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Email: Bob@dosseylaw.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**ROBERT L. DOSSEY,
Bar No. 004152,**

Respondent.

PDJ 2021 9049

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar File No. 21-0993

The State Bar of Arizona, and Respondent Robert L. Dossey, 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.

A Probable Cause Order has not been entered in this matter.

Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., the State Bar provided notice of this agreement to the Complainant by e-mail on June 2, 2021. Complainant has also been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. Copies of Complainant's objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 1.4, 1.5(b), 1.15(a) and (d), 1.16(d) and Rule 43(a) and (b), Ariz. R. Sup. Ct.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline:

Reprimand with Probation terms of which are set in Sanctions below.

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. If costs are not paid within

the 30 days interest will begin to accrue at the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in the State of Arizona on July 21, 1975.

COUNT ONE (File No. 21-0993/ Ellison)

2. On December 3, 2018, Ellison paid Respondent \$2500.00 in anticipation of representation in a criminal investigation and/or criminal charges for sexual misconduct with minors.

3. Respondent claims that he considered the \$2500.00 payment a "retainer" for future services and placed the money into his firm's operating account.

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. Respondent did not believe that a Fee Agreement or other writing was necessary regarding the anticipated representation since the anticipated investigation and/or charges had not begun.

5. In or around February 2021, Ellison contacted Respondent requesting the return of the prepaid fees. Respondent requested that Ellison wait for approximately one month.

6. On April 10, 2021, Ellison contacted Respondent by text requesting the return of the prepaid fees as the legal authorities had apparently not taken any action against Ellison.

7. When Ellison did not receive a response, he texted Respondent on April 12, 2021 stating, in pertinent part, "Never heard back from you, I just wanted to follow up again. I will be calling tomorrow to get in touch and hopefully that will allow some more asynchronous communication to occur."

8. That day, Respondent responded, "You'll have to wait."

9. After explaining that "I have waited the month that you had asked for, as well as an additional 2 weeks, as you requested to give you some more time. I would not like to wait any longer."

10. Respondent replied, “Too bad”, to which Ellison responded, “Bob, it appears to me that you have had an ample amount of time to return my money. I would appreciate knowing if you have any intent on repaying me?”

11. In his response to the State Bar, Respondent admits that he did not communicate the scope of representation or the basis or rate of the fees and expenses to the client in writing.

12. Respondent also admits “an obvious violation of Rule 43(a), and ER 1.15”, but claims that he mistakenly deposited the prepaid fees into his firm’s operating account instead of the trust account.

13. Respondent states that his lack of communication with Ellison throughout the representation was due to him “waiting for (Ellison) to inform (Respondent) if criminal charges were filed against him.”

14. Finally, Respondent claims that Ellison requested the return of the \$2500.00 during a time that “I was extremely busy with two other pending matters that consumed all of my time, and I did not pursue his request as diligently as I should have.”

15. On or about April 2021, Respondent returned \$2500.00 to Ellison.

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 he violated Rule 42, Ariz. R. Sup. Ct., ERs 1.4, 1.5(b), 1.15(a) and (d), 1.16(d) and Rule 43(a) and (b), 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 sanctions are appropriate:

Reprimand with Probation for two (2) years, concurrent with the probation in *In re: Robert L. Dossey*, SB20-1990 [March 15, 2021], with the additional terms of probation consisting of:

1. CLE: In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program(s):

Ins & Outs of Fee Agreements and

Ethics Café: ER 1.5 Fees

within 90 days from the date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

Respondent shall commit no further violations of the Rules of Professional Conduct.

NON-COMPLIANCE WITH PROBATION

If Respondent fails to comply with any of the foregoing probation terms and the State Bar of Arizona receives information thereof, 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 Respondent breached a term of

probation and, if so, to recommend an appropriate sanction. If the State Bar alleges 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.

If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

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 determining an appropriate sanction the Court considers 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. *Standard* 3.0.

The parties agree that the following *Standards are* appropriate given the facts and circumstances of this matter:

Rule 42, Ariz. R. Sup. Ct., ER 1.4:

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.

Rule 42, Ariz. R. Sup. Ct., ER 1.5(b):

Standard 4.63

Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to a client.

Rule 42, Ariz. R. Sup. Ct., ERs 1.15(a) & (d), 1.16(d) and Rule 43(a) & (b), Ariz. R. Sup. Ct.:

Standard 4.13

Reprimand is generally appropriate when a lawyer is negligent in dealing with client property, and causes injury or potential injury to a client.

The duty violated

Respondent's conduct violated his duty to the client.

The lawyer's mental state

Respondent negligently failed to reasonably communicate with the client regarding the return of unearned fees, failed to communicate the scope of the representation and the basis or rate of the fee and expenses to the client in writing, failed to hold property of the client in connection with the representation separate from the lawyer's own property, failed to refund the prepaid unearned fees upon termination of the representation and failed to comply with the requirements set forth in various subsections of as the "Trust Account Rule", all of which was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

There was potential harm to the client.

Aggravating and mitigating circumstances

The presumptive sanction is Reprimand with Probation. The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation:

a) 9.22(a) prior disciplinary offenses;

- SB20-1990 (March 15, 2021): Respondent received an Admonition with two years of Probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 1.4, 1.7(a)(2), 1.8(a) and (e), 8.1(b) and Rule 54(d)(2), Ariz. R. Sup. Ct. by, among other things, entering into a business transaction and providing financial assistance to his client during the representation.

- SB14-2653 (March 4, 2015): Respondent received an Admonition with one year of Probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 4.2 and 8.4(d) by attempting to interview a represented co-Defendant of his client without the consent of co-Defendant's attorney.

- SB12-2054 (April 15, 2013): Respondent received an Admonition with one year of Probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 3.4(e), 3.5(e), 4.4 and Rule 54(i), Ariz. R. Sup. Ct. by making inappropriate statements during trial and closing statements.

b) 9.22(i) substantial experience in the practice of law [July 21, 1975].

In mitigation:

a) 9.32(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

Discussion

The parties conditionally agree that upon application of the aggravating and mitigating factors the presumptive sanction is appropriate.

The parties conditionally agree that a greater or lesser sanction is not appropriate. This agreement is based on the following:

While Respondent's statements and actions at or near the termination of the representation are disturbing, Respondent rectified the harm to the client by returning the full amount of the prepaid unearned fees. The proposed Continuing Legal Educational (CLE) programs will address these issues and hopefully prevent any future violations regarding the ethical billing of clients.

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.

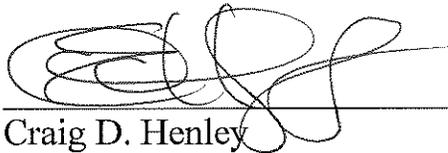
CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. In re *Peasley*, 208 Ariz. 27 (2004). Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Reprimand with Probation and the imposition of costs and expenses.

A proposed form of order is attached hereto as Exhibit B.

DATED this 16th day of June 2021.

STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

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

DATED this _____ day of June, 2021.

Robert L. Dossey
Respondent

Approved as to form and content

/s/ Maret Vessella
Maret Vessella
Chief Bar Counsel

A proposed form of order is attached hereto as Exhibit B.

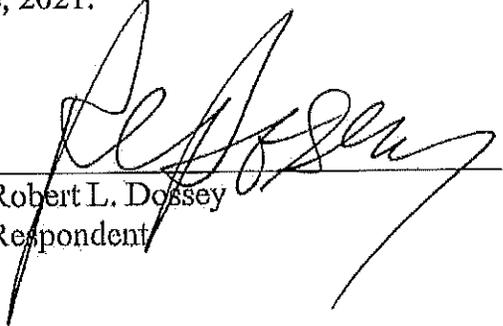
DATED this _____ day of June 2021.

STATE BAR OF ARIZONA

Craig D. Henley
Senior Bar Counsel

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

DATED this 15th day of June, 2021.



Robert L. Dossey
Respondent

Approved as to form and content

Maret Vessella
Chief Bar Counsel

A proposed form of order is attached hereto as Exhibit B.

DATED this ____ day of June 2021.

STATE BAR OF ARIZONA

Craig D. Henley
Senior Bar Counsel

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

DATED this _____ day of June, 2021.

Robert L. Dossey
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 16th day of June, 2021.

Copy of the foregoing emailed
this 16th day of June, 2021, to:

The Honorable Margaret H. Downie
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 16th day of June, 2021, to:

Robert L. Dossey
Robert L. Dossey PC
90 S. Kyrene Road, Suite 1
Chandler, Arizona 85226-4687
Email: Bob@dosseylaw.com
Respondent

Copy of the foregoing hand-delivered
this 16th day of June, 2021, to:

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

by: /s/ Karen E. Calcagno
CDH/kec

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Robert L. Dossey, Bar No. 004152, Respondent

File No. 21-0993

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.

Additional Costs

Total for additional costs \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$ 1,200.00

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**ROBERT L. DOSSEY,
Bar No. 004152,**

PDJ

**FINAL JUDGMENT AND
ORDER**

State Bar No. 21-0993

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

Accordingly:

IT IS ORDERED that Respondent, Robert L. Dossey, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of two (2) years, concurrent with the probation in *In re: Robert L. Dossey*, SB20-1990 [March 15, 2021]. The additional term of probation includes:

2. CLE: In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program(s):

Ins & Outs of Fee Agreements and

Ethics Café: ER 1.5 Fees

within 90 days from the date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

Respondent shall commit no further violations of the Rules of Professional Conduct.

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 June, 2021.

**Margaret H. Downie, 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 June, 2021.

Copies of the foregoing mailed/emailed
this _____ day of June, 2021, to:

Robert L. Dossey
Robert L. Dossey PC
90 S. Kyrene Road, Suite 1
Chandler, Arizona 85226-4687
Email: Bob@dosseylaw.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of June, 2021, to:

Craig D. Henley
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
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Lawyer Regulation Records Manager
State Bar of Arizona
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Phoenix, Arizona 85016-6266

by: _____

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Senior Bar Counsel
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Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**ROBERT L. DOSSEY,
Bar No. 004152,**

Respondent.

PDJ 2021 9049

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar File No. 21-0993

The State Bar of Arizona, and Respondent Robert L. Dossey, 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.

A Probable Cause Order has not been entered in this matter.

Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., the State Bar provided notice of this agreement to the Complainant by e-mail on June 2, 2021. Complainant has also been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. Copies of Complainant's objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 1.4, 1.5(b), 1.15(a) and (d), 1.16(d) and Rule 43(a) and (b), Ariz. R. Sup. Ct.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline:

Reprimand with Probation terms of which are set in Sanctions below.

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. If costs are not paid within

the 30 days interest will begin to accrue at the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in the State of Arizona on July 21, 1975.

COUNT ONE (File No. 21-0993/ Ellison)

2. On December 3, 2018, Ellison paid Respondent \$2500.00 in anticipation of representation in a criminal investigation and/or criminal charges for sexual misconduct with minors.

3. Respondent claims that he considered the \$2500.00 payment a "retainer" for future services and placed the money into his firm's operating account.

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. Respondent did not believe that a Fee Agreement or other writing was necessary regarding the anticipated representation since the anticipated investigation and/or charges had not begun.

5. In or around February 2021, Ellison contacted Respondent requesting the return of the prepaid fees. Respondent requested that Ellison wait for approximately one month.

6. On April 10, 2021, Ellison contacted Respondent by text requesting the return of the prepaid fees as the legal authorities had apparently not taken any action against Ellison.

7. When Ellison did not receive a response, he texted Respondent on April 12, 2021 stating, in pertinent part, "Never heard back from you, I just wanted to follow up again. I will be calling tomorrow to get in touch and hopefully that will allow some more asynchronous communication to occur."

8. That day, Respondent responded, "You'll have to wait."

9. After explaining that "I have waited the month that you had asked for, as well as an additional 2 weeks, as you requested to give you some more time. I would not like to wait any longer."

10. Respondent replied, “Too bad”, to which Ellison responded, “Bob, it appears to me that you have had an ample amount of time to return my money. I would appreciate knowing if you have any intent on repaying me?”

11. In his response to the State Bar, Respondent admits that he did not communicate the scope of representation or the basis or rate of the fees and expenses to the client in writing.

12. Respondent also admits “an obvious violation of Rule 43(a), and ER 1.15”, but claims that he mistakenly deposited the prepaid fees into his firm’s operating account instead of the trust account.

13. Respondent states that his lack of communication with Ellison throughout the representation was due to him “waiting for (Ellison) to inform (Respondent) if criminal charges were filed against him.”

14. Finally, Respondent claims that Ellison requested the return of the \$2500.00 during a time that “I was extremely busy with two other pending matters that consumed all of my time, and I did not pursue his request as diligently as I should have.”

15. On or about April 2021, Respondent returned \$2500.00 to Ellison.

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 he violated Rule 42, Ariz. R. Sup. Ct., ERs 1.4, 1.5(b), 1.15(a) and (d), 1.16(d) and Rule 43(a) and (b), 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 sanctions are appropriate:

Reprimand with Probation for two (2) years, concurrent with the probation in *In re: Robert L. Dossey*, SB20-1990 [March 15, 2021], with the additional terms of probation consisting of:

1. CLE: In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program(s):

Ins & Outs of Fee Agreements and

Ethics Café: ER 1.5 Fees

within 90 days from the date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

Respondent shall commit no further violations of the Rules of Professional Conduct.

NON-COMPLIANCE WITH PROBATION

If Respondent fails to comply with any of the foregoing probation terms and the State Bar of Arizona receives information thereof, 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 Respondent breached a term of

probation and, if so, to recommend an appropriate sanction. If the State Bar alleges 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.

If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

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 determining an appropriate sanction the Court considers 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. *Standard* 3.0.

The parties agree that the following *Standards are* appropriate given the facts and circumstances of this matter:

Rule 42, Ariz. R. Sup. Ct., ER 1.4:

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.

Rule 42, Ariz. R. Sup. Ct., ER 1.5(b):

Standard 4.63

Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to a client.

Rule 42, Ariz. R. Sup. Ct., ERs 1.15(a) & (d), 1.16(d) and Rule 43(a) & (b), Ariz. R. Sup. Ct.:

Standard 4.13

Reprimand is generally appropriate when a lawyer is negligent in dealing with client property, and causes injury or potential injury to a client.

The duty violated

Respondent's conduct violated his duty to the client.

The lawyer's mental state

Respondent negligently failed to reasonably communicate with the client regarding the return of unearned fees, failed to communicate the scope of the representation and the basis or rate of the fee and expenses to the client in writing, failed to hold property of the client in connection with the representation separate from the lawyer's own property, failed to refund the prepaid unearned fees upon termination of the representation and failed to comply with the requirements set forth in various subsections of as the "Trust Account Rule", all of which was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

There was potential harm to the client.

Aggravating and mitigating circumstances

The presumptive sanction is Reprimand with Probation. The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation:

a) 9.22(a) prior disciplinary offenses;

- SB20-1990 (March 15, 2021): Respondent received an Admonition with two years of Probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 1.4, 1.7(a)(2), 1.8(a) and (e), 8.1(b) and Rule 54(d)(2), Ariz. R. Sup. Ct. by, among other things, entering into a business transaction and providing financial assistance to his client during the representation.

- SB14-2653 (March 4, 2015): Respondent received an Admonition with one year of Probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 4.2 and 8.4(d) by attempting to interview a represented co-Defendant of his client without the consent of co-Defendant's attorney.

- SB12-2054 (April 15, 2013): Respondent received an Admonition with one year of Probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 3.4(e), 3.5(e), 4.4 and Rule 54(i), Ariz. R. Sup. Ct. by making inappropriate statements during trial and closing statements.

b) 9.22(i) substantial experience in the practice of law [July 21, 1975].

In mitigation:

a) 9.32(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

Discussion

The parties conditionally agree that upon application of the aggravating and mitigating factors the presumptive sanction is appropriate.

The parties conditionally agree that a greater or lesser sanction is not appropriate. This agreement is based on the following:

While Respondent's statements and actions at or near the termination of the representation are disturbing, Respondent rectified the harm to the client by returning the full amount of the prepaid unearned fees. The proposed Continuing Legal Educational (CLE) programs will address these issues and hopefully prevent any future violations regarding the ethical billing of clients.

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.

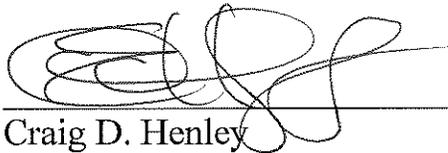
CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. In re *Peasley*, 208 Ariz. 27 (2004). Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Reprimand with Probation and the imposition of costs and expenses.

A proposed form of order is attached hereto as Exhibit B.

DATED this 16th day of June 2021.

STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

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

DATED this _____ day of June, 2021.

Robert L. Dossey
Respondent

Approved as to form and content

/s/ Maret Vessella
Maret Vessella
Chief Bar Counsel

A proposed form of order is attached hereto as Exhibit B.

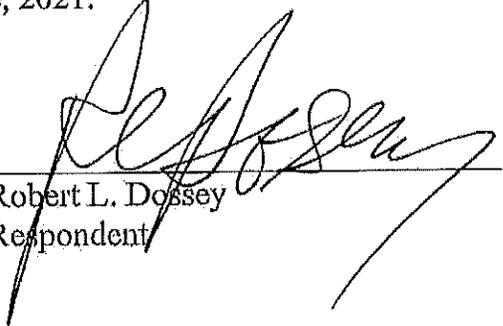
DATED this _____ day of June 2021.

STATE BAR OF ARIZONA

Craig D. Henley
Senior Bar Counsel

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

DATED this 15th day of June, 2021.



Robert L. Dossey
Respondent

Approved as to form and content

Maret Vessella
Chief Bar Counsel

A proposed form of order is attached hereto as Exhibit B.

DATED this ____ day of June 2021.

STATE BAR OF ARIZONA

Craig D. Henley
Senior Bar Counsel

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

DATED this _____ day of June, 2021.

Robert L. Dossey
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 16th day of June, 2021.

Copy of the foregoing emailed
this 16th day of June, 2021, to:

The Honorable Margaret H. Downie
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 16th day of June, 2021, to:

Robert L. Dossey
Robert L. Dossey PC
90 S. Kyrene Road, Suite 1
Chandler, Arizona 85226-4687
Email: Bob@dosseylaw.com
Respondent

Copy of the foregoing hand-delivered
this 16th day of June, 2021, to:

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

by: /s/ Karen E. Calcagno
CDH/kec

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Robert L. Dossey, Bar No. 004152, Respondent

File No. 21-0993

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.

Additional Costs

Total for additional costs \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED **\$ 1,200.00**

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**ROBERT L. DOSSEY,
Bar No. 004152,**

PDJ

**FINAL JUDGMENT AND
ORDER**

State Bar No. 21-0993

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

Accordingly:

IT IS ORDERED that Respondent, Robert L. Dossey, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of two (2) years, concurrent with the probation in *In re: Robert L. Dossey*, SB20-1990 [March 15, 2021]. The additional term of probation includes:

2. CLE: In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program(s):

Ins & Outs of Fee Agreements and

Ethics Café: ER 1.5 Fees

within 90 days from the date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

Respondent shall commit no further violations of the Rules of Professional Conduct.

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 June, 2021.

**Margaret H. Downie, 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 June, 2021.

Copies of the foregoing mailed/emailed
this _____ day of June, 2021, to:

Robert L. Dossey
Robert L. Dossey PC
90 S. Kyrene Road, Suite 1
Chandler, Arizona 85226-4687
Email: Bob@dosseylaw.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of June, 2021, to:

Craig D. Henley
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 June, 2021 to:

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

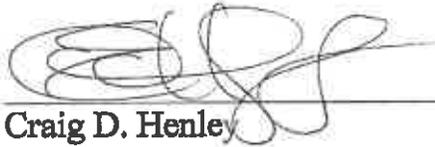
by: _____

Dossey
PDS 2021/009
Orig signature
to Consent

A proposed form of order is attached hereto as Exhibit B.

DATED this 16th day of June 2021.

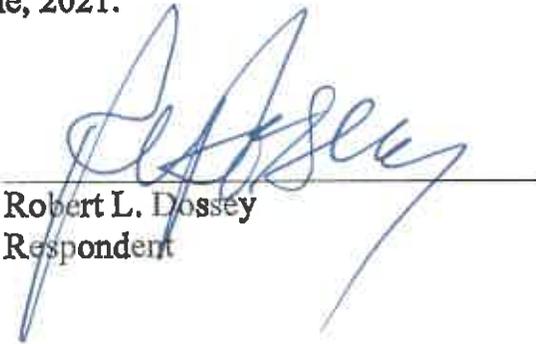
STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

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

DATED this 16th day of June, 2021.



Robert L. Dossey
Respondent

Approved as to form and content

/s/ Maret Vessella
Maret Vessella
Chief Bar Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

ROBERT L. DOSSEY,
Bar No. 004152

Respondent.

PDJ 2021-9049

FINAL JUDGMENT AND ORDER

State Bar No. 21-0993

FILED JUNE 21, 2021

The Presiding Disciplinary Judge of the Supreme Court of Arizona accepted the parties' Agreement for Discipline by Consent submitted pursuant to Rule 57(a), Ariz. R. Sup. Ct.

IT IS ORDERED that Respondent, **ROBERT L. DOSSEY, Bar No. 004152**, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of two (2) years, concurrent with the probation in *In re: Robert L. Dossey*, SB20-1990 [March 15, 2021]. The additional terms and conditions include:

1. Continuing Legal Education (CLE): In addition to annual MCLE requirements, Respondent shall complete the following CLE program(s) within 90 days from the date of service of this order:

- *Ins & Outs of Fee Agreements and*
- *Ethics Café: ER 1.5 Fees*

Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent shall contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

Respondent shall commit no further violations of the Rules of Professional Conduct.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within 30 days from the date of service of this order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

DATED this 21st day of June, 2021.

Margaret H. Downie

Margaret H. Downie
Presiding Disciplinary Judge

Copies of the foregoing emailed
this 21st day of June, 2021 to:

Robert L. Dossey
Robert L. Dossey PC
90 S. Kyrene Road, Suite 1
Chandler, Arizona 85226-4687
Email: Bob@dosseylaw.com
Respondent

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

by: MSmith