

In the Matter of Thomas H. Leavell, Bar No. 021185, PDJ 2011-9061 effective October 28, 2011. *Attorney Reprimanded and costs imposed.*

Pursuant to Rule 57(a)(4)(A), Ariz.R.Sup.Ct, the PDJ approved the direct Agreement for Discipline by Consent submitted by the parties and reprimanded Thomas Leavell.

Respondent agreed to provide trust and estate planning documents at a discounted rate to clients of Estate Retirement Planners, a business entity unrelated to Respondent's law practice. Estate Retirement Planners conducted initial interviews with clients, recorded information on a pre-printed form, entered into a fee agreement with those clients who wished to have estate planning documents prepared, and then sent the pre-printed forms to Respondent. The clients paid a lump-sum fee to Estate Retirement Planners for the services that it and Respondent provided, and then Estate Retirement Planners paid Respondent after he completed the requested estate planning documents. Upon receipt of the pre-printed form from Estate Retirement Planners, Respondent called the clients to confirm the information he had received, discuss various estate planning documents and the clients' goals and need for estate planning documents, and prepare the desired estate planning documents. Respondent failed to communicate to his clients the scope of representation and the basis or rate of the fee and expenses for which his clients would be responsible.

Respondent forwarded the completed estate planning documents to Estate Retirement Planners. Thereafter, an employee at Estate Retirement Planners witnessed and notarized the clients' signatures on the estate planning documents and provided them to the clients. Respondent did not communicate with the clients or explain the estate planning documents to them after forwarding the completed documents to Estate Retirement Planners. The clients were told, however, to contact him if they had questions about the documents. Respondent had no reason to believe that Estate Retirement Planners was engaging in the unauthorized practice of law, had no ownership interest in Estate Retirement Planners or any personal involvement in the day-to-day operation of Estate Retirement Planners, did not supervise anyone who worked for Estate Retirement Planners, and did not direct anyone at Estate Retirement Planners to do anything.

Aggravating factors: a pattern of misconduct, multiple offenses, and substantial experience in the practice of law.

Mitigating factors: absence of a prior disciplinary record, full and free disclosure to bar counsel and cooperative attitude toward the proceedings, character or reputation, and remorse.

Respondent violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.4, 1.5(b), 1.8(f), ER 5.4(a) and 5.5(a).

The agreement is accepted and costs awarded in the amount of \$1,200.00. The proposed final judgment and order is reviewed, approved and signed.