

REINSTATEMENTS

RICHARD A. ALCORN

Bar No. 006657; File No. 04-6003

Supreme Court No. SB-06-0028-D

By Arizona Supreme Court order dated April 20, 2006, Richard A. Alcorn, 2800 N. Central Ave., Suite 1400, Phoenix, AZ 85004-1019, was reinstated as a member of the State Bar of Arizona and placed on probation for one year. The terms of probation include participation in the State Bar's Law Office Management Assistance Program.

NANCY E. DEAN

Bar No. 011198; File No. 02-2290

Supreme Court No. SB-05-0135-D

By Arizona Supreme Court order dated May 22, 2006, Nancy E. Dean, P.O. Box 3795, Phoenix, AZ 85030-3795, was reinstated as a member of the State Bar of Arizona.

DAVID M. HAMPTON

Bar No. 020482; File Nos. 03-0918, 03-1311, 03-1340, 03-1354, 03-1442, 03-1540, 03-1601, 03-1630, 03-1781, 03-1874, 03-1959, 03-1973, 03-2103, 03-2207, 04-0003, 04-0021, 04-0111, 04-0272, 04-0384, 04-0541, 04-0549, 04-0648

Supreme Court No. SB-05-0151-D

By Arizona Supreme Court order dated May 26, 2006, David M. Hampton, P.O. Box 19866, Fountain Hills, AZ 85269-1866, was reinstated as a member of the State Bar of Arizona.

SANCTIONED ATTORNEYS

ARTHUR B. ALEXANDER

Bar No. 013466; File No. 04-1758

Supreme Court No. SB-06-0097-D

By Arizona Supreme Court judgment and order dated June 15, 2006, Arthur B. Alexander, 3201 E. Table Mountain, Tucson, AZ 85718-1324, a member of the State Bar, was censured and placed on probation for up to one year with participation in the State Bar's Ethics Enhancement Program. Mr. Alexander also was assessed the costs and expenses of the disciplinary proceedings in the amount of \$678.75, together with interest at the legal rate.

In a divorce matter, Mr. Alexander received spousal maintenance checks from his client and deposited them into his trust account. In an effort to make the client's former spouse comply with other provisions of the divorce decree, Mr. Alexander withheld the spousal maintenance payments for four months. He was aware that the court had ordered his client to make payments directly to the former spouse. After four months and opposing counsel filing a post-decree action to enforce the order for spousal maintenance, Mr. Alexander sent opposing counsel a check for the total amount

owed.

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

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

Mr. Alexander violated Rule 42, ARIZ.R.S.CT., ERs 1.15(d), 1.16(a) and 8.4(d).

STEPHEN J. ALEXANDER

Bar No. 006878

Supreme Court No. SB-06-0039-D

By Arizona Supreme Court order dated April 17, 2006, Stephen J. Alexander, 21 Sagebrush Way, Azusa, CA 91702-6256, a member of the State Bar, was placed on interim suspension pursuant to Rules 61 and 53(h)(2)(A), ARIZ.R.S.CT.

RICHARD S. BERRY

Bar No. 007920; File No. 75-18-5F

Supreme Court No. SB-05-0155-D

By Arizona Supreme Court order dated May 25, 2006, Richard S. Berry, 2020 S. Mill, Suite 114, Tempe, AZ 85281-2154, a disbarred member of the State Bar, was found in contempt of the court's October 13, 1977, order of disbarment. Mr. Berry was ordered permanently enjoined from engaging in the unauthorized practice of law. Mr. Berry and the entity Why Pay A Lawyer? ("Why Pay") were ordered permanently enjoined from those activities that constitute the practice of law, including document preparation, advertising that promotes himself and/or Why Pay as providers of "legal services," expressing legal advice/opinions, and representing a person or entity in any legal proceeding or negotiation. Mr. Berry was ordered to pay restitution in the amount of \$5,421 and assessed the costs and expenses of the contempt proceedings.

The Supreme Court found that Mr. Berry prepared documents intended to affect or secure legal rights for a specific person or entity, prepared and expressed legal opinions, represented another in an arbitration, and negotiated legal rights or responsibilities for a specific person or entity. The court

found that Mr. Berry and Why Pay prepared documents for filing in court.

The court found that Mr. Berry violated Rule 31, ARIZ.R.S.CT.

SEAN M. COE

Bar No. 016150; File Nos. 03-1240, 03-2251, 04-1833, 04-2081, 05-0120

Supreme Court No. SB-06-0045-D

By Arizona Supreme Court judgment and order dated May 24, 2006, Sean M. Coe, 17752 S. Placita De Laton, Sahuarita, AZ 85629-9749, a suspended member of the State Bar, was suspended for two years and assessed the costs and expenses of the disciplinary proceedings. Mr. Coe also will be placed on probation for two years upon reinstatement, the terms of which will be determined at that time.

The Supreme Court found that Mr. Coe committed professional misconduct in five separate cases. The first case involved Mr. Coe evading service of process of a civil complaint in which he was a named defendant. In the second case, Mr. Coe violated a condition of his probation in an earlier lawyer disciplinary matter. In the third case, a criminal matter, Mr. Coe communicated with a party that he knew to be represented by counsel without authorization from the party's counsel.

In the fourth case, also a criminal matter, Mr. Coe failed to provide competent, diligent and prompt representation to his client; failed to communicate with his client; and twice failed to appear at hearings. In the fifth case, Mr. Coe continued to practice law when he was summarily suspended. In all counts Mr. Coe failed to cooperate with the State Bar in its investigation and participate in the formal disciplinary proceedings.

Five aggravating factors were found: prior disciplinary offenses, 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, and substantial experience in the practice of law. No mitigating factors were found.

Mr. Coe violated Rule 42, ARIZ.R.S.CT., ERs 1.1, 1.3, 1.4, 4.2, 5.5, 8.1(b), and 8.4(c) and (d), and Rule 53(c), (d), (e) and

(f), ARIZ.R.S.CT.

LARRY J. DAHL

Bar No. 004542; File No. 05-2135

By Arizona Supreme Court judgment and order dated March 21, 2006, Larry J. Dahl, 2999 N. 44th St., Suite 600, Phoenix, AZ 85018-7248, a suspended member of the State Bar, was disbarred by consent retroactive to December 27, 2005, the date of Mr. Dahl's interim suspension in File No. SB-05-0170-D.

At the time of the consent to disbarment, a pending disciplinary charge against Mr. Dahl alleged that he misappropriated more than \$2.6 million from his trust account; his clients; and that he failed to safeguard client funds, converted client or third-party funds held in trust, and engaged in dishonest conduct.

In the consent to disbarment, Mr. Dahl acknowledged that charges had been made against him, indicated he "[did] not desire to contest or defend against the charges..." and consented to disbarment. The charges filed with the consent included allegations that Mr. Dahl converted more than \$2.6 million from construction escrow accounts maintained by his law firm to support his gambling addiction.

FRANK GOTTESMAN

Bar No. 021799; File No. 05-1489

Supreme Court No. SB-06-0043-D

By Arizona Supreme Court judgment and order dated May 24, 2006, Frank Gottesman, 6539 N. 13th St., Phoenix, AZ 85014, a suspended member of the State Bar, was suspended for three years and ordered to pay the costs and expenses of the disciplinary proceedings.

Mr. Gottesman was conditionally admitted to the practice of law and consented to terms involving the filing of quarterly reports concerning his financial obligations. He failed to comply with the conditions of his admission and failed to respond to the State Bar's investigations. Mr. Gottesman was subsequently placed on disciplinary probation for violating Rule 42, ARIZ.R.S.CT., ER 8.1 and Rule 53(f) and (g), ARIZ.R.S.CT. He thereafter failed to comply with the terms of his probation contract and

again failed to cooperate with the State Bar's investigations.

Two aggravating factors were found: pattern of misconduct and multiple offenses. Two mitigating factors were found: personal and emotional problems and inexperience in the practice of law. The court found the latter mitigating factor even though the misconduct is not related to the practice of law.

Mr. Gottesman violated Rule 53(c), (d), (e), (f) and (g), ARIZ.R.S.CT.

FREDERICK C. HICKLE

Bar No. 003554; File Nos. 03-2107, 04-1409

Supreme Court No. SB-06-0046-D

By Arizona Supreme Court judgment and order dated May 24, 2006, Frederick C. Hickle, P.O. Box 31807, Tucson, AZ 85751-1807, a member of the State Bar, was suspended for four months and placed on probation for one year, to include participating in the State Bar's Law Office Management Assistance Program. Mr. Hickle also was ordered to pay the costs and expenses of the disciplinary proceedings in the amount of \$787.75, together with interest at the legal rate.

In both counts of this case, Mr. Hickle was the attorney of record for some of the defendants in a civil litigation matter. Mr. Hickle failed to appear for the trial. As a result of Mr. Hickle's failure to appear at the trial, the court ordered that the trial be bifurcated and not proceed as to Mr. Hickle's clients. Mr. Hickle also failed to appear for the hearing on the court's order to show cause why he was not at trial. The trial court ordered him to pay all attorneys' fees and costs should a second trial as to the bifurcated matter become necessary. The court later ordered Mr. Hickle to pay a \$7,500 deposit to the clerk of the court toward attorneys' fees and costs as well as a \$500 sanction. Mr. Hickle failed to pay the court-ordered deposit, and the court found him in contempt. Mr. Hickle also failed to timely pay the \$500 sanction.

The court subsequently ordered Mr. Hickle to explain his failure to pay the \$500 sanction, but he failed to file the required explanation. The court then ordered Mr. Hickle to appear at

another order to show cause hearing. Again, he failed to appear. As a result, the court found Mr. Hickle in contempt and ordered him to pay a \$300 sanction in addition to the \$500 sanction previously imposed. Mr. Hickle paid the \$800 total sanction after the court's second referral to the State Bar.

Two aggravating factors were found: pattern of misconduct and substantial experience in the practice of law. Five mitigating factors were found: absence of a dishonest or selfish motive, imposition of other penalties or sanctions, remorse, remoteness of prior offenses and full and free disclosure to the disciplinary board and cooperative attitude toward the proceedings.

Mr. Hickle violated Rule 42, ARIZ.R.S.Ct., specifically ERs 8.4(d) and 3.4(c).

MICHAEL L. LYNCH


Bar No. 013046; File Nos. 04-1790, 04-1801

Supreme Court No. SB-06-0042-D

By Arizona Supreme Court judgment and order dated May 24, 2006, Michael L. Lynch, 1300 N. McClintock Dr., Suite E-14, Chandler, AZ 85226, a member of the State Bar, was suspended for 90 days and placed on probation for one year, the terms of the probation to include participating in the State Bar's Law Office Management Program. The Supreme Court also ordered Mr. Lynch to pay the costs and expenses of the disciplinary proceedings in the amount of \$726.71, together with interest at the legal rate.

For seven months, Mr. Lynch knowingly practiced law while summarily suspended for failing to comply with the Supreme Court's mandatory continuing legal education requirements. While suspended, Mr. Lynch appeared as attorney of record in at least six cases, filing several motions and pleadings with the Maricopa County Superior Court. Additionally, Mr. Lynch continued to represent clients in 35 other cases during his suspension.

Two aggravating factors were found: multiple offenses and substantial experience in the practice of law. Three mitigating factors were found: absence of a prior disciplinary record, full and free disclosure to disciplinary board or cooperative attitude toward proceedings, and remorse.

Mr. Lynch violated Rule 42, ARIZ.R.S.Ct., ERs 5.5 and 8.4(a) and (d), and Rule 31(b), 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.