

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

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

**ROBERT F. HUGHES,
Bar No. 003209**

Respondent.

PDJ 2014-9043

**FINDINGS AND ORDER OF
SUSPENSION**

[State Bar No. 13-0351-N]

FILED JUNE 16, 2014

On May 21, 2014, a Notice of Non-Compliance with Terms of Probation was filed in this case. Notice was given to Mr. Robert F. Hughes of the allegation by the State Bar that he had violated the terms of probation contained in the Order of Admonition entered by the Attorney Discipline Probable Cause Committee on November 18, 2013. On June 16, 2014, a probation violation hearing was conducted pursuant to Supreme Court Rule 60(a)(5)(C), before the Presiding Disciplinary Judge ("PDJ"). David L. Sandweiss, Senior Bar Counsel appeared. Mr. Robert F. Hughes did not appear. The PDJ considered the offer of testimony from Tracy Ward, LOMAP Advisor, April Landry, State Bar Investigator, Yvette F. Penar, Compliance Monitor, admitted exhibits, and argument of bar counsel.

On April 4, 2012, the State Bar and Mr. Hughes entered into a Division Agreement in State Bar file number 11-3060. Mr. Hughes signed the agreement on March 28, 2013. [Exhibit 1.] Supreme Court Rule 55(a), directs that the "state bar shall evaluate all information coming to its attention, in any form, by charge or otherwise, alleging unprofessional conduct, misconduct, or incapacity." Rule 55(a)(2)(B), Ariz. R. Sup. Ct. authorizes the State Bar to "enter into a diversion agreement." Mr. Hughes signed the terms and conditions of the diversion on

August 2, 2012. [Exhibit 2.] "A discipline matter shall be held in abeyance during diversion. If a respondent violates a term of diversion, bar counsel may reinstate the discipline proceeding and go forward with the proceeding..." Rule 56(d) Ariz. R. Sup. Ct.. Unfortunately Mr. Hughes failed to comply with those terms and conditions.

As a result, the State Bar presented the matter to the Attorney Discipline Probable Cause Committee. Supreme Court Rule 55(c)(1)(D), empowers that committee to review the report of the State Bar and order an admonition. On November 18, 2013, the committee issued an Order of Admonition, Probation, MAP and Costs. [Exhibit 3.] Mr. Hughes received actual notice of the Order of Admonition by letter and email dated November 19, 2013. [Exhibit 4.] Among other things, the Admonition required Mr. Hughes to be compliant with the earlier terms of the diversion agreement. Mr. Hughes made no demand that a formal proceeding be instituted. As a result, the Order of Admonition was final.

Mr. Hughes took no action to be compliant. [Exhibit 5.] On February 14, 2014 Mr. Hughes contacted the State Bar's Compliance Monitor stating he would contact CorpCare to get an assessment completed and proceed to follow the mandatory process. [Exhibit 6.] Unfortunately he did not.

On February 28, 2014, the State Bar's Board of Governors summarily suspended Mr. Hughes for failure to comply with MCLE requirements. By letter dated March 3, 2014, Mr. Hughes was notified by John Phelps, CEO/Executive Director of the State Bar of his summary suspension. [Exhibit 7.] By letter dated April 8, 2014, Senior Bar Counsel David L. Sandweiss informed Mr. Hughes of his duties while on summary suspension and was reminded him that he was not still compliant with his Order of Admonition. [Exhibit 8.] Mr. Hughes was notified of his non-compliance and this hearing. [Exhibit 9.] In addition Mr. Sandweiss spoke personally with Mr. Hughes regarding this hearing. Despite that notice and being cautioned to appear, Mr. Hughes neither attempted to have this matter continued nor to appear.

Now Therefore,

It is a finding of fact that Mr. Hughes failed to adhere to the terms of his Order of Admonition. Mr. Hughes did not schedule his MAP assessment nor was he in compliance with the terms and conditions of his Order of Admonition.

IT IS ORDERED that **Robert F. Hughes, Bar No. 003209** is hereby suspended for six (6) months and one (1) day effective immediately. Upon reinstatement, Mr. Hughes shall be placed on probation with such terms as determined by a hearing panel after a reinstatement hearing. Mr. Hughes shall immediately comply with the Requirements of Rule 72 Ariz. R. Sup. Ct. A final judgment and Order is issued this date.

DATED this 16th day of June, 2014.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/mailed
this 16th day of June, 2014, to:

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