

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A SUSPENDED  
MEMBER OF THE STATE BAR OF  
ARIZONA,

**DANIEL INSERRA,**  
**Bar No. 017284**

Applicant.

**PDJ-2020-9054-R**

**REPORT AND  
RECOMMENDATION**

[State Bar No. 20-2513-R]

**FILED APRIL 19, 2021**

**I. PREFACE**

On July 8, 2020, Daniel Inserra applied for reinstatement under Rule 65 Ariz. R. Sup. Ct. This hearing was much delayed at the request of Mr. Inserra to enable him to complete six months of counseling before the hearing as recommended by his Membership Assistance Program (“MAP”) evaluation. This he accomplished encouraged by and at the recommendation of Senior Bar Counsel.

This is his fourth application for reinstatement. [Ex. 1.] His three prior applications were denied for various reasons.<sup>1</sup> [Joint Prehearing Statement (“JPS”) Stip. Fact 8.] At the recommendation of the prior hearing panel, the Supreme Court dismissed his third application, [Ex. 9], without prejudice. The court stated that after one year and completing a MAP evaluation the third application could be reopened.

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<sup>1</sup> Exhibits 4, 8, and 13 are the prior dismissal orders.

[Ex. 13.] This judge assumed Mr. Inserra intended to file a new application and not reopen the case. This Hearing Panel considers it a combination of both. Regardless, the Supreme Court authorized the submission of new evidence. This application is called his fourth application for ease of reference. The fourth application substantially mirrored in some ways his third application. [See State Bar pre-hearing memorandum pp. 9-10; Exs. 1, 9.]

A hearing on his 4<sup>th</sup> application proceeded before the Hearing Panel by ZOOM with self-represented Daniel Inserra and Senior Bar Counsel David L. Sandweiss on March 3, 2021. The Hearing Panel comprised volunteer public member Howard M. Weiske, volunteer attorney member Richard A. Cruz, and Presiding Disciplinary Judge William J. O'Neil.

Exhibits 1-31 were admitted by stipulation. Exhibits 27, 28, 30, and 31 were sealed. The Hearing Panel heard testimony from Sonoran Life Solution Therapist Joan Grussing, Robert Kevin O'Brien II, Esq. of *Keist Thurston O'Brien Law Firm*, and Mr. Inserra.

Rule 65(b)(1)(C), Ariz. R. Sup. Ct. imposes a duty upon bar counsel to provide the hearing panel with a recommendation regarding the application. Mr. Sandweiss recommended Mr. Inserra not be reinstated to the practice of law.

## *Conclusion*

After hearing the case and in consideration of the stipulations and evidence presented, the Hearing Panel recommends that Mr. Inserra be reinstated to the practice of law.

### **II. FINDINGS OF FACT UNDER *IN RE JOHNSON* AND *IN RE ARROTTA*<sup>2</sup>**

On October 19, 2020, the parties filed their JPS which contained stipulated facts for the Panel's consideration. "A stipulation by the parties as to the facts, so long as it stands, is conclusive between them, and cannot be contradicted by evidence tending to show the facts otherwise." *Higgins v. Guerin*, 74 Ariz. 187, 190 (1952) (internal citation omitted). Absent later occurring facts, the stipulations from the third application hearing ("prior hearing") are also deemed conclusive.

1. Mr. Inserra was first admitted to the practice of law in Arizona on October 19, 1996. [JPS Stip. Fact 1.]

2. By Judgment and Order of the Arizona Supreme Court dated June 17, 2010, Mr. Inserra was suspended from the practice of law for one year and was to be placed on probation for one year upon reinstatement. [Id. at Fact 2.]

3. By Judgment and Order of the Arizona Supreme Court dated January 7, 2009, Mr. Inserra was again suspended from the practice of law for fifteen months

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<sup>2</sup> *In re Johnson* involved a suspension but often references *In re Arrotta* in its analysis. We utilize the stated methodologies from these not because of the sanction imposed but rather to assure completeness in analysis. The facts in this matter bear no semblance to *In re Arrotta*.

retroactive to February 7, 2009 and was to be placed on probation for an additional one year upon reinstatement. He was also ordered to pay restitution. [Id. at Fact 4.]

Under *In re Arrotta*, 208 Ariz. 509, 512 (2004) we examine: (1) the character and standing of the applicant prior to suspension; (2) the nature and character of the charges for which the applicant was disciplined; (3) the time which has elapsed between suspension and application for reinstatement; and (4) the conduct of the applicant subsequent to the suspension.

***(1) Character and standing of the applicant prior to suspension***

4. Mr. Inserra was raised in Nashville Tennessee by his mother and father and was the youngest of their three children. He completed high school in Tennessee and college at the University of Tennessee. He graduated from law school at Creighton University. Besides Arizona, he was admitted to the bar in Mississippi, Florida, Nebraska, and Pennsylvania. Mr. Inserra was a United States JAG Naval Officer from 1992 to 1996. He joined the U.S. Naval Reserves and completed a four-year contract in August 2001. After his honorable discharge from the Navy Mr. Inserra moved to Arizona to work with a law firm. Immediately upon arriving, apparently the firm closed. He claimed he opened his own practice with no guidance. While in private practice was responsible for all administrative functions and all

client contact. [Ex. 11 at 087.<sup>3</sup>] In prior hearings Mr. Inserra never reported, but we now find, that his father died in 2004. He became depressed and was prescribed anti-depressants. His mother has a seizure disorder, lives in Missouri, and called him regularly for even simple things. He failed to set boundaries and saw her monthly. His depression grew, he stopped taking his anti-depressants and instead drank alcohol more frequently. [Ex. 28 at 0316-317, 319; and Ex. 30 at 0348.]

5. His sanctions prior to his suspension are stipulated. [JPS Stip. Fact 7.]

a. **SB 02-0144-D.** On October 24, 2002 Mr. Inserra received a censure (reprimand under current rules) and two years of probation in. He failed to safeguard property of his client and violated trust account Rules 43 and 44;

b. **SB 05-0124-D.** On August 23, 2005 he was again censured (reprimanded) with one year of probation in He violated Rule 42, ER 1.1 (competence), ER 1.2 (failure to abide by client's instructions), ER 1.3 (diligence), ER1.4(a) (communication), ER 3.2 (expediting litigation) and ER 8.4(d) (conduct prejudicial to the administration of justice);

c. **State Bar file no. 06-0593.** On March 22, 2007 his probation was extended by six months by Order of the then Probable Cause Panelist for failing to have a client's hearing set for early termination of probation, failing to

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<sup>3</sup> Only one zero is used in Bate citations.

communicate with his client and failing to provide that client with an accounting.

d. **State Bar file no. 11-0036.** On November 9, 2011 he was placed on probation by the Attorney Discipline Probable Cause Committee and ordered to participate in fee arbitration with a former client and was disciplined for his failure to comply with Rule 72, Ariz. R. Sup. Ct.

Conclusion. We find Mr. Inserra's character and standing was below average prior to his first suspension.

***(2) The nature and character of the charges for which Mr. Inserra was disciplined.***

6. We review both suspensions. [Ex. 1 at 01-3; and Ex. 11 at 089.]

The first suspension. On January 7, 2009, by Judgment of the Arizona Supreme Court in SB-08-0166-D, Mr. Inserra was suspended from the practice of law for one-year effective February 6, 2009. The matter involved three counts. We note, as has been pointed out in the prior recommendation by the prior hearing panel that the JPS of the parties mirrors the language in the application of Mr. Inserra.

As in the prior hearing recommendation, we note there are significant differences between the hearing officer findings and the descriptive paragraph in the Mr. Inserra's application regarding the first suspension. [Ex. 11 at 095.]

7. We give no negative weight to the stipulation of the parties. However, we point out that the prior report and recommendation states more accurately a summation of that which resulted in his suspension as it cites the Hearing Officer

report adopted by the Commission. [Ex. 11 at 089-93.] We therefore rely on those findings rather than the stipulation of the parties because the judicial findings cannot be stipulated away.

*In the first count*, Mr. Inserra represented a father in contempt and child custody modification matters. The mother was self-represented. Mr. Inserra filed an O.S.C. seeking change of custody to his client.

*Count I difference between application and actual findings*

-Application: Mr. Inserra states he mailed the order to show cause to the opposing party at the wrong address. He acknowledges that despite being informed of this and “after numerous request” he failed to serve the opposing party. He states this resulted in the hearing being continued and being ordered to serve that party.

-The Hearing Officer found Mr. Inserra knew the correct address for mother, did not serve her with the petition as required but instead mailed it to a wrong address. “[H]e did not provide Ms. Hoffman with a second copy of the Petition for Order to Show Cause because he did not want to be intimidated by Ms. Hoffman’s threats to report him to the Bar.” The officer found the mistake in the address was perhaps excusable, his “petulantly refusing to provide her with a copy of the petition...is not only unprofessional, it is undignified and unfair.” Mother repeatedly sought to obtain a copy from Mr. Inserra. He failed to comply

with her requests. Mr. Inserra sought to continue the hearing. The mother informed the court she had not received the petition. The court ordered him to serve her. He failed to do so. Mr. Inserra felt it was unnecessary to serve her with the petition.

*In the second count* Mr. Inserra was hired to represent a client in a personal injury matter that occurred on February 21, 2003. He filed the complaint on February 20, 2005. The case was dismissed due to lack of prosecution on February 1, 2006. Mr. Inserra failed to notify his client of the dismissal. After the dismissal, he told his client that the case was ongoing and that the insurance company was on the brink of settlement as late as November 2006. His client did not learn of the dismissal until December 2006. When his client hired a new attorney, Mr. Inserra failed to provide a copy of her client file despite multiple requests. His client received nothing due to Mr. Inserra allowing the statute of limitations to expire.

*In the third count* Mr. Inserra was substituted as attorney of record for a defendant in a criminal matter. His client entered a plea agreement and waived any right to appeal. Mr. Inserra failed to withdraw. When his client filed a notice of appeal Mr. Inserra knew he was still attorney of record. Mr. Inserra was not admitted to the Ninth Circuit. Mr. Inserra did not tell the Ninth Circuit that his client had been transferred to an out-of-state prison and failed to provide a signed consent to the court. He also failed to advise the court of his own new mailing address. He was sanctioned \$1,000.



8. The second suspension. By Judgment and Order of the Arizona Supreme Court dated June 17, 2010, Mr. Inserra was again suspended for fifteen months retroactive to February 7, 2009 and placed on probation for an additional year. We again rely upon the distinct findings cited by the hearing panel based on the actual underlying report, rather than the parties JPS. The second suspension involved three counts.

The first count was Mr. Inserra's representation of a criminal defendant, where Mr. Inserra was referred by the defendant's friend. The defendant paid Mr. Inserra \$5,500.00. After receiving the payment, Mr. Inserra never spoke to the defendant again. Mr. Inserra assured the friend he would make a filing that would cause the defendant's release from jail on a specific date. No effort was made to obtain his release. When the client was not released, Mr. Inserra would not return his calls. The friend advised Mr. Inserra that the client wished to terminate the representation and requested the return of unearned fees. Mr. Inserra did not return the client's calls or refund the fee. The Court informed the defendant that Mr. Inserra was suspended from the practice of law. Mr. Inserra also failed to provide the State Bar with requested information during the investigation.

In the second count, Mr. Inserra was paid \$2,500.00 of a \$4,000.00 fee to represent a client in a traffic offense. Mr. Inserra did not appear for the hearing and instead, sent another

attorney to attend the hearing. The subsequent attorney informed the client of Mr. Inserra's suspension. Mr. Inserra refunded no fees nor advised his client of his suspension.

In the third count, Mr. Inserra was retained by a mother to represent her son in a criminal matter. Mr. Inserra charged an initial fee of \$3,500.00 and later required an additional fee of \$2,500.00 when the son was rearrested on new charges after his release from jail. Mr. Inserra failed to communicate with the client (son) about the status of his case and failed to timely perform the work he was retained to perform. Mr. Inserra also made false statements to the client about the status of post-conviction relief and failed to return the client's file. Mr. Inserra additionally failed to provide the State Bar with requested information. [Ex. 11 at 095-96.]

Conclusion. We find each suspension to be long term and serious.

***(3) The time elapsed between suspension and application for reinstatement.***

9. The suspension of Mr. Inserra was effective on February 7, 2009. [JPS Stip. Fact 2, 4.] The fourth application of Mr. Inserra was filed on or about July 8, 2021. The time between his suspension and this present application for reinstatement is twelve years, five months, and two days. In July 2018 Mr. Inserra took and passed the bar exam. In August 2018 he took and passed the MPRE. [JPS Stip. Fact 9.]

***(4) The conduct of the applicant subsequent to the suspension.***

10. Mr. Inserra married after his suspension and they have two children. [Ex. 11 at 097.] Mr. Inserra and his wife have owned and maintained their family residence during the period of suspension. [JPS Stip. Fact 16.] He and his wife also have run a family manufacturing business. [Id. at Fact 12.] Mr. Inserra worked for the University of Phoenix as an instructor until 2016. He also formed a small company to sell domain names, and internet support. [Id. at Fact 11; and Ex. 1 at 03 (D).]

11. During his suspension, worked primarily for two law firms: *Law Office of G. David DeLozier*, and *Keist Thurston O'Brien*. He presently works with the latter firm. His job responsibilities at these law firms primarily involved writing briefs and preparing for trial. He has done similar work for various other attorneys during the suspension. [JPS Stip. Fact 10.]

12. He has not been a party to any criminal action during the period of suspension. [Id. Fact 14.] He has been a party to two civil actions. One filed in 2012 resolved in his favor and related to the legal services he had provided which were the subject of one of his disciplinary complaints. The other was filed in 2018 involved their suit against a remodeling company settled with them receiving the bond of \$4,250. [Id. at Fact 15.]

13. The prior hearing panel recommended that “A MAP assessment should be done before reinstatement to assure the tools of rehabilitation are secure and in

place.” [Ex. 11 at 0111.] Mr. Inserra completed a MAP assessment and received recommendations from Dr. Lett. [Sealed Ex. 28.]

14. There has been no procedure or inquiry about the standing of Mr. Inserra as a member of any professional or organization or holder of any license or office which involved the reprimand, removal, suspension, revocation of license or discipline of the Applicant. [JPS Stip. Fact 17.]

15. There have been no charges of fraud, formal or informal, made or claimed against Mr. Inserra during the period of rehabilitation. [Id. at Fact 18.] Under Rule 65(a)(1) and (a)(3), Mr. Inserra has paid the application filing fee and investigations fees for his application and owes no money to the Client Protection Fund. [Exs. 23, 24.] He has complied with all probation orders and has paid all costs and court ordered payments. [JPS Stip. Fact 9; Ex. 25, 26.]

16. For a time, Mr. Inserra took over the running of an online community, a listserv, dedicated to criminal defense. He has created a database of motions and forms for solo practitioners to utilize. [Ex. 11 at 098.]

17. At the August 3, 2020 initial case management conference Senior Bar Counsel pointed out one potential impediment to the application of Mr. Inserra. Dr. Lett after he conducted a MAP evaluation recommended Mr. Inserra undergo biweekly counseling with a qualified behavioral health professional with expertise in assessment and treatment of comorbid substance use and behavioral health

conditions for six months. Mr. Inserra had done no counseling and Senior Bar Counsel strongly recommended to Mr. Inserra that he obtain that counseling to help identify issues. [Ex. 29 at 0335:18-338:8; and Ex. 28 at 0320.]

18. To his credit Mr. Inserra followed the recommendation of Senior Bar Counsel and Dr. Lett. Two weeks later on August 17, 2020, he began counseling with Sonoran Life Solution Therapist Joan Grussing, who meets the credentials recommended by Dr. Lett. [Testimony of Inserra, Grussing; and Sealed Ex. 30 at 0349.]

19. Ms. Grussing has a master's degree in Human Resources with an Advanced Certificate in Employee Assistance Counseling. She is a licensed Professional Counselor and a licensed Independent Substance Abuse Counselor. She is trained in Motivational Interviewing for substance abuse issues which includes alcohol and other drugs, Cognitive Behavioral Therapy for depression, and Dialectical Behavioral Therapy for moods and Solution-focused Counseling. Her first session with Mr. Inserra was on August 17, 2020. [Testimony of Mr. Inserra; Ms. Grussing; and *see* counseling records at Sealed Exs. 30, 31.]

19. We attach and seal as Exhibit A, our separate observations regarding the MAP assessment by Dr. Lett and counseling sessions with Joan Grussing. However, we draw historical background facts from those reports. We find in both

that Mr. Inserra was forthcoming, and candid as noted by both these medical professionals.

20. We join with prior hearing panels in finding that Mr. Inserra has sincere remorse for his misconduct and find that is an important and required element for rehabilitation. [Ex. 11 at 0103.]

### **DISCUSSION AND ANALYSIS UNDER RULE 65**

Factors to be considered for reinstatement include under Rule 65 clear and convincing evidence of: 1) rehabilitation; 2) compliance with all applicable discipline orders and rules; 3) fitness to practice; and 4) competence. Notwithstanding we recognize that there was agreement by the prior hearing panel that Mr. Inserra met all but the rehabilitation element. The State Bar recommended reinstatement previously. That hearing panel recommended to the Court that Mr. Inserra failed his burden of proof under rehabilitation due to the absence of a causal nexus to the misconduct. The State Bar opposes solely on that ground. [State Bar Response to Findings of Fact p. 2.] We focus primarily upon rehabilitation.

Every applicant must bring forth clear and convincing evidence showing the positive actions applicant has taken to overcome the weaknesses that led to the Applicant's misconduct which resulted in the suspension. *In re Arrotta*, 208 Ariz. 515, ¶ 29; *In re King*, 212 Ariz. 559, 563 ¶ 10 (2006). This additional requirement is not meant as further punishment of the applicant but is evidence of a sufficient

rehabilitation to protect the public and to make certain that the Court does not again put into the hands of an unworthy petitioner that almost unlimited opportunity to inflict wrongs upon society possessed by a practicing lawyer. *In re Johnson*, 231 Ariz. 556, 558, (2013).

Previously Mr. Inserra failed to present clear and convincing evidence of his rehabilitation and failed to adequately submit evidence demonstrative of a casual nexus between that weakness and his misconduct. The Supreme Court returned the consideration of his application granting him an opportunity to obtain a long overdue MAP assessment and to follow that with counseling. Both of those were done. The evidence through the assessment and the counseling more clearly point out the family stressors, depression, and aspects of ADHD that resulted in Mr. Inserra self-medicating himself through his use of alcohol.

Weakness. In his application Mr. Inserra pointed to the “problem” of his alcohol misuse and accountability issues. Mr. Inserra directly incorporated his MAP evaluation by reference. In his proposed findings of fact at pp. 2-3, he pointed again to alcohol misuse, but also Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder, and avoidance issues. An applicant must establish by clear and convincing evidence the identification of the weakness that caused the misconduct, prove that it has been overcome, and that it no longer poses any further threat to the public. *In re Arrotta*, 208 Ariz. 509, 513, 96 P.3d 213, 217 (2004.)

Mr. Inserra identified his weakness was alcohol misuse and because he had been prescribed medication for ADD he identified that as well. However, through the MAP assessment and counseling, the evidence establishes clearly that the alcohol weakness was brought on by underlying psychological issues that he could not start to seriously address until he underwent counseling. The MAP assessment and counseling was recommended by Senior Bar Counsel long ago.

A reinstatement hearing does not necessarily require the peeling back of multiple layers of causation or psychoanalysis. Instead, the applicant must clearly and convincingly prove rehabilitation by specifically identifying the causal weakness leading to each count and explaining how the weakness has been overcome. Based on the record here, we conclude that Mr. Inserra has met that burden. *In re Johnson*, 231 Ariz. 556, 559 (2013).

The Court clarified in *Johnson* that the counseling recommended by Senior Bar Counsel can better identify the weakness by the very tools the counselor recommends whether or not an applicant grasps the defining terms of the weakness. In *Johnson* the weakness was stated to be the loss of a moral compass. But as pointed out in that opinion, “[W]e recognize that, in many instances, a counselor can assist an individual in understanding the reasons for his ethical violations and can help the person acquire tools needed to prevent future misconduct.” *In re Arrotta*, 208 Ariz. at 514 ¶ 22, cited with approval by *In re Johnson*, 231 Ariz. 556, 559 (2013). We



find Mr. Inserra has identified his weakness and through the MAP assessment and counseling we find the causal nexus and that he has met his burden of proof of rehabilitation.

***1) Rehabilitation***

In his application, as with his prior applications, Mr. Inserra pointed to his abuse of alcohol and failure to be accountable. [Ex. 1 at 04-5.] He has abstained from consumption of alcohol for over a year. Dr. Lett opined there is no “active substance abuse disorder.” [Ex. 28 at 0319.] Ms. Grussing opined in her testimony that his alcohol drinking issue is under control. Dr. Lett reports Mr. Inserra himself has a heightened concern regarding its use and perceives himself as a high risk. [Id.]

However, Dr. Lett found Mr. Inserra with “moderate risk factors for alcohol misuse primarily related to symptoms of mild symptoms of depression and worry.” [Id. at 0320.] We conclude from their findings and the counseling records of Ms. Grussing that alcohol misuse arose from depression and worry. The facts in his life gave much reason for his depression and worry and use of alcohol to self-medicate. The Hearing Panel finds the evidence of abstention for over a year from alcohol is clear and convincing.

We have a high regard for Dr. Lett and found Ms. Grussing a forthright witness who was credible and insightful. Ms. Grussing testified that Mr. Inserra was actively engaged in his counseling process, embraced sobriety, and has made

progress on gaining insight into issues related to his depression and coping skills. She related his weakness was in part to aspects of Attention Deficit Disorder. We note that a prior physician prescribed medication for this and Mr. Inserra understandably continues to have apprehensions regarding this. [Testimony of Ms. Grussing.]

Ms. Grussing testified that Mr. Inserra is open to suggestions and acknowledges to her what doesn't work. She opined that he does not hide things from her and that he now has the tools in place to address the issues in his life. [Id.]

Ms. Grussing also testified that Mr. Inserra listens to Senior Bar Counsel and said nothing negative about the State Bar, never cursed, but instead has been setting needed boundaries in his personal life. He has never exhibited a "my way or the highway" attitude. Mr. O'Brien noted the same thing about the attitude of Mr. Inserra. Dr. Lett opined that any concerns regarding Mr. Inserra "can most likely respond positively to counseling." Ms. Grussing opines that Mr. Inserra is a low risk for relapse and has responded well to that recommended counseling. [Ex. 28 at 0320; and Testimony of Grussing.] The Hearing Panel finds Mr. Inserra's evidence of rehabilitation is clear and convincing.

From an abundance of caution the Panel and to give Mr. Inserra further confidence in applying the tools taught him he be on probation and continue counseling with Ms. Grussing for two years at such intervals as she deems best.

## ***2) Compliance with Disciplinary Orders and Rules***

The State Bar in the prior unsuccessful application stipulated that Mr. Inserra is compliant with all requirements. [Ex. 11 at 0108.] This remains true. Mr. Inserra has complied with all prior disciplinary orders and paid all required fees.

## ***3) Fitness to Practice Law***

We find Mr. Inserra is fit to practice law. Mr. Inserra presented multiple witnesses in his prior hearing. [Ex. 11 at 098-102.] Mr. O'Brien testified to his good character. All found him a person of good character. We find Mr. Inserra has worked hard on his weaknesses and is fit to practice law upon reinstatement.

## ***4) Competence to Practice Law***

The State Bar in the prior proceeding stipulated and that hearing panel agreed that Mr. Inserra is competent to practice law. [Ex. 11 at 0108.] We find this remains true. Mr. Inserra has worked consistently in law, passed the Bar exam and is competent to practice law.

## **CONCLUSIONS OF LAW AND RECOMMENDATION**

Mr. Inserra possesses the required fitness and competence to practice law. Under Rule 65, Ariz. R. Sup. Ct., he has identified the weaknesses that caused his misconduct. He has rehabilitated himself through the aid of an excellent counselor who has taught him the tools to apply as needed. We find the public will be protected by this. We note that Mr. Inserra has done this through the recommended MAP

assessment and the aid of consistent counseling repeatedly recommended by Senior Bar Counsel and for which he has repeatedly encouraged Mr. Inserra to engage in. We applaud Mr. Sandweiss for this despite his present opposition.

For the Hearing Panel, what the Court recognized in both *Arrotta* and *Johnson* has again been proven true that “a counselor can assist an individual in understanding the reasons for his ethical violations and can help the person acquire tools needed to prevent future misconduct. *In re Arrotta*, 208 Ariz. at 514 ¶ 22, cited approvingly by *In re Johnson*, 231 Ariz. 556, 559 (2013). He has proven by clear and convincing evidence he is rehabilitated as that term is defined in *In re Arrotta*, 208 Ariz. 509 (2004).

**IT IS RECOMMENDED:**

Mr. Inserra be reinstated as a member in good standing of the State Bar of Arizona by order of the Arizona Supreme Court.

Mr. Inserra shall be placed on Probation for two (2) years from the effective date of the order of reinstatement, under these terms:

1. Within ten (10) days of the effective date of his reinstatement, Mr. Inserra shall contact the Compliance Monitor (602-340-7258) to enroll in the LRO Member Assistance Program (LRO MAP). He shall remain enrolled in LRO MAP during the period of Probation.

2. Mr. Inserra shall remain under the counseling of Ms. Grussing, (“Health Care Provider”) or an alternate Provider acceptable to LRO MAP if Ms. Grussing becomes unavailable, during the period of Probation. The frequency of counseling sessions with the Health Care Provider shall be at an interval that the Health Care Provider shall determine, but not less than one time per month. Occasional missed appointments due to scheduling issues shall not constitute a Probation violation, provided that missed sessions are made up within 30 days, and the Compliance Monitor is informed of any missed appointment either before or within two days after the scheduled appointment.
4. The Health Care Provider shall provide quarterly reports to LRO MAP that shall consist of the number of counseling sessions during the reporting period with Mr. Inserra and a statement whether Mr. Inserra is cooperative and compliant with the Health Care Provider’s treatment regimen.
5. Mr. Inserra shall abstain from consumption of alcohol at all times.
6. Mr. Inserra shall submit to quarterly random biological screening tests at a frequency to be determined by the Health Care Provider but not less than one test every three months for the first year of the term of Probation.

DATED this 19<sup>th</sup> day of April 2021.

*William J. O’Neil*

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**William J. O’Neil, Presiding Disciplinary Judge**

*Signature on File*

**Richard A. Cruz, Volunteer Attorney Member**

*Signature on File*

**Howard Weiske, Volunteer Public Member**

COPY of the foregoing e-mailed  
on this 19th day of April 2021, to:

Applicant

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State Bar of Arizona

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by: Shunt

**(SEALED EXHIBIT A ATTACHED)**

SUPREME COURT OF ARIZONA

In the Matter of the Application ) Arizona Supreme Court  
for Reinstatement of a Suspended ) No. SB-21-0040-R  
Member of the State Bar of )  
Arizona, ) Office of the Presiding  
) Disciplinary Judge  
DANIEL INSERRA, ) No. PDJ20209054  
Attorney No. 17284 )  
)  
Applicant. )  
\_\_\_\_\_ ) **FILED 10/04/2021**

**O R D E R**

On August 23, 2021, the Court entered its order reinstating Applicant Daniel Inserra to the active practice of law under certain conditions. As part of the terms of reinstatement, Applicant was required to complete the Course on Arizona Law within two months of reinstatement. On September 16, 2021, Inserra filed a Motion, requesting that this Court find he complied with this requirement by previously taking the Course in 2018. Applicant indicated the State Bar had no opposition to the Motion.

**IT IS ORDERED** that the Applicant has satisfied the reinstatement requirement of completing the Course on Arizona Law.

DATED this 4<sup>th</sup> day of October, 2021.

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT BRUTINEL  
Chief Justice

TO:

Daniel Inserra

David G Derickson

David L Sandweiss

Susan Hunt

Sandra Montoya

Maret Vessella

Don Lewis

Beth Stephenson

Mary Pieper

Raziel Atienza

Lexis Nexis

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