

Charles Rodrick
34522 N. Scottsdale Rd., #120-467
Scottsdale, AZ 85266
(480) 250-3838

Arizona State Bar
4201 N. 24th Street
Phoenix, AZ 85016

RE: Formal Ethics Complaint Against:
Barry W. Rorex – SBN #025910
P.O. Box 1434
Sonoita, AZ 85637
(520) 455-4778

February 21, 2018

Dear State Bar of Arizona,

The factual basis for this complaint arises from Barry Rorex (*hereafter*, “Rorex”) and the Law Office of Barry W. Rorex, PLC (*hereafter*, “firm”) misconduct in Case No. 2:13-CV-01300-SRB, John Doe #1, et al. vs. Charles Rodrick, et al. (*hereafter*, “federal case”) that was adjudicated in the U.S. District Court District of Arizona before the Honorable Susan R. Bolton (*hereafter*, “Judge Bolton”). A plethora of egregious unethical conduct has damaged Charles Rodrick (*hereafter*, “Rodrick”) and has extended through a period exceeding over three (3) years.

On August 14, 2014, Rodrick signed a Legal Service Fee Agreement with the Law Office of Barry W. Rorex (*see*, Exhibit A). The identified attorneys to represent Rodrick for the federal case were Rorex (Bar No. 025910) and Michael Harnden (Bar No. 029474) (*hereafter*, “Harnden”). On September 2, 2014, the Notice of Appearance was filed with the federal case naming Rorex and Harnden as attorneys of record in the federal case for Rodrick (*see*, Exhibit B).

Violating his ethical duties and obligations as an attorney as defined by the Arizona Duties and Obligations as stated by the Arizona Rules of Professional Conduct contained within Rule 42 (*hereinafter*, “Rules”), Arizona Revised Superior Court, by engaging in repeated instances of violating ER 1.1, ER 1.3, ER 1.4, ER 3.2, ER 5.1, ER 5.5, ER 8.3 and ER 8.4. The seriousness and scope of the misconduct perpetrated by Rorex over an extended period of time calls for an extensive review of the entire circumstances outlined below. The specific violations committed by Rorex are governed by the following Rule 42 dictates:

1. **ER 1.1 – Competence.** A lawyer shall provide competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. **ER 1.3 – Diligence.** A lawyer shall act with reasonable diligence and promptness in representing a client.
3. **ER 1.4 – Communication.** (a) A lawyer shall: (1) promptly inform the client if any decision or circumstance with respect to which the client’s informed consent, as defined in ER 1.0(e), is required by these Rules; (2) reasonably consult with the client about the means by which the client’s objectives are to be accomplished; (3) keep the client reasonably requests for information; and (5) consult with the client about any relevant limitation on the lawyer’s conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law. (b) A lawyer shall explain a matter to the extent reasonable necessary to permit the client to make informed decisions regarding the representation.
4. **ER 3.2 – Expediting Litigation.** A lawyer shall make reasonable efforts to expedite litigation consistent with the interest of the client.
5. **ER 5.1 – Responsibilities of Partners, Managers, and Supervisory Lawyers.** (a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct. (b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct. (c) A lawyer shall be responsible for another lawyer’s violation of the Rules of Professional Conduct if: (1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.
6. **ER 5.5 – Unauthorized Practice of Law.** (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so. (b) Except as authorized by these Rules or other law, a lawyer who is not admitted to practice Arizona shall not: (1) engage in the regular practice of Arizona law; or (2) hold out to the public or otherwise represent that the lawyer is admitted to practice Arizona law.
7. **ER 8.4 – Misconduct.** It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.

The conduct of Rorex goes beyond the ethical violations of the Rules, he actively and willfully engaged in the unauthorized practice of law pursuant **Arizona Revised Statutes Rule 31 – Regulation of the Practice of Law:** (c) Restrictions on Disbarred Attorneys’ and Members’ Right to Practice. “No member who is currently suspended or on disability inactive status and no former member who has been disbarred shall practice law in this state or represent in any way that he or she may practice in this state” (*hereafter*, “A.R.S. Rule 31(c)”).

It is requested that the State Bar of Arizona (*hereafter*, "SBA") assign a Bar Counsel to review the misconduct of Rorex and recommend the appropriate disciplinary procedures for the circumstances involved in repeated ethical violations of the Rules of Professional Conduct and A.R.S. Rule 31(c). Rodrick is requesting Rorex be Sanctioned in the form of permanent disbarment and financially reimbursing cost incurred for court cost, and legal fees associated with the above referenced case during the time period represented by the firm.

The allegations herein regarding Rorex's misconduct are summarized as follows:

1) Based on the Motion to Withdraw as Counsel by Harnden, Rorex at some unidentified date had DISSOLVED the Law Office of Barry W. Rorex due to physical illness.

On January 2, 2018, Harnden filed a Motion to Withdraw as Counsel in the federal case (*see*, Exhibit C). In the Harnden filing he states: "Due to the illness and continuing recovery of Mr. Rorex, the undersigned believes that law office is dissolved or otherwise inoperative pending the recovery of Mr. Rorex" (*see*, Exhibit C, ¶3). Rodrick has never been notified that the firm was "dissolved." At no time has Rorex filed a Motion to Withdraw as Counsel in the federal case.

There was an issue with the firm that occurred in late December, 2014 when Rodrick learned that the physical offices in Tucson were abruptly closed without any notice provided. At that time there had been an issue with all communications attempted by Rodrick such as unanswered phone calls, unreturned voicemails and numerous e-mails going ignored with no response for a period of approximately eight (8) weeks. Rodrick was able to eventually track down Rorex in late January, 2015 by contacting the business of Rorex's wife. Rorex would acknowledge to Rodrick that the Tucson law offices had been closed, but at no time did he communicate that the firm had been "dissolved." Rorex reassured Rodrick that although there had been problems in communications going unanswered by him and Harnden concerning the federal case, that issue would no longer occur and all communications and appropriate and/or required filings would be handled professionally going forward.

Rorex had a professional duty to handle the business of the firm to the standards dictated by the Rules of Professional Conduct. Whatever the circumstances may have been concerning the firm's business operations and the subordinate attorney Harnden properly communicating with Rodrick concerning the federal case, they were the responsibility of Rorex to rectify. Furthermore, if Harden's claim in his Motion to Withdraw as Counsel is correct that the firm has been dissolved, this is a serious breach of the ethical requirements of the Professional Code of Conduct. If Harnden's claim was not factually accurate, as a two attorney firm he would certainly know the validity of his assertion, that would constitute an ethical violation of the Rules pursuant **ER 3.3(a)(1) – Candor Toward the Tribunal: (a) A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.**

Rorex is in clear violation of ER 1.3 – Diligence, ER 1.4 – Communication, ER 5.1 – Responsibilities of Partners, Managers, and Supervisory Lawyers, and ER 8.4 – Misconduct.

- 2) **On January 29, 2018, Rodrick learned that final judgment of the federal case had occurred July 1, 2016, despite 19 months of legal counsel by the firm to the contrary.**

On January 29, 2018, the Court issued an Order granting Harnden’s Motion to Withdraw as Counsel (*see*, Exhibit D). What was most relevant to the Order issued by Judge Bolton was the legal analysis specifically stating: “The Orders disposing of the last claims and parties were entered on July 1 (Doc. 411, July 22 (Doc. 439) and November 9, 2016 (Doc. 452). **The time to file post-trial motions has long past.**” The Court’s ruling was a shocking revelation as Rodrick had been advised by attorney-of-record Harnden the repeated and emphatic legal counsel for **nineteen (19) months** that a final judgment had not been rendered by the Court. The relevance of this misnomer was the reliance of Harnden’s legal analysis that the Court had not issued its final judgment which he claimed precluded Rodrick from pursuing several post-trial motions, challenging a Motion for Permanent Injunction and the certain filing of a justified Appeal if unsuccessful in obtaining the sought after post-trial legal remedies with the Court.

A) No post-trial motions would be filed due to the Firm’s spurious legal theories.

Harden proposed with Rorex’s approval a legal strategy to pursue Rule 59 (“New Trial”) and/or Rule 60(b)(3)(“Relief from Judgment or Order – Fraud”) issues to challenge the judgment rendered in favor of the one of the twelve (12) Plaintiffs that prevailed. An e-mail that memorializes the legal advice being conveyed to Rodrick by the firm’s attorney Harden was written on September 16, 2016. Harden states: “That rule is one of the reasons why there is no final judgment yet and our new trial motion is still timely” (*see*, Exhibit E). The legal advice being conveyed to Rodrick was completely erroneous. On January 26, 2018, the Court issued an Order specifically addressing the issuance of the Final Judgment in the federal case. Judge Bolton would write: “Final Judgment has been issued in this case in accordance with Rule 58(a) on **July 1, 2016.** (Clerk’s Judgment); Fed. R. Civ. P. 58(a). **That judgment resolved all remaining claims between all remaining parties in this case**” (*see*, Exhibit F, pg.2:22-24). Rodrick had discussed Harnden’s legal advice directly with Rorex who had confirmed the firm’s position, and as such no post-trial motions would be filed. The firm was completely derelict in its obligation to provide competent legal representation. Furthermore, they were remiss in providing any reasonable diligence as Rodrick would not learn of the firm’s incompetence until January, 2018, a full nineteen (19) months after the Final Judgment had been issued.

Harnden also advised with Rorex's agreement that Rodrick could pursue retrieving attorney fees from the eleven (11) Plaintiffs that he had prevailed in having all claims dismissed by the Court and/or by Jury verdict. The attorney fees having amounted to a significant sum in light of the complexity and length of the litigation process for the federal case that had extended over a two and a half (2.5) year period to be fully adjudicated. A course of action via post-trial motion Rodrick was anxious to pursue.

B) A Response to a Motion for Permanent Injunction was not filed due to the Firm's spurious legal theories.

On July 19, 2016, a Motion for Permanent Injunction against Rodrick was filed with the Court (*see*, Exhibit G). Once again, Rodrick received legal counsel from the firm's attorney Harnden that the Court could not and would not grant the Injunction as there had NOT been a final judgment issued by the Court. Because of this legal analysis, Harnden would claim after NOT filing a Response that it was not necessary to protect Rodrick from the Permanent Injunction because it would NOT be valid. Judge Bolton had not agreed with Harnden's legal analysis as the Court issued an Order granting the Motion for Permanent Injunction on November 9, 2016 (*see*, Exhibit H). It is important to note that Judge Bolton specifically addressed that no Response had been filed when stating: "Defendants failed to file a response to Plaintiff's request. Although Defendants' failure to respond allows the Court to summarily grant Plaintiff's Motion, the Court declines to do so because Plaintiff's request to prohibit future publications would constitute a prior restraint on speech" (*see*, Exhibit H, pg. 4:10-13).

Multiple e-mails were sent by Rodrick to both Rorex and Harnden attempting to get answers to basic questions which went ignored, including, but not limited to, an update on the Response to the Motion for Permanent Injunction (*see*, Exhibit I). Another e-mail was sent to Rorex which specifically references the number of issues occurring in the federal case such as making contact with his subordinate attorney Harnden, past deadline to file the Response, and that such inaction risked Rodrick being in "default" (*see*, Exhibit J). The Response did not get filed. Apparently Rorex and Harnden were not even versed in having a basic understanding of the Federal Rules of Civil Procedure – Local Rules Civil 7.1(i) which provides in part "if the opposing party does not serve and file the required answering memorandum,... such noncompliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily."

Judge Bolton would grant the Motion for Permanent Injunction. The Plaintiff's Motion was clearly flawed, yet went unchallenged by Rodrick at the legal advice and/or negligence of the firm's attorney Harnden due to complete incompetence. Fortunately for Rodrick, many of the Plaintiff's requests were so egregious and

lacked a legal basis that he was afforded partial protection by the Court's own discretion due to constitutional protections from being subjected to prior restraint; only one of the MANY issues that could/should have been presented to the Court for consideration in the required Response.

There is no possible explanation for Rorex and/or Harnden ineptitude when reviewing the e-mail sent by the non-lawyer client Rodrick on August 5, 2015, wherein he is emphatically expressing his concerns: "Not responding to the injunction in hopes to win a new trial is betting on the come and a bad bet and could leave the door open for her to simply rule on it" (see, Exhibit I, Aug. 5, 2016). The e-mail went unanswered and obviously ignored. Clients are NOT supposed to have a better understanding of the basic rules of civil procedure than the Arizona licensed attorneys.

C) Rodrick lost the opportunity to file an Appeal with the 9th Circuit Appellant Court due to the Firm's spurious legal theories.

Perhaps the most egregious fallacy to the legal analysis of the firm was Rodrick was advised he was precluded from filing an appeal to the United States Court of Appeals for the Ninth Circuit until the Final Judgment was issued by the Court; which had already occurred on July 1, 2016. It was an imperative objective of Rodrick to challenge a number of issues associated with the jury verdict obtained by the one prevailing Plaintiff. It was Rorex's responsibility to be on top of the legal analysis of Harnden which has been proven to be negligently off-based. Based on the Order issued by Judge Bolton, it is clear that due to the legal counsel Rodrick received from Harnden as the attorney of record "working for the firm," the opportunity to file challenges with the Appellant Court is no longer possible. As stated by Judge Bolton, such options for Rodrick were "**long lost.**"

This issue of the firm providing legal analysis that a Final Judgment had not been issued by the Court, which precluded Rodrick from seeking legal remedies afforded with post-trial motion, is unacceptable negligence. Rorex and his firm is responsible for the incompetence clearly demonstrated by its legal counsel that completely circumvented Rodrick from filing his post-trial motions, challenging a Motion for Permanent Injunction and submitting an Appeal to the 9th Circuit Court of Appeals. In reviewing the specifics as detailed above, Rorex is irrefutably in violation of a number of dictates of the Rules of Professional Conduct. Specifically the rules that should be reviewed are **ER 1.1 – Competence, ER 1.3 – Diligence, ER 1.4 – Communication, ER 3.2 – Expediting Litigation, ER 5.1 – Responsibilities of Partners, Managers, and Supervisory Lawyers, and ER 8.4 – Misconduct.**

- 3) Rorex's firm failed to provide the necessary legal representation to Rodrick by falsely claiming a Notice of Compliance would be filed as instructed and required. It wasn't.

The Court's Order of November 9, 2016 required that the conditions of the Permanent Injunction must be adhered to within 14 days or Rodrick would be subject to severe sanctions and possible contempt of court considerations. Rodrick dutifully abided to the Court's Order to meet the required deadline. On November 20, 2016 an e-mail was sent by Rodrick to the firm's attorney Harnden confirming his compliance. Also, the e-mail reiterated as discussed telephonically with Harnden that a Notice of Compliance would memorialize compliance had been executed and should be filed to meet the deadline, thereby officially documenting for the Court's attention compliance to its Order was complete (*see*, Exhibit K). Rodrick would write: "The deadline to comply is in a few days. I am asking you as I mentioned when we talked to file a notice of compliance with the fed case and mention that if something was missed that needs to be addresses to bring it to our attention so it can be fixed." Also, "Please let me know when you get this email and when you will be filing."

Once again, the repeated problem of non-communication with the firm's attorney Harnden occurred with no acknowledgment the Notice of Compliance would be filed as required. On November 21, 2016, late in the evening (11:00 pm) after not receiving a response from Harnden, Rodrick sent another e-mail addressing this issue: "Mike I did not hear back from my previous emails about this notice of compliance request so unless you have something else to file this will be filed tomorrow" (*see*, Exhibit K). Rodrick had even prepared a filing of a notice on his own in the event the firm's attorney Harnden once again failed to properly meet the deadline with the required filing, similar to what had occurred with the Response to the Motion for Permanent Injunction. A copy of this Rodrick self-prepared notice was included with the e-mail. On January 22, 2016 at 11:38 am Harnden would respond via e-mail claiming "I'll take care of these today" (*see*, Exhibit K). Without any clarification of what would be taken care of specifically, Rodrick had attempted to make direct contact via telephone, cell phone and text messaging without success or a return call from anyone with the firm. With the looming potential of not abiding to a federal court Order, having received no confirmation, Rodrick could not risk non-compliance – again. Rodrick's assistant was sent down to the courthouse late in the afternoon of November 22, 2016 to file the self-prepared Notice of Compliance directly with the Clerk of the Court before the 4:30 pm cut-off (*see*, Exhibit L).

On November 23, 2016 Rodrick attempted an e-mail follow-up with Harnden requesting "send over what you file" (*see*, Exhibit K). With retrospect, it is not surprising the request for the "file" would go unanswered as the firm did NOT file a Notice of Compliance as Rodrick had feared the day before, justifying his own precautionary filing.

It is reprehensible such clearly incompetent legal representation by the firm repeatedly occurred and was magnified with an e-mail falsely claiming the issue was being handled that very day. To even exacerbate the obvious ineptitude of the firm was the repeated non-communication response to even the most basic of inquiries. The issues surrounding the filing of Notice of Compliance is brought before the SBA as a clear

example that documents a wide range and plethora of ethical violations that were repeatedly committed by Rorex and his firm. The above pattern of malfeasance is in direct contradiction to the dictates of **ER 1.1 – Competence, ER 1.3 – Diligence, ER 1.4 – Communication, ER 3.2 – Expediting Litigation, ER 5.1 – Responsibilities of Partners, Managers, and Supervisory Lawyers, and ER 8.4 – Misconduct.**

4) Rorex did not abide by the requirements of his probation imposed for Case No. 15-0675 during the two year period designated by the “Committee.”

During the entire time the firm provided legal representation for Rodrick, it was never revealed by Rorex that he had been under probation scrutiny by the SBA for Case: 15-0675, Charges: 1. Rodrick retained the firm starting August 14, 2014. The probation period began February 19, 2015 and was completed June 26, 2017. Although Rodrick had been a client for several months prior to the imposition of the disciplinary probation period, it was not revealed by Rorex that he and his firm had been found to have engaged in conduct constituting ethical violations, including **ER 1.3 – Diligence** and **ER 1.4 – Communication**. Both being identified issues in line with some of the same problems experienced by Rodrick in his dealings with Rorex and the firm. Had the Order imposing probation been a principled disclosure by Rorex as a form of transparency, Rodrick may have been able to avoid and/or circumvent the ethical violations experienced in his dealings with Rorex and the firm in relation to the federal case.

To further exacerbate the disconcerting revelation of Rorex being on probation, is the realization that he was NOT in compliance with the clearly defined terms of the discipline as set forth by the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona (see, Exhibit M). A condition of Rorex’s probation was “(3) Respondent shall commit no further violations of the Rules of Professional Conduct.” As this complaint clearly documents with irrefutable evidence of a wide range of additional ethical violations in regard to Rodrick’s legal representation by Rorex and the firm that continuously occurred during the probation period. Another provision was “(4) Respondent shall report, in writing, compliance with the terms of probation to the State Bar’s Phoenix Office.” Of course, Rodrick is not privy to what Rorex submitted to the SBA as a written report detailing his compliance with the terms of probation. However, it is highly improbable it was disclosed by Rorex the numerous ethical violations of the Rules associated with the legal representation of Rodrick in the federal case and other legal matters.

The conduct exercised by Rorex during the period of February 19, 2015 and June 26, 2017 demonstrated indisputable additional ethical violations of the Rules which was a clear infraction of the terms of his probation. These circumstances are an egregious disregard of **ER 5.5 – Unauthorized Practice of Law**, but also further examples of Rorex having been derelict in regard to **ER 1.1 – Competence, ER 1.3 – Diligence, ER 1.4 – Communication, and ER 8.4 – Misconduct.**

5) Rorex would exponentially expand upon his nefarious ethical violations by blatantly and willfully practicing law while serving a disciplinary suspension.

It was alarming for Rodrick to learn from a third party that Rorex would be involved in additional scrutiny garnering a serious disciplinary sanction of six (6) month suspension to practice law for “abandoning three clients,” SBA Case: 15-2293 (*see*, Exhibit N). The stated period of suspension was to have been from February 24, 2017 through August 25, 2017. However, according to the SBA website, the Rorex suspension has not been lifted as of February 20, 2018, he continues to be restricted from practicing law. Furthermore, it is a fact that during the stated disciplinary time period for the suspension of February 24 through August 25, 2017, Rorex did in fact engage in providing Rodrick legal counsel in violation of the Presiding Disciplinary Judge’s Final Judgment and Order.

In a different case adjudicated in the Superior Court of the State of Arizona, Case No.: CV2013-003800, wherein the firm represented Rodrick and Rorex specifically was the attorney of record for the Appeal (*see*, Exhibit O). Although not the attorney of record for the post trial issues independent of the Appeal, Rorex did in fact provide legal counsel concerning the Superior Court case. One well documented among many examples concerns a Motion to Quash that was filed by Rodrick with the Clerk of the Court on June 15, 2017 (*see*, Exhibit P). Rorex was extensively involved in the preparation of the Motion to Quash which occurred during the time of his suspension.

Setting up a phone call with Rodrick’s assistant was arranged via text message exchanges June 2 through 4, 2017 (*see*, Exhibit Q). The purpose of the call was for Rorex to dictate the Motion to Quash to Rodrick’s assistant. It was due to Rorex’s physical ailment that limits his vision, thus hindering his ability to write, but does not inhibit his ability to dictate which is why the matter was conducted in this manner as suggested by Rorex. The phone call was recorded by Rodrick’s assistant so as to accurately capture the necessary verbiage for the motion in its entirety. The 6 minute 42 second recorded call of Rorex dictating the motion has been transcribed for the SBA to review (*see*, Exhibit R). The call is also available in the audio version and can be provided upon request.

Beyond the ethical violations of the Rules, Rorex’s practicing law while under suspension is also illegal pursuant A.R.S. 31(c). It is completely implausible that an attorney with Rorex’s decades of legal experience was unaware that he was in violation of the Rules and practicing law ILLEGALLY pursuant Arizona criminal statutes.

An additional disregard of the terms of the suspension perpetrated by Rorex was the non-disclosure of the Order to Rodrick. Specifically the Final Judgment and Order issued by the Presiding Disciplinary Judge William J. O’Neal unambiguously sets forth “**IT IS FURTHER ORDERED** Mr. Rorex shall immediately comply with the requirements relating

to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.” (see, Exhibit S). The explicit dictates are clearly defined wherein Rorex was required to “within ten (10) days after the date of an order or judgment issued by the presiding disciplinary judge, a hearing panel, or the court imposing discipline or transfer to disability status, or the date of resignation, a respondent suspended, disbarred, transferred to disability inactive status, or who resigned, shall notify the following persons by registered or certified mail, return requested, of the order or judgment, and of the fact that the lawyer after the effective date of same: (1) all clients being represented on pending matters” (A.R.S. Sup. Ct. Rules, Rule 72(a)(1)). Rodrick did not receive any notification from Rorex concerning his suspension from the practice of law. This did not occur by registered or certified mail or any form of communication such as e-mail or telephonically. At no time was the suspension disclosed to either Rodrick or his assistant during conversations with Rorex or his subordinate attorney Harnden.

Such a brazen disregard of the Rules of Professional Conduct could not be illustrated with more clarity than an attorney ignoring the suspension from practicing law set forth before the Presiding Disciplinary Judge with the Final Judgment and Order. The true victim of a fraud was Rodrick by being subjected to the willful illegal practice of law by Rorex. Such misconduct is indisputable conduct of documented deceit and malfeasance perpetrated by Rorex, he engaged in ethical violations of certainly ER 5.5 – Unauthorized Practice of Law, but also ER 1.1 – Competence, ER 1.3 – Diligence, ER 1.4 – Communication, ER 3.2 – Expediting Litigation, ER 5.1 – Responsibilities of Partners, Managers, and Supervisory Lawyers, and ER 8.4 – Misconduct.

6) Rodrick initiated conversations to discuss the many misgivings experienced during the legal representation delivered for the federal case, but was met with dismissive denials and obfuscation of responsibility thus requiring SBA intervention.

Rodrick tried to address the issues of concern with the firm’s legal representation with the attorney of record Harnden in an attempt to avoid SBA intervention. The responses received by Harnden claimed he had “no obligation” or responsibility for the plethora of incompetence, non-communication, diligence and providing legal representation in adherence to the Rules of Professional Conduct. Apparently, according to Harnden, the responsibility for Rodrick’s legal representation was solely the culpability of Rorex and his firm. In an e-mail received on January 30, 2018, Harnden states: “I have said, your agreement was with (and you were represented by) his firm. I handled your cases on behalf of that firm while I worked there” (see, Exhibit T). To provide complete transparency, Rodrick notified and provided Harnden’s claims directly to Rorex for his review (see, Exhibit S). Rodrick did not receive a response from Rorex repudiating the Harnden claims.

It is obvious that Rorex has completely lost control of his law practice, his firm and his supervisor role of his subordinate attorney Harnden. According to Harnden the sole

responsibility of the legal representation for Rodrick's federal case falls exclusively upon Rorex's purview. As such it is Rorex who must be held accountable for the ethical violations of the Rules as they pertain to **ER 1.1 – Competence, ER 1.3 – Diligence, ER 1.4 – Communication, ER 3.2 – Expediting Litigation, ER 5.1 – Responsibilities of Partners, Managers, and Supervisory Lawyers, ER 5.5 – Unauthorized Practice of Law and ER 8.4 – Misconduct.**

CONCLUSION

The State Bar is charged with the responsibility of protecting the public from problematic attorneys. In the case of Rorex, he has demonstrated a propensity to engage in ethical violations with willful disregard to Rules. As part of its duty, the State Bar should ensure that the public has ready access to information about attorney misconduct, so it can make informed decisions about who to retain when seeking counsel.

For these reasons, the State Bar should conduct an in-depth investigation into the allegations outlined in detail in this complaint in regards to attorney Rorex and the firm. The damages realized by Rodrick due to the misconduct of Rorex are significant and must be thoroughly reviewed to determine the amount of culpability that can be associated with the identified malpractice. Rodrick is requesting Rorex be Sanctioned in the form of financially reimbursing cost incurred for court cost and legal fees paid during this time period along with permanent disbarment for such ethical violations of the Rules and willfully practicing law illegally while suspended. Rodrick submits this complaint and asks that the State Bar take action against Rorex for the continued disregard demonstrated in conducting himself in violation of the Rules and laws of Arizona, and also make public the various acts of misconduct described herein.

Respectfully submitted this 21st day of February, 2018,



Charles Rodrick