

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

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

**JORDAN M. MESCHKOW,
Bar No. 007454**

Respondent.

PDJ 2014-9032

FINAL JUDGMENT AND ORDER

[State Bar No. 12-3144]

FILED JUNE 13, 2014

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on June 5, 2014, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Jordan M. Meschkow**, is hereby 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 shall be placed on probation for a period of two (2) year.

The Reprimand and Probation shall be effective as of the date of this order.

IT IS FURTHER ORDERED that Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP), at 602-340-

7332, within thirty (30) days of the date of this Order. The specific terms of probation are as follows:

TERMS AND CONDITIONS OF PROBATION

1. Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to, client relations, fee and file related issues and follow any recommended terms. The director of LOMAP shall develop "Terms and Conditions of Probation", and those terms shall be incorporated herein by reference. The probation period will begin to run at the date of this Order and will conclude two (2) years from that date. Respondent shall be responsible for any costs associated with LOMAP.

2. Respondent's probation terms shall also include:

- a. A MAP assessment and follow any recommended treatment;
- b. Complete no less than six (6) hours of CLE in addition to his annual requirement (i.e. – 1. Civility and the Practice of Law: Can They Coexist; 2. The Importance of Professionalism and Reputation to Today's Lawyers; 3. Ethical Morning at the Movies; 4. Law Practice Management & Technology; or 5. Civility and Professionalism in the Practice of Law).

NON-COMPLIANCE LANGUAGE

3. In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall 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 a term of probation has been breached and, if so, to recommend an appropriate

sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,236.30, within sixty (60) days from the date 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 13th day of June, 2014.

William J. O'Neil

**William J. O'Neil, Presiding Disciplinary
Judge**

Copies of the foregoing mailed/emailed
this 13th day of June, 2014, to:

William G. Fairbourn
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2325 E. Camelback Rd., Ste. 300
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Respondent's Counsel

Craig D. Henley
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Lawyer Regulation Records Manager
State Bar of Arizona
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Phoenix, AZ 85016-6266

by: MSmith

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

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

JORDAN M. MESCHKOW,
Bar No. 007454

Respondent.

No. PDJ-2014-9033

**REPORT ACCEPTING CONSENT
FOR DISCIPLINE**

[State Bar Nos. 12-1912, 13-0574]

FILED JUNE 13, 2014

An Agreement for Discipline by Consent filed June 5, 2014, was submitted pursuant to Rule 57 of the Rules of the Arizona Supreme Court. Pursuant to that rule the parties may tender an agreement regarding a respondent against whom a formal complaint has been filed. The Probable Cause Order was filed on March 6, 2014. The formal Complaint was filed on April 15, 2014. Such tender is a conditional admission of unethical conduct in exchange for a stated form of discipline, other than disbarment.

Bar Counsel provided notice of this agreement to the complainant(s) by e-mail on May 6, 2014. Included within that e-mail was a notification of the opportunity for the complainant to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. No objection has been filed.

Upon filing such agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate".

The PDJ notes that no evidence of mitigating factor 9.32(c) personal or emotional problems has been submitted in support of this factor. The PDJ determined however, that the absence of that mitigating factor does not change the overall outcome in this matter.

IT IS ORDERED incorporating by this reference the Agreement for Discipline by Consent and any supporting documents by this reference. The agreed upon sanctions include reprimand, two years of probation (LOMAP, MAP assessment and no less than 6 hours of CLE), and the payment of costs in the amount of \$1,236.30.

IT IS ORDERED the Agreement for Discipline by Consent discipline is accepted. A final Judgment and Order was submitted simultaneously with the Agreement. Costs as submitted are approved in the amount of \$1,236.30. The proposed final judgment and order having been reviewed are approved as to form. Now therefore, the final judgment and order is signed this date.

DATED this 13th day of June, 2014

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
this 13th day of June, 2014, to:

Craig D. Henley
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4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

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Respondent's Counsel

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by: MSmith

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Respondent's Counsel

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

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

**JORDAN M. MESCHKOW,
Bar No. 007454,**

Respondent.

PDJ 2014-9033

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

State Bar No. 12-3144

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Mr. Jordan M Meschkow, who is represented in this matter by counsel, Mr. William G. Fairbourn, hereby submit their Tender of Admissions and Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A Probable Cause Order was entered on February 24, 2014, and a formal complaint has been filed in this matter. Respondent voluntarily waives the right to an adjudicatory hearing on the complaint, 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.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant by e-mail on May 6, 2014. Complainant(s) have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice and indicated that he takes no position regarding the settlement.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.5 ~ Fees, ER 1.16 ~ Termination of Representation, ER 3.1 ~ Meritorious Claims and Contentions and ER 4.4 ~ Respect for the Rights of Others, ER 8.4(d) ~ Misconduct Prejudicial to the Administration of Justice.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with two (2) years probation. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "A."

FACTS

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October 23, 1982.

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.

COUNT ONE (File no. 12-3144/Erickson)

2. On or about December 1, 2006, Respondent began representing Franchise Capital Corporation (hereinafter referred to as "FCC") regarding the registration of two trademarks.

3. Months later, Respondent began representing FCC regarding the registration of another trademark "RAINBIRD".

4. FCC is a private equity firm that invests in franchise companies and is operated by Dan Monaghan (hereinafter referred to as "Monaghan").

5. Upon information and belief, Monaghan was Respondent's primary FCC contact throughout the representation.

6. On or about April 26, 2007, Respondent applied for the RAINBIRD trademark.

7. On or about February 18, 2008, the Rain Bird Corporation (hereinafter referred to as "Rain Bird") filed an opposition to the FCC application based upon a 1952 application filed by Rain Bird.

8. Rain Bird's opposition required FCC to either withdraw the application or respond no later than March 30, 2008.

9. On March 17, 2008, Respondent contacted FCC and received authority to challenge Rain Bird's objection to the trademark application.

10. FCC's challenge was predicated, at least in part, on Rain Bird's purported abandonment of the original RAINBIRD trademark.

11. FCC also argued that Rain Bird altered the original trademark by separating the one word RAINBIRD into two words RAIN BIRD and adding a logo.

12. FCC finally argued that FCC intended to use the RAINBIRD trademark in an industry wholly separate from Rain Bird.

13. During the litigation, FCC disputed Respondent's fees and Respondent's law firm.

14. Respondent was diagnosed with hypothyroidism in the Fall of 2009.

15. On October 26, 2009, Respondent filed the United States District Court lawsuit of *Meschkow & Gresham, P.L.C. v. Franchise Capital Corporation, et.al.*, CV09-2238-PHX-SRB.

16. The Complaint included allegations of, among other things, purported fraudulent activity by Defendants which predated Respondent's representation thereby expanding the litigation beyond the original fee dispute.

17. On January 20, 2010, FCC and the individually named Defendants filed a Motion to Dismiss.

18. On March 15, 2010, Defendants filed a Motion to Disqualify Respondent, Respondent's law firm and a former employee of Respondent's law firm claiming, in part, that proving the Complaint allegations would necessarily require disclosure of confidential information gained during Respondent's representation of FCC.

19. Respondent filed a pleading entitled "Motion for Waiver of Attorney-Client Privilege and to Disqualify Defendants' Counsel".

20. On March 22, 2010, the Court granted FCC's Motion To Dismiss with respect to the fraud allegations and dismissed the entire case as to all of the individually named defendants.

21. The Court further permitted Respondent's law firm a thirty (30) day period to amend the Complaint.

22. On April 20, 2010, Respondent filed an Amended Complaint reiterating the originally plead fraud claims and allegations regarding Defendant Dan Monaghan.

23. On June 4, 2010, the Court granted FCC's Motion to Disqualify Respondent, his law firm and his former employee based, in part, on violations of Rule 42, Ariz.R.Sup.Ct., ERs 1.9 and 1.10.

24. The Court also struck Respondent's Motion to Waive the Attorney-client Privilege and to Disqualify Defendants' Counsel as it failed to comply with Local Rule 7.2(e) by exceeding the page limitation without Court approval.

25. Respondent was deposed during the lawsuit regarding several issues including, but not limited to, his billing practices and litigation tactics.

26. Respondent's testimony includes, but was not limited to, the following:

a. Q. So you charged a different rate for the trademark work as opposed to litigation?

A. Not necessarily. I make trademark filings look like they're project based to make clients easier understand them. Clients don't favor hourly billings, and I give them hourly billings for litigation matters.

Q. So you say you make them look like project billings but in reality are they hourly billings?

A. Yeah.

Q. But you make them look like project billings so that they are more easily accepted by the clients?

A. Yes.

Q. So when you were engaged by Franchise Capital to do the RAINBIRD registration, were you charging Franchise Capital an hourly rate in reality?

A. Yes.

b. Q. And what benefit did your disqualification efforts have for Franchise Capital?

A. (Objection to Form) Well, if I had disqualified their attorneys, they would be in trouble handling the opposition without getting new counsel immediately. Whether Rainbird did or not was another story.

Q. So were you just trying to make the opposition more inconvenient and costly for Rainbird?

A. Yes. And that was part of our tactic that we had agreed on.

c. Q. The next entry is for 12.5 hours from June 16 to July 3rd for working on the second motion for judgment on the pleadings; is that right?

A. Yes.

Q. Can you tell me what you did on any particular day during that time frame with respect to that motion?

A. I don't recall.

Q. Do you keep daily time sheets?

A. No.

Q. How does the time make its way into this invoice?

A. Back then we were using some kind of computer record for this.

Q. Which one in particular?

A. I don't recall.

Q. Who would know the answer to that question?

A. I don't know that anyone would at this point. We don't have it anymore.

Q. Do you have any contemporaneously created records that would support this invoice?

A. Not anymore.

d. Q. Now, on August 7, 2008, you charged 3.5 hours to, quote, wait and see if oppose files reply on cross-motion, close quote?

A. Yes.

Q. What does that mean?

A. Waiting. A lot of of those documents were filed very late in the evening. And sometimes we would basically sit and just hit send and wait for the e-mails to come in because of that.

Q. So you charged Franchise Capital one thousand fifty dollars to wait and see if they filed a reply in the cross motion?

A. Yes.

Q. And was there some reason you wouldn't have waited until the next day to see if there was a reply in the cross-motion?

A. I don't recall. I think there was some reason, but I don't recall right now.

e. Q. This Exhibit 6 has the same invoice number as Exhibit 5, correct?

A. Yes.

Q. And if you look at each of the services and each of the time entries and each of the hours reported, they are exactly the same as in Exhibit 5, correct?

A. That's correct.

Q. But in Exhibit 6 the fees that you are charging Franchise Capital have changed, haven't they?

A. They have.

Q. Why is that?

A. Because I had given them somewhat of a discount because they wanted to keep costs down. But they never paid the bill. So I was no longer giving them any discount whatsoever of my current fee schedule, I believe.

Q. So you went back and changed your invoice?

A. Just the hours hourly rate.

Q. And that was done to penalize your client for not timely paying the bill?

A. Yes.

f. Q. And I think you have already told me that back in the 2008 time frame you did not have a practice of notifying your client of any changes in your hourly rate; is that correct?

A. That's correct. These documents were produced to them as a course of settlement.

g. Q. How did that bar complaint that you filed benefit the client?

A. (Objection to Form) Because if he was removed from practice, it would make it easier to handle the opposition as well.

Q. How so?

A. How so? Because Rainbird would have to get new counsel and spend a lot of money to get up to speed.

Q. So is this another example of you trying to make it more inconvenient, more costly, for Rainbird to defend itself in the opposition proceedings?

A. (Objection to Form) Yes. We had agreed to do that because Rainbird was a Fortune 500 company.

h. Q. And just so I'm clear, the 1,370 requests for admissions that you prepared were never served on Rainbird, correct?

A. That's correct, yes.

Q. In fact, discovery was never allowed in the opposition proceeding, was it?

A. We never got to discovery, but those discovery issues were the basis for the motion for judgment on the pleadings.

27. Respondent initially refused to provide Complainant with the client's file alleging, among other things, that the documents were publically available.

28. In his response to the State Bar investigation, Respondent acknowledges that he did not promptly return the client's file, but claims that FCC

did not request the file until after the lawsuit was initiated and that he erroneously believed that the FCC files were destroyed.

29. Respondent further states that when an employee discovered FCC files in a storage shed, Respondent provided them to FCC's attorney.

30. In his response to the State Bar investigation, Respondent admits that he prepared and submitted three (3) different sets of bills to FCC which contained different hourly rates and lengths of service.

31. Respondent also acknowledges the inappropriateness of billing time to "wait and see" if opposing counsel filed any documents.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and is submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.5 ~ Fees, ER 1.16 ~ Termination of Representation, ER 3.1 ~ Meritorious Claims and Contentions and ER 4.4 ~ Respect for the Rights of Others, ER 8.4(d) ~ Misconduct Prejudicial to the Administration of Justice.

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss Rule 42, Ariz. R. Sup. Ct., Ers 1.3, 1.4 and 1.9(c)/1.6(d) as the State Bar does not believe that the allegations are supported by clear and convincing evidence.

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 sanction is appropriate:

Reprimand for violations of ERs 1.5, 1.16, 3.1, 4.4 and 8.4(d) with two (2) years of probation. The probation terms will also include:

- a. A MAP assessment and follow any recommended treatment;
- b. A LOMAP consultation for fee and file related issues and follow any recommended terms;
- c. No less than six (6) hours of CLE in addition to his annual requirement (i.e. – 1. Civility and the Practice of Law: Can They Coexist; 2. The Importance of Professionalism and Reputation to Today’s Lawyers; 3. Ethical Morning at the Movies; 4. Law Practice Management & Technology; or 5. Civility and Professionalism in the Practice of Law).

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 the following *Standards* are the appropriate *Standards* given the facts and circumstances of this matter:

1. ER 1.5 - Respondent charged his client with an unreasonable fee for services rendered, failed to provide the client with a writing setting forth the terms of the representation and unilaterally changed the billing rate without notice to the client.

Standard 4.63: Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to the client.

2. ER 1.16 - Respondent failed to take steps necessary to the extent reasonably practicable to protect the client's interest by, among other things, promptly returning the client's file.

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 the client.

3. ER 3.1, 4.4 and 8.4(d) - Respondent engaged in harassing or unnecessarily burdensome litigation tactics such as, among other things, moving to disqualify counsel in an attempt to increase litigation costs without justifiable purpose, filing frivolous pleadings and falsely accusing opposing counsel of acting fraudulently or as part of a conspiracy with others.

Standard 6.23: Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client, or causes interference or potential interference with a legal proceeding.

The duty violated

As described above, Respondent's conduct violated his duty to his client, the profession and the legal system.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent negligently failed to provide the client with a writing setting forth the terms of the representation and unilaterally changed the billing rate without notice to the client and engaged in burdensome litigation tactics and that his 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 potential harm to his client, profession and legal system.

Aggravating and mitigating circumstances

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

In aggravation:

Standard 9.22 (b) – selfish motive;

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 (c) – personal or emotional problems resulting in a reduction of Respondent's work schedule and access to clients;

Standard 9.32 (e) – full and free disclosure to the disciplinary board or cooperative attitude towards proceedings;

Standard 9.32 (j) – delay in disciplinary proceedings.

Proportionality

In *In re Telep*, SB-10-0022-D (2010), Respondent was suspended for sixty days and was placed on probation for one year. Respondent violated the Constitutional and Statutory Victims' Rights of a minor crime victim when he subpoenaed the minor's medical and school records absent a motion or court order and without giving notice to the minor victim or the state. Respondent further demonstrated a lack of candor to the court and parties when he falsely stated in court that he had no knowledge of receiving records. There were four aggravating factors: (d) – multiple, (h) – vulnerability of the victim, (i) – substantial experience in the practice of law, and six mitigating factors: (a) – absence of prior disciplinary record, (b) – absence of a dishonest or selfish motive, (d) – timely good faith efforts to make restitution, (e) full and free disclosure to disciplinary board, (k) – imposition of other penalties or sanctions, and (l) – remorse. Respondent was sanctioned for violation of Rule 42, Ariz.R.S.Ct., specifically ERs 1.3, 3.1, 3.2, 3.3, 3.4(c), 4.1, 4.4(a), 8.4(c) and 8.4(d).

In *In re Honchar*, Respondent was placed on one year of probation. Respondent engaged in overzealous representation of a client in an area of law with which Respondent was unfamiliar. Respondent's emotional attachment affected her independent professional judgment and tactics pursued. Respondent further engaged in a concurrent conflict of interest and failed to maintain the respect due to courts of justice and judicial officers. There were three aggravating factors: (d) – multiple, (h) – vulnerability of the victim, (i) – substantial experience in the practice of law, and six mitigating factors: (a) – absence of prior disciplinary record, (b) – absence of a dishonest or selfish motive, (c) – personal or emotional problems, (e)

full and free disclosure to disciplinary board, (g) character or reputation and (k) imposition of other penalties or sanctions. Respondent was sanctioned for violating Rule 42, Ariz.R.S.Ct., specifically ERs ERs 1.1, 1.3, 1.7, 2.1, 3.1, 4.4, 8.4(d) along with Rules 41(c) and 41(g).

Discussion

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:

While the conduct in this case is concerning to the State Bar, the presumptive sanction for the misconduct provable by clear and convincing evidence is a reprimand. Similarly, the provable aggravating and mitigating factors listed above are insufficient to deviate from the presumptive sanction.

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.

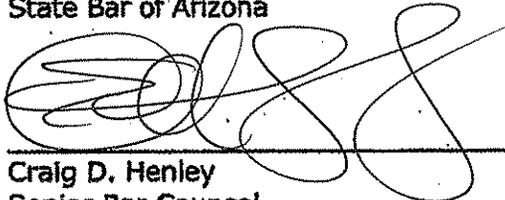
CONCLUSION

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 Reprimand for violations of ERs 1.5, 1.16, 3.1, 4.4 and 8.4(d) with two

(2) years of probation and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit "B."

DATED this 4th day of June, 2014.

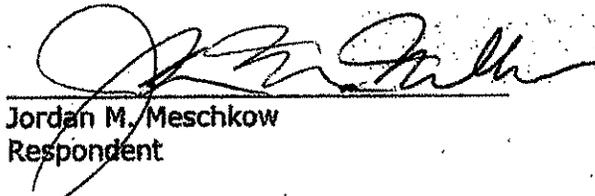
State Bar of Arizona



Craig D. Henley
Senior Bar Counsel

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

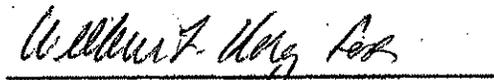
DATED this 4th day of June, 2014.



Jordan M. Meschkow
Respondent

DATED this 4 day of June, 2014.

Bonnett Fairbourn Friedman & Balint PC



William G. Fairbourn
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 5th day of June, 2014.

Copies of the foregoing mailed/emailed
this 5th day of June, 2014, to:

William G. Fairbourn
Bonnett Fairbourn Friedman & Balint PC
2325 E. Camelback Rd., Ste. 300
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gfairbourn@bffb.com
Respondent's Counsel

Copy of the foregoing emailed
this 5th day of June, 2014, to:

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 5th day of June, 2014, to:

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

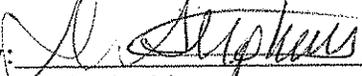
by: 
CDH: dds

EXHIBIT "A"

Statement of Costs and Expenses

In the Matter of a Current Member of the State Bar of Arizona,
Jordan M. Meschkow, Bar No. 007454, Respondent

File No(s). 12-3144

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

05/07/13	Computer investigation reports, PACER	\$	36.30
	Total for staff investigator charges	\$	36.30
TOTAL COSTS AND EXPENSES INCURRED			\$ 1,236.30



Sandra E. Montoya
Lawyer Regulation Records Manager

Date 5/29/14

EXHIBIT "B"

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

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

**Jordan M. Meschkow,
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Respondent.

PDJ 2014-9032

FINAL JUDGMENT AND ORDER

[State Bar No. 12-3144]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on _____, 2014, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, Jordan M. Meschkow, is hereby 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 shall be placed on probation for a period of two (2) year.

The Reprimand and Probation shall be effective as of the date of this order.

IT IS FURTHER ORDERED that, as a term of that probation, Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP), at 602-340-7332, within thirty (30) days of the date of this order.

Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to, client relations, fee and file related issues and follow any recommended terms. The director of LOMAP shall develop "Terms and Conditions of Probation", and those terms shall be incorporated herein by reference. The probation period will begin to run at the date of this Order and will conclude two (2) years from that date. Respondent shall be responsible for any costs associated with LOMAP.

Respondent's probation terms shall also include:

- a. A MAP assessment and follow any recommended treatment;
- b. Complete no less than six (6) hours of CLE in addition to his annual requirement (i.e. - 1. Civility and the Practice of Law: Can They Coexist; 2. The Importance of Professionalism and Reputation to Today's Lawyers; 3. Ethical Morning at the Movies; 4. Law Practice Management & Technology; or 5. Civility and Professionalism in the Practice of Law).

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,236.30, within sixty (60) days from the date of this Order.

DATED this _____ day of _____, 2014.

**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 _____, 2014.

Copies of the foregoing mailed/mailed
this _____ day of _____, 2014, to:

William G. Fairbourn
Bonnett Fairbourn Friedman & Balint PC
2325 E. Camelback Rd., Ste. 300
Phoenix, AZ 85016-3480
Email: gfairbourn@bffb.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this _____ day of _____, 2014, to:

Craig D. Henley
Senior Bar Counsel - Litigation
State Bar of Arizona
4201 N. 24th St., Ste. 100
Phoenix, AZ 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this _____ day of _____, 2014 to:

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

by: _____