

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

HERMAN R. QUIROGA,
Bar No. 006714

Respondent.

PDJ 2019-9099

**FINAL JUDGMENT
AND ORDER**

[State Bar No. 18-3476]

FILED DECEMBER 23, 2019

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

Accordingly:

IT IS ORDERED Respondent, **HERMAN R. QUIROGA, Bar. No. 006714**, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED Respondent is placed on probation for a period of eighteen (18) months. The terms of probation are:

- (a) Trust Account Ethics Enhancement Program (TAEEP): Respondent must attend a half-day Trust Account Ethics Enhancement Program (TAEEP). Respondent must contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this order, to schedule

attendance at the next available class. Respondent shall be responsible for the cost of attending the program.

- (b) Law Office Management Assistance Program (LOMAP)/Trust Account Records Review (TARR): Respondent shall contact the State Bar Compliance Monitor at 602-340-7258, within ten (10) days from the date of this order. Respondent shall sign terms and conditions of participation, which shall be incorporated herein. The terms and conditions will include submission of specified trust account records on a quarterly basis. Respondent shall be required to undergo a quarterly review of his trust account records and must timely complete any follow-up deemed necessary as a result of those reviews. Respondent shall be responsible for any costs associated with LOMAP/TARR.
- (c) Respondent shall pay restitution in the amount of \$2,136.72 to Jessica Heredia within thirty (30) days from the date of the final judgment and order based on this Agreement for Discipline by Consent.
- (d) Respondent shall take all appropriate steps to address funds in his client trust account that should not be in that account (including taking steps to address approximately \$52,000 in the account from the sale of his

mother's home) within three (3) months of the entry of a final judgment and order based on this Agreement for Discipline by Consent.

- (e) Respondent shall not commit any further violations of the Rules of Professional Conduct.

IT IS FURTHER ORDERED Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,416.50, within thirty (30) days from the date of this order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these disciplinary proceedings.

DATED this 23rd day of December 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed this 23rd day of December 2019, to:

Ralph W. Adams
Adams & Clark, PC
1650 North First Avenue
Phoenix, Arizona 85003-1124
Email: ralph@adamsclark.com
Respondent's Counsel

James D. Lee
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

by: BEnsign

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

HERMAN R. QUIROGA,
Bar No. 006714

Respondent.

PDJ 2019-9099

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar No. 18-3476]

FILED DECEMBER 23, 2019

Under Rule 57(a), Ariz. R. Sup. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed on December 18, 2019. A Probable Cause Order has issued, but no formal complaint has been filed. The State Bar of Arizona is represented by Senior Bar Counsel James D. Lee and Mr. Quiroga is represented by Ralph W. Adams, *Adams & Clark PC*.

Rule 57 requires admissions be tendered solely “...in exchange for the stated form of discipline....” Under that rule, the right to an adjudicatory hearing is waived only if the “...conditional admission and proposed form of discipline is approved....” If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Mr. Quiroga has voluntarily waived the right to an adjudicatory hearing, and waived all

¹ Unless otherwise stated all rule references are to the Ariz. R. Sup. Ct.

motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. Notice of the Agreement and an opportunity to object within five (5) days pursuant to Rule 53(b)(3), is unnecessary as the State Bar is the Complainant.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. Mr. Quiroga admits he violated Rule 42, ERs 1.5(b), 1.15(a), 8.1(b), 8.4(d), Rules 43(a) & (b) and 54(d), Ariz. R. Sup. Ct. The parties stipulate to a reprimand, eighteen (18) months of probation under specified terms which include among other requirements attendance at a half-day with the State Bar's Trust Account Ethics Enhancement Program (TAEEP) and terms of probation under the Law Office Management Assistance Program (LOMAP), the payment of restitution of \$2,136.72 to Jessica Heredia, and the payment of costs of \$1,416.50 both of which shall be paid within 30 days from this order.

For purposed of the Agreement, the parties stipulate Mr. Quiroga failed to maintain his client trust account in accordance with rules and guidelines. Specifically, he failed to maintain client ledgers in compliance with the minimum standards, failed to reconcile his client ledgers, and stale-dated client funds among other such violations. Notably, he failed to disburse \$52,000 from the sale of his mother's home for over thirteen years. This was due to those monies being deposited by his nephew-bookkeeper which he then negligently forgot about.

Similarly, Client H's ledger showed an unexpended balance of \$2,136.82 for over ten years. He has agreed to refund those funds to the conservator even though he believes the funds comprise earned attorney fees.

The parties agree Mr. Quiroga negligently violated his duties to clients, the legal system and legal profession. His conduct caused minimal actual harm to clients and the legal profession. The presumptive sanction is reprimand under *Standards* 4.13, 6.13 and 7.3.

The parties agree aggravating factors 9.22(c) pattern of misconduct, (d) multiple offenses and (i) substantial experience in the practice of law are present. In mitigation are factors 9.32 (a) absence of prior disciplinary record, (b) absence of selfish or dishonest motive, (g) character or reputation as demonstrated by multiple letters attached to the Agreement.

Based on the aggravating factors, the parties stipulate that a term of probation is appropriate.

IT IS ORDERED accepting the Agreement and incorporating it with any supporting documents by this reference. A final judgment and order is signed this date.

DATED this 23rd day of December 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
on this 23rd day of December 2019, to:

Ralph W. Adams
Adams & Clark, PC
1650 North First Avenue
Phoenix, Arizona 85003-1124
Email: ralph@adamsclark.com
Counsel for Respondent

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

by: BEnsign

DEC 18 2019

BY *J. Jensen*
FILED

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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

HERMAN R. QUIROGA,
Bar No. 006714,

Respondent.

PDJ-2019-9099

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar File No. 18-3476]

The State Bar of Arizona, and Respondent Herman R. Quiroga, who is represented in this matter by counsel, Ralph W. Adams, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on November 19, 2019, but no formal complaint has been filed. Respondent voluntarily waives the right to an adjudicatory hearing,

unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted hereafter, if the conditional admission and proposed form of discipline is approved.

The State Bar is the complainant in this matter, therefore no notice of this agreement is required by Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, specifically ER 1.5(b), ER 1.15(a), ER 8.1(b), ER 8.4(d), and Rules 43(a) & (b) and 54(d), Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: reprimand, probation for 18 months (the specific terms of which are set forth below in the "Sanctions" section), restitution of \$2,136.72 to Jessica Heredia (as a term of probation), and payment of the costs and expenses of the disciplinary proceeding. Restitution and payment of the costs and expenses must be made within 30 days from the date an order is entered based on this consent agreement. If costs are not paid within 30 days, interest will begin to accrue at the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

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.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on May 16, 1981.

COUNT ONE (File No. 18-3476/ Trust Account)

Misconduct Related to Respondent's Client Trust Account²

2. On November 2, 2018, Respondent issued client trust account check number 13562, in the amount of \$1,550.29, to AHCCCS on a client's behalf. When the check was presented for payment on November 15, 2018, there were no funds in the account. The bank returned the check but did not charge an overdraft fee. Respondent explained that the error occurred because he was at the time in the process of moving his client trust account from BBVA Compass Bank to JP Morgan Chase Bank. In doing so, on November 9, 2018, Respondent removed the corresponding client funds from his client trust account at BBVA Compass Bank, incorrectly believing that AHCCCS had already negotiated the check.

3. Respondent's client trust account failed to comply with ER 1.15 and Rule 43, Ariz. R. Sup. Ct., as set forth below:

² "Client trust account," as used in this Agreement for Discipline by Consent, is intended to have the same meaning as "client trust account" and "trust account" have in ER 1.15 and Rule 43, Ariz. R. Sup. Ct.

- a. Respondent failed to maintain all client ledgers in compliance with the minimum standards required by ER 1.15 and Rule 43, Ariz. R. Sup. Ct. Respondent's client ledgers failed to identify which funds were held in BBVA Compass Bank and which funds were held in JP Morgan Chase Bank. Furthermore, the client ledger entries were not in chronological order, which resulted in inaccurate unexpended balance figures.
- b. Respondent's duplicate deposit records do not all identify the client on whose behalf funds were deposited.
- c. Respondent failed to properly reconcile his client ledgers. The JP Morgan Chase reconciliation for the period ending December 31, 2018, showed unexpended balances for clients Gonzalez, Valles, and Rico, while the corresponding client ledgers show zero balances. That discrepancy resulted from Respondent's failure to timely establish a new set of client ledgers to distinguish between activity related to each of the two bank accounts (BBVA Compass Bank and JP Morgan Chase Bank).
- d. Respondent had several inactive client accounts and stale-dated client trust account checks. In at least one instance, the residual funds constituted undisbursed earned fees.

- e. Respondent failed to promptly disburse funds to various clients or, alternatively, to himself for earned fees and costs, resulting in funds being held in his trust account for years. Examples of inactive accounts include, but are not limited to the following:
- i. Respondent held in his client trust account approximately \$52,000 from the sale of his mother's (Client Q's) home since December 2005. Respondent's records do not reflect any activity regarding that amount between December 2005 and December 31, 2018. Additional information regarding that account is provided in paragraphs 4, 5, and 9, below.
 - ii. Client H's ledger shows an unexpended balance of \$2,136.72 from May 7, 2008, through December 31, 2018. Respondent believes the funds comprise earned fees but, has agreed to refund the funds to Client H's conservator, Jessica Heredia.³ Additional information regarding that account is provided in paragraph 8, below.
 - iii. Client C's records reflect a deposit of \$350 for a filing fee on September 2, 1999, but do not reflect any further activity through December 31, 2018. Client C initially hired Respondent to

³ Client H was a minor at the time and had a conservator.

represent him regarding an immigration matter, but the matter was not pursued. On May 28, 2019, Respondent issued client trust account check number 1092 made payable to Client C as reimbursement of the unused filing fee. That client trust account check was paid by the bank on May 31, 2019.

4. Respondent's bookkeeper-nephew erroneously placed \$52,463.38 from the sale of Respondent's mother's home into Respondent's client trust account. Respondent testified during his deposition that he had forgotten about those funds because his bookkeeper-nephew had not reminded him about those funds following his mother's passing in 2010. Respondent failed to adequately supervise his bookkeeper-nephew.

5. Respondent did not perform three-way reconciliations, as required by Rule 43(b)(2)(C), Ariz. R. Sup. Ct., for a number of years. Had he done so, he would have known that he inappropriately held approximately \$52,000 in his client trust account from the sale of his mother's home for 14 years.

6. Respondent did not know how to properly reconcile his client trust account and relied on his bookkeeper-nephew to do so.

7. Respondent did not receive paper copies of his banks' client trust account statements for at least 10 years, and did not review them online on a

monthly or regular basis.

Client H

8. Respondent's duplicate deposit records reflect that a July 12, 2004 check for \$33,000, issued by Fireman's Insurance, was deposited into Respondent's client trust account on July 23, 2004. That check noted that the funds were an advance payment of medical bills (i.e., it was not a payment for medical payments coverage). Client H's mother was unaware of the \$33,000 recovery for the payment of Client H's medical bills. In addition, Respondent failed to provide Client H or her mother with a settlement statement, as required by ER 1.5(c).

Client Q

9. Respondent represented his mother, Client Q, in at least a minimal manner regarding the sale of her home. He did not, however, provide his mother with an ER 1.5(b) writing regarding the sale of her home. Respondent assumed responsibility for safeguarding approximately \$52,000 from the sale of his mother's home. Respondent said neither the purchaser nor his mother wished to have the funds placed in escrow, so he agreed to hold the funds in his client trust account. A dispute arose regarding the amount owed by the purchaser, and the parties were, according to Respondent, not in a hurry to finalize the matter. Respondent claims he was never given any instructions regarding distribution of

the funds held in his client trust account. Respondent has held \$52,463.38 in his client trust account since December 2005.

Corrective Action by Respondent

10. During the investigation of this matter Respondent hired a qualified bookkeeper to review his accounting procedures and instruct and oversee his bookkeeper-nephew. Respondent has now implemented changes consistent with best accounting practices, including proper and consistent three-way reconciliations.

Failure to Provide Accurate Information to the State Bar
During its Screening Investigation

11. When Respondent addressed the approximately \$52,000 held in his client trust account, he was not completely forthcoming with the State Bar's Trust Account Examiner when he referred to his mother simply as his "client"; he failed to note that Client Q was his mother.

12. Respondent made some inaccurate/erroneous statements in his responses to the State Bar during the screening investigation. Respondent asserts that some inaccurate statements resulted from his failure to carefully review the initial draft of his written response to the State Bar, which was prepared by his bookkeeper-nephew.

13. On May 16, 2019, a State Bar Trust Account Examiner asked Respondent to identify the status of his representation regarding the sale of his client's home for approximately \$52,000 and to explain the nature of the representation (the State Bar was unaware at that time that the "client" was Respondent's mother). In a letter to the State Bar dated June 12, 2019, Respondent referred to this mother as "Ms. Quiros," but failed to note that she was his mother. He also stated, without explaining that his mother had passed approximately nine years earlier, that the parties had not provided him with any instructions regarding the funds he was holding.

14. Respondent failed to timely provide contact information for certain persons, as requested by a State Bar Trust Account Examiner.

15. On July 23, 2019, a State Bar Trust Account Examiner asked Respondent for contact information for the client whose home had been sold. In response, he provided a Post Office box address belonging to his sister, Amalia Quiroga, who did not own the home. Respondent failed to note that he provided his sister's contact information because his mother had passed.

16. On July 26, 2019, a State Bar Trust Account Examiner asked Respondent for Ms. Quiros's telephone number. In response, Respondent provided a telephone number, which the State Bar later determined belonged to

Respondent's sister, Amalia Quiroga. Because Amalia Quiroga took care of their mother when she was alive, Respondent believed that giving the State Bar his sister's contact information was sufficient. He claims he had no intent to hide information or delay the State Bar's investigation.

17. Respondent did not notify the State Bar until August 7, 2019, during a telephone conversation with a State Bar Trust Account Examiner, that Ms. Quiros was his mother and that she had passed away in 2010. He also revealed for the first time that the property that had been sold was his mother's home.

CONDITIONAL ADMISSIONS

Respondent's 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. Respondent conditionally admits that he violated Rule 42, specifically ER 1.5(b), ER 1.15(a), ER 8.1(b), ER 8.4(d), and Rules 43(a) & (b) and 54(d), Ariz. R. Sup. Ct.

CONDITIONAL DISMISSALS

There are no conditional dismissals.

RESTITUTION

Respondent agrees to pay restitution in the amount of \$2,136.72 to Jessica Heredia, Client H's conservator, within thirty (30) days of entry of the final

judgment and order based on this Agreement for Discipline by Consent.

SANCTION

Respondent 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: reprimand, probation for 18 months (terms set forth below), restitution of \$2,136.72 to Jessica Heredia (as a term of probation), and payment of the costs and expenses of the disciplinary proceeding. The terms of probation include:

- a. Respondent must attend a half-day Trust Account Ethics Enhancement Program (TAEEP). Respondent agrees to contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of a final judgment and order based on this Agreement for Discipline by Consent, to schedule attendance at the next available class. Respondent will be responsible for the cost of attending the program.
- b. Respondent must successfully participate in the Law Office Management Assistance Program/Trust Account Records Review (LOMAP/TARR). Respondent agrees to contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of service of a final judgment and order based on this Agreement for Discipline by Consent. Respondent must sign terms and conditions

of participation, which will be incorporated into the final judgment and order. The terms and conditions will include submission of specified trust account records on a quarterly basis and timely compliance with any follow-up requests or directives made as a result of the reviews of his trust account records. Respondent will be responsible for any costs associated with LOMAP/TARR.

- c. Respondent must pay restitution in the amount of \$2,136.72 to Jessica Heredia, Client H's conservator, within 30 days of the entry of a final judgment and order based on this Agreement for Discipline by Consent.
- d. Respondent will take all appropriate steps to address funds in his client trust account that should not be in that account (including taking steps to address approximately \$52,000 in the account from the sale of his mother's home) within three (3) months of the entry of a final judgment and order based on this Agreement for Discipline by Consent.
- e. Respondent must not commit any further violations of the Rules of Professional Conduct.

If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings. If Respondent fails to comply with any of the terms of probation and the State Bar of Arizona receives information thereof, bar

counsel will 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 terms of probation, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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 re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

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. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard 3.0*.

The parties agree that the following *Standards* are the appropriate *Standard* given the facts and circumstances of this matter:

Standard 4.13 – Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client.

Standard 6.13 – Reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

Standard 7.3 – Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system.

The duty violated

Respondent's conduct violated his duty to clients, the legal system, and the legal profession.

The lawyer's mental state

Respondent (a) negligently violated ER 1.5(b) by failing to communicate in writing to his client (i.e., his mother) the scope of representation and the basis or rate of the fee and expenses for which she would be responsible; (b) negligently

violated ER 1.15(a) and Rules 43(a) and (b), Ariz. R. Sup. Ct., by negligently failing to safekeep client property (in part by commingling personal funds with client funds in his client trust account) and negligently failing to maintain appropriate client trust account records; and (c) negligently violated ER 8.1(b), ER 8.4(d), and Rule 54(d), Ariz. R. Sup. Ct., by negligently providing the State Bar with inaccurate information.

The extent of the actual or potential injury

There was minimal actual harm to clients, the legal system, or the legal profession: (a) delay in a client receiving funds to which she was entitled; (b) delay in completing the State Bar's screening investigation (which required taking Respondent's deposition); and (c) the State Bar contacted Respondent's siblings to determine whether any believed they had any interest in the funds from the sale of their mother's home, and all of those who responded denied any interest in those funds.

Aggravating and mitigating circumstances

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

In aggravation:

Standard 9.22(c) – a pattern of misconduct;

Standard 9.22(d) – multiple offenses; and

Standard 9.22(i) – substantial experience in the practice of law.

In mitigation:

Standard 9.32(a) – absence of a prior disciplinary record;

Standard 9.32(b) – absence of a dishonest or selfish motive; and

Standard 9.32(g)--character or reputation (attached as Exhibit B are letters evidencing Respondent's character and reputation).

Discussion

The parties conditionally agree that upon application of the aggravating and mitigating factors the presumptive sanction is appropriate.

The parties conditionally agree that a greater or lesser sanction is not appropriate. A lesser sanction is not appropriate because of the substantial period of time during which trust account violations occurred, and a greater sanction is not appropriate because minimal actual harm resulted from the misconduct, much of the misconduct resulted from Respondent's negligence, and Respondent has no prior disciplinary history.

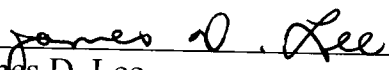
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanctions set forth above are within the range of appropriate sanctions and will serve the purposes of lawyer discipline.

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 64 (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 sanction of reprimand, probation for 18 months, restitution, and imposition of the costs and expenses related to this disciplinary proceeding. A proposed form of order is attached hereto as Exhibit C.

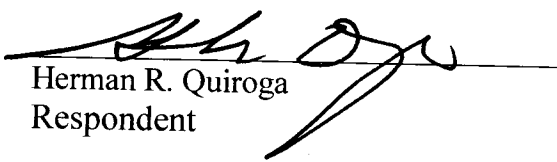
DATED this 18th day of December, 2019.

STATE BAR OF ARIZONA


James D. Lee
Senior Bar Counsel

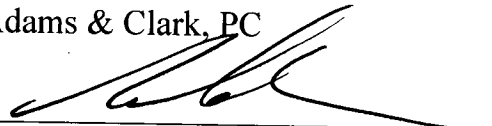
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 18th day of December, 2019.


Herman R. Quiroga
Respondent

DATED this 18th day of December, 2019.

Adams & Clark, PC



Ralph W. Adams
Counsel for Respondent

Approved as to form and content



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 18th day of December, 2019.

Copy of the foregoing emailed
this 18th day of December, 2019, to:

The Honorable William J. O'Neil
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 mailed/mailed
this 18th day of December, 2019, to:

Ralph W. Adams
Adams & Clark, PC
1650 North First Avenue
Phoenix, AZ 85003-1124
Email: ralph@adamsclark.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 18th day of December, 2019, to:

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

by:

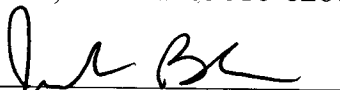

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EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Herman R. Quiroga, Bar No. 006714, Respondent

File No. 18-3476

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

08/30/19	Mileage for subpoena service	\$ 4.00
09/30/19	Alliance Reporting Solutions	\$ 212.50
Total for staff investigator charges		\$ 216.50

TOTAL COSTS AND EXPENSES INCURRED **\$ 1,416.50**

EXHIBIT B

Gregg Balderrama, CFA, CAIA
Stellar Capital Management, LLC
2200 East Camelback Road, Suite 130
Phoenix, AZ 85016
gbalderrama@stellarmgt.com

12/16/2019

Herman Quiroga
650 1st Ave
Phoenix, AZ 85003

Letter of reference

To Whom it May Concern,

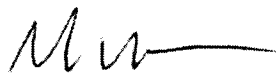
I have known Herman Quiroga for most of my life. He and I met when I graduated from middle school, and he has been a mentor to me ever since. I grew up admiring what he accomplished in life.

When I went through difficult times a decade ago, he was kind enough to be there for me on a personal and professional level. He was my personal attorney through my divorce at that time, and he even rented a place to me to live. At that time, I was also unemployed and going through severe depression. Herman nudged me in a positive direction by talking to me about some of the difficulties he was able to overcome in life.

I have acted as a fiduciary and have managed investments for clients for the past 18 years. My reputation in the Phoenix community is very important to me. That being said, I have absolutely no hesitation vouching for Herman's character. Herman is the type of person you can count on.

Please feel free to contact me at anytime with any questions or concerns.

Sincerely,



Gregg Balderrama, CFA, CAIA

PRIORITY MEDICAL CENTER, INC.

4340 WEST McDOWELL ROAD
SUITE 5
PHOENIX, ARIZONA 85035
TELEPHONE (602) 272-5289
FAX (602) 272-8634

December 10, 2019

To Whom it may Concern:

Re: Herman Quiroga, Attorney at Law

Since 1992, I have had the pleasure of working with the Law offices of Herman Quiroga.

Through consistent exceptionally strong moral values and ethics, Mr. Quiroga has been a benefit to our clinic and particularly to his clients on multiple occasions.


He is a professional with a very calm demeanor that has been a blessing. While representing his clients, he goes above and beyond to assure the best possible outcome for them, regardless of the complexity of the case. His expertise in Personal Injury area allows him to obtain the highest possible settlement for his clients.

Mr. Quiroga's strong sense of organization helped him to always gain the upper-hand in court and win a large majority of his cases. Without exception, his motto is "people over profits." He concentrates on taking care of people's problems rather than thinking about how he will profit from the client's situations.

Based on my personal experience, I recognize Mr. Quiroga as an extremely talented attorney who cares a great deal about his clients. The services provided to his clients in our clinic have always been fairly and promptly paid. His honesty and integrity are beyond reproach.

If you have any further questions, please do not hesitate to contact me.

Sincerely,
PRIORITY MEDICAL CENTER, INC.


Jacob Kost
President/CEO

Silvia Gallardo, RN
12579 W. Coronado
Avondale, AZ 85323
(602) 718-5950

12/11/2019

Re: Herman Quiroga, Attorney at Law

Dear Sir/Madam,

I have known Mr. Herman Quiroga for over 25 years. Based in my personal experience, Mr. Quiroga demonstrated the extent of his legal expertise and knowledge when I hired him to represent me in a particularly complex case. He explained the legal process in a manner easily understood by a layperson, but he was not at all condescending. He adequately prepared me for my deposition to prevent me from becoming flustered in a setting where opposing counsel posed seemingly confrontational questions at a rapid-fire pace. His legal training and expertise are evident in his interaction with other lawyers, paralegals, and clients. For potential clients seeking legal representation, I highly recommend Mr. Quiroga.

Please contact me if you have any further questions.

Sincerely,


Silvia Gallardo, RN

OSBALDO M. BARRAGAN

Attorney-at-Law
650 North First Avenue
Phoenix, Arizona 85008-1515
(602) 253-7858

December 16, 2019

To Whom It May Concern:

I have known Herman Quiroga in a professional capacity and colleague for many years. He has been my landlord for my office for over 20 years in the same office building. In addition, he has mentored me in many areas of personal injury law. I know him to be well versed in his area of law. He has edited many of my legal writings to be more persuasive and succinct, and advised me on strategies and practical procedures of litigation.

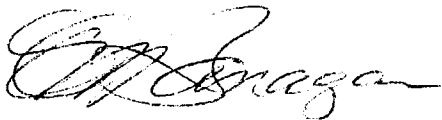
Over the years, his office appears extremely organized having as many as a dozen employees. He meets all challenges head-on with enthusiasm, vigor and precision.

In my many years of knowing Mr. Quiroga, he has demonstrated competence, leadership and wisdom. I have no qualms as to his professional character and ability to do well, to do what is right and to follow through in his professional endeavors.

His longevity and success are evidence of his commitment to his profession and his clients. He is a lawyer's lawyer.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Osbaldo M. Barragan

December 6, 2019

To Whom It May Concern:

Please accept this as my letter of recommendation for Mr. Herman Quiroga, Esq. I know him personally since 1999, when he represented me and a family member in a personal injury case.

Mr. Quiroga is a very thorough and competent professional who always has his client best interests in mind. Mr. Quiroga would always keep me informed on the status of my case, and I always felt like I was in very good hands. He never missed a scheduled meeting and he always took my calls. What I especially liked about Mr. Quiroga was his ability to remain calm in any situation, and his honesty. Through the years, I have recommended Mr. Quiroga to others and all of them have been happy with him.

Based on my personal experience, I have nothing but gratitude to Mr. Quiroga for his service. He is a solid lawyer who practices law with professionalism and integrity.

Please feel free to contact me if you have any questions or require any further information.

Truly,



Christina Rivas
320 N. James Sherwood Street
Tolleson, AZ 85353
(623) 826-2532

Donald Nelson BS,DC
2409 S. Rural Rd. Ste. D
Tempe, Arizona 85282
Phone: 480 966 1635
Fax: 480 831 1775

December 16, 2019

To whom it may concern:

I am a licensed Chiropractor in Tempe, Arizona and have been practicing Chiropractic since 1983 to present. I have known Herman Quiroga for over 20 years both professionally and socially. He was and has been extremely honest, dependable, responsible, courteous, and extremely ethical. He always followed through on all of his professional duties and his character has been impeccable. His work ethics and professionalism has been on the highest order.

I have had Herman Quiroga represent me on a few occasions on legal matters pertaining to collections, real estate matters, etc. His work ethic and professional ethics were extremely professional. I referred other clients to Herman Quiroga and always had high remarks for his professionalism and quality of work completed reported to me. I would recommend Herman Quiroga to any of my friends or clients who would be in need of his services with the highest regards.

If you have any questions concerning Herman Quiroga feel free to contact me anytime at this number 480 966 1635.

Donald Nelson BS,DC

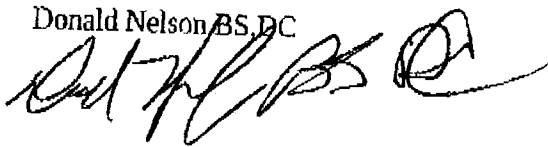


EXHIBIT C

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

HERMAN R. QUIROGA,
Bar No. 006714,

Respondent.

PDJ-2019-_____

**FINAL JUDGMENT
AND ORDER**

[State Bar No. 18-3476]

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, **Herman R. Quiroga**, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of eighteen (18) months. The terms of probation are:

- (a) TAEPP: Respondent must attend a half-day Trust Account Ethics Enhancement Program (TAEPP). Respondent must contact the State

Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order, to schedule attendance at the next available class. Respondent will be responsible for the cost of attending the program.

- (b) LOMAP/Trust Account Records Review (LOMAP/TARR): Respondent must contact the State Bar Compliance Monitor at 602-340-7258, within ten (10) days from the date of service of this Order. Respondent must sign terms and conditions of participation, which shall be incorporated herein. The terms and conditions will include submission of specified trust account records on a quarterly basis. Respondent will be required to undergo a quarterly review of his trust account records and must timely complete any follow-up deemed necessary as a result of those reviews. Respondent will be responsible for any costs associated with LOMAP/TARR.
- (c) Respondent must pay restitution in the amount of \$2,136.72 to Jessica Heredia within 30 days of the entry of a final judgment and order based on this Agreement for Discipline by Consent.
- (d) Respondent must take all appropriate steps to address funds in his client trust account that should not be in that account (including taking steps

to address approximately \$52,000 in the account from the sale of his mother's home) within three (3) months of the entry of a final judgment and order based on this Agreement for Discipline by Consent.

- (e) Respondent must not commit any further violations of the Rules of Professional Conduct.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,416.50, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent 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 December, 2019.

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 December, 2019.

Copies of the foregoing mailed/mailed
this _____ day of December, 2019, to:

Ralph W. Adams
Adams & Clark, PC
1650 North First Avenue
Phoenix, Arizona 85003-1124
Email: ralph@adamsclark.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this _____ day of December, 2019, to:

James D. Lee
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this _____ day of December, 2019, to:

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

by: _____

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

FILED
NOV 19 2019
BY *Chubb*

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

No. 18-3476

**HERMAN R. QUIROGA
Bar No. 006714**

PROBABLE CAUSE ORDER

Respondent.

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on November 8, 2019, 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 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-3476.

IT IS THEREFORE ORDERED pursuant to Rule 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 18 day of November, 2019.

Lawrence F. Winthrop

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

¹ Committee member Genene Dyer did not participate in this matter.

Original filed this 19th day
of November, 2019, with:

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

Copy mailed this 20th day
of November, 2019, to:

Ralph W. Adams
Adams & Clark PC
1650 North First Avenue
Phoenix, AZ 85003-1124
Respondent's Counsel

Copy mailed this 20th day
of November, 2019, 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

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

By: _____

