

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,**

**DENNIS I. WILENCHIK,  
Bar No. 005350**

Respondent.

**PDJ 2015-9011**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 14-1116]

**FILED JANUARY 29, 2015**

---

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on January 23, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

**IT IS HEREBY ORDERED** that Respondent, **Dennis I. Wilenchik**, is hereby admonished for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents effective the date of this order.

**IT IS FURTHER ORDERED** that Respondent is placed on probation for a period of one year with the State Bar's Member Assistance Program (MAP). Respondent shall contact the MAP probation monitor at 602-340-7258, within 20 days of the entry of this final judgment. Respondent shall continue with his anger management treatment regimen with Dr. Grove with at least monthly office visits and submit monthly written reports of compliance to the probation monitor. Respondent shall cooperate with the probation monitor and sign information release authorizations as necessary to enable the monitor in obtaining copies of Dr. Grove's

records of treating Respondent. Respondent shall bear the costs of producing Dr. Grove's records to the monitor. The probation period will begin on the entry date of this final judgment and order and conclude one year from that date. Respondent is responsible for any costs associated with MAP.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,216.80, 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 29<sup>th</sup> day of January, 2015.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/emailed  
this 29<sup>th</sup> day of January, 2015, to:

Mark D. Goldman  
Robert Van Wyck  
Goldman & Zwillinger PLLC  
7047 E. Greenway Pkwy., Ste. 150  
Scottsdale, AZ 85254-8109  
[mgoldman@gzlawoffice.com](mailto:mgoldman@gzlawoffice.com)  
[rvanwyck@gzlawoffice.com](mailto:rvanwyck@gzlawoffice.com)  
Respondent's Counsel

David L. Sandweiss  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266

by: JAlbright

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,

**DENNIS I. WILENCHIK,**  
**Bar No. 005350**

Respondent.

**PDJ-2015-9011**

**FIRST AMENDED DECISION  
ACCEPTING CONSENT FOR  
DISCIPLINE**

[State Bar File No. 14-1116]

**FILED FEBRUARY 2, 2015**

An Agreement for Discipline by Consent was filed on January 23, 2015, and submitted under Rule 57(a), of the Rules of the Arizona Supreme Court.

On November 14, 2014, the Attorney Discipline Probable Cause Committee ("ADPCC") considered the State Bar's Report of Investigation and recommendation for diversion. ADPCC declined to follow the bar's recommendation, implicitly declined to consider admonition and/or probation, and issued a probable cause order on November 24, 2014, authorizing the filing of a formal complaint. A formal complaint has not yet been filed.

Rule 57 authorizes filing consent agreements with the presiding disciplinary judge ("PDJ"), after the authorization to file complaints by probable cause orders.

Rule 57(a)(3)(B) provides:

If the agreement is reached before the authorization to file a formal complaint and the agreed upon sanction includes a reprimand or suspension, or if the agreement is reached after the authorization to file a formal complaint, the

agreement shall be filed with the disciplinary clerk to be presented to the presiding disciplinary judge for review. The presiding disciplinary judge, in his or her discretion or upon request, may hold a hearing to establish a factual basis for the agreement and may accept, reject, or recommend the agreement be modified.

The ADPCC issued a probable cause order on November 24, 2014, implying it envisioned a sanction of at least a reprimand. After a probable cause order has issued authorizing filing a formal complaint, Rule 57(a)(3)(B) permits the PDJ to consider any pre-complaint Agreement for Discipline by Consent, including when the agreed sanction is, as in this agreement, an admonition and probation. As a result, this agreement, although different than that envisioned by ADPCC, is properly before the PDJ.

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.

Under Rule 53(b)(3), notice of this agreement was provided to the complainant by letter and email on January 15, 2015. Complainant was notified of the opportunity to file a written objection to the agreement with the State Bar within five days of bar counsel's notice. No objection has been filed.

As conditionally admitted in the agreement, Complainant was referred to Mr. Wilenchik by an attorney who had a potential conflict of interest. Complainant states this referring attorney informed him Mr. Wilenchik would not charge for an initial consultation. The attorney who made the referral denies this. Complainant contacted the longtime assistant of Mr. Wilenchik and scheduled an initial conference.

Complainant alleged that assistant told him Mr. Wilenchik would not charge for the initial consult. The assistant denies this allegation. Mr. Wilenchik denies he authorized anyone in his office to offer Complainant a free initial consultation.

As conditionally admitted in the agreement, Complainant met with Mr. Wilenchik. While their stories diverge on what then occurred, Mr. Wilenchik assigned an associate to the case who worked on it. Within a week of the initial consultation, Complainant was emailed a fee agreement outlining terms of engagement. Two days later the associate spoke with Complainant who said he would come to the office of Mr. Wilenchik on an agreed date with the entire file, the signed fee agreement and a retainer. The associate emailed Complainant confirming that conversation.

As conditionally admitted in the agreement, Complainant did not appear on the confirmed date. The associate notified Mr. Wilenchik of the non-appearance. Mr. Wilenchik had his assistant call Complainant. She did and was told by Complainant he was close to settling the matter, but if he did not settle he would be back in the office within three days. Complainant did not follow up with Mr. Wilenchik or his office. Both Mr. Wilenchik and his assistant sent repeated emails to Complainant, none of which he responded to. Mr. Wilenchik sent Complainant an invoice covering the initial consult, follow-up conferences, email and phone calls.

As conditionally admitted in the agreement, Complainant and Mr. Wilenchik "...exchanged dueling emails that grew increasingly insulting and off-color..." when Complaint emailed, "I told jerry I would take care of you. Now you can f---k off!" This resulted in Mr. Wilenchik stating he didn't "...want his d---n money anyway..." Complainant replied, "Bring it b---h!" As conditionally admitted in the agreement, the emails spiraled downward.

As conditionally admitted in the agreement, Complainant called the police making a "threats report." The police told Complainant to forward the emails for their review. The agreement states "the officer had not received them and 'until the necessary evidence can be provided in this case, this report will be pended." Mr. Wilenchik acknowledges his emails were intemperate and he reacted inappropriately to Complainant's provocations. Mr. Wilenchik conditionally admits to a violation of Rule 41(g).

Under Rule 57 (a)(4), the PDJ "shall accept, reject or recommend modification of the proposed agreement. The report shall incorporate all or portions of the agreement, as appropriate." With all due regard to what may have been an ADPCC implication, the rule requires the PDJ to independently weigh the conditional admissions and determine whether the sanction under those conditional admissions is appropriate. In considering the sanction, the PDJ is guided by the American Bar Association *Standards for Imposing Lawyer Sanctions*. The parties stipulate under these agreed upon facts and circumstances, the appropriate sanction is admonition and one year probation. A matter is not eligible for diversion if "[t]he presumptive form of discipline in the matter appears likely to be greater than a reprimand." See *Arizona Attorney Diversion Guidelines* III (1). As the presumptive form of discipline is not likely to be greater than reprimand, Mr. Wilenchik is diversion eligible. The PDJ finds the mitigation outweighs any aggravating factors. The parties have appropriately applied the *Standards* in arriving at the agreed upon sanctions.

**IT IS ORDERED** incorporating by this reference the Agreement for Discipline by Consent and any supporting documents by this reference. Mr. Wilenchik agrees to pay costs associated with the disciplinary proceedings of \$1,216.80.

**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 for \$1,216.80. The proposed final judgment and order having been reviewed are approved. Now therefore, the final judgment and order is signed this date. Mr. Wilenchik is admonished and placed on probation for one year.

**DATED** this 2<sup>nd</sup> day of February, 2015.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/emailed  
this 2<sup>nd</sup> day of February, 2014.

David L. Sandweiss  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, AZ 85016-6266  
Email: [lro@staff.azbar.org](mailto:lro@staff.azbar.org)

Mark D. Goldman  
Robert Van Wyck  
Goldman & Zwillinger PLLC  
7047 E. Greenway Parkway, Suite 150  
Scottsdale, AZ 85254-8109  
Email: [mgoldman@gzlawoffice.com](mailto:mgoldman@gzlawoffice.com)  
[rvanwyck@gzlawoffice.com](mailto:rvanwyck@gzlawoffice.com)  
Respondent's Counsel

Sandra Montoya  
Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266

by: JAlbright



David L. Sandweiss, Bar No. 005501  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602)340-7250  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Mark D. Goldman, Bar No. 012156  
Robert Van Wyck, Bar No. 007800  
Goldman & Zwillinger PLLC  
7047 E. Greenway Pkwy., Ste. 150  
Scottsdale, AZ 85254-8109  
Telephone 480-836-8302  
Email: [mgoldman@gzlawoffice.com](mailto:mgoldman@gzlawoffice.com)  
[rvanwyck@gzlawoffice.com](mailto:rvanwyck@gzlawoffice.com)  
Respondent's Counsel

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

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

**DENNIS I. WILENCHIK,  
Bar No. 005350,**

Respondent.

**PDJ 2015**

State Bar File No. **14-1116**

**AGREEMENT FOR DISCIPLINE BY  
CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Dennis I. Wilenchik, who is represented by Mark D. Goldman and Robert Van Wyck, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.<sup>1</sup> On November 14, 2014, the Attorney Discipline Probable Cause Committee ("ADPCC") considered the State Bar's Report of Investigation and recommendation for diversion. ADPCC declined to follow the bar's recommendation, implicitly declined to consider admonition and/or probation, and issued a probable cause order on November 24, 2014. A formal complaint has not been filed. For the

<sup>1</sup> All references herein to rules are to the Arizona Rules of the Supreme Court unless otherwise expressly stated.

reasons hereafter stated the parties agree that the proposed consent is appropriate even though it calls for discipline less severe than that envisioned by ADPCC.

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.

Pursuant to Rule 53(b)(3), notice of this agreement was provided to the complainant by letter and email on January 15, 2015. Complainant has 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. The State Bar will file any objection it receives (unless such an objection already is attached to this consent).

Respondent conditionally admits that his conduct as set forth below violated Rule 41(g), Professionalism. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Admonition with Probation for one year. The terms of probation are that Respondent shall contact the State Bar's Member Assistance Program ("MAP") probation monitor at 602-340-7258, within 20 days of the entry of the final judgment and order approving this consent. Respondent shall continue with his anger management treatment regimen with Dr. Grove with at least monthly office visits and submit monthly written reports of compliance to the probation monitor. Respondent shall also cooperate with the probation monitor and sign such information release authorizations as are necessary to enable the monitor to obtain copies of Dr. Grove's records of treating Respondent. Respondent shall bear the costs, if any, of producing Dr. Grove's

records to the monitor. The probation period will begin to run on the entry date of the final judgment and order approving this consent and will conclude one year from that date. Respondent shall be responsible for any costs associated with MAP.

### **NON-COMPLIANCE LANGUAGE**

If Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, the State Bar shall take action pursuant to Rule 60(a)(5). Bar counsel shall report material violations of the terms of probation to the presiding disciplinary judge by filing a notice of noncompliance with the disciplinary clerk and serving Respondent with a copy of the notice. The notice of noncompliance shall include a verification or separate affidavit upon personal knowledge stating sufficient facts to support the allegations of material violations of the terms of probation. Respondent shall have ten days after service of the notice to file a response. Upon filing the notice of noncompliance, the presiding disciplinary judge may i) issue an order declining to proceed with the notice; ii) issue an order setting the matter for status conference; or iii) issue an order setting a hearing within thirty (30) days to determine if the terms of probation have been violated and if an additional sanction should be imposed. In a probation violation hearing, the state bar must prove a violation by a preponderance of the evidence.

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding within 30 days from the entry date of the final judgment and order approving this consent, and if costs are not paid within the 30 days interest will

begin to accrue at the legal rate.<sup>2</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

## **FACTS**

### **COUNT ONE of ONE (File no. 14-1116/Dwight Watts)**

1. Respondent was licensed to practice law in Arizona on June 13, 1978.
2. Complainant owns a medical marijuana consulting business and alleged that a client, Apache Growth Management, LLC ("Apache") breached a contract to pay Complainant for his services. He consulted attorney Jerry Chesler but Mr. Chesler had a potential conflict of interest and referred Complainant to Respondent. Complainant contacted Respondent's assistant of 25 years, Lisa Loftis, and made an appointment to see Respondent.
3. Complainant alleged that Mr. Chesler told him that Respondent would not charge for an initial consultation. Mr. Chesler denies telling this to Complainant. Complainant alleged also that Ms. Loftis told him that Respondent would not charge for the initial consult because Complainant was a Jerry Chesler referral. Ms. Loftis denies telling this to Complainant. Respondent denies that he authorized anyone in his office to offer Complainant a free initial consultation.
4. In a written statement that Respondent furnished to the bar, Ms. Loftis stated:

The normal course of practice with prospective clients who "cold call" or are "referred" to the firm, are told that their initial consult will not be charged "if the firm cannot be of service to them." Mr. Wilenchik graciously gives his time to numerous people without charge who

---

<sup>2</sup> 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.

come into the office and meet with him on matters if he does not take on their case.

5. Complainant met with Respondent on February 7, 2014. Their stories diverge on what occurred. Complainant says that the meeting was brief and when it ended he told Respondent he would let him know if he wanted to retain Respondent to sue Apache. Respondent says that after a lengthy meeting Complainant told Respondent "in no uncertain terms" that he wanted Respondent to sue Apache. Per Respondent, they agreed to rates, a \$5,000 deposit, a fee agreement to be executed when prepared, that Complainant would furnish additional relevant documents, and that Complainant wanted Respondent to commence work as soon as possible.

6. Respondent assigned the case to an associate who began to work on it. On February 12, 2014, Ms. Loftis emailed to Complainant a fee agreement with instructions to return a signed copy along with \$5,000.00. On February 14 the associate spoke to Complainant who said he would come to Respondent's office on February 18 with his entire file, the signed fee agreement, and the "retainer." The associate emailed Respondent on February 14 with that update. Complainant did not appear on February 18 so the associate updated Respondent on February 20. Respondent told Ms. Loftis to call Complainant. She did, and he told her that he was close to settling with Apache but if he did not settle he would be in the office on February 21 with his file, fee agreement, and payment.

7. Complainant did not follow-up with Respondent so Respondent and Ms. Loftis followed up with Complainant by email in February and March, 2014. Complainant did not respond, so Ms. Loftis sent Complainant an invoice on April 3,

2014, for \$1,152.20. The invoice covered the initial consult and follow-up conferences, emails and phone calls, all occurring from February 7-14, 2014.

8. On April 4, 2014, from 6:53 a.m.-11:20 p.m., Complainant and Respondent exchanged dueling emails that grew increasingly insulting and off-color. Relevant excerpts are:

Complainant: "We r not paying this invoice."

Respondent: "apparently you must think I work for free-I don't any more than you do-we proceeded to work based on your moving forward and then you chose not to- . . . if this is how you do business then that's fine and you can live with yourself-but I don't have to-I guess I shd have had you sign an agreement when we first met but I don't do business that way and I actually try to trust people and take them at their word-obviously yours means nothing-which is probably why you are where you are."

Complainant: "Really! Yes you should have a signed fee agreement before you charge someone! Secondly I now have 2 dispensary grow contracts at 2 different locations. Total contract over a 5 year period totaling 78 million in projected revenue. So get off your high horse and stop putting people down before u have all the facts. Very unprofessional on your part."

Respondent: "Unprofessional on my part? You are a real piece of work-glad you are so rich that you have to stiff people. Be real proud."

Complainant: "I told jerry I would take care of you. Now u can fuck off!"

Respondent: "Fuck you you cheap asshole-wouldn't want your damn money anyway but you never had any intent to pay it anyway and you know it-wd much prefer to sue you for it. And don't write me again-the next time I see or talk to you will be in court you loser."

Complainant: "Bring it bitch!"

Respondent: "OK drug dealer-I look forward to the many nights and mornings when you think of my name and squeal-you mean nothing to me. Check out the movie Deliverance."

9. On April 7, 2014, Complainant called the police to make a threats report. He told the answering officer that Respondent said he "was going to do him like the movie Deliverance and . . . is in fear of his life and well-being. [Complainant] believes the attorney deals with and knows some 'bad people' and has connections." The officer told Complainant to forward the emails. Complainant did so on April 16; however, the police report states that as of April 21 the officer had not received them and "until the necessary evidence can be provided in this case, this report will be pended."

10. Bar counsel and the bar's investigator asked Complainant for supporting details and documents. After agreeing to do so, Complainant failed to provide bar counsel with the invoice Respondent sent him, and he told the investigator that he was too preoccupied with his business to provide a copy of the police report.

11. Respondent acknowledges that his emails to Complainant were intemperate and that he reacted inappropriately to Complainant's provocations.

### **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 his conduct violated Rule 41(g), Duties and Obligations of Members:

The duties and obligations of members shall be . . . (g) To avoid engaging in unprofessional conduct and to advance no fact prejudicial to the honor or reputation of a party or a witness unless required by the justice of the cause with which the member is charged.

## **RESTITUTION**

Restitution is not an issue in this matter.

## **SANCTION**

Respondent and the State Bar of Arizona agree that based on the relevant facts and circumstances the following sanctions are appropriate: Admonition and Probation for one year, as described above. 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 at 33, 35, 90 P.3d 764 at 770 (2004); *In re Rivkind*, 162 Ariz. 154 at 157, 791 P.2d 1037 at 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 duty violated**



Respondent's conduct violated his duties to his client, the public, and as a professional.

**The lawyer's mental state**

Respondent knowingly engaged in the above-described misconduct.

**The extent of the actual or potential injury**

The parties agree that there was little actual harm, and some potential harm, to Respondent's client, the public, and the legal profession.

The parties agree that *Standard* 5.14 applies. "Admonition is generally appropriate when a lawyer engages in any other conduct that reflects adversely on the lawyer's fitness to practice law."

**Aggravating and mitigating circumstances**

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

**In aggravation: *Standard* 9.22--**

(a) prior disciplinary offenses--2011, SBA no. 10-1942, Admonition, ER 8.2(a) and Rule 41(c) (false statements regarding a judge and failure to maintain respect due to courts and judicial officers);

(c) a pattern of misconduct; and

(i) substantial experience in the practice of law.

**In mitigation: *Standard* 9.32--**

(b) absence of a dishonest or selfish motive;

(c) personal or emotional problems—in the autumn of 2014 Respondent initiated treatment with Dr. Gary Grove, M.D., a board certified psychiatrist, for angry outbursts and irritability which created

conflicts in Respondent's work. Dr. Grove is treating Respondent with medication and psychotherapy;

(e) full and free disclosure to a disciplinary board or cooperative attitude toward proceedings;

(g) character or reputation; and

(l) remorse—as an indication of his remorse, Respondent has sought and obtained psychiatric care and he also voluntarily attended the State Bar's CLE program, "Practicing With Porcupines."

### **Discussion**

The parties conditionally agree that upon application of the aggravating and mitigating factors probation should be added to the presumptive sanction of admonition. Respondent was admonished in 2011 for misconduct that violated different rules but which emanated from his similarly overheated response to a provocation. That history and pattern of misconduct suggests that reprimand would be a more appropriate sanction in this case. Conversely, Respondent has engaged in sincere introspection and is getting professional help to address the impulsive behavior that twice has resulted in discipline.

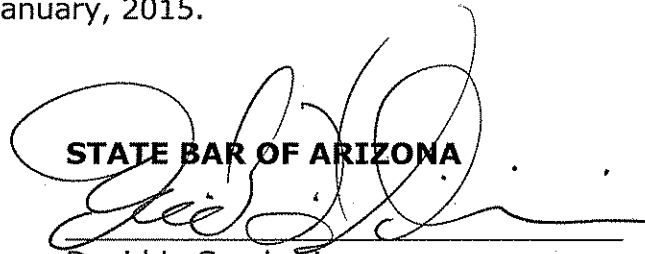
The objectives of lawyer discipline are not to punish a lawyer but, rather, to protect the public, the profession, and the administration of justice; deter similar conduct among other lawyers; preserve public confidence in the integrity of the bar; foster confidence in the legal profession and the self-regulatory process; and (significantly to this case) assist, if possible, in the rehabilitation of an errant lawyer. *In re Peasley*, 208 Ariz. 27, 90 P.3d 764 (2004); *In re Scholl*, 200 Ariz. 222, 25 P.3d 710 (2001); *In re Walker*, 200 Ariz. 155, 24 P.3d 602 (2001); *In re Rivkind*, 164 Ariz. 154, 791 P.2d 1037 (1990); *In re Hoover*, 161 Ariz. 529, 779 P.2d 1268 (1989); and *In re*

*Neville*, 147 Ariz. 106, 708 P.2d 1297 (1985). The proposed sanction strikes a fair balance between and serves those objectives.

**CONCLUSION**

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 Admonition with Probation and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

**DATED** this 23<sup>rd</sup> day of January, 2015.

**STATE BAR OF ARIZONA**  
  
David L. Sandweiss  
Senior Bar Counsel

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

**DATED** this \_\_\_\_\_ day of January, 2015.

\_\_\_\_\_  
Dennis I. Wilenchik  
Respondent

**DATED** this \_\_\_\_\_ day of January, 2015.

Goldman & Zwilling PLLC

objectives of discipline will be met by the imposition of the proposed sanction of Admonition with Probation and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

**DATED** this \_\_\_\_\_ day of January, 2015.

**STATE BAR OF ARIZONA**

\_\_\_\_\_  
David L. Sandweiss  
Senior Bar Counsel


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

**DATED** this \_\_\_\_\_ day of January, 2015.


\_\_\_\_\_  
Dennis I. Wilenchik  
Respondent

**DATED** this 31<sup>st</sup> day of January, 2015.

Goldman & Zwillinger PLLC

  
\_\_\_\_\_  
Mark D. Goldman  
Robert Van Wyck  
Counsel for Respondent

Approved as to form and content

  
\_\_\_\_\_  
Maret Vessella  
Chief Bar Counsel

*Neville*, 147 Ariz. 106, 708 P.2d 1297 (1985). The proposed sanction strikes a fair balance between and serves those objectives.

**CONCLUSION**

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 Admonition with Probation and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

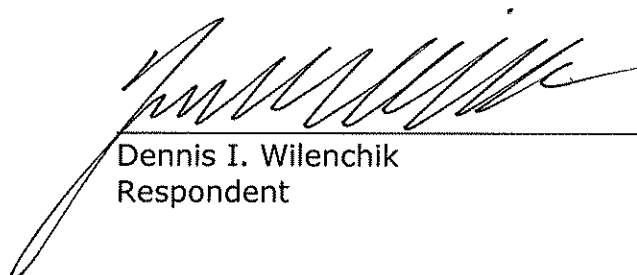
**DATED** this \_\_\_\_\_ day of January, 2015.

**STATE BAR OF ARIZONA**

\_\_\_\_\_  
David L. Sandweiss  
Senior Bar Counsel

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

**DATED** this 19<sup>th</sup> day of January, 2015.

  
\_\_\_\_\_  
Dennis I. Wilenchik  
Respondent

**DATED** this \_\_\_\_\_ day of January, 2015.

Goldman & Zwillinger PLLC

---

Mark D. Goldman  
Robert Van Wyck  
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 23rd day of January, 2015.

Copies of the foregoing mailed/emailed  
this 23rd day of January, 2015:

Mark D. Goldman  
Robert Van Wyck  
Goldman & Zwillinger PLLC  
7047 E. Greenway Pkwy., Ste. 150  
Scottsdale, AZ 85254-8109  
[mgoldman@gzlawoffice.com](mailto:mgoldman@gzlawoffice.com)  
[rvanwyck@gzlawoffice.com](mailto:rvanwyck@gzlawoffice.com)  
Respondent's Counsel

Copy of the foregoing emailed  
this 23rd day of January, 2015, to:

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

Copy of the foregoing hand-delivered  
this 23rd day of January, 2015, to:

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

by: Jackie Dorender  
DLS:jld

**EXHIBIT A**



**Statement of Costs and Expenses**

In the Matter of a Current Member of the State Bar of Arizona,  
Dennis I. Wilenchik, Bar No. 005350, Respondent

File No. 14-1116

**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**

|  |   |                    |
|--|---|--------------------|
| 08/14/14                                 | Travel to Phx. P.D. to pick up report no. 14-59082, per Complainant. Was told no such report exists   | \$ 5.60            |
| 08/28/14                                 | Travel to Phx. P.D. to pick up report no. 14-00590862, per new information from Complainant, and Admin. Clerk Jennifer's research. Was told report must be reviewed by the assigned detective before it can be released | \$ 5.60            |
| 09/11/14                                 | Travel to Phx. P.D. to pick up the report   | \$ 5.60            |
| Total for staff investigator charges     |   | \$ 16.80           |
| <b>TOTAL COSTS AND EXPENSES INCURRED</b> |   | <b>\$ 1,216.80</b> |

  
**Sandra E. Montoya**  
**Lawyer Regulation Records Manager**

1.21.15  
**Date**

**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 MEMBER OF  
THE STATE BAR OF ARIZONA,**

**Dennis I. Wilenchik,  
Bar No. 005350,**

Respondent.

**PDJ**

**FINAL JUDGMENT AND ORDER**

State Bar No. 14-1116

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, **Dennis I. Wilenchik**, is hereby admonished 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 one year. Respondent shall contact the State Bar's Member Assistance Program ("MAP") probation monitor at 602-340-7258, within 20 days of the entry of this final judgment and order approving this consent. Respondent shall continue with his anger management treatment regimen with Dr. Grove with at least monthly office visits and submit monthly written reports of compliance to the probation monitor. Respondent shall cooperate with the probation monitor and sign such information release authorizations as are necessary to enable the monitor to

obtain copies of Dr. Grove's records of treating Respondent. Respondent shall bear the costs of producing Dr. Grove's records to the monitor. The probation period will begin on the entry date of this final judgment and order and conclude one year from that date. Respondent is responsible for any costs associated with MAP.

### **NON-COMPLIANCE LANGUAGE**

If Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, the State Bar shall take action pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. Bar counsel shall report material violations of the terms of probation to the presiding disciplinary judge by filing a notice of noncompliance with the disciplinary clerk and serving Respondent with a copy of the notice. The notice of noncompliance shall include a verification or separate affidavit upon personal knowledge stating sufficient facts to support the allegations of material violations of the terms of probation. Respondent shall have ten days after service of the notice to file a response. Upon filing the notice of noncompliance, the presiding disciplinary judge may i) issue an order declining to proceed with the notice; ii) issue an order setting the matter for status conference; or iii) issue an order setting a hearing within thirty (30) days to determine if the terms of probation have been violated and if an additional sanction should be imposed. In a probation violation hearing, the state bar must prove a violation 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 \$ \_\_\_\_\_, within 30 days from the date of service of this Order.

**DATED** this \_\_\_\_\_ day of January, 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 January, 2015.

Copies of the foregoing mailed/mailed  
this \_\_\_\_\_ day of January, 2015, to:

Mark D. Goldman  
Robert Van Wyck  
Goldman & Zwillinger PLLC  
7047 E. Greenway Pkwy., Ste. 150  
Scottsdale, AZ 85254-8109  
[mgoldman@gzlawoffice.com](mailto:mgoldman@gzlawoffice.com)  
[rvanwyck@gzlawoffice.com](mailto:rvanwyck@gzlawoffice.com)  
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered  
this \_\_\_\_\_ day of January, 2015, to:

David L. Sandweiss  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Copy of the foregoing hand-delivered  
this \_\_\_\_\_ day of January, 2015, to:

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100

Phoenix, Arizona 85016-6266

by: \_\_\_\_\_