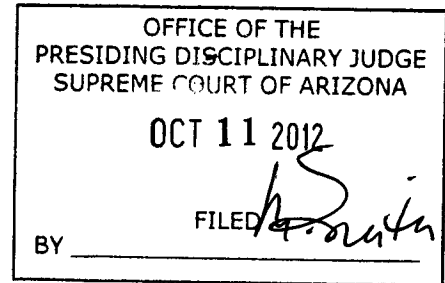


James D. Lee, Bar No. 011586
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone: 602-340-7250
Email: LRO@staff.azbar.org



Daniel P. Jensen, Bar No. 020509
7714 South Apricot Drive
Tempe, Arizona 85284
Telephone: (480) 274-2166
Email: dpj709@hotmail.com
Respondent

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

In the Matter of a Suspended Member
of the State Bar of Arizona,

Daniel P. Jensen,
Bar No. 020509

Respondent.

PDJ-2012-9080

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar File No. 11-2310]

The State Bar of Arizona, through undersigned bar counsel, and Respondent Daniel P. Jensen, who is not represented in this matter by counsel, hereby submit this Agreement for Discipline by Consent (Consent Agreement), pursuant to Rule 57(a), Ariz. R. Sup. Ct. Respondent voluntarily waives his right to an adjudicatory hearing on the complaint, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.3, ER 1.4, ERs 1.5(a) and (b), ER 1.15(d), ER 1.16(d), ER 3.2, ER 8.1(b), and ER 8.4(d); Rule 54(d), Ariz. R. Sup. Ct.; and Rules 72(a) and (c), Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: six-month-and-one-day suspension, retroactive to May 20, 2011 (the date his previous disciplinary suspension retroactively began), and probation for two years upon reinstatement, with the terms and conditions to be determined at the time of reinstatement. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "A."

FACTS

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on May 24, 2001. Respondent, however, was (a) summarily suspended from the practice of law in Arizona from April 17, 2009, through July 20, 2009, for non-payment of dues; (b) summarily suspended from the practice of law in Arizona, effective May 20, 2011, for non-compliance with the requirements of mandatory continuing legal education; and (c) suspended for six-months-and-one-day, retroactive to May 20, 2011, for violations of the Rules of Professional Conduct and Rules of the Supreme Court.

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Attorney Discipline Probable Cause Committee, the Presiding Disciplinary Judge, and the Supreme Court of Arizona.

2. Respondent was admitted to practice law in Pennsylvania on December 2, 1996, but is (a) administratively suspended from practicing law in Pennsylvania at this time for non-payment of dues; and (b) suspended for six months at this time as a result of reciprocal discipline that was imposed based upon his disciplinary suspension in Arizona.

3. Respondent was admitted to practice law in New Jersey on December 26, 1996, but his admission to practice law in New Jersey is administratively revoked at this time for failing to pay (for at least seven consecutive years) the annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection.

COUNT ONE
(State Bar File No. 11-2310)

4. In or about November 2009, Wells Fargo Bank sent a letter to Denelle M. Martin (Martin) stating she was financially responsible for her former husband's business account. That letter stated that Wells Fargo Bank would file a lawsuit against her if she failed to pay a sum certain in full.

5. On March 28, 2010, Martin hired Respondent to represent her regarding Wells Fargo Bank's attempt to collect payment from her. Respondent wrote a letter to Wells Fargo Bank's collection department on Martin's behalf. Martin paid Respondent \$100.00.

6. On April 29, 2010, Wells Fargo Bank filed a civil lawsuit against Martin (*Wells Fargo Bank v. Denelle M. Martin, dba Render This Design, Inc.*, Maricopa County Superior Court File No. CV2010-051793).

7. On May 6, 2010, Martin met with Respondent and paid him an additional \$100.00 to begin addressing the lawsuit that Wells Fargo Bank had filed.

8. On June 6, 2010, Martin met with Respondent and paid him an additional \$2,000.00 to represent her regarding the lawsuit. Respondent failed to provide Martin with a writing that set forth the scope of representation and the basis or rate of the fee and expenses for which Martin would be responsible, despite several promises that he would do so.

9. On July 14, 2010, Martin was served with a copy of the civil complaint filed by Wells Fargo Bank.

10. On July 18, 2010, Martin gave Respondent copies of documents that he had requested and another \$100.00.

11. On August 10, 2010, Martin met with Respondent and gave him another \$500.00.

12. On September 21, 2010, Wells Fargo Bank filed an *Application for Entry of Default* and a *Notice of Application for Entry of Default*, both of which were mailed to Martin rather than Respondent (Respondent had not yet filed a notice of appearance or an answer on Martin's behalf).

13. On October 1, 2010, Respondent filed an answer on Martin's behalf, as well as an *Arbitration Certificate*, in *Wells Fargo Bank v. Denelle M. Martin*.

14. On October 6, 2010, a 150-day order was filed, stating (a) that a motion to set and certificate of readiness or an appeal from arbitration had to be filed on or before January 24, 2011; and (b) that if there was no compliance with Rule 38.1, the case would be placed on the inactive calendar on January 24, 2011, and that the case would be dismissed pursuant to Rule 38.1 without further notice on or after March 25, 2011.

15. Martin last met with Respondent on February 15, 2011.

16. Between March and May 2011, Martin made several telephone calls to Respondent, and also sent text messages and email messages to him. In her communications, Martin inquired about the status of her case and requested a meeting with Respondent to prepare for court. She also inquired about the date set for trial. Respondent failed to respond to any of Martin's attempts to communicate with him.

17. On May 20, 2011, Respondent was summarily suspended from the practice of law in Arizona for failing to comply with the requirements of Mandatory Continuing Legal Education. Thereafter, Respondent failed to deliver to Martin the papers or other property to which she was entitled, failed to notify Martin of a suitable time and place where the papers or other property could be obtained, and failed to notify Martin of the urgency for obtaining the papers or other property. In addition, following his summary suspension, Respondent failed to notify Martin that he had been suspended and could no longer represent her. He also failed to file a motion to withdraw as Martin's counsel in *Wells Fargo Bank v. Denelle M. Martin*.

18. On June 3, 2011, Arbitrator Kevin Jackson (Arbitrator Jackson) issued a *Notice of Arbitration Hearing* in *Wells Fargo Bank v. Denelle M. Martin*, which was sent to Respondent. The arbitration hearing was scheduled for July 7, 2011.

19. Respondent failed to notify Martin of the date set for her arbitration hearing. However, on June 18, 2011, Martin discovered from the Maricopa County Superior Court Clerk's website that her arbitration hearing was scheduled to begin on July 7, 2011.

20. Martin called Respondent several times during the following week to request his assistance, but was unable to speak with him. Thereafter, she made

further attempts to communicate with Respondent, including daily telephone calls for a period of time. On June 20, 2011, Martin left a voice-mail message for Respondent. Respondent failed to respond to any of Martin's attempts to communicate with him.

21. On June 21, 2011, Martin left a voice-mail message for Respondent stating she had hired another law firm to represent her and directed him to send the file he maintained on her behalf to Erin Walz (Walz), her new attorney. Respondent failed to provide to Martin or Walz the file he maintained on Martin's behalf and he never called Walz.

22. On June 23, 2011, Walz filed a *Notice of Substitution of Counsel*.

23. On June 30, 2011, Walz filed a *Defendant's Motion to Continue Arbitration Hearing* premised in part on Respondent's failure to return telephone calls to her or Martin, or to provide the file he maintained on Martin's behalf.

24. On July 8, 2011, Arbitrator Jackson re-scheduled the arbitration hearing to July 27, 2011.

25. On July 18, 2011, Martin and Wells Fargo Bank filed a *Confession of Judgment* in which the parties agreed that a judgment would be entered against Martin and in favor of Wells Fargo Bank for a total of \$25,523.74.

26. On July 20, 2011, the court entered a judgment against Martin on the terms set forth in the *Confession of Judgment*.

27. Respondent has never provided Martin or Walz with the file he maintained on Martin's behalf or any of the documents in his file. Respondent also failed to provide Martin with a final accounting of the fees he earned and the costs

and expenses he incurred, and failed to refund any of the funds that Martin had paid him.

28. Based upon the conduct set forth above, Respondent violated:

(a) ER 1.3 by failing to diligently represent Martin (e.g., by failing to promptly file a notice of appearance on Martin's behalf, failing to take steps to adequately defend Martin during the litigation, and failing to withdraw as Martin's counsel of record when he was summarily suspended);

(b) ER 1.4 by failing to adequately communicate with Martin, failing to return her communications to him, and failing to notify her that he had been suspended and could no longer represent her;

(c) ER 1.5(a) by charging an unreasonable fee for, among other things, preparing and filing an answer on Martin's behalf;

(d) ER 1.5(b) by failing to utilize a writing that set forth the scope of representation and the basis or rate of the fee and expenses for which Martin would be responsible;

(e) ER 1.15(d) by failing to provide Martin with the unearned portion of the fee that she had paid and failing to provide her or her subsequent counsel with the file he maintained on Martin's behalf;

(f) ER 1.16(d) by failing to provide Martin with the unearned portion of the fee that she had paid and failing to provide her or her subsequent counsel with the file he maintained on Martin's behalf;

(g) ER 3.2 by failing to expedite litigation consistent with Martin's interests;

(h) ER 8.4(d) by engaging in conduct prejudicial to the administration of justice (e.g., Martin's subsequent counsel had to file a motion to continue a scheduled arbitration hearing because Respondent failed to provide her or Martin with the file he maintained on Martin's behalf and failed to communicate with Martin or her subsequent counsel);

(i) Rule 72(a), Ariz. R. Sup Ct., by failing to notify Martin that he had been suspended and could no longer represent her; and

(j) Rule 72(c), Ariz. R. Sup Ct., by failing to deliver to Martin, after he was summarily suspended, the papers or other property to which she was entitled; failing to notify Martin of a suitable time and place where the papers or other property could be obtained; and failing to notify Martin of the urgency for obtaining the papers or other property.

COUNT TWO
(Failure to Respond to Bar Counsel re: File No. 11-2310)

29. On or about September 6, 2011, Denelle M. Martin (Martin) filed a charge against Respondent with the State Bar of Arizona asserting, among other things, that he failed to diligently represent her, failed to keep her informed of the status of her case, failed to answer her telephone calls and/or letters, failed to provide her with a writing that complied with the requirements of ER 1.5(b), and failed to provide her with the file he maintained on her behalf.

30. On September 29, 2011, Senior Bar Counsel James Lee sent a letter to Respondent at his address of record with the State Bar in which he directed Respondent to submit a written response to the charges filed by Martin. A copy of Martin's charges was enclosed with the letter. Bar Counsel's letter stated in part:

. . . Your participation in the screening investigation is extremely important, as Bar Counsel will make a recommendation at the end of the investigation as to the disposition of this matter. Pursuant to ER 8.1(b) and Rule 54(d), Ariz. R. Sup. Ct., you have a duty to cooperate with this investigation. Failure to fully and honestly respond to, or cooperate with, the investigation is, itself, grounds for discipline.

. . . Please submit a written response to the enclosed information, directed to my office, within 20 days of the date of this letter. . . . If you cannot file a timely response, you should contact my office immediately. . . .

31. Respondent failed to submit a written response to the State Bar regarding the charge, as directed by bar counsel in his letter dated September 29, 2011.

32. On October 24, 2011, Senior Bar Counsel James Lee sent another letter to Respondent at his address of record with the State Bar. A copy of bar counsel's September 29, 2011, letter was enclosed. Bar counsel's October 24, 2011, letter stated in part:

Reference is made to my letter dated September 29, 2011[,] advising you of the allegations of Ms. Martin. A copy of that letter is enclosed. It was requested that your response be filed within 20 days of the date of my letter. This office has no record of the receipt of your response.

Pursuant to Rule 47(h) and 55(b)(1)(B), Ariz. R. Sup. Ct., you are hereby given notice that your failure to comply with this request for response **within ten (10) days of the date of this letter** may require the taking of your deposition pursuant to subpoena, or a recommendation to the Attorney Disciplinary Probable Cause Committee for an order of probable cause. Please be further advised that, should your failure to cooperate result in the taking of a deposition pursuant to Rule 47, you "shall be liable for the actual costs of conducting the deposition. . . ." If you fail to comply with an investigative subpoena, you may be subject to contempt proceedings, and could be summarily suspended.

I again refer you to Rule 54(d), and caution you that failure to cooperate with a disciplinary investigation is grounds, in itself, for discipline.

(Emphasis in original).

33. Respondent failed to submit to the State Bar a written response regarding the charge, as directed by bar counsel in his letter dated October 24, 2011.

34. Based upon the conduct set forth above, Respondent violated:

(a) ER 8.1(b) by failing to respond to a lawful demand for information made by bar counsel; and

(b) Rule 54(d), Ariz. R. Sup. Ct., by refusing to cooperate with state bar staff and failing to furnish information or respond promptly to an inquiry or request from bar counsel regarding information relevant to pending charges or matters under investigation concerning Respondent's conduct or asserting a ground for refusing to do so.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and is submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.3, ER 1.4, ER 1.5(a) and (b), ER 1.15(d), ER 1.16(d), ER 3.2, ER 8.1(b), and ER 8.4(d); Rule 54(d), Ariz. R. Sup. Ct.; and Rule 72(a) and (c), Ariz. R. Sup Ct.

RESTITUTION

Respondent shall pay \$2,000.00 restitution to Denelle M. Martin within 60 days of the date a final judgment and order is entered accepting this consent

agreement.²

SANCTION

Respondent and the State Bar of Arizona agree that based upon the facts and circumstances of this matter, as set forth above, the following sanction is appropriate: six-month-and-one-day suspension, retroactive to May 20, 2011 (the date his previous disciplinary suspension retroactively began), and probation for two years upon reinstatement, with the terms and conditions to be determined at the time of reinstatement.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E), Ariz. R. Sup. Ct. The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations in which lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, ¶23, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct, and the existence of aggravating and mitigating factors. *Peasley* at 35, ¶33, 90 P.3d at 772; *Standard* 3.0.

² Denelle M. Martin notified bar counsel on September 17, 2012, that she paid Respondent a total of \$2,800.00 and that she believes she is entitled to a refund/restitution in the amount of \$2,000.00; she is willing to allow Respondent to retain \$800.00 of the fee for writing a letter to Wells Fargo Bank and preparing an answer to the civil complaint.

The parties agree that *Standards* 4.12, 4.42, 4.63, 6.22 and 7.2 are the appropriate *Standards* given the facts and circumstances of this matter.

Standard 4.12 states, "Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client." Based upon communication from Martin and her subsequent attorney, and his summary suspension from the practice of law on May 20, 2011, Respondent knew or should have known that he ethically needed to provide Martin with the file he maintained on her behalf and a refund of unearned fees.

Standard 4.42 states, "Suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client." Respondent failed to diligently represent Martin by failing to promptly file a notice of appearance on Martin's behalf and failing to take steps to adequately defend Martin during the litigation; failed to expedite litigation consistent with Martin's interests; and failed to withdraw as Martin's attorney of record when he was summarily suspended.

Standard 4.63 states, "Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to the client." Respondent failed to adequately communicate with Martin, failed to return or respond to her communications to him, and failed to notify her that he had been summarily suspended and could no longer represent her.

Standard 6.22 states, "Suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding." Respondent failed to respond to a lawful demand for information made by bar counsel during the screening investigation; failed to notify Martin that he had been summarily suspended and could no longer represent her; failed to deliver to Martin, after he was summarily suspended, the papers or other property to which she was entitled; failed to notify Martin of a suitable time and place where the papers or other property could be obtained; and failed to notify Martin of the urgency for obtaining the papers or other property. See Rules 54(d) and 72(a) & (c), Ariz. R. Sup. Ct.

Standard 7.2 states, "Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession, and causes injury or potential injury to a client, the public, or the legal system." Respondent failed to respond to a lawful demand for information made by bar counsel during the screening investigation or assert a ground for refusing to do so.

The duty violated

As described above, Respondent's conduct violated his duty to his client, the profession and the legal system.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly failed to properly represent Martin and knowingly failed to respond to bar counsel's inquiries during the screening investigation, and that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree there was actual and potential harm to his client, the profession and the legal system (e.g., Martin's arbitration hearing was continued because Respondent failed to provide Martin or her subsequent counsel with the file he maintained on Martin's behalf and failed to promptly respond to bar counsel's inquiries during the screening investigation).

Aggravating and mitigating circumstances

The presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22(a) – Prior disciplinary offenses:

- Informal reprimand and one year of probation (LOMAP and Ethics Enhancement Program) entered on March 16, 2009, in File No. 08-1591 for violation of ER 1.4, ER 1.5(b), ER 1.5(c), and ER 1.8(a); and
- Six-month-and-one-day suspension (retroactive to May 20, 2011) and restitution entered on July 18, 2011, in File Nos. 10-0414, 10-0463, 10-0596, 10-2252, 10-2275, 11-0466 for violation of ER 1.2, ER 1.3, ER 1.4(a)(1), ER 1.4(a)(2), ER 1.4(a)(3), ER 1.4(a)(4), ER 1.4(b), ER 1.5(a), ER 1.5(b), ER 1.5(d)(3), ER 1.8(a), ER 1.15(d), ER 1.16(d), ER 3.2, ER 3.4(c), ER 3.4(d), ER 8.1(b), and ER 8.4(d), and Rules 53(c), (d) & (f), Ariz. R. Sup. Ct. (2010 rules), and Rule 54(d), Ariz. R. Sup. Ct. (2011 rules).

Standard 9.22(e) – Bad faith obstruction of the disciplinary proceeding by intentionally failed to comply with rules or orders of the disciplinary agency. Respondent failed to respond to bar counsel's inquiries during the screening investigation.

Standard 9.22(i) – Substantial experience in the practice of law. Respondent was admitted to practice law in Arizona on May 24, 2001.

In mitigation:

Standard 9.32(c) – Personal or emotional problems. Respondent opened his own law firm in 2006 and found it necessary to use all of his retirement funds to operate the firm while he was working on a case in which he was expecting a large judgment. Respondent's home went into foreclosure proceedings in 2008, and then in subsequent foreclosure proceedings the home was sold at a trustee's sale on June 7, 2010. Respondent learned about the final foreclosure ruling four days before his home was sold. Respondent's car was repossessed in or about August 2010. Respondent was involved in a two-month long trial in the summer and fall of 2009.

Standard 9.32(g) – Character or reputation. Attached hereto as Exhibit "B" are letters from attorney Thomas A. Morton, Gabriela Alexander, and Ana Guzman.

Discussion

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. The nature of the misconduct and the period of representation are similar to the nature of the misconduct and the period of representation that led to Respondent's prior six-month-and-one-day suspension. Had this matter been included in the previous consent agreement, the agreed-upon disciplinary sanction would have been no different. Furthermore, although the previous six-month-and-one-day suspension could have ended as soon as November 21, 2011, Respondent has chosen not to file an application for reinstatement. As a result, Respondent has now been suspended for over 16 months. Therefore, the parties request that this six-month-and-one-day suspension be made retroactive to May 20, 2011, the date his previous suspension retroactively began.

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanctions and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of a six-month-and-one-day suspension, retroactive to May 20, 2011, and probation for two years upon reinstatement, with the terms and conditions to be determined at the time of reinstatement, and the payment of costs and expenses. A proposed form order is attached hereto as Exhibit "C."

DATED this _____ day of September, 2012.

STATE BAR OF ARIZONA

James D. Lee
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this 9 day of ^{October}~~September~~, 2012.



Daniel P. Jensen
Respondent

Approved as to form and content

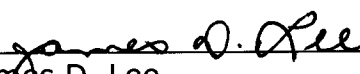
Maret Vessella
Chief Bar Counsel

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of a six-month-and-one-day suspension, retroactive to May 20, 2011, and probation for two years upon reinstatement, with the terms and conditions to be determined at the time of reinstatement, and the payment of costs and expenses. A proposed form order is attached hereto as Exhibit "C."

DATED this 11th day of October, 2012.

STATE BAR OF ARIZONA




James D. Lee
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this _____ day of September, 2012.

Daniel P. Jensen
Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
this 11th day of October, 2012.

Copies of the foregoing mailed/mailed
this 11th day of October, 2012, to:

Daniel P. Jensen
7714 South Apricot Drive
Tempe, Arizona 85284
Email: dpj709@hotmail.com
Respondent

Copy of the foregoing emailed
this 11th day of October, 2012, to:

William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
Email: officepdj@courts.az.gov
lhopkins@courts.az.gov

Copy of the foregoing hand-delivered
this 11th day of October, 2012, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: James M. Casabene
DL:lmc

EXHIBIT "A"

Statement of Costs and Expenses

In the Matter of a Suspended Member of the State Bar of Arizona,
Daniel P. Jensen, Bar No. 020509, Respondent

PDJ No. 2012-9080

State Bar File No. 11-2310

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

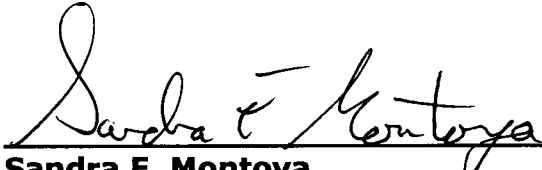
**General Administrative Expenses
for above-numbered proceedings** **\$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

Total for staff investigator charges \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED **\$1,200.00**



Sandra E. Montoya
Lawyer Regulation Records Manager

9-27-12

Date

EXHIBIT "B"

Thomas A. Morton
5548 N. 13th Avenue
Phoenix, A 85013
(602) 320-7776

May 11, 2011

The State Bar of Arizona
4201 N. 24th St., Ste. 200
Phoenix, AZ 85016

Re: Daniel P. Jensen

To Whom it May Concern:

I write to you in support of Daniel P. Jensen. I have known Mr. Jensen since 2004 when we worked in the same firm. I have always known him to be a skilled, thorough, diligent and ethical attorney.

When Mr. Jensen and I worked side-by-side every day I learned that he is a very good attorney. I learned much about civil litigation from him. I also witnessed first hand his work ethic and commitment to his clients.

As I got to know Mr. Jensen personally, I learned that he is a devoted father and a great friend. He is always willing to help people and lives to spend quality time with his children. Mr. Jensen and I have referred several cases to each other over the years and consult on legal issues from time to time. His advice is always very good and his ethics are impeccable. I am proud to call him a colleague and friend.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Thomas A. Morton

To whom it may concern,

Since November, 2009, I have been a Litigation Department Supervisor for The Law Offices of Kevin Gibbons, Phoenix, AZ.

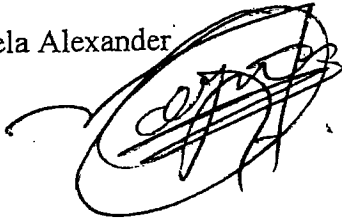
I have worked with Mr. Daniel Jensen since December of 2009, when The Law Office of Kevin Gibbons hired him as a Litigation attorney in my department.

Since he was hired, Mr. Jensen has consistently acted in a very professional manner. He also has a record of consistency when it comes to the following:

- 1 Punctuality. He is consistently on time for his client appointments.
- 2 Availability. He meets directly with his clients to discuss their cases and always makes it a point to communicate with them directly. He does not turn them away or denies their requests to communicate directly with him.
- 3 Compliance. He makes sure that people working for him comply by all rules and provide accurate, truthful information regarding his clients.
- 4 High Level of Ethics and Integrity.
 - o Mr. Jensen has integrity, understanding right and wrong, and understands the importance of being direct and truthful to his clients.
 - o He reviews and thoroughly determines the accuracy and validity of every document, application and motion that are required in Court.
 - o He refuses to represent a client if his or her case does not qualify according to the law.
 - o He does not mislead clients into believing that they qualify when they do not. He does not make promises that cannot be delivered.

My experience working with Mr. Jensen has been a very positive one and a breath of fresh air in an industry in which firms make decisions that are often not in compliance and in which firms place what they believe is in their own interest ahead of their clients'.

Gabriela Alexander

A handwritten signature in black ink, appearing to read 'G. Alexander', written over a circular scribble.

Ana Guzman
1437 E. Mineral Rd. Gilbert, AZ 85234
Phone: 602-697-7398

April 25, 2011

Arizona State Bar
4201 N. 24th Street, Suite 200
Phoenix, Arizona 85016-6288

To Whom It May Concern:

My name is Ana Guzman and I am writing this letter of behalf of Attorney Daniel Jensen.

I have the privilege to know Mr. Jensen since December, 2009. During the time I have known Mr. Jensen I have witnessed his expertise and knowledge in multiple areas of law; such as Criminal, Personal Injury and Immigration Law. Great work ethics has always been an essential component of Mr. Jensen's work.

Mr. Jensen always makes sure he represents his clients in a professional manner by being truthful, objective and diligent when it comes to legal advice and legal representation. He is certain that following the law and regulations is the main key to provide outstanding legal representation. Therefore, he has been responsible handling cases from inception to conclusion, including negotiating successful resolutions for his clients.

Sincerely,

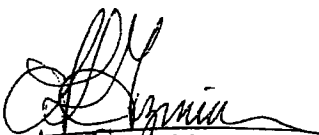

Ana Guzman

EXHIBIT "C"

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

In the Matter of a Suspended Member
of the State Bar of Arizona,

Daniel P. Jensen,
Bar No. 020509

Respondent.

PDJ-2012-9080

FINAL JUDGMENT AND ORDER

[State Bar File No. 11-2310]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on October 11, 2012, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Daniel P. Jensen**, is hereby suspended for six months and one day, retroactive to May 20, 2011, for his conduct in violation of the Arizona Rules of Professional Conduct and the Rules of the Supreme Court, as outlined in the consent documents.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two years.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

IT IS FURTHER ORDERED that Respondent pay \$2,000.00 restitution to Denelle M. Martin within 60 days of the date of this final judgment and order.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of \$_____.

DATED this _____ day of _____, 2012.

The Honorable William J. O'Neil
Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of _____, 2012.

Copies of the foregoing mailed/emailed
this _____ day of _____, 2012, to:

Daniel P. Jensen
7714 South Apricot Drive
Tempe, Arizona 85284
Email: dpj709@hotmail.com
Respondent

Copy of the foregoing hand-delivered/emailed
this _____ day of _____, 2012, to:

James D. Lee
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: lro@staff.azbar.org

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: _____