

In the Matter of Andrew D. Diodati; Bar No. 014394; Nos. 09-1923, 10-0526.

04/11/2011. *Attorney Suspended For Two Years plus two years probation.*

The PDJ approved a Conditional Agreement for Discipline by Consent submitted by the parties and suspended Andrew D. Diodati, attorney registration number 014394, from the practice of law for two years. If any term of probation found to be breached, the suspension shall be automatically extended to three years. The suspension was retroactive to August 20, 2010.

In October 2008, Respondent was appointed to represent a prison inmate defendant regarding a *pro per* petition for post conviction relief. He failed to inform his client of the status of the case or the ruling of the judge denying relief. Respondent failed to respond to communications from his client or multiple communications from the Arizona Department of Corrections. On August 3, 2009, defendant demanded a copy of any motions filed and the judge's ruling. Respondent agreed to send the documents but failed to despite multiple demands from the State Bar and his written agreement to do so sent to the State Bar on November 11, 2009. Respondent was ordered by the Superior Court on June 23, 2010 to deliver the documents to defendant. On the day of the Order to Show Cause hearing, Respondent hand-delivered the documents to defendant's attorney.

In his dissolution matter, Respondent failed to comply with various court orders, including child support orders. Beginning April 5, 2010, the State Bar directing Respondent multiple times to provide a written response regarding his ex-wife's allegations of misconduct, Respondent did not respond.

Respondent was suspended for 60 days and placed on probation effective March 14, 2008. He failed to comply with the terms of probation and was suspended six months and one day effective August 20, 2010. In another matter he was informally reprimanded and is currently on probation.

Respondent's misconduct constituted grounds for the imposition of discipline pursuant to the Rules of the Supreme Court of Arizona and violated Rule 42, ER 1.4, 1.15(d), 1.16(d), 3.4(c), 8.1(b), 8.4(d), and Rule 53(c), (d) and (f), Ariz.R.Sup.Ct.