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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **Rick D. Poster,** **Bar No. 018115,** Respondent.	**PDJ-2012-** 9105 **AGREEMENT FOR DISCIPLINE BY CONSENT (PRE-FILING)** State Bar No. 11-3914[1]

The State Bar of Arizona through undersigned Bar Counsel, and Respondent Rick D. Poster who is represented in this matter by counsel Karen Clark, hereby submit their Tender of Admissions and Agreement for Discipline by Consent, pursuant to Rule 57(a)(3)(B), Ariz. R. Sup. Ct. 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 be

[1] The State Bar received this charge as a judicial referral. It received a charge against Respondent alleging similar facts from another source and opened a separate file bearing the number 12-0330. The cases later were merged into matter no. 11-3914, and case number 12-0330 was retired. This consent covers all issues and charges related to matter no. 11-3914 and the former matter no. 12-0330.

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 1.3, 3.1, 8.2(a), and 8.4(d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding.[2] The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "A."

FACTS

1. At all times relevant, Respondent was a lawyer licensed to practice law in Arizona having been first admitted to practice here on May 17, 1997.

2. Respondent represented Tilt Shabazz in Maricopa County Superior Court Cause No. CR2010-124760-001 DT, in connection with an alleged attempted sex crime against a minor. Respondent succeeded Mr. Shabazz's first counsel, a deputy public defender ("PD").

3. As Respondent discovered later, the file he received from the public defender did not contain a deposition transcript, minute entry, or a reference to a court grant of immunity to a key witness.

4. The case was assigned to the Honorable Maria Del Mar Verdin.

5. On November 23, 2011, Respondent filed a Motion to Dismiss with Prejudice. In his motion (heard by a different judge, the Honorable William Brotherton), Respondent contended that the prosecutor and Judge Verdin

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[2] 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.

"intentionally" and with "deliberate indifference" to Mr. Shabazz's rights, withheld information from Mr. Shabazz in order to gain "a clear tactical advantage." He wrote:

> In the present case, both the prior court and assigned prosecutor have created and obtained a clear tactical advantage over the defense through both trickery and affirmative conduct. Here, both the court and prosecutor were well aware of an existing interview and a grant of immunity, yet withheld that information from the defense. To make matters worse, the prosecutor even filed additional motions to deny Mr. Shabazz his rights, conducted hearings in support of those motions, and the court granted those motions - both while knowing about the Brady violations, and both while clearly taking advantage of the situation in order to gain a tactical advantage.
>
> * * *
>
> [T]he cumulative effect of the official misconduct is highly prejudicial. Considering that in the present case both the assigned prosecutor and a judicial officer failed to alert defense counsel about vital information being withheld from the defense, coupled with the conduct in two motion hearings where evidence and witnesses presented evidence the defense could not defend against, and the court granting motions furthering the Defendant's prejudice, coupled with the continued conduct of still failing to disclose, the entire negative atmosphere of this case is now irreversible in that we now have two missing witnesses (defense witnesses), an interview the State failed to disclose, information that was withheld and or deleted from the Superior Court's website, all severely and irreversibly prejudicing Mr. Shabazz and anyone else coming in contact with this case.
>
> * * *
>
> **Intentional Misconduct**
>
> As indicated above, the intentional misconduct has occurred on two fronts- first by the prosecutor, and second by a court. In addition, neither can be said to have done so with negligence or simple mistakes. In other words, the intentional misconduct in this case was done with deliberate indifference to the rights of Mr. Shabazz . . . .

6. During oral argument on Respondent's motion on December 6, 2011, Respondent also included an allegation against the Maricopa County Superior Court Clerk. The dialogue proceeded as follows:

The Court: So you seem to be alleging there was some collusion between, basically, the prosecution, the prior judge on the case, and I guess the Clerk of the Court . . . to not make those minute entries available online; is that right?

Mr. Poster: I would agree.

* * *

The Court: Okay. Do you have anything else you want to add, sir?

Mr. Poster: My motion speaks for itself. I stand by what I said.

7. The chronology of relevant events shows the following: As the result of court proceedings that occurred from October-December 2010, Judge Verdin granted a motion permitting the State to depose a witness named Catherine Fairley (the minor's mother), and granted immunity to her. Prior counsel - the PD - participated in those proceedings and was copied on the pertinent minute entry and order which affirmed the deposition date and granted Catherine immunity. Should this matter proceed to hearing, the State Bar would produce evidence that both documents were filed with the Superior Court Clerk and appear in the court's file. Respondent would produce evidence that neither document was available in either a physical court file, nor were any references available via the court docket or minute entries. Mr. Shabazz and the PD both attended Catherine's December 17, 2010 deposition.

8. Respondent substituted in as counsel for Mr. Shabazz on January 26, 2011. Catherine and the minor later became unavailable so the State filed a motion to invoke the doctrine of forfeiture by wrongdoing. The State sought to demonstrate that Mr. Shabazz engaged in wrongdoing by procuring Catherine's and the minor's absence from trial through his influence over Catherine, with whom he continued to have a romantic relationship, as a result of which he forfeited his Constitutional right

to confront witnesses. If successful, the State would then have been entitled to enter into evidence at trial statements to the police from Catherine and the minor, as well as the transcripts of interviews and depositions of these two witnesses, that otherwise were inadmissible hearsay.

9. At the May 25, 2011 forfeiture-by-wrongdoing hearing, State's Exhibit 14, entitled "Transcript of Interview with Catherine Fairley" was admitted into evidence. Respondent is identified as counsel of record for Mr. Shabazz on the Exhibit Worksheet which included Ex. 14. The prosecutor provided a copy of the transcript to Respondent on that date.

10. On August 11, 2011, after a second day of the forfeiture-by-wrongdoing hearing, Judge Verdin granted the State's forfeiture motion. Thereafter, Respondent filed his November 23rd Motion to Dismiss. In addition to the language quoted above, he contended that the prosecutor knew that Respondent was unaware that certain witness interviews had been conducted or that Catherine had been granted immunity. He wrote:

> The assigned prosecutor filed motions to deny Mr. Shabazz legal rights knowing that undersigned counsel was unaware of certain interviews he or his representative conducted, and that the assigned prosecutor already had a grant of immunity for a key defense witness. To make matters worse, the prior assigned judge was also aware of the grant of immunity because her signature appears on the order granting it. Why neither the assigned prosecutor nor the court made undersigned counsel aware of these facts, especially in light of the fact that the docket was clearly missing this information, simply boggles the mind.

11. In his Motion to Dismiss, however, Respondent conceded that after he became counsel of record ten months earlier, he obtained and reviewed the PD's file "and checked the available minute entries and other docket information online.

While the online minute entries and other information were sparse at best, *it seemed odd that much appeared to be missing* [emphasis added]."

12. In his motion, Respondent also argued that during the forfeiture-by-wrongdoing hearings the previous May and August, he did not know about Catherine's interview in December 2010 or the order granting her immunity "but such knowledge would have been vital."

13. Should this matter proceed to hearing, the State Bar would allege that although Respondent knew in January 2011 when he obtained the PD's file that "it seemed odd that much appeared to be missing" from the online docket and minute entries, he took no steps to determine what was missing or if it was "vital"; and that reasonable steps he should have taken would have included, at a minimum, going to court to review the court file, contacting the PD to see what she knew, or asking the prosecutor, Mr. Shabazz, or Mr. Shabazz's *Knapp* counsel for clarification. Respondent would present evidence that the file he received from the PD did not contain references to the items at issue here; that since 2007 the Court Clerk has not kept hard, physical copies of criminal court files; and that he therefore had to rely on the on-line court docket – which he did, and which did not contain the information at issue here.

14. In his Motion to Dismiss, Respondent rhetorically asked "why a court would purposefully prevent the public from looking at a public record such as the docket and minute entries" and "why a court would purposefully withhold information clearly discoverable and exculpatory from the defense." He accused the prosecutor of committing multiple ethical violations, and accused Judge Verdin of "repeatedly" violating "the ethical conduct rules in regards to disclosure and

impartiality" thereby "spreading distrust in the system and blemishing the public office of a judge. Tolerance to this behavior does not go unnoticed."

15. Judge Brotherton heard oral argument on Respondent's motion. During argument, Respondent admitted that he did not know whether Mr. Shabazz or the PD, both of whom attended Catherine's December 17, 2010 deposition, requested a copy of a transcript. He contended merely that when he obtained the PD's file, a transcript of that deposition was not in it. Judge Brotherton asked Respondent if the State should have known that, and Respondent answered, "I guarantee the State knew that." But, when Judge Brotherton asked Respondent how the State should have known that Respondent did not know about that deposition, Respondent answered, "I would imagine they knew I didn't know."

16. When Judge Brotherton asked Respondent if he also was contending that Judge Verdin knew that certain interviews had occurred but did not tell him, Respondent answered, "I don't think the Court – well, again, I don't want to speculate what the Court knew or didn't know." Respondent agreed that Judge Brotherton probably did not know what depositions were taken in all of the hundreds of cases in his court, but claimed that Judge Verdin did know what depositions had taken place in this case because she was significantly more involved in it than Judge Brotherton.

17. Respondent explained further that shortly after becoming counsel of record he realized that he did not have access to the full court docket. He accused Judge Verdin of making the public record inaccessible because "I suspect – I don't know this for sure – is because the Court said, didn't accuse me of it, but was sort of making a general implication" that Catherine Fairley obtained information about the

case that enabled her to make herself and her minor daughter unavailable for the trial. He acknowledged that there was no motion to seal the public record, or any order doing so.

18. Because Respondent's answers to Judge Brotherton's questions at oral argument were so equivocal, Judge Brotherton ordered Respondent to file a clarifying memorandum by the following day. Respondent did so. In his supplemental memorandum, Respondent stated that he again examined the publicly available online docket and saw that the minute entry permitting Catherine's deposition, and the order granting her immunity, did not appear. He claimed that it "remains a mystery" why the State sought to take Catherine's deposition after Respondent appeared in the case, implying that it had not deposed her previously, but without telling Respondent about the previous deposition. He added that it was "suspicious" that the State granted Catherine immunity, and deposed her, before Respondent appeared in the case, but later moved for a bench warrant against her. Respondent adhered to his accusation that Judge Verdin and the State acted unethically: "[N]either the State nor the Court ever mentioned to or otherwise alerted present counsel that such a deposition was already conducted, that an order of immunity was already granted – both (presumably) knowing of the deposition and grant of immunity, yet neither informed present counsel of the existence of either."

19. At the second hearing on Respondent's motion, referring to Catherine's December 2010 deposition, he told Judge Brotherton: "For some reason I didn't have whatever it was that the State may have thought I had whether he admitted it [into evidence on May 25, 2011] or not." Respondent explained that he was so certain that Judge Verdin would grant the State's forfeiture motion that he did not

pay particular attention to the proceedings on May 25 and instead conversed with his client.

20. Judge Brotherton read an email from a Clerk of the Court's office employee: "Web site me's are not available when victim is a juvenile." He also demonstrated on copies of Respondent's own motion exhibits consisting of the Superior Court minute entry search page that the following legend appears: "Not all minute entries are posted to this web site. Public records that are not available online are available from the Clerk of the Court locations throughout Maricopa County." Respondent replied: "I didn't read that." Should this matter proceed to hearing, Respondent would present evidence that because physical files in criminal cases have not been kept by the Court Clerk since 2007, he could in fact only rely on the on-line minute entries.

21. Judge Brotherton asked Respondent if it was really true that it took him 9-10 months from when Respondent appeared as counsel of record until he filed his Motion to Dismiss to figure out that he couldn't get all of the minute entries for the case online and didn't think he could obtain copies in person from the court clerk's office. Respondent answered: "That's correct. Doing this a long time and that is news to me." Should this matter proceed to hearing, Respondent would present evidence that his statement that he could not review or obtain copies of minute entries from the physical court file was, in fact, accurate.

22. Judge Brotherton determined that Respondent failed to exercise diligence in obtaining a complete copy of the court file when he became counsel of record, that he did not do his job, and that there is no duty on the prosecutor to assume he wasn't doing his job. Should this matter proceed to hearing, the State

Bar would produce evidence that Judge Brotherton's criticism of Respondent – that it was wrong for Respondent to blame the prosecutor and Judge Verdin for his lack of preparedness – was valid. "These allegations, these are the types of allegations you don't make unless they are rock solid and these aren't even close. It is a frivolous motion and I'm going to – this motion is going to be denied." Respondent would produce evidence that there was in fact no physical court file to inspect, and that he was in fact prepared.

23. Respondent claims that all of his contentions in his Motion to Dismiss were supported by "the available record I had access to." Should this matter proceed to hearing, the State Bar would produce evidence that this statement clearly is incorrect; that Respondent had access to the court clerk's file but did not visit a clerk's office to examine the file despite his knowledge that much appeared to be missing from the file he obtained from the PD's office. Respondent would produce evidence that there was in fact no physical court file to inspect, and that his statement was correct.

24. Respondent denies Judge Brotherton's claim that minute entries in cases involving juveniles are not publicly available online. He stated that there are many cases he worked "over the years" in which minute entries in such cases are published online. Although he did not produce copies of any, more importantly he argued: "Considering that the present case was not that different from the many other cases involving minors and minute entries appearing online, *I still cannot explain what caused the minute entries in Mr. Shabazz's case not to appear. While I am sure that a good explanation does exist, I am at a loss to know it* [emphasis added]." Despite not having a "good explanation" for why minute entries were not

accessible online, Respondent continued to make allegations that the prosecutor, Judge Verdin and the Court Clerk wrongfully hid them from him and his client.

25. In a letter to the State Bar during its screening investigation, Respondent (while unrepresented) contended that he encountered what was for him unusual activity from the State and unusual rulings from the judge in a case in which his client was wrongly accused of an egregious crime and faced a lengthy prison term. He asserted that Mr. Shabazz "somewhat insisted" that Respondent proceed with the motion advancing his conspiracy theory, stating:

> It was during some of our many discussions that he encouraged me, and even somewhat insisted that I do something to protect his rights. At one time, those discussions turned to the motion to dismiss which was eventually filed. Once completed, Mr. Shabazz was very pleased that I was doing something affirmatively and he wholeheartedly supported every fact and allegation in that motion. Mr. Shabazz even felt bad for me when I took the brunt of the repercussions that resulted from filing that motion. Nevertheless, he was glad that I filed it and did something to help him out."

26. When Mr. Shabazz's case came to trial, the State's witnesses did not appear, and the court dismissed it without prejudice.

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 his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.3, 3.1, 8.2(a), and 8.4(d).

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

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

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: **A.** the duty violated; **B.** the lawyer's mental state; **C.** the actual or potential injury caused by the misconduct; and **D.** the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

A. The duty violated

Respondent violated his duties to his client (ER 1.3) and the legal system (ERs 3.1, 8.2(a), and 8.4(d)).

B. The lawyer's mental state

Respondent's mental state was "negligent." "Negligence" is the failure of a lawyer to heed a substantial risk that circumstances exist or that a result will follow,

which failure is a deviation from the standard of care that a reasonable lawyer would exercise in the situation. *Standards*, §III. at 1.1, "Definitions."

C. The extent of the actual or potential injury

There was potential harm to Respondent's client and actual harm to the legal system.

The following *Standards* are relevant given the facts and circumstances of this matter:

> ER 1.3 (Diligence)
> *Standard* 4.43 – Reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.
>
> ER 3.1 (Non-meritorious and frivolous claims)
> *Standard* 6.23 - Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.
>
> ER 8.2(a) (Disparaging Judicial and Legal Officials)
> *Standard* 6.13 - Reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.
>
> ER 8.4(d) (Conduct Prejudicial to the Administration of Justice)
> *Standards* 6.13 and 6.23, above

The foregoing *Standards* provide that reprimand is the presumptive sanction when a lawyer negligently engages in conduct that violates lawyerly duties and causes injury or potential injury to a client and the legal system.

D. Aggravating and mitigating circumstances

The presumptive sanction in this matter is reprimand. The following aggravating and mitigating factors should be considered:

1. Aggravating factors include:

Standard 9.22(d) multiple offenses;

Standard 9.22(g) refusal to acknowledge wrongful nature of conduct (until now);

Standard 9.22(i) substantial experience in the practice of law (admitted May 17, 1997).

2. Mitigating factors include:

Standard 9.32(a) absence of a prior disciplinary record;

Standard 9.32(b) absence of a dishonest or selfish motive;

Standard 9.32(e) full and free disclosure to a disciplinary board or cooperative attitude toward proceedings;

Standard 9.32(g) character or reputation (distinguished pre-lawyer military and law enforcement career; the State Bar recognizes that were this matter to proceed to a contested hearing Respondent would present evidence of his good character and reputation in the legal community);

Standard 9.32(l) remorse.

PROPORTIONALITY AND DISCUSSION

Rule 58(k), which pertains to a disciplinary panel's report following a hearing, states that the panel's sanction decision shall include a proportionality analysis "if appropriate." There is no similar reference to proportionality in Rule 57 which pertains to discipline by consent. Rather, Rule 57 requires a "discussion" of why a greater or lesser sanction than that to which the parties consent would not be appropriate under the circumstances of the case. The parties agree that the analysis under the *Standards* is sufficient to reasonably conclude that reprimand is the appropriate sanction to impose herein. The presumptive sanction is reprimand, and while the applicable mitigating factors outnumber the aggravating factors, that imbalance is countered by Respondent's unwarranted accusations against a judge, prosecutor, and court clerk.

Hence, the parties conditionally agree that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. The sanction set forth above is 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. *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 reprimand and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit "B."

DATED this 8th day of November, 2012.

STATE BAR OF ARIZONA

David L. Sandweiss
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this _____ day of _____, 2012.

Rick D. Poster
Respondent

Hence, the parties conditionally agree that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. The sanction set forth above is 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. *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 reprimand and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit "B."

DATED this 8th day of November, 2012.

STATE BAR OF ARIZONA

David L. Sandweiss
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 6th day of November, 2012.

Rick D. Foster
Respondent

DATED this 7th day of November, 2012.

Karen Clark
Karen Clark
Counsel for Respondent

Approved as to form and content:

Maret Vessella
Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
this _____ day of _____, 2012.

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

Karen Clark
Adams & Clark PC
520 E. Portland St., Ste. 200
Phoenix, AZ 85004-1843
Email: karen@adamsclark.com
Respondent's Counsel

Copy of the foregoing emailed
this _____ day of _____, 2012, to:

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

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

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

By: _____
DLS:dds

DATED this _____ day of _____, 2012.

_____
Karen Clark
Counsel for 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 8th day of November, 2012.

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State Bar of Arizona
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Phoenix, Arizona 85016-6266

By: _____
DLS:dds

EXHIBIT "A"

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Rick D. Poster, Bar No. 018115, Respondent

File No. 11-3914

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

Sandra E. Montoya
Lawyer Regulation Records Manager

10-18-12

Date

EXHIBIT "B"

BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **Rick D. Poster,** **Bar No. 018115,** Respondent.	**PDJ-2012-** **FINAL JUDGMENT AND ORDER** State Bar No. 11-3914

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, **Rick D. Poster**, is hereby reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective _____.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of $ _____.

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 _____, 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 _____, 2012.

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

Karen Clark
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Email: karen@adamsclark.com
Respondent's Counsel

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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

By: _____