

BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF A SUSPENDED
MEMBER OF THE STATE BAR OF
ARIZONA**

**GIL C. NEGRETE,
Bar No. 026068**

Respondent.

PDJ 2023-9087

FINAL JUDGMENT AND ORDER

(State Bar Nos. 23-0700, 23-1423, 23-1877)

FILED APRIL 15, 2024

The Presiding Disciplinary Judge having accepted the parties' Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.,

IT IS ORDERED that Gil C. Negrete, Bar No. 026068, is suspended for 15 months - retroactive to April 10, 2023 -- for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that, if reinstated, Respondent shall be subject to any terms of probation imposed in the reinstatement proceedings.

IT IS FURTHER ORDERED that, to the extent he has not done so previously, Respondent shall comply with all duties imposed by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00 within 30 days. There are no costs or expenses incurred by the office of the Presiding Disciplinary Judge in these proceedings.

DATED this 15th day of April, 2024.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copy of the foregoing e-mailed
this 15th day of April, 2024, to:

Geoffrey M.T. Sturr
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by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GIL C. NEGRETE,
Bar No. 026068**

Respondent.

PDJ 2023-9087

**ORDER ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

(State Bar Nos. 23-0700, 23-1423, 23-
1877)

FILED APRIL 15, 2024

On March 13, 2024, the parties filed an Agreement for Discipline by Consent (“Agreement”) pursuant to Rule 57(a), Ariz. R. Sup. Ct. The State Bar of Arizona is represented in these proceedings by Senior Bar Counsel David L. Sandweiss. Respondent Gil C. Negrete is represented by Geoffrey M.T. Sturr and William D. Furnish. The Agreement resolves a pending formal complaint and two charges for which probable cause orders have not yet issued. After an initial review of the Agreement, the Presiding Disciplinary Judge (PDJ) requested additional information regarding File No. 23-1877, which the State Bar subsequently provided.

Contingent on approval of the proposed form of discipline, Mr. Negrete has voluntarily waived his right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. As required by Rule 53(b)(3), Ariz. R. Sup. Ct., notice of the Agreement was sent to the complainants; the PDJ has not been provided with any objections.

The Agreement details a factual basis in support of Mr. Negrete’s conditional admissions and is incorporated by reference. *See* Rule 57(a)(4), Ariz. R. Sup. Ct. Mr.

Negrete conditionally admits violating ER 1.17 in PDJ 2023-9087; ERs 1.4 and 1.6 in State Bar File No. 23-1423; and ER 5.3 in State Bar File No. 23-1877. As a sanction, the parties agree to a 15-month suspension, retroactive to April 10, 2023, and payment of costs to the State Bar. The State Bar conditionally agrees to dismiss the alleged violation of Rule 72 included in the complaint filed in PDJ 2023-9087.

The Agreement sets forth in detail the factual background for the ethical violations, which is not repeated herein. Generally speaking, in PDJ 2023-9087, Mr. Negrete failed to abide by all requirements of ER 1.17 when he sold his law practice. In State Bar File No. 23-1423, he failed to adequately communicate with a personal injury client or properly protect that client's information upon termination of the representation. In State Bar File No. 23-1877, the State Bar avows that the only allegation it can prove by clear and convincing evidence is that Mr. Negrete failed to adequately supervise a paralegal, who mishandled a notice of claim in a personal injury case.

The parties agree that Mr. Negrete violated duties owed to his clients and the legal profession. In discussing his mental state, the Agreement states:

With respect to ER 1.17, the parties agree that Respondent acted knowingly because he was aware of the Rule but failed to consider its terms, but that he did not act with conscious intent to violate the Rule. . . . With respect to all other violations the parties agree that Respondent was negligent.

In addressing the extent of actual or potential injury in the three matters at issue, the Agreement states:

With respect to ER 1.17, the parties agree there was actual injury to clients in that they did not receive the notice required by the Rule and potential injury as to the consequences of that lack of notice. With respect to ERs 1.4

and 1.6 there was actual but temporary injury, and potential injury, to clients. With respect to ER 5.3 there was actual injury to the legal system.

Sanctions imposed against lawyers “shall be determined in accordance with the American Bar Association’s *Standards for Imposing Lawyer Sanctions*” (“ABA Standards”). Rule 58(k), Ariz. R. Sup. Ct. In evaluating the propriety of an agreed-upon sanction, the PDJ considers 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.

The parties rely on ABA Standards 4.24 (admonition); 4.42 (suspension); 4.43 (reprimand); and 7.3 (reprimand). “When an attorney faces discipline for multiple charges of misconduct, the most serious charge serves as the baseline for the punishment. We assign the less serious charges aggravating weight.” *In re Moak*, 205 Ariz. 351, 353 (2003) (citations omitted).

The Agreement recites the following three aggravating factors:

- Prior disciplinary offenses (suspension in 2023; admonition in 2021)
- Multiple offenses
- Substantial experience in the practice of law

The parties further stipulate that the following two mitigating factors should be considered:

- Timely good faith effort to rectify consequences of misconduct
- Full and free disclosure to disciplinary board or cooperative attitude toward proceedings

In discussing the agreed-upon sanction, the Agreement states:

The presumptive sanction of suspension should be maintained. A fifteen (15) month retroactive suspension is reasonable. It adds three months to Respondent's current one-year suspension, the misconduct largely flows from the aftermath of Respondent's current suspension that required him to close his firm; and to practice law again he must undergo formal reinstatement proceedings to demonstrate rehabilitation and fitness to practice. Based on the *Standards* and given the facts and circumstances, 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.

Based on the provable conduct, the PDJ concludes that the negotiated agreement is sufficient to achieve the recognized purposes of the attorney discipline system.

IT IS ORDERED accepting the Agreement for Discipline by Consent. A final judgment and order is separately filed this date.

DATED this 15th day of April, 2024.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copy of the foregoing emailed
this 15th day of April, 2024, to:

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BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GIL C. NEGRETE,
Bar No. 026068,**

Respondent.

PDJ 2023-9087

**State Bar File Nos. 23-0700, 23-1423
and 23-1877**

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, and Respondent Gil C. Negrete, who is represented by counsel Geoffrey M.T. Sturr and William D. Furnish, hereby submit their

Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.¹ For PDJ 2023-9087, a probable cause order was entered on November 6, 2023 in State Bar File No. 23-0700, and the State Bar filed a formal complaint on November 14, 2023. This Agreement also includes State Bar File Nos. 23-1423 and 23-1877, for which probable cause orders have not been entered. 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 admissions and proposed form of discipline are approved.

Pursuant to Rule 53(b)(3), notice of this agreement was provided to the complainants by emailed letters on March 4, 2024. Complainants 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. Copies of Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ER 1.17 in PDJ 2023-9087 (State Bar File No. 23-0700); Rule 42, ERs 1.4

¹ Hereafter all references to rules are to the Arizona Rules of the Supreme Court unless stated otherwise.

and 1.6 in State Bar File No. 23-1423; and Rule 42, ER 5.3 in State Bar File No. 23-1877. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: fifteen (15) months suspension, retroactive to April 10, 2023, the effective date of Respondent's current suspension. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. If costs are not paid within the 30 days interest will begin to accrue at the legal rate.² The State Bar's Statement of Costs and Expenses is attached as Exhibit A.

FACTS

COUNT ONE (PDJ 2023-9087, State Bar File No. 23-0700/Zapata)

1. Respondent was licensed to practice law in Arizona on January 16, 2009. On February 9, 2023, in PDJ 2022-9073, he was suspended from the practice of law in Arizona for one year, effective 60 days hence (April 10, 2023).

2. On March 6, 2023, Respondent met with representatives of Sweet James Lawyers LLC ("Sweet James") about a potential sale of his law firm.

²Respondent 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.

3. On April 3, 2023, Respondent and Sweet James signed an Asset Purchase Agreement, pursuant to which Sweet James acquired certain assets of Respondent's law firm, including certain clients and their files.

4. Before April 3, 2023, certain client files were transferred from Respondent's law firm to Sweet James.

5. Respondent admits that when the Sweet James transaction began on March 6, 2023, he knew about ER 1.17 but did not consider its terms or ask his counsel about the Rule.

6. ER 1.17(a) permits a firm to sell a law practice, or a practice area of a firm, if the seller gives written notice to each of the seller's clients regarding: the proposed sale, including the purchaser's identity; the client's right to retain other counsel or to take possession of the file; the fact that the client's consent will be presumed if the client does not take any action or does not otherwise object within 90 days of receipt of the notice. ER 1.17(d) states that this written notice must be sent before a seller "provid[e]s a purchaser access to detailed information relating to the representation, including client files."

7. Respondent further admits that he did not send written notices to clients before client files were transferred to Sweet James and before the Sweet James transaction closed on April 3, 2023.

8. On March 15, 2023, Complainant Julio Zapata submitted a Charge to the State Bar alleging, inter alia, that Respondent had failed to comply with ER 1.17.

9. On or about May 9, 2023, Respondent sent notice letters to clients.

10. In a May 24, 2023 letter to Bar Counsel, Respondent, through counsel, acknowledged that he had failed to comply with ER 1.17.

COUNT TWO (State Bar File No. 23-1423/Kraft)

11. In April 2021, Complainant Renee Kraft entered into a contingent fee contract with Respondent's law firm, Law Offices of Gil Negrete, P.C., dba AZ Hometown Law Firm, for a personal injury claim arising from a January 10, 2021 automobile accident in Yuma.

12. Between May 2021 and December 2022, Complainant had email and phone communications with Respondent's law firm regarding her medical treatment and obtaining her medical records.

13. On December 7, 2022, Complainant sent an email to Diana Prado, a nonlawyer employee of Respondent's law firm, to inquire about the status of her case, to which Ms. Prado responded the following day.

14. On January 9, 2023, Ruben Canastillo, an attorney at Respondent's law firm, filed suit for Complainant in Yuma County Superior Court.

15. On February 24, 2023, Mr. Canastillo resigned from Respondent's law firm.

16. Neither Mr. Canastillo nor Respondent informed Complainant of Mr. Canastillo's resignation and her right to elect whether to continue to be represented by Respondent's law firm, to be represented by Mr. Canastillo, or to find new counsel. *See* Ariz. Ethics Op. 10-02 ("When a lawyer's employment with a firm is terminated, both the firm and the departing lawyer have ethical obligations to notify affected clients, . . .").

17. On March 23, 2023, Mr. Canastillo filed with the Yuma County Superior Court an "Application for Substitution of Counsel for Plaintiff & Extension of Deadlines." In the Application, Mr. Canastillo told the court "Ruben Canastillo of the [sic] AZ Injury Attorneys, PLLC has taken over the handling of the above-

captioned matter from the firm of the Law Offices of Gil Negrete, from Ruben Canastillo.”

18. For reasons unknown, the court did not address Mr. Canastillo’s application. On May 2, 2023, the court dismissed Complainant’s case without prejudice for lack of prosecution.

19. On or before June 6, 2023, Complainant called the telephone number for AZ Hometown Law Firm, which Sweet James, LLC had acquired as of April 3, 2023. She was told that her case was not being handled by AZ Hometown Law Firm.

20. On June 7, 2023 Complainant submitted a Charge to the State Bar.

21. On June 13, 2023, Respondent and Mr. Canastillo received an email from AZ Hometown Law Firm, LLC/Sweet James, LLC (“Sweet James”) reporting that Complainant had called seeking information about the status of her matter.

22. On June 22, 2023, Mr. Canastillo filed a Motion to Reinstate, which the court granted on July 11, 2023.

23. After the Motion to Reinstate was granted, Mr. Canastillo caused the complaint to be served and prosecuted the case.

24. On July 17, 2023, Sweet James informed Mr. Canastillo that it had located some files relating to Complainant’s representation by Respondent’s law

firm. Sweet James had access to those files even though it had not acquired Complainant's case through the transaction that closed on April 3, 2023. Mr. Canastillo asked to receive those files and they were transferred to him.

COUNT THREE (State Bar File No. 23-1877/Marshall/Gottfried)

25. This Charge was submitted by the Maricopa County Attorney's Office ("MCAO") and arises from *Pablo Gonzalez Rios v. Mireille Diltz, et al.*, Maricopa County Superior Court Case No. CV2022-092696.

26. The lawsuit arose from a June 23, 2021 motor vehicle accident involving Plaintiff Rios and Defendant Diltz, a Maricopa County employee.

27. Mr. Rios retained Respondent's law firm to pursue claims against Maricopa County.

28. In October 2021, disbarred former attorney Jason Keller, a paralegal who performed services for Respondent's law firm, was assigned to be the case manager for Mr. Rios's case. Mr. Keller was disbarred by Arizona Supreme Court Judgment and Order SB-09-0106-D, dated October 20, 2009.

29. Respondent claims one of Mr. Keller's duties was to monitor deadlines for each of the cases he was assigned and to manage and assist in the preparation of documents required to be submitted or filed by those deadlines. Mr. Keller was also

responsible for arranging to have documents served by a process server. Mr. Keller denied this to the State Bar's investigator.

30. As of October 2021, when Mr. Keller became case manager for Mr. Rios's case, Respondent's law firm used the CloudLex system to track case deadlines. The firm did not have a system for confirming that case deadlines had been met.

31. As of October 2021, Respondent was aware that Mr. Keller had previously failed to monitor case deadlines.

32. Lonnell Colbert was one of the process servers who regularly served process for Respondent's law firm.

33. Because Mr. Rios's claim involved a public entity, he was required to submit a Notice of Claim to Maricopa County within 180 days of the accident, or by December 20, 2021, and file suit within one year, or by June 23, 2022.

34. During 2022, Respondent's law firm associated with attorney Julio Zapata, of Zapata Law PLLC, on a number of cases. Mr. Zapata acted as lead litigation counsel for those cases. Respondent appeared as co-counsel but had little involvement in the litigation of those cases.

35. On May 10, 2022, Mr. Zapata was provided with the file Respondent's law firm had maintained for its representation of Mr. Rios. The file contained a Notice of Claim dated November 10, 2021 and a Certificate of Delivery stating the Notice had been served on that date.

36. On May 26, 2022, Mr. Zapata advised Respondent's law firm that he would take Mr. Rios's case.

37. On June 20, 2022, Mr. Zapata initiated CV2022-092696 by filing a complaint. Respondent was listed as co-counsel in the complaint and subsequent court filings but he was not involved in the litigation.

38. MCAO defended the claim, filing an answer on August 15, 2022, which raised the affirmative defense that Rios "failed to file a timely and proper notice of claim," and a motion to dismiss on October 14, 2022, which sought dismissal on the grounds that the complaint failed to affirmatively allege that a notice of claim had been timely served.

39. On October 14, 2022, Mr. Zapata filed a "Notice of Filing Notice of Claim and Certificate of Delivery," bearing his and Respondent's electronic signatures, which stated: "Plaintiff . . . provides NOTICE that he has filed his Notice of Claim and Certificate of Delivery evidencing that the Notice of Claim was delivered to the

County on November 10, 2021, which is within 180 days of the subject crash,” attached to which were copies of a Notice of Claim purportedly dated November 10, 2021 and a “Certificate of Delivery” sworn to by process server Lonell Colbert stating that on November 21, 2021 he had served the Notice on “Dorene Stretar, Clerk of the Board Specialist for Maricopa County Clerk of Board of Supervisors” on the 10th floor of 301 W. Jefferson, Phoenix, the County Administration Building.

40. Mr. Zapata filed on October 14, 2022 a stipulation, bearing his, Respondent’s and Deputy County Attorney Michael Gottfried’s electronic signatures, to allow the filing of a first amended complaint which expressly alleged that a Notice of Claim had been served on November 10, 2021.

41. On December 29, 2022, MCAO filed an answer to the first amended complaint which denied Mr. Rios had served a Notice of Claim and asserted that failure as an affirmative defense.

42. On March 20, 2023, Mr. Zapata and MCAO filed a Joint Report.

43. As MCAO alleged in its July 26, 2023 Charge, at some time before April 10, 2023, MCAO counsel asked Mr. Zapata to explain why Mr. Colbert’s Certificate of Delivery stated that he had hand delivered the Notice of Claim to Dorene Stretar on November 10, 2021 on the 10th Floor of County Administration

Building, when (i) Ms. Stretar's job duties had changed as of that date and she was no longer accepting service on behalf of the County, and (ii) the 10th Floor was closed for construction on November 10.

44. In response to that inquiry, Mr. Zapata obtained from Mr. Colbert a First Amended Certificate of Delivery which omitted Ms. Stretar's name and instead stated that he had "hand delivered a NOTICE OF CLAIM to an authorized member at the front counter for Clerk of the Board Specialist [sic] for Maricopa County Clerk Board of Supervisors" on November 10, 2021. The Amended Certificate stated, as did the original Certificate, that service had been accomplished on the Tenth Floor of the County Administration Building.

45. As MCAO alleged in its July 26, 2023 Charge, to resolve the issue of whether the Notice of Claim had been served, MCAO filed a motion for summary judgment on April 10, 2023 which asserted, based on a declaration from Ms. Stretar, that a Notice of Claim was never served. Ms. Stretar testified that she was not served with and did not accept a Notice of Claim; she was promoted to a Management Analyst on March 22, 2021, and her new job no longer included accepting service of documents for the Board of Supervisors; and on November 10, 2021, the Clerk of the Board's office was on the 7th floor of the County Administration Building

because, for several weeks before and after November 10, 2021, the 10th floor was closed for renovation.

46. On May 4, 2023, Mr. Zapata filed a response to the motion. The response stated, *inter alia*, “[p]ursuant to the Registered and Certified process server, the Notice of Claim was timely delivered to Maricopa County. Any dispute to the contrary merely creates a question of fact for which summary judgment is not appropriate.”

47. On May 24, 2023, MCAO filed a reply memorandum in which it acknowledged that there was a disputed question of fact and asked the Court to set a jury trial on that factual dispute.

48. The court then denied the County’s motion and set a jury trial for August 15, 2023 to decide the Notice of Claim dispute.

49. On July 17, 2023, Mr. Zapata served on MCAO a supplemental disclosure statement which included a July 16, 2023 declaration from Mr. Colbert in which Mr. Colbert admitted that he had not served the Notice of Claim on November 10, 2021 and alleged that Respondent told him to lie about it and create a false Certificate of Service.

50. On July 24, 2023, Mr. Zapata requested a status conference to vacate the jury trial and address Mr. Colbert's declaration. The court subsequently vacated the jury trial.

51. On July 26, 2023, MCAO submitted a Charge to the State Bar based on Mr. Colbert's declaration.

52. Mr. Colbert's declaration, stated, in pertinent part:

a. "On or about January 11, 2022, Gil Negrete contacted me to tell me that one of his new employees missed a notice of claim deadline and wanted to know if I would agree to create a certificate of delivery showing that the notice of claim was served on Maricopa County on November 10, 2021."

b. Respondent said, "it would not be a big deal since I frequently go to the County to serve documents" and "nobody would be the wiser." Doing so would enable Respondent to settle the case, but without the certificate of delivery Rios's claim would be barred.

c. "On January 12, 2021 [sic], I received an email from the Law Offices of Gil Negrete where Gil Negrete was copied which provide me a copy of the Notice of Claim dated November 10, 2021." The email, which

was written by Jason Keller to Mr. Colbert and captioned, “Pablo Rios: Notice of Claim,” stated “Toby, This Notice of Claim is dated November 10th, as discussed, please advise at [sic] to your certificate of delivery,” attached to which was a PDF copy of a Notice of Claim dated November 10, 2021.

d. “On January 18, 2022, the Law Offices of Gil Negrete contacted me again asking for the status of the certificate of delivery.”

e. “On January 24, 2022, I emailed the Law Offices of Gil Negrete and provided a PDF copy of the Certificate of Delivery that Gil Negrete had requested.”

f. “On July 15, 2023, I was contacted by Julio Zapata who asked me to explain the details underlying the Certificate of Delivery because the County was claiming that a Notice of Claim was not delivered to them on November 10, 2021. . . . I truthfully told Mr. Zapata that I had not delivered a Notice of Claim to the County on November 10, 2021 or any other day, and that Gil Negrete had asked me to create a false Certificate of Delivery, which I did, as discussed above.”

53. The evidence conflicts as to the veracity of Mr. Colbert's claim that Respondent told him to create a false certificate of service, and to the veracity of Respondent's denial of Mr. Colbert's claim.

54. In responding to the Charge, Respondent:

a. Expressly denied Mr. Colbert's allegation that he had instructed Mr. Colbert to create a false certificate of delivery and denied ever discussing with Mr. Colbert service of a Notice of Claim in the *Rios* matter.

b. Provided the State Bar with records purportedly showing Jason Keller was the case manager for the *Rios* matter and purportedly was responsible for ensuring the preparation and service of a Notice of Claim on or before December 20, 2021.

c. Provided the State Bar with some telephone records, which purportedly do not reflect any communications between Respondent and Mr. Colbert on or about January 11, 2022.

d. Provided the State Bar with electronic records purportedly showing that on January 12, 2022, Jason Keller drafted the Notice of Claim, used Respondent's stamp to create a signed PDF copy, and then emailed the signed Notice of Claim to Mr. Colbert.

e. Expressly denied any knowledge of Mr. Keller's actions on January 12, 2022.

f. Stated his belief that Mr. Keller created the Notice of Claim on January 12, 2022 to cover up for his failure to ensure that it was prepared and timely served before December 20, 2021, and that Mr. Keller had conspired with Mr. Colbert to create a false certificate of delivery.

55. While denying Mr. Colbert's allegation that he directed Mr. Colbert to create a false certificate of delivery, Respondent acknowledges that his law firm did not have policies and procedures to ensure that a notice of claim in the *Rios* matter had, in fact, been timely served. Nor did the firm have policies and procedures that might have led to the discovery of Mr. Keller's actions in creating the November 10, 2021 Notice of Claim on January 12, 2022 and Mr. Colbert's actions in creating a false certificate of delivery.

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. In PDJ 2022-9073, Respondent conditionally admits that he violated ER 1.17 by failing to give notice to affected clients before the sale of his

law firm. In State Bar File No. 23-1423, Respondent conditionally admits he violated ER 1.4 by failing to give the complainant notice of Mr. Canastillo's resignation and violated ER 1.6(e) by failing to make reasonable efforts to prevent the disclosure to Sweet James of information relating to his law firm's representation of the complainant. In State Bar File No. 23-1877, Respondent conditionally admits that he violated ER 5.3(a) by failing to make reasonable efforts to ensure that his law firm had policies and procedures to ensure that nonlawyers engaged in activities to assist the law firm's delivery of legal services met case deadlines and which might have led to the discovery of efforts by nonlawyers to prepare false documents.

CONDITIONAL DISMISSALS

The State Bar conditionally dismisses the allegation in its Complaint in PDJ 2023-9087 that Respondent violated Rule 72 by failing to send a notice to Complainant Julio Zapata, as alleged in Paragraph 15, based on the disagreement with Respondent about whether Respondent was Complainant's co-counsel in the underlying case.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances, the following sanction is appropriate: Suspension of fifteen (15)

months, starting retroactively on April 10, 2023. If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

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. *Standard 1.3.*

In determining an appropriate sanction, the Court considers 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. *Standard 3.0.*

The duty violated

Respondent's conduct violated his duty to his clients and to the legal profession.

The lawyer's mental state

With respect to ER 1.17, the parties agree that Respondent acted knowingly because he was aware of the Rule but failed to consider its terms, but that he did not

act with the conscious intent to violate the Rule. *Standards* § III, Definitions (“Knowledge is the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result.”). *Cf. In re Fink*, 22 A.3d 461, 475 (Vt. 2011) (lawyer with knowledge of rule governing contingent fee agreements found to have acted knowingly in failing to comply with rule).

With respect to all other violations the parties agree that Respondent was negligent.

The extent of the actual or potential injury

With respect to ER 1.17, the parties agree there was actual injury to clients in that they did not receive the notice required by the Rule and potential injury as to the consequences of that lack of notice. With respect to ERs 1.4 and 1.6 there was actual but temporary injury, and potential injury, to clients. With respect to ER 5.3, there was actual injury to the legal system.

The parties agree that the following *Standards* apply:

Standard 4.24--Admonition is generally appropriate when a lawyer negligently reveals information relating to representation of a client not otherwise lawfully permitted to be disclosed and this disclosure causes little or no actual or potential injury to a client.

Standard 4.42--Suspension is generally appropriate when:
(a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client,

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.

Standard 7.3--Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed to the profession and causes injury or potential injury to a client, the public, or the legal system.

Aggravating and mitigating circumstances

The presumptive sanction for the most serious violation is suspension. When an attorney is disciplined for multiple charges of misconduct, the most serious charge serves as the discipline baseline and the less serious charges are aggravating factors. *In re Moak*, 205 Ariz. 351, 353 (2003). The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation: *Standard 9.22*—

- (a) prior disciplinary offenses;
- (d) multiple offenses;
- (i) substantial experience in the practice of law;

In mitigation: *Standard 9.32*—

- (d) timely good faith effort to rectify consequences of misconduct;

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

Discussion

The presumptive sanction of suspension should be maintained. A fifteen (15) month retroactive suspension is reasonable. It adds three months to Respondent's current one-year suspension, the misconduct largely flows from the aftermath of Respondent's current suspension that required him to close his firm; and to practice law again he must undergo formal reinstatement proceedings to demonstrate rehabilitation and fitness to practice. Based on the *Standards* and given the facts and circumstances, 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.

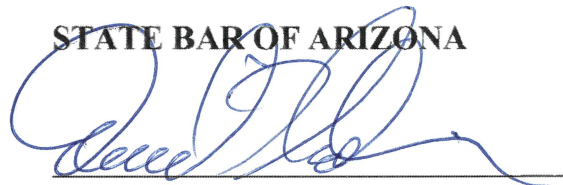
CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *In re Peasley, 208 Ariz. 27 (2004)*. 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 imposing a suspension, and the costs and expenses. A proposed form of order is attached as Exhibit B.

DATED this 12th day of March 2024.

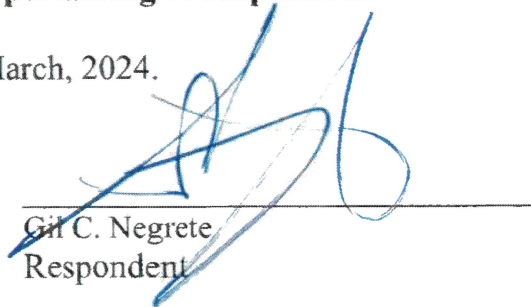
STATE BAR OF ARIZONA



David L. Sandweiss
Senior Bar Counsel

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

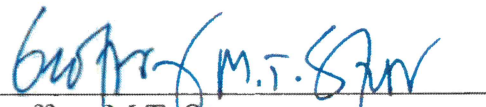
DATED this 12th day of March, 2024.



Gil C. Negrete
Respondent

DATED this 13th day of March, 2024.

Osborn Maledon PA



Geoffrey M.T. Sturr
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 13th day of March, 2024.

Copies of the foregoing emailed
this 13th day of March, 2024, to:

The Honorable Margaret H. Downie
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
Email: officepdj@courts.az.gov

Geoffrey M.T. Sturr
William D. Furnish
Osborn Maledon PA
2929 N. Central Ave., Ste. 2000
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Email: gsturr@omlaw.com
wfurnish@omlaw.com
Respondent's Counsel

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

by: 
DLS/olv

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Suspended Member of The State Bar of Arizona,
Gil C. Negrete, Bar No. 026068, Respondent.

File Nos. 23-0700, 23-1423, and 23-1877

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.

Additional Costs

Total for additional costs \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$1,200.00

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GIL C. NEGRETE,
Bar No. 026068,**

PDJ 2023-9087

**FINAL JUDGMENT AND
ORDER**

**State Bar Nos. 23-0700, 23-1423, and
23-1877**

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

Accordingly:

IT IS ORDERED that Respondent, Gil C. Negrete, is suspended for fifteen (15) months for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, beginning retroactively on April 10, 2023.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be subject to any terms of probation imposed as a result of reinstatement hearings held.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

IT IS FURTHER ORDERED that, pursuant to Rule 72, Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

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 March, 2024.

**Margaret H. Downie,
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 March, 2024.

Copies of the foregoing emailed
this _____ day of March, 2024, to:

Geoffrey M.T. Sturr
William D. Furnish
Osborn Maledon PA
2929 N. Central Ave., Ste. 2000
Phoenix, Arizona 85012-2765
Email: gsturr@omlaw.com
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Respondent's Counsel

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Email: LRO@staff.azbar.org

Lawyer Regulation Records Manager
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Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

by: _____