and Trust Account Ethics Enhancement Program. She also was assessed the costs and expenses of the disciplinary proceedings.

The State Bar received an insufficient funds notice regarding Ms. White-Steiner's trust account. An investigation of the overdraft revealed that Ms. White-Steiner failed to safeguard client property and to comply with trust account rules and guidelines. Specifically, trust account funds were converted and co-mingled, client ledgers were not maintained in accordance with minimum standards and monthly three-way reconciliations were not performed. In addition, Ms. White-Steiner failed to ensure that lawyers and non-lawyers in the firm were abiding by the ethical rules regarding trust account transactions.

Two aggravating factors were found: prior disciplinary offenses and refusal to acknowledge wrongful nature of conduct.

Two mitigating factors were found: absence of dishonest or selfish motive and character or reputation.

Ms. White-Steiner violated Rule 42, ARIZ.R.S.CT., ERs 1.15(a), 5.1 and 5.3, and Rules 43 and 44, ARIZ.R.S.CT.