

**In the Matter of John F. Giles, Jr., Bar No.: 004362, PDJ-2011-9023 filed July 22, 2011. Attorney Disbarred and ordered to pay Restitution and Costs.**

Respondent was the trustee of a trust. The beneficiaries wished to transfer the trust's funds to a new, successor trust. Respondent was dilatory and did not transfer the trust's assets. The beneficiaries retained counsel and the beneficiaries' attorneys submitted a bar charge. Meantime, the beneficiaries' attorneys filed an application for a restraining order and a preliminary injunction seeking to have Respondent removed as trustee. The Maricopa County Superior Court removed Respondent as trustee and ordered him to turn over the trust's records and funds to the new trustee by August 27, 2010. Respondent provided a small fraction of records of what he should have and the beneficiaries' attorneys sought sanctions.

On October 19, 2010, Respondent appeared for his scheduled deposition and provided voluminous records not previously provided. During the deposition, Respondent admitted to having used the trust's funds for his benefit. The records Respondent provided revealed that he used \$1,730.58 in trust funds to pay his office rent, paid his secretary \$1,097.51 in trust funds, and withdrew \$11,900 in trust funds via teller cash withdrawals. Respondent further failed to substantively respond in the State Bar's investigation.

Aggravating factors: dishonest or selfish motive, multiple offenses, bad-faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, refusal to acknowledge wrongful nature of conduct, substantial experience in the practice of law, indifference to making restitution, and illegal conduct.

Mitigating factor: absence of a prior disciplinary record.

Respondent violated Rule 42, specifically ERs 3.4(c), 8.1(b), 8.4(b), 8.4(c) and 8.4(d), and Rules 53(c), 53(d), and 53(f), Ariz. R. Sup. Ct. (2010).