

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

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

**EDWARD P. MORIARITY,**  
**Bar No. 028066**

**Respondent.**

**No. PDJ-2014-9027**

**FINAL JUDGMENT OF DISBARMENT**

[State Bar File No. 12-2599]

**FILED: July 15, 2014**

The undersigned Acting Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Consent to Disbarment filed on July 11, 2014, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the same. Accordingly:

**IT IS HEREBY ORDERED** accepting the Consent to Disbarment. **Respondent, Edward P. Moriarity, Bar No. 028066**, is hereby disbarred from the State Bar of Arizona and his name is hereby stricken from the roll of lawyers, effective thirty (30) days from the date of this Judgment of Disbarment. Respondent is no longer entitled to the rights and privileges of an Arizona lawyer, but remains subject to the jurisdiction of this Court.

**IT IS FURTHER ORDERED** that pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** that no further disciplinary action shall be taken in reference to the matters that are the subject of the charges upon which the Consent to Disbarment and this Judgment are based.

**IT IS FURTHER ORDERED** that the costs and expenses of the State Bar of Arizona in this matter are waived pursuant to terms of the consent agreement.

DATED this 15th day of July, 2014.

*Sandra E. Hunter*

---

Sandra E. Hunter,  
Acting Presiding Disciplinary Judge

Copies of the foregoing mailed and emailed this 15th day of July, 2014, to:

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Respondent

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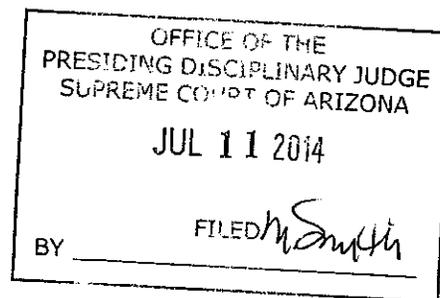
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**SUPREME COURT OF THE STATE OF ARIZONA  
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE  
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231**

In the Matter of a Member of the  
State Bar of Arizona,

Edward P. Moriarity, Bar No. 028066,

Respondent.

Case no.: PDJ-2014-9027

**CONSENT TO DISBARMENT**

I, Edward P. Moriarity, residing at 973 St. Andrews Drive, Bozeman, Montana 59715, voluntarily consent to disbarment as a member of the State Bar of Arizona and consent to the removal of my name from the roster of those permitted to practice before this court, and from the roster of the State Bar of Arizona.

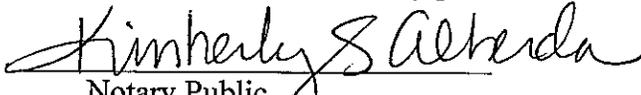
I acknowledge that a formal complaint has been filed against me. I have read the complaint, and the charges there made against me. I further acknowledge that I do not desire to contest or defend the charges, but wish to consent to disbarment. I have been advised of and have had an opportunity to exercise my right to be represented in this matter by a lawyer. I consent to disbarment freely and voluntarily and not under coercion or intimidation. I am aware of the rules of the Supreme Court with respect to discipline, disability, resignation and reinstatement, and I understand that any future application by me for admission or reinstatement as a member of the State Bar of Arizona will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in the complaint filed against me. The misconduct of which I am accused is described in the complaint, a copy of which is attached hereto as Exhibit "A."

A proposed form of Judgment of Disbarment is attached hereto as Exhibit "B."

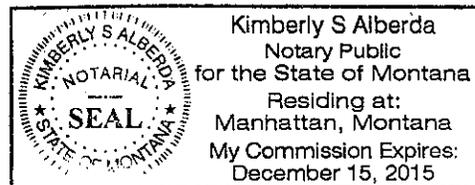
DONE AT 11:19, AM, on July 10, 2014.

  
Edward P. Moriarity  
Respondent

SUBSCRIBED AND SWORN TO before me this 10 day of JULY, 2014, by Edward P. Moriarity, who satisfactorily proved his identity to me.

  
Notary Public

My Commission expires:  
DEC 15 2015



OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

MAR 14 2014

BY \_\_\_\_\_ FILED

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9 SUPREME COURT OF THE STATE OF ARIZONA  
10 BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE  
11 1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

12 In the Matter of a Member of the  
State Bar of Arizona,  
13 Edward P. Moriarity, Bar No. 028066,  
14 Respondent.

PDJ-2014-902 7  
COMPLAINT

16 For its complaint against Respondent, the State Bar alleges the following:

17 JURISDICTION

18 1. Edward P. Moriarity ("Respondent" or "Moriarity") was admitted on motion  
19 to the Bar of the State of Arizona on November 1, 2010. His bar number is 028066.

20 OVERVIEW

21 2. On behalf of Lisa Aubuchon and David Hendershott and their spouses  
22 ("Plaintiffs"), Respondent caused to be filed and maintained a Maricopa County Superior  
23 Court lawsuit, Case No. CV 2011-014754 (the "Underlying Lawsuit"), against, among  
24 others, complainants Edward Novak and Thomas Irvine, as well as their law firm  
25 (collectively, the "Polsinelli Defendants").

26 3. The Underlying Lawsuit's claims against the Polsinelli Defendants had no  
27 factual or legal basis, and Respondent knew it, both before filing the lawsuit and while  
28 maintaining it thereafter. Respondent nevertheless filed and maintained the Underlying

1 Lawsuit in an effort to make money under a contingent fee agreement with Plaintiffs and,  
2 on information and belief, for other improper reasons.

3 4. Respondent also, at a minimum and without limitation, knowingly  
4 disobeyed Arizona Rule of Civil Procedure 11(a) by having Aubuchon sign both the  
5 original complaint and the amended complaint in the Underlying Lawsuit, rather than  
6 signing it himself, and lied to and failed to cooperate with Bar Counsel by  
7 mischaracterizing his representation of Aubuchon as "pro bono" and mischaracterizing his  
8 supposed pre-filing investigation in connection with the Complaint and First Amended  
9 Complaint in the Underlying Matter.

10 **ALLEGATIONS AND COUNTS ARISING OUT OF THE**  
11 **UNDERLYING LAWSUIT'S LACK OF ANY FACTUAL OR LEGAL BASIS,**  
12 **AND RESPONDENT'S CORRESPONDING BAD FAITH CONDUCT**

13 5. No legal or factual basis ever existed for the Underlying Lawsuit's claims  
14 against the Polsinelli Defendants.

15 6. On May 8, 2012, Judge Sally Duncan so found, generally and as to the  
16 particular claims asserted against the Polsinelli Defendants, in the Underlying Lawsuit.

17 7. The Underlying Lawsuit was based on a supposed conspiracy regarding  
18 funding of the Maricopa County court tower (the supposed "Court Tower Conspiracy").

19 8. In his January 11, 2013 letter served on Bar Counsel in connection with the  
20 investigation in this matter, Respondent admitted that the Underlying Lawsuit was based  
21 on the supposed Court Tower Conspiracy.

22 9. The Complaint and Amended Complaint in the Underlying Lawsuit, filed on  
23 August 11, 2011 and August 12, 2011, respectively, also reveal that the Underlying  
24 Lawsuit was based, in substantial part, on the supposed Court Tower Conspiracy.

25 10. Federal Case No. 2:09-cv-02492-GMS, filed on December 1, 2009 by  
26 Maricopa County Sheriff Joseph Arpaio and then County Attorney Andrew Thomas (the  
27 "RICO Suit"), was based on the same supposed Court Tower Conspiracy.

28 11. The RICO Suit was voluntarily dismissed in March 2010.

1           12.    The supposed Court Tower Conspiracy had no basis in fact. Assertions to  
2 the contrary in the Underlying Lawsuit were frivolous.

3           13.    The Underlying Lawsuit's allegations and claims based upon the supposed  
4 Court Tower Conspiracy had no basis in fact or law, and were frivolous.

5           14.    The hearing panel in Arizona Presiding Disciplinary Judge Case No. PDJ  
6 2011-9002 against Thomas, Aubuchon, and Rachel Alexander (the "Disciplinary Matter")  
7 adjudged the supposed Court Tower Conspiracy as having no basis in fact. The hearing  
8 panel found, "The allegation that there was a conspiracy driving the Court Tower Project  
9 was factually impossible."

10          15.    The Arizona Supreme Court affirmed the hearing panel's disbarment of  
11 Aubuchon in the Disciplinary Matter. *In re Aubuchon*, 669 Ariz. Adv. Rep. 28, 309 P.3d  
12 886 (2013).

13          16.    According to the agreement of discipline by consent in *In re Spaw*, PDJ-  
14 2012-9078, "[t]he Complaint . . . in the RICO case was devoid of any factual or legal  
15 basis."

16          17.    The respondent in *In re Alexander*, 232 Ariz. 1, 300 P.3d 536 (2013), who  
17 bore substantial responsibility for maintaining the RICO Suit against Complainants Novak  
18 and Irvine, among others, did not dispute the RICO Suit's frivolity in her appeal to the  
19 Arizona Supreme Court from the hearing panel's decision.

20          18.    Respondent knew before the Underlying Lawsuit was filed that the lawsuit's  
21 claims against the Polsinelli Defendants had no factual or legal basis.

22          19.    Respondent represented Aubuchon in the Disciplinary Matter beginning in  
23 February 2010.

24          20.    Respondent knew from the November 23, 2010 report of investigation  
25 ("ROI") in the Disciplinary Matter that Independent Bar Counsel in that matter had found  
26 no evidence supporting the existence of the supposed Court Tower Conspiracy.

27  
28

1           21.    Respondent knew from that same ROI that the motivation for pursuing the  
2 supposed Court Tower Conspiracy was personal animosity by Thomas, Aubuchon, and  
3 the Maricopa County Sheriff against, among others, Complainant Irvine.

4           22.    Respondent knew from Yavapai County Attorney Sheila Polk's August 1,  
5 2011, deposition in the Disciplinary Matter, in which Respondent participated as counsel  
6 to Aubuchon, that Polk had not seen a "shred of evidence" supporting the existence of the  
7 supposed Court Tower Conspiracy — from Plaintiffs, from the Maricopa County  
8 Attorney's Office ("MCAO"), from the Maricopa County Sheriff's Office ("MCSO"), or  
9 any other source.

10          23.    Respondent knew from Thomas's July 11, 2011, deposition in the  
11 Disciplinary Matter, in which Respondent participated as counsel to Aubuchon, that  
12 nothing impeded MCSO from further investigating the supposed Court Tower Conspiracy  
13 except, supposedly, the need for grand jury subpoena power. But Respondent knew from  
14 the Thomas deposition, at a minimum, that this power had been vested in Polk.

15          24.    Respondent knew when the Underlying Lawsuit was filed that the supposed  
16 Court Tower Conspiracy formed the basis of the RICO Suit, and that the RICO Suit had  
17 been voluntarily dismissed by plaintiffs in early 2010.

18          25.    Respondent knew from the ROI in the Disciplinary Matter that Independent  
19 Bar Counsel had found no evidence that an investigation was conducted into the facts  
20 alleged in the RICO Suit, and that Aubuchon herself had admitted as much.

21          26.    Respondent knew from that same ROI that Independent Bar Counsel viewed  
22 the RICO case as meritless and frivolous.

23          27.    Respondent knew from Rachel Alexander's July 21, 2011, deposition in the  
24 Disciplinary Matter, in which Respondent participated as counsel to Aubuchon, that  
25 Thomas had given the RICO Suit to Alexander to run; that Peter Spaw had expressed  
26 serious reservations to Alexander about the RICO Suit's viability; and that Alexander had  
27 done no independent investigation of the RICO Suit's factual basis, including the  
28 supposed Court Tower Conspiracy.

1           28.    Respondent caused to be filed, and maintained, the Underlying Lawsuit in  
2 bad faith.

3           29.    Judge Duncan specifically found the Underlying Lawsuit to have been filed  
4 “vexatiously” against the Polsinelli Defendants.

5           30.    Respondent caused the Underlying Lawsuit to be filed for personal financial  
6 gain.

7           31.    Respondent worked extensively with Aubuchon, Hendershott, and Thomas  
8 to frame notices of claim against Maricopa County, the State of Arizona, and certain  
9 named actors, including Complainants Novak and Irvine, in early 2011.

10          32.    Respondent’s objective was to include as many defendants as possible,  
11 including Complainants Novak and Irvine, in order to increase the potential pool of public  
12 dollars that would be available for his desired contingent fee recovery.

13          33.    Both the Complaint and the Amended Complaint in the Underlying Matter  
14 alleged that Complainants Irvine and Novak, among others, were “current or former  
15 employees, agents, contractors, elected officials or service providers of Maricopa County”  
16 and also alleged that these defendants, among others, were “acting in their official  
17 capacity.”

18          34.    On January 11, 2013, in response to Bar Counsel’s investigation,  
19 Respondent asserted that he “spent most of the preceding week as well as most of the day  
20 of August 11, 2011, with his clients Lisa Aubuchon and David Hendershott, reviewing the  
21 facts, their allegations, and hundreds of documents that were pertinent to the case. . . .  
22 After reviewing the documents and speaking with his clients, Mr. Moriarity believed that  
23 there was a good faith basis in law and fact for the claims.” No evidence supports this  
24 assertion. To the contrary, in his supplemental response to this investigation dated  
25 December 4, 2013, Respondent asserted that he was in Bozeman, Montana from August 1  
26 through August 9, 2011.

27

28

1           35.    Respondent appeared on Aubuchon’s behalf in several lengthy depositions  
2 in connection with the Disciplinary Matter, on August 1, 4, and 5, 2011 (telephonically)  
3 and on August 9, 2011 (in person).

4           36.    Respondent not only caused the Underlying Lawsuit to be filed in bad faith,  
5 but maintained it in bad faith over the Polsinelli Defendants’ opposition.

6           37.    In an October 18, 2011 opposition brief to a dispositive motion filed by the  
7 Polsinelli Defendants in the Underlying Lawsuit, Respondent referred to “Defendants’  
8 years-long course of conduct—*undertaken in concert*—that was intended to destroy the  
9 professional careers and personal lives of two individuals whose statutory law  
10 enforcement duties required them to prosecute public corruption in which Defendants  
11 were complicit.”

12          38.    In that same brief, Respondent incorporated by reference arguments he  
13 made in an October 13, 2011, filing, arguing that Arizona’s liberal pleading standards  
14 required denial of the motion when “any state of facts could conceivably be proved which  
15 would entitle the [plaintiff] to relief.” That is, for procedural advantage, Respondent  
16 exploited Arizona’s liberal pleading standards to defend as possibly true what he knew to  
17 be false.

18          39.    Even after Plaintiffs abandoned their claims against the Polsinelli  
19 Defendants in the Underlying Lawsuit, by seeking leave to file a Second Amended  
20 Complaint that included no claims against the Polsinelli Defendants, Respondent’s law  
21 partner Bradley Booke defended Plaintiffs’ actions in filing the Complaint by arguing that  
22 Plaintiffs

23                   turned County government inside out to try to get records that  
24                   would prove or disprove that crimes of improper expenditure  
25                   of public funds, financial crimes, had been committed. The  
26                   people who run County government didn’t like that. Those  
27                   people hired Mr. Irvine and Mr. Novak and their firm to stop  
28                   the investigation and Mr. Novak and Mr. Irvine went through  
                    a long sequence of very specific actions in order to stop that  
                    investigation from occurring.



1 representing a client, a lawyer shall not use means that have no substantial purpose other  
2 than to embarrass, delay, or burden any other person . . . .”

3 **COUNT FOUR**

4 **(Violation of ER 8.4)**

5 48. All prior factual allegations are incorporated herein.

6 49. Respondent’s actions in causing to be filed and maintaining the Underlying  
7 Lawsuit against the Polsinelli Defendants violated ER 8.4, which provides, “It is  
8 professional misconduct for a lawyer to: (a) violate . . . the Rules of Professional conduct  
9 . . .; (c) engage in conduct involving dishonesty . . . or misrepresentation; or (d) engage in  
10 conduct that is prejudicial to the administration of justice.”

11 **COUNT FIVE**

12 **(Violation of Arizona Supreme Court Rule 41(g))**

13 50. All prior factual allegations are incorporated herein.

14 51. Respondent’s actions in causing to be filed and maintaining the Underlying  
15 Lawsuit against the Polsinelli Defendants violated Arizona Supreme Court Rule 41(g),  
16 which bars unprofessional conduct as defined in Arizona Supreme Court Rule 31(a)(2)(E).

17 **FURTHER ALLEGATIONS AND COUNTS ARISING OUT OF**  
18 **RESPONDENT’S KNOWING VIOLATION OF ARIZ. R. CIV. P. 11(a)**  
19 **IN HAVING AUBUCHON SIGN, AS HIS PROXY, THE**  
20 **FILED COMPLAINT AND THE FIRST AMENDED COMPLAINT**  
21 **IN THE UNDERLYING MATTER**

22 52. Arizona Rule of Civil Procedure 11(a) provides, “Every pleading . . . of a  
23 party represented by an attorney shall be signed by at least one attorney of record in the  
24 attorney’s individual name.”

25 53. At Respondent’s request, both the Complaint, filed on August 11, 2011, and  
26 the First Amended Complaint, filed the following day, were filed on Respondent’s  
27 pleading paper, and with Respondent’s header, yet (illegibly) signed by Lisa Aubuchon  
28 “for” Respondent.





1           66. Not until Respondent's letter dated October 31, 2013, however, did  
2 Respondent reveal that (a) he had a contingent fee agreement with Aubuchon dated  
3 February 7, 2011, and (b) the supposed conversion to a "pro bono" engagement did not  
4 occur until March 1, 2012.

5           67. The supposed conversion from contingent fee status to "pro bono" status  
6 was undocumented, *see* ER 1.5(c), and did not occur until after all of the following:

7           (a) the filing of the Complaint and the First Amended Complaint in the  
8 Underlying Lawsuit, on August 11-12, 2011;

9           (b) the conclusion of the panel hearing in the Disciplinary Matter, on  
10 November 2, 2011; and

11           (c) the January 20, 2012, oral argument on motions to dismiss in the  
12 Underlying Lawsuit, in which Judge Duncan expressed concern about the basis of  
13 Plaintiffs' claims against the Polsinelli Defendants while entertaining Respondent's  
14 request to file yet another amended complaint.

15           68. It was dishonest and uncooperative to portray to Respondent's  
16 representation of Aubuchon as "pro bono" under the circumstances.

17           69. In his January 11, 2013, response to Bar Counsel, Respondent portrayed  
18 himself as having personally met with Aubuchon and Hendershott during the week  
19 preceding the August 11, 2011 filing of the Complaint, in order to evaluate whether there  
20 was a factual and legal basis for their allegations and claims in the Underlying Matter.

21           70. In his December 4, 2013, response to Bar Counsel, Respondent switched  
22 gears and revealed that he had not even been in Phoenix until shortly before August 11,  
23 2011. Moreover, Respondent was heavily involved in depositions in the Disciplinary  
24 Matter during the period in question.

25           71. Respondent's portrayal of his pre-filing investigation was dishonest and  
26 uncooperative.

27  
28

1 **COUNT ELEVEN**

2 **(Violation of ER 4.1)**

3 72. All prior factual allegations are incorporated herein.

4 73. Respondent's misrepresentations regarding the supposedly "pro bono"  
5 nature of his representation of Aubuchon, as well as his supposed pre-filing investigation,  
6 violated ER 4.1, which provides, "In the course of representing a client a lawyer shall not  
7 knowingly: (a) make a false statement of material fact or law to a third person . . . ."

8 **COUNT TWELVE**

9 **(Violation of ER 8.1)**

10 74. All prior factual allegations are incorporated herein.

11 75. Respondent's misrepresentations regarding the supposedly "pro bono"  
12 nature of his representation of Aubuchon, as well as his supposed pre-filing investigation,  
13 violated ER 8.1, which provides, "[A] lawyer in connection with . . . a disciplinary matter,  
14 shall not: (a) knowingly make a false statement of material fact; or (b) fail to disclose a  
15 fact necessary to correct a misapprehension known by the person to have arisen in the  
16 matter . . . ."

17 **COUNT THIRTEEN**

18 **(Violation of ER 8.4)**

19 76. All prior factual allegations are incorporated herein.

20 77. Respondent's misrepresentations regarding the supposedly "pro bono"  
21 nature of his representation of Aubuchon, as well as his supposed pre-filing investigation,  
22 violated ER 8.4, which provides, "It is professional misconduct for a lawyer to:  
23 (a) violate . . . the Rules of Professional Conduct . . . ."

24 **COUNT FOURTEEN**

25 **(Violation of Arizona Supreme Court Rule 54(d))**

26 78. All prior factual allegations are incorporated herein.

27 79. Respondent's misrepresentations regarding the supposedly "pro bono"  
28 nature of his representation of Aubuchon, as well as his supposed pre-filing investigation,

1 violated Arizona Supreme Court Rule 54(d), which subjects an attorney to discipline for  
2 refusal to cooperate with bar personnel in connection with any disciplinary investigation  
3 or proceeding.

4 **COUNT FIFTEEN**

5 **(Violation of Arizona Supreme Court Rule 41(g))**

6 80. All prior factual allegations are incorporated herein.

7 81. Respondent's misrepresentations regarding the supposedly "pro bono"  
8 nature of his representation of Aubuchon, as well as his supposed pre-filing investigation,  
9 violated Arizona Supreme Court Rule 41(g), which bars unprofessional conduct as  
10 defined in Arizona Supreme Court Rule 31(a)(2)(E).

11 **RESPONDENT'S CONDUCT INJURED THE POLSINELLI DEFENDANTS**  
12 **AND THE LEGAL SYSTEM**

13 82. Respondent's conduct injured the Polsinelli Defendants and their law firm  
14 by, at a minimum, subjecting them to the stress, inconvenience, and expense of defending  
15 a vexatious, groundless civil lawsuit against them.

16 83. Respondent's conduct also injured the legal system by, at a minimum,  
17 forcing the Maricopa County Superior Court to expend the time and resources necessary  
18 to dispose of those claims and, ultimately, the entire Underlying Lawsuit. As of  
19 November 18, 2013, the Underlying Lawsuit had consumed more than 225 court docket  
20 entries, including five hearings, and had resulted in separate attorneys' fees judgments not  
21 only in favor of the Polsinelli Defendants, but also in favor of Maricopa County;  
22 Maricopa County Attorney Bill Montgomery; certain other individual County defendants;  
23 and certain State defendants.

24 84. The facts, disciplinary violations, and injuries alleged herein are alleged  
25 without prejudice to the Bar's right to allege any additional facts, violations, injuries, or  
26 other matter which may be revealed upon further investigation, disclosure, or discovery,  
27 and to pursue corresponding discipline for same.

28 WHEREFORE, Bar Counsel prays that Respondent be found to have engaged in

1 misconduct under the Rules of the Arizona Supreme Court and the Arizona Rules of  
2 Professional Conduct; that Respondent be appropriately disciplined for his misconduct;  
3 that Respondent be required to take any and all remedial action appropriate under the  
4 circumstances; and that Respondent be assessed the full costs of this proceeding.

5 DATED this 14th day of March, 2014.

6 

7 \_\_\_\_\_  
8 Andrew F. Halaby  
9 John J. Bouma  
10 Trisha D. Farmer  
11 Snell & Wilmer L.L.P.  
12 Volunteer Bar Counsel

13 Thomas M. Bayham  
14 Bayham Law Office, P.L.L.C.  
15 Volunteer Bar Counsel  
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1 ORIGINAL filed with the disciplinary clerk.

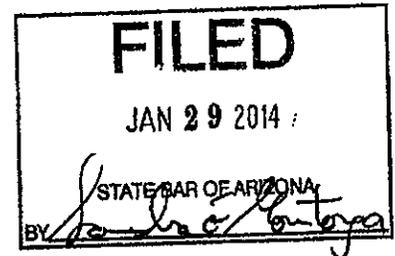
2 COPIES of the foregoing mailed and sent  
3 by certified mail/delivery restricted  
4 this 14th day of March, 2014, to:

5 Edward P. Moriarity  
6 Moriarity, Badaruddin & Booke, LLC  
7 736 S. Third Street West  
8 Missoula, MT 59801-2514

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10 \_\_\_\_\_  
11 18703360

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BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA



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

No. 12-2599

EDWARD P. MORIARITY,  
Bar No. 028066

PROBABLE CAUSE ORDER

Respondent.

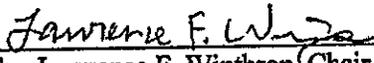
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on January 17, 2014, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 6-0-3<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 12-2599.

**IT IS THEREFORE ORDERED** pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 29 day of January, 2014.

  
\_\_\_\_\_  
Judge Lawrence F. Winthrop, Chair  
Attorney Discipline Probable Cause Committee  
of the Supreme Court of Arizona

<sup>1</sup> Committee members Daisy Flores, Karen E. Osborne and Ella G. Johnson did not participate in this matter.

Original filed this 29<sup>th</sup> day  
of January, 2014, with:

Lawyer Regulation Records Department  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266

Copy mailed this 31<sup>st</sup> day  
of January, 2014, to:

Edward P. Moriarity  
*Moriarity Badaruddin & Booke LLC*  
736 South 3<sup>rd</sup> Street West  
Missoula, Montana 59801-2514  
Respondent

Copy emailed this 31<sup>st</sup> day  
of January, 2014, to:

Attorney Discipline Probable Cause Committee  
of the Supreme Court of Arizona  
1501 West Washington Street, Suite 104  
Phoenix, Arizona 85007  
E-mail: [ProbableCauseComm@courts.az.gov](mailto:ProbableCauseComm@courts.az.gov)

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266

by: *Rockney T. Buss*

**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 ~~Disbarred~~ Non-Member  
of the State Bar of Arizona,

Edward P. Moriarity, Bar No. 028066,  
Respondent.

Case No.: PDJ-2014-9027

**FINAL JUDGMENT AND ORDER**

The undersigned acting Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Consent to Disbarment filed on \_\_\_\_\_, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the same. Accordingly:

**IT IS HEREBY ORDERED** accepting the consent to disbarment. Respondent, Edward P. Moriarity, Bar No. 028066, is hereby disbarred from the State Bar of Arizona and his name is hereby stricken from the roll of lawyers, effective immediately. Respondent is no longer entitled to the rights and privileges of an Arizona lawyer, but remains subject to the jurisdiction of this Court.

**IT IS FURTHER ORDERED** that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

*Exhibit B*

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Sandra Hunter, 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 \_\_\_\_\_, 2014.

Copies of the foregoing mailed and emailed  
this \_\_\_\_ day of \_\_\_\_\_, 2014, to:

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By: \_\_\_\_\_