

In the Matter of Eric T. Sellers, Bar No. 018607, PDJ-2011-9070. Attorney Reprimanded, Probation, 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 on April 5, 2012, Reprimanded Eric Sellers. Respondent was also placed on two years of Probation with the State Bar's Law Office Member Assistance Program and Member Assistance Program and must participate in fee arbitration with his former client.

In Count One, Respondent undertook representation of a client without written communication of fees and expenses. Respondent also failed to diligently represent the client, failed to respond timely or adequately to the State Bar investigation and failed to provide a current street or other post office address.

In Count Two, Respondent violated a criminal rule of procedure regarding compulsory disclosure, alluded to matters in opening statement and final argument during a jury trial without an objectively reasonable belief that they were supported by admissible evidence, asserted personal knowledge of facts in issue, persistently alluded to matters the judge already ruled were irrelevant thereby requiring the judge to issue a curative instruction, and accused the judge of bias. Respondent further directed emailed "outbursts" toward the prosecutor and taunted her in court while turning his back to the judge and telling her, "I'm going to kick your ass again," failed to timely serve a disclosure and complete trial preparation, and because of his inappropriate behavior, required the judge to disqualify him as counsel and appoint the defendant a new lawyer. Respondent further failed to respond appropriately to State Bar's screening investigation.

Aggravating factors: multiple offenses, bad-faith obstruction of the disciplinary proceeding, vulnerability of victim, and substantial experience in the practice of law.

Mitigating factors: absence of a prior disciplinary record, absence of a dishonest or selfish motive, personal or emotional problems, physical disability, and imposition of other penalties or sanctions.

Respondent violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.3, 1.5, 3.4(c), 3.4(e), 4.4(a), 5.1, 5.3, 8.1(b), and 8.4(d), and Rules 32(c)(3), 41(g), and former Rule 53(f), Ariz. R. Sup. Ct.

The agreement is accepted and costs awarded in the amount of \$1,250.00. The proposed final judgment and order is reviewed, approved and signed.