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Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GUY P. ROLL,
Bar No. 015987,

Respondent.

PDJ-2020-9073

**AGREEMENT FOR
DISCIPLINE BY CONSENT**

[State Bar File Nos. 19-2630, 20-1412]

The State Bar of Arizona, and Respondent Guy P. Roll, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered in File No. 19-2630 on August 5, 2020, and in File No. 20-1412 on April 14, 2021.

A formal complaint was filed on August 27, 2020, in File No. 19-2630; no formal complaint has been filed in File No. 20-1412.

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 otherwise be asserted hereafter, 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 (a) the complainant in File No. 19-2630 by email on April 14, 2021; and (b) to the complainant in File No. 20-1412 by email on April 15, 2021. Both complainants have been notified of the opportunity to file a written objection to the agreement with the State Bar within five business days of bar counsel's notice. Copies of the complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Pursuant to Rule 57(a)(2)(C), Ariz. R. Sup. Ct., bar counsel has notified the complainant in File No. 19-2630 that restitution will not be forthcoming based on this consent agreement. The complainant in File No. 20-1412 is a superior court commissioner, who was acting in her judicial capacity; therefore, restitution is not an issue in that case.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 3.4(c), ER 8.4(d), and Rules 54(c) and (d), Ariz. R. Sup. Ct.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: a 45-day suspension, effective June 1, 2021; and upon reinstatement, two years of probation to include (a) participation in the State Bar's Law Office Management Assistance Program; (b) participation in the State Bar's Member Assistance Program, including an evaluation by Dr. Philip Lett and compliance with all recommendations made by him; and (c) completion of one of the following State Bar continuing legal education programs addressing stress, and provide a copy of his handwritten notes to the State Bar's Compliance Monitor: (i) "Stress Management & Wellness: A Toolkit for Lawyers" (3 CLE hours); (ii) "Time Management: The Art of Being Productive and Reducing Stress" (2 CLE hours); (iii) "Attorney Wellbeing: Why We Should Care and What We Can Do About It" (3 CLE hours); or (iv) "Minding Your Mind During a Difficult Time" (2 CLE hours). Respondent also agrees to pay the costs and expenses of the disciplinary proceeding (\$1,393.75) 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 admitted to practice law in Arizona on October 22, 1994.

COUNT ONE (File No. 19-2630/Spizzirri)

2. John (“Jack”) Gartley and Marc Spizzirri were partners in Jack Gartley & Associates (JG&A).

3. On August 22, 2017, JG&A entered into an “Agreement for Legal Representation” with Respondent’s firm, The Roll Law Office, PLLC, for representation regarding various possible causes of action, including a possible claim for breach of contract. The “Agreement for Legal Representation” included both Mr. Gartley and Mr. Spizzirri’s email addresses and telephone numbers in the contact information section. The Agreement was signed only by Mr. Gartley, who was Respondent’s main contact with JG&A. Mr. Gartley resided in Phoenix,

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 Attorney Discipline Probable Cause Committee, the Presiding Disciplinary Judge, and the Supreme Court of Arizona.

Arizona and met regularly with Respondent regarding various matters. Mr. Spizzirri resided in California and met Respondent in-person on only one occasion.

The First Lawsuit

4. On October 19, 2017, Respondent filed a lawsuit on JG&A's behalf against Deborah and Richard Oldham, as a married couple, in Maricopa County Superior Court (*Jack Gartley & Associates v. Deborah and Richard Oldham*, No. CV2017-013202) ("the first lawsuit").

5. Ronald J. Newman, the Oldhams' counsel, accepted service of the complaint on their behalf on November 29, 2017, and the *Acceptance of Service* was filed with the Maricopa County Superior Court Clerk's Office on January 2, 2018.

6. On February 5, 2018, the law firm of Tiffany & Bosco, P.A., filed an answer on the Oldhams' behalf.

7. On March 26, 2018, the Oldhams' counsel filed a motion for judgment on the pleadings, asserting that: (a) JG&A's failure to comply with A.R.S. § 29-102² barred the action; and (b) Deborah Oldham was not a proper party to the action.

² A.R.S. § 29-102. Certificate of name required for certain firms

A. Every partnership transacting business in this state under a fictitious name, or a designation not showing the names of the persons interested as partners in the business, shall record with the county recorder of the county in which the place of business is located a certificate stating in full the names of all members of the partnership and their

8. On April 27, 2018, Respondent filed a notice with the court asserting that JG&A had filed a partnership certificate with the Maricopa County Recorder's Office, as required by A.R.S. § 29-102. The "Certificate of Partnership for Jack Gartley & Associates" recorded with the notice included Mr. Gartley and Mr. Spizzirri's addresses.

9. On May 30, 2018, Maricopa County Superior Court Judge Kerstin LeMaire granted the Oldhams' motion for judgment on the pleadings (the minute entry was filed on June 4, 2018). In that minute entry, Judge LeMaire stated that as of the date of the pleadings in the matter, JG&A had failed to file the requisite partnership certificate as required by state statutes and could not, therefore, maintain the action pursuant to A.R.S. § 29-102. She further stated that although JG&A claimed an intent to file the required documents, it had not "provide[d] the court with proof that it had been filed."

10. On June 4, 2018, Respondent filed, on JG&A's behalf, a motion for reconsideration of Judge LeMaire's May 30, 2018 minute entry ruling.

place of residence, signed by the partners and acknowledged. A new certificate shall be recorded upon any change in the membership of the partnership.

B. Persons doing business contrary to this section may not maintain an action upon or on account of a contract or transaction made in the partnership name in any court of this state until they have first recorded the certificate required by this section.

11. On June 18, 2018, Judge LeMaire denied Respondent's motion for reconsideration (the minute entry order was filed on June 20, 2018).

12. On August 15, 2018, Judge LeMaire electronically signed a final judgment in the first lawsuit granting the Oldhams' motion for judgment on the pleadings (the judgment was filed on August 17, 2018). Judgment was entered in favor of the Oldhams and against JG&A on all claims. Judge LeMaire ordered JG&A to pay the Oldhams \$20,000.00 for attorney's fees and \$297.67 for costs.

13. On February 21, 2019, the Oldham's initiated garnishment proceedings against JG&A for payment of the attorney's fees and costs.

14. Respondent failed to respond to some email messages and telephone calls regarding a subpoena that was issued and served on JG&A seeking records of JG&A's assets. In addition, Respondent failed to inform the Oldhams' counsel that due to Mr. Gartley's medical condition, there would be a delay in responding to the subpoena duces tecum.

15. On August 8, 2019, Maricopa County Superior Court Judge Michael W. Kemp ordered JG&A to pay the Oldhams \$2,770.00 for attorney's fees and \$168.50 for costs incurred due to the need to file a motion to compel compliance with the subpoena duces tecum.

The Second Lawsuit

16. On July 23, 2018, Respondent filed a second lawsuit against the Oldhams in Maricopa County Superior Court on JG&A's behalf (*Jack Gartley & Associates v. Deborah Oldham and Richard Oldham*, No. CV2018-008417) ("the second lawsuit").

17. The Oldhams were served with the second lawsuit on October 24, 2018, but only after Respondent (a) attempted to have the Oldhams' counsel accept process of service and (b) filed a motion to extend the deadline for service on October 18, 2018.

18. On November 15, 2018, the Oldhams filed a motion to dismiss the second lawsuit, arguing that the second lawsuit was precluded by the doctrine of *res judicata*.

19. On December 12, 2018, "Court Administration" filed a *Notice of Assignment to Commercial Court*, which directed the parties to confer no later than 30 days after the answer was filed or 120 days after commencement of the action, whichever occurred first. It also directed the parties to file a "Joint Report" and "Proposed Scheduling Order" no later than 14 days after the parties conferred.

20. On or about January 10, 2019, Maricopa County Superior Court Judge Timothy J. Thomason denied the Oldhams' motion to dismiss the second lawsuit (the minute entry order was filed on January 15, 2019).

21. On January 29, 2019, the Oldhams' counsel filed a motion to reconsider the order denying the motion to dismiss.

22. Judge Thomason denied the Oldhams' motion for reconsideration on January 30, 2019 (the minute entry ruling was filed on January 31, 2019).

23. The Oldhams filed an answer in the second lawsuit on February 20, 2019.

24. Also on February 20, 2019, counsel for the Oldhams emailed Respondent and inquired about preparing a "Joint Report" and "Proposed Scheduling Order."

25. Respondent failed to timely serve an initial disclosure statement on the Oldhams or their counsel, as required by Civil Rule 26.1.

26. Respondent failed to confer with the Oldhams' counsel regarding the topics set forth in Civil Rule 16 within 30 days of the date the answer was filed or 120 days after commencement of the second lawsuit, as required by the Rules of Civil Procedure and applicable experimental court rules, including Commercial Court Experimental Rule 8.1.

27. Respondent also failed to take steps to ensure that the parties timely filed a “Joint Report” and “Proposed Scheduling Order,” as required by court rules.

28. Email messages between Respondent on the one hand and Mr. Spizzirri and Mr. Gartley on the other hand reflect periodic email communication between them regarding activity in the second lawsuit between October 2018 and mid-February 2019. During that period, Respondent met with Mr. Gartley at least weekly, but communication with Mr. Spizzirri, if any, was limited.

29. Respondent failed to respond to an email message from the Oldhams’ counsel dated February 20, 2019, regarding preparation of a “Joint Report” and “Proposed Scheduling Order.”

30. Respondent also ignored or failed to return or respond to several other email messages and a number of telephone calls from the Oldhams’ counsel during the period of litigation, including the following:

a. A February 20, 2019 email message from the Oldhams’ counsel to Respondent, inquiring whether he would prepare a proposed “Joint Report” and “Proposed Scheduling Order”;

b. A March 11, 2019 email message from the Oldhams’ counsel to Respondent inquiring about his availability for a Rule 16(b) “early meeting”

and whether he would prepare a proposed “Joint Report” and “Proposed Scheduling Order”;

c. A March 18, 2019 email message from the Oldhams’ counsel to Respondent, inquiring about his availability for a Rule 16(b) “early meeting,” whether he would prepare a proposed “Joint Report” and “Proposed Scheduling Order,” and warning about a possible motion to dismiss;

d. A March 25, 2019 email message from the Oldhams’ counsel to Respondent stating she had not received any response to her prior email messages, and inquiring about his availability for a Rule 16(b) “early meeting,” whether he would prepare a proposed “Joint Report” and “Proposed Scheduling Order,” and warning about a possible motion to dismiss;

e. An April 1, 2019 voice-mail message and an April 1, 2019 email message from the Oldhams’ counsel to Respondent, asking him to respond to her prior email messages regarding an “early meeting” and submission of a “Joint Report” and “Proposed Scheduling Order”; and

f. An April 3, 2019 voicemail message and an April 3, 2019 email message from the Oldhams’ counsel to Respondent, requesting a response to her prior email messages regarding an “early meeting” and preparation of a “Joint Report” and “Proposed Scheduling Order.”

31. At times, the Oldhams' counsel was unable to leave voice-mail messages for Respondent because his voice-mailbox was full.

32. During Respondent's representation of JG&A, Mr. Gartley was hospitalized on a number of occasions. He was diagnosed with Stage IV pancreatic cancer on or about March 1, 2019.

33. Although Respondent communicated to some extent with the Oldhams' counsel regarding post-dismissal matters related to the first lawsuit, he failed to adequately communicate with her regarding the second lawsuit.

34. Respondent never informed the Oldhams' counsel about Mr. Gartley's health issues and never requested additional time to meet and confer or prepare a "Joint Report" and "Proposed Scheduling Order."

35. Respondent primarily communicated with Mr. Gartley, who was the name partner and "contact person" for JG&A, in his effort to litigate the case. Upon receiving news of Mr. Gartley's diagnosis, Respondent discussed with both Mr. Gartley and Mr. Spizzirri the need to take Mr. Gartley's video deposition and the costs to JG&A that would be associated with a video deposition. Mr. Gartley informed Respondent that he did not have the financial resources to pay the costs of a video deposition. Thereafter, Mr. Spizzirri never communicated with Respondent regarding the need for depositions.

36. Based on Respondent's failure to (a) participate in an "early meeting" pursuant to Civil Rule 16(b); (b) timely serve an initial disclosure statement pursuant to Civil Rule 26.1; and (c) return telephone calls and email messages from the Oldhams' counsel, the Oldhams' counsel filed a *Defendants' Motion for Involuntary Dismissal* on April 15, 2019.

37. The Oldhams' counsel mailed and emailed the *Defendants' Motion for Involuntary Dismissal* to Respondent. Respondent did not initially see the emailed motion because he was in trial during that time and it likely went into his "junk" email folder.

38. Respondent did not timely file a response to the *Defendants' Motion for Involuntary Dismissal*.

39. Between mid-February and early April 2019, Respondent spoke with Mr. Gartley on several occasions regarding: (a) the possibility of taking his deposition (due to his age and medical condition); (b) the possibility of taking the depositions of the Oldhams and Rick Berens, who accompanied Mr. Gartley on business trips and was present during meetings and negotiations between Jack Gartley and the Oldhams; and (c) the need for a damages expert and an accounting expert. Mr. Gartley informed Respondent that he did not have funds to accomplish any of those tasks.

40. On May 13, 2019, the Oldhams' counsel filed a *Notice of No Response and Request for Summary Disposition of Defendants' Motion for Involuntary Dismissal* ("Notice of No Response").

41. On that same date, Respondent read the *Notice of No Response*, which he received that day by email. When he checked the court's online docket that same day, he saw that the Oldhams had filed the *Defendants' Motion for Involuntary Dismissal* on April 15, 2019.

42. Respondent met with Mr. Gartley on May 13, 2019, to discuss and review the initial disclosure statement, discovery requests, the "Joint Report," and the "Proposed Scheduling Order" that he had drafted. Although Respondent had scheduled a meeting with Mr. Gartley prior to receiving the *Notice of No Response* on May 13, 2019, it had been delayed due to Mr. Gartley's treatment for cancer.

43. Respondent belatedly forwarded the following to opposing counsel with his initial disclosure statement on May 13, 2019: (a) discovery requests; (b) a draft "Joint Report"; and (c) a draft "Proposed Scheduling Order."

44. Also on May 13, 2019, Judge Thomason electronically signed an order dismissing the second lawsuit with prejudice due to JG&A's "failure to prosecute and failure to comply with the Arizona Rules of Civil Procedure" (the order was filed on May 14, 2019).

45. Respondent filed an untimely response to the *Defendants' Motion for Involuntary Dismissal* on May 13, 2019. Respondent was not aware of the order of dismissal at the time he filed his response to the *Defendants' Motion for Involuntary Dismissal*.

46. On May 15, 2019, the Oldhams' counsel filed a *Defendants' Application for Award of Attorney's Fees and Costs*, requesting an award of \$35,605.00 for attorney's fees and \$305.30 for costs based on the dismissal of JG&A's second complaint, and a separate *Statement of Costs*. The *Application for Award of Attorney's Fees and Costs* was served on Respondent by mail and also provided to Respondent by email on May 15, 2019.

47. Respondent failed to file a response to the *Defendants' Application for Award of Attorney's Fees and Costs* or the *Statement of Costs*.

48. On May 17, 2019, Respondent filed a *Motion to Set Aside Judgment of Dismissal and to Reinstate; Alternatively, Motion to Provide for New Action* ("*Motion to Set Aside*"). In that motion, Respondent stated he never received the mailed copy of the *Defendants' Motion for Involuntary Dismissal* and that he had not seen the April 16, 2019 email message from the Oldhams' counsel with the *Defendants' Motion for Involuntary Dismissal* until May 13, 2019, because it had gone into his "junk" email folder.

49. The Oldhams' counsel did not receive Respondent's disclosure statement until May 17, 2019 (it had been mailed on May 13, 2019). The initial disclosure statement that Respondent provided to the Oldhams' counsel well after the due date established by the Rules of Civil Procedure was incomplete (*e.g.*, it included ellipses in places).

50. About a week after May 17, 2019, Mr. Gartley informed Respondent that he was no longer going to pursue the case and directed him not to continue with the litigation.

51. On June 7, 2019, the Oldhams' counsel filed a response in opposition to the *Motion to Set Aside*.

52. On June 11, 2019, the Oldhams' counsel filed a *Notice of No Response and Request for Summary Disposition of Defendants' Application for Award of Attorneys' Fees and Costs* based on Respondent's failure to timely file a response to the *Defendants' Application for Award of Attorney's Fees and Costs*.

53. Jack Gartley died on June 12, 2019.

54. Respondent did not file a reply to the Oldhams' response to the motion to set aside judgment because Mr. Gartley had died prior to the deadline for filing a reply and Respondent had determined there was insufficient evidence to prove the case against the Oldhams without Mr. Gartley's testimony.

55. In a June 28, 2019 minute entry, Judge Thomason stated that Respondent had not diligently prosecuted the case. He stated, “Nothing was done to prosecute this case.” The court further stated the following in its June 28, 2019 minute entry:

Indeed, the conduct of plaintiff’s counsel [Respondent] has been unacceptable. Ignoring cases for months on end is not how litigants and their counsel are to behave. In order for the system to work, plaintiffs need to diligently prosecute their cases. At least some minimal effort has to be made. Moreover, one of the purposes of Commercial Court is to process cases efficiently. To state the obvious, processing this case efficiently has been made impossible by plaintiff and its counsel.

It is particularly disturbing that the conduct of plaintiff’s counsel has not just been dilatory, but also unprofessional. Counsel has refused to respond to numerous emails and phone calls. If a lawyer is to practice in this State and in front of this Court, counsel is expected, at a bare minimum, to act professional and with courtesy. Absolutely no professionalism or courtesy has been shown by plaintiff’s counsel.

The conduct evidenced in this case, and similar conduct in a case addressed by the State Bar in January 2019, leads this Court to have serious concerns about whether counsel intends to diligently prosecute, or is even capable of diligently prosecuting, this case. It does appear to this Court that plaintiff, and-or [sic] its counsel, have no intention of diligently prosecuting this case.

Incredibly, no Reply was filed in support of the Motion to Set Aside. While a Reply is not required, it is shocking that one was not filed here. If plaintiff was serious about proceeding with this case, a Reply would have been filed. Without a Reply, the matters referred to in the Response have gone uncontroverted. The failure to file a Reply again demonstrates a lack of seriousness about this case by plaintiff and/or its counsel. The Court maintained an open mind about the Motion to Set Aside. The absence of a Reply, along with the failure to controvert the

claims in the Response, lead the Court to conclude that the Motion must be denied. Also of concern is the failure of plaintiff to file a Response to the Fee Application, referred to below. The failure to file a Response to the Fee Application again demonstrates extreme indifference to this case.

56. That minute entry also noted that Respondent had responded to defense counsel in another case (the garnishment proceeding following dismissal of the first lawsuit) while “steadfastly ignoring counsel in this [second lawsuit] case.”

57. Judge Thomason found no excusable neglect by Respondent. The court stated, “While prompt relief was sought after the dismissal, no other action has been taken which was prompt.” He also found that Respondent failed to make a showing that JG&A had a meritorious claim.

58. Judge Thomason affirmed his earlier judgment of dismissal, and found that JG&A was not entitled to relief under Civil Rule 60(b)(1) (“mistake, inadvertence, surprise, or excusable neglect”). He also found that the extraordinary circumstances required to be entitled to relief under Civil Rule 60(b)(6) (“any other reason justifying relief”) were not present. He additionally declined to grant relief under A.R.S. §12-504 (judicial discretion to allow commencement of a new action after a prior action was dismissed for lack of prosecution).

59. On July 26, 2019, Judge Thomason electronically signed a *Final Judgment* in the Oldhams’ favor (the *Final Judgment* was filed on July 29, 2019).

He ordered JG&A to pay \$10,000 to the Oldhams for attorney's fees and \$305 for costs.

COUNT TWO (File No. 20-1412/Judge Kalman)

Representation of Patricia DeBarros

60. Patricia DeBarros's daughter, Lerlene Walker died on June 6, 2019, at the age of 59.

61. Ms. DeBarros filed a *pro se* application to be appointed as personal representative of Ms. Walker's estate (*Estate of Lerlene F. Walker*, Maricopa County Superior Court No. PB2019-004138). The Court appointed Ms. DeBarros as personal representative of the estate, but rescinded that order when another party filed a competing application. Thereafter, Ms. DeBarros hired Respondent to represent her in the matter, with the understanding that the probate paralegal who assisted Ms. DeBarros with the initial application would assist him.

62. Ms. DeBarros was reinstated as personal representative on February 20, 2020.

63. On March 11, 2020, Respondent filed a response to a petition filed by Decedent Walker's half-sisters, requesting they be included as beneficiaries of the estate. Ms. DeBarros objected because Ms. Walker's birth resulted from a sexual assault perpetrated by the half-sisters' father.

64. Although Respondent periodically communicated with Ms. DeBarros, he failed to respond to all of her requests for communication. As a result, she was uncertain about the actions she could legally take to move the probate estate forward (*e.g.*, sale of personal property and a residence).

65. After Ms. DeBarros was reappointed as the personal representative, Respondent informed her that her reinstatement as personal representative could not be finalized unless she (a) paid the bond, which she stated she could not afford; or (b) agree to the half-sisters' willingness to waive the bond requirement in exchange for recognizing their inheritance rights. Respondent's plan at that time was for Ms. DeBarros to work with a paralegal service to prepare an inventory of the estate.

66. Respondent had a conversation with Ms. DeBarros in early April 2020, and again in late April or early May 2020.

67. On or about May 15, 2020, the Court's judicial assistant sent an email message to Respondent from her court email address (not the Court's normal email address), attached to which was notice of a status conference scheduled for June 3, 2020.

68. At or about that time, Respondent determined that certain email messages had gone into his "junk" email folder, which he did not realize existed on his desktop computer. When he learned about the "junk" email folder, it had over

1,000 email messages in it, some of which he deleted because he did not recognize the sender's email address.

69. On June 3, 2020, the Court held a GoToMeeting status conference in the case. Respondent failed to appear at that status conference. Judge Amy Michelle Kalman continued the GoToMeeting status conference to July 22, 2020.

70. Respondent did not attend the June 3, 2020 status conference because he had not seen the Court's email message. Had Respondent known about the June 3, 2020 status conference, he would have moved to continue it because he had surgery scheduled for June 2, 2020.

71. In a minute entry regarding the June 3, 2020 hearing, Judge Kalman stated in part:

LET THE RECORD REFLECT that the Court is concerned that Counsel Roll appears to have abandoned this case[,] as well as his client.

LET THE RECORD REFLECT the Court has received a letter from Ms. DeBarros [the personal representative] in regards to lack of communication from Counsel Roll [Respondent].

(Capitalization in original).

72. Respondent did not communicate with Ms. DeBarros for a number of weeks, but he communicated with her in June 2020, after learning about the June 3,

2020 hearing. He claims that Ms. DeBarros did not respond to him until late June or early July 2020.

73. Respondent met with Ms. DeBarros twice before the continued status conference on July 22, 2020. During the second meeting, she informed him that she believed the house that was part of the estate had gone into foreclosure and that she had sold it. Ms. DeBarros was unable to provide him with documentation of the sale at that time. Respondent was confused about what to do, so he called a retired attorney friend of his for advice.

74. Respondent spoke with Attorney Gregory Poulos, who represented Ms. Walker's half-sisters, the day before the July 22, 2020 status conference, but he knowingly failed to inform him that Ms. DeBarros had sold the house that was part of Ms. Walker's estate because he was dubious that the house could have been sold. At that time, Respondent had not yet obtained documentation verifying the sale, but planned to do so.

75. On July 22, 2020, both Respondent and Ms. DeBarros were present at a GoToMeeting status conference. Judge Kalman's minute entry regarding the June 22 status conference stated in part:

The Court admonishes Mr. Roll for his failure to attend the previous hearing [on June 3, 2020] and his failure to communicate with his client [Ms. DeBarros] for several months leading up to the hearing.

[. . .]

The Court notes that its concerns regarding Mr. Roll's actions in this case were not assuaged by his comments in court today. The Court does not find his explanations to be sufficient, and he did not acknowledge the real anxiety and frustration his client clearly felt when she was appointed to serve in an unfamiliar capacity of Personal Representative and could not get her attorney to call her back for months. While the Court is sympathetic to Mr. Roll's personal issues, they do not justify his inaction here.

And it appears that this caused more than simple anxiety and emotional stress. Ms. DeBarros, unable to contact her attorney and justifiably concerned that the primary estate asset, the house, was about to go into foreclosure, sold the house without proper bonding or court permission. She volunteered this information freely to the court. Mr. Roll, prior to this hearing, had communicated (belatedly) with Counsel Poulos without sharing this information. Mr. Poulos was demonstrably shocked at this information and Counsel Roll acknowledged he was aware of that information and did not share it with Mr. Poulos or the Court. The Court is concerned that he would not have shared that information if Ms. DeBarros had not volunteered it on the record.

Mr. DeBarros, for her part, was clearly caught in an untenable position. She risked losing the primary estate asset without acting, but could not get her attorney to tell her how to properly sell the asset. She also did not have out-of-pocket funds to pay the mortgage on the estate herself. It remains to be seen whether the house sale was unreasonable under the circumstances, but if it was, the Court currently is inclined to hold counsel, not the Personal Representative, responsible.

76. In clarification of the Court's minute entry, Respondent stated he missed the June 3, 2020 hearing because he was unaware of it. Also, although Ms. DeBarros asserted that Respondent had not communicated with her for several

months prior to the hearing, he had some communication with her during that period of time, which she found to be insufficient.

77. Following the July 22, 2020 hearing, Respondent obtained copies of documents related to the sale of the house from Ms. DeBarros, and then provided them to Attorney Poulos.

78. In a “Status Report” filed by Respondent on August 7, 2020, he stated:

Counsel also would like to clarify his position regarding communications with Ms. DeBarros. While counsel acknowledges that there were a number of weeks during which time he did not communicate with Ms. DeBarros, it must be stated that he reached out to Ms. DeBarros in June after learning of the June 2 [sic], 2020 hearing. Ms. DeBarros did not get back to him until July, after the house in question had been sold. In fact, counsel had quite extensive communication with Ms. DeBarros up through the first week of April. [. . .] Also at this time, I was served with divorce papers and my wife moved out. We have 3 children that were then in the 5th, 4th and 1st grades. I instantly became a single father charged with their online studies. In addition, I was cognizant that I would be losing my health insurance once the divorce was final. I have several chronic medical issues that I wanted to see to before having my coverage change. In addition, my youngest daughter has a genetic heart condition that had been scheduled for surgery.

During the May time period, I was largely working “remotely” - working off of a laptop and receiving, so I thought, my emails on my phone. What I learned later is that my desk computer received a number of “junk” emails that did not appear on my phone. When I logged back on, there were hundreds and hundreds, if not thousands, of emails that had built up in my “junk” folder. I honestly did not review them individually, but deleted them in bulk. The Court’s judicial assistant, Ms. Heather Hill, did forward to me the email that was sent in Mid-May [sic] that had the notice of the rescheduled hearing for June 3,

2020. I did not see that email. I note that her email requested that I respond with Ms. DeBarros'[s] email address (she does not use email). Had I seen it, I certainly would have responded - especially given that I had knee surgery scheduled for the [sic] June 2 [sic], 2020[,] and I likely would not be in a position to participate in the hearing, even telephonically.

During the end of April/May period, I admittedly was focused on other issues.

After I learned of the June 3, 2020 hearing, I did call Ms. DeBarros. She did not immediately return my calls. I also contacted the paralegal whom had prepared her initial case, and who Ms. DeBarros stated she would contact to help with the inventory and finalizing the estate, to see if she had been in contact with Ms. DeBarros. She had not heard from her. I was not aware that Ms. DeBarros was in the process of selling the house. She did not contact me until after it was sold. Ms. DeBarros was very concerned and confused and I did not fully understand what she was explaining to me. We met in July, the last time being just prior to the [July 22] hearing and after I had contacted Mr. Poulos regarding the hearing. I certainly could have contacted him and even just left a voice message letting him know about the house being sold. I do not know why I did not at that time - obviously, he would learn of the sale of the house. At this point, I can only surmise that I didn't fully understand or appreciate the transaction and wanted to know more before discussing it. That is a decision that I made[,] and it was clearly a bad decision. I apologize to Mr. Poulos and to the Court for not immediately coming forth with that information.

79. In a handwritten letter from Ms. DeBarros to Judge Kalman dated September 15, 2020, Ms. DeBarros noted that she wanted Respondent removed as her counsel because of her belief that he was not assisting and responding to her as she expected.

80. On September 21, 2020, Judge Kalman entered a minute entry which stated in part:

The Court has received a second letter from Ms. Patricia Debarros in this matter indicating that she has not receive[d] any communication from Mr. Roll since the last court hearing.

The court reminds Counsel Roll that it is imperative that he communicates with his client regarding all aspects of the case[,] and ORDERS that he contact her and update her on the status of the case, as well as on the new court date.

(Capitalization in original).

81. On December 10, 2020, Judge Kalman entered an order granting Attorney Mark Tucker's application for substitution of counsel, replacing Respondent as counsel of record for Ms. DeBarros.

Failure to Promptly Respond to Bar Counsel

82. On July 6, 2020, bar counsel's assistant emailed a letter to Respondent at guy.roll@roll-law.com, his email address on record with the State Bar of Arizona. In that letter, bar counsel directed Respondent to submit a written response by July 27, 2020, regarding the allegations of misconduct made by Ms. DeBarros. That letter stated in part:

Pursuant to ER 8.1(b) and Rule 54(d), Ariz. R. Sup. Ct., you have a duty to cooperate with this investigation. Failure to fully and honestly respond to, or cooperate with, the investigation is, in itself, grounds for discipline.”

83. Respondent failed to submit a response to bar counsel's July 6, 2020 letter by July 27, 2020, as directed by bar counsel.

84. On July 29, 2020, bar counsel's assistant emailed a follow-up letter to Respondent at guy.roll@roll-law.com, his email address on record with the State Bar of Arizona. In that letter, bar counsel directed Respondent to provide a response to the charge submitted by Ms. DeBarros within 10 days of the date of that letter.

85. On August 11, 2020, Respondent hand-delivered a response to the State Bar office in Phoenix, Arizona. On that same date, bar counsel's assistant emailed a letter to Respondent at guy.roll@roll-law.com, his email address on record with the State Bar of Arizona. That letter from bar counsel stated in part:

Reference is made to my letters dated July 6 and 29, 2020, advising you of the concerns raised by Judge Amy Kalman in *In the Matter of the Guardianship of Lerlene F. Walker*, Maricopa County Superior Court No. PB2019-004138. This office has no record of the receipt of your response.

Enclosed is another minute entry issued by Judge Kalman, in which she raises concerns about your representation of the personal representative.

Pursuant to Rule 47(h) and 55(b)(1)(B), Ariz. R. Sup. Ct., you are hereby given notice that your failure to comply with this request for response **within ten (10) days of the date of this letter (August 21, 2020)** may require the taking of your deposition pursuant to subpoena, or a recommendation to the Attorney Discipline Probable Cause Committee for an order of probable cause. Please be further advised that, should your failure to cooperate result in the taking of a deposition pursuant to Rule 47, you "shall be liable for the actual costs of conducting the deposition. .

. .” If you fail to comply with an investigative subpoena, you may be subject to contempt proceedings, and could be summarily suspended.

I again refer you to Rule 54(d), and caution you that failure to cooperate with a disciplinary investigation is grounds, in itself, for discipline.

(Bold typeface and ellipsis in original).

86. On August 11, 2020, Respondent sent an email message to bar counsel’s assistant, in which he stated:

Ms. Brokaw, I literally just dropped off the envelope with an original and copy. I meant to deliver it yesterday, but I unexpectedly have been getting my kids settled into their distance learning programs (and I know very little about computers!).

87. Thereafter, but also on August 11, 2020, bar counsel’s assistant sent an email message to Respondent at guy.roll@roll-law.com, Respondent’s email address on record with the State Bar of Arizona, stating: “Please make sure you still review the materials attached to my email as [Bar Counsel] Lee is attaching a second minute entry that our office received.”

88. On August 12, 2020, bar counsel’s assistant sent another email message to Respondent, attached to which was a copy of bar counsel’s August 11, 2020 letter. That August 12 email message stated: “I received your response that you dropped off and wanted to make sure that I clarify that the letter that was emailed yesterday

included a minute entry that raised additional concerns. I spoke with Mr. Lee and he would like you to respond to the letter sent yesterday within 20 days.”

89. Respondent failed to timely submit a response to bar counsel’s request for a supplemental response within 20 days of August 12, 2020.

90. On October 23, 2020, bar counsel sent an email message to Respondent at guy.roll@roll-law.com, his email address on record with the State Bar, which stated in part:

I am still awaiting a supplemental response based on the attached email message, which was sent to you by my assistant on August 12, 2020. I know you are not feeling well, but please submit a supplemental response within ten days regarding the attached email.

91. Attached to that October 23 email message was a copy of the August 12, 2020 email message from bar counsel’s assistant to Respondent and a copy of bar counsel’s August 11, 2020 letter to Respondent.

92. Respondent failed to submit a response within ten business days of bar counsel’s October 23, 2020 email message, as directed by bar counsel.

93. Thereafter, but also on October 23, 2020, Respondent sent an email message to bar counsel in which he stated in part: “Mr. Lee, I will try to look at that this weekend.”

94. On January 28, 2021, bar counsel sent another email message to Respondent, which stated:

I still do not see a response from you regarding the email message below (and the email attached above). **Please submit a response by no later than noon, next Monday, February 1, 2021**, regarding the allegations set forth in my letter to you dated August 11, 2020, and the Superior Court minute entry dated July 22, 2020 (which was filed on August 7, 2020).

(Bold typeface in original).

95. Attached to bar counsel's January 28, 2021 email message to Respondent was a copy of the August 12, 2020 email message from bar counsel's assistant to Respondent and a copy of bar counsel's August 11, 2020 letter to Respondent.

96. On February 2, 2021, Respondent emailed his response to the State Bar (the initial request for that response was made on August 11, 2020).

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 he violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 3.4(c), ER 8.4(d), and Rules 54(c) and (d), Ariz. R. Sup. Ct.

CONDITIONAL DISMISSALS

There are no conditional dismissals.

RESTITUTION

Restitution is not an issue in these matters.

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: **Suspension of 45 days, effective June 1, 2021, and two years of probation upon reinstatement.** The terms of probation will consist of:

1. LOMAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order. Respondent shall submit to a LOMAP examination of his office procedures. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP.
2. LRO MAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated

herein. Respondent will be responsible for any costs associated with participation with compliance.

3. CLE: In addition to annual MCLE requirements, Respondent shall complete one of the following State Bar continuing legal education programs addressing stress: (i) “Stress Management & Wellness: A Toolkit for Lawyers” (3 CLE hours); (ii) “Time Management: The Art of Being Productive and Reducing Stress” (2 CLE hours); (iii) “Attorney Wellbeing: Why We Should Care and What We Can Do About It” (3 CLE hours); or (iv) “Minding Your Mind During a Difficult Time” (2 CLE hours). Respondent shall provide the State Bar’s Compliance Monitor with evidence of completion of the program 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.
4. Respondent shall commit no further violations of the Rules of Professional Conduct.

NON-COMPLIANCE LANGUAGE

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* 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 *Standards* 4.42 and 6.22 are the appropriate *Standards* given the facts and circumstances of this matter.

Standard 4.42 states, “Suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.”

Standard 6.22 states, “Suspension is generally appropriate when a lawyer knowingly violates 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.”

Respondent knowingly failed to (a) timely submit an initial disclosure statement; (b) conduct an “early meeting”; and (c) timely prepare a “Joint Report” and “Proposed Scheduling Order” in the Gartley case against the Oldhams. In addition, Respondent’s conduct in the DeBarros representation exhibited a pattern of neglect.

There was both actual and potential injury to Respondent’s clients (*e.g.*, the dismissal of claims and the imposition of attorneys’ fees in the Gartley case, and potential injury to the estate in the DeBarros matter).

The duty violated

Respondent's conduct violated (a) his duty to his clients by violating ER 1.2(a) (scope of representation), ER 1.3 (diligence), and ER 1.4(a) and (b) (communication); and (b) his duty to the legal system by violating ER 3.4(c) (fairness to opposing party and counsel), ER 8.4(d) (conduct prejudicial to the administration of justice), and Rule 54(c), Ariz. R. Sup. Ct. (knowing violation of any rule or any order of the court).

The lawyer's mental state

Respondent knowingly violated the Rules of Professional Conduct by failing to comply with court rules and court orders. The numerous, unsuccessful attempts by the Oldhams' counsel to get Respondent to comply with court- and rule-imposed responsibilities and deadlines supports a finding that his conduct was knowing, rather than negligent.

The extent of the actual or potential injury

Respondent's misconduct resulted in actual and potential injury to Jack Gartley & Associates. Actual injury is reflected in the dismissal of both the first lawsuit and the second lawsuit, and the imposition of attorney's fees in both cases. The dismissal of the second lawsuit could conceivably have resulted in potential

injury rather than actual injury if, as asserted by Respondent, Mr. Gartley was the only person who could provide necessary testimony at trial.

The Walker estate was subject to potential injury based on Respondent's failure to adequately communicate with and advise Ms. DeBarros regarding the sale of the house belonging to the estate. There is no evidence, however, that Ms. DeBarros's sale of the house resulted in any injury to the estate.

Aggravating and mitigating circumstances

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

In aggravation:

a) *Standard 9.22(a): prior disciplinary offenses.*

Respondent was censured (the equivalent of a present-day reprimand) and placed on probation for two years (including participation in the State Bar's Law Office Management Assistance Program (LOMAP) and Trust Account Ethics Enhancement Program) on May 16, 2008, in File Nos. 06-0540, 06-0954, 06-1809, and 06-2061 (consolidated) for violations of ER 1.4, ER 1.15, ER 1.16(d), ER 5.3, ER 5.5, ER 5.7, and Rule 44, Ariz. R. Sup. Ct. (Rule 44 has since been repealed but the provisions were incorporated into

Rule 43) (all violations were related to Respondent's debt settlement business); Respondent completed the terms of probation.

Respondent was reprimanded and placed on probation for two years (including participation in LOMAP and additional Continuing Legal Education) on February 4, 2019, in File No. 17-2429 for violations of ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.16(a), ER 3.4(d) and ER 8.4(d) (the terms of probation were not signed until January 20, 2020).

Standard 8.2 states, "Suspension is generally appropriate when a lawyer has been reprimanded for the same or similar misconduct and engages in further acts of misconduct that causes injury or potential injury to a client, the public, the legal system, or the profession."

b) *Standard 9.22(c): a pattern of misconduct.*

Not only was there a pattern of failing to comply with the rules and court orders during his representation of Jack Gartley & Associates, but his prior disciplinary sanctions for similar rule violations establishes a pattern of misconduct.

c) *Standard 9.22(d): multiple offenses.*

Respondent's violation of the duties he owed to his client, opposing counsel and the court establishes the aggravating factor of multiple offenses.

d) *Standard 9.22(e): bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency.*

In File No. 19-2630, Respondent failed to timely submit his initial disclosure statement to the State Bar in the pending proceeding, and in File No. 20-1412, Respondent failed to timely respond to bar counsel's initial screening letter and request for a supplemental response.

e) *Standard 9.22(i): substantial experience in the practice of law.*

Respondent was admitted to practice law in Arizona on October 22, 1994. As an experienced attorney, he was more aware than an inexperienced attorney of the potential adverse rulings a court could enter against his clients based on his failure to comply with court rules and orders, including the possible imposition of sanctions or dismissal of his clients' cases.

In mitigation:

a) *Standard 9.32(b): absence of a dishonest or selfish motive.*

b) *Standard 9.32(c): personal or emotional problems*

Respondent's wife filed for divorce and moved out of the marital home shortly before the Governor's "stay-at-home" order in or about March 2020. He essentially became a single parent responsible for educating his three

minor children (who were in the 1st, 4th and 5th grades) from home. He was also very concerned that he would lose his health insurance, which he obtained through his wife's employment, but which he relied on for treatment of a blood disorder and other chronic medical conditions. In addition, about that time, his work slowed, and he was practicing law from his home.

c) *Standard 9.32(e): full and free disclosure to disciplinary board or cooperative attitude toward proceedings.*

This mitigating factor is present based on his willingness to enter into this consent agreement.

d) *Standard 9.32(m): remoteness of prior offenses.*

Respondent's censure (the equivalent of a present-day reprimand) was imposed in 2008.

Discussion

The presumptive sanction of suspension is appropriate in this case. A lesser sanction is not appropriate because Respondent has previously been reprimanded for similar misconduct, and a greater sanction is not appropriate because Respondent has never been suspended from the practice of law for disciplinary reasons.

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanctions set forth above are within the range of appropriate sanctions 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 the objectives of discipline will be met by the imposition of the proposed sanction of a 45-day suspension, followed by probation upon reinstatement, and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

DATED this 13th day of May, 2021.

STATE BAR OF ARIZONA

/s/James D. Lee
James D. Lee
Senior 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, including Rule 72, with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property, and duties owed based on other rules pertaining to suspension.

DATED this 13th day of May, 2021.



Guy P. Roll
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 13th day of May, 2021.

Copy of the foregoing emailed
this 13th 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

Guy P. Roll
The Roll Law Office, PLLC
4600 East Washington Street, Suite 300
Phoenix, Arizona 85034-1908
Email: guy.roll@roll-law.com
Respondent

Copy of the foregoing electronically
preserved this 13th day of May, 2021, for:

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

by: /s/Jackie Brokaw
JDL/jlb

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Guy P. Roll, Bar No. 015987, Respondent

File Nos 19-2630 & 20-1412

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

02/25/2021 Alliance Reporting-Deposition of Guy Roll \$ 193.75

Total for additional costs \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$ 1,393.75

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF AN ACTIVE
MEMBER OF THE STATE BAR OF
ARIZONA,

GUY P. ROLL,
Bar No. 015987,

Respondent.

PDJ-2020-9073

**FINAL JUDGMENT
AND ORDER**

[State Bar No. 19-2630]

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, **Guy P. Roll**, is suspended from the practice of law in Arizona for 45 days, effective June 1, 2021, for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two years, **the terms of probation which will consist of:**

1. LOMAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order. Respondent shall submit to a LOMAP examination of his office procedures. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP.
2. LRO MAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation with compliance.
3. CLE: In addition to annual MCLE requirements, Respondent shall complete one of the following State Bar continuing legal education programs addressing stress: (i) “Stress Management & Wellness: A Toolkit for Lawyers” (3 CLE hours); (ii) “Time Management: The Art of Being Productive and Reducing Stress” (2 CLE hours); (iii) “Attorney Wellbeing: Why We Should Care and What We Can Do About It” (3 CLE

hours); or (iv) “Minding Your Mind During a Difficult Time” (2 CLE hours). Respondent shall provide the State Bar’s Compliance Monitor with evidence of completion of the program 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.

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

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge if reinstatement hearings become necessary.

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 \$ 1,393.75 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.

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 May, 2021.

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

Guy P. Roll
The Roll Law Office, PLLC
4600 East Washington Street, Suite 300
Phoenix, Arizona 85034-1908
Email: guy.roll@roll-law.com
Respondent

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

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

by:_____

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GUY P. ROLL,
Bar No. 015987

Respondent.

PDJ 2020-9073

**DECISION ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar Nos. 19-2630, 20-1412]

FILED MAY 27, 2021

Pursuant to Rule 57(a), Ariz. R. Sup. Ct., an Agreement for Discipline by Consent was filed on May 13, 2021. A Probable Cause Order issued on August 5, 2020 in File No, 19-2630, and the formal complaint was filed on August 27, 2020. In File No. 20-1412, probable cause was found, but no formal complaint has been filed. The State Bar of Arizona is represented by James D. Lee. Mr. Roll is self-represented.

Rule 57 requires that admissions be tendered “in exchange for the stated form of discipline.” The respondent lawyer’s right to an adjudicatory hearing is waived only if the conditional admissions and proposed form of discipline are approved. If an agreement is not accepted, the conditional admissions are withdrawn and may not be used in any subsequent proceeding. Contingent on approval of the proposed form of discipline, Mr. Roll 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 agreement was sent to the complainant(s) by email on April 14, 2021 in File No. 19-2630 and by email on April 15, 2021 in File No. 14-12. Pursuant to Rule 57(a)(2)(C), bar counsel notified the complainant in File No. 12-2630 that restitution will not be forthcoming based on the consent agreement. No objections have been received.

The Agreement details a factual basis to support the conditional admissions and is incorporated by reference. *See* Rule 57(a)(4). Mr. Roll admits that he violated Rule 42, ERs 1.2(a) (scope of representation), 1.3 (diligence), 1.4(a) and (b) (communication), 3.4(c) (knowingly disobey obligation under rules of tribunal) 8.4(d) (conduct prejudicial to the administration of justice), and Rule 54(c) (knowing violation of any rule or order of the court) and (d) (refusal to cooperate/furnish information). As a sanction, the parties agree to a 45-day suspension commencing June 1, 2021 and, upon reinstatement, two years of probation with the State Bar's Law Office Management Assistance Program, Member Assistance Program, completion of a Continuing Legal Education program, and the payment of costs within 30 days.

The parties stipulate that Mr. Roll engaged in a pattern of neglect of clients and failed to comply with court rules and orders. In Count One, Mr. Roll represented clients in civil litigation. He failed to adequately communicate with his clients or opposing counsel and failed to diligently prosecute his clients' claims. He further

failed to comply with obligations imposed by the Arizona Rules of Civil Procedure. The clients' claims were ultimately dismissed, and the superior court assessed attorney's fees against them.

In Count Two, Mr. Roll represented a client in a probate matter. He failed to attend a status conference or to adequately communicate with his client, despite admonishments to do so by the court. Mr. Roll further failed to promptly respond to bar counsel's inquiries in this matter.

The parties stipulate that Mr. Roll knowingly violated his duties to his clients and the legal system. His conduct caused actual and potential injury. The presumptive sanction is suspension under *ABA Standards 4.42 Lack of Diligence*, *6.22 Abuse of the Legal Process*, and *8.2 Prior Discipline Orders*. The parties stipulate to the existence of aggravating factors 9.22(a) prior disciplinary offenses, 9.22(c) pattern of misconduct, 9.22(d) multiple offenses, 9.22(e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency, and 9.22(i) substantial experience in the practice of law. The parties further stipulate to the existence of mitigating factors 9.32(b) absence of selfish or dishonest motive, 9.32(c) personal or emotional problems, 9.32(e) cooperative attitude toward proceedings based on willingness to enter into a consent agreement.

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

DATED this 27th day of May 2021.

Margaret H. Downie
Margaret H. Downie, Presiding Disciplinary Judge

COPY of the foregoing e-mailed on this 27th day of May 2021 to:

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

Guy P. Roll
The Roll Law Office, PLLC
4600 East Washington Street, Suite 300
Phoenix, Arizona 85034-1908
Email: guy.roll@roll-law.com
Respondent

by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GUY P. ROLL,
Bar No. 015987

Respondent.

PDJ 2020-9073

**FINAL JUDGMENT
AND ORDER**

[State Bar Nos. 19-2630, 20-1412]

FILED MAY 27, 2021

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

Accordingly:

IT IS ORDERED Respondent, **GUY P. ROLL, Bar No. 015987**, is suspended from the practice of law in Arizona for 45 days, effective June 1, 2021, for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that upon reinstatement, Mr. Roll shall be placed on probation for a period of two (2) years under the following terms and conditions:

1. Law Office Management Assistance Program (LOMAP): Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within

ten (10) days of the date of this Order. Mr. Roll shall submit to a LOMAP examination of his office procedures. Mr. Roll shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Mr. Roll shall be responsible for any costs associated with LOMAP.

2. LRO Member Assistance Program (MAP): Mr. Roll shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days of the date of this Order, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Mr. Roll shall be responsible for any costs associated with participation and compliance.
3. Continuing Legal Education (CLE): In addition to annual MCLE requirements, Mr. Roll shall complete one of the following State Bar CLE programs addressing stress: (i) "Stress Management & Wellness: A Toolkit for Lawyers" (3 CLE hours); (ii) "Time Management: The Art of Being Productive and Reducing Stress" (2 CLE hours); (iii) "Attorney Wellbeing: Why We Should Care and What We Can Do About It" (3 CLE hours); or (iv) "Minding Your Mind During a Difficult Time" (2

CLE hours). Respondent shall provide the State Bar's Compliance Monitor with evidence of completion of the program by providing a copy of handwritten notes and certificate of completion. Mr. Roll shall contact the Compliance Monitor at (602) 340-7258 to make arrangements to submit this evidence. Mr. Roll shall be responsible for the cost of the CLE.

4. Mr. Roll shall commit no further violations of the Rules of Professional Conduct.

IT IS FURTHER ORDERED pursuant to Rule 72 Ariz. R. Sup. Ct., Mr. Roll shall comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED Mr. Roll shall pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,393.75 within thirty (30) days from the date this Order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

DATED this 27th day of May 2021.

Margaret H. Downie
Margaret H. Downie, Presiding Disciplinary Judge

Copies of the foregoing emailed
this 27th day of May 2021, to:

Guy P. Roll
The Roll Law Office, PLLC
4600 East Washington Street, Suite 300
Phoenix, Arizona 85034-1908
Email: guy.roll@roll-law.com
Respondent

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

by: SHunt