

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF 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,**

**MONIQUA KENYATTA LANE,
Bar No. 023324**

Respondent.

PDJ-2013-9114

**REPORT AND ORDER IMPOSING
SANCTIONS**

[State Bar Nos. 13-1601, 13-1753]

FILED MARCH 10, 2014

PROCEDURAL HISTORY

The State Bar of Arizona ("SBA") filed its complaint on December 2, 2013. On December 4, 2013, the complaint was served on Ms. Lane 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. The Presiding Disciplinary Judge ("PDJ") was assigned to the matter. A notice of default was properly issued on January 2, 2014. That notice cautioned Ms. Lane that "[A]n effective entry of default shall not be set aside except in cases where such relief would be warranted under Rule 60(c) of the Arizona Rules of Civil Procedure." Despite that notice, Ms. Lane did not file an answer or otherwise defend against the allegations in the complaint and the default entered by the Disciplinary Clerk was effective on January 22, 2014.

A notice was filed on January 22, 2014, and sent to all parties notifying them that the aggravation/mitigation was scheduled for February 6, 2014, at 9:30 a.m.

at 1501 West Washington, Room 109, Phoenix, Arizona 85007-3231. That notice again cautioned Ms. Lane that “[D]efault shall not be set aside except in cases where such relief would be warranted under Rule 60(c) of the Arizona Rules of Civil Procedure.” Ms. Lane’s failure to answer is deemed an admission to the allegations contained within the complaint pursuant to Rule 58(d), Ariz. R. Sup. Ct.

On February 6, 2014, the Hearing Panel, composed of the PDJ, Harlan J. Crossman, attorney member and Susan J. Burnell, public member, heard argument. Nicole Kasata appeared on behalf of the State Bar. Ms. Lane did not appear.

The purpose of the aggravation/mitigation hearing is not only to weigh mitigating and aggravating factors, but also to assure there is a causal connection or nexus between a Ms. Lane’s conduct deemed admitted by default and the merits of the State Bar’s case. A Ms. Lane who has defaulted, no longer has the right to litigate or present a defense to the merits of the factual allegations of the complaint. However, the Ms. Lane retains the right to appear at the aggravation/mitigation hearing concerning that nexus and address the sanctions sought. Included with that right to appear at the aggravation/mitigation hearing is the right to dispute the allegations relating to aggravation circumstances and to offer evidence in mitigation. Ms. Lane was afforded these rights.

Furthermore, due process requires a hearing panel to independently determine whether the requisite burden of proof, based on the facts deemed admitted by default, has been met. The hearing panel must also exercise its discretion in imposing sanctions and consults the *ABA Standards for Imposing Lawyer Sanctions* as a guideline. If the hearing panel finds that sanctions are

warranted, it independently imposes an appropriate sanction as set forth in Rule 60, Ariz. R. Sup. Ct. The hearing panel does not endorse or “rubber stamp” the State Bar’s request for sanctions.

FINDINGS OF FACT

The facts listed below are those set forth in the SBA’s complaint and were deemed admitted by Ms. Lane’s default.

1. Ms. Lane was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on November 12, 2004.

2. On May 3, 2013, pursuant to a Report and Order Imposing Sanctions, Ms. Lane was suspended for 100 days effective June 3, 2013.

3. On June 14, 2013, the Presiding Disciplinary Judge (PDJ) issued a final judgment and order confirming the same and ordering that Ms. Lane “shall immediately comply with the requirements relating to notification by clients and others, and provide and/or file all notices and affidavits required by Rule 72. . . .”

COUNT ONE (File no. 13-1601/Greenlee)

4. Prior to her suspension, Ms. Lane practiced law with Annie Rolfe (Rolfe). Although Rolfe and Ms. Lane were law partners, they did not handle the same type of cases—Rolfe handled family law matters while Ms. Lane handled guardianship and conservatorship matters.

5. When Ms. Lane became suspended from the practice of law, she did not inform Rolfe of her suspension. Instead, Rolfe learned of the suspension on June 24, 2013 through a third party.

6. After learning of Ms. Lane's suspension from the practice of law, Rolfe met with Ms. Lane on June 25, 2013 and Ms. Lane informed her that she was working on letters to clients notifying them about the suspension and that she would send these letters to her clients by June 28, 2013.

7. Ms. Lane further informed Rolfe that there was no opposing counsel to notify and that she had not practiced law since the effective date of her suspension.

8. Rolfe then severed her partnership with Ms. Lane.

9. Rolfe did not believe that Ms. Lane intended to send letters to her clients regarding her suspension. Accordingly, on June 27, 2013, Rolfe sent letters to approximately 20 of Ms. Lane's clients informing them of Ms. Lane's suspension, providing the names of possible new attorneys that they could contact and stating "[p]lease accept my sincere apologies for the lack of notice about Ms. Lane's suspension. . . ." Rolfe also informed Ms. Lane's clients: "We will have your file ready for you and need to know if you want to pick it up, have it mailed or delivered to you, or have it provided directly to your new lawyer."

10. On June 28, 2013, Rolfe sent Ms. Lane an email stating: "I am following up on our conversation on Tuesday wherein you informed me that you would send the required letters to your clients not later than today. Have you sent those letters? If so, would you please provide me with a copy of said letters as soon as reasonably possible."

11. Ms. Lane did not respond to this email and Ms. Lane never informed her clients about her suspension.

12. Additionally, Rolfe subsequently determined that Ms. Lane had court appearances scheduled in June and July, and that there were opposing attorneys who needed to be notified of Ms. Lane's suspension.

13. Specifically, Ms. Lane had upcoming court appearances in the following matters: (a) Pima County Superior Court case no. GC2008-0925; Ms. Lane had a hearing for the approval of an annual accounting and report of guardian on June 28, 2013; (b) Pima County Superior Court case no. GC2010-30277; Ms. Lane had a hearing on July 8, 2013 regarding the appointment of a guardian; and (c) Pima County Superior Court case no. GC2013-0143; Ms. Lane had a settlement conference scheduled for July 12, 2013 and a trial scheduled for July 25, 2013.

14. Rolfe notified the opposing attorneys on these matters and, because Ms. Lane failed to do so, also filed motions to continue and motions to withdraw on June 27, 2013 in these matters. In the motions to withdraw, Rolfe wrote that based on "[t]he undersigned counsel's knowledge and belief, the necessary steps as prescribed by Rule 72, *Rules of the Supreme Court of Arizona* were not completed by Ms. Lane." (emphasis in original).

15. In response to one of the motions to withdraw, a client of Ms. Lane confirmed that Ms. Lane failed to notify him of her suspension.

16. Rolfe attended the hearings on the motions to withdraw and, in each of the above cases, the court granted the motion and reset the upcoming hearings.

17. Rolfe also filed a motion to withdraw in Pima County Superior Court case no. PB2012-0998 because Ms. Lane failed to do so. Ms. Lane's former client objected to the motion stating that, on June 14, 2013, Ms. Lane stated that she

would continue to represent this client at no further cost. In a subsequent motion, this client implies that the only notice that she received regarding Ms. Lane's suspension was from Rolfe and not Ms. Lane herself. The court granted Rolfe's motion to withdraw in this matter.

18. In addition to failing to notify her clients, opposing counsel, and the court of her suspension, Ms. Lane practiced law after the effective date of her suspension.

19. Ms. Lane executed an "annual report of guardian" on June 10, 2013 for client DS and filed it with the Pima County Superior Court on June 11, 2013. This document was filed under seal but the coversheet for the document states "Annual Report of Guardian – Filed by Moniqua Lane, Esq."

20. Ms. Lane also met with this same client on June 10, 2013 to obtain this client's approval of certain annual accounting documents that had to be filed with the court on June 28, 2013. The documents were not timely filed with the court but Rolfe subsequently obtained an extension of the filing deadline.

21. Ms. Lane also met with another client on June 6, 2013, client EF, relating to certain trust documents that Ms. Lane prepared. In an engagement letter to this client on the same date, Ms. Lane confirms this meeting and her intent to act as this client's attorney in the future, writing: "We have agreed to represent you in connection with business entity structuring. . . . I look forward to working with you in this representation." Ms. Lane's client signed the engagement letter the same date.

22. Additionally, on June 6, 2013 and June 7, 2013, Ms. Lane provided this client certain trust and will related documents to execute including the following: (a) an amendment to a trust and certification of trust that the client executed on June 7, 2013; (b) two will codicils that the client executed on June 6, 2013 and that Ms. Lane executed as a witness on June 6, 2013 and June 7, 2013; and (c) two durable powers of attorney that the client executed on June 7, 2013. Ms. Lane also executed these documents as a witness.

23. On July 17, 2013, bar counsel sent Ms. Lane a copy of the bar charge and requested a response within 20 days.

24. Ms. Lane did not respond within 20 days. Accordingly, on August 16, 2013, bar counsel sent a second letter to Ms. Lane requesting a response within ten days.

25. Ms. Lane did not respond to this second letter.

26. On August 27, 2013, bar counsel's assistant attempted to contact Ms. Lane via phone but Ms. Lane did not answer and her voicemail was not activated.

27. Ms. Lane violated ER 5.5(a), which provides that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, by practicing law after her suspension commenced.

28. Ms. Lane violated ER 8.1(b), which provides that a lawyer shall not knowingly failing to respond to a lawful demand for information from a disciplinary authority, by failing to respond to the bar charge.

29. Ms. Lane violated ER 8.4(c), which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, deceit, or

misrepresentation, when she misrepresented to her law partner that she would send letters to clients notifying them of her suspension shortly, that there was no opposing counsel to notify, and that she had not practiced law since her suspension.

30. Ms. Lane violated Rule 31(c), Ariz. R. Sup. Ct., which provides that no member who is currently suspended shall practice law in this state or represent in any way that he or she may practice law in this state, by practicing law after her suspension commenced.

31. Ms. Lane violated Rule 54(c), Ariz. R. Sup. Ct., which provides that it is grounds for discipline to knowingly violate any court order, by failing to comply with the PDJ's June 14, 2013 final judgment and order directing her to immediately comply with Rule 72, Ariz. R. Sup. Ct.

32. Ms. Lane violated Rule 54(d), Ariz. R. Sup. Ct., which provides that it is grounds for discipline to fail to furnish information or respond promptly to any inquiry or request from bar counsel, by failing to respond to the bar charge.

33. Ms. Lane violated Rule 72, Ariz. R. Sup. Ct., which sets forth the obligations of an attorney who is suspended. Ms. Lane failed to notify her clients, opposing counsel, and any courts in which she was practicing of her suspension. She also failed to file motions to withdraw, deliver to her clients their files, and failed to file and serve on bar counsel the affidavit required by subpart (e) of Rule 72.

COUNT TWO (File no. 13-1753/Randel)

34. On October 17, 2012, Christopher Randel (Randel) retained Ms. Lane to determine the status of his mother's estate because his family refused to communicate with him regarding the same.

35. On October 25, 2012, Ms. Lane sent a letter to Randel's brother as the trustee of his mother's trust and requested a copy of the trust and an inventory of the assets.

36. Randel's brother responded to this letter approximately a month later and informed Ms. Lane that he intended to obtain an attorney. In late December of 2012, Randel's brother provided Ms. Lane the identity of his attorney.

37. On January 9, 2013, Randel sent Ms. Lane an email asking if she ever contacted his brother's attorney.

38. On the same date, Ms. Lane emailed Randel stating that she left a message with the attorney yesterday and "I'll call again tomorrow morning and let you know what I hear."

39. On January 10, 2013, the brother's attorney sent Ms. Lane a letter, a copy of the trust, notification that he is a beneficiary, and a preliminary inventory.

40. On January 14, 2013, not having received this letter from Ms. Lane yet, Randel emailed Ms. Lane and wrote: "Any updates yet? It look's [sic] my brother's lawyer is in no hurry to get back to you."

41. Ms. Lane did not respond to this email.

42. On January 18, 2013, Randel again emailed Ms. Lane and wrote: "I still have not received anything from my brother and it is almost the third week of

January. I have no ide[a] what my brother's lawyer is up to. Can I get an update?"

43. On January 25, 2013, Ms. Lane finally responded and forwarded Randel the January 10, 2013 letter and accompanying documents, stating "I haven't had a chance to review them yet, but I will this evening and get back with you." On the same day, Ms. Lane sent another email to Randel stating that she reviewed the documents and asking whether Randel observed any discrepancies in the trust inventory.

44. On February 6, 2013, Randel informed Ms. Lane that the inventory was incomplete and that he would send her an email explaining how the next day. Two days later, Randel provided Ms. Lane information on how the inventory was allegedly incomplete.

45. On February 21, 2013, Ms. Lane sent a letter to the brother's attorney responding to the attorney's January 10, 2013 letter and asking about certain items not listed on the inventory.

46. On March 18, 2013, Randel emailed Ms. Lane the following: ". . . have you heard anything from my brother or his attorney from your last email? You sent it on 22 February and Friday will be one month."

47. Ms. Lane replied the same day as follows: "I have not heard anything from either your brother or his attorney at this point. I'm assuming you have not either. Will put in a phone call."

48. On March 29, 2013, Randel emailed Ms. Lane: "Any update? It has been 5 weeks now and that should be more than enough time for my brother to reply."

49. Ms. Lane did not respond to this email.

50. On April 3, 2013, Randel again emailed Ms. Lane: "I think it's time to call my brother's lawyer for an update."

51. Ms. Lane replied the next day: "I have a call into . . . your brother's attorney, right now. My next step is [to] send him a letter threatening sanctions and supervised administration."

52. On April 11, 2013, Randel emailed Ms. Lane the following: ". . . tomorrow . . . will be 48 days . . . since you forwarded my inputs to my brother's attorney. I need an update please. It has been 6 1/2 months since my mother died and my brother should have made some progress on her estate. It is obvious from his lack of correspondence that he does not care. Additionally, according to the internet, her house is also not up for sale. . . . I know when I called my mother's house several times in June 2012 that my brother-in-law stated that my sister was at the post office mailing items. This told me that they were already dividing up the property. . . . We need to make some progress on this."

53. On April 15, 2013, the brother's attorney sent Ms. Lane a letter answering the questions posed in Ms. Lane's February 21, 2013 letter and addressing the trust inventory.

54. On April 16, 2013, and apparently not having yet received the April 15, 2013 letter, Ms. Lane emailed Randel: "Kate told me that you called and that

you are understandably upset. I am really sorry to have to tell you this, but I am as in the dark as you are about the status of the trust administration. As I told you, I called . . . your brother's attorney . . . last week, but I didn't receive any response. I called him again today and was able to speak with his legal assistant. . . who assured me that she was sending in the mail and sending by email a letter in response, but I have yet to receive the emailed copy of the letter." Ms. Lane then stated that she would have her legal assistant follow-up on the letter.

55. On April 18, 2013, Ms. Lane forwarded to Randel the April 15, 2013 letter from his brother's attorney and stated "[t]ake a look and let me know what you think."

56. On May 2, 2013, Randel emailed Ms. Lane the following: "I thought about the lousy job my brother has been doing keeping me informed, providing an accurate inventory etc. I decided to . . . make some spreadsheets to help my brother out and I will need a little more time. I will email you Sunday night. . . . I would also like a monthly update from my brother that I will suggest."

57. On May 6, 2013, Randel sent an email to Ms. Lane stating: "I made a spreadsheet to help my brother account for my mother's trust. He has provided no documentation to date and I can see problems down the road if his lack of documentation and communication continues. Please let me know if you have any questions." Randel also provided Ms. Lane a letter itemizing issues that he wanted Ms. Lane to address with his brother's attorney.

58. Ms. Lane never replied to this email and did not forward this communication to the brother's attorney or otherwise address the issues in the letter with the brother's attorney.

59. On May 29, 2013, Randel sent Ms. Lane another email stating: "I feel like we are getting nowhere on my mother's estate. . . . I also sent you an email with the attached spreadsheets for my brother to use to account for his time and funds spent. I have no idea if you forwarded it and the possession distribution spreadsheet I created. Can I get an update and can you please tell me what is going on. You need to convey to my brother's lawyer that this is TOTALLY unacceptable."

60. On June 3, 2013, Randel left a voicemail message with Ms. Lane, asking her if she was still representing him and stating that he was upset with the representation Ms. Lane provided him.

61. On the same date, Randel emailed Ms. Lane's assistant stating: ". . . can you please set up a telephone appointment for me with Moniqua? . . . I have sent Moniqua a couple of emails starting on May 6 and she never replied to me and I have no idea what is going on."

62. Randel eventually spoke with Ms. Lane on June 4 or 5, 2013.

63. On June 5, 2013, and two days after Ms. Lane was suspended from practicing law, she emailed Randel and advised him: ". . . I have a few things to ask and mention before I follow up with your brother's attorney. . . . [E]verything your brother does in regards [sic] to handling the trust estate . . . is judged by the standard of . . . a reasonably prudent person. . . . Additionally, he has fairly broad

discretion to determine how to administer the estate and how to divide the estate. . . .” Ms. Lane then advised Randel that “the only personal property your brother is obligated to give to you is that property that your mother specifically devised to you in her trust or any property that you can prove was owned by you at the time of your mother’s death” and “no judge is going to force your brother to inventory . . . items of insignificant financial or sentimental value. . . .” Finally, Ms. Lane advised Randel that “your brother is not obligated to provide you with an accounting of the trust estate until the one year anniversary of your mother’s death”, “your brother is not obligated to provide you any information about the filing of your mother’s last individual returns. . . .”, and “your brother may have been obligated to file fiduciary returns on behalf of the trust (and I will ask about those as well).” Ms. Lane concluded her email by stating: “I will definitely check on those things that you clearly want . . . and let you know what I find out.”

64. Ms. Lane never informed Randel that she was suspended from the practice of law. Instead, on June 27, 2013, Ms. Lane’s former law partner informed him of the same.

65. On July 17, 2013, bar counsel sent the bar charge to Ms. Lane, requesting a response and a copy of her entire client file within 20 days.

66. Ms. Lane did not respond and, on August 16, 2013, bar counsel sent a second letter to Ms. Lane.

67. Ms. Lane failed to respond to bar counsel’s second letter and, on August 27, 2013, bar counsel’s assistant called Ms. Lane. However, Ms. Lane did not answer her phone and her voicemail box was not activated.

68. Ms. Lane violated ER 1.2(a), which requires that a lawyer abide by a client's decisions concerning objectives of the representation, by failing to promptly follow up with the brother's attorney and by failing to provide the brother's attorney the information Randel provided Ms. Lane on May 6, 2013.

69. Ms. Lane violated ER 1.3, which requires that a lawyer act with reasonable diligence and promptness in representing a client, by failing to promptly follow up with the brother's attorney and by failing to provide the brother's attorney the information Randel provided Ms. Lane on May 6, 2013.

70. Ms. Lane violated ER 1.4, which requires a lawyer to reasonably communicate with his client, by failing to promptly comply with Randel's reasonable requests for information and by failing to keep Randel reasonably informed of the status of his matter.

71. Ms. Lane violated ER 5.5(a), which provides that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, by practicing law after her suspension commenced.

72. Ms. Lane violated ER 8.1(b), which provides that a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority, by failing to respond to the bar charge.

73. Ms. Lane violated Rule 31(c), Ariz. R. Sup. Ct., which provides that no member who is currently suspended shall practice law in this state or represent in any way that he or she may practice law in this state, by practicing law after her suspension commenced.

74. Ms. Lane violated Rule 54(c), Ariz. R. Sup. Ct., which provides that it is grounds for discipline to knowingly violate any court order, by failing to comply with the PDJ's June 14, 2013 final judgment and order directing her to immediately comply with Rule 72, Ariz. R. Sup. Ct. Ms. Lane never informed Randel of her suspension.

75. Ms. Lane violated Rule 54(d), Ariz. R. Sup. Ct., which provides that it is grounds for discipline to fail to furnish information or respond promptly to any inquiry or request from bar counsel, by failing to respond to the bar charge.

76. Ms. Lane violated Rule 72, Ariz. R. Sup. Ct., which sets forth the obligations of an attorney who is suspended. Ms. Lane failed to notify Randel of her suspension and failed to deliver to Randel his file.

CONCLUSIONS OF LAW

Ms. Lane failed to file an answer or otherwise defend against the allegations in the SBA's complaint. Default was properly entered and the allegations are therefore deemed admitted pursuant to Rule 58(d), Ariz. R. Sup. Ct. Based upon the facts deemed admitted, the Hearing Panel finds by clear and convincing evidence that Ms. Lane violated the following: Rule 42, Ariz. R. Sup. Ct., specifically E.R.s 1.2(a), 1.3, 1.4, 5.5(a), 8.1(b), 8.4(c), and Rules 31(c), 54(c), 54(d), and 72.

ABA STANDARDS ANALYSIS

The American Bar Association's *Standards for Imposing Lawyer Sanctions* ("*Standards*") are a "useful tool in determining the proper sanction." *In re Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a

sanction, the following factors should consider: (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.*

Duties violated:

Ms. Lane violated her duty to her clients by violating E.R.s 1.2, 1.3, and 1.4, and Rule 72. Ms. Lane violated her duty to the public by violating E.R. 8.4(c). Ms. Lane also violated her duty owed as a professional by violating E.R.s 5.5(a), 8.1(b), and Rules 31(c) and 54(d). Ms. Lane also violated her duty to the legal system by violating Rules 54(c) and 72.

Mental State and Injury:

Ms. Lane violated her duty to her client, thereby implicating *Standard 4.4.*

Standard 4.42 states:

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.

Ms. Lane knowingly failed to perform services for her client, Randel, which caused injury or potential injury to Randel. Ms. Lane failed to promptly follow up with Randel's brother's attorney and failed to provide his brother's attorney the information Randel provided Ms. Lane on May 6, 2013. Ms. Lane also failed to promptly comply with Randel's reasonable requests for information and failed to keep Randel reasonably informed about the status of his matter, including by failing to respond to Randel's emails.

Ms. Lane violated her duty to the profession, thereby implicating *Standard*

7.0. *Standard 7.2* states:

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.

Ms. Lane knowingly engaged in conduct that is a violation of her duty owed as a professional, causing injury or potential injury to her clients, the public, and the legal system. Ms. Lane engaged in the unauthorized practice of law while she was suspended, including by:

(a) filing an annual report of guardian on June 10, 2013 for client DS;

(b) meeting with clients on June 6, 2013 and June 10, 2013 relating to accounting documents that had to be filed and relating to certain trust documents that Ms. Lane prepared;

(c) agreeing to represent client EF pursuant to an engagement letter she provided such client on June 6, 2013; and (d) sending Randel an email dated June 5, 2013 that contained legal advice. Ms. Lane also failed to respond to the bar charges in the above matters and the State Bar's requests for information.

Ms. Lane violated her duty to the legal system, thereby implicating *Standard*

6.2. *Standard 6.22* states:

Suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference with a legal proceeding.

Ms. Lane knowingly violated a court order and rule, causing injury or potential injury to her clients and interference with legal proceedings. Specifically, the PDJ's June 14, 2013 final judgment and order ordered that Ms. Lane

immediately comply with Rule 72. Ms. Lane failed to do so—she did not notify her clients of her suspension, opposing counsel, or applicable courts. She also did not file motions to withdraw in pending matters and she failed to file the affidavit required by Rule 72(e).

Instead, because of Ms. Lane’s failures, Ms. Rolfe, Ms. Lane’s former law partner, had to notify Ms. Lane’s clients, opposing counsel, and applicable courts of Ms. Lane’s suspension. Ms. Rolfe also had to file motions to withdraw and seek continuances for hearings that Ms. Lane had in June and July of 2013. The Panel acknowledges that had Ms. Rolfe had not taken on such obligation, more clients may have been injured. She is a credit to the profession.

AGGRAVATING AND MITIGATING FACTORS

The Hearing Panel finds the following aggravating factors are present in this matter:

- *Standard 9.22(a)*: Prior disciplinary offenses. Ms. Lane was suspended for 100 days commencing June 3, 2013 in PDJ No. 2013-9012.
- *Standard 9.22(c)*: A pattern of misconduct. In PDJ No. 2013-9012, Ms. Lane violated E.R.s 1.3, 1.4, 8.4(c), 8.1(b), and Rule 54(d). In the present matter, Ms. Lane has violated these same ethical rules.
- *Standard 9.22(d)*: Multiple offenses.
- *Standard 9.22(e)*: Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency. Ms. Lane did not respond to the SBA’s investigations. “Failure to cooperate with

disciplinary authorities is a significant aggravating factor." *Matter of Pappas*, 159 Ariz. 516, 527, 768 P.2d 1161, 1172 (1988).

The Hearing Panel finds that no mitigating factors apply.

CONCLUSION

The Supreme Court "has long held that 'the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.'" *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

We note Ms. Rolfe's actions to assure the required Rule 72 notices were sent to the clients of Ms. Lane well served the profession and the public. We are appreciative of her actions. Without her intervention, further injury to Ms. Lane's clients would likely have occurred and may have resulted in stronger sanctions.

The Hearing Panel has made the above findings of fact and conclusions of law. The Hearing Panel has determined the appropriate sanction using the facts deemed admitted, the *Standards*, the aggravating factors, the absence of any mitigating factors, and the goals of the attorney discipline system. Accordingly,

IT IS ORDERED:

1. Ms. Lane shall be suspended from the practice of law for three (3) years effective the date of this order.

2. Specific terms and conditions of reinstatement shall be determined at the time of reinstatement. However, at a minimum, Ms. Lane shall comply with the terms of reinstatement set forth in the amended final judgment and order entered in PDJ 2013-9012.

3. Ms. Lane shall pay all costs and expenses incurred in these proceedings.

4. A final judgment and order will follow.

DATED this 10TH day of March, 2014.

William J. O'Neil

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

Harlan J. Crossman

**Harlan J. Crossman
Volunteer Attorney Member**

Susan Burnell

**Susan Burnell
Volunteer Public Member**

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 10th day of March, 2014.

Copy of the foregoing emailed
this 10th day of March, 2014, to:

Moniqua Kenyatta Lane
475 E 16th St
Tucson, AZ 85701-2872
Email: moniqua.k.lane@gmail.com; and moniqua@cityhighschool.org
Respondent

Copy of the foregoing hand-delivered
this 10th day of March, 2014, to:

Nicole Kasata
Bar Counsel
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

Sandra Montoya
Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

by: MSmith

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF 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,

MONIQUA KENYATTA LANE,
Bar No. 023324

Respondent.

PDJ-2013-9114

[State Bar File Nos. 13-1601, 13-
1753]

FINAL JUDGMENT AND ORDER

FILED APRIL 1, 2014

This matter having come on for an aggravation/mitigation hearing before the Hearing Panel of the Supreme Court of Arizona, it having duly rendered its decision and no notice of appeal having been filed, accordingly:

IT IS HEREBY ORDERED that Respondent, **Moniqua Kenyatta Lane**, is suspended from the practice of law for a period of three (3) years effective March 10, 2014, for conduct in violation of her duties and obligations as a lawyer, as disclosed in the Hearing Panel's Report and Order Imposing Sanctions.

IT IS FURTHER ORDERED that Ms. Lane 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.

IT IS FURTHER ORDERED that upon reinstatement, Ms. Lane shall be placed on probation with specific terms and conditions of probation to be

determined at the time of reinstatement. At a minimum, Ms. Lane shall comply with the terms of reinstatement ordered in PDJ 2013-9012.

IT IS FURTHER ORDERED that Ms. Lane pay those costs and expenses awarded to the State Bar of Arizona in the amount of \$2,039.05. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 1st day of April, 2014.

William J. O'Neil

**The Honorable William J. O'Neil
Presiding Disciplinary Judge**

Original filed with the Disciplinary Clerk
this 1st day of April, 2014.

COPY of the foregoing e-mailed/mailed
this 1st day of April, 2014, to:

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