

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

STEVEN G. SANDOVAL,
Bar No. 010106

Respondent.

PDJ 2021-9008

**DECISION AND ORDER
IMPOSING SANCTIONS**

[State Bar No. 20-1291]

FILED MAY 10, 2021

SUMMARY

By order of the Attorney Discipline Probable Cause Committee (“ADPCC”) filed October 31, 2018, an Order of Diversion was imposed against Mr. Sandoval. Mr. Sandoval did not comply with the terms of his diversion despite multiple attempts by the State Bar to bring him into compliance.

PROCEDURAL HISTORY

The State Bar of Arizona (“SBA”) filed its complaint on February 24, 2021. On February 26, 2021, the complaint was served on Respondent by certified, delivery restricted mail, and 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. A notice of default was properly issued on March 29, 2021, given Respondent’s failure to file an answer or otherwise defend. Respondent did not cure the deficiency

during the default period, and default was effective on April 12, 2021. A notice of aggravation and mitigation hearing for May 6, 2021 was sent to all parties.

On May 6, 2021, the Hearing Panel, comprised of volunteer public member Richard L. Westby, volunteer attorney member, Judge Maurice Portley (Retired), and the PDJ, William J. O’Neil. Bar Counsel, Hunter F. Perlmeter. Mr. Sandoval did not appear. Exhibits 1-11 were admitted. Exhibit 8 was sealed.

FINDINGS OF FACT

The evidence based on the deemed admitted facts and exhibits.

Respondent was first licensed to practice law in Arizona on May 18, 1985.

COUNT ONE (File no. 20-1291/State Bar of Arizona)

1. Mr. Sandoval had an admonition issued to him by the ADPCC filed October 21, 2019. He was admonished because he failed to diligently litigate his client’s probate case in violation of ERs 1.3, 1.4, and 1.5. [Ex. 2.]

2. On October 31, 2018, the ADPCC issued Mr. Sandoval an order of diversion. Over 18 months Mr. Sandoval was required to participate in the Law Office Management Program (LOMAP) and the Member Assistance Program (MAP). He was also to complete additional continuing legal education (CLE), and to pay “costs and expenses of these proceedings”. [Ex. 1.]

3. On June 8, 2020 Compliance Monitor Yvette Penar emailed Mr. Sandoval stating she had not heard from him regarding his compliance. She outlined

his requirements. [Ex. 3.] Later that day, she called him and left a voice mail. [Ex. 4.] On June 9, 2020 the State Bar sent Mr. Sandoval a letter and complaint pertaining to his non-compliance. [Ex. 6, 000015.]

4. On June 9, 2020, the State Bar initiated a bar charge against Respondent related to his failure to timely comply with the terms of the diversion. Three requirements remained outstanding:

- a. Scheduling and participating in the therapy sessions recommended by Dr. Lett through MAP.
- b. Completion of 6.25 hours of family law CLE
- c. Payment of LOMAP fees

5. In compliance with his MAP terms, on June 11, 2019 Mr. Sandoval underwent an Independent Psychological Evaluation conducted by Dr. Lett. Based on his evaluation, Dr. Lett directed that Mr. Sandoval “undergo professional counseling twice a month for six months.” [SEALED Ex. 8, SBA021-024.] Mr. Sandoval did not complete any of the recommended treatment.

6. Mr. Sandoval advised the State Bar by letter on June 28, 2020 that he had financial issues and pointed to the pandemic as precluding his ability to visit with a therapist. He stated he intended to comply and requested additional time. [Ex. 5.]

7. On September 17, 2020 Mr. Sandoval informed Mr. Perlmeter by email that he “found a position with the Federal Government” and would be working “as

a Business Attorney for the Office of Disaster Assistance.” He also stated he was working “mandatory” sixty (60) hours weeks. He requested further time to comply. Mr. Perlmeter expressed his “strong preference not to have to take any action that might put [Mr. Sandoval’s job] in jeopardy.” [Ex. 6.]

8. Mr. Sandoval completed his required CLE on September 18, 2020 but did not send the certificate to the State Bar compliance monitor. [Ex. 7.]

9. On November 16, 2020, Mr. Perlmeter suggested to Mr. Sandoval that he obtain his counseling through a telehealth provider and asked him for an update regarding his attempts at compliance. [Ex. 8, 000019.]

10. On November 18, 2020, Yevette Penar asked Mr. Sandoval for his notes and the certificate of his completion of his CLE. [Ex. 9.] On December 1, 2020, Hunter Perlmeter requested Mr. Sandoval to provide a copy of his CLE certificate. [Id.] On December 8, 2020, Mr. Perlmeter acknowledged receipt of the CLE certificate and requested an update on his counseling. [Ex. 10.]

11. Mr. Perlmeter wrote Mr. Sandoval again on December 8, 2020 regarding his non-compliance with the remaining terms of his diversion terms. [Ex. 11.]

12. Mr. Sandoval failed to respond to requests for compliance or demonstrate that he had complied with the remaining diversion terms.

13. By failing to stay in contact with the State Bar or demonstrating he had completed his diversion terms, Mr. Sandoval violated several ethical rules including, but not limited to Rules 54(d) and (e), Ariz. R. Sup. Ct.

CONCLUSIONS OF LAW

Based upon the record, the Hearing Panel finds by clear and convincing evidence that Mr. Sandoval violated: Rule 54(d) and Rule 54(e), Ariz. R. Sup. Ct.

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, these factors should be considered: (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 his duty owed to the legal system by violating *Standard 6.2* (Abuse of legal process).

Mental State and Injury:

Specifically, *Standard 6.22* states suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule and causes injury or

potential injury to a client or a party or causes interference or potential interference with a legal proceeding.

AGGRAVATING AND MITIGATING FACTORS

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

- 9.22(a) prior disciplinary offenses: (Admonition with probation (file no. 19-0793 for violations of ERs 1.3, 1.4, and 1.5))
- 9.22(e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency: (Respondent failed to complete his terms of diversion and failed to respond to communications from the State Bar, and failed to answer the State Bar's formal complaint).

There are no mitigating factors present in the record. Suspension is the presumptive sanction. The Hearing Panel finds a suspension of 90 days is appropriate.

ANALYSIS

The absence of response or further communication from Mr. Sandoval is baffling. We are impressed with the multiple efforts made by the State Bar to work with Mr. Sandoval and accommodate him in an attempt to aid him in concluding this matter. We decline to speculate why he has not fulfilled his responsibilities. We also decline to ignore his non-responsiveness. We conclude that counseling must precede any application for reinstatement. He must complete at least two counseling

sessions, two weeks apart before he can apply for reinstatement, as well as completing the counseling before Rule 65 is implicated.

CONCLUSION

The Supreme Court “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 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20 (1994).

The Hearing Panel Orders:

- a) Mr. Sandoval shall be suspended 90 days effective immediately.
- b) In his affidavit of reinstatement, besides other requirements, Mr. Sandoval shall certify that he has identified a health care provider approved by the State Bar Compliance Monitor and have completed at least two counseling sessions at least two weeks apart to demonstrate a tangible commitment to the 6 month of treatment required under his diversion in State Bar file no. 18-1779 as recommended by Dr. Lett on June 11, 2019. Virtual sessions are acceptable.
- c) Before to applying for reinstatement, Mr. Sandoval shall pay all outstanding LOMAP fees related to his diversion in file no. 18-1779 of \$1,250.00.

[Ex. 11, 000030.] Mr. Sandoval shall pay any approved costs and expenses incurred by the SBA. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in this proceeding.

A final judgment and order shall follow.

DATED this 10th day of May 2021.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Signature on File

**Judge Maurice Portley (Retired),
Volunteer Attorney Member**

Signature on File

Richard Westby, Volunteer Public Member

Copy of the foregoing emailed
this 10th day of May, 2021, to:

Hunter F. Perlmeter
Senior Bar Counsel
State Bar of Arizona
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Steven G. Sandoval
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by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

STEVEN G. SANDOVAL,
Bar No. 010106

Respondent.

PDJ 2021-9008

**FINAL JUDGMENT AND
ORDER OF SUSPENSION**

[State Bar No. 20-1291]

FILED JUNE 4, 2021

The hearing panel rendered its decision on May 10, 2021 and ordered the immediate suspension of Steven G. Sandoval. No notice of appeal or request for stay was filed pursuant to Rule 59, Ariz. R. Sup. Ct. the time having expired, and no objection to the State Bar's Statement of Costs and Expenses having been filed,

IT IS ORDERED that Respondent **STEVEN G. SANDOVAL, Bar. No. 010106**, is suspended from the practice of law for 90 days, effective May 10, 2021, for conduct in violation of the Arizona Rules of Professional Conduct.

IT IS FURTHER ORDERED that, in his affidavit for reinstatement -- in addition to the other requirements -- Respondent shall certify that he has identified a health care provider approved by the State Bar Compliance Monitor and has completed at least two counseling sessions at least two weeks apart to demonstrate a tangible commitment to the 6 months of treatment required under

the terms of diversion in State Bar File No. 18-1779, as recommended by Dr. Lett on June 11, 2019. Virtual sessions are acceptable.

IT IS FURTHER ORDERED that prior to reinstatement, Respondent shall pay all outstanding LOMAP fees totaling \$1,250.00 related to his diversion in State Bar File No. 18-1779.

IT IS FURTHER ORDERED that Respondent shall comply with the requirements relating to notification of clients and others and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona totaling \$2,000.00, pursuant to Rule 60(b), Ariz. R. Sup. Ct. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge.

DATED this 4th day of June 2021.

Margaret H. Downie

Margaret H. Downie

Presiding Disciplinary Judge

COPY of the foregoing e-mailed
this 4th day of June 2020 to:

Hunter F. Perlmeter
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by: SHunt

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Respondent