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 NON-MEMBER OF THE STATE BAR OF ARIZONA, **SABRINA PRICE,** Respondent.	**PDJ-2013-9077** **REPORT AND ORDER IMPOSING SANCTIONS** [State Bar Nos. 11-3302, 11-3699, 12-0024, 12-0143, 12-1403, 12-1706, 12-2209, 12-2518] **FILED FEBRUARY 28, 2014**

PROCEDURAL HISTORY

The State Bar of Arizona ("SBA") filed its complaint against Respondent on September 3, 2013. Respondent is a lawyer licensed in New Mexico and who maintains a law office in Arizona. At the time of the filing of the complaint, Respondent was represented by Attorney Ralph W. Adams. On September 5, 2013, the complaint was served on Respondent, through her counsel, by certified, delivery restricted mail, as well as by regular first class mail, pursuant to Rules 47(c) and 58(a) (2), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge ("PDJ") was assigned to the matter. A notice of default was properly issued on October 1, 2013. Respondent filed an answer on October 7, 2013.

On December 23, 2013, Attorney Adams filed a motion to withdraw, which was granted on December 26, 2013. Also on December 26, 2013, the SBA filed a

Motion for Sanctions based upon Respondent's failure to appear at the scheduled settlement conference, without notice or explanation, and her failure to respond to discovery requests propounded upon her by the SBA. By order dated January 13, 2014, the PDJ granted the Motion for Sanctions, struck Respondent's pleadings, reconfirmed the default entered against Respondent *nunc pro tunc* to October 1, 2013, and directed the disciplinary clerk to issue a minute entry declaring the default effective and setting this matter for an aggravation/mitigation hearing.

On January 14, 2014, the disciplinary clerk issued an Entry of Default and Notice of Aggravation/Mitigation Hearing, which was sent to all parties notifying them that the hearing was scheduled for January 30, 2014 at 9:00 a.m., at the State Courts Building located at 1501 West Washington, Phoenix, Arizona 85007-3231. On January 30, 2014, the Hearing Panel, comprised of the PDJ, attorney member, Kenneth L. Mann and public member, Richard L. Westby, heard argument.

FINDINGS OF FACT

1. Respondent was a lawyer licensed to practice law in the state of New Mexico. Respondent's New Mexico bar number is 140816.

2. At all times relevant, Respondent was a lawyer who was not licensed to practice law in the state of Arizona, but she maintained an office in Arizona and regularly practiced in Arizona in the area of immigration law.

COUNT ONE (File no. 11-3302/Gonzalez)

3. In late June 2011, Luis Pedraza retained Respondent to represent him in certain immigration matters. Mr. Pedraza signed a fee agreement and agreed to pay Respondent $6,500 for the representation.

4. On June 28, 2011, Ms. Wendy Gonzalez, Mr. Pedraza's wife, paid Respondent $2,000 of the $6,500 to be paid under the fee agreement.

5. By receipt dated June 29, 2011, Respondent's office acknowledged receipt of the $2,000 payment made by Ms. Gonzalez.

6. During the course of the representation, Ms. Gonzalez provided Respondent with numerous personal documents, which Respondent told her were necessary for the representation, including but not limited to, birth certificates of Ms. Gonzalez's children.

7. When Mr. Pedraza retained Respondent, his case was set for a removal hearing on August 4, 2011 in the Immigration Court in Eloy, Arizona.

8. Ms. Gonzalez believed that Respondent would take action to secure Mr. Predraza's release on bond from the Eloy Detention Center and have the case transferred to San Francisco.

9. Respondent told Ms. Gonzalez that there was "ample time" between the day that Mr. Pedraza retained her services and the scheduled August 4, 2011 hearing to file a request for a bond hearing with the Immigration Court.

10. Respondent and her assistant, Abel Valencia, visited Mr. Pedraza at the Eloy Detention Center only once during the representation.

11. Mr. Pedraza tried to call Respondent to discuss his case, but he could never reach Respondent to speak with her.

12. Ms. Gonzalez also tried to call Respondent to discuss the case and left numerous messages that Respondent never returned.

13. By order dated June 27, 2011, Respondent was ordered to report for reservist military duty on August 4, 2011, the same date as Mr. Pedraza's removal hearing.

14. Respondent did not file a request for a bond hearing before the August 4, 2011 hearing date.

15. Respondent did not timely file a motion to continue the removal hearing set for August 4, 2011.

16. Respondent did not notify either Mr. Pedraza or Ms. Gonzalez that she would not appear at the August 4, 2011 removal hearing.

17. Respondent failed to appear at the August 4, 2011 removal hearing.

18. Ms. Gonzalez attended the hearing and observed that Judge Linda Walters-Spencer "was very upset" because Respondent failed to appear for the hearing.

19. The Court re-set the removal hearing for September 1, 2011.

20. Ms. Gonzalez called Respondent to find out why Respondent did not appear at the August 4, 2011 removal hearing, but Respondent never returned her telephone call.

21. Respondent claims that she met with Mr. Pedraza at the Eloy Detention Facility on August 23, 2011, at which time she determined that Mr. Pedraza was statutorily ineligible for bond due to his criminal history.

22. Respondent's time records do not reflect that she met with Mr. Pedraza on August 23, 2011.

23. On September 1, 2011, the Immigration Court conducted Mr. Pedraza's continued removal hearing.

24. Respondent failed to appear at the September 1, 2011 removal hearing.

25. Ms. Gonzalez attended the hearing and heard Judge Linda Walters-Spencer tell Mr. Pedraza that she had sent Respondent a reminder about the hearing.

26. At the conclusion of the hearing, the Court ordered that Mr. Pedraza be deported to Mexico.

27. Respondent claims that she had another hearing in the same facility that day and when she finally made it to Mr. Pedraza's hearing, Judge Walters-Spencer advised her that Mr. Pedraza had decided to "take a deportation" and that her legal services "were no longer needed."

28. Respondent's time records reflect an entry on September 1, 2011, and states as follows: "Drove to Eloy to appear for client. Had 6 other hearings that morning, 4 different judges, went before this judge last (Walter Spencer [sic]) client decided to fire me & take deportation." Even though Respondent failed to timely appear for Mr. Pedraza's hearing and there is no evidence that she met with him on that date, Respondent billed Mr. Pedraza for 3.5 hours of her time.

29. Respondent continued to bill Mr. Pedraza for her services even though the Court advised Respondent that her legal services "were no longer needed" and Mr. Pedraza had been deported.

30. Respondent advised the State Bar in response to its screening letter that on September 6, 2011, she went to the Eloy Detention Center to meet with Mr. Pedraza to discuss his decision to accept deportation, but that when she arrived at the Eloy Detention Center, Respondent was advised that Mr. Pedraza had already been deported.

31. Notwithstanding that Mr. Pedraza had already been deported, Respondent billed him for 2.5 hours of her time. Respondent's time entry for September 6, 2011, states: "sabrina drove to Eloy to meet with client, but client was already deported."

32. Respondent's time records reflect a double-entry for September 19, 2011, with the following description, "closed file." Each entry was for .50 hour.

33. Respondent's time records reflect two entries for November 22, 2011, with the following descriptions: "called Jessica back . . W/newest dates" and "Spoke to Wendy she would like to know if Sabrina can go visit Luis in Eloy." However, Mr. Pedraza had already been deported.

34. Ms. Gonzalez was unable to request a refund from Respondent because no one from Respondent's office would return her telephone calls.

35. Respondent did not refund any monies to Ms. Gonzalez; did not advise Ms. Gonzalez why she is entitled to retain those monies; nor did she return Ms. Gonzalez's personal documents to her.

36. By engaging in the misconduct described above, Respondent violated the ethical rules set forth below.

37. Respondent violated ER 1.3 [Diligence], which provides that a lawyer shall act with reasonable diligence and promptness in representing a client. Respondent, among other things, failed to request a bond hearing before the August 4, 2011 hearing; failed to promptly file a motion to continue the August 4, 2011 hearing when she learned of the June 27, 2011 order directing Respondent to report for military duty on August 4th; failed to appear at the August 4th and September 1st removal hearings; and failed to determine that Mr. Pedraza was ineligible for bond until after August 23, 2011.

38. Respondent violated ER. 1.4(a)(3) and (4) [Communication], which provides that a lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information. Respondent failed to keep Mr. Pedraza and his wife reasonably informed about the status of his case and by failed to promptly comply with reasonable requests for information from them.

39. Respondent violated ER 1.5(a) [Fees], which provides that a lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. Ms. Gonzalez paid Respondent $2,000 towards what appears to be a flat fee for legal services. However, it is unclear what services, if any, were actually provided by Respondent and ultimately, they were of no value to Mr. Pedraza, who was deported after Respondent failed to appear at two (2) removal hearings. Additionally, Respondent's billing records are replete with inaccurate entries including double-billings and entries for time allegedly spent on the case after the representation was terminated.

40. Respondent violated ER 1.16(d) [Terminating Representation], which provides that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Among other things, Respondent failed to return to Ms. Gonzalez the personal documents, e.g., birth certificates, that were provided to Respondent as part of the representation. Respondent also failed to refund to Ms. Gonzalez any unearned fees and/or costs that had been paid to her.

41. Respondent violated ER 8.1(a) [Disciplinary Matters], which provides that a lawyer in connection with a disciplinary matter shall not knowingly make a false statement of material fact. Among other things, Respondent stated in her response to the screening letter that the August 4, 2011 hearing was reset for September 1, 2011 because she filed a motion to continue based upon a military order directing her to report for service. Respondent's time records reflect that Respondent failed to appear at the hearing and not that the hearing was reset based upon any motion filed by Respondent.

42. Respondent violated ER 8.4(c) [Misconduct], which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Respondent's time records reflect numerous questionable time entries. For example, the September 1, 2011, entry states that the "client decided to fire me & take deportation." However, there is no evidence that Respondent met with Mr. Pedraza. Instead, Respondent stated in her response to the State Bar's screening letter that by the time she arrived for the hearing, Mr.

Pedraza had already decided to accept deportation and the Judge advised Respondent that her services were no longer required. Despite that fact, there are subsequent time entries for September 6, 2011 (stating that Respondent drove to the Eloy Detention Facility to meet with Mr. Pedraza, who had already been deported); duplicate time entries on September 19, 2011 (closing Mr. Pedraza's file); and two entries on November 22, 2011, regarding hearing dates and a request to visit Mr. Pedraza in the Eloy Detention Facility, after he had already been deported.

43. Respondent violated ER 8.4(d) [Misconduct], which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. Respondent failed to appear at the August 4, 2011 hearing, which the Court was forced to reset. Respondent arrived after the conclusion of the hearing on September 1, 2011, and after Mr. Pedraza was forced to decide to accept deportation without the benefit of his counsel.

COUNT TWO (File no. 11-3699/Carbajal)

44. On November 30, 2010, Ms. Ana Carbajal retained Respondent to secure a I-765 Work Permit for her son, Jesus Alberto Carbajal, and a "follow to join benefit for minor" and "visiting license" for her younger son, Fernando Alexis Carbajal.

45. Respondent agreed to accept a flat fee of $2,500.00 to perform the legal services, with a deposit of $1,300.00 to be paid on November 15, 2010. Ms. Carbajal paid the $1,300 on that date.

46. The fee agreement entered into between Ms. Carbajal and Respondent provides that upon termination of the representation, the client may be entitled to a refund, either in part or in whole.

47. Respondent's firm told Ms. Carbajal that payments due under the fee agreement could be made by depositing payments directly into the firm's bank account.

48. On November 24, 2010, Ms. Carbajal paid Respondent $1,640 by depositing the funds directly into Respondent's Chase Bank Account, No. ######202 (the Firm's Account), as evidenced by the bank's deposit receipt. Respondent denies that Ms. Carbajal made the deposit.

49. On December 13, 2010, Ms. Carbajal paid Respondent $400.00 by depositing the funds directly into the Firm's Account, as evidenced by the bank's deposit receipt. Respondent denies that Ms. Carbajal made the deposit.

50. On February 24, 2011, Ms. Carbajal paid Respondent $300.00 for "Immigration fees." Respondent acknowledges receipt of this payment.

51. On April 14, 2011, Ms. Carbajal paid Respondent $330.00 by depositing the funds directly into the Firm's Account, as evidenced by the bank's deposit receipt. Respondent denied that Ms. Carbajal made the deposit.

52. On April 26, 2011, Ms. Carbajal paid Respondent $340.00 for application fees. Respondent acknowledges receipt of this payment.

53. Respondent's time records reflect that at some point in the representation, Respondent determined that it would be appropriate to file an I-485 instead of an I-765 Work Permit for which Ms. Carbajal had retained Respondent.

54. Then, in early June 2011, Respondent's office called Ms. Carbajal and advised that Respondent had not filed the I-485 because she had determined that the form would not work for her younger son, Fernando Carbajal.

55. Then, in late August 2011, Respondent sent Ms. Carbajal a letter advising that an I-485 form had been completed, but that it could not be filed until the remaining fees/expenses due under the fee agreement had been paid.

56. In response to the letter, Ms. Carbajal contacted Respondent's office and confirmed that she was current on all payments due under the fee agreement.

57. Thereafter, Ms. Carbajal terminated the representation due to diligence and communication problems and requested a refund.

58. Respondent claims that the I-485 Application was ready to be filed, but that she could not do so until Ms. Carbajal paid all of the fees/expenses in advance.

59. Ms. Carbajal paid all of the fees/expenses necessary to file the I-485 Application.

60. In response to Bar Counsel's screening letter, Respondent produced a copy of a proposed I-485 form for Jesus Alberto Carbajal. She did not, however, provide copies of any work product relating to Fernando Alexis Carbajal. Respondent's failure to provide legal services for Fernando was contrary to her response to the screening letter in which Respondent claims that she "made an agreement to contract for legal services for two person's (sic) at the amount normally charged for a single person."

61. On November 10, 2011, Respondent advised Jesus Alberto Carbajal that she had sent him a copy of the fee agreement, a partial refund check and a letter explaining the refund.

62. Jesus Alberto Carbajal never received the copy of the fee agreement, the partial refund, or letter explaining the refund from Respondent.

63. Respondent claims that she sent the partial refund, but that Ms. Carbajal was not satisfied with the refund. Despite requests by the State Bar, Respondent has not produced any evidence supporting her claim.

64. By engaging in the misconduct described above, Respondent violated the ethical rules set forth below.

65. Respondent violated ER 1.3 [Diligence], which provides that a lawyer shall act with reasonable diligence and promptness in representing a client. Among other things, Respondent failed to file the I-485 Application on behalf of Jesus Alberto Carbajal despite having been paid to do so.

66. Respondent violated ER 1.5(a) [Fees], which provides that a lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. Ms. Carbajal paid Respondent a total of $4,310 in fees and expenses and in full satisfaction of the monies due under the fee agreement. However, it is unclear what services were actually provided by Respondent and, ultimately, they were of no value to Ms. Carbajal or her sons. Respondent refused to file the I-485 Application on behalf of Jesus Alberto Carbajal claiming that monies were outstanding under the fee agreement, despite that they had already been paid.

67. Respondent violated ER 1.16(d) [Terminating Representation], which provides that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Respondent failed to return to Ms. Carbajal the personal documents, e.g., birth certificates, which were provided to Respondent as part of the representation. Respondent also failed to refund to Ms. Carbajal any unearned fees and/or costs.

68. Respondent violated ER 8.1(a) [Disciplinary Matters], which provides that a lawyer in connection with a disciplinary matter shall not knowingly make a false statement of material fact. Respondent denies that Ms Carbajal made payments of $1,640, $400 and $330, despite that Ms. Carbajal has deposit receipts evidencing that the funds were deposited directly in the Firm's Account. Respondent also claims that she sent Ms. Carbajal a partial refund in care of Jesus Alberto Carbajal. However, Mr. Carbajal denies having received any such refund and Respondent has produced no documentary evidence to support her claim.

69. Respondent violated ER 8.4(c) [Misconduct], which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Respondent denies that Ms Carbajal made payments of $1,640, $400 and $330 to the Firm, despite that Ms. Carbajal produced copies of deposit receipts evidencing that the funds were deposited directly in the Firm's Account. Respondent also claims that she sent Ms. Carbajal a partial refund in care of Jesus Alberto Carbajal. However, Mr. Carbajal denies

having received any such refund and Respondent has produced no documentary evidence to support her claim.

70. Respondent violated ER 8.4(d) [Misconduct], which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. As a result of Respondent's misconduct, Ms. Carbajal's sons have not been able to secure relief from the immigration court and are now forced to come up with additional funds to retain new counsel.

COUNT THREE (File no. 12-0024/Medina)

71. On or about March 22, 2011, Mario Torrez Medina's wife, Veronica Ortiz, retained Respondent to secure Mr. Medina's release on bond and to represent him at deportation proceedings.

72. Ms. Ortiz met with Respondent's assistant Abel Valencia and agreed to retain Respondent. She signed a fee agreement, which states that the purpose of the representation was "cancellation of deportation."

73. Ms. Ortiz has receipts that she received from Respondent's firm that total $3,154.00. Some of the monies paid for were costs associated with the representation.

74. Respondent received a total of $3,687.50 from Ms. Ortiz on behalf of Mr. Medina.

75. Ms. Ortiz spoke with Respondent on the telephone twice during the representation, but she never met with Respondent in person. Ms. Ortiz believes that Respondent met with Mr. Medina "two or three" times while he was detained.

76. Respondent's time records reflect that at least as of November 29, 2011, her office was aware that Mr. Medina might not be eligible for bond. Regardless, Respondent filed a motion for a bond on December 13, 2011 and billed Mr. Medina 3.5 hours or $612.50 for an attorney in her office to "dr[i]ve down to florence to file for bond." Shortly after the filing, Court staff advised Respondent's office that Mr. Medina was not eligible for bond.

77. By letter dated January 25, 2012, Ms. Ortiz wrote to Respondent and terminated the representation for failure to communicate and a lack of promised results. Ms. Ortiz requested a full refund at that time.

78. By letter to Ms. Ortiz and dated January 27, 2012, Respondent acknowledged receipt of Mr. Medina's bar charge, enclosed a copy of a billing statement and a refund check for $182.

79. Respondent did not provide either Ms. Ortiz or Mr. Medina with a copy of the client file upon termination of the representation.

80. Respondent's time records, which she provided to Ms. Ortiz in her January 27, 2012 letter, reflect 23.48 billable hours spent on Mr. Medina's case during the representation.

81. The time entries for May 11 and 12, 2011, state that Respondent "drove to Florence to meet with client," and Respondent billed Mr. Medina 4 hours each day for a total of $1,400.

82. There is no evidence that Respondent actually met with Mr. Medina on May 11 and 12, 2011, much less that she met with him for 4 hours on each date.

83. By letter dated January 6, 2012, Bar Counsel sent a screening letter to Respondent asking her to respond to Mr. Medina's allegations.

84. By letter dated February 3, 2012, Bar Counsel sent Respondent a reminder letter that she had not yet responded to the screening letter.

85. On April 10, 2012, Respondent left Bar Counsel a voicemail message acknowledging that she had not responded to the screening letter. The message stated that Bar Counsel would receive the response "in a day or two."

86. By letters dated April 27th and June 5, 2012, Bar Counsel advised Respondent that she had not received a response to the bar charge as promised.

87. By letter dated January 27, 2012, but not received by the SBA despite repeated demands until July 13, 2012, Respondent responded to the bar charge.

88. Respondent included in her response time records that purport to reflect the billable time spent on Mr. Medina's case. However, the time records differ from the records provided to Ms. Ortiz by Respondent with her January 27, 2012 letter. The time records provided to the State Bar include an additional 8.5 hours of billable time, the majority of which is attributed directly to Respondent.

89. The time records provided by Respondent to the State Bar [Exhibit 76] indicate that they were printed on July 13, 2012, the date that the response letter was finally faxed to the SBA. If Respondent had prepared the response on January 27, 2012, as represented on the first page of the letter, then the time records that were enclosed with the letter would have been printed as of January 27, 2012 rather than July 13, 2012.

90. By engaging in the misconduct described above, Respondent violated the ethical rules set forth below.

91. Respondent violated ER 1.2 [Scope of Representation], which provides that a lawyer shall abide by a client's decisions concerning the objective of representation and shall consult with the client as to the means by which they are to be pursued. In this case, the objective of the representation was "cancellation of deportation." Respondent did not abide by the client's decisions concerning that objective or consult with the client regarding the means by which to achieve that goal, as required under ER 1.4.

92. Respondent violated ER 1.3 [Diligence], which provides that a lawyer shall act with reasonable diligence and promptness in representing a client. There is no evidence that Respondent took any substantive action to diligently represent Mr. Medina. For example, Respondent's time records reflect that at least as of November 29, 2011, her office was aware that Mr. Medina might not be eligible for bond. Regardless, Respondent filed a motion for a bond on December 13, 2011 and billed Mr. Medina 3.5 hours or $612.50 for an attorney in her office to "dr[i]ve down to florence to file for bond." Shortly after the filing, Court staff advised Respondent's office that Mr. Medina was not eligible for bond—a fact that Respondent had not confirmed in the nine (9) months that had passed since she was retained.

93. Respondent violated ER 1.4 [Communication], which provides that a lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information. Respondent failed to

reasonably communicate with Mr. Medina and Ms. Ortiz to keep them advised of the status of this matter or to consult with them regarding the means by which Respondent would achieve the objectives of the representation (release on bond and avoidance of deportation).

94. Respondent violated ER 1.5 [Fees], which provides that a lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. There is no evidence to establish the reasonableness of the additional 8.5 hours that Respondent added to the time records for Mr. Medina's case when she responded to the bar charge. There is no evidence that Respondent actually met with Mr. Medina for 4 hours on both May 11 and 12, 2011. Respondent's time records reflect that at least as of November 29, 2011, her office was aware that Mr. Medina might not be eligible for bond. Regardless, Respondent filed a motion for a bond on December 13, 2011 and billed Mr. Medina 3.5 hours or $612.50 for an attorney in her office to "dr[i]ve down to florence to file for bond." Shortly after the filing, Court staff advised Respondent's office that Mr. Medina was not eligible for bond—a fact that Respondent had not confirmed in the nine (9) months that had passed since she was retained. Therefore, the services provided to Mr. Medina were ultimately of no real value to him and he was deported to Mexico.

95. Respondent violated ER 1.16(d) [Declining or Terminating Representation], which provides that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as surrendering documents and property to which the client is entitled and

refunding any advance payment of a fee that has not been earned. Respondent did not provide Ms. Ortiz with a copy of the client file; did not return original documents provided to her by Ms. Ortiz during the course of the representation; and did not refund to Ms. Ortiz all unearned fees/costs upon termination of the representation. Respondent's time records contain questionable entries and the set of time records provided to Ms. Ortiz differ significantly from those provided to the State Bar.

96. Respondent violated ERs 8.1(a) and (b) [Disciplinary Matters], which provide that a lawyer in connection with a disciplinary matter, shall not knowingly make a false statement of material fact; or knowing fail to respond to a lawful demand for information from a disciplinary authority. Respondent did not respond to Bar Counsel's screening letter until approximately six (6) months after it was first sent to Respondent. By voicemail on April 10, 2012, Respondent promised to respond to the screening letter in "a day or two." She did not do so. When Respondent finally responded to the screening letter after numerous requests, the response was dated January 27, 2012, although it was not sent to Bar Counsel until July 13, 2012 (accompanied by the time ticket entries printed on July 13, 2012 and admitted into evidence as Exhibit 76.

COUNT FOUR (File no. 12-0143/Lemus/Pinto)

97. On or about July 8, 2011, Wendy Mariela Lemus-Pinto retained Respondent to represent her in an immigration matter identified as "asylum." Ms. Lemus-Pinto paid Respondent a $1,000.00 deposit towards a $6,500.00 flat fee for the representation.

98. Shortly thereafter, Ms. Lemus-Pinto became dissatisfied with Respondent's representation and contacted Julia Guzman at the Guatemalan consulate in Phoenix for assistance. Ms. Guzman made a number of calls to Respondent on Ms. Lemus-Pinto's behalf. She was never able to speak with Respondent directly but was told by a legal assistant at Respondent's office that "any money remaining after subtracting costs would be return[ed] to [Ms. Lemus-Pinto's] sister's account from which they withdraw [sic] $1,000.00 dollars." Ms. Lemus-Pinto was able to speak with Respondent's former assistant, Abel Valencia, who told her that Respondent had prepared a refund check in the amount of $820.00. However, Ms. Lemus-Pinto never received a refund from Respondent.

99. By letter dated February 3, 2012, Bar Counsel sent Respondent a screening letter and asked Respondent to respond to Ms. Lemus-Pinto's allegations within twenty (20) days of the date of the letter. Respondent did not do so.

100. On April 10, 2012, Respondent left Bar Counsel a voicemail message acknowledging that she had not responded to the screening letter. The message stated that Bar Counsel would receive the response "in a day or two." Respondent failed to respond.

101. By letters dated April 27th and June 5, 2012, Bar Counsel advised Respondent that she had not received a response to the bar charge as promised.

102. By letter dated May 20, 2012, but not received by the SBA despite repeated demands until July 23, 2012, Respondent responded to the bar charge.

103. Ms. Lemus-Pinto states that Respondent failed to file a notice of appearance on her behalf. When Ms. Lemus-Pinto's successor counsel, Matthew

Green reviewed Ms. Lemus-Pinto's file, he noticed that Respondent had filed the incorrect Notice of Appearance and that it had been rejected by the court.

104. Respondent missed one or more hearings that were scheduled by the court after she had been retained, according to both Ms. Lemus-Pinto and Attorney Green.

105. Respondent denies this claim and explains that on August 2, 2011, she filed a motion to continue Ms. Lemus-Pinto's August 9, 2011 hearing date due to military duty obligations, which she had made known to Ms. Lemus-Pinto. She does not, however, provide any evidence that the motion was granted.

106. Respondent provided Bar Counsel with a copy of the Emergency Motion for Continuance, which was actually filed on August 3, 2011. The motion states that Respondent was seeking a continuance because she was scheduled to be on active military duty from August 4th through August 16th and then August 26th through August 31st. Attached to the motion is a copy of Respondent's military orders, dated June 27, 2011. Respondent does not explain why she waited until the day before she was scheduled to report to duty to file the motion to continue.

107. Respondent claims that upon her return from military duty, she went to visit Complainant on August 18, 2011, because Ms. Lemus-Pinto had called Respondent's office with concerns about her case.

108. Respondent claims that the "following week," which would have been the week of August 22-26, 2011, she received a telephone call from Attorney Green's office requesting a copy of Ms. Lemus-Pinto's file and that she "promptly" forwarded the file to him and drafted and filed a Motion to Withdraw. However,

Respondent provided Bar Counsel with a copy of the motion to withdraw, which was not filed until September 2, 2011.

109. Respondent also claims that a week after she filed the Motion to Withdraw, she received a copy of Attorney Green's Motion for Substitution of Counsel. However, Respondent provided Bar Counsel with a copy of Attorney Green's motion, which was not filed until September 22, 2011.

110. Respondent provided Bar Counsel with time records for Ms. Lemus-Pinto's case, which contain a number of unexplained inaccuracies. For example, Ms. Lemus-Pinto did not retain Respondent until July 8, 2011. However, there is a time entry for one hour of Respondent's time that states that Respondent's assistant Abel Valencia visited with Ms. Lemus-Pinto in the Eloy Detention Center on May 18, 2011.

111. Respondent's time records reflect that Respondent visited Ms. Lemus-Pinto in the Eloy Detention Center on June 1, June 2, June 21, July 28, and August 18, 2011. Respondent provided Bar Counsel with copies of facsimiles that she sent to the Eloy Detention Center reflecting that she wanted to meet with Ms. Lemus-Pinto (and other inmates) on the following days: June 2, June 21, and July 28, 2011. However, the June 1st and June 21st facsimiles do not reference Ms. Lemus-Pinto. Instead, they reference another client with the same first name, but a different inmate number.

112. According to the time records, Respondent charged 3.70 hours of her time on each date that she claims to have met with Ms. Lemus-Pinto (except for the entry on June 1st). However, according to the facsimiles that Respondent provided

to Bar Counsel, she was to meet with 16 detainees on June 2nd; 6 detainees on June 21st; and 19 detainees on July 28th. There is no evidence to support the conclusion that Respondent met with all of the identified detainees or that she spent exactly 3.70 hours meeting with Ms. Lemus-Pinto on each of the identified dates.

113. Respondent states in her response to the bar charge that she filed a request for a Bond Hearing for Ms. Lemus-Pinto on August 19, 2011, and that she met with Ms. Lemus-Pinto at that time. However, there is no corresponding time entry in the time records that she provided to Bar Counsel.

114. According to Attorney Green, the only relief available for Ms. Lemus-Pinto was asylum withholding because she had been previously deported and caught returning to the United States illegally. Attorney Green did not think that Respondent had filed a request for a bond hearing. And if she did so, it was his opinion that attorneys who request hearings when the alien is subject to mandatory detention, do so based on a lack of experience or fundamental knowledge of immigration law.

115. Although Respondent acknowledges that her office represented Ms. Lemus-Pinto for "a short period of time," she claims that the time spent on Ms. Lemus-Pinto's case exceeded the amount of the deposit paid and denies she ever agreed to provide Ms. Lemus-Pinto with a refund.

116. According to Attorney Green, Respondent did not provide any competent or effective legal services for Ms. Lemus-Pinto. Attorney Green had to re-file a G-28 (Notice of Entry of Appearance as Attorney or Accredited

Representation), a Motion to Continue and a Motion to Withdraw. Complainant filed her own I-589 (Application for Asylum and Withholding of Removal) and Attorney Green supplemented it. Attorney Green does not believe that Respondent appeared at any hearings on Ms. Lemus-Pinto's behalf.

117. Ultimately, after she retained Attorney Green, Ms. Lemus-Pinto chose not to proceed with an asylum hearing and agreed to leave the United States.

118. By engaging in the misconduct described above, Respondent violated the ethical rules set forth below.

119. Respondent violated ER 1.3 [Diligence], which provides that a lawyer shall act with reasonable diligence and promptness in representing a client. Respondent failed to act diligently in her representation of Ms. Lemus-Pinto.

120. Respondent violated ER 1.4 [Communication], which provides that a lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information. Respondent failed to reasonably communicate with Ms. Lemus-Pinto to keep her advised of the status of this matter or to consult with her regarding the means by which Respondent would achieve the objective of the representation.

121. Respondent violated ER 1.5 [Fees], which provides that a lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. Ms. Lemus-Pinto paid Respondent $1,000.00 towards what appears to be a flat fee for legal services. Respondent refused to provide Ms. Lemus-Pinto with a refund despite the short length of the representation and the lack of any substantive action being taken on her behalf by

Respondent. It is unclear what services of value were actually provided by Respondent.

122. Respondent violated ER 1.16(d) [Declining or Terminating Representation], which provides that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Respondent refused to refund any of the advance payment of fees made by Ms. Lemus-Pinto despite that it does not appear that she had earned them. For example, Respondent's time records contain questionable entries that do not support Respondent's claim that she met with Ms. Lemus-Pinto in Eloy on all of dates identified by Respondent. The time records include time billed prior to the commencement of the representation and include time likely spent meeting with other detainees at the Eloy detention facility, in addition to Ms. Lemus-Pinto.

123. Respondent violated ERs 8.1(a) and (b) [Disciplinary Matters], which provide that a lawyer in connection with a disciplinary matter, shall not knowingly make a false statement of material fact; or knowing fail to respond to a lawful demand for information from a disciplinary authority. Respondent did not respond to Bar Counsel's screening letter until approximately six (6) months after it was first sent to her. By voicemail on April 10, 2012, Respondent promised to respond to the screening letter in "a day or two." She did not do so and Bar Counsel was forced to send additional demand letter. When Respondent finally responded to the

screening letter, the response was dated May 20, 2012. However, it was not sent to Bar Counsel until July 23, 2012.

COUNT FIVE (File no. 12-1403/Hernandez)

124. On or about October 3, 2011, Marisol Hernandez retained Respondent to represent her in an immigration matter identified as "cancellation of removal." According to the fee agreement, Ms. Hernandez was to pay Respondent $6,500 for the representation.

125. Ms. Hernandez, a Mexican citizen, wanted to "fix" her status through her incapacitated son.

126. Ms. Hernandez had never been in deportation/removal proceedings nor had she been arrested or detained by ICE. Respondent's paralegal reviewed her documents and told Ms. Hernandez that Respondent could fix her status, but warned Ms. Hernandez that she did not have a strong case and that Respondent would have to file an asylum application to get Ms. Hernandez into removal proceedings and then withdraw the application and file cancellation of removal for a non-resident in order to then adjust her status.

127. Ms. Hernandez paid Respondent a total of $2,767.50 during the course of the representation. She made her last payment on or about January 16, 2012.

128. About a month into the representation, Ms. Hernandez was notified by Respondent's office that Respondent had "left for the war and that she would not be back for 7 months to 1 year." At that time, Ms. Hernandez was told that another attorney would be handling her case.

129. Every time that Ms. Hernandez asked Respondent's office for an update on her case, she was advised that she should be receiving something in the mail from the Department of Immigration. However, Ms. Hernandez never signed an application or petition so there would have been no reason for Immigration to send her something in the mail.

130. According to Respondent's time records, the first time that an attorney recorded any time on Ms. Hernandez's case was February 17, 2012—more than four (4) months after Ms. Hernandez retained Respondent. On that date, Ms. Hernandez met with Respondent's former associate, Ravindar Arora. Respondent never recorded any time on this matter. According to Respondent's time records, Attorney Arora met with Ms. Hernandez again on February 28, 2012. The total attorney time spent on this case was 6.50 hours, 3.5 of which was research conducted in October 2011.

131. In February or March 2012, Ms. Hernandez went to Respondent's office to terminate the representation. She met with Attorney Arora and Esvedras Rivera, who translated for Attorney Arora. Mr. Rivera asked her to sign an asylum application, but she refused. Mr. Rivera told Ms. Hernandez that if she did not sign, she might be deported. Ms. Hernandez asked how that would happen since Respondent's office had not filed anything on her behalf with the Department of Immigration. Ms. Hernandez asked for a refund and for her file. Mr. Rivera advised her that he would have to contact Respondent about a refund, but that it was unlikely that she would receive one. Mr. Rivera told Ms. Hernandez that Respondent would advise her, in writing, about her request. However, Ms. Hernandez never

heard from Respondent. She was later told by Respondent's office staff that not only would she not get a refund, but that she might owe Respondent additional monies.

132. On April 19, 2012, Ms. Hernandez signed a form prepared by Respondent's office confirming termination of the representation and she was given her file.

133. Thereafter, Ms. Hernandez consulted with four (4) other attorneys who told her that they could not help her because she did not have a case and that all Respondent had done was to "steal" her money.

134. Ms. Hernandez consulted with another immigration attorney who told her that Respondent's proposed course of action in her case constituted fraud and encouraged her to file a bar charge with the State Bar.

135. By letter dated June 5, 2012, Bar Counsel sent Respondent a screening letter and asked that she respond to Complainant's allegations. At that time, Respondent was still out of her office on an extended absence due to her military reserve obligations.

136. On July 5, 2012, Respondent's office manager, Kim Wilder, advised Bar Counsel that Respondent was due back in the office on July 9th or 10th and that she would have Respondent call Bar Counsel.

137. Respondent contacted Bar Counsel upon her return to the office and agreed to provide Bar Counsel with responses to four screening letters (including this one) by close of business on July 12, 2012.

138. On July 12, 2012, Bar Counsel spoke with Ms. Wilder who state that Respondent was "very busy" having just returned from military duty, but that the responses would be sent by the end of the day. Respondent did not do so.

139. On October 12, 2012, Respondent requested and was granted an extension of time to respond to the bar charge up to and including October 31, 2012.

140. By email dated February 15, 2013, Bar Counsel advised Respondent that due to her failure to respond to outstanding bar charges, Bar Counsel was in the process of setting up Respondent's deposition and requesting the issuance of an investigatory subpoena. Respondent thereafter retained counsel.

141. On March 6, 2013, Bar Counsel received a letter dated October 17, 2012, by which Respondent finally responded to the bar charge.

142. By engaging in the misconduct described above, Respondent violated the ethical rules set forth below.

143. Respondent violated ER 1.1 [Competence], which provides that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. Respondent accepted Ms. Hernandez's case even though she did not believe that Ms. Hernandez had a strong case and proposed a course of action that was not viable under the facts of the case or the relevant laws.

144. Respondent violated ER 1.3 [Diligence], which provides that a lawyer shall act with reasonable diligence and promptness in representing a client.

Respondent failed to act diligently in her representation of Ms. Hernandez in this matter.

145. Respondent violated ER 1.4 [Communication], which provides that a lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information. Respondent failed to reasonably communicate with Ms. Hernandez to keep her advised of the status of this matter or to consult with her regarding the means by which Respondent would achieve objective of the representation.

146. Respondent violated ER 1.5 [Fees], which provides that a lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. Ms. Hernandez paid Respondent $2,767.50 towards what appears to be a flat fee for legal services. According to Respondent's own time records, no substantive legal representation was provided to Ms. Hernandez. And, to the extent that any services were provided, they were of no value to Ms. Hernandez. Notwithstanding same, Respondent refused to provide Ms. Hernandez with a refund of any portion of the fees paid by her.

147. Respondent violated ER 1.16(d) [Declining or Terminating Representation], which provides that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Respondent did not refund to Ms. Hernandez any portion of the attorney fees paid to her despite that it does not appear that Respondent earned them. And, Respondent's billing

records contain questionable entries including duplicative entries on the same day for substantially the same work.

148. Respondent violated ERs 8.1(a) and (b) [Disciplinary Matters], which provide that a lawyer in connection with a disciplinary matter, shall not knowing fail to respond to a lawful demand for information from a disciplinary authority. Respondent failed to timely respond to Bar Counsel's screening letter. While she ultimately did so, it was only after numerous promises to deliver the response to Bar Counsel and after Bar Counsel secured an investigative subpoena.

COUNT SIX (File no. 12-1706/Munoz-Garcia)

149. On or about March 7, 2011, Alma Munoz-Garcia retained Respondent to represent her in an immigration matter identified as "Adjustment of status for family" for a flat fee of $4,800. Ms. Munoz-Garcia paid Respondent a $2,000.00 deposit on that date and agreed to pay the remaining amount due in monthly installments.

150. Ms. Munoz-Garcia retained Respondent to "fix her papers." Ms. Munoz-Garcia's father, a United States citizen, was going to help her. She wanted her children to be included as well and understood that Respondent would handle the status adjustment for her and her children, Angelica, Rafael and Alejandra Leon.

151. During the course of the representation, Ms. Munoz-Garcia made the following payments to Respondent, as evidenced by receipts issued by Respondent's office:

Date	Amount Paid	Purpose	Receipt #

3/7/11	$2,000.00	Legal services retainer fee	058417
3/10/11	$145.00	Translation of 5 birth certificates	058428
5/12/11	$420.00	Petition I-130	616390
5/12/11	$29.00	Translation of birth certificate	616389
5/13/11	$233.33	April payment for legal services	616397
5/16/11	$233.34	May payment for legal services	100702
6/14/11	$233.33	June payment for legal services	100771
7/20/11	$233.33	July payment for legal services	468889
8/15/11	$233.33	August payment for legal services	468959
9/16/11	$233.33	September payment for legal services	469849
10/18/11	$233.33	October payment for legal services	469945
11/17/11	$233.33	November payment for legal services	469041
12/1/11	$1,075.00	Department of Homeland Security	469104[1]
12/21/11	$233.33	December payment for legal services	469193

[1] There are two receipts for money orders ($500.00 and $570.00) made out to DHS, dated 12/1/11 which may correspond with the 12/1/11 receipt issued by Respondent's office.

1/17/12	$233.33	January Payment for legal services	285902

152. During the course of the representation, Ms. Munoz-Garcia also paid for medical examinations that Respondent advised her were necessary. Respondent provided Ms. Munoz-Garcia with a list of doctors that she could see and Dr. Zamora was on that list. According to Ms. Munoz-Garcia's daughter, Angelica Leon, the medical examinations were done shortly after they retained Respondent and were only good for one (1) year.

4/6/11	$30.47	Marquis Diagnostic Imaging	-
Illegible	$165.00	William Zamora, DO	07970
Illegible	$165.00	William Zamora, DO	07725
Illegible	$165.00 (also notes amounts of $148.00 and $313.00)	William Zamora, DO	07726
Illegible	$165.00	William Zamora, DO	07727

153. Ms. Leon and her family were able to speak with Respondent only twice during the representation. And, when they called Respondent's office they were told that Respondent was not in the office and they were not permitted to leave a message.

154. For a long time, Ms. Leon was told by Respondent's office that she was on military duty. And on one occasion in 2012, Ms. Leon called Respondent's cell

phone. Respondent answered the call and told Ms. Leon that she was in Iraq. Respondent has never told Bar Counsel that she was stationed overseas during her extended absences from her law office. Instead, she has stated that she was on the East Coast of the United States.

155. Ms. Leon was unable to set up an appointment with Respondent's office to try to resolve the problems with the representation. She sent letters to Respondent, but never received a response. During a subsequent telephone conversation, Respondent told Ms. Leon that she had been unable to locate the letters.

156. Numerous paralegals from Respondent's office worked on Ms. Munoz-Garcia's case and each time a new one would call or send a letter, the person did not know what was going on with the case and Ms. Munoz-Garcia or her daughter had to explain the case to the paralegal.

157. On May 30, 2011, Ms. Munoz-Garcia's father filed an I-130, Petition for Alien Relatives for her children, without the assistance from Respondent. Ms. Munoz-Garcia already had an approved I-130 through her father from 1991.

158. In November 2011, Paralegal Micheon Diaz completed Ms. Munoz-Garcia's paperwork, which was not filed until December 19, 2011—nine months after she retained Respondent.

159. After the paperwork was filed, Ms. Munoz-Garcia received a notice to attend an interview with Homeland Security on March 14, 2012.

160. A week before the interview, Ms. Munoz-Garcia went to Respondent's office because none of her telephone messages had been returned and she was

"really stressed and felt hopeless." At that time, she learned that Attorney Ravindar Arora and Paralegal Jorge Haro were handling her case.

161. Attorney Arora was the only attorney who worked on Ms. Munoz-Garcia's case and he was assigned to the case approximately one week before Ms. Munoz-Garcia's interview with immigration and therefore he was not familiar with the status of the case during the interview.

162. Shortly after Attorney Arora began working for Respondent and until she left for the military, he provided a lot of coverage for Respondent's cases. Respondent was "MIA" for much of the business day and the he did not know where she was. Respondent was unavailable by phone during that time; she would "rush in" to the office, sign off on motions, avoid everyone and then leave again.

163. On March 14, 2012, Attorney Arora, Ms. Munoz-Garcia and her father attended the interview. The interviewer stated that the forms that had been submitted were incorrect and asked Attorney Arora where the correct forms were, but he did not know. Ms. Munoz-Garcia was unable to adjust her status, but the interviewer told her that she could try again and her paperwork was withdrawn. The "Withdrawal Notice" states simply that Ms. Munoz-Garcia's I-485 form was being withdrawn because it was "improperly filed."

164. By this time, Ms. Munoz-Garcia understood that all of the physicals and pictures that she had paid for had expired and would have to be done over again, which would cost more money.

165. When Ms. Munoz-Garcia tried to follow-up with Respondent's office, she was finally told that Respondent would no longer represent her because

Homeland Security sent them a letter stating that Ms. Munoz-Garcia had committed fraud at the immigration interview.

166. Ms. Munoz-Garcia and her daughter went to the office to speak with someone, but Respondent's office manager, Kimberly Wilder, would not meet with them. However, Paralegal Haro did and explained that Ms. Wilder had told him that the firm would no longer represent her, as well as other clients of the firm. When asked for a copy of the letter that allegedly stated that Ms. Munoz-Garcia had committed fraud, Paralegal Haro produced the same letter received by Ms. Munoz-Garcia, which did not reference fraud.

167. Ms. Munoz-Garcia requested a copy of her file, but was told that the office would charge her for a copy. She subsequently retained Attorney Jesse Westover to take over her case.

168. By letter dated July 5, 2012, Bar Counsel sent Respondent a screening letter and asked Respondent to respond to Ms. Munoz-Garcia's allegations within twenty (20) days of the date of the letter. Respondent did not do so.

169. On August 23, 2012, Bar Counsel received a letter dated July 31, 2012, by which Respondent responded to the bar charge.

170. By engaging in the misconduct described above, Respondent violated the ethical rules set out below.

171. Respondent violated ER 1.3 [Diligence], which provides that a lawyer shall act with reasonable diligence and promptness in representing a client. Respondent failed to act diligently in her representation of Ms. Munoz-Garcia and her children in this matter. She also failed to determine whether Ms. Munoz-Garcia

was eligible for the relief sought. Further, there is no evidence that any attorney in Respondent's office worked on Ms. Munoz-Garcia's case until right before her immigration interview in March 2012—over a year after she retained Respondent.

172. Respondent violated ER 1.4 [Communication], which provides that a lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information. Respondent failed to reasonably communicate with Complainant and her children to keep them advised of the status of this matter or to consult with them regarding the means by which Respondent would achieve objective of the representation.

173. Respondent violated ER 1.5 [Fees], which provides that a lawyer shall not make an agreement, for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. Ms. Munoz-Garcia paid $6,692.78 in fees and expenses and received little, if any, legal representation. Respondent refused to provide Ms. Munoz-Garcia with a refund despite the apparent lack of any substantive action taken on her behalf by Respondent, apart from an associate attending the March 14, 2012 interview with Ms. Munoz-Garcia. If an attorney had paid closer attention to Ms. Munoz-Garcia's file, it is possible that the fatal flaw to her application could have been identified and an alternate course of action taken.

174. Respondent violated ER 1.16(d) [Declining or Terminating Representation], which provides that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Among other

things, Respondent refused to refund any of the advance payment of fees made by Ms. Munoz-Garcia despite that it does not appear that she had earned them.

175. Respondent violated ERs 8.1(a) and (b) [Disciplinary Matters], which provide that a lawyer in connection with a disciplinary matter, shall not make a false statement of material fact; or knowing fail to respond to a lawful demand for information from a disciplinary authority. Respondent did not timely respond to Bar Counsel's screening letter. When Respondent did so on August 23, 2012, the letter was actually dated July 31, 2012. Respondent states in her response to the screening letter that she met with Ms. Munoz-Garcia before she left for military duty and advised Ms. Munoz-Garcia that she would be absent from the office. Ms. Munoz-Garcia denies that a meeting ever took place. Ms. Munoz-Garcia states that during a telephone call, Respondent told her that she was stationed in Iraq. However, Respondent repeatedly told Bar Counsel that she was stationed on the East Coast for JAG training. There is no evidence that Respondent was in Iraq on military duty.

176. Respondent violated ER 8.4(c) [Misconduct], which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Respondent states in her response to the screening letter that she met with Ms. Munoz-Garcia before she left for military duty and advised Ms. Munoz-Garcia that she would be absent from the office. Ms. Munoz-Garcia denies that a meeting ever took place. Ms. Munoz-Garcia states that during a telephone call, Respondent told her that she was stationed in Iraq. However, Respondent repeatedly told Bar Counsel that she was stationed on the

East Coast for JAG training. There is no evidence that Respondent was ever in Iraq on military duty. Respondent told Ms. Munoz-Garcia that she would no longer represent her because she received a letter from the Immigration Department stating that Ms. Munoz-Garcia had committed fraud in the interview. There is no evidence that any such letter exits.

177. Respondent violated ER 8.4(d) [Misconduct], which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. Over a year after Ms. Munoz-Garcia retained Respondent, she attended an interview with immigration at which time it was determined that the application filed on her behalf was not correct and as a result, it had to be withdrawn. If Respondent or any other attorney in her office had paid any attention to Ms. Munoz-Garcia's file during that year, it is possible that the fatal flaw to her application could have been identified and an alternate course of action taken.

COUNT SEVEN (File no. 12-2209/Journell)

178. In 2011, Francisco Javier Holguin Madrid retained Respondent to represent him relating to an immigration removal case that was pending before the United States Immigration Court, File A 20 795 045.

179. On September 21, 2011, Respondent and Mr. Madrid personally appeared at a hearing, at the conclusion of which the Immigration Court set the next hearing in the case for August 1, 2012.

180. In late May 2012, Respondent hired Attorney Brandon Journell as an associate at her firm.

181. Respondent assigned Attorney Journell to handle Mr. Madrid's immigration case.

182. On July 31, 2012, Attorney Journell tried to contact Mr. Madrid by calling the telephone number that was listed in Mr. Madrid's file. Attorney Journell could not reach Mr. Madrid, but left him a voicemail message reminding him about the hearing scheduled for the next day.

183. On August 1, 2012, Attorney Journell tried to reach Mr. Madrid again before leaving the office for the hearing, but was unsuccessful.

184. When Attorney Journell arrived at court, he was unable to find Mr. Madrid, so he called the office to see if Mr. Madrid had called.

185. Office staff told Attorney Journell that Mr. Madrid had not called and gave him updated contact information for Mr. Madrid.

186. Attorney Journell tried several times to reach Mr. Madrid with the updated contact information without success.

187. Attorney Journell then called Respondent, explained the situation to her and asked what he should do.

188. Respondent told Attorney Journell that she believed that Mr. Madrid had probably forgotten about the hearing; that Attorney Journell had to fabricate an excuse to explain Mr. Madrid's absence; and that he should tell the Court that Mr. Madrid had experienced car trouble. Attorney Journell knew this to be untrue because no one from Respondent's firm had been able to reach Mr. Madrid before the hearing, including Respondent.

189. By failing to appear for the hearing, Mr. Madrid could have faced immediate removal from the United States.

190. When the hearing began, Attorney Journell advised the Court that Mr. Madrid was not present for the hearing because he was having car trouble. The Court then re-set the hearing for August 8, 2012.

191. Attorney Journell spoke with Mr. Madrid after the hearing. Mr. Madrid initially stated that he had experienced car trouble, but then admitted that Respondent had told him to say that, and that it was not true.

192. When Attorney Journell returned to the office after the hearing, he called the Court to report that he had made a mistake by telling the Court that Mr. Madrid failed to appear at the hearing because of car trouble; however, the Court was closed.

193. Attorney Journell then spoke with Respondent and told her that he had already tried to reach the Court.

194. Respondent told Attorney Journell to try to contact the Court again and to say that he was unsure whether or not Mr. Madrid had actually experienced car trouble.

195. Attorney Journell was not comfortable with continuing with the lie and told Respondent that he needed to go home for the evening.

196. The next day, Attorney Journell called the Court and was advised by Court staff to file a written notice with the Court, which he did that day.

197. On August 2, 2012, Attorney Journell filed a "Notice of False Statement to Court" (the Notice) with the Court, which states that despite several

attempts, Attorney Journell had been unable to contact Mr. Madrid before the hearing; that Attorney Journell spoke with Respondent by telephone and she told him to advise the Court that the Mr. Madrid was having car trouble, despite that this was untrue; and that no one from the Respondent's firm had been able to contact Mr. Madrid before the hearing.

198. Also on that date, Attorney Journell called the State Bar of Arizona to report what had happened and provided the State Bar with a copy of the Notice.

199. On August 8, 2012, the Court conducted continued removal proceedings in Mr. Madrid's case and Respondent appeared as his counsel at the hearing.

200. During the hearing, Respondent advised the Court, among other things that:

a. "I did instruct my attorney [Attorney Journell] to, to come in and to make an excuse for our client because I have been in constant contact with my client. I do know my client very well. I do know that he has major car problems. I made an assumption that day. I did not talk to him, my client, prior to instructing my attorney to come in and make that statement. I knew that it was highly probably true."

b. "I'd like to apologize to the Court, though, for the false statement."

201. During the hearing, the Court made the following observations:

a. "It's unacceptable for a lawyer to make false statement[s] to this Court. It constitutes perjury, in my opinion."

b. "I don't have any sanctions authority, or this may be a case that I would apply sanctions on because I think that it was blatant and I think that it is unprofessional and I think that it is—you have a duty as an officer to this court to maintain trust and truth with the Court and candor with the Court. And I view this as a serious breach in candor to this Court of misrepresentation."

202. Respondent is responsible for Attorney Journell's violation of the Rules of Professional Conduct under ER 5.1(c)(1) [Responsibilities of Partners, Managers, and Supervisory Lawyers].

203. Respondent directed Attorney Journell to tell the Court that Mr. Madrid had failed to appear at the August 1, 2012 hearing because he had experienced car trouble when she did not know if that was true.

204. By engaging in the misconduct described above, Respondent violated the ethical rules set forth below.

205. Respondent violated ER 3.3(a)(1) [Candor Toward the Tribunal], which provides that lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of a material fact or law preciously made to the tribunal by the lawyer. Respondent told Attorney Journell to tell the Court that Mr. Madrid failed to appear at the August 1, 2012 hearing because he had car trouble when Respondent did not know if that was true.

206. Respondent violated ER 8.1(a) [Disciplinary Matters], which provides that a lawyer in connection with a disciplinary matter shall not knowingly make a false statement of material fact. Respondent claims in her written response to the bar charge that she did not know when she "suggested" to Attorney Journell that he tell the Court that Mr. Madrid was having car trouble, that the information was

false. However, according to the transcript of the August 8, 2012 hearing, Respondent admitted that she told Attorney Journell to make an excuse for Mr. Madrid's failure to appear before she was able to speak with Mr. Madrid. Respondent also claims in her written response that she told Attorney Journell to report the false statement to the Court when he returned to the office from the hearing. However, by the time Respondent talked to Attorney Journell, he had already tried to contact the Court on his own to report the false statement. Respondent also claims in her written response that shortly after the hearing, she was able to verify that the information provided to the Court by Attorney Journell was "incorrect" and that she immediately advised the Court. However, there is no evidence that Respondent did so.

207. Respondent violated ER 8.4(c) [Misconduct], which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Respondent directed Attorney Journell to tell the Court that Mr. Madrid failed to appear at the August 1, 2012 hearing because he had car trouble when Respondent did not know if that was true.

208. Respondent violated ER 8.4(d) [Misconduct], which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. Respondent directed Attorney Journell to tell the Court that Mr. Madrid failed to appear at August 1, 2012 hearing because he had car trouble when Respondent did not know if that was true. As a result, Attorney Journell filed the Notice and the Court had to address the issue of the misconduct at the August 8, 2012 hearing.

COUNT EIGHT (File no. 12-2518/Rios)

209. On November 18, 2010, Laura Rios retained Respondent to represent her in an immigration matter identified as "adjustment of status, work permit, affidavit of support."

210. Ms. Rios paid $1,300 towards a flat fee of $2,500, and then monthly payments of $100, which totaled an additional $1,120. She also paid Respondent $1,070 for fingerprints and a permit, as well as $85 for what Respondent's office said was something for immigration. Respondent states that Complainant paid only $1,300.00 towards a $2,500.00 flat fee for the representation.

211. According to Respondent, she began working on Ms. Rios' application the same month that she was retained. However, Respondent provided Bar Counsel with her time records, which do not reflect any such work by Respondent.

212. Respondent states that by April 2011, she had requested from Ms. Rios the requisite money orders that needed to be sent to the Department of Homeland Security with the applications.

213. Respondent claims that in June 2011, she reviewed the file and instructed the paralegal to contact Ms. Rios, collect the fee for the application and to send the application to the Department of Immigration.

214. Meanwhile, Ms. Rios had delivered money orders to Respondent's office and believed that her paperwork had been filed.

215. According to Respondent, during the period of time that Ms. Rios states that she believed that her application had been sent to the Department of

Immigration, Respondent was allegedly waiting for Ms. Rios to bring in the money orders.

216. On April 11, 2012, Ms. Rios contacted Respondent's office regarding money orders that she had previously sent to Respondent so that the application could be processed.

217. Ms. Rios contacted Respondent's office because months had passed and she had not received anything from the Department of Immigration. Ms. Rios spoke with a Jorge Haro who told her that employees at Respondent's office were stealing money and that Ms. Rios would have to pay for the office to investigate. Ms. Rios states that she became upset, requested a refund, and told Mr. Haro that it was Respondent's responsibility to pay for the investigation.

218. By letter dated September 21, 2012, Bar Counsel sent Respondent a screening letter and asked Respondent to respond to Ms. Rios' allegations within twenty (20) days of the date of the letter. Respondent did not do so.

219. By letter dated September 24, 2012, Respondent advised Ms. Rios that she was no longer representing her stating that Ms. Rios had not made a payment on her case for over a year. Respondent advised Ms. Rios that she had not found any receipts evidencing payments made by Ms. Rios in April 2011; acknowledged that Ms. Rios produced money order stubs and confirmed that she had been able to confirm that one of the money orders was cashed on January 31, 2012, while the other two were cashed on February 1, 2012. According to Respondent, the Firm's Account did not reflect deposits for those amounts in those months. Finally, Respondent claimed that she had paid Money Gram to determine who had cashed

the money orders and promised that if the money orders were cashed by Respondent's office, she would "promptly refund" the monies.

220. On October 12, 2012, Respondent requested and was granted an extension of time to respond to the bar charge up to and including October 31, 2012.

221. By email dated February 15, 2013, Bar Counsel advised Respondent that due to her failure to respond to the bar charge Bar Counsel was in the process of setting up Respondent's deposition and requesting the issuance of an investigatory subpoena. It was at this point that Respondent retained counsel.

222. On March 6, 2013, Bar Counsel received a letter dated March 1, 2013, from Respondent in which she responds to the bar charge.

223. Respondent admits that the failure to send Ms. Rios' application to the Department of Immigration "was solely based on our failure to confirm receipt of the necessary money orders needed to accompany the applications."

224. Respondent admits that Ms. Rios "has remained adamant and consistent about the fact that she did provide those money orders to our office." And, states that "[a]fter a few failed attempts to ascertain whether or [sic] office cashed those money orders, I have given a check to [the] client in the amount of $1,070 that she says she gave to us for the application fee."

225. In reality, Respondent did not refund the monies until March 1, 2013, at which time she provided Ms. Rios with check no. 1417 in the amount of $1,070 for "reimbursements for money orders client says she gave them for I-485."

226. Ms. Rios states that Respondent's office told her that they had paid for copies of the money orders in question and that they had, in fact, received copies of them. However, when Ms. Rios contacted Money Gram, she was told that Respondent had not ordered or paid for copies of any money orders.

227. Ms. Rios further states that during the representation paralegals would not return her telephone calls and when she asked to speak to Respondent, she was told that she had gone to "war" and that they did not know if she would be returning.

228. Respondent provided Bar Counsel with time records that reflect that a staff member recorded time on November 18 and November 26, 2010. The next time entry is not until February 18, 2011, when Ms. Rios called about a letter that she had received from the Department of Immigration. The first time that any attorney time was recorded on Ms. Rios' case was by Respondent on June 2, 2011—approximately 7 months after she was retained. The description of the work performed was "reviewed file with paralegal inquired about I-485 fee instructed paralegal to send it out." There is no record of any action being taken thereafter.

229. Respondent's time records also raise concerns because they contain duplicative time entries for substantially the same work. For example, on April 11, 2012, Respondent's staff member Jorge Haro made two time entries: .33 of an hour for "client called regarding money order stated she will contact money gram to verify who cashed the money order also need to make change of address" and another for .70 of an hour for "client called us regarding case status, might have asylum case will be bring[ing] evidence of brother getting shot in Mexico. Daniel is

the brother of Christopher Client stated she gave us money order of $1070 made out to USCIS will call uscis to verify."

230. And on September 12, 2012, only the second time that Respondent entered any time on this case, she made two entries: 1.20 hours for "Reviewed clients file for case status. It appears that client is claiming she brought in money orders for her adjustment of status, there are no receipts in file in file, and no other proof that clients has brought in money orders proof that client has brought in money orders for her adjustment of status. It looks like application was never send out, Need to contact client re: adj of status" and another on the same day for 1.33 hours for "Reviewed client file for case status. It appears that client is claming [sic] she brought in money order for her adjustment of status, There are no receipts in file, and no other proof that client has brought in money order for her adjustment of status. It looks like application never was send out. Need to contact client re: adjustment of status fee."

231. By engaging in the misconduct described above, Respondent violated the ethical rules set forth below.

232. Respondent violated ER 1.3 [Diligence], which provides that a lawyer shall act with reasonable diligence and promptness in representing a client. Respondent failed to act diligently in her representation of Complainant in this matter. Among other things, Respondent failed to file Ms. Rios' application for adjustment of status, despite having been paid to do so.

233. Respondent violated ER 1.4 [Communication], which provides that a lawyer shall keep the client reasonably informed about the status of the matter and

promptly comply with reasonable requests for information. Respondent failed to reasonably communicate with Complainant to keep her advised of the status of this matter or to consult with her regarding the means by which Respondent would achieve objective of the representation.

234. Respondent violated ER 1.5 [Fees], which provides that a lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. Complainant paid Respondent $2,420.00 towards what appears to be a flat fee for legal services and an additional $1,155 in costs for an application to adjust status that Respondent never filed on her behalf. Respondent refunded only $1,070 of that amount and only after a bar charge was filed against her. According to Respondent's own time records, no substantive legal representation was provided to Complainant and ultimately the services provided to Complainant were of no real value to her.

235. Respondent violated ER 1.15(a) [Fees], which provides that a lawyer shall deposit into a client trust account legal fees and expense that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred. There is no evidence that Respondent deposited client expenses into a trust account. The check used by Respondent to refund a portion of the expenses paid by Complainant was not drawn on a trust account. Respondent admits that at the very least, she failed to safeguard client expenses as evidenced by her claim that someone in her office was stealing money orders provided to Respondent for expenses to be incurred in the filing of immigration applications and other documents.

236. Respondent violated ER 1.16(d) [Declining or Terminating Representation], which provides that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Respondent delayed for almost a year before making a partial refund to Complainant. Respondent did not refund any of the attorney fees paid to her despite that it does not appear that she had earned them. Respondent's billing records contain questionable entries including duplicative entries on the same day for substantially the same work.

237. Respondent violated ERs 8.1(a) and (b) [Disciplinary Matters], which provide that a lawyer in connection with a disciplinary matter, shall not knowingly make a false statement of material fact; or knowing fail to respond to a lawful demand for information from a disciplinary authority. Respondent failed to timely respond to Bar Counsel's screening letter. While she ultimately did so, it was only after numerous promises to deliver the response to Bar Counsel and after Bar Counsel secured an investigative subpoena.

238. Respondent violated ER 8.4(c) [Misconduct], which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Respondent told Complainant that she had ordered copies of the money orders to determine who had cashed them, when she had not done so.

CONCLUSIONS OF LAW

By order dated January 13, 2014, the Presiding Disciplinary Judge granted the SBA's Motion for Sanctions, struck Respondent's pleadings, and reconfirmed the default entered against Respondent *nunc pro tunc* to October 1, 2013. Default was properly entered and the allegations of the Complaint are therefore deemed admitted pursuant to Rule 58(d), Ariz. R. Sup. Ct. Based upon the facts deemed admitted, the Hearing Panel finds by clear and convincing evidence that Respondent violated the following: Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.1, 1.2, 1.3, 1.4, 1.4(a), 1.4(b), 1.5, 1.5(a), 1.15(a), 1.16(d), 3.3(a)(1), 5.1(c)(1), 8.1(a), 8.1(b), 8.4(c) and 8.4(d).

ABA STANDARDS ANALYSIS

The American Bar Association's *Standards for Imposing Lawyer Sanctions ("Standards")* are a "useful tool in determining the proper sanction." *In re Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should consider: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard* 3.0.

Duties violated:

Respondent violated her duty to her clients by violating ERs 1.1, 1.2, 1.3, 1.4, 1.5, 1.15 and 1.16. Respondent violated her duty to the legal system by violating ERs 3.3(a)(1). Respondent also violated her duty owed as a professional by violating ERs 5.1(c), 8.1(a), 8.1(b), 8.4(c) and 8.4(d).

Mental State and Injury:

Respondent violated her duty to clients, thereby implicating *Standard* 4.4. *Standard* 4.41 states:

> Disbarment is generally appropriate when:
> (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client;
>
> (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
>
> (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

Standard 4.42 states:

> Suspension is generally appropriate when:
>
> (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or
>
> (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

In this matter, Respondent accepted payment of fees and expenses by clients, knowingly failed to perform services for clients, knowingly failed to provide the clients with files and refunds upon termination of the representation and engaged in a pattern of neglect of client matters, all which caused serious or potentially serious injury to clients. Therefore, *Standard* 4.41 is applicable.

Respondent also violated her duty owed to the legal system, which implicated *Standard* 6.0. *Standard* 6.1 states, "Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.

In this matter, Respondent told her associate to lie to the immigration court and make up an excuse for her client's failure to appear at the hearing. She later admitted to the immigration court that she did not talk to her client before she instructed her associate to make the false statement to the court. Respondent's client was at risk of deportation for his failure to appear at the hearing and Respondent's actions caused potentially serious injury to him and potentially significant adverse effect on the legal proceeding. Therefore, *Standard* 6.1 is applicable.

Respondent also violated her duty owed as a professional, which implicates *Standard* 7.0. *Standard* 7.1 states, "Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system."

In this matter, Respondent told her associate to lie to the immigration court and make up an excuse for her client's failure to appear at the hearing. Respondent also failed to timely respond to the SBA's investigation and when she did, she provided the SBA with false and incomplete information that did not support her response to the screening letters sent to her by the SBA. Further, Respondent's actions were taken with the intent to obtain a personal benefit, namely retention of the monies paid to her by clients despite that the services provided, if any, were of no actual value to the clients. *Standard* 7.1, therefore, is applicable.

The Panel determined that disbarment is the presumptive sanction. However, because Respondent is not a member of the State Bar of Arizona, the Panel is limited to the sanction of reprimand. *See In re Olsen*, 180 Ariz. 5, 7, 881 P.2d 338, 339 (1994) (disbarment warranted; however, because respondent is not a member of the State Bar of Arizona, the most severe sanction that can be imposed is censure [currently reprimand].) Here unlike Olsen, Ms. Price maintains an office in Arizona. Even though we have jurisdiction, the State of Arizona is without the authority under the Supremacy clause of the U.S. Constitution to prohibit her from practicing immigration law in Arizona – at least as long as she remains duly licensed by appropriate governmental agencies. That remedy can only be enforced, at least currently, by those with the power to permit her to practice immigration law. *See, e.g., Sperry v. The Florida Bar,* 373 U.S. 379 (1963) (involving a Florida resident, non-attorney, patent law practitioner licensed by the U.S. Patent and Trademark Office, who limited his practice to patent law).

On the other hand, our present inability to *prohibit* does not constrain our ability to *inform*. Fortunately, as exhaustively discussed in the Maryland case of *Attorney Grievance Commission v. Whitehead,* 390 Md. 663, 890 A.2d 751 (Md. App. 2006), the ethical misconduct of an attorney authorized to practice in more than one jurisdiction may result in different consequences to that attorney in each of those jurisdictions, depending upon the precedents for that misconduct in the particular jurisdiction administering the discipline.

The *Whitehead* court observed that the prevailing view nationally is that *factual findings* in a disciplinary proceeding by one jurisdiction will generally be

given conclusive weight by the courts of other jurisdictions under the principles of comity and reciprocity, and to avoid a re-trial of factual issues already decided. However, the disciplinary bodies of sister states (and herein, federal jurisdictional bodies as well) will generally reserve the right to determine the appropriate *sanction* for that misconduct, in order to maintain consistency with the discipline typically imposed on other attorneys who have committed similar misconduct in the sister jurisdiction.

Thus, while we lack both jurisdiction to order disbarment of Ms. Price in Arizona (because she is not presently a member of the Arizona State Bar), or to currently enjoin her from practicing immigration law within our borders (because of the Supremacy Clause; *Sperry;* and she appears to be currently permitted: (i) to practice any type of law in New Mexico and (ii) to practice immigration law by the federal government, it appears that New Mexico and federal governmental agencies, respectively, are not so constrained. .

AGGRAVATING AND MITIGATING FACTORS

The Hearing Panel finds the following aggravating factors are present in this matter:

- *Standard* 9.22(b) Dishonest of selfish motive. Respondent accepted monies from clients who retained her to provide them with desperately needed legal services. Respondent provided little or no services, but retained substantially all of the monies paid to her.
- *Standard* 9.22(c) A pattern of misconduct.
- *Standard* 9.22(d) Multiple Offenses.

- *Standard* 9.22(e) Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency. Respondent failed to timely respond to screening letters and failed to provide all documents and information requested by the SBA.

- *Standard* 9.22(f) Submission of false evidence, false statements, or other deceptive practices during the disciplinary process. During the disciplinary process, Respondent made false statements to Bar Counsel and provided incomplete and/or misleading documents to the SBA.

- *Standard* 9.22(g) Refusal to acknowledge wrongful nature of conduct. Respondent has refused to refund to the clients unearned fees and/or expenses paid to her during the course of the representation despite that she provided services that were of little or no value to the clients.

- *Standard* 9.22(h) Vulnerability of victim. Respondent's clients came to her for desperately needed assistance with immigration issues. As a result of her actions some were deported, some voluntarily left the country, and all paid monies to her that were ultimately of no value through no fault of their own;

- *Standard* 9.22(j) Indifference to making restitution. Respondent denied clients refunds without justification; she promised refunds that were never provided and she claimed to have sent refunds to clients when there was no evidence that she had ever done so.

The Hearing Panel finds the following mitigating factor applies:

• *Standard* 9.32(a) Absence of a prior disciplinary record. Respondent does not have a disciplinary history in New Mexico, the state in which she is admitted to practice law.

The Hearing Panel finds the sole mitigating factor does not outweigh the aggravating factors. If Respondent were a member of the State Bar of Arizona, the appropriate sanction in this matter would be disbarment.

CONCLUSION

The Supreme Court of Arizona "has long held that 'the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.'" *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). A further goal of lawyer regulation is to protect and instill public confidence in the integrity of individual members of the SBA. *In re Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

The Hearing Panel has made the above findings of fact and conclusions of law. The Hearing Panel has determined the appropriate sanction using the facts deemed admitted, the *Standards*, the aggravating factors, the mitigating factor, and the goals of the attorney discipline system. If Ms. Price had been an Arizona attorney, the Hearing Panel would have ordered disbarment. However, for the reasons stated above,

IT IS ORDERED:

1. Ms. Price shall be reprimanded.

2. Ms Price shall pay all costs and expenses incurred in this proceeding.

3. Ms. Price shall pay the following in restitution within 30 days of the date of this Report and Order[2]:

a. 11-3302: $2,000 to Wendy Gonzalez.

b. 11-3699: $4,310 to Jesus Alberto Carbajal.

c. 12-0024: $3,505.50 to Veronica Ortiz.

d. 12-0143: $1,000 to Wendy Mariela Lemus-Pinto.

e. 12-1403: $2,767.50 to Marisol Hernandez.

f. 12-1706: $6,692.78 to Alma Munoz-Garcia.

g. 12-2518: $2,505 to Laura Rios.

4. The State Bar shall provide notice of this disciplinary action pursuant to Rule 49(a)(2), Ariz. R. Sup. Ct., to the State Bar of New Mexico, all federal immigration courts and any applicable federal administrative agencies.

5. A final judgment and order will follow.

DATED this 28th day of February, 2014.

Kenneth L. Mann

Kenneth L. Mann
Volunteer Attorney Member

[2] Restitution is not appropriate and has not been requested by the SBA in Count VII (SBA Case No. 12-2209).

CONCURRING:

Richard L. Westby

Richard L. Westby
Volunteer Public Member

William J. O'Neil

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 28th day of February, 2014.

Copy of the foregoing emailed
this 28th day of February, 2014, to:

Sabrina Price
Price & Associates LLC
17220 N Boswell Blvd Ste 103
Sun City, AZ 85373-2065
Email: sprice@pricelawservices.com
Respondent

Copy of the foregoing emailed/hand-delivered
this 28th day of February, 2014, to:

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

by: MSmith

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 NON-MEMBER OF THE STATE BAR OF ARIZONA, **SABRINA PRICE,** Respondent.	**PDJ-2013-9077** **FINAL JUDGMENT AND ORDER** [State Bar Nos. 11-3302, 11-3699, 12-0024, 12-0143, 12-1403, 12-1706, 12-2209, 12-2518] **FILED MARCH 21, 2014**

This matter having come on for an aggravation/mitigation hearing before a Hearing Panel of the Supreme Court of Arizona and a decision in this matter having been duly rendered on February 28, 2014, no appeal having been filed and the time for appeal having expired, accordingly,

IT IS HEREBY ORDERED that Respondent, **Sabrina Price**, is hereby reprimanded for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the Report and Order Imposing Sanctions.

IT IS FURTHER ORDERED that Ms. Price shall pay restitution by March 31, 2014, to the following individuals in the following amounts:

Restitution

a. File No. 11-3302: $2,000 to Wendy Gonzalez.

b. File No. 11-3699: $4,310 to Jesus Alberto Carbajal.

c. File No. 12-0024: $3,505.50 to Veronica Ortiz.

d. File No. 12-0143: $1,000 to Wendy Mariela Lemus-Pinto.

e. File No. 12-1403: $2,767.50 to Marisol Hernandez.

f. File No. 12-1706: $6,692.78 to Alma Munoz-Garcia.

g. File No. 12-2518: $2,505 to Laura Rios.

IT IS FURTHER ORDERED that Ms. Price pay the costs and expenses of the State Bar of Arizona in the amount of $3,576.55. 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 21th day of March, 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 21st day of March, 2014.

Copies of the foregoing mailed/emailed
this 21st day of March, 2014 to:

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by: MSmith