

RESINSTATED ATTORNEY

NANCY A. STERRETT

Bar No. 025886

PDJ No. 2014-9096

By order of the Arizona Supreme Court filed May 26, 2015, Nancy A. Sterrett, Phoenix, was reinstated as an active member of the State Bar of Arizona effective the date of the order after resigning in good standing pursuant to Rule 32(c)(11).

SANCTIONED ATTORNEYS

CREIGHTON W. CORNELL

Bar No. 011433; File No. 11-1902

Supreme Court No. SB-14-0058-AP

PDJ No. 2014-9009

By order of the Supreme Court of Arizona dated May 27, 2015, Creighton W. Cornell was suspended for three years, consecutive to his prior 18-month suspension in an unrelated case. He also was assessed the costs and expenses of the disciplinary proceeding.

Mr. Cornell filed a multitude of non-meritorious bias challenges against four Mohave County Superior Court judges, knowing them to contain false and unsubstantiated information. The hearing panel found that Mr. Cornell's numerous bias challenges were dishonest and deceitful.

The hearing panel found that Mr. Cornell knew at the time he represented a criminal defendant in a Mohave County superior court case that his method and manner of filing bias motions had been questioned by bar counsel regarding his representation of a criminal defendant in a prior, unrelated Yuma County case. Furthermore, Yuma County superior court judges had previously denied a number of similar bias challenges that Mr. Cornell had filed.

The hearing panel concluded that Mr. Cornell made statements in multiple motions that he knew were false or made with reckless disregard as to their truth or falsity regarding qualifications or integrity of several superior court judges. The panel also found that he asserted or controverted a number of issues without good-faith bases in law and fact that were not frivolous. Examples included Mr. Cornell's statements that:

- one judge was not only a "hanging judge," but also "predisposed to unfairly obtain and/or impose convictions/sentences as a prosecutor and as a judge."
- more than one judge knowingly or intentionally violated the Rules of Criminal Procedure.
- a judge was "more likely than ever to deny [the defendant's] motions, or grant the prosecution relief, pursuant to ill-will."
- a judge "does not afford equal treatment to litigants in criminal cases" and "[p]rosecutors received different and better treatment than the defense bar."

- one judge was attempting to "insulate and protect" another judge.
- one judge acted impulsively in an unrelated case due to "a personality that is not conducive to judicial demeanor and/or a predisposition to favor the prosecution over the defense bar."
- one judge's order "revealed reflexive conduct and impatience rather than reflective conduct and measured determinations."
- there was a "determined effort by [the judges] to violate the rules, and avoid compelling motions."
- judges had failed to protect the defendant's right to counsel.

Mr. Cornell continued to file pleadings after the court removed him as court-appointed counsel and stated that it would not consider any further motions, supplements or appendices that he filed unless adopted by the Public Defender's Office. He also failed to comply with a court order directing him to state whether he had been hired by the defendant or someone on his behalf, or was appearing *pro bono*. A number of Mr. Cornell's motions were not considered by the court because he filed them after he was no longer counsel of record.

Aggravating factors: prior disciplinary offenses, dishonest or selfish motive, a pattern of misconduct, refusal to acknowledge the wrongful nature of his conduct, and substantial experience in the practice of law.

Mitigating factors: full and free disclosure to bar counsel and cooperative attitude toward the disciplinary proceeding, and delay in the disciplinary proceedings.

Mr. Cornell violated Rule 42, ARIZ.R.S.CT., specifically ERs 3.1, 3.3(a), 3.4(c), 4.1(a), 4.4(a), 8.2(a), 8.4(c) and (d), and Rule 54(c), ARIZ.R.S.CT.

KARL R. LAUTZ

Bar No. 014211; File No. 15-1238

PDJ No. 2015-9043

By order filed May 18, 2015, the presiding disciplinary judge accepted Karl R. Lautz's stipulation to interim suspension, effective June 15, 2015. The charges against Mr. Lautz, Pinetop, Ariz., involve State Bar File Nos. 14-1620, 14-2166, 14-3377, 14-3556, 15-0667, and 15-0783. Mr. Lautz failed to comply with trust account rules for more than two years, converted client funds for his own benefit, and admitted he is no longer able to manage his law practice in a professional and ethical manner. Mr. Lautz will remain suspended from the practice of law pending the outcome of the six above-numbered cases and further order of the court.

MARC A. VENTURA

Bar No. 017539; File Nos. 14-1940, 14-2273, 14-2528

PDJ No. 2015-9013

By judgment and order of the presiding disci-

plinary judge dated May 29, 2015, Marc A. Ventura, Phoenix, was suspended for four years effective May 8, 2015. Mr. Ventura was ordered to pay restitution to two clients in the amounts of \$1,500 and \$4,777. He also was assessed the costs and expenses of the disciplinary proceeding in the amount of \$2,030.28.

Mr. Ventura abandoned three clients. In count one, Mr. Ventura agreed to help his client draft and record a deed. Mr. Ventura drafted the deed but did not record it after his client signed and returned the deed to him. He failed to respond to the client's requests for updates. In count two, Mr. Ventura represented a guardian and conservator in a probate matter. The court ordered Mr. Ventura to deposit certain of the ward's funds into his trust account and then pay the ward's care expenses. Mr. Ventura stopped communicating with his client and stopped paying the ward's expenses, causing his client to have to retain new counsel. Mr. Ventura violated other court orders in the case, which jeopardized his client's appointment as guardian and conservator and risked having her held in contempt of court. In count three, Mr. Ventura agreed to update his client's estate plan. Mr. Ventura did not complete the task and stopped communicating with his client.

Mr. Ventura partially complied with the State Bar's subpoena to produce documents but otherwise failed to respond to the bar's screening investigation in all three cases. He did not file an answer to the State Bar's complaint so the presiding disciplinary judge entered his default. Mr. Ventura did participate in his aggravation/mitigation hearing.

Aggravating factors: A pattern of misconduct, multiple offenses, bad-faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, vulnerability of the victim, and substantial experience in the practice of law.

Mitigating factors: Absence of a prior disciplinary record and personal or emotional problems.

Mr. Ventura violated Rule 42, ARIZ.R.S.CT., specifically ERs 1.2(a), 1.3, 1.4, 1.5(b), 1.15(d), 1.16(d), 3.4(c), 8.1(b), and 8.4(d), and Rules 43(b)(2)(B), 54(c), and 54(d), ARIZ.R.S.CT.

CAUTION!

Nearly 17,000 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.