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**BEFORE THE PROBABLE CAUSE PANELIST
OF THE STATE BAR OF ARIZONA**

Summary of Alleged Ethical Violations

Andrew P. Thomas—Lisa Aubuchon—Rachel Alexander

Ethical Violation 1: Thomas—Page 10; Conflict of Interest, ER 1.7(a)(2). A lawyer shall not represent a client if the representation involves a concurrent conflict of interest.

Thomas had a strong personal and political self-interest as Maricopa County Attorney to make outside counsel appointments that benefited him without interference from the Board of Supervisors. As such, he could not provide counsel to the Board of Supervisors on this very issue.

Ethical Violation 2: Thomas—Page 13; Confidentiality of Information, ER 1.6(a). A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent.

In two pending lawsuits against Maricopa County (Keen & Dowling), Thomas stated that the county's position was unsupportable and that he believed the cases against the county had merit. Thomas made the statements notwithstanding the fact that he had an attorney client relationship with the Board and the County. Thomas made the disclosure for the sole reason of buttressing his disputes with the Board of Supervisors.

Ethical Violation 3: Thomas—Page 14; Trial Publicity, ER 3.6(a).

In the Keen and Dowling matters, Thomas issued a press release that he knew or reasonably should have known would have the likelihood of materially prejudicing an adjudicative proceeding. June 14, 2006 press release as stated in Ethical Violation 2.

Ethical Violation 4: Thomas and Aubuchon—Page 17; Respect for Rights of Others, ER 4.4(a).

Thomas and Aubuchon filed charges against Supervisor Stapley that had no substantial purpose other than to burden and embarrass him. Thomas and Aubuchon's efforts to attack and embarrass Supervisor Stapley are based upon disputes that date back to at least March 2006. The evidence will show that their investigations of Supervisor Stapley were personally and politically motivated.

Ethical Violation 5: Thomas and Aubuchon—Page 19; Conflict of Interest, ER 1.7(a)(1). Thomas and Aubuchon's personal animus against Supervisor Stapley precluded them from providing conflict free representation to either the people of the state of Arizona or the Board of Supervisors. Their personal conflicts precluded them from seeking the indictment of Supervisor Stapley and later in prosecuting him.

Ethical Violation 6: Thomas and Aubuchon—Page 23; Misrepresentations to the Court, ER 3.3(a).

Aubuchon made misrepresentations to the court in pleadings that she filed (Motion for Voluntary Recusal or if Denied Motion for Change of Judge for Cause) by alleging that Judge Fields had filed a complaint against Thomas with the State Bar. (Stapley 1 Matter) Aubuchon filed the motion with the approval of Thomas and with the knowledge that the allegations were false.

Ethical Violation 7: Thomas and Aubuchon—Page 25; Candor Toward the Tribunal, ER 3.3(a).

Aubuchon made misrepresentations to the court in pleadings that she filed (Motion for Voluntary Recusal or if Denied Motion for Change of Judge for Cause) by alleging that Judge Fields had filed a complaint against Thomas with the State Bar. (Stapley 1 Matter) Aubuchon filed the motion with the approval of Thomas and with the knowledge that the allegations were false.

Ethics Violation 8: Aubuchon—Page 26; Misconduct, ER 8.4(d).

On or about December 11, 2008, Aubuchon engaged in conduct prejudicial to the administration of justice when Aubuchon wrote directly to Judge Baca and Judge Mundell requesting that both judges submit to an interview and/or deposition regarding the selection of Judge Fields in the Stapley 1 matter. This extraordinary act was done for no other reason than to intrude into judicial discretion and to intimidate members of the judiciary.

Ethical Violation 9: Thomas and Aubuchon—Page 31; Misconduct, ER 8.4(d).

Thomas and Aubuchon engaged in conduct prejudicial to the administration of justice by charging Supervisor Stapley with 44 misdemeanors when they knew that the charges were barred by the Arizona statute of limitations.

Ethical Violation 10: Aubuchon—Page 32; Misconduct, ER 8.4(c).

Aubuchon engaged in conduct involving dishonesty, fraud, deceit or misrepresentation when she knowingly failed to tell the grand jury that many of the misdemeanor charges filed against Supervisor Stapley were barred by the Arizona statute of limitations.

Ethical Violation 11: Thomas—Page 35; Trial Publicity, ER 3.6(a).

Thomas made improper public statements on August 24, 2009 in the Stapley 1 matter before Judge Fields that had the substantial likelihood of materially prejudicing an adjudicative proceeding.

Ethical Violation 12: Thomas—Page 43; Respect for Rights of Others, ER 4.4(a).

In a letter dated December 5, 2008 Thomas, through Deputy Phillip MacDonnell threatened legal action against County Manager David Smith, Deputy County Manager Wilson, and Chief

Financial Officer Manos if they paid Thomas Irvine or his firm for representation of the Board of Supervisors. This conduct had no other purpose other than to embarrass, delay or burden the county officials.

Ethical Violation 13: Thomas and Aubuchon—Page 43; Respect for Rights of Others, ER 4.4(a).

A December 2008 grand jury subpoena issued to the Maricopa County Administration and a FOIA request to Maricopa County were made for no other reason than to burden the county and its employees. Thomas and Aubuchon issued the subpoena and the FOIA request to their own client—Maricopa County.

Ethical Violation 14: Thomas and Aubuchon—Page 44; Conflict of Interest: Current Clients, ER 1.7(a)(1) & ER 1.7(a)(2).

Court Tower Matter. While representing Maricopa County, Thomas and Aubuchon were investigating their client, the Board of Supervisors, on the very issue on which MCAO had previously represented the Board. Thomas and Aubuchon began the court tower investigation based solely on their personal and political animosity toward the Board of Supervisors.

Ethical Violation 15: Thomas, Aubuchon and Alexander—Page 50; Respect for Rights of Others, ER 4.4(a).

RICO Matter. The filing and continuation of the RICO matter against the Board of Supervisors and its elected members, judges, county officials, and private individuals was filed for no substantial purpose other than to embarrass, delay or burden the named defendants.

Ethical Violation 16: Thomas, Aubuchon and Alexander—Page 51; Meritorious Claims and Contentions, ER 3.1.

RICO Matter. There was no good faith basis in fact or in law to support the filing of the RICO case. Thomas, Aubuchon, and Alexander brought and furthered the action based solely on their personal and political animosity toward the Board of Supervisors, judges, county officials, and private individuals.

Ethical Violation 17: Thomas, Aubuchon and Alexander—Page 52; Competence, ER 1.1.

RICO Matter. The filing and continuation of the RICO matter exhibits a dramatic lack of even basic legal competence. Notwithstanding the malicious and frivolous nature of the complaint and response to motions to dismiss the lawyers lacked basic legal knowledge or skill.

Ethical Violation 18: Thomas, Aubuchon and Alexander—Page 53; Conflict of Interest: Current Clients, ER 1.7(a)(1) & ER 1.7(a)(2).

RICO Matter. Thomas, Aubuchon and Alexander brought the RICO action against many of the county attorney's clients and on behalf of another client, Sheriff Arpaio. Furthermore, their individual personal and political interests limited (or eliminated) their ability to represent anyone in the RICO matter. Thomas, Aubuchon and Alexander alleged that they represented the State of Arizona, Thomas personally and Sheriff Arpaio in the RICO matter notwithstanding the fact that they also contemporaneously represented many of the defendants in other matters.

Ethical Violation 19: Thomas, Aubuchon and Alexander—Page 55; Fairness to Opposing Party and Counsel-Knowingly Disobeying an Obligation Under a Rule of a Tribunal, ER 3.4(c). RICO Matter. Arizona Supreme Court Rule 48(l) precludes any civil action predicated on the filing of Bar complaints. Thomas, Aubuchon and Alexander alleged, in part, that the RICO action was warranted based on Bar complaints filed against Thomas.

Ethical Violation 20: Thomas, Aubuchon and Alexander—Page 56; Misconduct, ER 8.4(d). RICO Matter. Thomas, Aubuchon and Alexander sued four Maricopa County Superior Court judges based solely on their judicial decisions in various matters. The RICO filing was an unprecedented and unlawful effort to intrude upon the independence of the judiciary and the decision-making process of judges. Furthermore, the RICO filing was an attempt to silence judges through a misuse of their prosecutorial powers.

Ethical Violation 21: Thomas and Aubuchon—Page 57; Conflict of Interest: Current Clients, ER 1.7(a)(2).

Supervisor Mary Rose Wilcox Matter. {See Ethics Violation 14} Thomas and Aubuchon brought criminal charges against Supervisor Wilcox notwithstanding a pending civil action (RICO Matter) seeking damages because of alleged damage to Thomas. Furthermore, in February 2010 Judge Leonardo of the Pinal County Superior Court ruled that Thomas and his office could not serve as prosecutors in the Supervisor Wilcox matter.

Ethical Violation 22: Thomas and Aubuchon—Page 59; Respect for Rights of Others, ER 4.4(a).

Stapley II and Wilcox Matters. The charges in the Stapley II and Mary Rose Wilcox cases (both Maricopa County Supervisors) were brought to embarrass and burden the two supervisors. The evidence will reflect that there was no independent complaint or action that led to the investigations of Supervisor Stapley. Rather, the personal and political animosity of Thomas and Aubuchon drove the investigation and charging of the two individuals.

Ethical Violation 23: Thomas and Aubuchon—Page 60; Conflict of Interest: Current Client, ER 1.7(a)(2).

Stapley II Matter. Thomas and Aubuchon sought and brought criminal charges against Supervisor Stapley while at the same time seeking damages from him in a civil action (RICO matter). Furthermore, Thomas's and Aubuchon's personal and political animosity against Supervisor Stapley and the Board of Supervisors precluded the exercise of conflict-free decision making.

Ethical Violation 24: Thomas and Aubuchon—Page 63; Special Responsibilities of a Prosecutor, ER 3.8(a).

Maricopa County Superior Court Judge Gary Donahoe Matter. Thomas and Aubuchon brought serious criminal charges against Judge Donahoe that were not supported by probable cause. Thomas and Aubuchon engaged in prosecutorial misconduct by bringing charges of bribery, hindrance, and obstruction against Judge Donahoe. The evidence will show that there was no basis to begin an investigation of Judge Donahoe let alone charge him with serious crimes. The evidence will show that there was no factual or legal basis for the charges.

Ethical Violation 25: Thomas and Aubuchon—Page 68; Respect for Rights of Others, ER 4.4(a).

Maricopa County Superior Court Judge Gary Donahoe Matter. The purpose for charging Judge Donahoe was to embarrass and burden him so that he would be forced to recuse himself in a matter important to Thomas and Aubuchon (Hearing of December 9, 2010). The evidence will show that the motivation for the charges against Judge Donahoe was the personal and political animosity that Thomas and Aubuchon held against Judge Donahoe.

Ethical Violation 26: Thomas and Aubuchon—Page 69; Misconduct, ER 8.4(c).

Maricopa County Superior Court Judge Gary Donahoe Matter. Thomas and Aubuchon engaged in conduct involving dishonesty, fraud and deceit when they knowingly brought charges against Judge Donahoe that were false and brought without any investigation or evidence.

Ethical Violation 27: Thomas and Aubuchon—Page 69; Misconduct, ER 8.4(b) Perjury.

Maricopa County Superior Court Judge Gary Donahoe Matter. Thomas and Aubuchon knew that the criminal charges against Judge Donahoe were false and they knew that Detective Almanza swore to a false complaint. Thomas and Aubuchon knew that the complaint was a sworn document as defined by Arizona law. As such, Thomas and Aubuchon are criminally accountable for the conduct of Detective Almanza because they knowingly caused him to sign and file a false document.

Ethical Violation 28: Thomas and Aubuchon—Page 70; Misconduct, ER 8.4(b) Conspiracy to Commit Violation of Civil Rights.

Thomas and Aubuchon with each other and others to violate the Constitutional rights of Judge Donahoe by charging him with crimes so that he would recuse himself in a matter.

Ethical Violation 29: Thomas and Aubuchon—Page 72; Conflict of Interest: Current Clients, ER 1.7(a)(2).

Maricopa County Superior Court Judge Gary Donahoe Matter. Thomas and Aubuchon had a concurrent conflict of interest in bringing criminal charges against Judge Donahoe. Their personal and political animosity against Judge Donahoe, based on his judicial rulings, limited their representation and judgment as attorneys for the state.

Ethical Violation 30: Thomas and Aubuchon—Page 72; Misconduct 8.4(d)

Judge Donahoe. Thomas and Aubuchon engaged in conduct prejudicial to the administration of justice by charging Judge Donahoe with crimes for the sole purpose of compelling his recusal in a pending civil matter.

Ethical Violation 31: Thomas and Aubuchon—Page 74; Conflict of Interest: Current Clients, ER 1.7(a)(2).

Grand Jury investigation of Judge Donahoe, Thomas Irvine, Supervisor Andrew Kunasek, County Manager David Smith and Deputy County Manager Sandi Wilson. Thomas and Aubuchon had a concurrent conflict of interest because they filed a pending federal civil RICO action against the named individuals seeking damages allegedly caused to Thomas. Furthermore, their personal and political animosity against the named individuals limited their representation and judgment as attorneys for the state.

Ethical Violation 32: Aubuchon—Page 75; Misconduct, ER 8.4(c) Dishonesty and Misrepresentation.

Grand Jury matters 2010. On January 4, 2010 Aubuchon appeared before the Grand Jury regarding two matters: 1) allegations that Maricopa County employee Stephen Wetzel, Supervisor Andrew Kunasek, and Deputy County Manager Sandi Wilson illegally used county funds to conduct sweeps for electronic listening devices in county offices; and 2) allegations that Judge Donahoe, Thomas Irvine and County Manager David Smith conspired to hinder a criminal investigation of the court tower project. The Grand Jury voted to “end the inquiry.” On April 2, 2010, Aubuchon sent a letter to Gila County Attorney Daisy Flores regarding matters transferred to Ms. Flores. Aubuchon, however, did not tell Ms. Flores that the Grand Jury had ended the inquiry into the electronic listening sweeps and court tower matters. Aubuchon’s failure to tell Ms. Flores of the Grand Jury’s decision was misleading and dishonest.