

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

SABINUS A. MEGWA,
Bar No. 011266

Respondent.

PDJ 2014-9106

FINAL JUDGMENT AND ORDER

[State Bar No. 13-1432]

FILED APRIL 28, 2015

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on April 16, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED Respondent, **Sabinus A. Megwa**, is hereby reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, effective the date of this order as outlined in the consent documents, for violations of ERs 1.3, 1.4(a)(3), 3.2 and 8.4(d).

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,200.00, within 30 days from the date of service of this Order. 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 28th day of April, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 28th day of April, 2015.

Ralph W. Adams
Adams & Clark PC
520 E. Portland Street
Phoenix, AZ 85004-1843
Email: ralph@adamsclark.com
Respondent's Counsel

Stacy L. Shuman
Staff Bar Counsel
State Bar of Arizona
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Email: LRO@staff.azbar.org

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: JAlbright

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

SABINUS A. MEGWA,
Bar No. 011266

Respondent.

PDJ-2014-9106

**DECISION ACCEPTING
CONSENT FOR DISCIPLINE**

[State Bar No. 13-1432]

FILED APRIL 28, 2015

An Agreement for Discipline by Consent (Agreement) was filed on April 16, 2015, and submitted under Rule 57(a), of the Rules of the Arizona Supreme Court. A probable cause order was issued on November 24, 2014, authorizing filing a formal complaint. The formal complaint was filed on December 23, 2014.

Rule 57 authorizes filing consent agreements with the presiding disciplinary judge ("PDJ"), after the authorization to file complaints by probable cause orders.

Rule 57(a)(3)(B), provides:

If the agreement is reached before the authorization to file a formal complaint and the agreed upon sanction includes a reprimand or suspension, or if the agreement is reached after the authorization to file a formal complaint, the agreement shall be filed with the disciplinary clerk to be presented to the presiding disciplinary judge for review. The presiding disciplinary judge, in his or her discretion or upon request, may hold a hearing to establish a factual basis for the agreement and may accept, reject, or recommend the agreement be modified.

Rule 57 requires admissions be tendered solely "...in exchange for the stated form of discipline...." Under that rule, the right to an adjudicatory hearing is waived

only if the "...conditional admission and proposed form of discipline is approved...." If the agreement is not accepted those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding.

The complainant was the client of Mr. Megwa. Under Rule 53(b)(3), notice of this Agreement was provided to the complainant by telephone on March 19, 2015 and by letter on March 23 2015. Complainant was notified of the opportunity to file a written objection to the Agreement with the State Bar within five days of bar counsel's notice. No objection has been filed.

As conditionally admitted in the Agreement, Mr. Megwa was retained by the complainant on December 30, 2009, to file a civil matter for injuries relating to a dog bite. The complainant incurred medical bills for \$1,146.04. Mr. Megwa filed the complaint on December 21, 2010 entitled *Horn v. Lee et al.*, CV2010-082642. On March 30, 2011, the court issued a Notice of Intent to Dismiss for Lack of Service advising that the complaint would be dismissed if not served by April 20, 2011. On April 11, 2011, Mr. Megwa notified the court that the complaint had been served on defendant. The court issued a 150 day order setting firm case management deadlines.

On November 2, 2011, the court placed the matter on the inactive calendar and set it for dismissal on January 1, 2012. On December 30, 2011, Mr. Megwa moved to continue the litigation on the inactive calendar in anticipation of moving for default judgment because defendants had not filed an answer to the complaint. The court granted Mr. Megwa's motion and placed the matter on the inactive calendar for dismissal without notice on March 30, 2012.

On March 16, 2012, Mr. Megwa drafted an Application for Default and Affidavit for Default to be filed by March 30, 2012, but then failed to file those documents. On May 15, 2012, well after the court noticed dismissal date, the court dismissed the matter without prejudice. On September 28, 2012, six months after the matter had been calendared for dismissal, Mr. Megwa discovered the Application for Default and Affidavit for Default was not filed. On October 5, 2012 he informed complainant the matter had been dismissed. On November 16, 2012, Mr. Megwa told complainant he would "review the matter for any possible motions that could be filed to revive the case." He did not file a motion to revive the matter.

Two months later, on January 15, 2013, Mr. Megwa met with complainant and suggested he hire an attorney to discuss settlement or file a claim against him. Complainant hired Jan L. Kleinman of the law firm *Kelinman, Lesselyong & Novak*. A malpractice complaint was filed on February 18, 2014. Over four years after Mr. Megwa had been retained, that malpractice lawsuit was settled and the claim paid on March 31, 2015.

Mr. Megwa admits he failed to diligently represent the complainant. Mr. Megwa also admits he failed to apply for default judgment and affidavit for default judgment despite receiving notice that the matter would be dismissed. He agrees his inaction caused the court to dismiss the matter, caused potential harm to complainant, interfered with the court proceeding and ignored an order of the court.

Mr. Megwa received an admonition in State Bar File No. 12-2516 with one year probation with TAEEP and LOMAP which he successfully completed. For his failure to take any substantive action on behalf of his client in a medical malpractice action for five months, which led to dismissal of that case, he was given an admonition in State

Bar File No. 11-2646 with two years of probation and LOMAP. He successfully completed his terms of probation. Prior to that he received a diversion in State Bar File No. 10-0435 regarding his office procedures. He received a diversion in State Bar File No. 10-0327 for failing to notify and promptly disburse funds held that rightfully belonged to a third party. For these he received probation which included LOMAP. His diversion was completed and the matter dismissed in 2012. In State Bar File No. 89-1808 he received an informal reprimand with LOMAP for representing the buyer and the seller in the preparation of the contract for the sale of a business. Mr. Megwa was represented by counsel when his most recent admonitions were entered by the Attorney Regulation Probable Cause Committee.

The parties stipulate an attorney as well experienced in the practice of law as Mr. Megwa is an aggravating factor. Mr. Megwa failed to file the affidavit of service of process for nearly four months which nearly brought a dismissal in April 2011. He negligently did nothing for one year which nearly resulted in the action being dismissed on the inactive calendar on January 1, 2012. Such acts of consistent negligence rise to a knowing state that one is negligent in their office practices. Mr. Megwa negligently failed to apply for default despite being aware the matter was set to be dismissed in March, 2012 and was dismissed in May, 2012. He then negligently wasn't even aware of the dismissal until September, 2012.

The Agreement of the parties submit no term of probation. Before filing this agreement, Mr. Megwa argued laches and sought to call Bar Counsel as a witness due to the timing of these events as compared with his most recent admonitions which resulted in now completed probationary terms. That resulted in a ruling by the PDJ which is incorporated as it outlines those concerns expressed, and lends insight

into the absence of any probationary term. It is noted these acts of negligence substantially took place prior to the probationary periods Mr. Megwa just completed. While the timing of the underlying events (which differs from the reporting by the complainant) is similar to those for which Mr. Megwa served probation, it is hoped he has now applied those principles. Because that probation was successfully completed by Mr. Megwa and no probation is sought, it is presumed the parties agree that further probation would be of little assistance to Mr. Megwa. It is likely another substantiated violation of the ethical rules would cause a long term suspension, given the pattern of misconduct Mr. Megwa has now established.

Under Rule 57(a)(4), the PDJ "shall accept, reject or recommend modification of the proposed Agreement. The report shall incorporate all or portions of the agreement, as appropriate." The rule further requires the PDJ to independently weigh the conditional admissions and determine whether the sanction under those conditional admissions is appropriate. In considering the sanction, the PDJ is guided by the American Bar Association *Standards for Imposing Lawyer Sanctions*. The parties stipulate under these agreed upon facts and circumstances, the sanction is reprimand. The parties have appropriately applied the *Standards* in arriving at the agreed upon sanction.

IT IS ORDERED incorporating by this reference the Agreement and any supporting documents by this reference. Mr. Megwa agrees to pay costs associated with the disciplinary proceedings of \$1,200.00 within 30 days of the final judgment and order.

IT IS ORDERED accepting the Agreement. A proposed final judgment and order was submitted simultaneously with the Agreement. Costs as submitted are

approved for \$1,200.00. The proposed final judgment and order having been reviewed are approved. Now therefore, the final judgment and order is signed this date. Mr. Megwa is reprimanded.

DATED this 28th day of April, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 28th day of April, 2015.

Stacy L. Shuman
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Respondent's Counsel

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by: JAlbright

APR 16 2015

BY _____ FILED *RMM*

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Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**SABINUS A. MEGWA,
Bar No. 011266**

Respondent.

PDJ 2014-9106

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

State Bar File No. **13-1432**

The State Bar of Arizona (the SBA), through undersigned Bar Counsel, and Respondent, Sabinus A. Megwa, who is represented by counsel, Ralph W. Adams, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. On November 24, 2014, the Attorney Discipline Probable Cause Committee issued a probable cause order and the SBA filed a formal complaint on December 23, 2014. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainant by telephone on March 19, 2015 and by letter dated March 23, 2015. Complainant has been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's written notice. Complainant has not done so.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.3 (diligence), 1.4(a)(3) (communication), 3.2 (expediting litigation consistent with the interest of the client), and 8.4(d) (conduct prejudicial to the administration of justice). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. If Respondent does not pay the costs within the 30 days, interest will begin to accrue at the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "A."

FACTS

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 May 09, 1987.
2. Respondent first represented the Complainant, Riley Horn, in a motor vehicle accident case, which was successfully settled in 2006. Since that time, Respondent has represented Mr. Horn and his relatives in various matters.

¹ 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.

3. On or about December 30, 2009, Mr. Horn retained Respondent to file a complaint against a homeowner for damages relating to the injuries he suffered from the dog bite. Mr. Horn's medical bills totaled approximately \$1,146.04.

4. On or about December 21, 2009, Mr. Horn was bitten by a dog when he went to a home to fix a dryer.

5. On December 21, 2010, Respondent filed a Complaint on behalf of Mr. Horn with the Maricopa County Superior Court, *Horn v. Lee et al.*, Case No. CV2010-082642 (the Litigation).

6. On March 30, 2011, the trial court issued a Notice of Intent to Dismiss for Lack of Service (the Notice), stating that the Litigation would be subject to dismissal if the Complaint was not served on the defendants on or before April 20, 2011. Respondent received a copy of the Notice.

7. On or about April 4, 2011, Respondent sent Mr. Horn a copy of the Complaint that had been filed on his behalf, along with a set of Uniform Interrogatories, which Respondent thought that the defendant might propound on Mr. Horn.

8. On April 11, 2011, Respondent filed an Affidavit of Service of Process with the trial court stating that the Complaint had been served on the defendants.

9. On May 25, 2011, the trial court issued a 150 Day Order setting forth various deadlines in the Litigation. Respondent received the order.

10. By order dated November 2, 2011, the trial court placed the Litigation on the Inactive Calendar and set it for dismissal on January 1, 2012. Respondent received the order.

11. On December 30, 2011, Respondent filed a motion to continue the Litigation on the inactive calendar on the ground that Respondent intended to file a motion for a default judgment because the defendants had not filed an Answer to the Complaint.

12. By order dated January 27, 2012, the trial court granted Respondent's motion and placed the Litigation on the inactive calendar for dismissal, without notice, on March 30, 2012. Respondent received the order.

13. On or about March 16, 2012, Respondent drafted an Application for Default and an Affidavit for Default to be filed with the trial court on or before March 30, 2012.

14. Respondent did not file the Application for Default or Affidavit for Default with the trial court.

15. By order dated May 15, 2012, the Court dismissed the Litigation, without prejudice.

16. On or about September 28, 2012, Respondent found Mr. Horn's file in a closed file box. He reviewed the file and discovered that the Application for Default and Affidavit for Default had not been filed with the trial court.

17. On or about September 28, 2012, Respondent determined after checking the trial court's website that the Litigation had been dismissed by order dated May 15, 2012.

18. On or about October 5, 2012, Respondent advised Mr. Horn that the Litigation had been dismissed.

19. On November 16, 2012, Respondent told Mr. Horn that he would "review the matter for any possible motions that could be filed to revive the case."

20. Respondent never filed a motion to try to revive the Litigation after it had been dismissed by the trial court.

21. On or about January 15, 2013, Respondent met with Mr. Horn and suggested that he hire another attorney to discuss 1) settlement of his claim against Respondent or 2) the filing of a lawsuit against Respondent for damages incurred as a result of the dismissal of the Litigation.

22. On June 5 and June 13, 2013, Respondent met with Mr. Horn and advised him that he believed that the Litigation had been worth \$2,000 to \$3,000. However, because the Litigation had been dismissed due to his admitted "error," Respondent offered to pay Mr. Horn \$5,000 to resolve the matter.

23. On or about June 14, 2013, Mr. Horn advised Respondent that he would settle the matter for payment of \$10,000. Respondent told Mr. Horn that he would consider the settlement proposal ahead of their next scheduled meeting on June 20, 2013.

24. On June 18, 2013, Mr. Horn cancelled the meeting scheduled for June 20, 2013, and demanded a copy of his file from Respondent.

25. On February 18, 2014, Mr. Horn filed a malpractice complaint against Respondent with the Maricopa County Superior Court, Case No. CV2014-004946 (the Malpractice Action).

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.3, 1.4(a)(3), 3.2, and 8.4(d). Respondent agrees to accept a Reprimand. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding within 30 days from the date of this order, and if costs are not paid within the 30 days interest will begin to accrue at the legal rate.

CONDITIONAL DISMISSALS

None.

RESTITUTION

Restitution is not a term of this agreement, because Complainant, through counsel, and Mr. Megwa have settled the Malpractice Action and Respondent has paid Complainant \$7,000.00. Attached hereto as Exhibit "B" is evidence of said payment.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, reprimand is the appropriate sanction..

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35,

90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard 3.0*.

The parties agree that *Standards 4.43 and 6.23* are the appropriate *Standards* given the facts and circumstances of this matter. *Standard 4.43* provides that a reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client. Respondent failed to diligently represent the Complainant by, among other things, failing to file an application for default judgment which resulted in the Court dismissing the complaint. *Standard 6.23* provides in part that a reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding. Respondent failed to file an application for default after receiving notice that the litigation would be dismissed.

The duty violated

As described above, Respondent's conduct violated his duty to his client and the legal system.

The lawyer's mental state

As described above, for purposes of this agreement, the parties agree that Respondent conducted himself negligently and that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was actual harm to Respondent's client and to the legal system.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is reprimand. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation: *Standard 9.22*

(a) prior disciplinary offenses;

- 12-2516: Admonition (ER 1.15(a); Rule 43(b)(1)(A), (b)(1)(C), (b)(2)(A), (b)(2)(B), (b)(2)(C), (b)(1)(C). (2013) (one (1) year probation/TAEPP and LOMAP). Probation was successfully completed.
- 11-2646: Admonition (ERs 1.3, 1.4, 8.1(b), 8.4(d); Probation, 2 years [LOMAP examination of office procedures, including but not limited to, compliance with ERs 1.3, 1.4, 8.1(b) and 8.4(d). (2012). Failure to take any substantive action on behalf of client in medical malpractice action for 5 months, which led to dismissal of case. During the litigation Respondent's client filed bankruptcy without notifying respondent and the Trustee in Bankruptcy asserted its interest in the case. The conduct took place 2010-2011. Mitigating factor: Neither Respondent nor the Defendant's lawyer in the medical malpractice case ever received notice of the court's intent to dismiss and actual dismissal of the case.

- 89-1808: Informal Reprimand (ERs 1.4(b), 1.7; LOMAP). Respondent represented the buyer and seller in the preparation of the contract for the sale of a business).
- 10-0435: Diversion, 2 years (ERs 1.3, 3.2, and 8.4(d); LOMAP examination of office procedures, including but not limited to, compliance with ERs 1.3, 3.2, and 8.4(d).) Diversion completed and matter dismissed October 19, 2012.
- 10-0327: Diversion, 2 years (ER 1.15 [failing to notify and promptly disburse funds held that rightfully belonged to a third party]; Probation, LOMAP examination of office procedures, including but not limited to, compliance with ER 1.15.) Diversion completed and matter dismissed October 15, 2012.

(i) substantial experience in the practice of law.

In mitigation: *Standard 9.32*

(b) absence of a dishonest or selfish motive;

(d) timely good faith effort to make restitution or to rectify consequences of misconduct;

(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;

(l) remorse.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is appropriate.


The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Reprimand and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit "C."

DATED this 10th day of April 2015

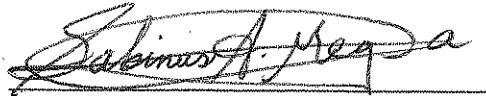
STATE BAR OF ARIZONA



Stacy L. Shuman
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement.

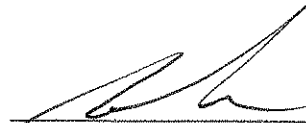
DATED this 16th day of April, 2015.



Sabinus A. Megwa
Respondent

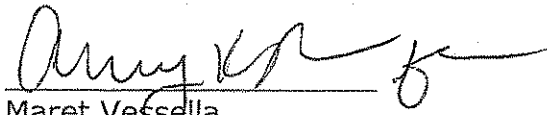
DATED this 16th day of April, 2015.

Adams & Clark PC



Ralph W. Adams
Counsel for Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 10th day of April 2015.

Copies of the foregoing mailed/emailed
this 10th day of April 2015 to:

Ralph W. Adams
Adams & Clark PC
520 E. Portland Street
Phoenix, AZ 85004-1843
ralph@adamsclark.com
Respondent's Counsel

Copy of the foregoing emailed
this 10th day of April, 2015, to:

William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
Email: officepdj@courts.az.gov

Copy of the foregoing hand-delivered
this 10th day of April, 2015, to:

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

by: 
SLS: bm

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Sabinus A Megwa, Bar No. 011266, Respondent

File No. 13-1432

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

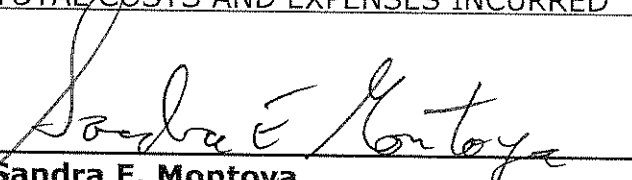
Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

**General Administrative Expenses
for above-numbered proceedings** **\$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

Total for staff investigator charges	\$ 0.00
TOTAL COSTS AND EXPENSES INCURRED	\$1,200.00



Sandra E. Montoya
Lawyer Regulation Records Manager

4-15-15

Date


EXHIBIT B

MEGWA LAW OFFICES
6811 S. CENTRAL AVE. 802-243-6161
PHOENIX, AZ 85042


17844

91-170/1221 AZ
32209

DATE 3-31-15

PAY TO THE ORDER OF Riley L. Horn, Jr. and Kleinman, Lesseyong & Novak \$ 7,000.00
Seven Thousand and none/100 DOLLARS 

Security Features
Look for
Back

Bank of America 

ACH RT 122101706

FOR Full Final Settlement
Legal malpractice



MP



RILEY HORN, JR.



JAN L. KLEINMAN

FOR DEPOSIT ONLY TO
KLEINMAN, LESSELYONG &
NOVAK TRUST ACCOUNT

EXHIBIT C

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

Sabinus A. Megwa,
Bar No. 011266,

Respondent.

PDJ 2014-9106

FINAL JUDGMENT AND ORDER

[State Bar No. 13-1432]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on _____, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Sabinus A. Megwa**, is hereby reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, for violations of ERs 1.3, 1.4(a)(3), 3.2 and 8.4(d).

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of

_____, within 30 days from the date of service of this Order.

DATED this _____ day of April, 2015

William J. O'Neil, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of April, 2015.

Copies of the foregoing mailed/emailed
this _____ day of April, 2015.

Ralph W. Adams
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520 E. Portland Street
Phoenix, AZ 85004-1843
Email: ralph@adamsclark.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this _____ day of April, 2015, to:

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Staff Bar Counsel
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this _____ day of April, 2015 to:

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by: _____