

CAUTION!

Nearly 16,000 attorneys are eligible to practice law in Arizona. Many attorneys share the same names. All discipline reports should be read carefully for names, addresses and Bar numbers.

REINSTATED ATTORNEY

CHESTER R. LOCKWOOD, JR.

Bar No. 003348; File No. 09-1109

Supreme Court No. SB-10-0103-D

By Arizona Supreme Court order dated Nov. 29, 2010, Chester R. Lockwood Jr., 1618 South Cedar, Apache Junction, Ariz., was reinstated to the practice of law. Mr. Lockwood was previously suspended for six months by Supreme Court judgment and order dated Oct. 27, 2010, but retroactive to Mar. 8, 2010.

SANCTIONED ATTORNEYS

GREGORY S. BYRD

Bar No. 16408; File No. 08-1570

Supreme Court No. SB-10-0114-D

By judgment and order dated Nov. 4, 2010, the Arizona Supreme Court accepted the consent to disbarment of Gregory S. Byrd, 2950 Mary Ave., Yuma, Ariz., and ordered him disbarred effective Nov. 24, 2008.

JOSEPH W. CHARLES

Bar No. 003038; File Nos. 08-1748, 08-2179, 09-0061, 09-0221

Supreme Court No. SB-10-0094-D (2010)

By Arizona Supreme Court judgment and order dated Oct. 27, 2010, Joseph W. Charles, P.O. Box 1737, Glendale, Ariz., was suspended for 60 days, the term to begin 30 days after entry of the judgment and order. Mr. Charles will be placed on probation for two years upon reinstatement. He also was assessed the costs and expenses of the disciplinary proceeding involving File No. 09-0061.

Mr. Charles negligently made a false statement to the Court on an Objection to Judgment. He stated in the objection that the opposing party had accepted a settlement offer, but he failed to mention a letter he sent to opposing counsel advising that he did not yet have his client's authority to settle the matter. Mr. Charles negligently violated his duty of candor to the court and opposing counsel and

thus engaged in conduct that is prejudicial to the administration of justice.

Three aggravating factors were found: prior disciplinary offenses, pattern of misconduct, and substantial experience in the practice of law.

One mitigating factor was found: character and reputation.

Mr. Charles violated Rule 42, 8.4(d), ARIZ.R.S.CT.

MICHAEL A. D'ONOFRIO, JR.

Bar No. 017982; File No. 10-4003

Supreme Court No. SB-10-0101-RD

By Arizona Supreme Court judgment and order dated Oct. 6, 2010, Michael J. D'Onofrio, Jr., was censured. He also was assessed the costs and expenses of the disciplinary proceeding.

On Dec. 11, 2009, Mr. D'Onofrio was reprimanded (same as censure in Arizona) by the Connecticut Statewide Grievance Committee. Reciprocal discipline was imposed by the Arizona Supreme Court.

Mr. D'Onofrio was sued for legal malpractice by a former client. A default judgment for \$90,000 plus costs was entered against Mr. D'Onofrio. Mr. D'Onofrio sent a letter to the client's counsel proposing a payment plan to satisfy the judgment. Mr. D'Onofrio was to pay the client \$2,000 per month for 24 months followed by \$3,000 per month for 24 months, plus interest, for a total of \$120,000. The client accepted this arrangement. Mr. D'Onofrio made the \$2,000 payments from December 2007 to November 2008 for a total of \$24,000. Mr. D'Onofrio then made a partial payment of \$1,000 in December of 2008 and has not paid any money since then.

The committee ruled that the failure to satisfy the judgment constitutes conduct prejudicial to the administration of justice.

Mr. D'Onofrio violated Rule 8.4(4) of the Connecticut Rules of Professional Conduct.

T. ANTHONY GUAJARDO

Bar No. 021500; File No. 10-4002

Supreme Court No. SB-10-0100-RD

By Arizona Supreme Court judgment and order dated Oct. 6, 2010, T. Anthony Guajardo, 2001 E. Campbell, Phoenix, Ariz., was censured. He also was assessed the costs and expenses of the disciplinary proceeding.

On Dec. 2, 2009, Mr. Guajardo was disciplined by the United States Immigration Court. The sanction imposed included a public censure and a six-month suspension that was stayed pending completion of continuing education courses on law office management and legal ethics. Mr. Guajardo completed the courses, and no suspension was imposed. Reciprocal discipline was imposed by the Arizona Supreme Court.

Mr. Guajardo failed to appear for hearings in three separate matters in Immigration Court without good cause. In the first matter, Mr. Guajardo had filed a motion to withdraw in the case, but it had not been acted upon as of the date of the missed hearing. Mr. Guajardo did not attend the hearing.

In the second matter, although Mr. Guajardo claimed the client had terminated their relationship, he had not filed a motion to withdraw and did not attend the hearing.

In the third matter, Mr. Guajardo claimed the notice of hearing he received was defective and confusing. However, the court rejected that claim, stating that the notice would not be confusing to an immigration practitioner with Mr. Guajardo's experience.

The Immigration Court found the following two mitigating factors: remorse and character or reputation, particularly Mr. Guajardo's service to the legal community.

The court also noted the following aggravating factors: burden on the court system by having to reopen two cases; costs to the clients to file the motions to reopen their cases; and the fact that Mr. Guajardo failed to appear in two cases after the commencement of proceedings to discipline him for prior failures to appear.

Mr. Guajardo violated 8 C.F.R. § 1003.102(l).

HAROLD HYAMS

Bar No. 003731; File Nos. 06-1086; 06-1848

Supreme Court No. SB-10-0110-D

By Arizona Supreme Court judgment and order dated Nov. 3, 2010, Harold Hyams, 680 S. Craycroft, Tucson, Ariz., was censured. He also was placed on probation for two years. The terms of probation require Mr. Hyams to complete 20 hours of CLE approved by bar counsel, report to the State Bar all cases that are pending on appeal or go on appeal, associate experienced appellate counsel for any case on appeal, and complete the State Bar's professionalism course during the period of probation. Mr. Hyams also was assessed the costs and expenses of the disciplinary proceedings.

Mr. Hyams represented the plaintiffs in a complex personal injury case involving alleged exposure to mold in apartment buildings and all matters arising from that representation.

In the first count, Mr. Hyams filed a special action in the Court of Appeals in which he included exhibits that were not part of the record before the trial court because he did not understand what constitutes the record in such proceedings.

In the second count, Mr. Hyams violated the trial court's order not to file supplemental motion-related memoranda beyond the usual motion, response and reply. Mr. Hyams also failed to stay in contact with an expert witness or properly disclose his opinions, which resulted in the expert being stricken, and to timely file an amended complaint. In addition, Mr. Hyams used inappropriate language and engaged in name-calling during two depositions. Mr. Hyams was sanctioned \$750,000 by the trial judge for his repeated misstatements and conduct.

There were two aggravating factors found: multiple offenses and substantial experience in the practice of law.

There were four mitigating factors found: absence of prior disciplinary offenses, absence of a dishonest or selfish motive, character or reputation, and imposition of other penalties or sanctions.

Mr. Hyams violated Rule 41(g); ARIZ.R.S.Ct., Rule 42, ARIZ.R.S.Ct., ERs 1.1, 1.3 and 3.4(c); and Rule 53(c), ARIZ.R.S.Ct.

RICHARD L. KEEFE

Bar No. 0012071 File No. 09-1665

Supreme Court No. SB-10-0099-D

By Arizona Supreme Court judgment and order dated Oct. 15, 2010, Richard L. Keefe, 257 N. Stone, Tucson, Ariz., was censured. He also was placed on probation for two years and assessed the costs and expenses of the proceedings.

Mr. Keefe overdrew his trust account because of an extended deposit hold. During the State Bar's investigation of Mr. Keefe's trust account, it determined that he failed to maintain the required trust account records, including client ledgers; failed to maintain adequate internal controls to safekeep client funds; and converted client funds by making payments to clients from the trust account when the account had insufficient or no funds for the client. No actual injury to a client occurred.

There were two aggravating factors found: prior disciplinary offenses and substantial experience in the practice of law.

There was one mitigating factor found: personal or emotional problems.

Mr. Keefe violated Rule 42, ARIZ.R.S.Ct., ER 1.15(a), and Rule 43(b)(1)(a), Rule 43(b)(1)(C), and Rule 43(b)(2)(B), ARIZ.R.S.Ct.

CHESTER R. LOCKWOOD, JR.

Bar No. 003348; File No. 09-1109

Supreme Court No. SB-10-0103-D

By Arizona Supreme Court judgment and order dated Oct. 27, 2010, Chester R. Lockwood, Jr., 1618 South Cedar, Apache Junction, Ariz., was suspended for six months retroactive to Mar. 8, 2010. He also was placed on probation for one year and assessed the costs and expenses of the proceedings.

In June 2003, Mr. Lockwood began representing a client in a divorce from her husband. During the representation, Mr. Lockwood learned details about his client's drug usage and drug history. In or about February of 2004, Mr. Lockwood began a sexual relationship with his client. At the same time, Mr. Lockwood began acting as a de facto father to the client's daughter.

The client's litigation ended in November 2005 with a dissolution of marriage. Mr. Lockwood did not file a petition to withdraw and remained as attorney of record. On April 13, 2008, Mr. Lockwood filed a petition for custody against his former client in the same divorce case and sought temporary custody of the daughter. Mr. Lockwood used information he learned about the former client during his representation of her regarding her drug usage to attempt to gain custody. Mr. Lockwood and his former client later settled the matter by sharing legal custody of the child, while the former client retained primary physical custody.

There were two aggravating factors found: prior disciplinary offenses and substantial experience in the practice of law.

There were four mitigating factors found: absence of dishonest or selfish motive, personal or emotional problems, cooperative attitude towards the disciplinary proceedings, and character or reputation.

Mr. Lockwood violated Rule 42, ARIZ.R.S.CT., ERs 1.6, 1.8 and 1.9(a).

SAMUEL S. TIFFANY

Bar No. 18662; File No. 10-2029

Supreme Court No. SB-10-0121-D

By Arizona Supreme Court order, dated Nov. 4, 2010, Samuel S. Tiffany, 7321 N. 16th St., Phoenix, Ariz., was placed on interim suspension, effective Nov. 30, 2010. The suspension shall continue in effect until final disposition of all pending proceedings against Mr. Tiffany, unless earlier vacated or modified.

ANDRA VACCARO

File Nos. 07-0633, 09-0078

Supreme Court No. SB-10-0090-D

By Arizona Supreme Court judgment and order dated Aug. 20, 2010, Andra Vaccaro, 2953 Club Dr., Los Angeles, Calif., was censured. Ms. Vaccaro also was assessed the costs and expenses of the disciplinary proceedings.

Ms. Vaccaro, a California attorney, was not licensed in Arizona. Ms. Vaccaro was dating an individual who was involved in ongoing litiga-

tion in Arizona. About the same time, the individual was also dating an Arizona-licensed attorney. Ms. Vaccaro was aware at all relevant times that the individual was also dating the Arizona attorney.

The individual repeatedly asked Ms. Vaccaro to take over as lead counsel in his litigation. Ms. Vaccaro eventually agreed to do so and was admitted *pro hac vice*. Ms. Vaccaro contends that she discussed the potential conflict of interest with the individual and that he waived the conflict. The individual also asked the Arizona attorney he was dating to become local counsel for Ms. Vaccaro's *pro hac vice* admission. The Arizona attorney agreed to be local counsel for Ms. Vaccaro. The Arizona attorney had been aware of Ms. Vaccaro's dating relationship with the individual, but at the time the Arizona attorney agreed to be local counsel she believed that that relationship had ended.

Ms. Vaccaro realized that a conflict had developed between her professional and personal relationships with the individual, but she believed that the California ethical rules prohibited her withdrawal because it would prejudice the client.

As the trial approached the Arizona attorney withdrew from the case after a dispute in her personal relationship with the individual. After the court approved the Arizona attorney's withdrawal, Ms. Vaccaro provided information about the representation to the Arizona attorney. The individual (client) neither authorized nor knew about this communication. Ms. Vaccaro believed that this communication was authorized.

There was one aggravating factor found: substantial experience in the practice of law

There were seven mitigating factors found: absence of a prior disciplinary record, absence of a dishonest or selfish motive, personal and emotional problems, full and free disclosure to disciplinary board or cooperative attitude towards proceedings, character or reputation, delay in the disciplinary proceedings, and remorse. In addition, the hearing officer found that Ms. Vaccaro felt constrained by the California ethical rules from withdrawing from representation of the client.

Ms. Vaccaro violated Rule 42, ARIZ.R.S.CT., ERs 1.6(a) and 1.7(a)(2).