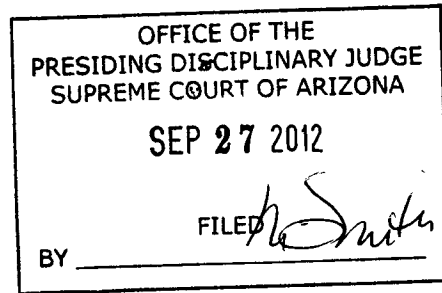


Craig D. Henley, Bar No. 018801
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone: 602-340-7272
Email: LRO@staff.azbar.org



Miriam Holly Klaiman, Bar No. 024299
2626 East Hendrick Drive
Tucson, Arizona 85716-1520
Telephone: 520-323-7291
Email: miriamdoc@yahoo.com
lawlawmimi@yahoo.com
Respondent

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

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

**MIRIAM HOLLY KLAIMAN,
Bar No. 024299,**

Respondent.

PDJ-2012- 9098

**CONSENT TO
DISBARMENT**

[State Bar No. 12-2152]

I, **Miriam Holly Klaiman**, residing at 2626 E. Hedrick Dr., Tucson, AZ 85716-1520, 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 charges have been made against me. I have read the charges 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

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 charges made against me. The misconduct of which I am accused is described in the Statement of Facts, a copy of which is attached hereto as Exhibit "A."

The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "B", within thirty (30) days from the date of service of this Order.

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

DONE AT Tucson, Arizona, on September 18, 2012.

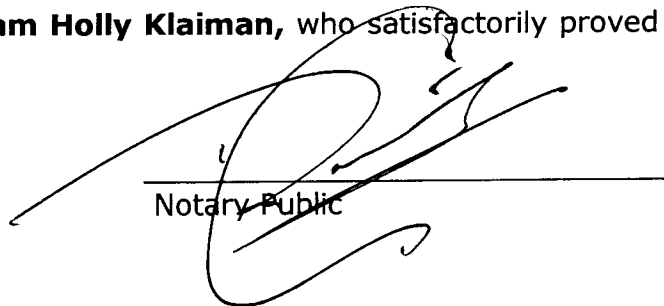


Miriam Holly Klaiman
Respondent

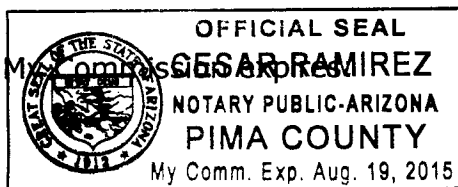
State of Arizona
County of Pima

SUBSCRIBED AND SWORN TO before me this 18 day of

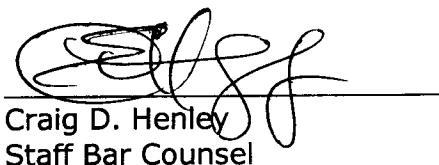
Sept, 2012, by **Miriam Holly Klaiman**, who satisfactorily proved her identity to me.



Notary Public



Approved as to Form:



Craig D. Henley
Staff Bar Counsel

EXHIBIT "A"

Craig D. Henley, Bar No. 018801
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone: 602-340-7272
Email: LRO@staff.azbar.org

Miriam Holly Klaiman, Bar No. 024299
2626 East Hedrick Drive
Tucson, Arizona 85716-1520
Telephone: 520-323-7291
Email: miriamdoc@yahoo.com
lawlawmimi@yahoo.com
Respondent

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

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

**MIRIAM HOLLY KLAIMAN,
Bar No. 024299,**

Respondent.

PDJ-2012- 9098

STIPULATION OF FACTS

[No. 12-2152]

Pursuant to the Presiding Disciplinary Judge's request, the parties hereby stipulate to the following facts for the purpose of these disciplinary proceedings. A proposed order is attached.

The parties hereby stipulate to the following facts:

1. On April 19, 2012, Respondent was suspended from the practice of law for a period of one (1) year effective April 18, 2012.

2. On or about April 20, 2012, Respondent's counsel in PDJ-2012-9039 wrote an e-mail to Bar Counsel and Respondent wherein he confirmed legal services that would not be permitted during the period of suspension.

3. On or about July 26, 2012, the State Bar received information that the website www.probatelawtucson.com, an active website, was advertising legal services for Miriam H. Klaiman, PLLC.

4. The website contained the following prohibited language:

- a. "Miriam H. Klaiman, Esq., PLLC";
- b. "M.H. 'Mimi' Klaiman Attorney & Counselor at Law";
- c. "Member, State Bar of Arizona";
- d. "Now, I have formed my own law firm, practicing in non-criminal matters, with an emphasis on servicing the legal needs of persons over the age of forty-five";
- e. "As of April 15, 2012, Miriam Holly Klaiman may continue to be consulted for Estate Planning services, including wills, trusts, healthcare advance directives, general durable powers of attorney, deeds of property, foundation filing documents, and business entity filings. However, until further notice, she is not engaged in the practice of law, including filing pleadings or making appearances in court-litigated matters."

5. While she did not explain why she advertised for the services listed in subsection (e) above, Respondent stated that she believed that the website was taken down as "virtually all estate planning services are 'practice of law' (my email inquiry and Mr. Henley's April 20, 2012 message, attached).

6. Respondent further states that "**I hereby resign my membership in the State Bar of Arizona.** I feel obliged for the delay in the provider's discontinuing the PLLC website. Also, I agree to any sanction, understanding that such a violation is sanctionable, including by disbarment". [Bold in original]


7. On September 11, 2012, the State Bar verified that the subject website was no longer available.

8. Respondent violated ER 5.5(b)(1) by engaging in the unauthorized practice law while suspended, specifically by establishing a systematic and continuous presence in this jurisdiction for the practice of law.

9. Respondent violated ER 8.4(a) by violating the Rules of Professional Conduct, specifically by engaging in the unauthorized practice of law as defined by Rule 31(a)(B)(1) and (2).

10. Respondent violated Rule 31(c) by representing to others that she may practice law in this state while currently suspended.

RESPECTFULLY SUBMITTED this 27th day of September, 2012.



Craig D. Henley
Staff Bar Counsel

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18 day of September, 2012.



Miriam Holly Klaiman
Respondent



Original filed with the Disciplinary Clerk
of the Presiding Disciplinary Judge
of September, 2012.

Copy of the foregoing mailed/emailed
this 27th day of September, 2012, to:


Miriam Holly Klaiman
2626 East Hedrick Drive
Tucson, Arizona 85716-1520
Email: miriamdoc@yahoo.com
lawlawmimi@yahoo.com
Respondent

Copy of the foregoing emailed
this 27th day of September, 2012, to:

Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
Email: officepdj@courts.az.gov
lhopkins@courts.az.gov

Copy of the foregoing hand-delivered
this 27th day of September, 2012, to:

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

by: 

CDH:dds

September 6, 2012

2626 E. Hedrick Dr.
Tucson AZ 85716

BY POST AND EMAIL

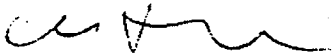
C. Henley
State Bar of Arizona
Ste. 200, 4201 N. 24th St.
Phoenix AZ 85016

The website of Miriam H. Klaiman, Esq., PLLC is the subject of your latest correspondence.

Since May, 2012, on behalf of Miriam H. Klaiman, Esq., PLLC, I have discontinued assisting clients seeking legal services, and have had no law practice clients since May

I believed the PLLC website, likewise, to be taken down in May, 2012. This followed Mr. Henley's advice that virtually all estate planning services are "practice of law" (my email inquiry and Mr. Henley's April 20, 2012 message, attached). Consistent with learning what services comprise "practice of law," I withdrew from providing all legal services, estate planning included, and asked my service provider last May to discontinue the website. While it appears that did not happen immediately, I see no sign of the website online at this time.

I hereby resign my membership in the State Bar of Arizona. I feel obliged for the delay in the provider's discontinuing the PLLC website. Also, I agree to any sanction, understanding that such a violation is sanctionable, including by disbarment



Miriam H. Klaiman

**Proposed consent to discipline, M. Klaiman, File No. 11-1698 [FC-
Email.FID2121482]**

Friday, April 20, 2012 11:41 AM

From:
"BURKE, TIM" TBURKE@FCLAW.com
To: "Craig Henley" <craig.henley@staff.azbar.org>
Cc: "Mimi Klaiman" <miriamdoc@yahoo.com>

Craig, this will confirm our telephone conversation yesterday afternoon. I'm sorry I did not send this yesterday, but after we spoke my afternoon fell apart.

I also explored with you your perceptions of whether a suspended lawyer might be permitted to engage in the following activities during the lawyer's period of suspension:

- (1) Drafting a will. [You indicated that this activity would not be permitted during the period of suspension.]
- (2) Drafting a trust. [You indicated that this activity would not be permitted during the period of suspension.]
- (3) Drafting a general durable power of attorney. [You indicated that this activity would not be permitted during the period of suspension.]
- (4) Drafting health care advance directives. [You indicated that this activity would not be permitted during the period of suspension.]
- (5) Researching public records. [You indicated that this activity would not be prohibited.]
- (6) Notarizing documents. [You indicated that this activity would not ordinarily be prohibited, but impermissible activity could be implicated should the suspended lawyer become involved in the actual preparation/modification of the documents to be notarized.]
- (7) Recording documents. [You indicated that this activity would not be prohibited.]
- (8) Drafting deeds of real property ownership. [You indicated that this activity would not be permitted during the period of suspension, although licensed real estate and title company activity is permitted.]

Finally, you observed that many suspended lawyers often find employment as paralegals for existing law firms, working under the active supervision of licensed lawyers in good standing.

Thank you for taking the time to visit with me about these questions. I will get back to you shortly to let you know how Ms. Klaiman wishes to proceed.

Tim

protected by the attorney-client privilege. If you believe that it has been sent to you in error, do not read it. Please immediately reply to the sender that you have received the message in error. Then delete it. Thank you.

From: Mimi Klaiman [mailto:miriamdoc@yahoo.com]
Sent: Thursday, April 19, 2012 8:50 AM
To: BURKE, TIM
Subject: "Practice of Law"

To my understanding, the following services, which I have offered to the public and which many lawyers and non-lawyers also perform, are not defined in Arizona law, statutes or regulations as practice of law.

- (1) Drafting a will.
- (2) Drafting a trust.
- (3) Drafting a general durable power of attorney.
- (4) Drafting health care advance directives.
- (5) Researching public records.
- (6) Notarizing documents.

Finally, as regards your email of this morning (below), I do want you to clarify this with the Bar. Arizona defines practice of law in a manner that differs in my understanding from what you say to be your understanding ... and it is also different from the situation in many other states. In Arizona many CPAs, insurance agents, and others who are not lawyers advertise themselves as estate planners. I would prefer that this question be explored by asking what professional practices I can engage in on my own without violating the prohibition against 'practice of law' during suspension.

Search

Search Web

[Contacts](#)
[Calendar](#)
[Notepad](#)
[What's New?](#)
[Mobile Mail](#)
[Options](#)

[Check Mail](#)
[New](#)
[Mail Search](#)

[Someone](#)
[Search all folders](#)
[Refresh](#)
[Back to Search Results](#)
[Mail and Messages](#)
[Print](#)

[Delete](#)
[Reply](#)
[Forward](#)
[Spam](#)
[Move](#)

Folders
Inbox (3) RE: "Practice of Law" [FC-Email.FID2121482] Thursday, Apr 19, 2012 8:56 AM
 Drafts (313)
 Sent
Spam (11) (Empty)
 Trash (Empty)

My Photos
My Attachments
Offline

Here's an extended list:
 (1) Drafting a will.
 (2) Drafting a trust.
 (3) Drafting a general durable power of attorney.
 (4) Drafting health care advance directives.
 (5) Researching public records.
 (6) Notarizing documents.
 (7) Recording documents.
 (8) Drafting deeds of real property ownership

My Folders (Add - Edit)
 Animal House (49)
 Catcrap (17)
 Churchcrap
 YSSBCrap
 Tucson Water

Thanks
 --- On Thu, 4/19/12, BURKE, TIM <TBURKE@FCLAW.com> wrote:

From: BURKE, TIM <TBURKE@FCLAW.com>
Subject: RE: "Practice of Law" [FC-Email.FID2121482]
To: "Mimi Klaiman" <miriamd@yaho.com>
Date: Thursday, April 19, 2012, 1:13 PM

Mimi, at least the first four items come within the Arizona Supreme Court's definition of practice of law. You will want to review carefully Arizona Supreme Court Rule 31, and the ethics opinions that have been issued construing ER 5.5 Unauthorized Practice of Law. These rules emanate in large part from the seminal opinion in State Bar of Arizona v. Arizona Land Title and Trust Co., 80 Ariz. 76, 368 P.2d 9 (1961). I have a call in to Craig Henley, and I will seek his additional guidance.

Fennemore Craig, P.C.
 Denver Las Vegas Nogales Phoenix Tucson
www.fennemorecraig.com
FENNEMORE CRAIG

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, we inform you that, to the extent this communication (or any attachment) addresses any tax matter, it was not written to be (and may not be) relied upon to (i) avoid tax-related penalties under the Internal Revenue Code, or (ii) promote, market or recommend to another party any transaction or matter addressed herein (or in any such attachment). For additional information regarding this disclosure please visit our web site.

CONFIDENTIALITY NOTICE: The information contained in this message may be protected by the attorney-client privilege. If you believe that it has been sent to you in error, do not read it. Please immediately reply to the sender that you have received the message in error. Then delete it. Thank you.

From: Mimi Klaiman [mailto:miriamd@yaho.com]
Sent: Thursday, April 19, 2012 8:50 AM
To: BURKE, TIM
Subject: "Practice of Law"

To my understanding, the following services, which I have offered to the public and which many lawyers and non-lawyers also perform, are not defined in Arizona law, statutes or regulations as practice of law.

- (1) Drafting a will.
- (2) Drafting a trust.
- (3) Drafting a general durable power of attorney.
- (4) Drafting health care advance directives.
- (5) Researching public records

EXHIBIT "B"

Statement of Costs and Expenses

In the Matter of a Suspended Member of the State Bar of Arizona,
Miriam Holly Klaiman, Bar No. 024299, Respondent

File No(s). 12-2152

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.

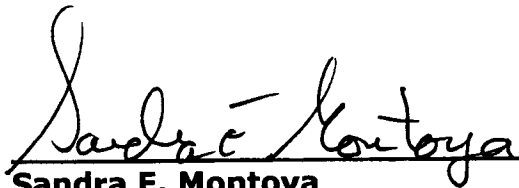
**General Administrative Expenses
for above-numbered proceedings** **\$1,200.00**

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.

Staff Investigator/Miscellaneous Charges

Total for staff investigator charges \$ 0.00

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



Sandra E. Montoya
Lawyer Regulation Records Manager

9-13-12

Date

EXHIBIT "C"

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

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

**MIRIAM HOLLY KLAIMAN,
Bar No. 024299,**

Respondent.

PDJ-2012-

JUDGMENT OF DISBARMENT

[State Bar No. 12-2152]

Pursuant to Rule 57, Ariz. R. Sup. Ct., the undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona has considered Respondent's Consent to Disbarment dated September 27, 2012, and filed herein. Accordingly:

IT IS HEREBY ORDERED accepting the consent to disbarment. Respondent, **Miriam Holly Klaiman**, is hereby disbarred from the State Bar of Arizona and his name is hereby stricken from the roll of lawyers **effective immediately upon filing.**

Respondent is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court. Respondent shall immediately 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 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 of disbarment are based.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,200.⁰⁰.

DATED this _____ day of _____, 2012.

The Honorable William J. O'Neil
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 _____, 2012.

Copies of the foregoing mailed/emailed
this _____ day of _____, 2012, to:

Miriam Holly Klaiman
2626 East Hedrick Drive
Tucson, Arizona 85716-1520
Email: miriamdoc@yahoo.com
Respondent

Copy of the foregoing hand-delivered/emailed
this _____ day of _____, 2012, to:

Craig D. Henley
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: lro@staff.azbar.org

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

By: _____