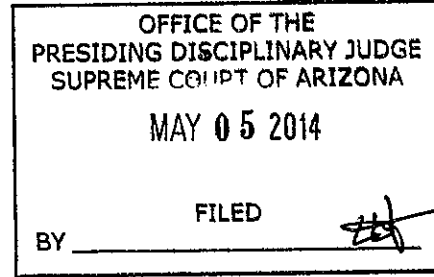


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Respondent's Counsel



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

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

**AIMEE LORINE BUTEL,
Bar No. 029627,**

Respondent.

PDJ-2014-9037

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar No. 13-0630

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Aimee Lorine Butel, who is represented in this matter by counsel, hereby submit their Tender of Admissions and Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. Respondent is both a licensed Medical Doctor and a licensed Arizona attorney. Following arrest for a fatal traffic accident that occurred on March 23, 2013, Respondent entered into a Consent for Interim Order to Participate in Physician's Health Program on July 22, 2013. She also cooperated with the State Bar's investigation. On October 18, 2013, Respondent self-reported to the State Bar that she anticipated conviction by plea agreement to a Class 5 Felony for leaving the scene of a fatal accident and a Class 1 Misdemeanor for

driving under the influence. That conviction occurred on September 30, 2013. The State Bar gave notice of the felony conviction to the Presiding Disciplinary Judge. On November 1, 2013, Respondent filed a Verified Motion Showing Good Cause Why an Order to Interim Suspension Should Not be Entered Pursuant to Rule 61(c)(1)(A), Ariz. R. Sup. Ct. After the State Bar's Response and Respondent's Reply, the PDJ issued an Order dated November 20, 2013, denying the State Bar's request for interim suspension and setting the matter for oral argument after Respondent's sentencing. A Probable Cause Order was entered on December 20, 2013, but no formal complaint has been filed in this matter. On December 6, 2013, Respondent was sentenced. After oral argument on January 3, 2014, the PDJ entered an order dated January 13, 2014, under which Order Respondent was placed on Interim Probation under terms that required her to abstain from the practice of law and to adhere to the terms and conditions of the above-referenced consent agreement with the Board of Medical Examiners. The parties agree that Respondent has not practiced law since before October 18, 2013, the date of her self-report to the State Bar.

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.

The State Bar is the complainant in this matter, therefore no notice of this agreement is required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, specifically ER 8.4(b) and Rule 54(g), Arizona Rules of Supreme Court. Upon acceptance of this agreement, Respondent agrees to accept imposition

of the following discipline: Suspension of one (1) year, retroactive to October 18, 2013, with a period of probation no less than one (1) year including participation in the State Bar Member Assistance Program (MAP), if reinstated. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona.

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."

COUNT ONE (File no. 13-0630/ Arizona)

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 October 23, 2012.
2. On March 23, 2013 at approximately 12:23 a.m., Respondent struck Tamika Lashawn McClelland while driving at the intersection of 34th Street and Thomas Road. Ms. McClelland was later pronounced dead at the hospital.
3. According to witnesses at the scene, Ms. McClelland took all of her clothes off and laid down in the middle of the street immediately prior to the accident.
4. Respondent did not stop at the scene of the accident.
5. Respondent later returned near the accident scene, but stayed with her vehicle.

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.

6. Respondent left the scene again and was pulled over by the Phoenix Police Department approximately one half mile away near the intersection of 37th Street and E. Verde Lane.

7. Respondent's blood alcohol content was later determined to be .129.

8. On July 18, 2013, Respondent signed a consent to an Interim Order to Participate in the Arizona State Board of Medical Examiners Physician's Health Program. This Interim Order required Respondent to participate in a monitoring program which included, among other things, abstaining from the consumption of alcohol, submitting to random testing for two years and completing thirty six (36) hours of alcohol/drug awareness education classes. Respondent has complied with the requirements of the program.

9. On September 30, 2013, Respondent entered a plea of guilty to a Class 5 Felony for leaving the scene of a fatal accident and a Class 1 Misdemeanor for driving under the influence.

10. Respondent was ordered to serve no less than 10 consecutive days in jail, subject to the suspension of 9 days, if she completes an alcohol screening and any recommended counseling. Respondent met the screening and counseling requirements and served one day in jail.

11. On September 30, 2013, Respondent was employed to perform certain document management services for lawyers and law firms.

12. Shortly after her felony conviction, Respondent was terminated from her employment as a document management provider as a result of the felony conviction.

13. On October 18, 2013, Respondent, through counsel, self-reported her criminal conviction to Chief Bar Counsel Maret Vessella as required by Rule 61(c)(1).

CONDITIONAL ADMISSIONS

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

Respondent conditionally admits that her conduct violated Rule 42, specifically ER 8.4(b) and Rule 54(g), Arizona Rules of Supreme Court, for her commission and subsequent criminal conviction of Leaving the Scene of an Injury Collision, a class 5 felony, in violation of Arizona Revised Statute §§ 28-661, 28-663, 28-3001, 28-3304, 28-3305, 28-3315, 13-701, 13-702, 13-801 and 13-901.

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss nothing.

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:

Suspension of one (1) year, retroactive to October 18, 2013, with a period of probation to be determined by the Presiding Disciplinary Judge including participation in the State Bar Member Assistance Program (MAP), if reinstated.

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 *Standard* 5.12 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 5.12 provides that suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in *Standard* 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

Proportionality

In *In re Proper*, SB-10-0102-D (2010), Proper was suspended for two year and was placed on probation for two years (MAP) for a conviction of Aggravated DUI, a class four felony. There were two aggravating factors: (a) prior disciplinary

history and (k) illegal conduct and seven mitigating factors: (b) absence of dishonest or selfish motive, (d) timely good faith effort to make restitution, (e) full and free disclosure to disciplinary board, (g) character or reputation, (i) chemical dependency, (k) imposition of other penalties or sanctions and (l) remorse. Proper was sanctioned for violation of Rule 42, Ariz. R. Sup. Ct., specifically ERs 8.4(b) and Rule 53(h) Ariz. R. Sup. Ct.

In *In re Masters*, SB-07-0182-D (2008), Masters was suspended for two year and was placed on probation for two years (MAP) for a conviction of Aggravated DUI, a class four felony. There were three aggravating factors: (a) prior disciplinary history, (i) substantial experience in the practice of law and (k) illegal conduct and four mitigating factors: (b) absence of dishonest or selfish motive, (e) full and free disclosure to disciplinary board, (i) chemical dependency and (k) imposition of other penalties or sanctions. Masters was sanctioned for violation of Rule 42, Ariz. R. Sup. Ct., specifically ERs 8.4(b) and Rule 53 Ariz. R. Sup. Ct.

In *In re Alexander*, SB-08-0003-D (2008), Alexander was suspended for three years for a federal conviction of False Tax Return, a serious felony involving dishonesty, fraud, deceit or misrepresentation. There were three aggravating factors: (b) dishonest or selfish motive, (i) substantial experience in the practice of law and (k) illegal conduct and four mitigating factors: (a) absence of prior disciplinary history, (g) character or reputation, (k) imposition of other penalties or sanctions and (m) remoteness of prior offenses. Alexander was sanctioned for violation of Rule 42, Ariz. R. Sup. Ct., specifically ERs 8.4(b), 8.4(c) and Rule 53(h) Ariz. R. Sup. Ct.

The duty violated

As described above, Respondent's conduct violated her duty to the profession and the public.

The lawyer's mental state

For purposes of this agreement the parties agree that Leaving the Scene of an Injury Collision, a class 5 felony, in violation of Arizona Revised Statute §§ 28-661, 28-663, 28-3001, 28-3304, 28-3305, 28-3315, 13-701, 13-702, 13-801 and 13-901 does not have a required mental state.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was actual harm to the profession and the public.

Aggravating and mitigating circumstances

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

In aggravation:

Standard 9.22(k) – Illegal Conduct.

In mitigation:

Standard 9.32(a) – Absence of a prior disciplinary record;

Standard 9.32(e) – Full and free disclosure to disciplinary board or cooperative attitude toward proceedings;

Standard 9.32(k) – Imposition of other penalties or sanctions; and

Standard 9.32(l) – Remorse.

Discussion

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following:

Respondent's commission and subsequent conviction for Leaving the Scene of an Injury Collision, a class 5 felony, has resulted in the imposition of several sanctions from a number of entities including, but not limited to, the Maricopa County Superior Court in State v. Butel, CR2013-113512-001 and the Arizona State Board of Medical Examiners. Similarly, Respondent self-reported the incident on October 18, 2013 and has provided the State Bar with evidence of her compliance with the requirements of the January 13, 2014 Interim Probation imposed by the Presiding Disciplinary Judge in PDJ-2013-9096.

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.

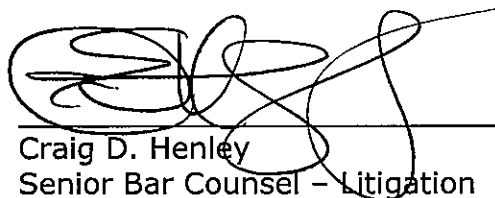
CONCLUSION

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 Suspension of one (1) year, retroactive to October 18, 2013, with a period of

probation to be determined by the Presiding Disciplinary Judge including participation in the State Bar Member Assistance Program (MAP), if reinstated along with the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit "B."

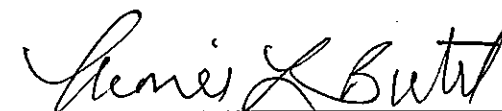
DATED this 5th day of May, 2014.



Craig D. Henley
Senior Bar Counsel - Litigation

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. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

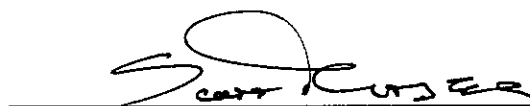
DATED this 2 day of May, 2014.



Aimee Lorine Butel
Respondent

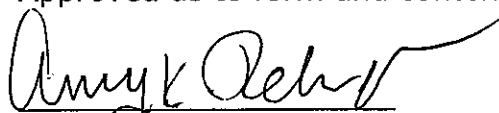
DATED this 5th day of May, 2014.

JENNINGS STROUSS & SALMON PLC



J. Scott Rhodes
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 5th day of May, 2014.

Copies of the foregoing mailed/emailed
this 5th day of May, 2014, to:

J. Scott Rhodes
Jennings Strouss & Salmon PLC
One E. Washington St., Ste. 1900
Phoenix, Arizona 85004-2554
srhodes@jsslaw.com
Respondent's Counsel

Copy of the foregoing emailed
this 5th day of May, 2014, 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 5th day of May, 2014, to:

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

by: 

CDH: dds

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Current Member of the State Bar of Arizona,
Ms. Aimee Lorine Butel, Bar No. 029627, Respondent

File No(s). 13-0630

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

08/09/13	Travel and mileage to obtain court documents; Copies of court documents	\$	5.99
	Total for staff investigator charges	\$	5.99
<u>TOTAL COSTS AND EXPENSES INCURRED</u>			\$ 1,205.99



Sandra E. Montoya
Lawyer Regulation Records Manager

5/5/14

Date

EXHIBIT B

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,**

**AIMEE LORINE BUTEL,
Bar No. 029627,**

Respondent.

PDJ-2014-_____

FINAL JUDGMENT AND ORDER

[State Bar No. 13-0630]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, in conjunction with a duly appointed hearing panel, has rendered a decision in the above-captioned matter. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Aimee Lorine Butel**, is hereby suspended for one year, retroactive to October 18, 2013. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for her conduct in violation of the Arizona Rules of Professional Conduct, retroactive to October 18, 2013.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of one year.

IT IS FURTHER ORDERED that, as a term of that probation, Respondent shall contact the director of the State Bar's Member Assistance Program (MAP), at 602-340-7258, within thirty (30) days of the date of the reinstatement. The director of MAP shall develop "Terms and Conditions of Probation", and those terms shall be

incorporated herein by reference. The probation period will begin to run at the reinstatement order and will conclude one (1) year from that date. Respondent shall be responsible for any costs associated with MAP.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

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

DATED this _____ day of May 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 May, 2014.

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

Mr J. Scott Rhodes
Jennings Strouss & Salmon PLC
One E Washington St Ste 1900
Phoenix, AZ 85004-2554
Email: srhodes@jsslaw.com
Respondent's Counsel

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

Craig D. Henley
Senior Bar Counsel - Litigation
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 May, 2014, to:

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

by: _____

FILED

DEC 20 2013

STATE BAR OF ARIZONA
BY: *[Signature]*

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

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

**AIMEE LORINE BUTEL,
Bar No. 029627**

Respondent.

No. 13-0630

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona (“Committee”) reviewed this matter on December 13, 2013, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar’s Report of Investigation and Recommendation.

By a vote of 9-0-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 13-0630.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the 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 20 day of December, 2013.

Lawrence F. Winthrop

Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

Original filed this 20th day
of December, 2013, with:

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

Copy mailed this 23rd day
of December, 2013, to:

J. Scott Rhodes
Jennings Strouss & Salmon PLC
One East Washington Street,
Suite 1900
Phoenix, Arizona 85004-2554
Respondent's Counsel

Copy emailed this 23rd day
of December, 2013, to:

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

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

by: 

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 MEMBER OF
THE STATE BAR OF ARIZONA,**

**AIMEE LORINE BUTEL,
Bar No. 029627**

Respondent.

PDJ-2014-9037

FINAL JUDGMENT AND ORDER

[State Bar No. 13-0630]

FILED MAY 7, 2014

The Presiding Disciplinary Judge of the Supreme Court of Arizona, in conjunction with a duly appointed hearing panel, has rendered a decision in the above-captioned matter. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Aimee Lorine Butel**, is hereby suspended for one (1) year, retroactive to October 18, 2013. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for her conduct in violation of the Arizona Rules of Professional Conduct, retroactive to October 18, 2013.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on a period of probation no less than one (1) year.

IT IS FURTHER ORDERED that, as a term of that probation, Respondent shall contact the director of the State Bar's Member Assistance Program (MAP), at 602-340-7258, within thirty (30) days of the date of the reinstatement. The director of MAP shall develop "Terms and Conditions of Probation", and those terms

shall be incorporated herein by reference. The probation period will be effective the date of reinstatement and will conclude one (1) year from that date. Respondent shall be responsible for any costs associated with MAP.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,205.99 within thirty (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 7th day of May 2014.

William J. O'Neil

**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 7th day of May, 2014.

Copies of the foregoing mailed/emailed
this 7th day of May, 2014.

Mr J. Scott Rhodes
Jennings Strouss & Salmon PLC
One E Washington St Ste 1900
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Email: srhodes@jsslaw.com
Respondent's Counsel

Craig D. Henley
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Lawyer Regulation Records Manager
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by: MSmith