

In the Matter of Donald G. Yearin, Bar No.: 013722, PDJ No. PDJ 2011-9064. Attorney Suspended and Two Years of Probation and Costs imposed.

Pursuant to Rule 57(a)(4)(A), Ariz.R.Sup.Ct., the PDJ approved the Agreement for Discipline by Consent submitted by the parties and suspended Donald G. Yearin for 30 days effective May 4, 2012. Upon reinstatement, Respondent will participate in two years of probation with the State Bar's Member Assistance Program (MAP), with discretion to reduce probation to one year.

Respondent, while acting in *proper personam* in his divorce, communicated directly with his wife who was represented by counsel. Respondent also obtained his wife's signature on settlement documents without her counsel's knowledge, and the court was forced to set aside the settlement. Respondent falsely told the judge that his wife had terminated her counsel when he should have known his statement was false as opposing counsel was still listed as counsel of record. Respondent also did not correct the falsehood. In addition, Respondent acted in an unprofessional manner in e-mail communications with opposing counsel by making embarrassing or derogatory references to both opposing counsel and his ex-wife.

Aggravating factors: dishonest or selfish motive, multiple offenses, submission of false evidence, false statements, or other deceptive practices during the disciplinary process, vulnerability of victim, and substantial experience in the practice of law.

Mitigating factors: absence of a prior disciplinary record, personal or emotional problems, and character or reputation.

Respondent violated Supreme Court Rules 41(g), and Rule 42, specifically ERs 3.3, 4.2, 4.4(a), 8.1, 8.4(c), and 8.4(d).

The agreement is accepted and costs awarded in the amount of \$1,200.00. The proposed final judgment and order is reviewed, approved and signed.