

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,**

**WILLIAM WESLEY WEBB,
Bar No. 021386**

Respondent.

PDJ 2014-9075

FINAL JUDGMENT AND ORDER

[State Bar No. 14-0521]

FILED OCTOBER 15, 2014

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on October 10, 2014, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **William Wesley Webb**, is suspended for a period of sixty (60) days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this order.

IT IS FURTHER ORDERED that upon reinstatement, Respondent shall be placed on probation for a period of one (1) year.

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

Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to ensuring that he has procedures in place for keeping track of MCLE and court deadlines. The director of LOMAP shall develop "Terms and Conditions of Probation", and those terms shall be incorporated herein by reference. The probation period will begin to run at the reinstatement order and will conclude one (1) year from that date. Respondent shall be responsible for any costs associated with LOMAP.

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 \$ 1,200.00 within thirty (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 15th day of October, 2014.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 15th day of October, 2014.

William Wesley Webb
Law Offices of William W. Webb
5029 West Topeka Drive
Glendale, AZ 85308-9210
Email: uscwebb@gmail.com
Respondent

Hunter F Perlmeter
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
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Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th 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,

WILLIAM WESLEY WEBB,
Bar No. 021386

Respondent.

No. PDJ-2014-9075

**REPORT ACCEPTING CONSENT
FOR DISCIPLINE**

[State Bar File No. 14-0521]

FILED OCTOBER 15, 2014

An Agreement for Discipline by Consent (Agreement) was filed on October 10, 2014, and submitted pursuant to Rule 57(a)(3), of the Rules of the Arizona Supreme Court. A Probable Cause Order was filed on August 25, 2014 and the formal Complaint was filed on August 29, 2014. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate".

Bar Counsel provided notice of this Agreement to the complainant(s) by letter on September 4, 2014. Included within that letter was a notification of the opportunity for the complainant to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. No objection was filed.

IT IS ORDERED incorporating by this reference the Agreement and any supporting documents by this reference. The agreed upon sanctions are: sixty (60) day suspension and one (1) year of probation with the State Bar's Law Office

Management Assistance Program (LOMAP). Respondent also agrees to pay costs associated with the disciplinary proceedings of \$1,200.00.

IT IS ORDERED the Agreement is accepted. A Final Judgment and Order was submitted simultaneously with the Agreement and contains the specific terms and conditions of one year of probation (LOMAP). Costs as submitted are approved in the amount of \$1,200.00. The proposed final judgment and order having been reviewed are approved as to form. Now therefore, the final judgment and order is signed this date.

DATED this 15th day of October, 2014.

William J. O'Neil

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

Copies of the foregoing mailed/emailed
this 15th day of October, 2014.

Hunter F. Perlmeter
Staff Bar Counsel
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4201 North 24th Street, Suite 100
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Sandra Montoya
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by: JAlbright

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Telephone 480-316-1000
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Respondent

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

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

**WILLIAM WESLEY WEBB,
Bar No. 021386,**

Respondent.

PDJ 2014-9075

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

State Bar No. 14-0521

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Mr. William Wesley Webb, who has chosen not to seek the assistance of counsel, hereby submit their Tender of Admissions and Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A Probable Cause Order was entered on August 25, 2014, and a formal complaint was filed on August 29, 2014. Respondent voluntarily waives the right to an adjudicatory hearing on the complaint, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainant by letter on September 4, 2014. The 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, but has declined to do so.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.5(b), 5.5, 8.1(a), 8.4(c) and 8.4(d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: short-term suspension and probation. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "A."

FACTS

1. Respondent was first admitted to practice law in the State of Arizona on October 29, 2001.

2. Respondent was placed on suspension on February 22, 2013 for failing to complete his mandatory continuing legal education (MCLE) requirements.

COUNT ONE (File no. 14-0521/Snyder)

3. On November 7, 2013, Respondent received an email from State Bar employee Carol Lloyd informing him that she was unable to process his reinstatement from MCLE suspension because he had failed to submit required paperwork.

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. Respondent responded to the email on the same day, "I appreciate your note. I am finishing those documents this weekend. The annual fee statement has a zero in the fee box. I was a little confused about what number i should put in there."

5. On November 12, 2013, while on MCLE suspension, Respondent filed a lawsuit on behalf of a client in Maricopa County Superior Court. The complaint contained Respondent's name on the signature block, but was not signed.

6. Respondent did not communicate with the Bar between November 7, 2013 and November 12, 2013, the date that he filed the complaint.

7. On December 3, 2013, Lloyd followed up with Respondent by email, "I have received nothing further at this point, and have not processed your reinstatement. Please advise status."

8. Respondent responded the same day indicating that he would complete the paperwork in the next few days. He, however, failed to do so until April, 2014.

9. In early February, 2014, Lloyd received an email from opposing counsel in the lawsuit inquiring as to the status of Respondent's bar license. Lloyd informed her that Respondent's license was suspended.

10. Shortly thereafter, on February 5, 2014, opposing counsel filed a Motion to Dismiss notifying the court of Respondent's suspension and arguing that an unsigned complaint filed by a suspended attorney was a "nullity" and that the matter should be dismissed with prejudice because the statute of limitations had run.

11. When no response was filed to the motion, the court dismissed the matter on March 6, 2014. Thereafter, the client obtained new counsel who moved to amend the complaint. On May 16, 2014, the motion to amend was granted.

12. In responding to the bar charge, Respondent stated, "I was made aware of that the (sic) suspension had not been lifted by opposing counsel and immediately tried to contact Ms. Lever (the client) who was in Hawaii." This statement is inconsistent with emails establishing first, that Respondent knew that his license was suspended a few days before he filed the Complaint and second, that he knew his license remained suspended a few weeks after filing the complaint. Despite Respondent's knowledge of his suspension, he did not notify the court, his client, or opposing counsel of his suspension.

13. Respondent has further indicated to the Bar that he had agreed to handle his client's case pro bono. According the client, however, Respondent never made such an offer. She paid her own filing fees and wrote Respondent a check for \$400 at the start of the representation to cover various costs and believed her case would be handled on a standard contingency fee.

14. Respondent failed to provide the client with a fee agreement.

Summary of Rule Violations:

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

1. ER 1.5(b) requires that the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible to be communicated to the client in writing, before or within a reasonable time after

commencing the representation. Respondent did not provide his client with a fee agreement of any kind.

2. ER 5.5 prohibits a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession of that jurisdiction. Respondent filed a lawsuit while serving an MCLE suspension.

3. ER 8.1(a) prohibits a lawyer in connection with a disciplinary matter from making a false statement of material fact. Respondent indicated to the Bar that he learned of his suspension from opposing counsel and immediately contacted his client. This representation is false, as Respondent knew of his suspension before he filed the subject lawsuit and was reminded of his suspension by the Bar a few weeks after filing his lawsuit, and long before he was contacted by opposing counsel.

4. ER 8.4(c) prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. Respondent indicated to the Bar that he learned of his suspension from opposing counsel and immediately contacted his client. This representation is false, as Respondent knew of his suspension before he filed the subject lawsuit and was reminded of his suspension by the Bar a few weeks after filing his lawsuit, and long before he was contacted by opposing counsel. Respondent also was dishonest to the Bar in indicating that he had agreed to handle his client's case pro bono, when no such agreement had been made.

5. ER 8.4(d) prohibits a lawyer from engaging in conduct prejudicial to the administration of justice. By representing his client while suspended, Respondent engaged in the unauthorized practice of law. His actions subjected his client to a motion to dismiss based upon his unauthorized practice and required the client to have to seek new counsel on short notice. Additionally, significant court time was expended addressing Respondent's unauthorized practice.

CONDITIONAL ADMISSIONS

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

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.5(b), 5.5, 8.1(a), 8.4(c) and 8.4(d).

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanction is appropriate: Suspension of 60 days and one year probation to LOMAP.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to

Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that Standard 7.0 is the appropriate Standard given the facts and circumstances of this matter. Standard 7.0 provides that suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as professional, and causes injury or potential injury to a client the public or the legal system.

The duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly engaged in the unauthorized practice of law and that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was potential harm to the client. If not for the court's willingness to allow Respondent's client's new counsel to amend the complaint, the client may have been denied the opportunity to litigate her case.

Aggravating and mitigating circumstances

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

In aggravation:

Standard 9.22(i) substantial experience in the practice of law
Respondent has been an Arizona attorney for 13 years .

In mitigation:

Standard 9.22(a): Absence of a prior disciplinary record

Discussion

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on Respondent's unauthorized practice of law during his MCLE suspension. A greater sanction is not warranted because Respondent has no disciplinary history and has agreed to be placed on probation.

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of suspension of 60 days, Probation, and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit "B."

DATED this 10th day of ~~September~~ October, 2014

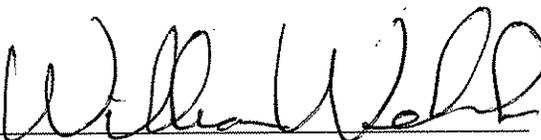
State Bar of Arizona



Hunter F. Perlmeter
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. [I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.]

DATED this 10th day of September, 2014.



William Wesley Webb
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 10th day of ~~September~~
October 2014.

Copies of the foregoing mailed/emailed
this 10th day of ~~September~~
October 2014 to:

William Wesley Webb
Law Offices of William W. Webb
5029 West Topeka Drive
Glendale, AZ 85308-9210
uscwebb@gmail.com
Respondent

Copy of the foregoing emailed
this 10th day of ~~September~~, 2014, to:
October

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

Copy of the foregoing hand-delivered
this 10th day of ~~September~~, 2014, to:
October

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

by: 
HFR/jao

EXHIBIT "A"

Statement of Costs and Expenses

In the Matter of a Current Member of the State Bar of Arizona,
William Wesley Webb, Bar No. 021386, Respondent

File No(s). 14-0521

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

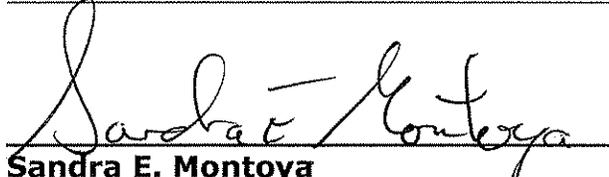
\$1,200.00

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

Total for staff investigator charges \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$ 1,200.00


Sandra E. Montoya
Lawyer Regulation Records Manager

9-9-14
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 CURRENT
MEMBER OF THE STATE BAR OF
ARIZONA,**

**William Wesley Webb,
Bar No. 021386,**

Respondent.

PDJ 2014-9075

FINAL JUDGMENT AND ORDER

[State Bar No. 14-0521]

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, **William Wesley Webb**, is suspended sixty (60) days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this order or _____.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of one year.

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

procedures, including, but not limited to ensuring that he has procedures in place for keeping track of MCLE and court deadlines. The director of LOMAP shall develop "Terms and Conditions of Probation", and those terms shall be incorporated herein by reference. The probation period will begin to run at the reinstatement order and will conclude one (1) year from that date. Respondent shall be responsible for any costs associated with LOMAP.

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 \$ _____, within thirty (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 thirty (30) days from the date of service of this Order.

DATED this _____ day of September, 2014

William J. O'Neil, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona

this _____ day of September, 2014.

Copies of the foregoing mailed/emailed
this _____ day of September, 2014.

William Wesley Webb
Law Offices of William W. Webb
5029 West Topeka Drive
Glendale, AZ 85308-9210
Email: uscwebb@gmail.com
Respondent

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

Hunter F Perlmeter
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

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

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

by: _____