

SANCTIONED ATTORNEYS

RACHEL ALEXANDER

Bar No. 020092; File Nos. 09-2293, 09-2294, 09-2296, 10-0423, 10-0663, 10-0664

PDJ No. 2011-9002; Sup. Ct. No. SB-12-0039-AP

By Arizona Supreme Court order dated May 2, 2013, Rachel R. Alexander, Phoenix, was suspended from the practice of law for six months, effective June 1, 2013.

In 2004, when Andrew Thomas was elected the Maricopa County Attorney, Alexander was hired as a deputy county attorney and his special assistant. In that role, Ms. Alexander did not handle cases and performed non-legal tasks. In 2006, the Maricopa County Attorney's Office ("MCAO") became involved in a number of disputes and lawsuits involving members of the Maricopa County Board of Supervisors, sitting Superior Court judges and others.

In 2009, Mr. Thomas prompted the filing of a RICO lawsuit that alleged the defendants committed acts of bribery and extortion to hinder the investigation and prosecution of elected officials, county employees and their attorneys concerning the funding and construction of the court tower in Maricopa County. After the initial filing of the RICO complaint, Ms. Alexander was assigned to substitute for the original lawyer despite having no prior trial experience and

only minimal knowledge of RICO. Ms. Alexander would thereafter draft and file a first-amended complaint adding two additional counts. The pleading was rejected and after a series of motions and responses, Ms. Alexander filed a notice voluntarily dismissing the complaint.

ER 3.1 prohibits a lawyer from bringing or defending an action that has no good faith basis in law and fact that is not frivolous. Ms. Alexander violated ER 3.1 by maintaining the RICO lawsuit, both the complaint and the proposed amended complaint, which were legally and factually deficient, and for failing to sufficiently investigate the validity of the allegations. Although Ms. Alexander may have reasonably believed that the original lawyer filing the RICO action had properly investigated the RICO allegations before filing the complaint, Ms. Alexander did not sufficiently inform herself about the applicable facts and law to make good faith and non-frivolous arguments in maintaining the lawsuit. The evidence established that Ms. Alexander was well aware when she substituted into the action that the complaint was deficient.

Ms. Alexander violated ER 1.1 when taking the assignment to the RICO action. Ms. Alexander lacked the legal knowledge and skill to represent Mr. Thomas and

Maricopa County Sheriff Joe Arpaio in the RICO lawsuit. Ms. Alexander had minimal litigation experience and had never tried a case. Although she may have believed that she would have the support of experienced RICO counsel, it became apparent rather quickly that no such support was forthcoming. Ms. Alexander's lack of legal skill and knowledge and her inability to sufficiently attain competency through study and association was her defense of the legally deficient complaint and proposed amended complaint.

Ms. Alexander also violated ER 1.7(a)(1), which prohibits a lawyer from representing one client directly adverse to another client. She violated this rule by suing the Board while her office simultaneously served as the Board of Supervisors' lawyer. Arizona statutes require MCAO to act as the Board's legal advisor and represent it in civil disputes. The lawyer-client relationship between MCAO and the Board continued during the life of the RICO lawsuit and pursuing the RICO litigation while MCAO represented the Board violated the Rules of Professional Conduct.

Ms. Alexander's conduct violated ER 8.4(d) by maintaining the RICO lawsuit against judges, who were absolutely immune from civil-damages lawsuits. It is professional misconduct for a lawyer to engage

in conduct that is prejudicial to the administration of justice. Judicial immunity facilitates the proper administration of justice as it allows judges to perform judicial functions independently and without fear of personal consequences. Ms. Alexander's conduct impeded the proper administration of justice by placing all county judges at risk for having to defend a civil-damages lawsuit if the ruling displeased MCAO.

In addition, Ms. Alexander failed to promptly respond to requests for information during the investigation of the matter in violation of Rule 53, Ariz.R.S.Ct.

The Court found in aggravation: multiple offenses; bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; and refusal to acknowledge the wrongful nature of the conduct. Ms. Alexander had no prior disciplinary record. This was the only factor found to mitigate the misconduct.

Based on the unique circumstances of this case the Court concluded that a six-month suspension was appropriate.

PERCIVAL R. BRADLEY

Bar No. 017149; File No. 12-3242

PDJ No. 2013-9072

By judgment and order dated Sept. 3, 2013, the presiding disciplinary judge accepted an agreement for

discipline by consent and suspended Percival R. Bradley, Phoenix, for 60 days, effective Oct. 1, 2013.

Mr. Bradley failed to represent a bodily injury client diligently. He failed to determine the client's correct date of injury and filed suit after the statute of limitations period had expired. Mr. Bradley's response to a motion for summary judgment reflected incompetence, his argument opposing the motion was frivolous, he did not obtain a written and signed contingent fee agreement from his client, and his failure to appear in court for oral argument was prejudicial to the administration of justice. Mr. Bradley acted with a negligent mental state in connection with all violations.

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, timely good-faith effort to make restitution or to rectify consequences of misconduct, and full and free disclosure to a disciplinary board or cooperative attitude toward proceedings.

Mr. Bradley violated Rule 42, Ariz.R.S.Ct., specifically ERs 1.1, 1.3, 1.5(c), 3.1, and 8.4(d). Mr. Bradley also was ordered to pay the State Bar's costs and expenses of \$1,200. He voluntarily paid restitution to his client to settle any liability claim she may have brought against him.

RODNEY M. MATHESON

Bar No. 003434; File Nos. 13-1253, 13-1589

PDJ File No. 2013-9081

On Sept. 5, 2013, Rodney M. Matheson, Mesa, consented to disbarment. By order filed Sept. 10, 2013, the presiding disciplinary judge disbarred Mr. Matheson effective immediately. The charges against Mr. Matheson involved misappropriation of funds from his client trust account. The misappropriation allegations form the basis for the disbarment.

PAUL J. MATTERN

Bar No. 015487; File Nos. 13-0464, 13-1257

PDJ No. 2013-9071

By judgment and order of the presiding disciplinary judge dated Sept. 5, 2013, Paul J. Mattern, Phoenix,

was suspended for six months effective 60 days from the date of the order. He also was assessed the costs and expenses of the disciplinary proceeding. Upon reinstatement, Mr. Mattern shall be placed on probation for two years to include participation in the State Bar's Law Office Management Assistance Program and quarterly reporting to the State Bar's compliance monitor.

In the first of two matters, Mr. Mattern failed to appear for court hearings, failed to meet court filing deadlines, failed to adequately communicate with his client, failed to timely provide documents to his client's new counsel and sent inappropriate text messages to another attorney. In the second matter, he failed to meet a court filing deadline.

Aggravating factors: Prior disciplinary offenses and a pattern of misconduct.

Mitigating factor: Personal or emotional problems.

Mr. Mattern violated Rule 42, Ariz.R.S.Ct., specifically ERs 1.3, 1.4, 3.2 and 8.4(d), and Rule 41(g), Ariz.R.S.Ct.

ROSVAL PATTERSON

Bar No. 018872; File No. 12-3340

PDJ No. 2013-9049

By judgment and order dated Aug. 20, 2013, the presiding disciplinary judge accepted an agreement for discipline by consent by which Rosval Patterson, Phoenix, was suspended for six months and one day. If reinstated, Mr. Patterson will be placed on supervised probation for two years concurrent with the probation term in PDJ-2011-9084.

Mr. Patterson failed to abide by his client's decisions concerning the objectives of the representation, to act diligently and to reasonably communicate with his client during the representation.

Aggravating factors: Prior disciplinary offenses, dishonest or selfish motive, a pattern of misconduct and substantial experience in the practice of law.

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

Mr. Patterson was found to have violated Rule 42, Ariz.R.S.Ct., specifically ERs 1.2(a), 1.3, 1.4, 1.5, 1.16, 3.2, and 8.4(d). Mr. Patterson also was ordered to pay restitution

of \$3,304.20 along with costs and expenses of \$1,200.

DAVID J. WOLF

Bar No. 012946; File No. 11-3917

PDJ No. 2013-9056

By judgment and order dated Aug. 29, 2013, the presiding disciplinary judge accepted an agreement for discipline by consent and reprimanded David J. Wolf, Phoenix, effective immediately.

Mr. Wolf represented a mentally ill criminal defendant in a drug case and allowed her to live with him for a brief period during the representation. He missed court dates due to what he claimed were mistaken calendaring and secretarial problems and failed to notify the client of her court dates. The client's failure to appear led to a court-issued bench warrant for her arrest, which was later quashed. In addition, Mr. Wolf failed timely to request and obtain the client's mental health treatment records and declined to seek a psychological evaluation even though she requested it.

In a separate case for the same client, Mr. Wolf agitated a judge by failing to personally appear for a sentencing hearing, appearing instead by telephone. Also, his secretary obtained a duplicate copy of the client's driver's license for fake ID but "changed" the client's address so the fake ID would be mailed to the secretary at Mr. Wolf's office. By the time Mr. Wolf learned of this, he already had terminated the secretary over filing and calendaring lapses.

In addition to the reprimand, Mr. Wolf was placed on probation for one year and must view the Bar's "Ten Deadly Sins of Conflict" and "Protecting Your Business From Employee Theft" self-study programs, and to engage in fee arbitration with the client.

Aggravating factors: prior disciplinary offenses, multiple offenses, vulnerability of victim, and substantial experience in the practice of law.

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

Mr. Wolf violated Rule 42, Ariz.R.S.Ct., specifically ERs 1.2, 1.3, 1.4, 1.7, 5.3, and 8.4(d). Mr. Wolf also was ordered to pay the State Bar's costs and expenses of \$1,214.42.

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.