

**SANCTIONED ATTORNEYS**

**ALLEN BARFIELD**

Bar No. 0131148; File No. 02-0924

By Supreme Court judgment and order dated Nov. 3, 2004, Allen Barfield, 8767 E. Via De Commercio, Suite 103, Scottsdale, AZ 85258, was censured, placed on probation for one year and assessed the costs and expenses of the disciplinary proceedings.

Based on Mr. Barfield's advice, Mr. Barfield's client refused to honor a medical lien. The medical lien holder subsequently sued the client as well as Mr. Barfield and every firm that employed Mr. Barfield during the client's representation. Mr. Barfield represented all defendants. All claims against Mr. Barfield and the firms were eventually dismissed, but the court ruled that the client owed the lien holder an unsecured indebtedness of \$590,000 plus accrued interest and attorneys' fees. Furthermore, during the representation, Mr. Barfield secured a \$95,000 loan from his client.

Mr. Barfield's misconduct included representing a client when the representation was materially limited by his own interests; and entering into a business transaction with his client, or knowingly acquiring an ownership, possessory, security or other pecuniary interest adverse to his client, without fully disclosing the transaction and terms in writing, and without advising his client in writing to seek independent legal counsel.

One aggravating factor was found: multiple offenses. No mitigating factors were found.

Mr. Barfield violated Rule 42, ARIZ.R.S.Ct., ERs 1.7(b) and 1.8(a).

**BARBARA T. BROWN**

Bar Nos. 006166; File No. 02-0560, 02-1015

By Supreme Court judgment and order dated Dec. 1, 2004, Barbara T. Brown, 4000 N. Scottsdale Road, #107, Scottsdale, AZ 85251, was censured and placed on probation for two years, and was ordered to pay \$1,696 restitution to one client and shall be assessed the costs and expenses of the discipline proceedings.

Ms. Brown represented a client regarding her divorce and bankruptcy matters. The client's uncle, who was a longtime client, referred the client to Ms. Brown. The client's cousin paid the retainer fee for the client. Thereafter, Ms. Brown sent the client paperwork to fill out, which the client claimed she completed and returned, but Ms. Brown claimed she never received. Ms. Brown did not timely initiate the divorce proceeding, or press the client to complete the necessary paperwork, assuming that the client did not wish to pursue the matter. When the client

terminated the representation, Ms. Brown applied the balance of the client's retainer to the uncle's outstanding balance owed to Ms. Brown without the client's or the cousin's permission.

Ms. Brown's misconduct included failing to act with reasonable diligence and promptness in representing a client; failing to keep her client reasonably informed regarding the status of a matter and to promptly comply with reasonable requests for information; and failing to take steps reasonably practicable to protect a client's interests upon termination of the representation.

Two aggravating factors were found: prior disciplinary offenses and substantial experience in the practice of law. Five mitigating factors were found: absence of a dishonest or selfish motive; personal or emotional problems; full and free disclosure to disciplinary board or cooperative attitude toward proceedings; remorse; and remoteness of prior offenses.

Ms. Brown violated Rule 42, ARIZ.R.S.Ct., ERs 1.3, 1.4, and 1.16.

#### **RICHARD T. FULLER**

Bar No. 004835; File No. 02-0390

By Supreme Court judgment and order dated Dec. 1, 2004, Richard T. Fuller, 1017 S. Gilbert, Suite 213, Mesa, AZ 85204, was suspended for six months and one day, shall be placed on probation for two years upon reinstatement, and shall be assessed the costs and expenses of the disciplinary proceedings.

The State Bar received two separate insufficient funds notices regarding Mr. Fuller's client trust account. Investigation of the matter revealed that the first overdraft resulted when Mr. Fuller had to leave the state on a family emergency and neglected to deposit checks before he left. The second overdraft resulted when Mr. Fuller failed to reconcile his trust account and thus did not take into account the overdraft fees charged in the first overdraft situation. In responding to one of the State Bar's requests for information, Mr. Fuller altered the payee on copies of 10 trust account checks, to reflect that the checks had been issued to him instead of his wife.

Mr. Fuller's misconduct included failing to properly safeguard client funds; failing to keep complete records of his trust account funds for a period of five years; failing to conduct a monthly three-way reconciliation of his client trust account; knowingly making a false statement of material fact in connection with a disciplinary matter; knowingly failing to respond to a lawful demand for information from a disciplinary authority; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; refusing to cooperate with

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.

officials and staff of the State Bar acting in the course of that person's duties; and failing to furnish information to or respond promptly to an inquiry or request from Bar Counsel made pursuant to the rules for information relevant to a complaint, grievance, or matter under investigation concerning his conduct.

Six aggravating factors were found: prior disciplinary offenses; pattern of misconduct; bad-faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; submission of false evidence, false statements, or other deceptive practices during the disciplinary process; refusal to acknowledge the wrongful nature of the conduct; and substantial experience in the practice of law. Two mitigating factors were found: absence of a dishonest or selfish motive and personal or emotional problems.

Mr. Fuller violated Rule 42, ARIZ.R.S.Ct., ERs 1.15(a), 8.1(a) and (b), and 8.4(c), and Rules 43, 44, and 51(h) and (i), ARIZ.R.S.Ct.

**CHARLES SAINT GEORGE KIRKLAND**

Bar No. 018821; File No. 00-1039, et al.

By order of the Arizona Supreme Court dated Oct. 29, 2004, Charles Saint George Kirkland, 7816 N. 19th Ave., 1st Floor, Phoenix, AZ 85021, was found in contempt of its order of suspension entered on Mar. 20, 2003. Mr. Kirkland was ordered to cease and desist from any further activities that constitute the practice of law. The court further prohibited Mr. Kirkland from appearing in justice court or police court as a managing member or director under Supreme Court Rule 31(c)(3), and prohibited him from serving as a legal assistant or paralegal for any law firm performing any work for any entity in which he either has an ownership interest or by which he is employed. Mr. Kirkland was also ordered to pay the State Bar's costs plus reasonable attorneys' fees.

**JESUS R. ROMO VEJAR**

Bar No. 011307; File No. 03-0642

By Supreme Court judgment and order dated Nov. 18, 2004, Jesus R. Romo Vejar, 177 N. Church Ave., Suite 200, Tucson, AZ 85701, was censured and placed on probation for one year, and was ordered to pay the State Bar's costs and expenses of \$748.75, together with interest at the legal rate.

Mr. Romo Vejar represented a client in a matter that included a worker's compensation lien. Upon reaching a settlement agreement, Mr. Romo Vejar withheld money in his client trust account to pay the lien and informed his client that he would attempt to negotiate a settlement of the lien amount. Thereafter, Mr. Romo Vejar made a few calls to the worker's compensation insurance office but did not diligently pursue the payment of the lien. Mr.

Romo Vejar negligently transferred portions of the lien funds to his operating account and used the funds to pay another client. In addition, Mr. Romo Vejar did not keep an updated individual client ledger regarding the matter, and he withdrew or transferred funds from his trust account by telephone. Furthermore, Mr. Romo Vejar placed personal funds in the trust account when he finally paid the lien.

Mr. Romo Vejar's misconduct included failing to act with reasonable diligence and promptness in representing a client; failing to safe-keep the property of a client or third party; failing to keep his funds separate from that of a client or third party; failing to record all transactions to the trust account properly and completely; failing to only disburse from his trust account with pre-numbered checks; and failing to conduct monthly three-way reconciliations of his client trust account.

One aggravating factor was found: substantial experience in the practice of law. Four mitigating factors were found: absence of a prior disciplinary record; absence of a dishonest or selfish motive; timely good-faith effort to make restitution or to rectify the consequences of the misconduct; and full and free disclosure to the disciplinary board or cooperative attitude toward the proceedings.

Mr. Romo Vejar violated Rule 42, ARIZ.R.S.CT., ERs 1.3 and 1.15, and Rules 43 and 44, ARIZ.R.S.CT.