

In the Matter of David J. Wolf, Bar No.002934, PDJ 2011-9068. Attorney Suspended for One Year, and Two Years of Probation and Costs Imposed.

Pursuant to Rule 57(a)(4)(A), Ariz.R.Sup.Ct., on March 20, 2012 the PDJ approved the Agreement for Discipline by Consent submitted by the parties and suspended David J. Wolfe for one year retroactively to November 18, 2011, the date Respondent transferred to inactive status. Upon reinstatement, Respondent shall be placed on probation for two years with the State Bar's Law Office Management Assistance Program and Member Assistance Program subject to early reduction to one year of probation.

In Count One, Respondent was retained to represent a capital murder defendant as Knapp counsel for a flat fee, earned on receipt. Respondent withdrew as counsel prior to trial but kept the entire fee. Respondent's fee agreement failed to include language that upon termination of services, a refund may be due based on the value of legal services provided. Respondent failed to timely withdraw as counsel.

In Count Two, Respondent represented a client in a criminal matter. He failed to act with reasonable diligence or adequately communicate with the client. In addition, Respondent charged an unreasonable flat fee, earned on receipt, and failed to include language in his written fee agreement that if the client terminated his services a refund may be due. Respondent further violated rules relating to termination of representation.

In Count Three, Respondent guilty to DUI-drugs (methamphetamine) and entered into a deferred prosecution agreement for possession of illegal drugs (cocaine).

Aggravating factors: dishonest or selfish motive, a pattern of misconduct, multiple offenses, refusal to acknowledge wrongful nature of conduct, vulnerability of victims, substantial experience in the practice of law, indifference to making restitution, and illegal conduct, including that involving the use of controlled substances.

Mitigating factors: absence of a prior disciplinary record, personal or emotional problems, character or reputation, imposition of other penalties or sanctions, and remorse.

Respondent violated Rule 42, Ariz.R.Sup.Ct., specifically ERs 1.3, 1.4, 1.5, 1.16(d), 5.3, and 8.4(b).

The agreement is accepted and costs awarded in the amount of \$1,255.74. The proposed final judgment and order is reviewed, approved and signed.