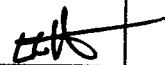


Russell J. Anderson, Jr., Bar No. 023073
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone: (602) 340-7386
Email: LRO@staff.azbar.org

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

JUN 26 2012

BY _____ FILED 

Nancy A. Greenlee, Bar No. 010892
821 E. Fern Dr. North
Phoenix, AZ 85014-3248
Telephone: 602-264-8110
Email: nancy@nancygreenlee.com
Respondent's Counsel

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

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

**DeeAn Gillespie Strub
Bar No. 009987**

Respondent.

PDJ-2012- 9062

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar No. 10-2368, 11-2053]

The State Bar of Arizona (State Bar), through undersigned bar counsel, and Respondent DeeAn Gillespie-Strub, who is represented in this matter by counsel, Nancy A. Greenlee, hereby submit their Tender of Admissions and Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. Respondent voluntarily waives the right to an adjudicatory hearing on the complaint, 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.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, ER(s) 1.3, 1.8(a), 4.2, and 5.1, Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following

discipline: admonition, one-year probation with the possibility of early termination upon recommendation of the LOMAP director, two-hours of CLE, and payment of the State Bar's Administrative Costs and Expenses. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "A."

FACTS

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona, having been first admitted to practice in Arizona on May 18, 1985.

COUNT ONE (State Bar File No. 10-2368)

2. Sometime in early 2010, Brian Schader (Mr. Schader) asked Respondent to help his wife obtain what he described as a straightforward contempt order against her ex-husband. Mr. Schader requested that he create a sculpture in exchange for the legal work.

3. After talking with Mr. Schader, Respondent verbally agreed her firm would help his wife, Madina Ali (Mrs. Ali) obtain the requested contempt order and she asked attorney David Goldfarb (Mr. Goldfarb) of the firm to handle the matter. Respondent did not understand this circumstance to be a "business transaction with a client" as defined in ER 1.8 that would require a written conflict of interest waiver. Respondent now recognizes there was a violation as a written conflict of interest letter was not provided to the client.

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.

4. On January 11, 2010, Mrs. Ali formally retained Respondent's firm to represent her regarding a Petition for Contempt against her ex-husband.

5. Pursuant to their written fee agreement, Respondent's compensation to provide legal services to Mrs. Ali was "work on trade re: sculptures from Brian Schader."

6. Mrs. Ali's fee agreement was signed by Respondent's associate, Mr. Goldfarb, who was initially assigned to handle Mrs. Ali's matter.

7. Mr. Goldfarb understood that Respondent had already approved the trade agreement.

8. As stated above, no written conflict of interest waiver was provided to or signed by Ms. Ali.

9. On March 12, 2010, Mr. Goldfarb filed an Accelerated Motion to Schedule Hearing (Accelerated Motion) alleging that Mrs. Ali's ex-husband only paid her \$36,000 out of approximately \$150,000 in total payments owed to her.

10. After reviewing the Accelerated Motion, Mrs. Ali believed the dollar figure cited by Mr. Goldfarb was incorrect and less than what she actually received.

11. On March 31, 2010, Mrs. Ali subsequently contacted Mr. Goldfarb and asked that he correct the understated collection amount in the Accelerated Motion.

12. A hearing was initially set for July 14, 2010. Mrs. Ali requested that it be continued for at least 90 days. Mr. Goldfarb filed the request to continue on June 23, 2010, and the request was granted with a new hearing set for November 17, 2010. Although the hearing was continued, the miscalculation had been overlooked by Mr. Goldfarb. Thereafter, the case was transferred to Respondent who took over for Mr. Goldfarb.

13. Mrs. Ali subsequently asked again that the dollar figure cited by Mr. Goldfarb in the Accelerated Motion be corrected.

14. On September 28, 2010, in advance of the November 14, 2010 hearing, a meeting was held with Respondent, Mrs. Ali, and Mr. Schader.

15. During the September meeting, Mrs. Ali requested the firm expand the scope of the representation to now include pursuing a change in the custody arrangement for her son as well as collection of judgments issued against her ex-husband, who resided out of state and owned a business and property out of state.

16. During the September meeting, Respondent explained that the firm could not pursue the expanded scope of the work requested on a trade basis and that some other arrangement would need to be made and a written understanding would need to be executed before any additional work was undertaken. At this meeting, a Notice of Errata documenting the exact payments made by Mrs. Ali's ex-husband to Mrs. Ali, correcting the figures presented in Mr. Goldfarb's Accelerated Motion, was presented to Mrs. Ali for her review.

17. By email dated October 18, 2010, Mrs. Ali fired Respondent as her lawyer.

18. On October 19, 2010, in advance of the November 14, 2010 hearing, Respondent filed a Notice of Errata documenting the exact payments made by Mrs. Ali's ex-husband to Mrs. Ali, correcting the figures presented in Mr. Goldfarb's Accelerated Motion.

19. Mrs. Ali suffered no actual injury as a result of the delay in correcting the original figures in Mr. Goldfarb's Accelerated Motion and in fact, she attended the November 14, 2010 hearing and received the desired Order of Contempt

against her former husband which represented the services for which she contracted with Respondent.

20. Respondent never collected, attempted to collect, or received the agreed upon statute in compensation for her legal services, nor was she otherwise compensated for the legal services that Mrs. Ali had requested and obtained.

COUNT TWO (State Bar File No. 11-2053)

21. At all times relevant to this Count, Respondent represented Douglas Burkizer (Mr. Burkizer) in divorce proceedings against Mary Burkizer (Ms. Burkizer).

22. Prior to June 29, 2011, John Gaertner (Mr. Gaertner) was Ms. Burkizer's counsel of record in the divorce proceedings.

23. On January 18, 2011, the Court entered a final Decree of Dissolution and via agreement of the parties further appointed Annette Burns (Ms. Burns) as the parties' Parenting Coordinator. Both parties were notified of her appointment and hourly rate by letter dated January 20, 2011.

24. By letter dated June 17, 2011, Ms. Burkizer on her own, without the assistance of, Mr. Gaertner, wrote a letter directly to the Court complaining of a vacation scheduling issue involving the parties' children and asking for the appointment of a less expensive coordinator.

25. As a result of the letter the Court received directly from Ms. Burkizer, it set a telephonic status conference for June 30, 2011. When Respondent received notice of the conference she inquired of the underlying basis as Ms. Burkizer had not sent her or her client a copy of the letter. The Court then asked Ms. Burkizer to provide Respondent a copy of her letter.

26. On June 22, 2011, Ms. Burkizer provided a copy of her letter to Respondent. Respondent believed Ms. Burkizer was acting on her own without the assistance of counsel.

27. On June 22, 2011, Respondent's office emailed Mr. Burkizer and informed him about the issue and that a telephonic status conference had been set for June 30, 2011. The court noted in setting the hearing that if it heard from Mr. Burkizer that the vacation scheduling issue had been resolved, it would vacate the status conference.

28. Subsequently, and by email dated June 22, 2011, Mr. Burkizer informed Respondent that he and Ms Burkizer were working things out among themselves and he no longer wanted to incur fees for the use of her services. He also informed Respondent that the vacation scheduling issue had been resolved between the parties.

29. On June 23, 2011, Respondent filed a Notice of Consensual Withdrawal of Attorney with the Court. Respondent erroneously assumed Mr. Gaertner had also withdrawn, as Ms Burkizer wrote the letter on her own behalf and she forwarded her letter filed with the Court to Respondent upon the Court's request.

30. On June 29, 2011, Mr. Gaertner filed a Motion to Withdraw as Ms. Burkizer's attorney with the Court. Mr. Gaertner never contacted Respondent about the issues raised in Ms. Burkizer's letter.

31. At some time on June 29, 2011, the Court signed Mr. Gaertner's Motion to Withdraw, but did not file the signed Order until July 1, 2011.

32. On June 29, 2011, the court clerk called Respondent to inquire as to the status of the June 30, 2011 conference. Respondent replied that she no longer

represented Mr. Burkizer. The clerk reminded Respondent that she was the attorney of record until a formal order was issued.

33. After speaking with the clerk, Respondent subsequently called Ms. Burkizer, believing she was representing herself, to verify that the vacation scheduling issue involving the children had been resolved. Ms. Burkizer verified that the issue had been resolved. At no time during the conversation did Ms. Burkizer indicate she was still represented by Mr. Gaertner or object to speaking with Respondent.

34. At the time Respondent called Ms. Burkizer, she had not received a copy of Mr. Gaertner's Motion to Withdraw and did not know that the Court had granted said motion.

35. If this matter were to proceed to a hearing, Respondent would testify that she contacted Ms. Burkizer directly because Ms. Burkizer sent a letter directly to the Court not through Mr. Gaertner, and because of information provided to her by Mr. Burkizer, Respondent formed a belief that Ms. Burkizer was acting *pro per*.

36. Ms. Burkizer suffered no actual harm as a result of Respondent contacting her directly.

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 her conduct violated Rule 42, ERs 1.3, 1.8(a), 4.2, and 5.1, Ariz. R. Sup. Ct.

CONDITIONAL DISMISSALS

There are no conditional dismissals.

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, as set forth above, the following sanction is appropriate: admonition, one year of probation which is subject to early termination upon recommendation of the LOMAP Director, payment of the State Bar's Administrative Costs and Expenses, and payment of the Court's costs and expenses. Respondent's terms of probation shall include:

LOMAP

Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP), at 602-340-7332, within 30 days of the date of the final judgment and order. Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to, compliance with ERs 1.3, 1.8(a), 4.2 and 5.1. The director of LOMAP shall develop "Terms and Conditions of Probation," and those terms shall be incorporated herein by reference. The probation period will commence at the time of the entry of the judgment and order and will conclude one year from that date; however, the probation may terminate early with the recommendation of the LOMAP Director. Respondent shall be responsible for any costs associated with LOMAP.

CLE

Respondent shall contact State Bar of Arizona publications at 602-340-7318 to either obtain and listen to the CD or obtain and view the DVD entitled "ER 4.2 No Contact Rule" within ninety (90) days of the judgment and order. Respondent may alternatively go to the State Bar website (www.myazbar.org) and complete the self-study online version, or may also attend a live seminar, if either is offered. Respondent shall provide Bar Counsel with evidence of completion by providing copies of handwritten notes. Respondent shall be responsible for the cost of the CD, DVD, online self-study, or seminar attendance. All CLE hours shall not be counted toward, and are independent of, Respondent's mandatory MCLE requirements pursuant to Rule 45, Ariz. R. Sup. Ct.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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 conditionally agree that *Standard* 4.34 addresses the most egregious conduct in this matter and is the appropriate *Standard* to consider given the facts and circumstances of this matter. *Standard* 4.34 provides that "admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether the representation of a client may be materially affected by the lawyer's own interest...and causes little or no actual or potential injury to a client." In Count One, Respondent traded her services as a lawyer for the promise of collecting a sculpture. The parties agree that such an agreement constitutes a business transaction and that Respondent failed to comply with the requirements of obtaining informed, written consent and advising Mrs. Ali

to seek the advice of independent counsel. For purposes of this agreement only, the parties agree that Respondent's failure to comply with the informed consent requirements was an isolated instance of negligence. The parties further agree no actual injury was suffered by Mrs. Ali because Respondent never received, or demanded the receipt of, the statute or any other compensation for providing to Mrs. Ali the legal services requested by Mrs. Ali.

The duty violated

As described above, Respondent's conduct violated her duty to her client.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent negligently engaged in a business transaction with her client and that her 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 little or no actual harm to Respondent's client.

Aggravating and mitigating circumstances

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

In aggravation:

1. Standard 9.22(a) – Prior Disciplinary Offenses

- a. File No. 88-0398 – Informal Reprimand (Admonition) October 5, 1988
 - i. While representing a client in various business related lawsuits, Respondent failed to timely record a judgment on behalf of the

client in one matter, released payment to an opposing party before obtaining the authorization from her client to do so in a second matter, and failed to answer a counterclaim for the client in a third matter in violation of ERs 1.2, 1.3, and 5.3.

- b. File No. 88-0843 – Informal Reprimand (Admonition) November 15, 1988
 - i. While representing a client in divorce proceedings, Respondent failed to timely prepare settlement documents by the deadline set by a court order in violation of ERs 3.2 and 3.4.
- c. File No. 01-1408 – Informal Reprimand (Admonition) September 13, 2002
 - i. While representing a client in divorce proceedings, Respondent engaged in ex parte communications with the judge in violation of ER 3.5.
- d. File No. 01-2092 – Informal Reprimand (Admonition) September 13, 2002
 - i. While representing a client in divorce proceedings, Respondent used ARS § 25-513 (2001) to obtain confidential information about an opposing party when there was no outstanding child support obligation as required by that statute in violation of ER 4.4 and 8.4(d).
- e. File No. 06-0352 – Probation (1 year, LOMAP) October 20, 2006
 - i. While representing a client in divorce proceedings, Respondent did not communicate with her client for the first two months of

his matter because he had not paid his retainer in full and failed to respond to a motion by opposing counsel for an award of attorney's fees in violation of ERs 1.2, 1.3, and 1.4. Respondent successfully completed her probation on December 20, 2007.

2. Standard 9.22(c) – Pattern of Misconduct

- a. Respondent's prior disciplinary history contains instances where a violation of ER 1.3 was found, similar to the ER 1.3 claim in File No. 10-2368.

3. Standard 9.22(d) – Multiple Offenses

- a. Respondent's conduct in this matter spanned two different cases and affected two different clients.

4. Standard 9.22(i) – Substantial Experience in the Practice of Law

- a. Respondent has been practicing for 26 years primarily in family law.

In mitigation:

1. Standard 9.32(e) – Cooperative Attitude Toward Proceedings

Respondent has been responsive and cooperative throughout the screening investigation and all proceedings leading up to this consent agreement. Further, at her own initiative, Respondent has made arrangements for ethics presenters to provide quarterly one-hour ethics seminars that Respondent has made mandatory for all attorneys in her firm.

2. Standard 9.32(g) – Character or Reputation

Respondent is providing 3 letters from other Arizona lawyers attesting to her excellent character and reputation in the legal community. See Exhibit "B."

3. *Standard 9.32(l)* – Remorse

Respondent has expressed her sincere remorse for her mistakes, and her proactive steps in scheduling ethics presentations for her entire firm show that she is committed to ensuring that no further ethical missteps are taken.

4. *Standard 9.32(m)* – Remoteness of Prior Offenses

The most recent disciplinary matter in Respondent's prior disciplinary history is approximately six years old and the oldest occurred twenty-four years ago.

Discussion

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. Respondent's prior history, though lengthy, is dated and does not include any previous sanction for the conflict violation primarily at issue in these matters. Respondent also clearly understands the conflict issue at the forefront of this matter and has taken corrective action by attending the State Bar's "Ten Deadly Sins of Conflict" CLE prior to the implementation of this consent agreement. The parties also agree, for purposes of this consent, that Respondent's client suffered no actual harm as a result of her conduct.


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 admonition, probation, and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit "C."

DATED this 22 day of June, 2012.

STATE BAR OF ARIZONA



Russell J. Anderson, Jr.
Staff Bar Counsel

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

DATED this _____ day of _____, 2012.

DeeAn Gillespie Strub
Respondent

DATED this _____ day of _____, 2012.

Nancy A. Greenlee
Counsel for Respondent

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 admonition, probation, and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit "C."

DATED this 22 day of June, 2012.

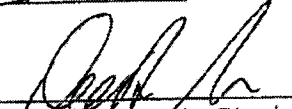
STATE BAR OF ARIZONA



Russell J. Anderson, Jr.
Staff Bar Counsel


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

DATED this 22 day of June, 2012.



Deean Gillespie Strub
Respondent

DATED this 25th day of June, 2012.



Nancy A. Greenlee
Counsel for Respondent

Approved as to form and content

Maret Vessella

Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
this 26th day of June, 2012.

Copies of the foregoing mailed/emailed
this 26th day of June, 2012, to:

Nancy A. Greenlee
821 E. Fern Drive North
Phoenix, AZ 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Counsel

Copy of the foregoing emailed
this 26th day of June, 2012, to:

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

Copy of the foregoing hand-delivered
this 26th day of June, 2012, to:

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

By: Shane C. Heller
RJA:dch

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
DeeAn Gillespie Strub, Bar No. 009987, Respondent

File No(s). 10-2368 and 11-2053

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

6-22-12
Date

EXHIBIT B

BISHOP & MARTIN

Law Office, P.C.

William D. Bishop
Certified Family Law Specialist
bill@bishoplawoffice.com

March 1, 2012

State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

Re: DeeAn Gillespie

Dear Sir or Madam:

This letter is being written on behalf of DeeAn Gillespie. Ms. Gillespie informed me that she has been subject to a couple of recent bar complaints that are being addressed by the State Bar of Arizona. I am writing this letter in reference to my experiences with Ms. Gillespie over the years. I have been opposing counsel on several cases with Ms. Gillespie over the years and have always found her to be very professional and ethical in my dealings with her. Some of the cases that I've had with Ms. Gillespie have been very complex and acrimonious between the parties. Nevertheless, it was a pleasure dealing with Ms. Gillespie, and I have always found her to be a very good attorney as well as a very professional attorney.

Please feel free to call me if you have any questions.

Sincerely,



William D. Bishop
FOR THE FIRM

WDB/jbd



GILLESPIE, SHIELDS & DURRANT

"Your Family's Law Firm"

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DEEAN GILLESPIE STRUB*

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* *Certified Family Law Specialist*
www.gillaw.com

February 24, 2012

To Whom It May Concern:

RE: DeeAn Gillespie, Character, Competence and Fitness

DeeAn did not ask me to write this letter. I am aware of certain allegations by clients involving her work and know of her deep concern with respect to client needs and feelings. I know DeeAn well and can speak with confidence based on experience and observation of her legal competence, dedication to each client's needs and commitment to ethical adherence.

I first met DeeAn as she was preparing to take the bar examination in 1984 or 1985. I was a senior partner in the Streich Lang law firm and DeeAn consulted with me regarding her plans and hopes for future practice. She was clearly intelligent and had a strong personal interest in a practice where she could work directly with clients who needed her assistance. She was then and is now a strong advocate for the less fortunate and downtrodden.

After I retired from Streich Lang/Quarles & Brady, I eventually joined with DeeAn in her firm Gillespie Shields & Associates. I have worked with DeeAn in her cases and consulted with her in my cases. She has a surprising range of expertise in family law and procedure. She sees with eyes of experience and intelligence the needs of her clients and the pathway to serve them effectively and efficiently. She has clients who cannot afford her assistance and they get dedicated service. Not uncommonly clients leave her with thousands or tens of thousands of unpaid legal fees when she has faced well financed, bitter opposing clients with aggressive attorneys. In each case the client gets outstanding, dedicated service even though DeeAn's reward is basically the client's gratitude and her own satisfaction for having done excellent work.

DeeAn is not only a devoted and courageous advocate who works zealously to get positive results for her clients, she also does so with an eye to being totally ethical. She, instinctively feels as well as intellectually understands the ethical standards of the Profession and steers her



course to be well within the boundaries of ethical rules. She simply refuses to push the envelope of ethical practice. I have observed this trait numerous times and consulted with her when her opponent has crossed the line.

Family practice is reported to be one of the highest areas of the Profession with reported complaints from clients. DeeAn has had literally many hundreds of clients involved in contentious, emotionally charged matters. Expectations of clients cannot be controlled. Unrealized expectations are fodder for complaints. The most cautious family practitioner cannot avoid an occasional client who by nature or situation gets less than demanded or expected. In DeeAn's case these are remarkably few in number. On a percentage basis I would hazard a guess that compared with other family lawyers, DeeAn's share of clients with unfulfilled wants either reasonable or from a naturally cranky client are the lowest or among the lowest of any busy family lawyer. I would also make the opposing comparison and believe that DeeAn's percentage of very, very happy clients are highest or among the highest of any family lawyer. Her clients know instinctively that her heart, might and expertise are drilling down on their needs with alacrity and energy. DeeAn's expertise and integrity are palpable.

To summarize, I know, respect and admire DeeAn as a lawyer, leader, advocate, intellectual and all round person of the highest personal honor and integrity. I say this based on my many and varied contacts outside the profession and with DeeAn and, also, as a lawyer who has been in active practice since 1965 and have known many of the best legal minds and legal persons in Arizona. The profession and the Arizona Bar Association are better because DeeAn Gillespie is within the ranks. She raises the bar for us all. She is a credit to lawyering.

DeeAn does not know that I have written this letter. It is strictly voluntary on my part. I am happy to discuss these matters with whomsoever may feel the need to do so. Email is dmdurrant@gilllaw.com. Cell phone is 602-618-1230, Office phone 602-870-9700.

Sincerely,

Dan M. Durrant

E. Douglas Clark
2628 E. Encanto
Mesa, Arizona 85213
February 23, 2012

To Whom It My Concern:

RE: Character and Competence of DeeAn Gillespie

I am writing this letter at the request of DeeAn Gillespie regarding my knowledge of her character and her competence as an attorney, including her adherence to the ethical rules.

I have known DeeAn as a friend and colleague for about fifteen years. For one of those years, several years ago, I actually worked part-time as a lawyer in her law firm. I worked closely with her on a number of matters, and was able to see firsthand how she dealt with clients and how she practiced law. My observations below are not mere speculation, but a crystallization of that experience.

DeeAn has an incredible grasp of family law, borne not only of years of practice but also of a desire to provide the best possible service for her clients. She also has what so many other lawyers seem to lack: a truly compassionate heart and a desire to help make things right for the aggrieved and the downtrodden.

This remarkable combination, as I have witnessed many times, propels her to understand her clients' circumstances and bring to bear every legal and legitimate tool to see that justice is done. I have seen her continue to provide legal representation—excellent and rigorous representation—for indigent mothers who could not continue to pay the legal bill when the other side expanded the proceedings. I have seen her repeatedly go above and beyond the call of duty to make sure that clients receive the best opportunity for their claims to be heard and adjudicated by our legal system.

DeeAn is not only a courageous and zealous advocate, but also a totally ethical one. She intentionally charts a course to stay within the parameters of the ethical rules. I have witnessed this many times. DeeAn simply refuses to violate the ethical rules. Her approach is that in seeking justice, she does justice. She is a person of integrity.

In sum, I am honored to know DeeAn, and honored to have been asked to write this letter for someone whom I look up to as a great lawyer and great person. Nor is my assessment that of a new lawyer with little experience. I entered the practice of law in 1983, practiced traditional law for about sixteen years, and since then have done business-related work, first as VP and Director of Content of the original Law.com, and then as chief lobbyist for several NGOs that work in the United Nations (currently as Director of UN Affairs for the Howard Center for Family, Religion and Society). My professional experience has been long and rewarding, enough to meet and work with people of all stripes. It is from this background I make my assessment about the character and competence of DeeAn Gillespie. I only wish there were many more lawyers like her to bring justice to the world and credit to the legal profession.

I would be more than happy to provide additional information at your request. I can be reached via my cell phone at (602) 432-6954, or via my email at faiclark@earthlink.net.

Sincerely,

E. Douglas Clark

EXHIBIT C

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

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

**DeeAn Gillespie Strub
Bar No. 009987**

Respondent.

PDJ-2012-

FINAL JUDGMENT AND ORDER
[State Bar No. 10-2368, 11-2053]

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, **DeeAn Gillespie Strub**, is hereby admonished for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective as of the date of this Order.

IT IS FURTHER ORDERED that, Respondent shall be placed on probation for a period of one year and may be subject to early termination upon the recommendation of the LOMAP Director.

IT IS FURTHER ORDERED that, Respondent's terms of probation shall include the following:

LOMAP

Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP), at 602-340-7332, within 30 days of the date of the final judgment and order. Respondent shall

submit to a LOMAP examination of his office's procedures, including, but not limited to, compliance with ERs 1.3, 1.8(a), 4.2 and 5.1. The director of LOMAP shall develop "Terms and Conditions of Probation", and those terms shall be incorporated herein by reference. The probation period will commence at the time of the entry of the judgment and order and will conclude one year from that date, unless terminated earlier upon the recommendation of the LOMAP Director. Respondent shall be responsible for any costs associated with LOMAP.

CLE

Respondent shall contact State Bar of Arizona publications at 602-340-7318 to either obtain and listen to the CD or obtain and view the DVD entitled "ER 4.2 No Contact Rule" within ninety (90) days of the judgment and order. Respondent may alternatively go to the State Bar website (www.myazbar.org) and complete the self-study online version, or may also attend a live seminar, if either are offered. Respondent shall provide Bar Counsel with evidence of completion by providing copies of handwritten notes. Respondent shall be responsible for the cost of the CD, DVD, online self-study, or seminar attendance. All CLE hours shall not be counted toward, and are independent of, Respondent's mandatory MCLE requirements pursuant to Rule 45, Ariz. R. Sup. Ct.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1200.

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 _____.

DATED this _____ day of _____, 2012.

The Honorable 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 _____, 2012.

Copies of the foregoing mailed/emailed
this ____ day of _____, 2012, to:

Nancy A. Greenlee
821 E. Fern Drie North
Phoenix, AZ 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Counsel

Copy of the foregoing hand-delivered/emailed
this ____ day of _____, 2012, to:

Russell J. Anderson, Jr.
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: lro@staff.azbar.org

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

By: _____

BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA

FILED
JAN 18 2012
STATE BAR OF ARIZONA
BY *B. Wold*

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

Nos. 10-2368 and 11-2053

DEEAN GILLESPIE STRUB
Bar No. 009987

PROBABLE CAUSE ORDER

Respondent

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona (“Committee”) reviewed this matter on January 13, 2012, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar’s Report of Investigation and Recommendation, and Respondent’s Response.

By a vote of 7-1-1,¹ the Committee finds probable cause exists to file a complaint against Respondent in File Nos. 10-2368 and 11-2053.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 17th day of January, 2012.

Michael D. Ryan
Justice Michael D. Ryan (retired)
Chair, Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

¹ Committee member Richard Segal did not participate in this matter.

Original filed this 19th day
of January, 2012, with:

Lawyer Regulation Records Department
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

Copy mailed this 19th day
of January, 2012, to:

Gary L. Stuart
Gary L. Stuart, PC
7000 North 16th Street, Suite 120
Phoenix, Arizona 85020-5506
Respondent's Counsel

Copy emailed this 19th day
of January, 2012, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
ProbableCauseComm@courts.az.gov

by: *Shane C. Heller*