

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE 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,**

**Carmen L. Fischer ,
Bar No. 009975**

Respondent.

PDJ 2014-9065

JUDGMENT OF DISBARMENT

State Bar No. 14-0939

FILED AUGUST 8, 2014

Pursuant to Rule 57, Ariz. R. Sup. Ct., the Presiding Disciplinary Judge of the Supreme Court of Arizona has considered Respondent's Consent to Disbarment filed on July 29, 2014, and filed herein. Accordingly:

IT IS HEREBY ORDERED accepting the consent to disbarment. Respondent, **Carmen L. Fischer, Bar No. 009975**, is hereby disbarred from the State Bar of Arizona and her name is hereby stricken from the roll of lawyers **effective immediately**.

Respondent is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court. Respondent shall immediately comply with the requirements relating to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that no further disciplinary action shall be taken in reference to the matters that are the subject of the charges upon which the consent to disbarment and this judgment of disbarment are based.

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 thirty (30) days of the date of entry of this Judgment.

DATED this 8th day of August, 2014.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 8th day of August, 2014, to:

Ms. Nancy A. Greenlee
821 East Fern Drive North
Phoenix, Arizona 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Co-Counsel

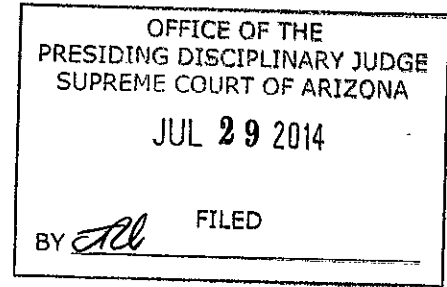
Mr. James J. Belanger
Coppersmith Brockelman PLC
2800 North Central Avenue,
Suite 1200
Phoenix, Arizona 85004-1009
Email: jbelanger@cblawyers.com
Respondent's Co-Counsel

David L. Sandweiss
Senior 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: MSmith

David L. Sandweiss, Bar No. 005501
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7272
Email: LRO@staff.azbar.org



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

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

**CARMEN L. FISCHER,
Bar No. 009975,**

Respondent.

PDJ 2014-9065

**CONSENT TO
DISBARMENT**

State Bar No. 14-0939

I, Carmen L. Fischer, residing at:

2011 East Orangewood Avenue, Phoenix, Arizona 85020

voluntarily consent to disbarment as a member of the State Bar of Arizona and consent to the removal of my name from the roster of those permitted to practice before this court, and from the roster of the State Bar of Arizona.

I acknowledge that charges have been made against me. I have read the charges. I further acknowledge that I do not desire to contest or defend the charges, but wish to consent to disbarment. I have been advised of and have had an opportunity to exercise my right to be represented in this matter by a lawyer. I consent to disbarment freely and voluntarily and not under coercion or intimidation. I am aware of the rules of the Supreme Court with respect to discipline, disability, resignation and reinstatement, and I understand that any future application by me for admission or reinstatement as a member of the State Bar of Arizona will be

treated as an application by a member who has been disbarred for professional misconduct, as set forth in the charges made against me. The misconduct of which I am accused is described in the charges bearing the number referenced above, a copy of which is attached hereto as Exhibit "A."

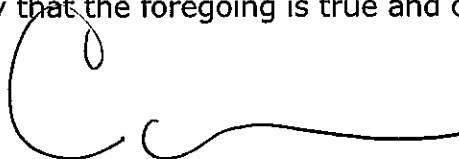
I agree to pay the costs assessed against me in connection with this matter within thirty (30) days from the date of service of the Judgment of Disbarment. The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "B."

A proposed form of Judgment of Disbarment is attached hereto as Exhibit "C."

Executed this 25th day of July, 2014, at Goodyear

Arizona.

I declare under penalty of perjury that the foregoing is true and correct.



Carmen L. Fischer
Respondent

EXHIBIT "A"

Carmen L. Fischer, Respondent

State Bar of Arizona File No. 14-0939

Statement of Charges

In September 2013, a grand jury in Pinal County Superior Court indicted Respondent on 48 felony counts. The separate counts included Illegally Conducting an Enterprise, Conspiracy, Fraudulent Schemes and Artifices, Illegal Use of Wire Communications, Money Laundering, Hindering Prosecution, and Assisting a Criminal Street Gang. Her 15 co-defendants included members of the Arizona Mexican Mafia and California Mexican Mafia, among whom was her client and husband, Mexican Mafia leader Angel Garcia.

In general, Respondent was charged with executing Garcia's instructions to move money between accounts of prisoners and to facilitate communications among gang members both in and outside of prison, in order to transact gang business.

The state charged that Respondent sent thousands of dollars into Garcia's and other inmates' accounts to pay for Garcia's use of their phone and commissary privileges to conduct his Mafia business. She forwarded "legal" calls to people with whom he wanted to speak, went to where Garcia directed her so others could use her phone to talk to him, arranged to be with people to whom Garcia needed to speak at a certain time, and relayed messages he directed her to deliver.

On February 18, 2014, with the advice of counsel, Respondent pled guilty to two counts: Attempted Money Laundering, a class 4 felony, and Assisting a Criminal Street Gang, a class 3 felony. The factual basis for the plea that Respondent read into the record at her change of plea hearing was:

On and between December 1, 2007 and July 31, 2013, I assisted Angel Garcia aka Chipas, by passing information relevant to his criminal organization and I assisted with the movement of money and other things of value including but not limited to "secure packs" for inmates in state and federal prison. I was aware that Angel Garcia was an active member of the Mexican Mafia and that by passing on information and money at his direction I was assisting the Mexican Mafia. This happened both in and from Florence, Pinal County, Arizona.

On March 17, 2014, the court sentenced Respondent to three years in prison for the class four felony with credit for six days served prior to sentencing. She must serve at least 85% of the sentence and serve a term of community supervision consecutive to her imprisonment at the rate of one day for every six days of the imposed sentence. For the class three felony, the judge suspended the sentence and placed Respondent on supervised probation for four years commencing upon absolute discharge from her secured confinement under the supervision of the Adult Probation Department of the court. Respondent's probation is to be served consecutive to her imprisonment. Finally, Respondent must pay monthly probation fees of \$75.00.

Respondent violated the following Supreme Court rules:

Rule 42, Ariz. R. Sup. Ct., ER 8.4. Misconduct

It is professional misconduct for a lawyer to:

* * *

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; [and]

(d) engage in conduct that is prejudicial to the administration of justice

Rule 54, Ariz. R. Sup. Ct., Grounds for Discipline

Grounds for discipline of members and non-members include the following:

* * *

(g) Conviction of a crime. A lawyer shall be disciplined as the facts warrant upon conviction of a misdemeanor involving a serious crime or of any felony. "Serious crime" means any crime, a necessary element of which, as determined by the statutory or common law definition of such crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, willful extortion, misappropriation, theft or moral turpitude. A conspiracy, a solicitation of another or any attempt to commit a serious crime, is a serious crime. Receipt by the state bar of a certified copy of the judgment of conviction, or other information of conviction of a lawyer, shall be treated and processed as is any other charge against a lawyer, except that the sole issue to be determined shall be the extent of the discipline to be imposed. In any discipline proceeding based on the conviction, proof of conviction shall be conclusive evidence of the attorney's guilt of the crime.

EXHIBIT "B"

Statement of Costs and Expenses

In the Matter of a Suspended Member of the State Bar of Arizona,
Carmen L. Fischer, Bar No. 009975, Respondent

File No. 14-0939

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.

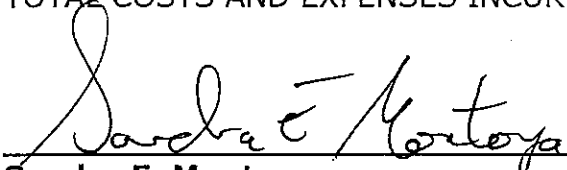
**General Administrative Expenses
for above-numbered proceedings** **\$1,200.00**

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

6-16-14

Date

EXHIBIT "C"

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE 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,**

**Carmen L. Fischer ,
Bar No. 009975,**

Respondent.

PDJ 2014-_____

JUDGMENT OF DISBARMENT

State Bar No. 14-0939

Pursuant to Rule 57, Ariz. R. Sup. Ct., the undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona has considered Respondent's Consent to Disbarment dated _____, 2014, and filed herein. Accordingly:

IT IS HEREBY ORDERED accepting the consent to disbarment. Respondent, Carmen L. Fischer, is hereby disbarred from the State Bar of Arizona and her name is hereby stricken from the roll of lawyers **effective** _____.

Respondent is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court. Respondent shall immediately comply with the requirements relating to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that no further disciplinary action shall be taken in reference to the matters that are the subject of the charges upon which the consent to disbarment and this judgment of disbarment are based.

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 of the date of entry of this Judgment.

DATED this _____ day of _____, 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 _____, 2014.

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

Ms. Nancy A. Greenlee
821 East Fern Drive North
Phoenix, Arizona 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Co-Counsel

Mr. James J. Belanger
Coppersmith Brockelman PLC
2800 North Central Avenue,
Suite 1200
Phoenix, Arizona 85004-1009
Email: jbelanger@cblawyers.com
Respondent's Co-Counsel

Copy of the foregoing emailed this _____ day of _____, to:

William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
Email: officepdj@courts.az.gov

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

David L. Sandweiss
Senior 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: _____

FILED

JUL 18 2014

STATE BAR OF ARIZONA

BY

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

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

**CARMEN L. FISCHER
Bar No. 009975**

Respondent.

No. 14-0939

PROBABLE CAUSE ORDER

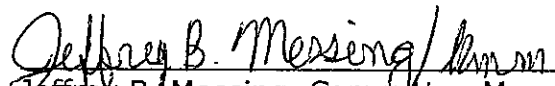
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on July 11, 2014, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 5-0-4¹, the Committee finds probable cause exists that Respondent violated the Rules of the Supreme Court of Arizona:

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 17th day of July, 2014.


Jeffrey B. Messing, Committee Member
Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

¹ Committee members Judge Lawrence F. Winthrop, Jeffrey G. Pollitt, Daisy Flores and Donald G. Manning did not participate in this matter.

Original filed this 18th day
of July, 2014, with:

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

Copy mailed this 21st day
of July, 2014, to:

Nancy A. Greenlee
Attorney at Law
821 East Fern Drive North
Phoenix, Arizona 85014-3248
Respondent's Co-Counsel

James J. Belanger
Coppersmith Brockelman PLC
2800 North Central Avenue,
Suite 1200
Phoenix, Arizona 85004
Respondent's Co-Counsel

Copy emailed this 21st day
of July, 2014, 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: 