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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF MEMBERS
OF THE STATE BAR OF
ARIZONA,**

**ROBERT P. JARVIS,
Bar No. 013887,**

Respondent

and

**GARRETT L. SMITH
Bar No. 015307**

Respondent.

PDJ 2021-9018

State Bar File No. **20-1379** and **20-1381**

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, and Respondents Robert P. Jarvis and Garrett L. Smith, who are represented in this matter by counsel, Robert B. Zelms Esq, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct. Probable cause orders for each Respondent were entered on March 15, 2021. **A formal complaint was filed on** March 24, 2021. Respondents voluntarily waive the right to an adjudicatory hearing, unless otherwise ordered, and waive all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admissions and proposed forms of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant by letter notifying him of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. No objections have been filed.

Both Respondent Jarvis and Smith conditionally admit that their conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 3.6(a), 4.4(a), and 8.4(d). Upon acceptance of this agreement, Respondent Jarvis agrees to accept imposition of the following discipline: **Admonition with Probation**, the terms of which are set forth below. Respondent Smith agrees to accept imposition of the following

discipline: **Reprimand with probation**, the terms of which are set forth below. Respondents also agree to pay the costs and expenses of the disciplinary proceeding within 30 days from the date of this order. If costs are not paid within the 30 days interest will begin to accrue at the legal rate.¹ The State Bar's Statements of Costs and Expenses are attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

COUNT ONE of ONE (File nos. 20-1379/Jarvis & 20-1381/Smith)

1. At all times relevant, Respondent Robert Jarvis was a lawyer licensed to practice law in the state of Arizona having been first admitted on October 26, 1991.

2. At all times relevant, Respondent Garrett Smith was a lawyer licensed to practice law in the State of Arizona having been first admitted on October 23, 1993.

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

3. Brandon Boudreaux (Father) and Melanie Pawlowski (Mother) were involved in divorce and child custody proceedings in Maricopa County Superior Court case no. FC2019-095384.

4. Father asserted in a pleading that he believed Mother knew the whereabouts of two missing children who had been featured in the news. The missing children's mother was Mother's aunt, Lori Vallow.

5. Mother retained Respondents Garrett Smith and Robert Jarvis to represent her in investigations related to the missing children, allegations that she was involved in an alleged shot fired at Father, actions taken by Father related to the child custody proceedings, and to protect her from false and speculative allegations in the media.

6. On February 25, 2020, Mother, through her prior family law attorney (not Respondents), filed a contempt motion alleging Father had made false statements to the court.

7. On February 26, 2020, Respondents Smith and Jarvis jointly issued a press release stating that Mother did not know the whereabouts of the missing children; that Father lied to "wrongfully influence the child custody case" and that

Father “Hides His Own Family’s Dark and Sinister Acts and Past.” The press release further stated:

‘Brandon Boudreaux has a history of victimizing women, which is probably an extension of his use of extreme and dark pornography,’ attorney Garrett Smith added. Mr. Smith continued, ‘Pawloski confronted Brandon Boudreaux in June of last year with proof of his pornography addiction and homosexual affairs. Brandon Boudreaux retaliated with threats to attack her and to take her kids away. He has carried through with his threats by lying in his court documents. Sadly, and irresponsibly, much of the media has quoted Brandon Boudreaux’s biased, vindictive, and fake accusations as truth and fact when they are his resentful, vengeful, and dishonest efforts to get full custody of Pawloski’s children. Brandon Boudreaux deceptively took Pawloski’s children out of state and kept them unlawfully, Pawloski was the stable parent in her children’s lives while Brandon Boudreaux traveled for weeks and was rarely home.’

'Everyone needs to know and remember,' Mr. Jarvis said, 'Brandon Boudreaux has unlawfully kept Pawloski's children out of Arizona in violation of a court order. The Boudreaux family continues to unlawfully keep Pawloski's children, out of school and in a home with an abusive history.' Mr. Jarvis stated, 'Unfortunately, law enforcement has failed to search for the truth and has given into the manipulations of Brandon Boudreaux.'

Mr. Smith related, 'Brandon Boudreaux has failed to tell investigators that his family has covered up child molestation, drug addiction, kidnapping, assaults, and even killings. And, according to inside family information, Brandon Boudreaux's family is involved in organized crime. Brandon Boudreaux has plenty to hide. A closer look would reveal many possible sources who would take a shot at him. Pawloski is not one of them. As shown in the storage video, Alex Cox was in Idaho on October 2, the day of the alleged shooting. There simply is no truthful evidence that Pawloski was involved in any way. In fact, it is more likely that Brandon Boudreaux was involved in one of his elaborate manipulations.'

...

'What is equally as disturbing,' said Mr. Jarvis, 'is that Pawloski's children are being unlawfully deprived of a necessary relationship with their loving mother who has done nothing to justify Mr. Boudreaux's horrible behavior.' Mr. Jarvis continued, 'Everyone is asking 'where are Lori Vallow's children?' Why is no one asking the same question about Pawloski's children?'

8. On March 20, 2020, Respondents made their initial appearances in the family law case.

9. On March 25, 2020, Respondents published a second press release. Before issuing the second press release, Respondents called the ethics hotline and

spoke with a State Bar representative about the ethical implications of issuing public statements related to the child custody case. The substance of possible statements was not discussed. Ethics hotline personnel indicated that the most risk adverse approach would be to not make statements regarding any cases or clients since they may be on the nightly news, and to review the local court rules.

10. In the second release, Respondent Smith is quoted as saying that Father “continues his narcissistic attempts to control [Mother], the Court, and public opinion.” The release also attributes the following quote to Respondent Smith: [Father] “unlawfully left with and kept their children out of state in Utah, telling American Fork police that his parents [sic] address was his address. He kept his children out of school for about a month.”

11. The release further states: “The truth is [Father] is using their children and making false claims to try to control [Mother’s] life, even now. He is attempting to mislead the Court and the public for which there will be consequences.”

12. On March 31, 2020, Father filed a defamation case (CV2020-004204) against Respondents as a result of the press releases.

13. On June 13, 2020, the missing children were found dead.

14. On July 1, 2020, the court held an evidentiary hearing on Mother's motion to hold Father in Contempt for his "misleading and False Statement Made to the Court filed on February 25, 2020."

15. On July 17, 2020, the court denied the contempt motion filed by Mother and found that Mother failed to demonstrate that Father made the alleged misrepresentations.

16. Both Respondents were deposed in the underlying defamation case.

17. The following is an excerpt from Respondent Smith's deposition:

16 Q. Whose idea was it to issue the press release?

17.A. I don't recall.

18 Q. Do you remember who drafted the press release?

19 A. Yes.

20 Q. Who?

21 A. Mr. Jarvis, with my assistance.

Q. What assistance did you provide?

A. Editing and content.

24 Q. What content did you provide specifically?

25 A. I don't recall specifically.

(p. 31)

.....

Q. Do you think that, as an attorney, you should have sought out some sort of verification of these statements prior to making them?

11 A. No.

12 Q. Why not?

13 A. We believed them to be credible and honest and

14 truthful.

15 Q. Okay. Was there any evidence that you looked
16 at to say that Brandon had ever victimized
anyone? Was

17 there any evidence you looked at?

18 A. His former fiancée was telling our client
19 about experiences in that regard, yes. We didn't
speak

20 to her, but I didn't feel that we needed to.

21 Q. Why not?

22 A. I didn't feel that we needed to. The
23 statements were believable and credible under
the view

24 that we gave them.

25 Q. Did you do any due diligence to check the

1 Q. Did you do any due diligence to check the
veracity of these statements?

2 MR. ZELMS: Form.

3 A. I've already said we didn't do anything about
4 that. We didn't talk to anybody. We didn't do any
5 investigation of that.

6 BY MR. PÉREZ:

7 Q. You didn't look to see if there were any
8 police records or none of that?

9 A. No.

10 Q. You just went solely off the word of Melani?

11 A. Well, and these other people and what they
had

12 said to Melani.

13 Q. So you had not spoken to Brandon's former
14 fiancée, as you term her, personally?

15 A. No.

16 Q. So it was based on what his alleged former
17 fiancée told Melani, and you just ran with that?

18 A. As I've said, yes.

.....

13 All right. Your next statement is stated,
14 "Melani confronted Brandon Boudreaux in June of
last
15 year with proof of his pornography addiction and
16 homosexual affairs."

17 Where did you get that information from?

18 A. Melani.

19 (Dog barking.)

20 THE WITNESS: Hang on one second.

21 (Off-the-record discussion.)

22 A. I got that information from Melani was the
23 answer to the question.

24 BY MR. PÉREZ:

25 Q. Is there a reason why you did not attribute

1 that to Melani when you made this statement?

2 A. The context of this, the form and the way that
3 this was written was, as I said, primarily
written by

4 Rob. He's the one that put it in this form of
5 attributing quotes to both he and I. Obviously,
this

6 is all statements of our client. All of this is
7 attributable to Melani and other sources that
we've

8 talked about, but we just put it in this form as
a

9 shield to her, the protection of her.

10 Q. How is putting this in this form a shield to
11 her?

12 A. Because we're not attributing the quotes to
13 her. We're saying it from ourselves.

14 Q. Okay.

15 A. Relaying information that our clients told us.

16 It's implied in the message.

17 Q. So what do you mean by "it's implied"?

18 A. I think it's implied when an attorney speaks on behalf of their client that they're speaking what

20 their client has told them. I don't have information

21 about this case in and of myself; it comes from my

22 client.

(P. 31-32).

18. The following is an excerpt from Respondent Smith's deposition:

Q. So assuming it were true that a member of
8 Brandon's family had engaged in child molesting
9 earlier, how do you relate that to a shooting?

10 MR. ZELMS: Form.

11 A. Well, you take that in whole and it goes
12 towards a person, that they're hiding those things, and
13 it goes towards creditability (sic). And also another
place

14 to look to say, these are things that have been done,
15 taken care of. They need to be looked at as an
16 alternative to the lie that has been presented by him.

(p. 108).

...

7 Q. Who did Brandon have a homosexual affair with,
8 if anyone?

9 A. That information, again, came from Melani and
10 her confrontation -- and you just have to look at it,
11 the whole statement. That was part of the
12 confrontation that Melani had with Brandon back in June
13 regarding the proof of his pornography addiction and
14 homosexual affairs.

15 Q. What proof do you contend Melani had?

16 A. Well, she has her own observations, her own
17 information that she -- that she relayed, and then we
18 provided the -- Brandon's dancing in the Pink Pony
19 being grinded upon.
20 Q. Do you --
21 A. Remember that we're not saying that he had
22 homosexual affairs. We're saying that Melani
23 confronted him with proof of the pornography addiction
24 and homosexual affairs.
25 Q. And my question is what proof did she have of
1 a homosexual affair?
2 A. I don't have a specific memory of what she
3 told us at this time.
4 Q. You mention his dancing in the Pink Pony. And
5 your lawyer did indeed give us a short video of him
6 dancing. What does that prove, that video?
7 MR. ZELMS: Form.
8 A. It's a corroboration of what Melani was
9 telling us.
10 BY MR. MARTON:
11 Q. What does it corroborate?
12 A. That she believed that he was using -- had a
13 pornography addiction and that he was having homosexual
14 affairs.

(p. 110-111).

20. In engaging in the above conduct, Respondents violated the following ethical rules:

- a. ER 3.6(a) (trial publicity),
- b. ER 4.4(a) (respect for rights of others), and
- c. ER 8.4(d) (prejudice to the admin. of justice).

CONDITIONAL ADMISSIONS

Respondents' admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation. Respondents conditionally admit that they violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 3.6(a), 4.4(a), and 8.4(d).

CONDITIONAL DISMISSALS

There are no conditional dismissals.

RESTITUTION

Restitution is not an issue in this matter.

SANCTIONS

Respondents and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate:

For Respondent Robert Jarvis:

Admonition with Probation for six (6) months, the terms of probation which will consist of:

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

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

For Respondent Garrett Smith:

Reprimand with Probation for six (6) months, the terms of probation which will consist of:

1. CLE: In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program: “State Bar of Arizona Course on Professionalism” within 90 days from the date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to

make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

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

NON-COMPLIANCE WITH PROBATION

If either Respondent fails to comply with any of the foregoing probation terms and the State Bar of Arizona receives information thereof, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether Respondent breached a term of probation and, if so, to recommend an appropriate sanction. If the State Bar alleges that Respondent failed to comply with any of the foregoing terms the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter.

In determining an appropriate sanction the Court considers the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Standard* 3.0.

The parties agree that the following *Standard 7.0 Violations of Other Duties Owed as a Professional* is the appropriate *Standard* given the facts and circumstances of this matter: Specifically, *Standard* 7.3 provides Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as professional and causes injury or potential injury to a client, the public, or the legal system.

The duty violated

Respondents' conduct violated their respective duties to the profession, the legal system, and the public.

The lawyer's mental state

Respondents issued a press release that may have contained inaccurate statements as a result of a negligent lack of due diligence, thereby violating the Rules of Professional Conduct herein referenced.

The extent of the actual or potential injury

There was potential harm to the public (the opposing party) and potential harm to the legal system and the profession.

Aggravating and mitigating circumstances

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

With respect to Respondent Jarvis:

In aggravation:

9.22(i) substantial experience in the practice of law (Respondent was admitted in 1991)

In mitigation:

9.32(a) absence of a prior disciplinary record

9.32(g) character or reputation (letters attached as Exhibit B)

9.32(k) imposition of other penalties or sanctions (malpractice settlement)

With respect to Respondent Smith:

In aggravation:

9.22(a) prior discipline:

- 06-1634: (informal reprimand) - ER 1.5(d) and 1.15(a) and (d).
- 07-0600: (informal reprimand) 41(c) and (g)
- 08-0086: (informal reprimand)—ERs 1.2 and 1.5.
- 15-2773: (Reprimand) ERs 1.3, 1.4, and 1.5.
- 16-2510 (Suspension – 30 days and probation to LOMAP). ERs 1.3, 1.4, 3.4(c), and 8.4(d).

9.22(i) substantial experience in the practice of law

In mitigation:

9.32(k) imposition of other penalties (malpractice settlement)

Discussion

The parties agree that in light of the above mitigating factors, particularly his lack of disciplinary history, Respondent Jarvis' sanction should be mitigated to an admonition with probation. The parties believe that in light of the aggravating and

mitigating factors applicable to Respondent Smith, the presumptive sanction of reprimand with probation is appropriate.

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

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

Admonition, probation, and the imposition of costs and expenses for Robert Jarvis.

Reprimand, probation, and the imposition of costs and expenses for Garrett Smith.

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

DATED this 19th day of May, 2021

STATE BAR OF ARIZONA

/s/ Hunter F. Perlmeter

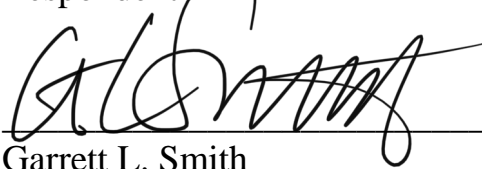
Hunter F. Perlmeter
Senior Bar Counsel

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

DATED this 18th day of May, 2021.



Robert P. Jarvis
Respondent



Garrett L. Smith
Respondent

DATED this 18th day of May, 2021.



Robert B. Zelms Esq.
Counsel for Respondent

Approved as to form and content

/s/ Maret Vessella

Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 19th day of May, 2021.

Copy of the foregoing emailed
this 19th day of May, 2021, to:

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

Copy of the foregoing emailed
this 19th day of May, 2021, to:

Robert B. Zelms Esq
4600 E Washington St Ste 300
Phoenix, Arizona 85034-1908
Email: rzelms@zelmserlich.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 19th day of May, 2021, to:

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

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

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Robert P. Jarvis, Bar No. 013887, Respondent

File No. 20-1379

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings

\$1,200.00

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Additional Costs

Total for additional costs \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$ 1,200.00

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Garrett L. Smith, Bar No. 015307, Respondent

File No. 20-1381

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings

\$1,200.00

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Additional Costs

Total for additional costs \$ 0.00

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

EXHIBIT B

May 3, 2021

Sent Via Email – rzelms@zelmsulich.com

Robert Zelms
Zelms Erlich and Mack
4600 E. Washington St., Ste. 300
Phoenix, AZ 85034

Re: Robert Jarvis

Dear Mr. Zelms:

It is my pleasure to write this letter in support of Robert Jarvis. I have known Mr. Jarvis for approximately 28 years. We met as young lawyers employed as assistant city prosecutors for the City of Phoenix.

We worked together for the city for approximately two years. In his role as a prosecutor, Mr. Jarvis was always a strong but fair advocate for the State. In discussing the strength or weakness of a specific case, an evidentiary matter, or a miscellaneous legal issue, I always found Mr. Jarvis' analysis to be well reasoned, fair and evenhanded. The qualities that stood out most were Mr. Jarvis' integrity, demeanor and the professional manner in which he always conducted himself. When interacting with other attorneys, represented defendants, victims and law enforcement officers, it was Mr. Jarvis' professionalism, composure, dignity and respect for others that made all parties involved in the process feel that they had been treated fairly.

Although we have not worked together since leaving the Phoenix City Prosecutor's Office, Mr. Jarvis and I have remained in touch and regularly interact as attorneys now in private practice. Mr. Jarvis is always happy to share his thoughts and experience when brainstorming legal issues or strategy. Because I have known Mr. Jarvis for so many years and have had the pleasure of working with him, I believe I am in a good position to assess his character. I have witnessed firsthand that Mr. Jarvis has always shown the utmost respect for the judiciary, his colleagues and adversaries, as well as the rules that govern our conduct as lawyers. Mr. Jarvis is well liked and respected not only by his peers, but also by the judges he regularly appears before.

...
...

If you have any questions or I may offer further information, please feel free to contact me. I am happy to expand on my support for Mr. Jarvis.

Sincerely,



Craig Gillespie
For the Firm

CCG:bls

April 29, 2021

To Whom It May Concern,

I am writing this letter on behalf of Robert Jarvis. I have worked with Robert Jarvis for 9 years in the Maricopa County Justice Courts as one of our most used Pro-Tems. He has proven to be an outstanding asset to both the San Tan Justice Court and the East Mesa Justice Court. Mr. Jarvis's years in private practice have given him a keen intelligence and understanding of the Justice Courts. He is completely professional in his conduct and demeanor, well-prepared, and is courteous in dealing with the public. Mr. Jarvis is a compassionate individual who is very willing to work with people toward a fair solution to sometimes difficult and unpleasant situations; he is honest and fair in his decisions and unbiased in his determinations.

I have personally witnessed firsthand Mr. Jarvis while he has dealt with plaintiffs and defendants. He is respected by both parties because of his strong ethics and respect for the people. He allows everyone to express their issues and always follows the law when making a decision.

He is courteous to the staff and has built a great reputation as a Pro-Tem Judge. I work with many people in the County and have never heard bad word spoken about Mr. Jarvis.



Leah Bishop

East Mesa Justice Court

Court Manager

602-372-4961

4811 E Julep #128

Mesa AZ 85205

Matthew Robert Wilson
3922 East Laurel Street
Mesa, Arizona 85215-2420
United States of America

Friday, April 30, 2021

State Bar of Arizona
4201 North 24th Street Number 100
Phoenix, Arizona 85016
United States of America

Re: Letter of Character for Robert P. Jarvis, Esq.

To Whom It May Concern:

It is with my pleasure that I submit this letter of character on behalf of Robert P. Jarvis, Esq. I have known Rob over the past, approximately, three years after retaining him as my attorney for a legal proceeding. Over the course of these past several years, I have spent many hours with Rob as he has worked with and represented me. I can say that I know him well, and it is on the basis of this relationship that I submit this letter of character.

I can unequivocally say that I trust Rob, his ethics, and his commitment to his clients, myself included. While I will not go into the exact nature of the circumstances that surrounded my retainer of Rob, I will say that the matter was of both extreme importance to my future and ability to practice medicine, as well as incredibly personal and sensitive in nature and content. Throughout all of my interactions with Rob, he has always treated me with the utmost respect, care, and diligence while insuring that my rights were never violated and that I was given fair treatment under the law. There are few people on this planet that I trust as much as I do Rob Jarvis. He has proven to me on more than one occasion that I can trust him, his character, his morals and ethics, and his expertise of the law.

Only a cursory survey of Rob's resume will show his commitment to law, justice, and fair representation under the law for both victims and perpetrators alike. He has been awarded many top recognitions and accolades for service to both the interests of the people as well as those of his clients. I do not believe that there are many attorneys with more evidence of dedication to the practice and upholding of law and justice in our great Republic than Rob Jarvis.

As I stated, the circumstances that led to my retainer of Rob were extremely personal and volatile in nature and content. I would like to draw attention to something that I noted and was surprised by during one of my first meetings with Rob Jarvis and that I think especially highlights his character:

As I met with him and discussed my case and the circumstances surrounding it, he listened, took notes, and genuinely made sure that he had a sound understanding of what I stated had happened to me and the

accusations that I was making. Because an aspect of my case involved actions against me by another person, much of my story and perspective painted a dim picture of someone else, who Rob did not know or have an interest in protecting. Unbeknownst to me, at the time, and before Rob officially accepted me as a client, he did his own research and question asking to discern whether what I was accusing another of having committed was actually plausible or even likely to be true. Rob did not take my word for it, he wanted to be sure.

Several years later, I understand more about why Rob did this and why he did not just take my word for absolute truth. The reason, as I have come to understand it, is because Rob had his honor and standards to protect and uphold. But in a way, Rob was also looking out for the honor of the person I was accusing. Rob later told me that he had to corroborate what I was saying before he made statements and accusations that could have been harmful to another person's reputation.

I did not understand it completely, at the time. After all, I was his client (or about to be) and should not my interests and protection come first. Perhaps with other attorneys, but not with Rob Jarvis. And I believe that speaks volumes about him, his character, and his ethics. But most of all, it showed and taught me that Rob valued his honor, and the very concept of honor and what that means, above all else. I cannot convey how much I respect this. While I do not know the exact nature of the complaint that has been lodged against Rob, the circumstances surrounding the complaint, or of the disciplinary actions being contemplated by the Bar, I want to be absolutely sure that I convey my unwavering support of Robert Jarvis, his high standards of excellence, and most of all his honor.

I ask you to take all of this into special consideration. If I can provide any additional details or be of any help, I hope that you will not hesitate to get into contact with me as it would be my pleasure to be of service in this matter.

Respectfully submitted,

/s/ Matthew Robert Wilson

Matthew Robert Wilson
3922 East Laurel Street, Mesa, Arizona 85215-2420, U.S.A.
+14805675821
MatthewRobertWilson19@gmail.com

Sandy Braddock

1428 N Sierra Heights Cir

Mesa, AZ 85207

May 2nd, 2021

Re: Robert Jarvis

I have worked with Robert Jarvis at the San Tan Justice Court and the East Mesa Justice Court.

When he pro-tems for the courts, I notice how fair and impartial he is when talking to defendants. His character is honest and caring. He likes to work with defendants and give them all the opportunities to make things right. He follows the rules. Each court is different and he has to go by what the judge and court manager prefer. That shows good character. He is always requested to Pro-tem in these 2 courts. He is approachable and will let the clerks know what he has done or wants done. He also listens to the court staff.

He has been practicing law for a lot of years here in Arizona, his home town.

It is my sincere hope that you will take this letter into consideration, this letter, when reviewing

Mr. Jarvis' case. I believe he is honorable, ethical, and trustworthy and would never do anything to jeopardize his license or integrity.

Sincerely,

Sandy Braddock

Date: May 1, 2021

To: Mr. Zelms

From: Steven R Urie,
Justice of the Peace, retired
Highland Justice Court

Re: Robert P Jarvis

Mr. Zelms,

I have had the opportunity to call upon Robert Jarvis as a justice of the peace pro tem in the Highland Justice Court for the past eight years.

Mister Jarvis has an excellent reputation for being fair, impartial and following the rules of civil procedure and the rule of law. I have never known him to go to any extreme in his rulings. As such, he is in much demand as a justice of the peace pro tem in multiple justice courts in the Southeast Valley.

I have found him to be very deliberative in his rulings as he weighs the facts of the case and how they apply to the law and the rules of civil procedure. He is an individual of great integrity, puts his personal feelings aside and follows the rule of law.

I have on many occasions talked with Mr. Jarvis about his legal practice. I have observed that Mr. Jarvis follows the same standards of professionalism, ethics, and integrity in his legal practice as he does as a justice of the peace pro tem. It is my observation that he has always represented his clients and worked diligently to protect their interests.

I have never known Mr. Jarvis to go to extremes. He has always exhibited the highest standards of ethics and integrity. As such, he has an excellent reputation in the Highland Justice Court.

If you require any additional information, please feel free to contact me.

Sincerely,

Steven R Urie
Justice of the Peace, retired
Highland Justice Court

480-252-5575

EXHIBIT C

BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF MEMBERS
OF THE STATE BAR OF
ARIZONA,**

**ROBERT P. JARVIS,
Bar No. 013887,**

and

**GARRETT L. SMITH
Bar No. 015307**

Respondent.

PDJ 2021-9018

**FINAL JUDGMENT AND
ORDER**

State Bar No. 20-1379 and 20-1381

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

Accordingly:

IT IS ORDERED that Respondent, **Robert P. Jarvis**, is **Admonished** for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS ORDERED that Respondent, Garrett Smith is Reprimanded for his violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent Smith and Respondent Jarvis are placed on probation for a period of six (6) months. The terms of probation are:

- a) CLE: In addition to annual MCLE requirements, Respondents shall complete the following Continuing Legal Education ("CLE") programs:
“State Bar of Arizona Course on Professionalism” within 90 days from the date of service of this Order. Respondents shall provide the State Bar Compliance Monitor with evidence of completion of the programs by providing a copy of handwritten notes and certificate of completion. Respondents should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

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

IT IS FURTHER ORDERED that Respondents Smith and Jarvis shall each pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondents shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of _____, within 30 days from the date of service of this Order.

DATED this _____ day of May, 2021.

Margaret Downie, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of May, 2021.

Copies of the foregoing emailed
this _____ day of May, 2021, to:

Robert B. Zelms
4600 E. Washington St Ste 300
Phoenix, Arizona 85034-1908
Email: rzelms@zelmserlich.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this ____ day of May, 2021, to:

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

Copy of the foregoing hand-delivered
this ____ day of May, 2021 to:

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

by:_____

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF MEMBERS OF
THE STATE BAR OF ARIZONA,

ROBERT P. JARVIS,
Bar No. 013887

GARRETT L. SMITH,
Bar No. 015307

Respondent.

PDJ 2021-9018

**DECISION ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar Nos. 20-1379, 20-1381]

FILED JUNE 11, 2021

Pursuant to Rule 57(a), Ariz. R. Sup. Ct., an Agreement for Discipline by Consent was filed on May 19, 2021. Probable Cause Orders issued on March 15, 2021, and the formal complaint was filed on March 24, 2021. The State Bar of Arizona is represented by Hunter F. Perlmeter. Respondents Robert P. Jarvis and Garrett L. Smith are represented by Robert B. Zelms.

Contingent on approval of the proposed form of discipline, Mr. Jarvis and Mr. Smith have voluntarily waived the right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. Pursuant to Rule 53(b)(3), notice of the consent agreement was sent to the complainant(s) by letter on May 6, 2021. No objections have been received.

The Agreement details a factual basis to support the conditional admissions and is incorporated by reference. *See* Rule 57(a)(4). Mr. Jarvis and Mr. Smith admit that they violated Rule 42, ER 3.6(a) (trial publicity), ER 4.4(a) (respect for rights of others), and ER 8.4(d) (conduct prejudicial to the administration of justice.) As a sanction, the parties agree to an admonition and six months of probation (continuing legal education) for Mr. Jarvis and a reprimand plus six months of probation (continuing legal education) for Mr. Smith. The parties further agree that each respondent will pay costs in the sum of \$1,200.00 within 30 days of the date of the final judgment and order.

Mr. Jarvis and Mr. Smith conditionally admit that they issued a press release that may have contained inaccurate statements as a result of a negligent lack of due diligence. They further conditionally admit there was potential harm to the public (the opposing party) and potential harm to the profession, the legal system, and the public.

The presumptive sanction for both Mr. Jarvis and Mr. Smith is a reprimand under § 7.3 of the *ABA Standards for Imposing Lawyer Sanctions* (“ABA Standards”). The parties stipulate to the existence of aggravating factor 9.22(a) (prior disciplinary offenses) as to Mr. Smith and 9.22(i) (substantial experience in the practice of law) as to both respondents. The parties further stipulate to the existence of mitigating factors 9.32(a) (absence of a prior disciplinary record) and 9.32(g) (character or

reputation) as to Mr. Jarvis¹ and 9.32(k) (imposition of other penalties or sanctions) as to both respondents. The parties agree that application of the aggravating and mitigating factors justifies a reduction in the presumptive sanction as to Mr. Jarvis only.

IT IS ORDERED accepting the Agreement for Discipline by Consent. A final judgment and order is signed this date.

DATED this 11th day of June 2021.

Margaret H. Downie

Margaret H. Downie
Presiding Disciplinary Judge

COPY of the foregoing e-mailed
on this 11th day of June 2021 to:

Hunter F. Perlmeter
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6288
Email: LRO@staff.azbar.org

Robert B. Zelms
4600 East Washington Street, Suite 300
Phoenix, Arizona 85034-1908
Email: rzelms@zelmserlich.com
Respondents' Counsel

by: SHunt

¹ Numerous letters were submitted in support of this factor.

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF MEMBERS OF
THE STATE BAR OF ARIZONA,

ROBERT P. JARVIS,
Bar No. 013887,

GARRETT L. SMITH,
Bar No. 015307

Respondents.

PDJ 2021-9018

FINAL JUDGMENT AND ORDER

[State Bar Nos. 20-1379 and 20-1381]

FILED JUNE 11, 2021

The Presiding Disciplinary Judge having accepted the Agreement for Discipline by Consent submitted pursuant to Rule 57(a), Ariz. R. Sup. Ct.,

IT IS ORDERED that Respondent **ROBERT P. JARVIS, Bar No. 013887**, is admonished for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent **GARRETT L. SMITH, Bar No. 015307**, is reprimanded for his violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that **ROBERT P. JARVIS** and **GARRETT SMITH** are placed on probation for a period of six (6) months, with the following terms and conditions:

a) Continuing legal education (CLE): In addition to annual MCLE requirements, Respondents shall complete the following CLE programs: “State Bar of Arizona Course on Professionalism” within 90 days from the date of service of this Order. Respondents shall provide the State Bar Compliance Monitor with evidence of completion of the programs by providing a copy of handwritten notes and certificate of completion. Respondents should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondents shall be responsible for the costs of the CLE program.

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

IT IS FURTHER ORDERED that Robert P. Jarvis and Garrett L. Smith shall each pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00 within 30 days of the date of service of this Order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these

proceedings.

DATED this 11th day of June, 2021.

Margaret H. Downie

Margaret H. Downie

Presiding Disciplinary Judge

Copies of the foregoing emailed
this 11th day of June, 2021, to:

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

Robert B. Zelms
4600 E. Washington St Ste 300
Phoenix, Arizona 85034-1908
Email: zelms@zelmserlich.com
Respondent's Counsel

by: SHunt