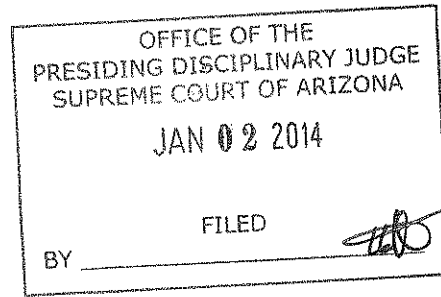


Craig D. Henley, Bar No. 018801  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone: 602-340-7272  
Email: LRO@staff.azbar.org



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

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

**R. Allan McCauley,  
Bar No. 002497,**

Respondent.

**PDJ-2013-9106**

**CONSENT TO  
DISBARMENT**

[State Bar No. 12-2499, 99-0184,  
97-1989 and 95-1216]

I, **R. Allan McCauley**, residing at 5417 N. Black Canyon Hwy., Phoenix, Arizona 85015-2226, voluntarily consent to disbarment as a member of the State Bar of Arizona and consent to the removal of my name from the roster of those permitted to practice before this court, and from the roster of the State Bar of Arizona.

I acknowledge that a formal complaint has been filed against me. I have read the complaint and the allegations made against me. I further acknowledge that I do not desire to contest or defend the charges, but wish to consent to disbarment. I have been advised of and have had an opportunity to exercise my right to be represented in this matter by a lawyer. I consent to disbarment freely and voluntarily and not under coercion or intimidation. I am aware of the rules of the Supreme Court with respect to discipline, disability, resignation and reinstatement, and I understand that any future application by me for admission or reinstatement as a member of the State Bar of Arizona will be treated as an application by a member who has been

disbarred for professional misconduct, as set forth in the complaint filed against me. The misconduct of which I am accused is described in the complaint bearing the number referenced above, a copy of which is attached hereto as Exhibit "A."

I also agree to pay the costs and expenses of the disciplinary proceeding within thirty (30) days from the date of service of this Order.<sup>1</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "B".

Respondent further agrees to pay the following restitution as follows:

1. To the order of Barry Reiss in the amount of Eighteen Thousand Dollars (\$18,000.00);
2. To the order of Tracey Joubert in the amount of Seven Thousand Five Hundred Ninety Two Dollars (\$7592.00);
3. To the order of the Medical Offices of Dr. C.S. Dhillon in the amount of Two Thousand Three Hundred Five Dollars and 85/100 (\$2305.85).

The State Bar agrees to dismiss the following previously stayed matters as the State Bar has determined that it cannot proceed due to a number of factors including, but not limited to, the age of the cases, the death or unavailability of the Complainants and witnesses and the lack of documentary evidence supporting the allegations:

State Bar File Numbers 01-2151, 01-2213, 01-2311, 02-0457, 03-0379, 03-0567, 03-0782, 94-1624, 94-2329, 98-1295, 99-0673, 99-2337.

---

<sup>1</sup> 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 Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

A proposed form of Judgment of Disbarment is attached hereto as Exhibit "C."

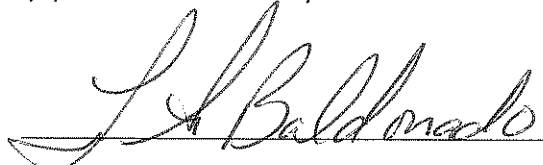
DONE AT State Bar Offices, Arizona, on Dec. 31, 2013.

2013 CDH



R. Allan McCauley  
Respondent

**SUBSCRIBED AND SWORN TO** before me this 31 day of December,  
2013, by **R. Allan McCauley**, who satisfactorily proved his identity to me.

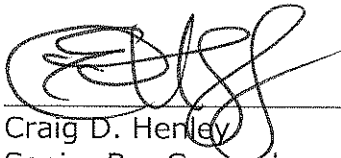


Notary Public

My Commission expires:

3/15/2014

Approved as to Form:



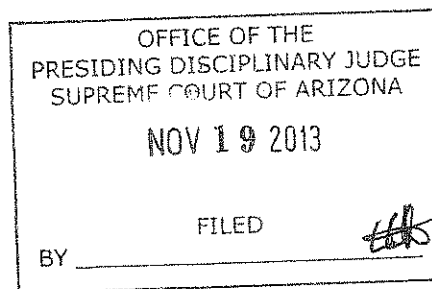
Craig D. Henley  
Senior Bar Counsel



**TERI ANN BALDONADO**  
Notary Public - Arizona  
Maricopa County  
Expires 03/15/2014

EXHIBIT "A"

Craig D. Henley, Bar No. 018801  
Senior Bar Counsel  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone: (602) 340-7272  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)



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

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

**R. Allan McCauley,  
Bar No. 002497,**

Respondent.

PDJ 2013- 9106

**COMPLAINT**

State Bar Nos. 12-2499, 99-0184,  
97-1989 and 95-1216

Complaint is made against Respondent as follows:

**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 April 13, 1970.
2. On March 14, 2013, after an order to show cause hearing before a three person panel including Presiding Disciplinary Judge William J. O'Neil, Respondent was found in criminal contempt violating the March 21, 2008, Disciplinary Commission order.
3. The panel interim suspended Respondent and further lifted any previously stayed State Bar cases and ordered the State Bar to proceed in those matters.

**COUNT ONE (File no. 12-2499/Griffith)**

4. On or about February 16, 2000, Respondent was transferred to disability inactive status based upon his incapacity to adequately discharge his duties to his clients, the State Bar, the Courts and the public. The transfer was for an indefinite period and until further order by the Supreme Court.

5. Approximately seventeen (17) pending and subsequently initiated State Bar investigations were stayed or dismissed as a result of Respondent's transfer to disability inactive status.

6. On March 21, 2008, the Disciplinary Commission issued an order finding Respondent "in contempt of this Commission's February 16, 2000 Order transferring him to disability inactive status" and permanently enjoined Respondent "from engaging in the unauthorized practice of law."

7. The Order emphasized that any future violation of the terms "may result in Respondent being found in civil or criminal contempt."

8. On or about September 17, 2012, Farmers Insurance Company submitted a letter indicating that Respondent submitted a letter of representation on behalf of his "client".

9. In the letter, Respondent identified himself as "Attorney at Law" and set forth a number of factual circumstances supporting his client's insurance claim. Respondent also indicated that he was obtaining expedited medical records and would forward them to the insurance company upon receipt.

10. In response to the State Bar, Respondent admits that he explained the "procedure to follow" during an initial consultation with the individual and that he later prepared and submitted the letter of representation to Farmers.

11. "(Respondent) fully acknowledge that I should not have done so based upon my disability status. This was WRONG!...and totally improper and inexcusable (sic)."

12. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 5.5 by engaging in the practice of law without a license.

13. Respondent violated Rule 31(c), Ariz. R. Sup. Ct., by holding himself out as a practicing attorney and engaged in the practice of law without a license.

**COUNT TWO (File no. 99-0184/Walsh)**

14. In or around 1997 and 1998, Respondent represented Thomas Knight, a patient of one Dr. Dhillon, in a personal injury claim.

15. After the case settled, Respondent retained a portion of the settlement proceeds and attempted to obtain a reduction of the medical bill.

16. Upon information and belief, Respondent's employee signed a lien form on behalf of Respondent's law firm in the amount of Two Thousand Three Hundred Five Dollars and 85/100 (\$2,305.85).

17. Respondent informed Dr. Dhillon's office that he had the authority of client regarding all matters related to the outstanding bill but has been unable to provide any documents supporting his claimed authority.

18. Despite numerous discussions to resolve the payment dispute, Respondent failed to pay the outstanding bill with Dr. Dhillon's office or return the retained funds to the client.

19. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.2 by failing to abide by the client's decisions concerning the objectives of the representation by failing to pay all of the medical providers out of the settlement proceeds, signing a

medical lien imposed by the medical provider and permanently retaining settlement proceeds.

20. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.3 by failing to diligently pay all of the medical providers out of the settlement proceeds and permanently retained settlement proceeds.

21. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.4 by failing to reasonably communicate with his client regarding his failure to pay all of the medical providers, the subsequent medical lien imposed by the medical provider and his permanent retention of settlement proceeds.

22. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.15 by failing to reasonably communicate with his client regarding his failure to pay all of the medical providers, the subsequent medical lien imposed by the medical provider and his permanent retention of settlement proceeds.

23. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.16(d) by failing to take steps to the extent reasonably practicable to protect a client's interest including his failure to pay all of the medical providers, his execution of a medical lien and his permanent retention of settlement proceeds.

24. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 4.1 by making a false statement of material fact to the medical providers regarding his settlement authority of the outstanding medical bills.

25. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 4.4 by making a false statement of material fact to the medical providers regarding his settlement authority of the outstanding medical bills, failing to pay all of the medical providers, executing a medical lien and then permanently retaining settlement proceeds.



26. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 8.4(b) by making a false statement of material fact to the medical providers regarding his settlement authority of the outstanding medical bills, failing to pay all of the medical providers, executing a medical lien and then permanently retaining settlement proceeds.

27. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 8.4(c) by making a false statement of material fact to the medical providers regarding his settlement authority of the outstanding medical bills, failing to pay all of the medical providers, executing a medical lien and then permanently retaining settlement proceeds.

**COUNT THREE (File no. 97-1989/Cohen)**

28. Respondent was retained to represent Tracey Joubert (hereinafter referred to as "Joubert") in a personal injury matter arising from an automobile accident that occurred on or about December 26, 1988.

29. Between 1991 and 1993, Respondent settled the case and received Twenty Six Thousand Six Hundred Eight Dollars (\$26,608.00) in settlement proceeds.

30. Respondent failed to deposit these funds into his IOLTA bank account or provide Joubert with an accounting of these funds.

31. Joubert retained attorney Steve Tidmore (hereinafter referred to as "Tidmore") in order to obtain an accounting of the settlement funds and proof of distribution to medical providers, if any.

32. Despite repeated demands, Respondent failed to provide Joubert or Tidmore with an accounting of the settlement funds.

33. In or around June 1994, Respondent inaccurately advised Dr. Logan, one of the treating physician, that the case was progressing and he would be paid shortly.

34. In or around September 1994, Respondent provided Joubert with a letter claiming that you paid Dr. Logan Two Thousand Twenty Dollars (\$2,020.00) as payment in full for his medical treatment of Joubert when in fact, you paid Dr. Logan One Thousand Four Hundred Ninety Nine Dollars (1,499.00) and still had a balance of Eight Hundred One Dollars (\$801.00).

35. On or about October 27, 1994, Respondent met with Tidmore and informed Tidmore that he was unable to locate Joubert's file but would provide a full accounting within ten (10) days.

36. Again, despite additional demands, Respondent failed to provide Joubert or Tidmore with an accounting of the settlement funds.

37. During the State Bar investigation, Respondent falsely claimed to have paid Dr. Martin, another of Joubert's treating physicians, One Thousand Six Hundred Eighty Five Dollars (\$1,685.00).

38. On or about June 30, 1995, Joubert filed the Maricopa County Superior Court lawsuit of Joubert v. McCauley, CV95-10515 against Respondent.

39. On or about January 16, 1997, a judgment was entered against Respondent in the amount of Seven Thousand Five Hundred Ninety Two Dollars (\$7,592.00). The Court further ordered Respondent to provide a complete accounting of all of the subject settlement funds including, but not limited to, all checks, correspondence, pleadings and any documents related to the Joubert representation.

40. To date, Respondent has not complied with the Court order or satisfied the judgment.

41. On February 14, 1997, Respondent filed a Notice of Appeal in Joubert v. McCauley, CV95-10515.

42. On July 18, 1997, Division One of the Arizona Court of Appeals ordered Respondent to file a cost bond no later than July 28, 1997.

43. On July 28, 1997, Respondent filed a Notice of Filing Bond for Costs with Division One of the Arizona Court of Appeals indicating that he had filed a bond with the Clerk of Superior Court on July 28, 1997.

44. The Notice of Filing was false as Respondent failed to file the court-ordered cost bond.

45. While Respondent again failed to file the court-ordered cost bond, Respondent filed a pleading captioned "Bond for Costs on Appeal" with the Superior Court and a Notice of Filing Bond for Costs on Appeal with the Court of Appeals on September 12, 1997.

46. On September 12, 1997, the Court of Appeals dismissed the appeal due to Respondent's failure to comply with the July 18, 1997 order.

47. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.2 by, among other things, failing to abide by the client's decisions concerning the objectives of the representation by failing to pay all of the medical providers out of the settlement proceeds, failing to provide an accounting of the settlement proceeds and permanently retaining settlement proceeds.

48. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.3 by, among other things, failing to diligently pay all of the medical providers out of the

settlement proceeds, failing to diligently provide an accounting of the settlement proceeds and permanently retaining settlement proceeds.

49. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.15 by, among other things, failing to hold property belonging to clients and third parties separate and apart from his personal property; failing to deposit the settlement proceeds into his trust account; failing to promptly notifying the clients and third parties to y property reasonably communicate with his client regarding his failure to pay all of the medical providers out of the settlement proceeds, his failure to provide an accounting of the settlement proceeds and his wrongful retention of the subject settlement proceeds.

50. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.16(d) by, among other things, failing to take steps to the extent reasonably practicable to protect a client's interest including his failure to pay all of the medical providers out of the settlement proceeds, his failure to provide an accounting of the settlement proceeds and his wrongful retention of the subject settlement proceeds.

51. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 3.3 by, among other things, failing making several false statements of fact and law to the tribunal without taking remedial measures to correct the inaccuracies.

52. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 3.4(c) by, among other things, knowingly disobeying an obligation under the rules of a tribunal.

53. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 4.1(a) by, among other things, knowingly making several false statement of material fact to client's successor counsel and the medical providers.

54. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 8.1(a) by, among other things, knowingly making false statements of material fact and law during a disciplinary investigation into matter.

55. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 8.4(c) by, among other things, making a false statement of material fact to successor counsel and the medical providers regarding his failure to pay the medical providers out of the settlement proceeds, his failure to provide an accounting of the settlement proceeds and his wrongful retention of the subject settlement proceeds.

56. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) by, among other things, engaging in conduct that is prejudicial to the administration of justice by making several false statements of fact and law to the tribunal without taking remedial measures to correct the inaccuracies.

57. Respondent violated Rule 43, Ariz. R. Sup. Ct., by, among other things, failing to deposit client funds and funds belonging to a third party into the trust account in violation of subsection (a) and failing to disburse funds and maintain the required trust account records in violation of subsection (b).

**COUNT FOUR (File no. 95-1216/Reiss)**

58. Respondent represented a number of clients in personal injury cases that utilized the medical services of Dr. Jerome Rochlin (hereinafter referred to as "Rochlin").

59. As part of his medical services, Rochlin obtained written assignments and liens against the proceeds of their personal injury settlements, verdicts, judgments or recovery.

60. During the representation of his various clients, Respondent also agreed to honor Rochlin's assignments and liens.

61. Respondent settled cases for five clients that were also Rochlin's patients with Eighteen Thousand Two Hundred Thirty One Dollars and 50/100 (\$18,231.50) in assignments and liens.

62. The settlement proceeds in these five cases were sufficient satisfy Rochlin's assignments and liens.

63. Despite Respondent's repeated promises to pay, Respondent failed to pay Rochlin any amount for these five cases.

64. Upon information and belief, Rochlin closed his medical practice.

65. At or about the time Rochlin closed his practice, Complainant obtained an assignment of Rochlin's interest in the Eighteen Thousand Two Hundred Thirty One Dollars and 50/100 (\$18,231.50) in assignments and liens.

66. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 1.15 by, among other things, failing to hold property belonging to clients and third parties separate and apart from his personal property; failing to deposit the settlement proceeds into his trust account; failing to promptly notifying the clients and third parties regarding his receipt of settlement proceeds belonging to the client and medical providers; failing to pay all of the medical providers out of the settlement proceeds; failing to provide an accounting of the settlement proceeds and his wrongful retention of the subject settlement proceeds.

67. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 8.4(c) by, among other things, making a false statement of material fact to the medical providers


regarding the settlement proceeds, failing to provide an accounting of the settlement proceeds and his wrongful retention of the subject settlement proceeds.

68. Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) by, among other things, engaging in conduct that is prejudicial to the administration of justice by making several false statements of fact and law.

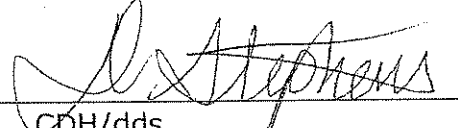
69. Respondent violated Rule 43, Ariz. R. Sup. Ct., by, among other things, failing to deposit client funds and funds belonging to a third party into the trust account in violation of subsection (a) and failing to disburse funds and maintain the required trust account records in violation of subsection (b).

**DATED** this 19<sup>th</sup> day of November, 2013.

**STATE BAR OF ARIZONA**

  
\_\_\_\_\_  
Craig D. Henley  
Senior Bar Counsel

Original filed with the Disciplinary Clerk  
of the Office of the Presiding Disciplinary Judge  
this 19<sup>th</sup> day of November, 2013.

by:   
\_\_\_\_\_  
CDH/dds

IN THE  
**SUPREME COURT OF THE STATE OF ARIZONA**  
BEFORE THE PRESIDING DISCIPLINARY JUDGE  
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

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

**R. Allan McCauley,**  
**Bar No. 002497,**  
  
Respondent.

**PDJ-2013-9106**

**JUDGMENT OF DISBARMENT**

[State Bar No. 12-2499, 99-0184,  
97-1989 and 95-1216]

**FILED: January 3, 2014**

Pursuant to Rule 57, Ariz. R. Sup. Ct., the undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona has considered Respondent's Consent to Disbarment dated January 2, 2014, and filed herein. Accordingly:

**IT IS HEREBY ORDERED** accepting the consent to disbarment. Respondent, **R. Allan McCauley**, is hereby disbarred from the State Bar of Arizona and his name is hereby stricken from the roll of lawyers **effective immediately**.

Respondent is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court. Respondent shall immediately comply with the requirements relating to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

Respondent is further ordered to pay the following restitution as follows:

1. To the order of Barry Reiss in the amount of Eighteen Thousand Dollars (\$18,000.00);



2. To the order of Tracey Joubert in the amount of Seven Thousand Five Hundred Ninety Two Dollars (\$7,592.00);
3. To the order of the Medical Offices of Dr. C.S. Dhillon in the amount of Two Thousand Three Hundred Five Dollars and 85/100 (\$2,305.85).

**THE COURT FURTHER ORDERS** that the following previously stayed State Bar files be dismissed: 01-2151, 01-2213, 01-2311, 02-0457, 03-0379, 03-0567, 03-0782, 94-1624, 94-2329, 98-1295, 99-0673, 99-2337.

**IT IS FURTHER ORDERED** that no further disciplinary action shall be taken in reference to the matters that are the subject of the charges upon which the consent to disbarment and this judgment of disbarment are based along with the dismissals contained in this order.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,260.11.

**DATED** this 3<sup>rd</sup> day of January, 2014.

*William J. O'Neil*

---

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

Original filed with the Disciplinary Clerk  
of the Office of the Presiding Disciplinary Judge  
this 3<sup>rd</sup> day of January, 2014.

Copies of the foregoing mailed/emailed  
this 3<sup>rd</sup> day of January, 2014, to:

R. Allan McCauley  
3507 N Central Ave Suite 401  
Phoenix, AZ 85012-2124  
Email: None  
Respondent

R. Allan McCauley  
5417 N. Black Canyon Hwy  
Phoenix, AZ 85015-2226

Copy of the foregoing hand-delivered/emailed  
this 3<sup>rd</sup> day of January, 2014, to:

Craig D. Henley  
Senior Bar Counsel  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [lro@staff.azbar.org](mailto:lro@staff.azbar.org)

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

By: s/sLHopkins