

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**JAMES J. SCHOLLIAN,
Bar No. 022015**

Respondent.

PDJ 2014-9107

[State Bar File Nos. 14-0509, 14-1357,
and 14-2034]

FINAL JUDGMENT AND ORDER

FILED MAY 8, 2015

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

IT IS HEREBY ORDERED Respondent, **James J. Schollian**, is hereby suspended for four (4) years. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 60 days from the date of this order.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two (2) years with terms and conditions to be determined during reinstatement proceedings.

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

NON-COMPLIANCE LANGUAGE

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, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$2,582.76, within 60 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 8th day of May, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

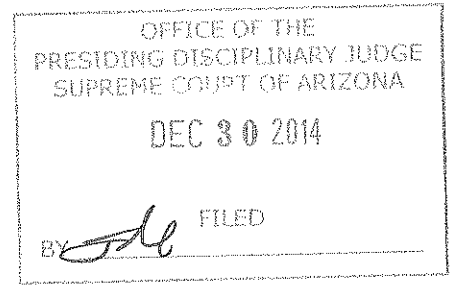
Copies of the foregoing mailed/emailed
this 8th day of May, 2015.

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

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

**JAMES J. SCHOLLIAN,
Bar No. 022015,**

Respondent.

PDJ 2014-9107

[State Bar File Nos. 14-0509, 14-1357, 14-2034]

COMPLAINT

Complaint is made against Respondent as follows:

GENERAL ALLEGATIONS

1. At all relevant times, Respondent was an Arizona lawyer. Respondent was admitted to practice in Arizona on October 22, 2002.

COUNT ONE (File no. 14-0509/Judicial Referral)

2. Mr. and Mrs. White were involved in a pre-decree marriage dissolution case that was commenced by Mrs. White on December 12, 2011.

3. Respondent first appeared in the case on March 5, 2013, on behalf of Mr. White, two days before the dissolution trial was to start.

4. Respondent filed a substitution of counsel, but neither he nor Mr. White signed it in violation of Rule 9(A)(2), Arizona Rules of Family Law Procedure (Family Rules).

5. The substitution of counsel also did not contain the affirmation that Respondent "will be prepared for trial" in violation of Family Rule 9(A)(2)(c)(1).

6. On March 6, 2013, Respondent filed a motion requesting that three witnesses be allowed to appear telephonically at the trial, in violation of Family Rule 9(D), which requires that a motion for telephonic appearance of a witness be filed at least 30 days prior to trial.

7. On March 7, 2013, Judge Polk met in chambers with opposing counsel Frances S. McGinnis (Ms. McGinnis) and Respondent to discuss, among other things, the untimely request for telephonic appearance of witnesses, untimely disclosure issues, and the court appointed evaluator's report. Judge Polk then continued the trial to May 14, 2013. Judge Polk later reset the trial for October 15, 2013.

8. On October 9, 2013, Respondent contacted Judge Polk's judicial assistant and falsely told her that his mother had passed away in Maryland and he would be filing a motion to continue the trial. Upon information and belief, Respondent's mother, Doris Marie Schollian, died in Glen Burnie, Maryland on October 11, 2011.

9. Later on October 9, 2013, Judge Polk's division received a faxed document from Respondent entitled *Motion to Continue October 15, 2013, Trial, 2013 Trial* [sic] (the "Motion to Continue"). Respondent falsely stated in the motion that he needed to travel to Maryland to attend his mother's funeral and memorial service, and to conduct any necessary family business.

10. Respondent never filed the Motion to Continue with the Clerk of the Court in violation of Family Rules 43(D)(1) and 43(E).

11. On October 11, 2013, Ms. McGinnis filed an objection to the Motion to Continue, questioning the veracity of Respondent's assertion that his mother had passed away.

12. On October 22, 2013, Judge Polk continued the trial and set a status conference for November 20, 2013. In the minute entry, Judge Polk ordered Respondent to bring "proof of his mother's passing in the form of either a death certificate or an obituary," to the status conference.

13. Respondent failed to personally appear for the November 20, 2013, status conference. Judge Polk allowed Respondent to participate by telephone.

14. After the November 20, 2013, teleconference, Judge Polk's bailiff called Respondent and asked when he would be submitting proof of his mother's death as required by the October 22, 2013, minute entry. Respondent falsely told the bailiff he would fax a copy of "the program."

15. At approximately 2:30 p.m. on November 22, 2013, the bailiff called Respondent and asked for his mother's name so the bailiff could attempt to verify the death. Respondent, who said he was driving, told the bailiff he would go to his office and call with the requested information. Respondent did not call or provide the information.

16. On Monday, November 25, 2013, Judge Polk's judicial assistant discovered that beginning at approximately 6:40 p.m. on Friday November 22, 2013, Respondent left two lengthy, rambling voice messages. In one of the *ex parte* messages, Respondent discussed the merits of the case, specifically issues relating to his client Mr. White.

17. On November 27, 2013, Judge Polk again ordered Respondent to provide documentation corroborating his assertions regarding his mother's death no later than 4:30 p.m. on December 4, 2013.

18. At 7:36 p.m. on December 4, 2013, Respondent sent the judicial assistant an email. He failed to copy Ms. McGinnis and failed to file a copy of the email with the clerk of the court, in violation of Family Rules 43(C)(1) and 43(C)(3) and in violation of ER 3.5(b), Ariz.R.Sup.Ct.

19. One of the attachments to the email was a letter addressed to the judicial assistant. The letter contradicted earlier statements to the court regarding his mother's death and states in part:

On about October 4, 2013, a close relative of mine passed away. Do [sic] to a life long [sic] and close nature of my relationship with my relative, I chose to go to Maryland and Pennsylvania during the period of October 10-15, 2013. [...]

My relative who passed away was Mildred Cullum. Mildred Cullum, to the best of my knowledge was born in Chihuahua, Mexico, in 1935 in a Mennonite Colony;

Mildred Cullum died on or about October 4, 2013 in Lancaster County, Pennsylvania. I am not certain of the exact date of her death;

Mildred Cullum raised me from 1964-1976. I have always referred to her as my mother, although she is not my biological mother;

I do not know where Mildred Cullum is buried. Mildred Cullum was Amish and to the best of my knowledge was buried in the Amish tradition. Inasmuch as I am not Amish, I am not permitted to visit her gravesite; [...]

20. Judge Polk set a show cause hearing re: contempt for January 10, 2014, and ordered Respondent to personally appear.

21. Respondent was also ordered to produce a copy of the receipt/invoice for the airline tickets for the trip that would show when the flights were booked and paid for.

22. During the January 10, 2014, show cause hearing, the "facts" relating to the mother/relatives death, changed again. Respondent testified that:

- a. Ms. Cullum was not related to Respondent;
- b. Respondent talked to Ms. Cullum once a year and visited her once a year;
- c. no one contacted Respondent to tell him that Ms. Cullum had passed away;
- d. Respondent's family did not appreciate his association with Ms. Cullum.

23. After the show cause hearing, the court found, beyond a reasonable doubt, that Respondent had made material misrepresentations of fact and held Respondent in criminal contempt of court. As a sanction, Judge Polk ordered Respondent to pay Mrs. White's reasonable attorney fees, to not charge Mr. White any fees, and to refund Mr. White any fees he had already paid Respondent. As of December 18, 2014, Respondent has not provided Mr. White with a refund.

24. Respondent was ordered to file a document signed by Mr. White, before a notary public, acknowledging that Mr. White received a copy of the January 10, 2014, minute entry. Respondent never filed the required document.

25. On February 11, 2014, Judge Polk referred this matter to the State Bar.

26. On March 26, 2014, Respondent responded to the charges contained in Judge Polk's referral. In his response to the State Bar, another version of the "facts" emerged:

- a. Mildred Cullum was an individual Respondent had known throughout his life. She provided him comfort and guidance from the time he was a child until the time of her death;
- b. Ms. Cullum was not Respondent's natural mother, but he did refer to her as his mom and called her mom for about 35 years;

- c. Respondent never told his family, including his own children, about his relationship with Ms. Cullum;
- d. Ms. Cullum contacted Respondent in August and September 2013. After these contacts, Respondent says it became clear to him that Ms. Cullum was extremely ill and might be at the end of her life.

27. On June 27, 2014, the State Bar deposed Respondent. Respondent again offered a different version of the "facts":

- a. Respondent was born in 1961. From approximately 1968 until 1973, Respondent lived in Dallas Texas, and San Diego California;
- b. Respondent knew Mildred Cullum for years, since he was about six years old;
- c. Ms. Cullum was Amish and he was interested in her because she was an exploited person;
- d. Respondent would meet Ms. Cullum at different fairs, mostly in Hanover, Westminster, and Birds Pie Counties;
- e. Ms. Cullum was in servitude to the Amish. She was born in Mexico, was not a US citizen, and because she would not marry, her father sold her contract to the Amish in Maryland; and
- f. when Respondent "was a kid" he tried to get Ms. Cullum to leave the Amish.

28. Respondent's conduct in this count violated Rule 42, ERs 3.3(a)(1) and (3), 3.4(c), 3.5(b), 4.1(a), 8.4(c), 8.4(d), and Rule 54(c), Ariz.R.Sup.Ct.

COUNT TWO (File nos. 14-1357 & 14-2034)

29. In April 2014, the State Bar started receiving allegations of misconduct from clients of the Perel Law Firm regarding Martin Perel and Respondent. Between April and September four files were opened against Respondent and four against Martin Perel (Mr. Perel).

30. On May 19, 2014, Martin Perel was contacted by Intake Bar Counsel and he provided the following information telephonically:

- a. he is a California attorney who lives at an assisted living facility in Las Vegas, Nevada.
- b. he has Parkinsons Disease and is assisted daily by a care giver named Stephanie Moore.
- c. he does not have a law office in Phoenix or any other location.

31. On June 30, 2014, the State Bar received the following letter from Mr. Perel:

"In response to your inquiry, I am not the Martin Perel referred to in the three complaints which you provided me. I have never practiced law in Arizona and have no association with any attorneys presently practicing in Arizona. Anyone using my name is doing so without my consent or authority from me to do so. I have always used Martin O. Perel in regards to my law practice which was contained within the State of California. I have never practiced law in the State of Arizona and if I ever do it will be within the rules of professional practice promulgated by the State of Arizona."

32. During its investigation, the State Bar learned that the Perel Law Firm LLC (the firm) was incorporated in Maricopa County on August 28, 2012. LJ Sommers is listed as the manager, the statutory agent, and as a member. Martin Perel was added as a member on September 28, 2012.

33. Harriet Hemerling (Ms. Hemerling), a suspended Arizona lawyer, began working at the firm on July 23, 2012. On information and belief, Lauren Bradshaw (Ms. Bradshaw) was already working at the firm.

34. On information and belief, the Perel Law Firm was set up by LJ Sommers and Lauren Bradshaw (aka Kamese Rasheed, aka Wendy Bryant, who pled guilty in January 2011 to facilitation to commit fraudulent schemes and artifices and criminal impersonation, among other crimes). On information and belief, Ms. Hemerling helped run the firm.

35. On June 27, 2014, bar counsel deposed Respondent, who either falsely or inaccurately testified as follows:

- a. Respondent started working at the Perel Law Firm in October 2013, which is when he "met" Respondent Perel telephonically. He would meet with Mr. Perel in person on a monthly basis;
- b. Mr. Perel lives mostly in California, has an office there and one in Las Vegas. Respondent has talked to employees in the other offices;
- c. Mr. Perel: "is healthy," "walks on his own," is a "heavy coffee drinker," and is "very detail oriented."
- d. Respondent went to Las Vegas once to meet with Mr. Perel;
- e. Respondent confirmed that the picture identified on the firm's website as Martin Perel was in fact Martin Perel and the person he met with monthly;

- f. Respondent counseled Mr. Perel on how to respond to the Victoria Hernandez¹ complaint;
- g. Respondent testified that none of the Martin Perel employees were paid cash for their services, including him;
- h. Respondent denied knowing a person named Larry Sommers or L.J. Sommers.

36. On July 22, 2014, Respondent was emailed a picture of Larry Sommers and was asked if he could identify the person. Respondent identified the person as Larry Summers [sic], Mr. Perel's CPA.

37. On or about July 31, 2014, Respondent was asked to set up a face-to-face meeting between Mr. Perel, bar counsel, the staff investigator, and Respondent. No meeting was ever set up.

38. In an October 23, 2014 letter to Bar Counsel, Respondent stated, in contradiction to his deposition testimony, the following:

- a. In September 2013, Ms. Bradshaw introduced him to Mr. Perel at the Phoenix office. Respondent did not see Mr. Perel in the office again;
- b. In December 2013, Ms. Bradshaw asked Respondent if he would be the managing attorney on a temporary basis and he agreed. In a brief phone conversation with Mr. Perel, Respondent confirmed they would have monthly telephonic meetings to discuss issues regarding the firm.
- c. Respondent noticed in January 2014 that most individuals/employees were paid in cash.
- d. Respondent has not received a 1099 form from the firm for 2013.

¹ File no. 14-1188

- e. In early 2014, Respondent knew that money collected from clients for filing fees and application fees were not being deposited into a trust account.

39. On October 30, 2014, Respondent meet with senior bar counsel Shauna Miller and staff investigator Marlene Cartusciello. The meeting was recorded with Respondent's permission. Respondent provided the following contradictory information:

- a. Ms. Bradshaw had sole access to all of the funds in the firm, so he was unable to return client's unearned fees;
- b. Respondent met Mr. Sommers twice at the office and he had shaken Mr. Sommers hand and asked how Mr. Perel was doing;
- c. The person Respondent saw walk through the [Perel Law] office in September 2013 was not Mr. Sommers. Respondent was satisfied that the person he saw was Mr. Perel;
- d. Respondent never met Mr. Perel personally;
- e. Respondent never heard Ms. Hemerling tell anyone that she was not a lawyer, allowing people to assume she was a lawyer.
- f. Ms. Hemerling was practicing law while he was the managing attorney at the firm;
- g. Ms. Hemerling was giving clients advice on Chapter 7 and 13 bankruptcies. Respondent did nothing, other than tell Ms. Hemerling to stop giving clients advice;

- h. Respondent did nothing to stop Ms. Bradshaw and Ms. Hemerling from paying individuals/employees in cash, other than to tell them to discontinue that policy;
- i. Respondent said he would create policies that Ms. Bradshaw would implement for a week or two, then they would go back to doing things the way they had before; and
- j. Respondent said that he thought that Ms. Bradshaw and Ms. Hemerling had converted "tens of thousands" of dollars.

40. Respondent's conduct in this count violated Rule 42, specifically ERs 4.1(a), 5.1, 5.3, 5.4, 5.5(a), 8.1(a) and (b), 8.4(c), and 8.4(d), Rule 54(d), Ariz.R.Sup.Ct.

COUNT THREE (File nos. 14-1357/Francis)

- 41. Paragraphs 29 through 40 are incorporated herein.
- 42. Nigel Francis (Mr. Francis) was arrested for possession of marijuana with intent to sell.
- 43. On September 19, 2013, Mr. Francis, through his friend Erica Avril (Ms. Avril) hired the Perel Law Firm (the firm) to represent him. Ms. Avril paid the firm \$2,000.00.
- 44. Respondent was assigned to represent Mr. Francis.
- 45. Respondent did not visit Mr. Francis during the four months he was in jail and did nothing to resolve the case.
- 46. On or about May 30, 2014, Mr. Francis fired Respondent and asked that the unearned fees be placed in his commissary account. Respondent would not pay the money to Mr. Francis because the money came from a third person.

47. Upon terminating the representation, Mr. Francis requested his file.
48. Respondent did not provide Mr. Francis with his file.
49. On April 28, 2014, Mr. Francis filed bar charges against Respondent.
50. Respondent falsely told the State Bar that he visited Mr. Francis three times while he was in the Eloy detention center.

51. Respondent falsely told the State Bar that Ms. Avril was contacted regarding the refund, and she told him that the firm should "take its fee in the amount of \$1,700, and return the amount of \$300.00 to her."

52. Respondent's conduct in this count violated Rule 42, specifically ERs 1.2, 1.3, 1.4, 1.5, 8.1(b) and 8.4(c), Ariz.R.Sup.Ct.

COUNT FOUR (File No. 14-2034/Valadez)

53. Paragraphs 29 through 40 are incorporated herein.

54. In April 2014, Ana Valadez (Mrs. Valadez) hired the Perel Law Firm (the firm) to represent her husband in his immigration case and to get him released on bond after he had already been denied bond.

55. Respondent was the managing attorney for the firm from December 2013 through July 2014.

56. At the initial consultation, a non-lawyer named Jackie told Mrs. Valadez she needed to pay the firm \$3,500.00 and then her husband would be released on bond. Jackie also told her that she may not have to pay for an immigration case because her husband might be released on an employment authorization.

57. On April 14, 2014, Mrs. Valadez paid the firm \$3,500.00.

58. Mrs. Valadez says no one from the firm went to visit her husband to learn about his case, no one asked about his criminal history (which precluded his release on bond), and no one asked about any prior legal remedies he had sought.

59. In May 2014, Mrs. Valadez was asked to sign a new fee agreement because the firm's accountant previously had her sign the wrong one. Mrs. Valadez met with Lauren Bradshaw (Ms. Bradshaw) when she went in and she says Ms. Bradshaw was "the person who managed the firm, gave orders, and decided what cases they took in." Ms. Bradshaw wanted her to sign a new agreement that provided for a \$6,500.00 fee.

60. Mrs. Valadez did not agree to a new fee agreement and asked for a refund of the \$3,500.00 that she had paid to the firm. Ms. Bradshaw refused to give her a refund.

61. June 2014 was the last time Mrs. Valadez spoke to anyone at the firm.

62. During his June 27, 2014 deposition, Respondent falsely testified that as the managing attorney he had implemented policies and procedures to ensure the firm complied with the ethical rules. Respondent knew that any policies or procedures he had implemented were ignored by Ms. Bradshaw and Ms. Hemerling.

63. Respondents conduct in this count violated Rule 42, specifically ERs 5.1, 5.3, and 8.1(b), Ariz.R.Sup.Ct.

DATED this 30th day of December, 2014

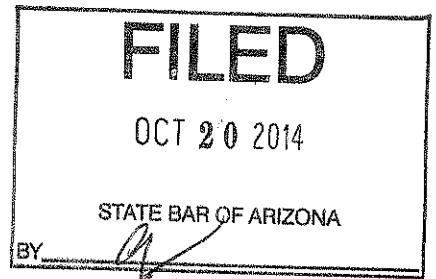
STATE BAR OF ARIZONA



Shauna R. Miller
Senior Bar Counsel - Litigation

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 30th day of December, 2014

by: 
SRM:jao



**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**

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

**JAMES J. SCHOLLIAN
Bar No. 022015**

Respondent.

No. 14-0509

PROBABLE CAUSE ORDER


The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on October 10, 2014, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 9-0-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 14-0509.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 20 day of October, 2014.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

Original filed this 20th day
of October, 2014, with:

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4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

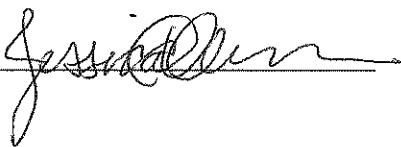
Copy mailed this 21st day
of October, 2014, to:

James J. Schollian
Martin Parell Law Firm
2575 East Camelback Road,
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Phoenix, Arizona 85016-9288
Respondent

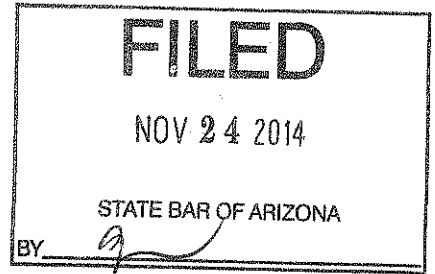
Copy emailed this 21st day
of October, 2014, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

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

by: 

**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**



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

**JAMES J. SCHOLLIAN
Bar No. 022015**

Respondent.

No. 14-1357

PROBABLE CAUSE ORDER

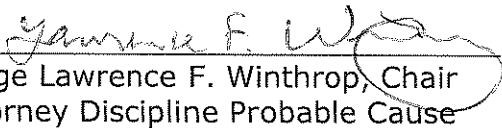
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on November 14, 2014, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 14-1357.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 24 day of November, 2014.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

¹ Committee members Karen E. Osborne and Jeffrey G. Pollitt did not participate in this matter.

Original filed this 24th day
of November, 2014, with:

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

Copy mailed this 2nd day
of December, 2014, to:

James J. Schollian
Schollian Law Firm, PC
1146 North Mesa Drive, Suite 102
Box 262
Mesa, Arizona 85201-3562
Respondent

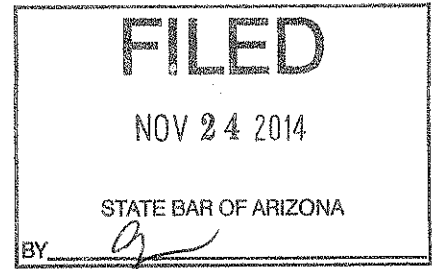
Copy emailed this 2nd day
of December, 2014, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

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

by: 

**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**



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

**JAMES J. SCHOLLIAN
Bar No. 022015**

Respondent.

No. 14-2034

PROBABLE CAUSE ORDER


The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on November 14, 2014, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 14-2034.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 24 day of November, 2014.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

¹ Committee members Karen E. Osborne and Jeffrey G. Pollitt did not participate in this matter.

Original filed this 24th day
of November, 2014, with:

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


Copy mailed this 2nd day
of December, 2014, to:

James J. Schollian
Schollian Law Firm, PC
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Box 262
Mesa, Arizona 85201-3562
Respondent

Copy emailed this 2nd day
of December, 2014, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

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

by: 

**BEFORE THE PRESIDING DISCIPLINE
JUDGE**

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

**JAMES J. SCHOLLIAN,
Bar No. 022015**

Respondent.

No. PDJ-2014-9107

**DECISION ACCEPTING
CONSENT FOR DISCIPLINE**

[State Bar Nos. 14-0509, 14-
1357 and 14-2034]

FILED MAY 8, 2015

An Agreement for Discipline by Consent (Agreement) was filed under Supreme Court Rule 57 on April 23, 2015. Probable Cause Orders were issued on October 20, 2014 and November 24, 2014. The formal complaint was filed on December 30, 2014.

Supreme Court Rule 57(a) authorizes filing consent agreements with the presiding disciplinary judge ("PDJ") after the authorization by the Attorney Discipline Probable Cause Committee to file a complaint. Rule 57(a)(3)(B), specifically 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.

Supreme Court Rule 57 requires conditional admissions be tendered solely "...in exchange for the stated form of discipline..." The right to an adjudicatory hearing is waived only if the "...conditional admissions and proposed form of discipline is approved..." If the agreement is not accepted, the conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Rule 57(a)(4)(C), Ariz. R. Sup. Ct.

Notice of this agreement was provided to the complainants by letter on April 20, 2015, and Judge Polk was contacted by telephone on April 23, 2015, under Supreme Court Rule 53(b)(3). Complainants were also notified of the opportunity to file any written objection to the Agreement with Independent Bar Counsel within five business days of bar counsel's notice. That time has since passed and no objections were filed.

Mr. Schollian conditionally admits he violated ERs 3.3(a)(1), 3.4(c), 4.1(a), 5.1(a), 5.3(a), 8.1(a), 8.4(c) and (d), and Rule 54(c), Ariz. R. Sup. Ct. The parties agree to the following sanctions: a four year suspension and upon reinstatement, two years of probation with terms and conditions to be determined during reinstatement proceedings, and costs of these disciplinary proceedings.

In Count One, Mr. Schollian was retained in a pre-decree marriage dissolution and first appeared on March 5, 2013, two days before the dissolution trial was to start. On March 6, 2013, Mr. Schollian moved for telephonic testimony and appearance for 3 witnesses. On March 7, 2013, Judge Polk met with the parties in chambers and continued the trial until October 15, 2015. On October 9, 2013, Mr. Schollian contacted Judge Polk's judicial assistant and stated that his mother, who lived in Maryland, passed away and he would file a motion to continue the trial. That

same day, Mr. Schollian faxed to Judge Polk's division his Motion to Continue October 15, 2013 Trial (Motion) stating that he needed to travel to Maryland to attend his mother's funeral and memorial service and take care of any necessary family business.

Mr. Schollian did not file his Motion with the clerk of the court and on October 11, 2013, opposing counsel filed an objection to Mr. Schollian's Motion. On October 22, 2013, Judge Polk continued the trial and set a status conference for November 20, 2013. By minute entry dated October 22, 2013, Judge Polk ordered Mr. Schollian to bring proof of his mother's passing to the status conference. Mr. Schollian thereafter, failed to appear at the status conference but participated telephonically. Despite repeated requests from the court, Mr. Schollian failed to provide the court with information and proof of his mother's death. On December 4, 2013, he filed information which contradicted Mr. Schollian's earlier assertions and instead stated it was a close relative that had passed away. The individual was not a relative. Judge Polk set a show cause hearing re: contempt and ordered Mr. Schollian to appear. Mr. Schollian was held in criminal contempt for making material misrepresentations of fact. Mr. Schollian conditionally admits that his statements regarding his mother's death was a misrepresentation. Mr. Schollian also made conflicting statements to the State Bar regarding the individual. In Count One, Mr. Schollian conditionally admits he violated ERs 3.3(a) and (3), 3.4(c), 4.1(a), 8.4(c) and (d) and Rule 54(c), Ariz. R. Sup. Ct.

In Count Two, Mr. Schollian was employed by The Perel Law Firm. He was the managing attorney from December 2013 – July 2014. Mr. Schollian intentionally

made false statements to the State Bar concerning Martin Perel, his interactions with Martin Perel, the Martin Perel Law Firm and his involvement with the firm.

Martin Perel is a California attorney who lives at an assisted living facility. He has no Phoenix law firm and has never practiced in Arizona. The Perel Law Firm, LLC was incorporated in Maricopa County on August 28, 2012. L.J. Somers is listed as manager, statutory agent and member. Martin Perel was added as a member on September 28, 2012. Harriet Hemerling, a suspended attorney, now disbarred, began working at the firm on July 23, 2012. It believed that Ms. Bradshaw was already working at the firm at that time.

The bogus law firm was set up by suspended attorney, Harriet Hemerling and Lauren Bradshaw (aka Kamese Rasheed and Wendy Bryant). Ms. Bradshaw pled guilty in January 2011 to facilitation to commit fraudulent schemes and artifices and criminal impersonation, among other crimes. The Perel Law Firm was being operated by Ms. Bradshaw without the consent of attorney Martin Perel.

In mitigation, Mr. Schollian submits he contacted the Las Vegas Police Department and reported the actions of Ms. Bradshaw and Ms. Hemerling, five months after being questioned by the State Bar. Mr. Schollian obtained most of the client files and confidential information from Harriet Hemerling and was able to assist his clients without inference from Ms. Bradshaw or Hemerling. Mr. Schollian is also pursuing a lawsuit against Ms. Hemerling and Ms. Bradshaw to recover client funds. In Count Two, Mr. Schollian conditionally admits he violated ERs 4.1(a), 5.1, 5.3, 8.1(a) and (b), 8.4(c) and (d), and Rule 54(d), Ariz. R. Sup. Ct.

Count Three is conditionally dismissed.

In Count Four, the Perel Law Firm was hired to represent a client in an immigration matter in April 2014, while Mr. Schollian was the managing attorney. At the initial consultation, the client met with non-attorney staff and was directed to pay the firm \$3,500.00 for representation and to have her husband released on bond. The non-attorney staff further informed the client that her husband "could" be released on bond. She was also informed she may not have to pay for an immigration case because her husband might be released on an employment authorization. The client's husband however, had a criminal record which precluded his release on bond. Thereafter, the client was asked to sign a second retainer agreement because the firm's accountant had her sign the wrong fee agreement. The new fee agreement provided for a retainer fee for \$6,500.00. The client refused to sign a new fee agreement and requested a refund. Ms. Bradshaw refused to give the client a refund. In Count Four, Respondent conditionally admits he violated ERs 5.1 and 5.3, Ariz. R. Sup. Ct.

In considering a sanction, the PDJ is guided by the American Bar Association *Standards for Imposing Lawyer Sanctions (Standards)*. The parties agree Mr. Schollian's misconduct implicates *Standards* 6.11, 5.11, 6.22 and 7.2 and that the presumptive sanction is disbarment. However, given the unique circumstances and the mitigating factors present, the parties agree that a four year suspension and probation is the sanction.

Mr. Schollian violated his duties as a professional, the legal system and the public. His intentional and knowing misconduct caused actual harm to the profession, the legal system and the public. Aggravating Factors are: 9.22(b) selfish or dishonest

motive, 9.22(c) pattern of misconduct, 9.22(d) multiple offenses, 9.22(h) vulnerability of victims, and 9.22(i) (substantial experience in the practice of law).

Non ABA Mitigating factors: On or about October 15, 2014, Mr. Schollian tried to protect clients from further harm by informing staff that the Perel Law Firm was being operated by Ms. Hemerling and Ms. Bradshaw without the consent of Martin Perel and informed staff of Ms. Bradshaw's criminal conviction for fraudulent schemes. Based on the actions of Mr. Schollian and others, the Perel Law Firm was closed. Mr. Schollian obtained client files and assisted his clients and completed matters. Mr. Schollian also contacted law enforcement authorities and provided a truthful statement to the State Bar on October 23, 2014 regarding the unauthorized practice of law by Ms. Hemerling and Ms. Bradshaw and his involvement.

The PDJ determined the agreed upon sanction will fulfill the purposes of discipline and protect the public. The PDJ having found the parties have appropriately applied the *Standards* in arriving at the agreed upon sanction, accordingly:

IT IS ORDERED incorporating by this reference the Agreement and any supporting documents by this reference. Respondent agrees to pay costs associated with the disciplinary proceedings in the amount of \$2,582.76.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved for \$2582.76. Now therefore, the final judgment and order is signed this date. The suspension shall be effective 60 days from the date of this Decision and Order.

DATED this 8th day of May, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 8thday of May, 2015:

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