

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**JILL L. ROGERS,
Bar No. 022988**

Respondent.

PDJ 2015-9040

FINAL JUDGMENT AND ORDER

[State Bar No. 11-1696-N]

FILED JUNE 29, 2015

The Presiding Disciplinary Judge (PDJ) of the Supreme Court of Arizona having reviewed the Agreement for Discipline by Consent filed on June 22, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED JILL L. ROGERS, is suspended from the practice of law for six (6) months and one (1) day, **effective August 1, 2015**. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED upon reinstatement, Ms. Rogers shall be placed on probation for a period of two (2) years. The probation period will begin at the time of reinstatement and will conclude two (2) years from that date. Specific terms and conditions will be determined at the time of reinstatement.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the PDJ as a result of reinstatement hearings held.

IT IS FURTHER ORDERED 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 Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within 30 days from the date of service of this Order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 29th day of June, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 29th day of June, 2015.

Craig D. Henley
Senior Bar Counsel
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Respondent's Counsel

Lawyer Regulation Records Manager
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by: JAlbright

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

JILL L. ROGERS,
Bar No. 022988

Respondent.

No. PDJ-2015-9040

**DECISION ACCEPTING
CONSENT FOR DISCIPLINE**

[State Bar File No. 11-1696-N]

FILED JUNE 29, 2015

By order of the Attorney Discipline Probable Cause Committee (ADPCC), an Order of Admonition and Probation was imposed upon Ms. Rogers in File No. 11-1696 on April 24, 2012, for violating ER 8.4(b) (engaging in criminal conduct) for a DUI. The terms and conditions of probation required 2 years participation in the Member Assistance Program (MAP).

On May 5, 2015, the State Bar filed a Notice of Non-Compliance with Probation pursuant to Rule 60(a)(5)(C), Ariz. R. Sup. Ct. alleging that Ms. Rogers violated the Order of Admonition and Probation filed by ADPCC. By Order of the Presiding Disciplinary Judge (PDJ) filed May 11, 2015, the matter was set for hearing.

Ms. Rogers filed her response on May 28, 2015, asserting substantial compliance from September 2012 until approximately October 2013. She also admits to relapsing and that she was not in compliance with her terms of probation from approximately October 2013 until the end of January 2014. Ms. Rodgers initially requested her current terms of probation be extended to December 2015, as a result of any findings of non-compliance. Thereafter, an Agreement for Discipline by

Consent (Agreement) was filed on June 22, 2015, and submitted under Rule 57(a)(3), of the Rules of the Arizona Supreme Court. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate."

Rule 57(a)(2) 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.

Rule 53(b)(3), provides for notice of any Agreement to be sent to the complainant(s), however, the State Bar is the complainant in this non-compliance matter. Therefore, such notice is not necessary.

The Agreement details a factual basis for the conditional admissions. Ms. Rogers conditionally admits she missed required MAP appoints with her MAP monitor beginning in September 2013. She further conditionally admits she began drinking alcohol in October 2013. In addition, Ms. Rogers admits she used illegal drugs between November 18, 2013 and December 2, 2013. On December 31, 2013, Ms. Rogers reported to her MAP monitor she had sustained a head injury which required medical treatment. Ms. Roger went on medical leave and was no longer practicing law. Ms. Rogers transferred to inactive membership status on February 4, 2014, and thereafter entered a voluntary rehabilitation program and successfully completed inpatient treatment from February 11, 2014 and May 8, 2014 at Pia's Place. Effective October 30, 2014, Ms. Rogers voluntarily transferred to active membership status.

On December 18, 2014, Ms. Rogers began testing for alcohol through TASC. Ms. Rodgers conditionally admits she violated a condition of her probation, Rule 54(e), Ariz. R. Sup. Ct., by failing to comply with the terms of probation imposed by the ADPCC as reflected in their April 24, 2012 Order.

The parties apply *ABA Standard 6.2 Abuse of the Legal Process*, to Ms. Roger's particular misconduct. *Standard 6.22* provides:

Suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

Ms. Rogers knowingly violated her duty to the legal system by violating the terms and conditions of her Order and Admonition and Probation filed April 24, 2012 and her misconduct caused actual injury to the legal system.

The PDJ finds the proposed sanctions of a six month and one day suspension effective August 1, 2015 and two years of probation upon reinstatement, meets the objectives of discipline, therefore, the Agreement is accepted. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law. Specific terms and conditions of probation shall be determined at the time of reinstatement. Accordingly:

IT IS ORDERED incorporating by this reference the Agreement and any supporting documents by this reference. The agreed upon sanction is a six month and one day suspension effective August 1, 2015, two years of probation upon reinstatement with specific terms and conditions to be determined at the time of reinstatement, and the payment of costs and expenses of the disciplinary proceeding

in the amount of \$1,200.00 to be paid within thirty (30) days of the final order. These financial obligations shall bear interest at the statutory rate of ten per cent per annum for the costs and expenses of the disciplinary proceeding.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved for \$1,200.00 to be paid within thirty (30) days of the final order. Now therefore, a final judgment and order is signed this date. Ms. Rogers is suspended for six (6) months and one (1) day effective August 1, 2015. A final judgment and order shall follow.

DATED 29th day of June, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

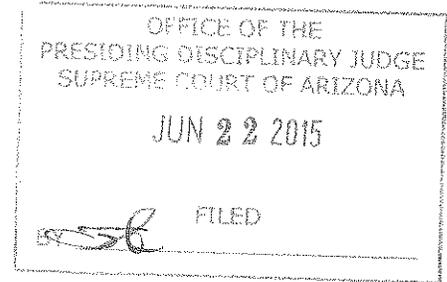
Copies of the foregoing mailed/emailed
this 29th day of June, 2015.

Craig D. Henley
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by: JAlbright



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Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**JILL L. ROGERS,
Bar No. 022988**

Respondent.

PDJ 2015-9040

State Bar File No. **11-1696-N**

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona, through undersigned Senior Bar Counsel, and Respondent, Jill L. Rogers, who is represented by counsel of record, Nancy A. Greenlee, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct.

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 thereafter, if the conditional admission and proposed form of discipline is approved.

Respondent conditionally admits that her conduct, as set forth below, violated the probation imposed by the Attorney Discipline Probable Cause Committee

(hereinafter referred to as the "ADPCC") on April 24, 2012, in State Bar File No. 11-1696.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Suspension of Six Months and One Day and, upon reinstatement, probation for a period of two years. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona.

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are not paid within the 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.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on May 5, 2005.

COUNT ONE (File No. 11-1696-N)

2. On April 24, 2012, the ADPCC filed an Order of Admonition, Probation, MAP and Costs in State Bar File No. 11-1696 for Respondent's violation of Rule 42, Ariz.R.Sup.Ct., ER 8.4(b) [DUI] and placed Respondent on Probation for a period of two (2) years.

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.

3. Beginning on September 3, 2013, MAP Monitor Elena Gutierrez reported that Respondent missed her required appointments during the month of August. In her reports for September and October 2013, Ms. Gutierrez reported Respondent has missed some appointments in September and missed appointments in October. Ms. Gutierrez reported Respondent was not in compliance with her probation terms.

4. Beginning in October, 2013, Respondent admits that she started drinking alcohol.

5. On or about October 26, 2013, Respondent began dating a cab driver who had taken her to a store to purchase alcohol. They married on November 18, 2013.

6. Between November 18, 2013 and December 2, 2013, Respondent admits using illegal drugs, in addition to drinking alcohol.

7. On December 31, 2013, Respondent notified her MAP Monitors that she sustained a head injury on December 2, 2013, which required medical treatment. Thereafter, Respondent was on medical leave and thus, not practicing law.

8. Between October 2013 and January 2014, Respondent failed to comply with the required alcohol testing and monthly meeting requirements.

9. On January 24 and 31, 2014, the State Bar provided Respondent notice that she was out of compliance with the terms of her probation.

10. On or about January 30, 2014, Respondent's counsel informed the State Bar that Respondent was entering a rehabilitation program and voluntarily transferring to inactive status.

11. On February 4, 2014, Respondent voluntarily transferred to inactive status.

12. Between February 11, 2014 and May 8, 2014, Respondent successfully participated in the Pia's Place inpatient treatment.

13. On or about October 13 and 20, 2014, Respondent and her counsel informed the State Bar that Respondent intended to voluntarily transfer her license back to active status.

14. On December 18, 2014, Respondent began testing for alcohol through TASC.

15. While Respondent claims that she was evaluating whether to return to the practice of law, Respondent failed to perform any alcohol tests between May 8, 2014 and December 18, 2014.

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 her conduct violated the terms of probation imposed by the ADPCC Order filed April 24, 2012.

CONDITIONAL DISMISSALS

There are no conditional dismissals.

RESTITUTION

Restitution is not an issue in this matter.

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: Suspension of Six Months and One Day, commencing on August 1, 2015.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

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, consideration is given to 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 *Standard* 6.22 is the appropriate *Standard* given the facts and circumstances of this matter. Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule and causes injury or potential injury to a client or party or causes interference or potential interference with a legal proceeding.

The duty violated

As described above, Respondent's conduct violated her duty to the legal system.

The lawyer's mental state

For purposes of this agreement, the parties agree that Respondent knowingly violated the terms of probation imposed by the ADPCC Order of April 24, 2012 and that her conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was actual harm to the legal system.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

None.

In mitigation:

1. *Standard 9.32(a)* absence of a prior disciplinary record.
2. *Standard 9.32(c)* personal or emotional problems.
3. *Standard 9.32(e)* full and free disclosure to the disciplinary board.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is appropriate.

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following: A suspension requiring reinstatement proceedings will serve as a deterrence for similar misconduct and will allow the Respondent to continue

her recovery in order to independently document a meaningful and sustained period of successful rehabilitation.

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

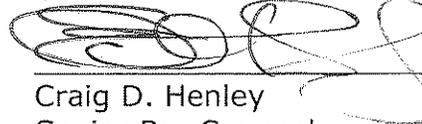
CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession, and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. 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 a Suspension of Six Months and One Day and that, upon reinstatement, Respondent shall be placed on probation for a period of two years.

A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

DATED this 22ND day of June 2015.

STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property, and other rules pertaining to suspension.

DATED this _____ day of June, 2015.

Jill L. Rogers
Respondent

DATED this _____ day of June, 2015.

Nancy A. Greenlee
Counsel for Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

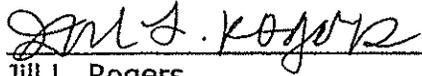
Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of June 2015.

Copies of the foregoing mailed/emailed
this _____ day of June 2015 to:

Nancy A. Greenlee
821 E Fern Dr North
Phoenix, AZ 85014-3248
nancy@nancygreenlee.com
Respondent's Counsel

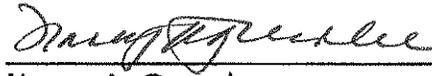
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property, and other rules pertaining to suspension.

DATED this 18 day of June, 2015.



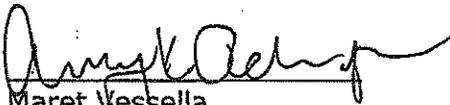
Jill L. Rogers
Respondent

DATED this 19th day of June, 2015.



Nancy A. Greenlee
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 22nd day of June 2015.

Copies of the foregoing mailed/emailed
this 22nd day of June 2015 to:

Nancy A. Greenlee
821 E Fern Dr North
Phoenix, AZ 85014-3248
nancy@nancygreenlee.com
Respondent's Counsel

Copy of the foregoing emailed
this 22nd day of June, 2015, to:

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

Copy of the foregoing hand-delivered
this 22nd day of June, 2015, to:

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

by: Jalene Stone
CDH: ts

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Jill L. Rogers, Bar No. 022988, Respondent

File No. 11-1696-N
PDJ # 2015-9040

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

6-10-15
Date

EXHIBIT B

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

Jill L. Rogers,
Bar No. 022988,

Respondent.

PDJ 2015-9040

FINAL JUDGMENT AND ORDER

[State Bar No. 11-1696-N]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on _____, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Jill L. Rogers**, is hereby suspended from the practice of law for Six Months and One Day, effective August 1, 2015, for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two years, the terms of which shall be determined at the time of reinstatement.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

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 Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall 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 June, 2015

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 June, 2015.

Copies of the foregoing mailed/mailed
this _____ day of June, 2015.

Nancy A. Greenlee
821 E Fern Dr North
Phoenix, AZ 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
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Craig D. Henley
Senior Bar Counsel - Litigation
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this _____ day of June, 2015 to:

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by: _____