

In the Matter of Stephen L. Tunney, Bar No.: 020712, PDJ No.: PDJ-2011-9013 filed June 10, 2011. *Attorney Suspended, Restitution and Costs imposed.*

Respondent successfully represented clients in a dispute with their homeowner's association. The Court of Appeals granted their request for attorney fees. Respondent however, failed to timely file an application for attorney fees and failed to return the clients' phone calls and emails.

Respondent further failed to respond to the State Bar's investigation of this matter.

Respondent's misconduct deemed admitted by default constituted grounds for the imposition of discipline pursuant to the Rules of the Supreme Court of Arizona and violated Rule 42, ERs 1.2(a), 1.3, 1.4(a)(4), 1.16(d), 8.1(b) and former Rules 53(d), 53(f).

In evaluating aggravating and mitigating factors, the following factors were found: in aggravation, factor 9.22(e) (bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency) and 9.22(i) (substantial experience in the practice of law); and in mitigation, factors 9.32(a) (absence of prior disciplinary history).

At the aggravation/mitigation hearing, the State Bar sought a three (3) years suspension, however, the Hearing Panel determined that a 10 months suspension was the appropriate sanction and would fulfill the purposes of discipline.

The Final Judgment and Order was signed by the PDJ. Restitution in the amount of \$8,850.00 was ordered payable to Craig and Jill Early and costs in the amount of \$2,015.20 were awarded.