

In the Matter of Garvey M. Biggers, Bar No. 009932, PDJ-2011-9034 filed November 8, 2011. *Attorney Suspended and probation and costs imposed.*

Pursuant to Rule 57(a)(4)(A), Ariz.R.Sup.Ct., the PDJ approved the Agreement for Discipline by Consent submitted by the parties and suspended Garvey M. Biggers for six months . Upon reinstatement, Respondent will also be placed on probation for one year. Respondent was also assessed the costs and expenses of the disciplinary proceedings.

Respondent made loans to another lawyer's clients and advanced funds from his client trust account on behalf of people who he did not represent and on whose behalf he held no money. He commingled his funds with his client's funds when he improperly retained his attorney's fees in the trust account and when he deposited his paychecks into the trust account. From about October 2000 through May 2007, Respondent used his client trust account as a personal account, regularly depositing personal funds, disbursing for personal expenses, and taking cash withdrawals. Respondent took these actions to protect against random, unnoticed IRS levy attempts upon his personal bank account.

Aggravating factors: selfish motive with regard to the use of the trust account, multiple offenses, and substantial experience in the practice of law.

Mitigating factors: absence of prior discipline and absence of selfish motive.

Respondent violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.8(e) 1.15(a) and (b), 8.4(a) Rule 43(a), and former Rule 44(a).