

In the Matter of Daniel R. Gukeisen, Bar No. 021109, File Nos. 08-2159 et. al., effective 03/11/2011. Attorney Reprimanded, Six Months of Probation, Restitution, and Costs Ordered.

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 reprimanded Daniel R. Gukeisen. Additionally, six months of probation (CLE and LOMAP if Respondent returns to active practice), restitution, compliance with the Order of the Bankruptcy Court and the payment of costs were ordered.

In multiple counts, Respondent was retained to represent debtors in United States Bankruptcy Court. Respondent and his wife, a non-lawyer, also owned and operated a law-related business, *Bankruptcy Helpers, Inc.*, which acted as a call center and referred clients to lawyers employed by Respondent's firm, the *Gukeisen Law Group*, as independent contractors. The independent contractors would sign prospective clients, collect a deposit "retainer" fee and then refer the matter to Respondent.

Respondent failed to differentiate between his law practice and law related business and failed to diligently represent and adequately communicate with clients. Respondent further charged an unreasonable fee when he accepted retainers from clients and then did not decline other work or reserve his time for clients. In many cases, no substantive work was performed and no documents were filed to justify the fees. Clients were told that the retainers represented charges for "case conceptualization," and for processing refunds. When clients requested an accounting and or terminated the representation, they were told by staff that the fees were non-refundable or that the funds were expended, even though no substantive work was performed.

Respondent's knowing and negligent misconduct caused actual injury to clients and constituted grounds for the imposition of discipline pursuant to the Rules of the Supreme Court of Arizona and violated Rule 42, ERs 1.3, 1.4, and 1.5.

In evaluating aggravating and mitigating factors, the following factors were found: in aggravation: 9.22(c) (pattern of misconduct), 9.22(d) (multiple offenses), and 9.22(i); in mitigation: 9.32(a) (absence of prior disciplinary offenses), 9.32(e) (full and free disclosure to disciplinary board or cooperative attitude towards proceedings), and 9.32(k) (imposition of other penalties or sanctions).

The agreement is accepted and costs awarded in the amount of \$3,433.35. The proposed final judgment and order is reviewed, approved and signed.