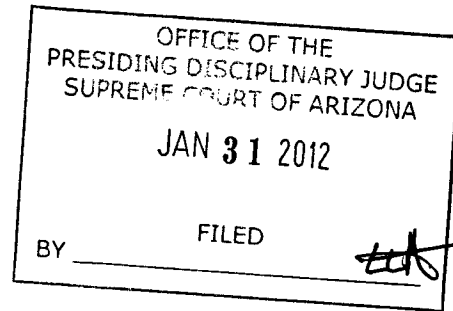


Hunter F. Perlmeter, Bar No. 024755
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288
Telephone: (602) 340-7247
Email: LRO@staff.azbar.org



William M. King, Bar No. 005255
2051 South Dobson Road,
Suite 7
Mesa, Arizona 85202-6433
Telephone: (480) 949-7121
Email: transwestcapitalfunding@gmail.com
Respondent

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

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

William M. King

Bar No. 005255

Respondent.

PDJ-201~~2~~²-9011

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

Nos. 10-1438, 10-1564, 10-1639,
11-0176 and 11-0193

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent William M King, 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. 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.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.1, 1.2, 5.3, 5.5(a), 1.2, 1.3., 1.4, 1.5, 1.15(a), 1.16(a) and 8.4(d).

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: 4 months suspension and one year of 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

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on April 22, 1978.

COUNT ONE (State Bar File No. 10-1438/State Bar of Arizona)

2. On June 18, 2010, the Bar received a mailing from the attorney for the trustee in United States Bankruptcy Court matter 2:09-BK-23136-SSC. The mailing contained the deposition transcript of a debtor named Susan Cabral ("Cabral"). Cabral testified in her deposition that she had received advice from a man she believed to be Respondent. Cabral explained, "He did pass himself off as Bill King but he was not Bill King." (TR, P.19, ln. 4.) Cabral went on to state, "Yeah, the gentleman, which I believe, I am not positive, is the lawyer is a gentleman named Ed Nomura . . ." (TR, P. 19, lines 7-8).
3. Edmund Nomura, a suspended attorney, was employed as a paralegal by Respondent at the time of Ms. Cabral's visit to Respondent's office.

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. Cabral's first appointment at Respondent's Mesa office was on 9/16/2009 to discuss a foreclosure letter she had received regarding property she owned in California. She called respondent's office to schedule an appointment after receiving a mailer advertising \$1,500 bankruptcies and a coupon for \$100 off. Cabral paid Respondent the full \$1,400 within five days of her first appointment.
5. Upon arriving at her appointment, the receptionist advised Ms. Cabral that she would be meeting with Bill King. Cabral, however, was first met by a man named Javier, who, she was told, was a document preparer. During the meeting, Javier informed Cabral that Bill King would be into the office shortly to go over paperwork.
6. After completing paperwork, Javier walked Cabral to what she thought was Respondent's Office. According to Cabral, Javier addressed the man in the office, by Respondent's name. The man in the office was, in fact, a suspended attorney, Ed Nomura.
7. Cabral indicated that Nomura, who she believed to be Respondent, reviewed the bankruptcy code with her and told her that filing for bankruptcy would prevent the bank from foreclosing on property that Cabral owned in California. Cabral left the office after meeting with Ed Nomura.
8. When Cabral appeared at her creditor's meeting on 10/22/09, much to her surprise, a gentleman Ms. Cabral had never met informed the court that he was "filling in" for Bill King. The docket indicates that a Notice of Limited Appearance to Represent Debtor was filed by Kenneth Bemis on 10/21/09.

9. After the hearing Cabral had a phone conversation with Bill King regarding her interest in withdrawing her Bankruptcy petition. Cabral reported that King appeared to have no recollection of ever having met with her despite the fact that she believed they had met only a couple of weeks earlier.
10. Around the time of the phone call, Cabral's fiancé presented Cabral with an advertisement for Bill King, P.C that he had received in the mail. The advertisement contained a photograph of Bill King. Cabral's fiancé asked Complainant, "Didn't you say that Bill King was a Hawaiian guy?" Cabral had never met the man who appeared on Bill King's advertisement.
11. Cabral sent the following email to Billkinglaw@yahoo.com on October 27, 2009, "What is the name of the lawyer I met in your office? Bill King called me Friday and he was not the lawyer I met in your office."
12. When contacted by the Bar regarding Mr. Nomura's interactions with Cabral, Respondent responded in writing on August 4, 2010, "I acknowledge that Ms. Cabral was assisted by both Edmund Nomura and Javier Vasquez in the initial intake procedure. It is my recollection, contrary to that stated in the deposition, that I met with Ms. Cabral to review her petition with her prior to filing. If not, this would certainly have been an exception to the general practice."
13. Ms. Cabral called Respondent's office to schedule a meeting regarding her concerns about her case shortly after her creditor's meeting. After two appointments were canceled by Respondent, Cabral met with Respondent and asked why Ed Nomura had been introduced to her as Bill King, why she was represented at a hearing by an attorney who she had never met, and why

there had been multiple canceled appointments. Cabral was informed that she "had more pressing problems to deal with" because Terry Dake, the attorney for the trustee, was now reviewing her bankruptcy case.

14. Cabral did not further inquire about her concerns with Respondent's office and, soon after, obtained a new bankruptcy attorney.
15. In an October 7, 2011 letter, bar counsel requested additional information from Respondent to be returned in 10 days. On October 24, 2011, with no response having been received, bar counsel contacted Respondent who indicated that his wife's health problems had caused him to fall behind. He promised that he would provide a response within 3 business days.
16. On October 28, 2011, Respondent responded indicating that he was unable to satisfy the Bar's request for a copy of his fee agreement with Cabral because he had "misplaced the file." He provided a blank fee agreement form that he was using at the time that he represented Cabral.
17. The blank fee agreement provided does not contain language informing the client that Respondent may contract with another attorney to cover court hearings.

COUNT TWO (File No. 10-1564/Feller)

18. Complainant hired Respondent in January of 2009 regarding a child support matter and paid a fee of \$751.00 for Respondent to begin work on the matter.
19. In his August 11, 2010 bar complaint, Respondent indicated that he faxed Complainant on February 4, 2009, February 6, 2009, March 20, 2009, and September 18, 2009, in an effort to communicate with Respondent. He further stated, "I have also placed numerous phone calls to Mr. King and each time I

have called, his secretary has stated that she would let him know I called, but I have not once received a return phone call or any response to the faxes and emails I have sent him."

20. In July of 2010, a friend of Complainant's, Gregory Hague of Stinson Morrison Hecker, LLP, offered to assist Complainant in getting an update from Mr. King. Mr. Hague called Mr. King "a number of times" and did not receive a return call.
21. Respondent provided a response to the Complaint in an October 4, 2010, letter in which he indicated that after taking Complainant's case, he discovered "... any work in this matter had to be done in Pima County." He advised Complainant telephonically that it made more economic sense for him to retain someone in Pima County to handle his case. Respondent went on to state, "I assumed that he had done so and therefore closed his file. It was not until recently that I became aware of the fact that this was not in fact the case." He further stated, "I was remiss in not confirming this understanding in writing." Respondent did not explain why he failed to refund Complainant's \$751.00 fee payment.
22. On September 19, 2011, bar counsel requested additional information from Respondent to be provided within ten days. On October 24, 2011, with no response or request for extension having been received, bar counsel contacted Respondent's office. Respondent indicated that his wife's health problems had caused him to fall behind. Respondent promised that a response would be furnished within three business days.

23. On October 26, 2011, Respondent sent a check to the Bar in Complainant's name for the amount of \$751.00. The letter simply stated, "In my letter of October 4, 2010, I suggested a refund as an alternative to performing the services. I had not heard from either of Mr. Feller or the bar until your letter. I am, with this letter enclosing a check payable to Mr. Feller in the amount of \$751.00."
24. On October 28, 2011, Bar Counsel returned the check to Respondent by mail and requested that the check be forwarded directly to Complainant.
25. Respondent provided no response concerning Complainant's allegations that he failed to communicate.

COUNT THREE (File No. 10-1639/Specht)

26. On March 10, 2010, Complainant's father retained respondent to represent Complainant in a DUI matter. Respondent accepted an initial retainer of \$3,250.00 in Valuecard barter credits.
27. Complainant alleges, and Respondent acknowledges, that he was late to court for two pretrial conferences.
28. In addition to the original \$3,250.00 in barter credits, Complainant's father advanced an additional \$3,250.00 in barter credits to Respondent to cover a possible trial. The case did not advance to trial and Respondent failed to refund the additional \$3,250.00 in barter credits until November of 2011, after the filing of Complainant's bar complaint.
29. On July 16, 2010, Complainant's father requested an itemized bill. As of October 4, 2010, Respondent had not yet issued the itemized bill. In a response to the Bar on that date (October 4, 2010), Respondent stated: "I am

putting a final statement of account together for Mr. Specht and will have it to him this week.”

30. On September 19, 2011, bar counsel requested proof that Respondent had provided a final statement to Complainant’s father and proof he had refunded the additional \$3,250.00 for trial. In an October 28, 2011 letter, Respondent stated, “In re-reviewing Mr. Specht’s file, I note that I did not prepare a final statement. In looking back on this, I had the impression that VCA (Value Card Alliance) had unilaterally reversed the transaction for the additional \$3,250.00. I will check into this later today and if the transaction was not reversed, I will ask VCA to immediately re-credit these trade credits to Mr. Specht’s account”.
31. Respondent attached his fee agreement with Complainant’s father to his October 28, 2011, letter to the Bar. The fee agreement indicates “IT IS FURTHER AGREED and acknowledged by Attorney that \$3,250.00 (VCA FOR CIRTCELE ELECTRIC) as the Initial Retainer has been paid on this date” None of the language required under ER 1.8(a) for business transactions, such as the barter agreement entered into with Complainant, is included in the fee agreement.
32. On 11/4/2011, Respondent confirmed the refund of \$3,250.00 in VCA credits into Complainant’s father’s account.

COUNT FOUR (File No. 11-0176/Coffelt)

33. In February of 2009, Respondent filed a complaint on Complainant’s behalf to modify child support payments being received by Complainant.

34. On July 13, 2010, a final ruling was entered by the Court. Opposing counsel, soon after, filed a Motion for Clarification ("Motion"). According to Respondent, he did not receive a copy of the Motion and, as a result, failed to respond to the Motion.
35. In his response to the complaint, Respondent explained that the order entered by the Court on October 5, 2010, following the motion for reconsideration, "was not inconsistent with prior orders and, as I explained to Mr. Coffelt (Complainant), it did not make sense to file an objection."
36. Respondent notified Complainant of the ruling by email on October 14, 2010.
37. Complainant attempted to contact Respondent by phone after receiving the email, but did not speak with him until January of 2011, at which time Respondent told him that he had not received a copy of opposing counsel's Motion and, according to Complainant, told Complainant that nothing could be done about the ruling.

COUNT FIVE (File No. 11-0193/Feeney)

38. In June of 2007 Respondent was hired by Complainant to place forty acres of property into a family trust. Respondent advised Complainant, that for "legal reasons," probate should not be started until the following year. Respondent immediately cashed the \$3,500.00 check that Complainant paid to him.
39. In 2008 Complainant sent completed paperwork to Respondent that he had been told was necessary to complete the transfer of property.
40. In 2009 Respondent contacted Complainant and indicated he needed new copies of the same documentation that Complainant had provided in 2008. Complainant had his family fill out the paperwork again and returned it to

Respondent on November 2, 2009, but received no further instructions from Respondent.

41. Respondent contacted Complainant sometime during 2010 and Respondent said that he had fired his staff and was unable to find anything pertaining to Complainant's case.
42. Shortly thereafter, Respondent called Complainant and told him that he would file the necessary paperwork once Complainant's family filled out additional paperwork. Complainant asked for his money back so that he could get someone else to take over the case and Respondent refused. Upon Respondent's refusal, Complainant again completed all of the paperwork and sent it back to Respondent.
43. On October 11, 2010, Respondent requested that Complainant complete a deed of distribution. Complainant provided the document to Respondent on November 18, 2010. Between November 18, 2010 and May 13, 2011, despite more than fifteen phone calls documented by Plaintiff's phone records, Complainant was unable to get in touch with Respondent.
44. Following the Bar's May 26, 2011 letter to Respondent notifying him of a Bar complaint in this matter, Respondent made the required filing for Complainant on June 14, 2011.
45. In Respondent's response to the bar complaint on July 7, 2011, he stated, "I acknowledge that in 2009 and 2010 I may not have processed this matter as expeditiously as initially contemplated and may have missed some communications from Mr. Feeney."

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 1.2, 1.3, 1.4, 1.5, 1.8(a), 1.15(a), 1.16(a), 1.16(d) and 8.4(d), Ariz. R. Sup. Ct.

CONDITIONAL DISMISSALS

As no formal complaint has been filed in this matter, there are no conditional dismissals being made by the State Bar.

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agrees that based on the facts and circumstances of this matter, as set forth above, the following sanction is appropriate:

1. Respondent is to be suspended for a period of four months.
2. Upon reinstatement Respondent shall be placed on probation. Probation shall consist of one year of participation in the State Bar's LOMAP program.

LOMAP

Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP), at 602-340-7332, within 30 days of the order of reinstatement. Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to, compliance with ERs 1.3, 1.4 and 1.5. The

director of LOMAP shall develop "Terms and Conditions of Probation", and those terms shall be incorporated herein by reference. The probation period will commence on the date of reinstatement and will conclude one 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.

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*.

Standard 4.42

Suspension is generally appropriate when:

- (a) a lawyer engages in a pattern of neglect that causes injury or potential injury to a client.

Standard 4.32

Suspension is generally appropriate when:

- (a) A lawyer knows of a conflict of interest and does not fully disclose to a client the possible effect of that conflict and causes injury or potential injury to a client.

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 negligently failed to timely communicate with his clients, failed to timely file necessary paperwork, failed to adequately supervise his staff, failed to comply with ER 1.8(a) before entering into a barter agreement, failed to inform his client that he would make use of a coverage attorney for her hearing, and failed to timely issue refunds owed to clients. All of these failures were 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 actual harm to the client and the profession.

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(a) prior disciplinary offenses: Respondent has received an informal reprimand on eight occasions and has received one censure. On two occasions he has been ordered to diversion. Respondent's full disciplinary history is as follows:

- Informal Reprimand, File no. 85-1397, October 17, 1985, DR 6-101 (Lack of competence), Rule 29(a), Ariz.R.Sup.Ct. (R failed to communicate, failed to begin work for six months and lost his client's corporate seal.)
- Informal Reprimand, File no. 86-1457, August 12, 1987, ER 1.1, 1.4(a), and 8.4(b), Rule 42, Ariz.R.Sup.Ct. (R failed to record a child support decree and threatened his client that he would report her to the County Attorney's Office for prosecution if she did not make good on her payment despite his failure.)
- Informal Reprimand, File no. 87-1299, February 9, 1988, ERs 1.3 and 5.1(b), Rule 42, Ariz.R.Sup.Ct. (R failed to complete and file paperwork necessary to incorporate C's business. When C's requested the return of their paperwork it was revealed that R had lost the paperwork.)
- Informal Reprimand, File no. 88-1672, November 2, 1989, ER 1.3, Rule 42, Ariz.R.Sup.Ct. (R was not diligent in filing a civil complaint on C's behalf.)
- Informal Reprimand, File no. 88-1755, April 26, 1989, ER 1.9(a), Rule 42, Ariz.R.Sup.Ct. (R represented C in a divorce action and then after the divorce represented C's husband in a bankruptcy action in which he attempted to discharge the community debt obligations leaving C solely liable.)
- Informal Reprimand, File no. 89-0787, February 14, 1990, ER 1.4(a), Rule 42, Ariz.R.Sup.Ct. (R failed to answer or return phone calls for an extended period of time and failed to inform C of the action that he had taken in her case.)
- Informal Reprimand, File no. 90-0623, December 4, 1992, ERs 1.4 and 8.1, Rule 42, Ariz.R.Sup.Ct. (R told C that he would appear at a hearing. He later decided that it would not be necessary to appear, but he failed to inform his clients that he would not appear. He also failed to timely respond to the Bar's investigation.)

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- Informal Reprimand, File no.06-0565, April 5, 2006, ER 1.8(a): Respondent's entry of a barter agreement with a client to trade legal services for construction services violated ER 1.8(a)
- Censure: File nos. 87-0190 and 87-0812, May 24, 1989, ER 1.1. (In 87-0190, R advised C that she should file for Chapter 13 bankruptcy in order to reorganize her arrearages and adjust the purchase price of her recently purchased home that suffered from plumbing defects. Filing for bankruptcy did not achieve the intended effect. In 87-0812, C failed to list a corporation's sublease agreements on its statement of executory contracts. This error prevented the corporation from reorganizing.)

Respondent's Diversion History:

- 3/3/2009 (09-0376): ERs 1.4 and 1.15 (Respondent failed to provide an accounting when asked and was referred to LOMAP for one year)
- 1/23/2003 (03-0134): ERs 1.2, 1.3 and 1.4 (Expunged)

9.22(c) a pattern of misconduct: Respondent has repeatedly violated ERs 1.3 by exhibiting a lack of diligence and ER 1.4 by failing to reasonably communicate with his clients. Additionally, he has previously been disciplined for violating ER 1.8(a), which is at issue here.

In mitigation:

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

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 the following: Respondent failed to adequately supervise a staff member who gave legal advice to his client. However, Respondent knows that greater supervision was appropriate. Respondent sent an attorney to cover a bankruptcy hearing without communicating in his client's fee agreement that a coverage attorney might be used. Additionally, respondent repeatedly failed to

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communicate in a timely manner with his clients, lost paperwork and failed to timely refund money or barter credits owed to his clients. Finally, Respondent entered into a barter agreement with a client without complying with Rule 1.8(a), a violation for which he has previously been disciplined. During the Bar's investigation, Respondent issued refunds owed to two Complainants. 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 four months suspension, one year of probation, and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit "B."

DATED this 31st day of January, 2012.

STATE BAR OF ARIZONA



Hunter F. Perimeter
Staff Bar Counsel

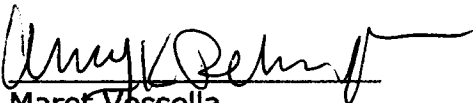
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. [I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property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



DATED this 30th day of January, 2012.


William M. King
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
this 31st day of January, 2012.

Copies of the foregoing mailed/emailed
this 31st day of January, 2012, to:

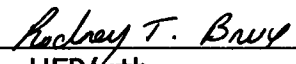
William M. King
2051 South Dobson Road,
Suite 7
Mesa, Arizona 85202-6433
Email: transwestcapitalfunding@gmail.com
Respondent

Copy of the foregoing emailed
this 31st day of January, 2012, to:

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

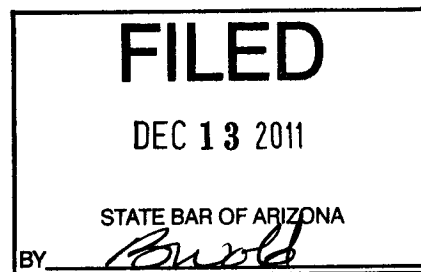
Copy of the foregoing hand-delivered
this 31st day of January, 2012, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

By: 
HFPI/rtb



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



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

**WILLIAM M. KING
Bar No. 005255**

Respondent

Nos. 10-1438, 10-1564, 10-1639,
11-0176 and 11-0193

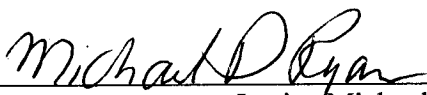
PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona (“Committee”) reviewed this matter on December 9, 2011, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar’s Report of Investigation and Recommendation. By a vote of 9 to 0, the Committee finds that probable cause exists to file a complaint against Respondent in File Nos. 10-1438, 10-1564, 10-1639, 11-0176 and 11-0193.

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

Parties may not file motions for reconsideration of this Order.

DATED this 12th day of December, 2011.



Justice Michael D. Ryan (retired)
Chair, Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

Original filed this 13th day
of December, 2011, with:

Lawyer Regulation Records Department
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

Copy mailed this 15th day
of December, 2011, to:

William M. King
2051 South Dobson Road, Suite 7
Mesa, Arizona 85202-6433
Respondent

Copy emailed this 15th day
of December, 2011, to:

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

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

by: Rebecca T. Bove

EXHIBIT A

2

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
William M. King, Bar No. 005255, Respondent

File Nos. 10-1438, 10-1564, 10-1639, 11-0176, and 11-0193

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

1-24-12

Date

EXHIBIT B

3

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

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

**William M. King
Bar No. 005255**

Respondent.

PDJ-2011-_____

FINAL JUDGMENT AND ORDER

Nos. 10-1438, 10-1564, 10-1639,
11-0176 and 11-0193

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 M. King**, is hereby suspended for four months

for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective March 1, 2012, so that Respondent may facilitate the transfer of his cases to other attorneys chosen by his clients.

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

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of one year during which time he will participate in LOMAP. Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP), at 602-340-7332, within 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, compliance with ER 1.3, 1.4 and 1.5. The director of LOMAP shall develop "Terms and Conditions of Probation", and

those terms shall be incorporated herein by reference. The probation period will commence at the time of reinstatement and will conclude one 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.

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 _____.

DATED this _____ day of February, 2012.

**The Honorable 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 February, 2012.

Copies of the foregoing mailed/emailed
this _____ day of February, 2012, to:

William M. King
2051 South Dobson Road,
Suite 7
Mesa, Arizona 85202-6433
Email: transwestcapitalfunding@gmail.com
Respondent

Copy of the foregoing hand-delivered/emailed
this _____ day of February, 2012, to:

Hunter F. Perlmeter
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288
Email: lro@staff.azbar.org

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

By: _____