

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**DEEAN GILLESPIE STRUB,
BAR No. 009987**

Respondent.

PDJ 2015-9025

FINAL JUDGMENT AND ORDER

[State Bar File No. 13-2654, 13-2672]

FILED JUNE 18, 2015

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on June 5, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED Respondent, **DeeAn Gillespie Strub**, is hereby Reprimanded for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents effective 30 days from the date of this Order. There shall be no period of probation because Respondent has already completed 8.5 hours of CLE intended to address the conduct that resulted in the present discipline.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,234.80 within 30 days of this Order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding

Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 18th day of August, 2015

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 18th day of August, 2015.

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BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

DEEAN GILLESPIE STRUB,
Bar No. 009987

Respondent.

No. PDJ-2015-9025

**DECISION ACCEPTING
CONSENT FOR DISCIPLINE**

[State Bar File No. 13-2654]

FILED JUNE 18, 2015

An Agreement for Discipline by Consent ("Agreement") was filed on June 5, 2015, and submitted under Rule 57(a)(3), of the Rules of the Arizona Supreme Court. The Agreement was reached before the authorization to file a formal complaint. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate."

Rule 57(a)(2) requires admissions be tendered solely "...in exchange for the stated form of discipline...." Under that rule, the right to an adjudicatory hearing is waived only if the "...conditional admission and proposed form of discipline is approved...." If the agreement is not accepted those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding.

Under Rule 53(b)(3), notice of this Agreement was provided to the complainants by letter dated May 15, 2015. Complainants were notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) days of bar counsel's notice. No objection was received.

The Agreement details a factual basis for the admissions to the two charges in the agreement arising out of two Superior Court Family Court cases, both referred by a complainant. Ms. Strub conditionally admits violations of ERs 3.1 and 8.4(d), as well as Rule 31 of the Arizona Rules of Family Law Procedure ("Rule 31"). The parties stipulate to a sanction of Reprimand with no period of probation due to the completion of 8.5 hours of CLE. Aggravating and mitigating factors were generally referred to in the Agreement.

A Probable Cause Order was issued November 24, 2014, giving authorization to the State Bar to prepare and file a complaint against Ms. Strub under Rules 55(c) and 58(a), Ariz. R. Sup. Ct. The State Bar filed its Complaint on March 23, 2015. Notice of assignment to Presiding Disciplinary Judge, William J. O'Neil ("PDJ") was given on March 26, 2015. On April 16, 2015, Ms. Strub filed Respondent's Motion to Dismiss (A) State Bar No. 13-265 (As to In Re Wesley, FC 2008-001723 Only) and (B) State Bar No. 13-2672 In its Entirety ("Motion to Dismiss"). Ms. Strub filed an Answer on April 17, 2015 in which she neither admitted nor denied allegations in the State Bar's Complaint due to the pending ruling on her Motion to Dismiss. On April 20, 2015, a Notice of Initial Case Management Conference was issued and set a telephonic conference to be held on April 27, 2015. After the telephonic conference the parties were issued Orders re: Initial Case Management Conference. On May 1, 2015, Ms. Strub submitted an Amended Answer. On May 14, 2015, Notice of Settlement was given to the PDJ. Based on the pending agreement, no ruling on the Motion to Dismiss was made. On May 18, 2015 the PDJ issued an Order re: Case Management Deadlines setting a deadline for an agreement to be filed with the PDJ

before June 15, 2015. As stated above, the Agreement For Discipline by Consent was filed with the PDJ on June 5, 2015.

As conditionally admitted in the Agreement, Ms. Strub represented the father in a family law matter regarding the school placement of father's children.

On June 24, 2013, a Resolution Management Conference ("RMC") was held to address the dispute. Ms. Strub was not present at this conference and had an attorney at her firm, Mr. Robert Newell, represent the father. A one-half (1/2) hour hearing was set for August 5, 2013. Mr. Newell agreed to the hearing date and duration. Neither party filed a motion to expand the time needed for the hearing.

On August, 5, 2013, a hearing was held to address the issue of school placement. Again, Mr. Newell and not Ms. Strub appeared on behalf of Father. Ms. Strub was unavailable due to an emergency matter in another division of the court. At the conclusion of the hearing, the father was denied his request to allow a change of the children's schools. Upon notification of the ruling, Ms. Strub requested an emergency telephone conference which was held on August 15, 2013. In this telephonic conference Ms. Strub informed the court she would be filing a motion for a new trial citing factors that were not addressed in the initial August 5, 2013 hearing. In this telephonic conference, Ms. Strub was advised the decision and order of the August 5, 2013 hearing would need to be followed by Complainant unless modified.

Ms. Strub filed her Motion for a New Trial on Issue of School Placement and Other Relief on August 20, 2013. Ms. Strub argued a new trial would be warranted because of: unfair time constraints; financial hardship on the Complainant; and the failure to take into account the children's wishes. The court issued a minute entry on September 26, 2013, expressing concern about the allegation of unfair time

constraints. In the minute entry the court noted: a lack of objection to the length of the hearing; the fact the hearing concluded with four (4) minutes to spare; and the argument of counsel for father lasted a total of about five (5) minutes. The court also noted Ms. Strub raised issues clearly unsupported by fact, which caused the Mother to presumably incur legal fees in responding and caused the court to expend time and effort independently reviewing the record.

The court, *sua sponte*, in its minute entry, set an evidentiary hearing for October 15, 2013, allowing Ms. Strub to present evidence showing she did not violate Rule 11, Ariz. R. Civ. P. when she argued Father was not given a proper hearing due to unfair time constraints imposed and an inability to present exhibits due to those time constraints.¹

At the October 15, 2013 evidentiary hearing Ms. Strub explained the statements made in the motion for a new trial were based on a misunderstanding by Mr. Newell in the RMC as to what was expected in the August 5, 2013 hearing and she would have handled the case differently had she not been covering a complicated emergency hearing at the same time in a different court. Regardless, the court observed the motion for new trial contained factual assertions contrary to those on the record. The court noted it had lost 45 minutes to an hour reviewing the record to uncover the factual assertions in the motion for new trial were inaccurate. Ms. Strub apologized to the court for making assumptions that could have been easily

¹¹ Rule 11, which is an equivalent to Rule 31 of the Arizona Rules of Family Law Procedure, requires that an attorney sign of on any pleadings filed with a court to certify that, based on information and belief, all arguments and facts presented are based on a good faith belief formed after reasonable inquiry and not to cause undue delay or needless increase in cost of litigation.

clarified by having a conversation with Mr. Newell and, more importantly, by reading the minute entries.

The court admonished Ms. Strub and found her to be in violation of Rule 11, imposing a sanction of \$500 to be paid to a charity of her choosing. The court accepted Ms. Strub's apology.

In the second matter, Ms. Strub represented a mother in a dissolution of marriage case. As conditionally admitted in the Agreement, on February 19, 2013, a contested hearing was set for three (3) hours, as requested by both parties. The parties were ordered to file motions requesting more time at least 30 days before the trial with a failure to timely file such motion being deemed a waiver of any argument that more trial time would be needed. Neither Ms. Strub nor opposing counsel filed such motion to request additional trial time.

On August 5, 2013, a court held a contested hearing on the Petition for Dissolution of Marriage. The court issued a Decree of Dissolution on August 9, 2013. Ms. Strub filed a Rule 83 Motion for a New Trial citing—as one ground—the court's failure to allocate sufficient time for the hearing. The court denied the motion on October 4, 2013 and found the argument about failure to allocate sufficient time a clear violation of Rule 31.

The parties agree that *Standard* 6.23 of the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* is most applicable under the circumstances of this matter. The mitigation includes Ms. Strub has been sanctioned for misconduct resulting in \$500 to be paid to a charity of her choice. Weighing against her is a pattern of misconduct in filing motions for new trials by claiming unfair time constraints when the ability to file motions for such trial expansions had

existed and passed. The PDJ finds the proposed sanctions of reprimand meets the objectives of discipline. The Agreement is accepted.

IT IS ORDERED incorporating by this reference the Agreement and any supporting documents by this reference. The agreed upon sanctions are: formal reprimand with the payment of costs and expenses of the disciplinary proceeding in the amount of \$1,234.80 to be paid within thirty (30) days of the final order. These financial obligations shall bear interest at the statutory rate of ten per cent per annum from December 1, 2015 for the costs and expenses of the disciplinary proceeding.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved for \$1,234.80 to be paid within thirty (30) days of the final order. Now therefore, a final judgment and order is signed this date. Ms. Strub is reprimanded.

DATED 18th day of June, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 18th day of June, 2015.

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**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**DEEAN GILLESPIE STRUB,
Bar No. 009987**

Respondent.

PDJ 2015-9025

State Bar File Nos. **13-2654 and 13-2672**

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, DeeAn Gillespie Strub, who is represented in this matter by counsel, William H. Doyle, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on November 24, 2014, and a formal complaint was filed in this matter on March 23, 2015. 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 asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant(s) by letter dated May 15, 2015. Complainant(s) have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, ERs 3.1 and 8.4(d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand. The parties agree that there will not be a term of probation because Respondent has already taken steps to address the conduct that gave rise to the ER violations, which will be detailed below. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and 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 licensed to practice law in Arizona on May 18, 1985.

COUNT ONE (File no. 13-2654/Judicial Referral)

2. By letter dated August 7, 2013, Judge Sam J. Myers, Maricopa County Superior Court, forwarded to the State Bar of Arizona (SBA), for review by the family law Board of Legal Specialization, minute entries from two (2) cases in which Respondent appeared. The Lawyer Regulation Division of the State Bar received the

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.

letter on October 8, 2013. In both cases, Respondent was found to have violated Rule 31 of the Arizona Rules of Family Law Procedure.² The conduct complained of occurred between August 20 and 28, 2013.

In re Wesley, FC 2008-001723.

3. At all relevant times, Respondent represented Daniel Wesley (Father) in the Maricopa County Superior Court case of *In re Wesley*, FC 2008-001723.

4. On June 24, 2013, the Court conducted a Resolution Management Conference (RMC) and addressed a dispute regarding the children's school placement. Attorney Robert Newell, an attorney with Respondent's firm, represented Father at the hearing during which the Court advised Father: "I don't care what's in your best interests. It's not that I don't care. But that's not how I'm making my decision. It's what's better for the girls. And that's what's important and if that's inconvenient for you, tough noogies. I mean that's just how life goes sometimes. If it's inconvenient for you, then it's inconvenient for you..."

5. The Court set the issue the children's school placement for a one-half (1/2) hour hearing on August 5, 2013. While the Court would normally set that type of hearing for an hour, it could not do so before the school year started. The Court asked counsel, "does that [one-half hour setting] work for everybody?" Neither party objected. Newell, aware that the school choice issue had to be heard before the start

² The rule, which is the equivalent of Rule 11, Ariz. R. Civ. P., provides in pertinent part, that "[t]he signature of an attorney or party [on a pleading] constitutes a certificate by the signer . . . that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."

of the school year or it would be moot until the following year, agreed to accept the abbreviated hearing time. The Court's minute entry setting the hearing advised that the parties could file a motion to expand the time needed for the hearing if either believed that one-half (1/2) hour was insufficient. Neither party did so.

6. On August 5, 2013, the Court held the hearing on the issue of school placement. Attorney Newell again appeared on behalf of Father, instead of Respondent, who was appearing before another division of the court on an emergency matter. Due to time constraints, counsel agreed to proceed by avowal and argument and the parties' exhibits were admitted without objection. At the conclusion of the hearing, the Court took the matter under advisement and later issued a minute entry denying Father's request that the children change schools.

7. Because of the significant effect of the Court's ruling on her client, Respondent requested an emergency telephone conference with the Court. That conference occurred on August 15, 2013. Respondent informed the Court that she would be filing a motion for new trial on factors the Court didn't have a chance to consider in the thirty minute hearing on August 5, 2013. During the telephonic conference, the Court stated, "...you asked for a trial because you didn't have enough time...", but advised Respondent that her client needed to follow the existing orders until they were modified.

8. On August 20, 2013, Respondent filed a "Motion for a New Trial on Issue of School Placement and Other Relief" (Wesley Motion). With respect to school placement, Respondent argued that a new trial was warranted due to 1) unfair time constraints; 2) financial hardship on Father; and 3) the Court's failure to consider the children's wishes. Respondent argued that time limitations at the August 5th hearing

kept Father from presenting "vital information [he] was prepared to present," and that he was forced to "omit several Exhibits simply because there was not enough time to present and discuss them." Respondent further argued that "due to limited time, the Court was without Father's exhibits needed to appropriately demonstrate how unfair, and one-sided the current orders are." Respondent concluded by asserting that "[t]he present orders were the result of inadequate time and insufficient information. They are inherently unfair and not in the children's best interest."

9. On September 26, 2013, the Court issued a minute entry regarding a number of pending motions and petitions. With respect to the Wesley Motion, the Court expressed concern with the allegation that Father had not been given enough time to present his evidence at the August 5th hearing. The Court noted Father's counsel's repeated lack of objection to the length of the hearing and placed great weight on the fact that the August 5th hearing actually ended four (4) minutes early; the exhibits were admitted by stipulation; and Father's counsel's argument lasted "a total of about five minutes." The Court also expressed concern that Respondent had raised issues that were "so clearly unsupported by the facts." The Court observed that as a result, "Mother has presumably incurred attorney fees in responding and this Court has spent a great deal of time independently reviewing the record."

10. In response to the filing of the Wesley Motion, the Court, *sua sponte*, in the September 26, 2013 minute entry, set an evidentiary hearing for October 15, 2013, for Respondent to "present evidence to show why she did not violate Rule 11 . . . when she argued that Father was hamstrung by unfair time constraints and was unable to present exhibits at the August 5, 2013 hearing."

11. On October 7, 2013, Judge Whitten's September 26, 2013, minute entry setting the October 15, 2013, Rule 11 hearing was sent to the State Bar by Judge Sam Myers. Respondent was not copied on the referral.

12. On October 15, 2013, the Court conducted the hearing on the Rule 11 violation. Respondent was unaware of the referral of the Court's minute entry to the State Bar. Respondent explained to the Court that Attorney Newell had understood the Court's statements at the RMC to mean that the Court was not interested in the "economics" of Father's position and that he had tailored his presentation accordingly. Respondent acknowledged that she would have handled the hearing differently and stated that she would have appeared at the hearing if she had not been covering a complicated emergency hearing at the same time, in a different court. Respondent advised the Court that she was involved in "a couple of other matters" at that time, but that she did review and sign the Wesley Motion.

13. The Court observed that the Wesley Motion was "completely an opposite" of the record and it took the Court "45 minutes or an hour out of the day when [the judge] could have been doing other things to find out that factually what [Respondent] said was just inaccurate. It was a hundred percent wrong." Respondent apologized to the Court stating, "I should have checked with Mr. Newell on that. I should have checked with him. That was an assumption that I didn't clarify. I apologize, Your Honor." When the Court asked whether Respondent "made a good faith effort to check out the facts before [she] filed a pleading that said [Father] didn't have enough time and [he] didn't get to admit [his] exhibits," Respondent stated that she had "made assumptions" and acknowledged that she should have "read the minute entries."

14. The Court admonished Respondent stating: "You are a certified specialist. I don't think that this is your normal work product, but it was in violation of Rule 11 and I am going to sanction you." The Court agreed with Respondent's suggestion that an appropriate sanction would be \$500 and the Court directed Respondent to pay that sum to the charity of her own choosing. The Court accepted Respondent's apology.

In re Pacifico, FC 2013-000357

15. At all relevant times, Respondent represented Samantha Pacifico (Mother) in a dissolution of marriage case in the Maricopa County Superior Court, Case No. FC 2013-000357. Mother was married to Gary Kunesh (Father).³

16. On February 19, 2013, the Court set a contested hearing in the case for three (3) hours, as requested by the parties. The Court's order states: "if a party believes that more trial time is needed, she or he must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed." Neither party filed such a motion.

17. On August 5, 2013 the Court conducted a contested hearing on the Petition for Dissolution of Marriage.

³ In addition to the judicial referral to the State Bar, which caused the Attorney Discipline Probable Cause Committee (the Committee) to issue a probable cause order in State Bar File No. 13-2654, Father also submitted a bar charge relating to Respondent's representation of Mother. Bar Counsel concluded that there was not clear and convincing evidence of ethical violations as presented by Father other than those raised in State Bar File No. 13-2654 and recommended that the Committee find probable cause for the filing of a formal complaint on that basis.

18. By minute entry dated August 9, 2013, the Court issued a Decree of Dissolution.

19. On August 28, 2013, Respondent filed a Rule 83 Motion for New Trial (Pacifco Motion), one ground for which was the Court's failure to allocate sufficient time for trial.

20. By order dated October 4, 2013, the Court denied the Motion. In doing so, the Court found Respondent's argument regarding the lack of sufficient time to be "outrageous and a clear violation of the requirements of Rule 31."

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 her conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 3.1 and 8.4(d).

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss the allegations that Respondent violated ER 1.3 as it is adequately addressed in the misconduct as alleged in the violation of ERs 3.1 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. The parties agree that a period of probation will not be imposed because Respondent has already taken the following Continuing Legal Education courses, which address the issues raised by Respondent's conduct and which have resulted in the present Agreement: *Family Law Discovery and Disclosure Rules: Are They Really Mandatory?* (3 CLE, 1 Ethics, 3 Family Law Specialization); and *2014 Family Law Institute Day 2, For Better or For Worse* (5.5 CLE, .05 Ethics, 5.5 Family Law Specialization).

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

LEGAL GROUNDS IN SUPPORT OF SANCTION

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

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

The parties agree that *Standard 6.23* is the appropriate *Standard* given the facts and circumstances of this matter. *Standard 6.23* provides that Reprimand is generally appropriate when a lawyer negligently fails to comply with a court rule, and causes injury or potential injury to a client or to another party, or causes interference or potential interference with a legal proceeding.

Respondent filed motions for a new trial in the *Wesley* and *Pacifico* cases, which did not comply with Rule 31 of the Arizona Rules of Family Law Procedure. In both cases the Court denied the motions for new trial and in *Wesley*, the Court sanctioned Respondent for her conduct. Additionally, in both cases the opposing parties incurred attorneys' fees responding to the motions.

The duty violated

As described above, Respondent's conduct violated her duty to the legal system.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent negligently prepared and filed Motions for a New Trial that violated Rule 31 of the Arizona Rules of Family Law Procedure and that her conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was actual harm to the legal system.

Aggravating and mitigating circumstances

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

In aggravation:

1. 9.22 (a) prior disciplinary offenses;
 - a. 11-2053/10-2368. (2012). Admonition (1 year probation and 2 hours CLE). ERs 1.3, 1.8(a), 4.2 and 5.1;
 - b. 06-0352. (2006). Probation (1 year, LOMAP). ERs 1.2, 1.3, and 1.4;
 - c. 01-2092. (2002). Informal Reprimand (Admonition). ERs 4.4 and 8.4(d);
 - d. 01-1408. (2002). Informal Reprimand (Admonition). ER 3.5;
 - e. 88-0843. (1988). Informal Reprimand (Admonition). ERs 3.2 and 3.4;
 - f. 88-0398. (1988). Informal Reprimand (Admonition). ERs 1.2, 1.3, and 5.3;
 - g. 99-1453. (2000). (Expunged). Diversion. ER 1.1;
 - h. 92-0517/92-0044/92-1359. (1994). (Expunged). Diversion. ER 1.2.
2. 9.22 (c) a pattern of misconduct;
3. 9.22 (d) multiple offenses; and
4. 9.22 (i) substantial experience in the practice of law. Respondent was

admitted to practice law on May 18, 1985 and she is a Family Law Specialist.

In mitigation:

1. 9.32 (b) absence of a dishonest or selfish motive;
2. 9.32 (d) timely good faith effort to make restitution or to rectify consequences of misconduct;

3. 9.32 (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
4. 9.32 (g) character or reputation (sixteen letters from attorneys and judges)
5. 9.32(k) imposition of other penalties or sanctions. In *Wesley*, Respondent was sanctioned \$500, which she paid to a charity of her choice; and
6. 9.32(l) remorse.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is appropriate. 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: the parties believe that the aggravating and mitigating factors offset each other. Although Respondent has a long disciplinary history, the discipline has never been more severe than an admonition; the present misconduct is dissimilar from the conduct that resulted in the prior discipline; the most recent discipline occurred in 2012; and some of the discipline is remote in time.

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 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 order is attached hereto as Exhibit B.

DATED this 1st day of June 2015

STATE BAR OF ARIZONA



Stacy L. Shuman
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 _____ day of June, 2015.

DeeAn Gillespie Strub
Respondent

DATED this _____ day of June, 2015.

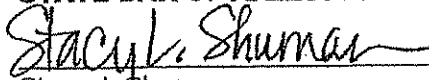
The Doyle Firm PC

William H. Doyle
Counsel for Respondent

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 order is attached hereto as Exhibit B.

DATED this 1st day of June 2015

STATE BAR OF ARIZONA



Stacy L. Shuman
Staff Bar Counsel

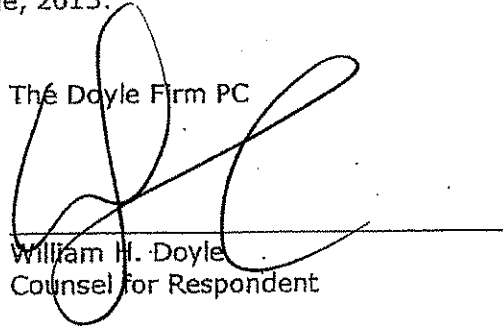
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. [I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property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

DATED this 4 day of June, 2015.


DeAnn Gillespie Strub
Respondent

DATED this 4th day of June, 2015.

The Doyle Firm PC


William H. Doyle
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
of the Supreme Court of Arizona
this 5th day of June 2015.

Copies of the foregoing mailed/emailed
this 5th day of June 2015 to:

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bdoyle@doylelawgroup.com
Respondent's Counsel

Copy of the foregoing emailed
this 5th day of June, 2015, to:

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

Copy of the foregoing hand-delivered
this 5th day of June, 2015, to:

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

by: 
SLS: SAB

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
DeeAn Gillespie Strub, Bar No. 009987, Respondent

File No(s). 13-2654 and 13-2672

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.

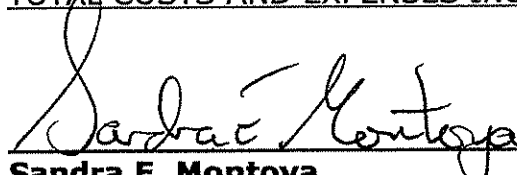
General Administrative Expenses for above-numbered proceedings

\$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

02/17/14	Computer investigation reports, Accurint	\$	17.40
02/18/14	Computer investigation reports, Accurint	\$	17.40
Total for staff investigator charges		\$	34.80
TOTAL COSTS AND EXPENSES INCURRED			\$1,234.80



Sandra E. Montoya
Lawyer Regulation Records Manager

6-2-15
Date

EXHIBIT B

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**DeeAn Gillespie Strub,
Bar No. 009987,**

Respondent.

PDJ 2015-9025

FINAL JUDGMENT AND ORDER

[State Bar No. 13-2654]

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, **DeeAn Gillespie Strub**, is hereby Reprimanded for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents. There shall be no period of probation because Respondent has already completed 8.5 hours of CLE intended to address the conduct that resulted in the present discipline.

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 Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____, 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 June, 2015

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 June, 2015.

Copies of the foregoing mailed/mailed
this _____ day of June, 2015.

William H Doyle
The Doyle Firm PC
1313 E Osborn Rd Ste 220
Phoenix, AZ 85014-5695
Email: bdoyle@doylelawgroup.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this ____ day of June, 2015, to:

Stacy L Shuman
Bar Counsel - Litigation
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

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Phoenix, Arizona 85016-6266

by: _____