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 CURRENT MEMBER OF THE STATE BAR OF ARIZONA, **JEFF ADRIAN BIDDLE,** **Bar No. 024241** Respondent.	**PDJ 2014-9068** **FINAL JUDGMENT AND ORDER** State Bar No. 13-0898 **FILED DECEMBER 10, 2014**

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on December 4, 2014, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Jeff Adrian Biddle**, is issued an Admonition for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the date of this order.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of $1,232.30, 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 10th day of December, 2014.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 10th day of December, 2014.

Jeff Adrian Biddle
Biddle Law Firm PLLC
1166 E. Warner Rd., Ste. 113
Gilbert, AZ 85296-3065
Email: jeff@thebiddlelawfirm.com
Respondent

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Respondent

BEFORE THE PRESIDING DISCIPLINARY JDUGE OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **JEFF ADRIAN BIDDLE, Bar No. 024241,** Respondent.	**PDJ 2014-9068** State Bar File No. **13-0898** **AGREEMENT FOR DISCIPLINE BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Jeff Adrian Biddle, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct.[1]

On April 11, 2014, the Attorney Discipline Probable Cause Committee ("ADPCC") considered the State Bar's recommendation for diversion (LOMAP and CLE) and costs, to which Respondent did not object. ADPCC declined the bar's recommendation and, on April 28, 2014, issued its "Order of Admonition, Probation

[1]All references to rules are to the Arizona Rules of the Supreme Court unless otherwise specifically stated.

(LOMAP and CLE), and Costs." Respondent appealed from the April 28 order and, on August 5, 2014, ADPCC issued its "Order Vacating Admonition, Probation (LOMAP and CLE), and Costs." Pursuant to Rules 55(c) and 58(a), ADPCC directed the State Bar to file a formal complaint. The State Bar filed a complaint on August 8, 2014, Respondent filed his Answer on September 19, 2014, and the parties attended a settlement conference presided over by retired Maricopa County Superior Court Judge Penny Willrich on November 12, 2014.

As a result of Judge Willrich's efforts the parties compromised. Respondent agreed to accept admonition rather than diversion and the State Bar agreed not to insist upon probation if Respondent voluntarily satisfied ADPCC's probationary requirements (LOMAP and CLE). Respondent furnished his Certificate of Completion and copies of his class notes proving he attended the prescribed CLE program entitled "The Heart of a Firm: Working Effectively and Ethically with Non-lawyer Professional Staff." Respondent also has undergone a LOMAP assessment. The State Bar's LOMAP director, Roberta Tepper, conducted the assessment with undersigned bar counsel in attendance. Ms. Tepper and bar counsel agree that, with minimal "tweaking" that does not require further supervision, Respondent's existing policies and procedures enable him and his staff to operate his downsized law office professionally and ethically.

Although the form of discipline in this proposed consent is less severe than what ADPCC imposed, the parties agree that the purposes of lawyer discipline will be satisfied by imposition of an admonition without probation. Specifically, Respondent's personal and professional circumstances have changed since the time of the underlying conduct and when ADPCC considered this matter. Those changed

circumstances are set forth in the letter from Respondent to bar counsel dated December 2, 2014, a copy of which is attached hereto as Ex. A.

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 admissions and proposed form of discipline are approved.

Pursuant to Rule 53(b)(3), by letter and email on December 2, 2014, the State Bar notified Complainants of this agreement and of their opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.3 (Diligence), 1.6 (Confidentiality), 1.16(d) (Duties on Termination of Representation), 5.3(a) and (b) (Responsibilities Regarding Nonlawyer Assistants), 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: Admonition. 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.[2] The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit B.

[2] 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.

COUNT ONE of ONE (File no. 13-0898/Charles & Amanda Fishback)

1. Respondent was licensed to practice law in Arizona on February 15, 2006.

2. Charles and Amanda Fishback (hereinafter "Fishbacks") hired Respondent's firm in July 2011 to handle their Chapter 13 bankruptcy.

3. Respondent's associate, Ryan Hardy, handled the case initially but later left Respondent's firm.

4. The Fishbacks and Mr. Hardy met in July 2011 and Mr. Hardy filed the Chapter 13 petition in August.

5. Mr. Hardy left Respondent's firm in September 2012 and Respondent took over the case.

6. Respondent asked the Fishbacks for documents they already had provided to Mr. Hardy that Respondent was unable to locate.

7. Respondent claimed that he could not locate documents because Mr. Hardy had the Fishbacks email them to an email address Mr. Hardy kept separate from the law firm.

8. In August and September 2012 Mr. Hardy used a Gmail address for email because Respondent's law firm email system did not work.

9. In January 2013 the Fishbacks received notice from the court of a confirmation hearing scheduled for February 5, 2013.

10. The trustee mailed a copy of that notice to Respondent.

11. A member of Respondent's staff told the Fishbacks that Mr. Hardy had left the firm, someone else would attend the hearing, and that the new attorney would contact them if he needed anything from them.

12. On January 21, 2013, Respondent signed and filed a Notice of Change of Address that reaffirmed that his law firm was counsel of record for the Fishbacks and identified him as the appearing attorney.

13. On February 5, neither Respondent nor anyone from his office appeared for the confirmation hearing.

14. On February 8, 2013, the trustee lodged a Proposed Dismissal Order calling for written objections to dismissal to be filed within 14 days.

15. A copy of the Proposed Dismissal Order was sent to Respondent.

16. Respondent miscalendared the February 5 date for February 6. He asked the trustee to postpone seeking a dismissal while he assembled the documents necessary to obtain plan approval.

17. Respondent did not assemble the necessary documents within the time allotted, did not seek a court-approved extension, and did not object to the Proposed Dismissal Order.

18. The court dismissed the Fishbacks' bankruptcy case on March 4, 2013.

19. On February 8, Chase Bank filed a Notice of Default and Motion for Relief from the Automatic Stay, claiming that the Fishbacks failed to pay two mortgage payments.

20. The bank was incorrect; the Fishbacks had sent the payments to the bank's counsel at Tiffany & Bosco. The Fishbacks proved that they paid.

21. The bank withdrew its Notice of Default and filed a Motion to Withdraw its Motion for Relief from the Automatic Stay. The court granted the withdrawal motion on March 2, 2013.

22. On March 16, 2013, Toyota tried to repossess the Fishbacks' minivan.

23. The Fishbacks learned from Toyota that the bankruptcy case was dismissed March 4.

24. The Fishbacks called Respondent and he explained that the case was dismissed in error due to confusion over Chase Bank's erroneous Notice of Default and Motion for Relief from the Automatic Stay.

25. Respondent promised to get the case reinstated and contact Toyota and Acura (the latter of whom had a lien on the Fishbacks' other vehicle) to guard against any more repossession actions.

26. The Fishbacks met with Respondent on March 20, 2013, and expressed their concerns over the seeming lack of attention Respondent was giving to their legal matter.

27. Respondent blamed Mr. Hardy, his own divorce, his personal financial situation, and his overwhelmed staff.

28. Respondent again asked for documents that the Fishbacks already provided to Mr. Hardy.

29. On March 25, 2013, the Fishbacks emailed Logan Heilman, Respondent's paralegal, seeking an update.

30. Mr. Heilman apologized for the problems the Fishbacks had experienced in the case and assured them that he would be "on top of things going forward."

31. On April 8, Acura repossessed the Fishbacks' other car.

32. The Fishbacks went to Respondent's office and talked to Mr. Heilman. Mr. Heilman retrieved an email from the trustee dated March 28, 2013, stating he

would not consider the case for reinstatement until Respondent corrected errors in his proposed Stipulated Order of Confirmation ("SOC").

33. Mr. Heilman also told the Fishbacks the truth about why their case was dismissed. He explained to the Fishbacks that the case was dismissed not because of Chase Bank's erroneous Notice of Default over allegedly missed mortgage payments, but, rather, because Respondent failed to appear for the February 5 confirmation hearing.

34. Respondent joined the conversation and grew defensive, combative, and argumentative, blaming delays on a "new judge," "tough trustee," and that the trustee would not accept electronic signatures.

35. During this meeting the Fishbacks saw multiple piles of paperwork strewn about the office and floor with other clients' personal information laying out in the open.

36. The Fishbacks used a computer in Respondent's office to retrieve bank statements and saw several clients' files laying on the desk.

37. The Fishbacks dismissed Respondent and hired a new lawyer.

38. When the Fishbacks delivered notice of the firing to Respondent, they asked for their file.

39. The clerk at the office gave the Fishbacks copies of documents the Fishbacks provided earlier that day. While they were waiting the Fishbacks could see files containing other clients' personal information.

40. The Fishbacks later discovered that Respondent's staffer included another client's bank statement in the documents he gave to them.

41. On April 16, 2013, the new attorney told the Fishbacks that the trustee accepted their SOC and that they could recover their Acura the next day.

42. The court entered a reinstatement order on April 17.

43. The Fishbacks emailed Respondent on April 18 to say that they would come over to pick up their file.

44. The Fishbacks arrived at noon and found their file in a manila folder taped to the outside front door jamb of the office; anyone could have taken it. The folder was marked: "Fishback Have a Swell Day!" followed by a smiley face emoticon.

45. Respondent's paralegal taped the file to the door adjacent to a glass panel where it remained in plain view of a receptionist seated facing the door until the Fishbacks retrieved their file. Respondent has instructed the paralegal that this method of leaving files or information for anyone is unacceptable and will not be tolerated.

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 (Diligence), 1.6 (Confidentiality), 1.16(d) (Duties on Termination of Representation), 5.3(a) and (b) (Responsibilities Regarding Nonlawyer Assistants), and 8.4(d) (Conduct Prejudicial to the Administration of Justice).

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter the following sanctions are appropriate: Admonition and costs. If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

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 duty violated

Respondent's conduct violated his duty to his clients, the legal profession, and the legal system.

The lawyer's mental state

The parties agree that Respondent's condcut was done with a negligent mental state.

The extent of the actual or potential injury

The parties agree that there was actual and potential harm to clients, the legal profession, and the legal system.

The parties agree that the following *Standards* are relevant:

> ER 1.3 (Diligence)
> *Standard* 4.43-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.
>
> ER 1.6 (Confidentiality)
> *Standard* 4.24-Admonition is generally appropriate when a lawyer negligently reveals information relating to the representation of a client not otherwise lawfully permitted to be disclosed, and this disclosure causes little or no actual or potential injury to a client.
>
> ER 1.16(d) (Duties on Termination of Representation); and
> ER 5.3(a) and (b) (Responsibilities Regarding Nonlawyer Assistants)
> *Standard* 7.4-Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence that is a violation of a duty owed as a professional, and causes little or no actual potential injury to a client, the public, or the legal system.
>
> ER 8.4(d)
> *Standard* 6.23-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 a party, or interference or potential interference with a legal proceeding.

Aggravating and mitigating circumstances

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

In aggravation: *Standard* 9.22-

(d) multiple offenses; and
(i) substantial experience in the practice of law.

In mitigation: *Standard* 9.32-

(a) absence of a prior disciplinary record;
(b) absence of a dishonest or selfish motive;
(c) personal or emotional problems. The underlying events occurred during Respondent's extraordinarily emotional and stressful divorce and Order of Protection proceedings beginning in October 2011 that rendered him less attentive to his office administration responsibilities. See generally, Maricopa County Superior Court cause nos. FC2011-095003, *In re the Marriage of Jeff Adrian Biddle, Petitioner, and Mary Catherine Biddle, Respondent*; and FC2013-091834, *Mary Catherine Biddle v. Jeff Adrian Biddle.*
(e) full and free disclosure to a disciplinary board or cooperative attitude toward proceedings; and
(l) remorse.

Discussion

The parties conditionally agree that upon application of the aggravating and mitigating factors the presumptive sanction should be mitigated to admonition. The mitigating factors outnumber and outweigh the aggravating factors, something ADPCC did not know inasmuch as *Sanctions* considerations generally do not enter into its deliberations.

CONCLUSION

Based on the *Standards* and in light of the foregoing, the parties conditionally agree that the sanction of admonition is within the range of appropriate sanction and will serve the purposes of lawyer discipline. Respondent has satisfied what would otherwise be ADPCC's probationary requirements. He passed his LOMAP assessment and benefits from a significant preponderance of mitigating over

aggravating factors, things ADPCC did not know (and would not have known) when it considered Respondent's case.

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 imposition of an Admonition and the costs and expenses. A proposed form order is attached hereto as Exhibit C.

DATED this 4th day of December 2014.

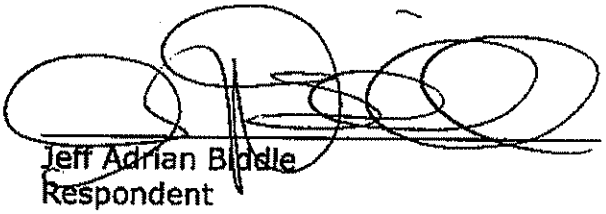
STATE BAR OF ARIZONA

David L. Sandweiss
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this _____ day of December, 2014.

Jeff Adrian Biddle
Respondent



Jeff Adrian Biddle
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 _____ day of 12/3/2014.

Copies of the foregoing mailed/emailed
this _____ day of 12/3/2014 to:

Jeff Adrian Biddle
Biddle Law Firm PLLC
1166 E. Warner Rd., Ste. 113
Gilbert, AZ 85296-3065
jeff@thebiddlelawfirm.com
Respondent
Copy of the foregoing emailed
this _____ day of 12/3/2014, to:

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

Copy of the foregoing hand-delivered
this _____ day of 12/3/2014, to:

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

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 4th day of December 2014.

Copies of the foregoing mailed/emailed
this 4th day of December 2014 to:

Jeff Adrian Biddle
Biddle Law Firm PLLC
1166 E. Warner Rd., Ste. 113
Gilbert, AZ 85296-3065
jeff@thebiddlelawfirm.com
Respondent
Copy of the foregoing emailed
this 4th day of December, 2014, to:

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

Copy of the foregoing hand-delivered
this 4th day of December, 2014, to:

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

by:
DLS: jld

EXHIBIT A

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F: 480-760-2335
thebiddlelawfirm.com

December 2, 2014

David Sandweiss
Senior Bar Counsel
4201 North 24th Street, Suite 100
Phoenix, AZ 85016

Re: Jeff Adrian Biddle, Bar No. 024241
PDJ2014-9068
State Bar File No. 13-0898

Dear Mr. Sandweiss,

I am extremely grateful that we were able to reach a settlement that did not include probation in the above mentioned file. This letter is to inform you of the changes in circumstances that have occurred since this complaint was initially filed and the time of the allegations in the complaint.

CHANGES IN CIRCUMSTANCES

Highly contested divorce has since been resolved
At the time that the alleged actions took place, I was going through a very contested divorce (please see attached family court docket printout, attached hereto as ***Exhibit A***). In looking at the docket, you can also see that ,since the matter has been resolved with my ex-wife, there have been no other filings in the case. My ex-wife alleged that I was mentally unstable and indirectly filed her own bar complaints against me through her counsel and her boyfriend. My ex-wife's complaints were filed at about the same time as the complaint in this matter and I was overwhelmed by dealing with all of the issues that my ex-wife was creating for me with the courts and the State Bar. To address the allegations that my ex-wife made about my mental health, I saw a counselor and psychiatrist and participated in a family assessment with Dr. David Weinstock who issued a 35-page assessment of the family indicated that "Parents apparently agreed to follow a 5-2-2-5 plan if Father was psychologically stable. It appears that Father is stable at the current time. Currently, supervised parenting time does not appear warranted." From March 2012 until May 2014, my ex-wife was attempting to

restrict my parenting time and prove that I was an unfit parent in need of supervised parenting time. Even after she received an order for supervised parenting time, she failed to abide by the order. In any event, we have agreed to equal parenting time on a 5-2-2-5 basis and resolved the other issues that were present in the litigation. Counseling was extremely helpful in learning how to disengage from the conflicts that were present in my personal life and will greatly diminish the chances for additional issues with my ex-wife in the future. Therefore, the personal issues that likely exacerbated the issues in my professional life are far less likely to recur.

Change in Law Firm

Size of Firm Decreased

At the time of the allegations, the law firm had a staff of two additional associate attorneys and approximately 6-7 other support staff. I have since downsized to a much smaller office, have no other attorneys to supervise and only have two part-time assistants that assist me as a sole practitioner. This has made supervision of my staff far easier and severely decreased the number of cases that I need to be involved with.

New Procedures for Safeguarding Client Property

Our office now has a shared receptionist and front desk that is outside the physical location of the law firm. Having a shared receptionist and front desk now gives us a person that can be a dedicated and secure drop-off and pick-up location rather than taping anything to the front door. I have also had discussions / training with all staff to address the issues that were alleged in the complaint to ensure that this behavior does not recur.

Change in Case Management Software

We also changed our case management program to mycase.com from Daylite. This allows clients to access their file documents online and includes calendaring of hearings and reminder emails to both the client and attorney for upcoming hearings. The staff is trained to double check all hearings on a weekly basis to ensure that missed hearings do not happen in the future.

Change in Office Procedures

My staff has been trained on client confidentiality and all case documents, including incoming and outgoing mail are all scanned and linked to the client's case and are available to clients and staff online through mycase.com. We rarely take possession of any original documents that need to be returned to clients and if a client needs documents from their file, they can log in and get a copy of anything that the firm has (except attorney notes and internal documents) from their online case file.

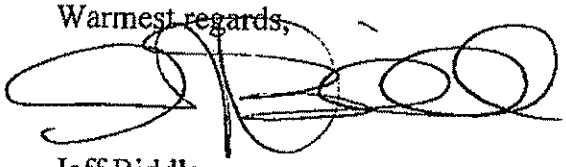
CLE

The recommended discipline from the ADPCC called for me complete a CLE course entitled "The Heart of a Firm". I have completed the CLE and given my handwritten notes to the State Bar and retained a copy for my file.

LOMAP Assessment

The recommended discipline from the ADPCC called for a year of probation to complete a LOMAP assessment. I have undergone an assessment with LOMAP and it was determined that additional monitoring by LOMAP was not necessary.

Warmest regards,



Jeff Biddle

BIDDLE LAW

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The Judicial Branch of Arizona, Maricopa County

Search

Family Court Case Information - Case History

Case Information

Case Number:	FC2011-095003	Judge:	Dunn, Boyd
File Date:	10/26/2011	Location:	Southeast
Case Type:	Family Court With Children		

Party Information

Party Name	Relationship	Sex	Attorney
Jeff Adrian Biddle	Petitioner	Male	Jeff Biddle
Mary Catherine Biddle	Respondent	Female	Pro Per

Case Documents

Filing Date	Description	Docket Date	Filing Party
7/22/2014	NWA - Notice Of Withdrawal Of Attorney	7/23/2014	
NOTE: Notice of Withdrawal as Attorney of Record			
6/19/2014	NOT - Notice	6/19/2014	
NOTE: Notice of Change of Address for Respondent's Counsel			
5/16/2014	ORD - Order	5/19/2014	
NOTE: RE REQUEST TO VACATE TRIAL			
5/16/2014	ORD - Order	5/19/2014	
NOTE: STIPULATED/RE JOINT LEGAL DECISION MAKING AND PARENTING PLAN CHILD SUPPORT SPOUSAL MAINTENANCE AND ARREARAGES			
5/14/2014	NOS - Notice Of Settlement	5/15/2014	
NOTE: AND REQUEST TO VACATE TRIAL			
1/27/2014	056 - ME: Hearing Set	1/27/2014	
1/14/2014	MCO - Motion To Continue	1/15/2014	
NOTE: Expedited Motion to Continue January 16, 2014 Evidentiary Hearing WITHOUT COBJECTION DUE TO RESPONDENT'S HEALTH EMERGENCY			
12/20/2013	CRC – Court Report Confidential	12/23/2013	
NOTE: FINAL LIMITED FAMILY ASSESSMENT			
11/27/2013	028 - ME: Status Conference Set	11/27/2013	
11/27/2013	029 - ME: Status Conference	11/27/2013	
10/29/2013	MOT - Motion	10/29/2013	
NOTE: RULE 65 MOTION TO COMPEL DISCOVERY, FOR SANCTIONS AND FOR ATTORNEY FEES AND RULE 61C MOTION TO SERVE ADDITIONAL INTERROGATORIES UPON PETITIONER AND REQUEST FOR CONFERENCE WITH THE COURT			
5/30/2013	ROR - Release Order	6/5/2013	
5/30/2013	REQ - Request	6/4/2013	
NOTE: FOR ORDER TO RELEASE RECORDS			
5/13/2013	029 - ME: Status Conference	5/13/2013	
5/9/2013	RTM - Returned Mail or Returned/ReMailed Mail	5/10/2013	
5/2/2013	CME - Credit Memo	5/7/2013	
NOTE: MARY BIDDLE $50 PD			
4/30/2013	023 - ME: Order Entered By Court	4/30/2013	
4/29/2013	NOT - Notice	5/1/2013	
NOTE: LIMITED FAMILY ASSESSMENT			
4/15/2013	EXW - Exhibits Work Sheet	5/3/2013	
4/11/2013	NHC – Notice of High Conflict Resolution Class	4/12/2013	
4/11/2013	NHC – Notice of High Conflict Resolution Class	4/12/2013	
4/10/2013	926 - ME: Under Advisement Ruling	4/10/2013	
2/22/2013	291 - ME: Mental Health Expert Appointment	2/22/2013	
2/12/2013	RES - Response	2/14/2013	
NOTE: TO EXPEDITED MOTION TO REMOVE COUNSEL OF RESPONDENT DUE TO CONFLICT OF INTEREST			
2/12/2013	RES - Response	2/14/2013	
NOTE: TO MOTION TO DISMISS AND REQUEST FOR SANCTIONS FILED FEB 1 2013			
2/12/2013	RES - Response	2/14/2013	
NOTE: TO FATHERS PETITION TO MODIFY CHLID CUSTODY AND PARENTING TIME/REQUEST FOR CHILD INTERVIEW AND MOTION FOR LIMITED RAPID REVIEW/A DISPUTE ASSESSMENT OR A PARENTING COMPETENCY EXAM			
2/8/2013	STP - Stipulation	2/13/2013	

NOTE: TO BEHAVIORAL HEALTH PROFESSIONAL		
2/1/2013 NFM – Notice Of Filing Petition For Modification Of Child Custody.	2/5/2013	
2/1/2013 MCH - Petition To Modify Child Custody - Osc	2/5/2013	
2/1/2013 NOT - Notice	2/6/2013	
NOTE: OF NO AGREEMENT REGARDING FATHERS PARENTING TIME OR SUPERVISION		
1/30/2013 020 - ME: Matter Under Advisement	1/30/2013	
1/28/2013 RES - Response	2/4/2013	Petitioner
NOTE: TO MOTION IN LIMINE		
1/28/2013 004 - ME: Hearing Continued	1/28/2013	
1/28/2013 MOT - Motion	2/4/2013	
NOTE: EXPEDITED / TO REMOVE COUNSEL OF RESPONDENT DUE TO CONFLICT OF INTEREST		
1/28/2013 LOW - List Of Witnesses/Exhibit/Evidence	2/4/2013	Petitioner
NOTE: FOR TEMPORARY ORDERS HEARING SET FOR JANUARY 28 2013 AT 3:00 P M		
1/25/2013 MOT - Motion	1/31/2013	
NOTE: IN LIMINE AND FOR ADDITIONAL DISCLOSURE RULES		
1/23/2013 AFS - Affidavit Of Service	1/29/2013	
NOTE: SERVED 01/16/2013		
1/22/2013 MAT - Motion to Appear Telephonically	1/24/2013	
NOTE: EXPEDITED / OF WITNESS LOGAN HEILMAN		
1/18/2013 RES - Response	1/23/2013	
NOTE: TO EMERGENCY MOTION FOR TEMPORARY ORDERS TO ENFORCE PARENTING TIME RULE 69 AGREEMENT WITHOUT NOTICE		
1/18/2013 056 - ME: Hearing Set	1/18/2013	
1/17/2013 MCO - Motion To Continue	1/18/2013	
NOTE: ORDER OF PROTECTION HEARING CURRENTLY SET FOR 01/25/13 AT 11AM IN THE ALTERNATIVE MOTION TO CONSOLIDATE ORDER OF PROTECTION HEARING WITH TEMPORARY ORDERS HEARING CURRENTLY SET FOR 01/28/13 AT 3PM		
1/16/2013 RES - Response	1/18/2013	
NOTE: TO PETITIONERS PETITION OT MODIFY CHILD SUPPORT AND REQUEST FOR HEARING		
1/14/2013 STA - Statement	1/16/2013	
NOTE: RESOLUTION		
1/14/2013 STA - Statement	1/16/2013	Petitioner
NOTE: PROPOSED RESOLUTION		
1/14/2013 003 - ME: Hearing Reset	1/14/2013	
1/11/2013 700 - ME: Resolution Management Conference Set	1/11/2013	
1/9/2013 MCO - Motion To Continue	1/11/2013	
NOTE: HEARING ON ORDER OF PROTECTION SCHEUDLED FOR 1/11/2013		
1/9/2013 OPH - Order For Hearing On Order Of Protection	1/9/2013	
1/9/2013 RQH - Request For Hearing	1/9/2013	Respondent
1/7/2013 AFF - Affidavit	1/9/2013	
NOTE: OF MARY CATHERINE BIDDLE		
1/7/2013 PTO - PETITION/MOTION FOR TEMPORARY ORDERS	1/8/2013	
NOTE: EMERGENCY/TO ENFORCE PARENTING TIME/RULE 69 AGREEMENT WITHOUT NOTICE		
1/7/2013 PTO - PETITION/MOTION FOR TEMPORARY ORDERS	1/8/2013	
NOTE: EMERGENCY/TO ENFORCE PARENTING TIME/RULE 69 AGREEMENT WITH NOTICE		
1/7/2013 PTO - PETITION/MOTION FOR TEMPORARY ORDERS	1/9/2013	
NOTE: EMERGENCY / WITHOUT NOTICE		
1/7/2013 PTO - PETITION/MOTION FOR TEMPORARY ORDERS	1/9/2013	
NOTE: EMERGENCY / WITH NOTICE		
1/7/2013 NFM – Notice Of Filing Petition For Modification Of Child Custody.	1/9/2013	
1/7/2013 SDS - Sensitive Data Sheet - Restricted Access	1/8/2013	
1/4/2013 RES - Response	1/7/2013	
NOTE: TO MOTION TO DISMISS MOTHERS REQUEST FOR ATTORNEYS FEES IN MOTHERS LIMITED SCOP PSYCHOLOGICAL EVALUATION OF FATHER AND REQUEST FOR SANCTIONS AGAINST ATTORNEY COLE BASTIAN #2		
1/4/2013 RES - Response	1/7/2013	
NOTE: TO MOTION TO DISMISS MOTHERS REQUEST FOR ATTORNEYS FEES IN MOTHERS LIMITED SCOP PSYCHOLOGICAL EVALUATION OF FATHER AND REQUEST FOR SANCTIONS AGAINST ATTORNEY COLE BASTIAN #1		
1/4/2013 RES - Response	1/7/2013	
NOTE: TO MOTION TO DISMISS MOTHERS REQUEST FOR ATTORNEYS FEES IN MOTHERS LIMITED SCOP PSYCHOLOGICAL EVALUATION OF FATHER AND REQUEST FOR SANCTIONS AGAINST ATTORNEY COL BASTIAN #3		
12/31/2012 AFS - Affidavit Of Service	1/2/2013	
NOTE: SERVED 12/30/12		
12/28/2012 MCS - Petition To Modify Child Support - Osc	1/2/2013	
12/28/2012 MTD - Motion To Dismiss	12/31/2012	Petitioner
NOTE: MOTHERS REQUEST FOR ATTORNEYS FEES IN MOTHERS MOTION FOR LIMITED SCOPE PSYCHOLOGICAL EVALUATION OF FATHER AND REQUEST FOR SANCTIONS AGAINST ATTORNEY COLE BASTIAN		
12/28/2012 MTD - Motion To Dismiss	12/31/2012	

NOTE: MOTHERS REQUEST FOR ATTORNEYS FEES IN MOTHERS RESPONSE TO NOTICE OF LODGING STIPULATION RE MODIFICATION OF PARENTING TIME AND REQUEST FOR SANCTIONS AGAINST ATTORNEY COLE BASTIAN		
12/28/2012 ACS - Acceptance Of Service	1/2/2013	
12/28/2012 AFI - Affidavit of Financial Information, Restricted after 1/1/06	12/31/2012	Petitioner
12/28/2012 RES - Response	12/31/2012	
NOTE: TO MOTION TO ENFORCE AND FOR CONTEMPT AND REQUEST FOR HEARING AND MOTION TO DISMISS MOTHERS REQUEST FOR ATTORNEYS FEES IN MOTHERS MOTION FOR LIMITED SCOPE PSYCHOLOGICAL EVALUATION OF FATHER AND REQUEST FOR SANCTIONS AGAINST ATTORNEY COLE BASTIAN		
12/28/2012 PWC - Parent Worksheet/Child Support	12/31/2012	
12/28/2012 SUM - Summons	12/31/2012	Petitioner
12/27/2012 ACS - Acceptance Of Service	12/28/2012	
NOTE: AMENDED /		
12/26/2012 RES - Response	12/27/2012	
NOTE: TO NOTICE OF COMPLIANCE WITH COURT ORDER REQUIRING CONTINUING MEDICAL TREATMENT		
12/21/2012 ACS - Acceptance Of Service	12/27/2012	
12/19/2012 NOT - Notice	12/21/2012	
NOTE: OF COMPLIANCE WITH COURT ORDER REQUIRING CONTINUING MEDICAL TREATMENT		
12/18/2012 NOT - Notice	12/19/2012	
NOTE: OF NO AGREEMENT AFTER MEDIATION		
12/17/2012 NFM – Notice Of Filing Petition For Modification Of Child Custody.	12/20/2012	
12/17/2012 MCH - Petition To Modify Child Custody - Osc	12/20/2012	
12/17/2012 COT - Petition For Contempt - Other	12/20/2012	
12/17/2012 RES - Response	12/19/2012	Petitioner
NOTE: TO MOTION FOR LIMITED SCOPE EVALUATION RE PETITIONERS MENTAL HEALTH AND FOR TEMPORARY ORDERS		
12/13/2012 PPR - Praecipe For Order Protection	12/14/2012	Petitioner
12/13/2012 OPR - Order Of Protection	12/14/2012	
12/13/2012 POP - Petition/Order Of Protection	12/14/2012	Petitioner
12/13/2012 AGP - agreement of parties ARFLP69	12/18/2012	Petitioner
12/12/2012 CME - Credit Memo	12/14/2012	
NOTE: RESPONDENT PAID $100 FOR MEDIATION		
12/6/2012 ACS - Acceptance Of Service	12/11/2012	
11/26/2012 MOT - Motion	12/3/2012	
NOTE: FOR LIMITED SCOPE EVALUATION RE PETITIONERS MENTAL HEALTH		
11/16/2012 REL - Reply	11/26/2012	Petitioner
NOTE: TO RESPONSE TO NOTICE OF LODGING STIPULATION RE MODIFICATION OF PARENTING TIME AND MOTION TO RECONSIDER		
11/9/2012 019 - ME: Ruling	11/9/2012	
11/5/2012 RES - Response	11/9/2012	
NOTE: TO NOTICE OF LODGING STIPULATION RE MODIFICATION OF PARENTING TIME AND MOTION TO RECONSIDER		
10/30/2012 PEC - Parent Education Certificate	11/1/2012	
NOTE: MARY CAHTERINE BIDDLE		
10/25/2012 MFR - Motion For Reconsideration	10/30/2012	
10/24/2012 ORD - Order	10/29/2012	
NOTE: RE STIPULATION RE MODIFICATION OF PARENTING TIME		
10/24/2012 STP - Stipulation	10/29/2012	
NOTE: RE MODIFICATION OF PARENTING TIME		
10/23/2012 019 - ME: Ruling	10/23/2012	
10/17/2012 NOL - Notice of Lodging	10/19/2012	
NOTE: STIPULATION RE MODIFICATION OF PARENTING TIME		
10/11/2012 OCO - Order Attend Conciliation Srvs	10/12/2012	
10/9/2012 023 - ME: Order Entered By Court	10/9/2012	
10/2/2012 NOT - Notice	10/4/2012	
NOTE: OF SERVICE OF DISCOVERY PAPERS		
9/27/2012 NOT - Notice	10/2/2012	
NOTE: OF SERVICE OF DISCOVERY PAPERS		
9/26/2012 REL - Reply	10/1/2012	
NOTE: TO MOTHERS RESPONSE TO REQUEST FOR MEDIATION		
9/21/2012 RES - Response	9/25/2012	
NOTE: TO PETITIONERS REQUEST FOR MEDIATION		
9/6/2012 PME - Petition for Mediation	9/7/2012	Petitioner
NOTE: POST DECREE		
9/6/2012 NSC - Notice of Substitution of Counsel	9/12/2012	
8/23/2012 REL - Reply	8/27/2012	
NOTE: TO MOTHERS RESPONSE TO PETITION TO MODIFY CHILD SUPPORT AND RESPONSE TO COUNTER MOTION TO DISMISS		
8/13/2012 NAR - Notice Of Appearance	8/16/2012	

8/15/2012 RES - Response	8/15/2012	
NOTE: TO PETITION TO MODIFY CHILD SUPPORT AND COUNTERMOTION TO DISMISS AND FOR ATTORNEYS FEES		
8/3/2012 AFS - Affidavit Of Service	8/9/2012	
NOTE: SERVED 07/31/12		
7/30/2012 AFI - Affidavit of Financial Information, Restricted after 1/1/06	7/31/2012	
7/30/2012 MCS - Petition To Modify Child Support - Osc	7/31/2012	
7/25/2012 NAR - Notice Of Appearance	7/25/2012	
6/25/2012 PPR - Praecipe For Order Protection	6/26/2012	
6/25/2012 POP - Petition/Order Of Protection	6/28/2012	Respondent
6/25/2012 OPR - Order Of Protection	6/28/2012	
NOTE: 1ST AMENDED		
6/1/2012 019 - ME: Ruling	6/1/2012	
5/30/2012 ACS - Acceptance Of Service	6/1/2012	
NOTE: SERVED 5/29/12		
5/29/2012 PPR - Praecipe For Order Protection	5/30/2012	Respondent
5/29/2012 OPR - Order Of Protection	5/30/2012	
5/29/2012 POP - Petition/Order Of Protection	5/30/2012	Respondent
5/29/2012 PTO - PETITION/MOTION FOR TEMPORARY ORDERS	5/30/2012	
4/23/2012 PEC - Parent Education Certificate	4/27/2012	
NOTE: JEFF BIDDLE ATTENDED		
3/16/2012 PPL – PARENTING PLAN	3/20/2012	Petitioner
NOTE: JOINT		
3/16/2012 CDS - Consent Decree	3/30/2012	
NOTE: Copy of Decree Mailed/Provided to parties on date of filing		
3/12/2012 CAN - Credit Memo Appearance Fee Paid	4/2/2012	Petitioner
3/12/2012 SDS - Sensitive Data Sheet - Restricted Access	3/13/2012	Respondent
3/12/2012 PWC - Parent Worksheet/Child Support	3/14/2012	
3/12/2012 ACS - Acceptance Of Service	3/22/2012	
NOTE: 10/27/2011		
3/12/2012 NOL - Notice of Lodging	3/14/2012	
NOTE: CONSENT DECREE AND PARENTING PLAN		
2/29/2012 NIC - Notice Of Placement Of The Case On Inactive Calendar And Of Intent To Dismiss Your Court Case	2/29/2012	
1/24/2012 ACS - Acceptance Of Service	1/26/2012	
12/27/2011 NLS - Notice Of Lack Of Service	12/27/2011	
10/26/2011 COM - Complaint	10/27/2011	
10/26/2011 SUM - Summons	10/27/2011	
10/26/2011 PIN - Preliminary Injunction	10/27/2011	
10/26/2011 NCH - Notice To Convert Health Ins	10/27/2011	
10/26/2011 ONA - Ord & Notice Attend Parent Inf	10/27/2011	
10/26/2011 NAR - Notice Of Appearance	10/27/2011	
10/26/2011 SDS - Sensitive Data Sheet - Restricted Access	10/27/2011	

Case Calendar

Date	Time	Event
12/12/2012	8:00	Mediation
1/11/2013	9:30	Order Of Protection Hearing
1/16/2013	14:00	Resolution Management Conference
1/25/2013	8:30	Order Of Protection Hearing
1/28/2013	15:00	Trial/Evidentiary Hearing
5/8/2013	13:30	Status Conference
11/26/2013	14:00	Status Conference
1/16/2014	9:00	Trial/Evidentiary Hearing
1/16/2014	14:00	Trial Continuing
5/15/2014	9:00	Trial/Evidentiary Hearing
5/15/2014	14:00	Trial Continuing

EXHIBIT B

Statement of Costs and Expenses

In the Matter of a Current Member of the State Bar of Arizona,
Jeff Adrian Biddle, Bar No. 024241, Respondent

File No. 13-0898

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

06/26/13	Computer investigation reports, PACER	$ 32.30
Total for staff investigator charges		$ 32.30
TOTAL COSTS AND EXPENSES INCURRED		$ 1,232.30

Sandra E Montoya — 12-2-14

Sandra E. Montoya — **Date**
Lawyer Regulation Records Manager

EXHIBIT C

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 CURRENT MEMBER OF THE STATE BAR OF ARIZONA, **Jeff Adrian Biddle,** **Bar No. 024241,** Respondent.	**PDJ 2014-9068** **FINAL JUDGMENT AND ORDER** State Bar No. 13-0898

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, **Jeff Adrian Biddle**, is issued an Admonition for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order or _____.

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 December, 2014.

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 December, 2014.

Copies of the foregoing mailed/emailed
this _____ day of December, 2014.

Jeff Adrian Biddle
Biddle Law Firm PLLC
1166 E. Warner Rd., Ste. 113
Gilbert, AZ 85296-3065
Email: jeff@thebiddlelawfirm.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of December, 2014, to:

David L. Sandweiss
Senior Bar Counsel
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this _____ day of December, 2014 to:

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

by:_____