

**In the Matter of Steven J.A. August, Bar No. 015612, File Nos. 10-0610, et al., effective 03/16/11. Attorney Suspended for Six Months and One Day, One year of Probation with the State Bar's Law Office Management Assistance Program and Member Assistance Program, Restitution, Participation in Fee Arbitration and Costs imposed.**

Pursuant to Rule 57(a)(4)(A), Ariz.R.Sup.Ct., the PDJ approved the Agreement for Discipline by Consent submitted by the parties and suspended Steven J.A. August for six months and one day.

In Count One, Respondent was retained to handle a federal appeal claim of *habeas corpus*. When filing the Petition, Respondent failed to attach a civil cover sheet pursuant to the Federal Rules of Civil Procedure and failed to cite or reference any valid grounds for relief. Respondent also failed to abide by his client's objectives of representation and failed to act with reasonable diligence in representing the client by failing to file an amended petition and to correct the deficiencies in filing the Petition. Respondent further failed to adequately communicate with the client, failed to keep the client reasonably informed as to the status of the matter, collected an unreasonable fee by charging \$5,000 for a handwritten petition that did not contain valid grounds for relief and by failing to simultaneously advise the client in writing that they could discharge Respondent at any time and may be entitled to a refund based on the value of the representation. Respondent further failed to refund all or part of the earned upon receipt fee, failed to promptly return the underlying case file, made a false statement of fact to the Court when he stated in the Petition that he did not have the entire underlying case file, failed to provide a copy of the file and to cooperate with the State Bar, and in all four Counts, failed to maintain a current address with the State Bar.

In Count Two, Respondent was retained in a federal matter to file a government tort claim and thereafter, failed to timely file the lawsuit. Respondent failed to adequately communicate with and diligently represent the client, failed to provide a written fee agreement, and failed to respond or cooperate with the State Bar.

In Count Three, Respondent was retained in a criminal matter. Respondent failed to adequately communicate with his client, failed to simultaneously advise in writing in his earned upon receipt agreement that the client may discharge Respondent at any time and may be entitled to a refund based on the value of the representation, and made misleading statements regarding his legal services.

In Count Four, Respondent was retained to handle a bankruptcy matter. Respondent thereafter, failed to adequately communicate with the clients and failed to file any documents to support the bankruptcy claim. Respondent collected an unreasonable fee, failed to simultaneously advise the client in writing that they may discharge Respondent at any time and may be entitled to a refund based on the value of the representation. Respondent further engaged in conduct involving dishonesty, fraud deceit or misrepresentation by stating to the client that he would start the bankruptcy matter when \$500.00 was paid and then failing to

do so when the client paid \$1,201.00. Respondent also failed to respond to the State Bar's inquiry in this count.

Respondent's misconduct constituted grounds for the imposition of discipline pursuant to the Rules of the Supreme Court of Arizona and violated Rule 42, ERs 1.1 (competence), 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15(d) (safekeeping property), 1.16(d) (termination of representation), 3.1 (meritorious claims/contentions), 3.2 (expediting litigation), 3.3 (candor toward the tribunal), 7.1 (communication regarding lawyer services), 8.1(b) (failure to respond), 8.4(c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation), 8.4(d) (conduct prejudicial to the administration of justice) and Rule 32(c)(3), 53(d) and 53(f).

Respondent's mental state was knowing and negligent and actual and potential injury occurred to clients, the legal system and the profession.

In aggravation, factors 9.22(c) (pattern of misconduct), 9.22(d) (multiple offenses), 9.22(h) (vulnerability of victims), and 9.22(i) (substantial experience in the practice of law) were found.

In mitigation, factors 9.32(a) (absence of prior disciplinary record), 9.32(b) (absence of dishonest or selfish motive), and 9.32(c) (personal or emotional problems) were found.

The agreement is accepted and costs awarded in the amount of \$1,215.84. The proposed final judgment and order is reviewed, approved and signed.