

**In the Matter of David M. Lynch, Ohio license, unlicensed in Arizona; No. 10-0651**

03/15/2011. *Attorney Admonished.*

The PDJ approved a Conditional Agreement for Admonishment by Consent submitted by the parties and admonished David M. Lynch an Ohio Attorney, unlicensed in Arizona.

Respondent is unlicensed in Arizona. He was retained by the sister of an Arizona resident to challenge documents signed by her 90 year old brother who was suffering from dementia and under the care of non-relatives. He was under the medical care of an Arizona physician. Respondent, under false pretenses, scheduled an appointment with that doctor and then demanded to interview him regarding his care of the brother. He assumed the doctor or his staff had a personal relationship with the non-relatives. Contrary to the assertions of his client, the doctor stated he had no relationship and had never notified his client of anything. The doctor declined to opine on the brother's mental capacity and recommended he have the brother seen by a neurologist. Instead Respondent prepared an emergency petition to appoint a conservator alleging the doctor suspected the non-relatives of manipulation of the brother and asserting the doctor had notified the sister of these concerns. Respondent did not sign the pleading but instead had the sister sign but not date the pleadings. Respondent did not inform the Court of the contrary information he had received from the doctor.

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 4.1(a), Ariz.R.Sup.Ct.