

In the Matter of Mark K. Briggs, Bar No.015645, File No. 08-1199, effective 04/18/11. Attorney Suspended for Six Months and One Day 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 Mark Briggs for six months and one day.

In Count One, Respondent failed to promptly and diligently document loans of a limited liability companies. Respondent further engaged a conflict of interest by entering into business transactions with a client with terms not fair or reasonable to the client and not fully disclosed or in writing. Respondent failed to advise the client to seek the advice of independent legal counsel on the transaction and failed to obtain written informed consent from the client. Respondent also failed in his obligations to act with the care of a professional fiduciary by authorizing loans to be made with businesses that he had financial interests in. Respondent failed to obtain the informed written consent of a member and manager of one of the businesses prior to the loan transactions, failed to make appropriate and timely disclosures regarding the loans and failed to timely prepare and transmit documentation of the loans.

In Count Two, Respondent was retained for estate planning services. In memorializing the terms of the representation, Respondent failed to include the required language regarding the scope of the representation, failed to obtain the client's written informed consent, failed to disclose his role in that business and who he was representing, and failed to advise the client in writing of the opportunity to seek the advice of independent legal counsel on the transaction.

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 1.3 (diligence), 1.4(a) (communication), 1.8(a) (conflict of interest/business transaction adverse to client), and 1.15(c) (safekeeping property/depositing and dispersing fees), Ariz.R.Sup.Ct. Respondent engaged in a pattern of neglect with clients. His mental state was deemed negligent and knowing/should have known. Because of his misconduct, actual and potential client injury occurred.

In aggravation, factors 9.22(b) (dishonest or selfish motive), 9.22(c) (pattern of misconduct), 9.22(d) (multiple offenses), 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(e) (full and free disclosure to disciplinary board or cooperative attitude toward proceedings), 9.32(g) (character or reputation), 9.32(j) (delay in disciplinary proceeding), and 9.32(l) remorse were found.

The agreement is accepted and costs awarded in the amount of \$2,708.71. The proposed final judgment and order is reviewed, approved and signed.