

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF AN INACTIVE
MEMBER OF THE STATE BAR OF
ARIZONA,

PAUL D. VAN DER WALDE,
Bar No. 015575

Respondent.

PDJ-2018-9126

**FINAL JUDGMENT AND
ORDER OF RECIPROCAL
DISCIPLINE**

[State Bar No. 18-3642-RC]

FILED FEBRUARY 6, 2019

On December 17, 2018, the Office of the Presiding Disciplinary Judge (PDJ) sent a notice and a certified copy of the Supreme Court of California’s Order (“Order”) filed October 30, 2018 imposing a one-year suspension (stayed except for 90 days) and one year of probation for the misconduct of Respondent Paul D. Van Der Walde.

That Court concluded that the misconduct warranted a period of suspension, but that the remaining 9 months of the suspension could be stayed during the period of probation, and reinstatement proceedings were not required to demonstrate rehabilitation.

Rule 57(b)(3), Ariz. R. Sup. Ct. provides that the PDJ shall impose the identical or substantially similar discipline unless the respondent can demonstrate an

exception by a preponderance of the evidence. Both Respondent and the State Bar filed responses. Respondent asserts two exceptions: 1) the imposition of the same discipline would result in grave injustice; and 2) the misconduct warrants substantially different discipline in this state. Respondent argues that reprimand (formally censure), or at most, a 90-day suspension is appropriate under the facts and circumstances in this matter. The State Bar argues there is no basis to conclude that any of the exceptions set forth in Rule 57(b)(3) are applicable. Both parties agree that Rule 60 Ariz. R. Sup. Ct., does not provide for a stayed suspension, therefore, identical discipline may not be imposed.

None of the exceptions are applicable. It is no grave injustice to impose a substantially similar sanction of a 90-day suspension followed a term of probation concluding November 2, 2018, or such earlier or later term as ordered in California.

Now Therefore,

IT IS ORDERED imposing reciprocal discipline of a ninety (90) day suspension effective this date and a period of probation following that suspension that coincides with his remaining probationary term in California.

IT IS FURTHER ORDERED Respondent take and pass the Multistate Professional Responsibility Examination between October 3, 2018 and November 2, 2019 and report his examination score to the State Bar of Arizona within five business days of the scores being known by him.

IT IS FURTHER ORDERED Respondent shall submit copies to the State Bar of Arizona of all written reports submitted to his probation monitor in California or received by him from that monitor under the same terms as he is required to report to the disciplinary agency in California.

IT IS FURTHER ORDERED should Respondent fail to comply with the terms of his probation or fail to make a timely report to the State Bar of Arizona or fail to timely take and pass the Multistate Professional Responsibility Examination, bar counsel shall file a notice of non-compliance pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct.

DATED this 6th day of February 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copy of the foregoing e-mailed/mailed
this 6th day of February 2019 to:

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