

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**JARED WINSOR BENNETT,**  
**Bar No. 020372**

Respondent.

**PDJ 2021-9040**

**DECISION AND ORDER  
IMPOSING SANCTIONS**

[State Bar No. 21-0049]

**FILED AUGUST 19, 2021**

The State Bar filed a one-count complaint against Respondent Jared Winsor Bennett on May 27, 2021. On May 28, 2021, the complaint was served on Respondent by certified, delivery-restricted mail, as well as by regular first-class mail, pursuant to Rules 47(c) and 58(a)(2), Ariz. R. Sup. Ct. A notice of default was issued on June 28, 2021 due to Respondent's failure to file an answer or otherwise defend. Respondent did not thereafter appear in these proceedings. As a result, the default became effective on July 13, 2021, at which time notice of an aggravation/mitigation hearing was sent to all parties.<sup>1</sup>

On August 18, 2021, a hearing panel comprised of Presiding Disciplinary Judge Margaret H. Downie, attorney member Judge Maurice Portley (Ret.), and public member

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<sup>1</sup> It appears that Respondent has not complied with Rule 32(c)(4)(iii), which requires all "members" to provide the State Bar with a current street address, email address, telephone number, and any other post office address the member may use. A suspended attorney is considered a "member" of the State Bar. *See* Rule 32(c)(1).

Richard L. Westby heard argument and considered the record before it. Senior Bar Counsel Craig D. Henley appeared on behalf of the State Bar. Mr. Bennett did not appear. Exhibits 1-13 were admitted into evidence. By virtue of the default, the facts set forth in the State Bar's complaint have been deemed admitted.

### **FINDINGS OF FACT**

1. Respondent was admitted to the State Bar of Arizona on February 13, 2001.
2. On September 9, 2019, Keli Renner paid Respondent \$2,375 to file a Chapter 7 bankruptcy action on her behalf.
3. Respondent and Ms. Renner signed a written fee agreement that outlined the scope of representation and allocated her payment as follows: \$2,000 flat fee; \$335 filing fee, and \$40 credit report fee.
4. On August 18, 2020, Respondent was suspended from the practice of law in PDJ 2020-9060-PV for six months.
5. In October or November of 2020, Ms. Renner contacted Respondent regarding the status of her matter and was told to contact him after the first of the year in order to proceed with the bankruptcy. Respondent did not inform Ms. Renner he had been suspended from the practice of law during this conversation.
6. Despite numerous telephone calls and emails in early 2021, Ms. Renner was unable to contact Respondent regarding the status of her representation.

7. Respondent failed to file a bankruptcy petition, account for the prepaid fees, or return any of Ms. Renner's payments, including, but not limited to, the amounts identified as filing fees.

8. Respondent also failed to return the client file to Ms. Renner.

9. On February 1, 2021, the State Bar emailed an initial screening letter to Respondent at his last known email address of record with the State Bar. The letter requested a written response and stated that failure to cooperate with the State Bar's investigation is a basis for discipline under Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

10. On March 5, 2021, the State Bar emailed a second screening letter to Respondent at his last known email address of record with the State Bar. The letter referenced the February 1, 2021 letter, requested a written response, and again advised that failure to cooperate with the State Bar investigation is a basis for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

11. During March and April of 2021, Respondent was using his phone and email of record with the State Bar to communicate with at least one unrelated client.

12. On April 26, 2021, Respondent emailed a letter to the State Bar on Bennett Law Group, PLC letterhead from his email of record with the State Bar, addressing Ms.

Renner's complaint and asserting that he "only recently reviewed [his] email account due to its inactivity..."

### CONCLUSIONS OF LAW

Clear and convincing evidence establishes that Respondent violated the following rules:

ER 1.2 by failing to abide by the client's objectives of representation;

ER 1.3 by failing to act diligently during the representation;

ER 1.4 by failing to reasonably communicate with the client;

ER 1.5(a) by retaining an unreasonable fee;

ER 1.16(d) by failing to take steps reasonably practicable to protect the client's interests upon termination of the representation;

ER 8.1(b) by knowingly failing to respond to the State Bar's requests for information; and

Rule 54(d) by failing to respond promptly to the inquiries and requests of the State Bar.

### SANCTION

Sanctions imposed against lawyers "shall be determined in accordance with the American Bar Association *Standards for Imposing Lawyer Sanctions* ("Standards')." Rule 58(k), Ariz. R. Sup. Ct. In fashioning a sanction, the hearing panel considers the following factors: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury

caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard 3.0*.

Respondent violated duties owed to his client (violations of ERs 1.2, 1.3, 1.4, 1.5(a), and 1.16(d)), as well as duties owed as a professional (violations of ER 8.1(b) and Rule 54(d)). The record suggests that he knowingly abandoned his client's representation and failed to cooperate with the State Bar's investigation. His client suffered financial harm due to his misconduct. Because Ms. Renner received no benefit from Respondent's representation, an order of restitution is appropriate.

Although the State Bar urges disbarment based on *Standard 4.41*, the hearing panel concludes *Standard 4.42* more closely aligns with the record in this case. It provides:

4.42 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.

7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public or the legal system.

The hearing panel next considers the existence of aggravating or mitigating factors - both of which must be supported by reasonable evidence. *In re Abrams*, 227 Ariz. 248,

252 (2011). The following aggravating factors have been established by reasonable evidence:

1. 9.22(a) prior disciplinary offenses;
  - PDJ 2020-9060-PV (August 2020): Respondent was suspended from the practice of law for six months for knowingly violating his probation terms.
  - SB18-2758 (January 2020): Respondent was admonished and placed on probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 1.2, 1.4, 1.5(b), 1.6, 1.15(d), 1.16(d) and 8.1(b).
2. 9.22(b) dishonest or selfish motive;
3. 9.22(j) indifference to making restitution.

The record does not establish the existence of any mitigating factors.

Prior discipline is an aggravating factor that weighs heavily against an attorney in a disciplinary proceeding. *In re Brady*, 186 Ariz. 370, 375 (1996). One year ago, Respondent was suspended for six months based on knowing violations of his terms of probation from an earlier discipline case. The record in this proceeding persuades the hearing panel that he should be required to demonstrate rehabilitation, as well as the other factors set forth in Rule 65 should he seek reinstatement to the practice of law.

### CONCLUSION

The purpose of lawyer discipline is to protect the public and the administration of justice, as well as to deter both the respondent attorney and members of the bar at large from engaging in the same or similar misconduct. *In re Zawada*, 208 Ariz. 232, 236 (2004).

Attorney discipline also aims “to instill public confidence in the Bar’s integrity.” *In re Phillips*, 226 Ariz. 112, 117 (2010).

For the foregoing reasons, the hearing panel orders as follows:

- a) Respondent Jared Winsor Bennett shall be suspended from the practice of law in Arizona for three years, effective immediately.
- b) Respondent shall pay restitution in the sum of \$2,375 to Keli Renner.
- c) Respondent shall pay all costs and expenses incurred by the State Bar.

There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in this proceeding.

A final judgment and order will follow.

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

/s/ signature on file  
Margaret H. Downie, Presiding Disciplinary Judge

/s/ signature on file  
Judge Maurice Portley (Ret.), Attorney Member

/s/ signature on file  
Richard L. Westby, Public Member

Copy of the foregoing emailed  
this 19th day of August, 2021, to:

Jared Winsor Bennett  
1717 E. Bell Road, Suite 7  
Phoenix, Arizona 85022-6200  
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Craig D. Henley  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
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by: SHunt



**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A SUSPENDED  
MEMBER OF THE STATE BAR OF  
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**JARED WINSOR BENNETT,**  
**Bar No. 020372**

Respondent.

**PDJ 2021-9040**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 21-0049]

**FILED SEPTEMBER 30, 2021**

The hearing panel issued its decision on August 19, 2021 imposing a three-year suspension, restitution, and the payment of costs. No appeal has been filed pursuant to Rule 59, Ariz. R. Sup. Ct. The State Bar filed its Statement of Costs and Expenses on August 19, 2021 pursuant to Rule 60(d). No objection has been filed.

**IT IS THEREFORE ORDERED** that Respondent **JARED WINSOR BENNETT, Bar No. 020372**, is suspended from the practice of law in Arizona effective August 19, 2021, for his conduct in violation of the Arizona Rules of Professional Conduct as set forth in the hearing panel's decision.

**IT IS FURTHER ORDERED** that Respondent shall comply with the requirements of Rule 72, Ariz. R. Sup. Ct., including notifying clients, counsel and courts of his suspension.

**IT IS FURTHER ORDERED** that Respondent shall pay restitution to Keli Renner in the sum of \$2,375.

**IT IS FURTHER ORDERED** that Respondent shall pay the costs and expenses of the State Bar of Arizona in the sum of \$2,000.30. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

**DATED** this 30<sup>th</sup> day of September 2021.

*Margaret H. Downie*  

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**Margaret H. Downie**  
**Presiding Disciplinary Judge**

COPY of the foregoing e-mailed  
on this 30th day of September 2021, to:

Jared Winsor Bennett  
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Respondent

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by: SHunt