

In the Matter of Phillip Kleinsmith, Bar No. 012755, PDJ-2012-9019 effective March 20, 2012. Attorney Reprimanded, Probation and Costs Imposed.

Pursuant to Rule 57(a), Ariz.R.Sup.Ct., the presiding disciplinary judge accepted a direct agreement for discipline by consent filed by the parties which reprimanded Respondent Phillip Kleinsmith and placed him on one year of probation (completion of the Colorado Supreme Court's Ethics School). Respondent was also assessed the costs and expenses of the disciplinary proceeding.

Respondent filed improper arbitration certificates in nine different Superior Court matters. In addition, Respondent failed to appear on behalf of the client for two hearings in Wisconsin and then billed the client for filing corrective motions to remedy his failures to appear. In another matter in Florida, Respondent made errors in preparing a real estate "Notice of Sale." In a separate matter in Texas, Respondent failed to reasonably communicate with the client prior to filing his motion to withdraw. Respondent's negligent misconduct caused injury to the client and the legal system.

Aggravating factors: Multiple offenses and substantial experience in the practice of law.

Mitigating factor: Absence of prior discipline.

Respondent violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.1, 1.3, 1.4, 1.5, 1.16, 5.3 and 8.4(d).

The agreement is accepted and costs awarded in the amount of \$1,200.00. The proposed final judgment and order is reviewed, approved and signed.