

## SANCTIONED ATTORNEYS

### ROBERT CIMINO

Bar No. 007134; File Nos. 01-0627, 01-1317, 01-1515, 01-2099, 02-0147 and 02-0780

By Supreme Court Judgment and Order dated July 1, 2003, Robert Cimino, 15712 E. Chandler Heights Rd., Chandler, AZ 85249, was suspended for six months retroactive to July 5, 2002. Upon reinstatement, Mr. Cimino will be placed on two years' probation, including participation in the State Bar's Member Assistance Program and Law Office Member Assistance Program. Mr. Cimino was ordered to enter into binding fee arbitration with three clients through the State Bar's fee arbitration program. Mr. Cimino must pay the State Bar's costs and expenses of \$1,025.82, with interest.

Mr. Cimino engaged in a pattern of neglect during the representation of several unrelated clients. Mr. Cimino failed to diligently represent the clients and failed to adequately

communicate with those clients. Mr.

Cimino was suspended in June 2001 for failure to comply with the mandatory continuing legal education requirements and, while suspended, represented a client before a court, thereby committing the unauthorized practice of law.

Three aggravating factors were found: prior disciplinary offenses, pattern of misconduct and substantial experience in the practice of law. Five mitigating factors were found: absence of dishonest or selfish motive, personal or emotional problems, cooperative attitude toward proceeding, good character and reputation and remorse.

Mr. Cimino violated ER 1.3, 1.4, 1.16(d), 5.5 and 8.4(d).

### KEVIN SCHWARTZ

Bar No. 009265; File Nos. 01-0867 and 01-0935

By Supreme Court Judgment and Order dated June 13, 2003, Kevin Schwartz, 5353 N. 16th Street, Suite 310, Phoenix, AZ 85016, was censured by consent. Mr. Schwartz must pay the State Bar's costs and expenses of \$707.90, with interest.

Mr. Schwartz failed to promptly render a full accounting regarding settlement proceeds to a third-party medical lien holder and failed to promptly pay that third-party lien holder. The failure to promptly pay the third-party lien holder was due largely to Mr. Schwartz' mistaken belief that he could not do so while the matter was pending with the Bar.

Two aggravating factors were found: one prior disciplinary offense and substantial experience in the practice of law. Four mitigating factors were found: absence of selfish or dishonest motive, full and free disclosure to a disciplinary board or cooperative attitude toward the proceedings, remorse and remoteness of prior offenses.

Mr. Schwartz violated ER 1.15.

**CAUTION:** Nearly 16,000 attorneys are eligible to practice law in Arizona.

Many attorneys share the same names.

All reports should be read carefully for names, addresses and Bar numbers.