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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**STACY E. SCHEFF,
Bar No. 028364,**

Respondent.

PDJ 2021- 9039

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar File Nos. 20-1833 and 20-
2315

The State Bar of Arizona, and Respondent Stacy E. Scheff who is represented in this matter by counsel, Ralph W. Adams, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.

Probable Cause Orders have not been entered in this matter.

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), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainants by e-mail on May 17, 2021. Both Complainants 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. Copies of Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that her conduct, as set forth below, violated:

Count 1: Rule 42, Ariz. R. Sup. Ct., ERs 3.1, 8.4(a)/4.2 and 8.4(d); and

Count 2: Rule 42, Ariz. R. Sup. Ct., ER 8.4(b).

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: **Reprimand with Six Months of Probation**, the terms of which are set in Sanctions below.

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. 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 January 27, 2011.

COUNT ONE (File No. 20-1833/Laber)

2. Respondent went to high school with Yvette Scott.

3. Franklin was shot during a robbery, leaving him blind and confined to a wheelchair with cognitive issues. Yvette was Franklin's caregiver and the two were allegedly engaged.

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.

4. On January 2, 2020, Arizona attorney Ana Perez's law firm told Yvette to leave Franklin's home due to an Adult Protective Services investigation regarding Yvette.

5. At this point, Respondent represented Yvette and Complainant represented Franklin. Perez was also appointed as Franklin's agent through a power of attorney.

6. Respondent states that she wanted to obtain the pertinent APS records but needed Franklin to execute a written release. To that end, Respondent e-mailed Perez's office on February 7, 2020 requesting the release but was informed on February 12, 2020 that Franklin refused to sign the release.

7. On February 13, 2020, Respondent responded asking if Franklin will speak with her.

8. On February 18, 2020, Respondent again e-mailed Perez's office requesting that Perez "[p]lease arrange for a time when I can speak to Franklin in person ASAP."

9. The office immediately responded that "[a]t this time, Franklin is not interested in speaking with you."

10. On February 19, 2020, Perez e-mailed Respondent again stating, in pertinent part, “[a]s previously stated, Franklin is not interested in speaking with you, nor are you entitled to speak with him directly since he is represented by counsel. Needless to say, Franklin will not be providing a written statement to explain his reasons for not wanting to speak with you.”

11. On February 25, 2020, a Pima County form pleading entitled “Petition for Temporary Appointment of Guardian Conservator” was filed initiating the Pima County Superior Court case of *In the Matter of Franklin Over*, GC2020-0107.

12. The Petition identifies the filing party as “Yvette Scott” representing “[s]elf, without a Lawyer” and is signed solely by Yvette but contains Respondent’s address, phone number, e-mail address and bar number as the contact information of record.

13. A separate form affidavit signed by Yvette was contemporaneously filed with the Petition. The affidavit also identified Respondent’s address, phone number, e-mail address and bar number as the contact information of record.

14. The Petition also attached the above-referenced e-mails and a letter signed by Respondent on her firm’s letterhead chronicling Respondent’s

discussions with Perez and stating “I went to the property, but it was abandoned. I went to The Forum, where (Franklin’s) mother is housed, but he was not there. Having no information from (Franklin) directly, and not knowing where he is, or if he is ok, (Yvette) and I ask the Court to appoint (Yvette) Temporary Guardian so that she can ascertain his whereabouts and well-being.”

15. The Clerk of Court mistakenly issued an order appointing counsel, a court-appointed investigator and doctor.

16. On February 27, 2020, Complainant, unaware that the Petition had been filed, sent Respondent a letter stating, in pertinent part, that his firm was retained by Franklin for the expressed purpose of opposing any petition for guardianship/conservatorship. The letter also explained that Yvette is not eligible to be appointed as guardian or conservator because Yvette is not an interested person as defined by A.R.S. § 14-1201(33) and informed Respondent that Franklin already has an agent under a valid power of attorney who has priority over all others. Finally, the letter suggests that Respondent review A.R.S. § 14-1105(B) as it allow for the recovery of attorney’s fees and costs against Yvette if his client prevails.

17. After learning that the Petition had been filed, Complainant filed an Objection/Motion for Immediate Dismissal and Motion for Attorney's Fees and Costs.

18. On February 28, 2020, Respondent became Yvette's attorney of record by filing a pleading entitled "Petitioner's Response to Objection" arguing that Yvette was Franklin's *de facto* guardian for four years, Respondent only cited the definition of "interested person" as defined by A.R.S. § 14-1201(33). Respondent failed to provide any statutory authority or caselaw supporting their requested relief.

19. On March 2, 2020, Complainant filed a Motion to Strike the "response" as Rule 15(g), Ariz. R. Pro. Proc. only allows a "reply" to be filed with permission of the Court ["Unless the court directs otherwise, a party may not file a reply to a response, joinder, or statement of no position."]

20. On March 3, 2020, the Court issued a ruling striking the order appointing counsel, the court investigator and doctor.

21. On March 30, 2020, the Court issued a ruling:

- a. Denying the Motion to Strike, finding that the objection contained combined motions thereby allowing a "response";

b. Granting the Motion to Dismiss, finding that Yvette's *de facto* guardian argument does not qualify her as an "interested party" as required by statute and that the response failed to provide a challenge to the validity of the existing power of attorney or the priority position provided by that power of attorney; and

c. Granting attorneys' fees and costs against Yvette.

22. On April 24, 2020, the Court filed a formal judgment in favor of Franklin and against Yvette for attorneys' fees and costs in the amount of \$2404.00.

23. In or around August 2020, Respondent and Yvette contacted Franklin's friend, Cindy Laughlin, to go to Franklin's home and request that he talk to or see Yvette.

24. In her response to the State Bar investigation, Respondent states that when Cindy indicated that she would not, "they decided that Respondent would go see him."

25. On Sunday, August 2, 2020, Respondent went to Franklin's house without consulting Complainant or obtaining their consent.

26. Home Care Assistance caregiver, Shila Carrigg, answered the door and was informed that Respondent had a bag of groceries for Franklin.

27. As Carrigg was unaware of who Respondent was or her relationship with Franklin, she informed Respondent that she could not see Franklin and that she should call his attorney's office to schedule an appointment.

28. By sworn affidavit, Carrigg states that Respondent responded "I know that if I call the office, they are not going to let me see him because of who I am. I am Yvette's attorney."

29. Carrigg went inside to write down Complainant's contact information and returned shortly thereafter. Upon her return, Respondent yelled into the house "Franklin, it's Stacy, I hope you are ok, I just want you to know I am here."

COUNT TWO (File No. 20-2315/Graeme)

30. On or about May 5, 2020, Complainant contacted the Pima County Sheriff's Office to report that he had videotape of a woman (later identified as Respondent) tear down his No Trespassing sign in order to walk her dog in an adjacent wash.

31. After replacing the No Trespassing sign later that day, Complainant again videotaped Respondent tear down the second sign.

32. Complainant purchased the signs on April 19, 2020 for \$28.64.

33. When Respondent saw Complainant's security camera, she took the camera and left the scene in her car.

34. Complainant also provided multiple videos of Respondent using Complainant's trash can when walking her dog in the wash.

35. On May 8, 2020, Respondent returned to area and Complainant confronted her about stealing his camera.

36. Complainant called the police and recovered the camera from Respondent later.

37. Respondent was charged with one count of Theft – Control Property, a class one misdemeanor, in the Pima County Consolidated Justice Court case of *State v. Stacy E. Scheff*, CR20-005912. The case has been recently resolved by informal diversion agreement requiring, among other things, that Respondent complete 15 sessions of counseling.

38. In her written response to the State Bar, Respondent admits to walking her dog in the wash and taking the camera.

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 she violated:

Count 1: Rule 42, Ariz. R. Sup. Ct., ERs 3.1, 8.4(a)/4.2 and 8.4(d); and

Count 2: Rule 42, Ariz. R. Sup. Ct., ER 8.4(b).

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: **Reprimand with Six Months Probation,**

The terms of probation shall consist of:

1. **LRO MAP/Counseling Records Review**: Respondent shall provide the State Bar Compliance Monitor [(602) 340-7258], within 10 days from the date of service of this Order, proof of completion of any and all

counseling sessions conducted as part of the Pima County Diversion Program. The Compliance Monitor shall develop terms and conditions of continued counseling if the records so indicate as necessary and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation in the MAP program, if applicable.

2. **CLE:** In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program(s):

“The Ethics of Transactions with Non-Clients In-Depth”

within 90 days from the date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

3. **RESTITUTION:** Respondent shall pay restitution of \$28.64 to Paul Graeme within 90 days from the date of service of this Order.

Respondent shall contact the State Bar Compliance Monitor at 602-340-7258, to provide proof of timely payment of restitution.

Respondent shall commit no further violations of the Rules of Professional Conduct.

NON-COMPLIANCE WITH PROBATION

If Respondent fails to comply with any of the foregoing probation terms and the State Bar of Arizona receives information thereof, 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 Respondent breached a term of probation and, if so, to recommend an appropriate sanction. If the State Bar alleges 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.

If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

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 determining an appropriate sanction the Court considers 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. *Standard* 3.0.

The parties agree that the following *Standards are the appropriate Standards* given the facts and circumstances of this matter:

Rule 42, Ariz. R. Sup. Ct., ER 3.1 and 8.4(d):

Standard 6.23

Reprimand is generally appropriate when a lawyer negligently fails to comply with 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.

Rule 42, Ariz. R. Sup. Ct., ER 4.2:

Standard 6.33

Reprimand is generally appropriate when a lawyer is negligent in determining whether it is proper to engage in communication with an individual in the legal system and causes serious or potentially serious injury to a party or potentially significant interference with the outcome of the legal proceeding.

Rule 42, Ariz. R. Sup. Ct., ER 8.4(b):

Standard 5.13

Reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice.

The duty violated

Respondent's conduct violated her duty to the profession and the public.

The lawyer's mental state

Respondent knowingly filed meritless pleadings and attempted to communicate with a party known to be represented (Count 1) and knowingly took the property of another without authority (Count 2) in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

There was actual harm to the profession and the public.

Aggravating and mitigating circumstances

The presumptive sanction is Reprimand with Six Months of Probation. The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation:

- a) 9.22(b) dishonest or selfish motive.

In mitigation:

- a) 9.32(a) absence of a prior disciplinary record.

Discussion

The parties conditionally agree that upon application of the aggravating and mitigating factors the presumptive sanction is appropriate. The parties further conditionally agree that a greater or lesser sanction is not appropriate.

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. In re *Peasley*, 208 Ariz. 27

(2004). 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 with Probation and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

DATED this 18th day of May 2021.

STATE BAR OF ARIZONA

/s/Craig D. Henley

Craig D. Henley
Senior Bar Counsel

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

DATED this _____ day of May, 2021.

Stacy E. Scheff
Respondent

DATED this _____ day of May, 2021.

Ralph W. Adams
Counsel for Respondent

(2004). 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 with Probation and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

DATED this _____ day of May 2021.

STATE BAR OF ARIZONA

Craig D. Henley
Senior Bar Counsel

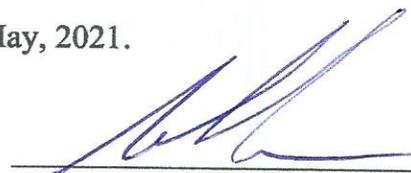
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 18th day of May, 2021.



Stacy E. Scheff
Respondent

DATED this 18th day of May, 2021.



Ralph W. Adams
Counsel for Respondent

Approved as to form and content

/s/Maret Vessella

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 18th day of May, 2021.

Copy of the foregoing emailed
this 18th day of May, 2021, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 18th day of May, 2021, to:

Ralph W. Adams
Adams & Clark PC
1650 North First Avenue
Phoenix, AZ 85003-1124
Email: ralph@adamsclark.com
Respondent's Counsel

Copy of the foregoing hand-delivered this 18th day of May, 2021, to:

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

by: /s/ Jackie Brokaw
CDH/jlb

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Stacy E. Scheff, Bar No. 028364, Respondent

File Nos. 20-1833 & 20-2315

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.

Additional Costs

Total for additional costs \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$ 1,200.00

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**STACY E. SCHEFF,
Bar No. 028364,**

PDJ

**FINAL JUDGMENT AND
ORDER**

State Bar File Nos. 20-1833 and 20-
2315

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

Accordingly:

IT IS ORDERED that Respondent, Stacy E. Scheff, is reprimanded for her 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 six months. The terms of probation are:

- a) **LRO MAP/Counseling Records Review:** Respondent shall provide the State Bar Compliance Monitor [(602) 340-7258], within 10 days

from the date of service of this Order, proof of completion of any and all counseling sessions conducted as part of the Pima County Diversion Program. The Compliance Monitor shall develop terms and conditions of continued counseling if the records so indicate as necessary and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation in the MAP program, if applicable.

- b) **CLE:** In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program(s):

“The Ethics of Transactions with Non-Clients In-Depth”

within 90 days from the date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

c) **RESTITUTION:** Respondent shall pay restitution of \$28.64 to Paul Graeme within 90 days from the date of service of this Order. Respondent shall contact the State Bar Compliance Monitor at 602-340-7258, to provide proof of timely payment of restitution.

Respondent shall commit no further violations of the Rules of Professional Conduct.

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 May, 2021.

Margaret H. Downie, 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 May, 2021.

Copies of the foregoing mailed/mailed
this _____ day of May, 2021, to:

Ralph W. Adams
Adams & Clark PC
1650 North First Avenue
Phoenix, AZ 85003-1124
Email: ralph@adamsclark.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this ____ day of May, 2021, to:

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

Copy of the foregoing hand-delivered
this ____ day of May, 2021 to:

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

by:_____

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

STACY E. SCHEFF,
Bar No. 028364

Respondent.

PDJ 2021-9039

**DECISION ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar Nos. 20-1833, 20-2315]

FILED JUNE 17, 2021

Pursuant to Rule 57(a), Ariz. R. Sup. Ct., an Agreement for Discipline by Consent was filed on May 18, 2021. A Probable Cause Order has not issued, and no formal complaint has been filed. The State Bar of Arizona is represented by Craig D. Henley. Respondent Stacy Scheff is represented by Ralph W. Adams.

Contingent on approval of the proposed form of discipline, Ms. Scheff has voluntarily waived the right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. Pursuant to Rule 53(b)(3), notice of the consent agreement was sent to the complainants by email on May 17, 2021. The complainant in Count Two filed an objection stating that disbarment is the appropriate sanction because Ms. Scheff's conduct demonstrates "immoral turpitude."

“Lawyer discipline serves two main purposes: (1) to protect the public and the courts and (2) to deter the attorney and others from engaging in the same or similar misconduct.” *In re Zawada*, 208 Ariz. 232, 236 (2004). Additionally, our supreme court views discipline “as assisting, if possible, in the rehabilitation of an errant lawyer.” *In re Scholl*, 200 Ariz. 222, 224 (2001). The objective is not to punish the offender. *Id.*

The Agreement details a factual basis to support the conditional admissions and is incorporated by reference. *See* Rule 57(a)(4). Ms. Scheff admits that she violated Rule 42, ER 3.1(meritorious claims and contentions), ER 4.2 (communication with person represented by counsel), ER 8.4(b) (committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness), and ER 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentations). As a sanction, the parties agree to a reprimand and six months of probation (counseling monitored by the State Bar’s Member Assistance Program and continuing legal education), restitution in the amount of \$28.64 to Paul Graeme, and the payment of costs in the sum of \$1,200.00 within 30 days of the date of service of the final judgment and order.

In Count One, Ms. Scheff represented a client in a guardianship/conservator matter. She conditionally admits that she filed meritless pleadings and attempted to communicate directly with a represented party. In Count Two, Ms. Scheff admits that in 2020, she was charged with one count of Theft-Control Property, a class one

misdemeanor, which resulted in an agreement for informal diversion, including the completion of 15 counseling sessions. Ms. Scheff further conditionally admits her conduct caused actual harm to the profession and the public.

The presumptive sanction is a reprimand under § 6.23, 6.33 and 5.13 of the ABA *Standards for Imposing Lawyer Sanctions* (“ABA Standards”). The parties stipulate to the existence of aggravating factor 9.22(b) (selfish or dishonest motive). The parties further stipulate to the existence of mitigating factor 9.32(a) (absence of a prior disciplinary record).

IT IS ORDERED accepting the Agreement for Discipline by Consent. A final judgment and order is signed this date.

DATED this 17th day of June 2021.

Margaret H. Downie

Margaret H. Downie
Presiding Disciplinary Judge

COPY of the foregoing e-mailed
on this 17th day of June 2021 to:

Craig D. Henley
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6288
Email: LRO@staff.azbar.org

Ralph W. Adams
Adams & Clark PC
1650 North First Avenue
Phoenix AZ 85003-1124
Email: ralph@adamsclark.com
Respondent’s Counsel

by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

STACY E. SCHEFF,
Bar No. 028364

Respondent.

PDJ 2021-9039

FINAL JUDGMENT AND ORDER

State Bar File Nos. 20-1833, 20-2315

FILED JUNE 17, 2021

The Presiding Disciplinary Judge accepted the parties' Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.

Accordingly:

IT IS ORDERED that Respondent, **STACY E. SCHEFF, Bar No. 028364**, is reprimanded for her 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 six months with the following terms and conditions:

a) **LRO Member Assistance Program (MAP)/Counseling Records**

Review: Respondent shall provide the State Bar Compliance Monitor [(602) 340-7258], within 10 days from the date of service of this order, proof of completion of any and all counseling sessions conducted as

part of the Pima County Diversion Program. The Compliance Monitor shall develop terms and conditions of continued counseling if the records so indicate as necessary and the terms, including reporting requirements, shall be incorporated herein. Respondent shall be responsible for any costs associated with participation in the MAP program, if applicable.

- b) **Continuing Legal Education (CLE):** In addition to annual MCLE requirements, Respondent shall complete the following CLE program(s):

“The Ethics of Transactions with Non-Clients In-Depth”

within 90 days from the date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

- c) **RESTITUTION:** Respondent shall pay restitution in the amount of \$28.64 to Paul Graeme within 90 days from the date of service of this

order. Respondent shall contact the State Bar Compliance Monitor at 602-340-7258, to provide proof of timely payment of restitution.

Respondent shall commit no further violations of the Rules of Professional Conduct.

IT IS FURTHER ORDERED that Respondent shall 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 Office of Presiding Disciplinary Judge in these proceedings.

DATED this 17th day of June, 2021.

Margaret H. Downie

Margaret H. Downie

Presiding Disciplinary Judge

Copies of the foregoing emailed
this 17th day of June, 2021, to:

Ralph W. Adams
Adams & Clark PC
1650 North First Avenue
Phoenix, AZ 85003-1124
Email: ralph@adamsclark.com
Respondent's Counsel

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

by: SHunt