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Ed Moriarity, Lisa Aubuchon's Ex-Lawyer From Montana, Disbarred in AZ

BY RAY STERN

WEDNESDAY, JULY 16, 2014 AT 5 A.M.



Ed Moriarity, the Montana lawyer who represented former county officials including Lisa Aubuchon, David Hendershott and Joel Fox, has been disbarred in Arizona.

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Ed Moriarity, the Montana lawyer who worked for Lisa Aubuchon, David Hendershott and Joel Fox, has been disbarred in Arizona.

A complaint by the State Bar of Arizona, followed by the July 15 disbarment order, explains that Moriarity knew claims by former Maricopa County officials Aubuchon and Hendershott were false, yet moved forward with a frivolous lawsuit against two Valley lawyers and other defendants.

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As *New Times* reported in December, Maricopa County Superior Court Judge Sally Duncan threw out the lawsuit because it had no basis in fact. She levied a \$203,000 sanction against Moriarity, Hendershott and Aubuchon.

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Moriarity acted as Aubuchon's attorney during 2011 State Bar proceedings related to unethical acts by Maricopa County Sheriff Joe Arpaio and former

Aubuchon, a former deputy county attorney, was ultimately disbarred along with her boss, Thomas. Arpaio escaped punishment because he's not a lawyer. Two other lawyers, Rachel Alexander and Peter Spaw, were also disciplined in the debacle. Arpaio was forced to fire his former chief deputy,

Hendershott, after an investigation found he'd committed numerous policy violations and potential crimes.

A former partner of famed "country lawyer" Gerry Spence, **Moriarity put on an interesting show** before a three-member disciplinary panel of the state Supreme Court, becoming engaged frequently in confrontations with the Arizona Supreme Court's Disciplinary Judge, William O'Neil, who at one point threatened to hold him contempt.

A foe of the county establishment, he also served as **lawyer for Fox**, the patsy in Arpaio's apparent scheme to thwart campaign-finance laws before the 2008 election, and Joe Diaz and Luis Campas, the boxing coach and boxer whose lawsuit against former County Supervisor Mary Rose Wilcox **failed**.

Although Moriarity had stated previously he had worked "pro bono" for Aubuchon, the State Bar complaint reveals that he had a fee agreement with Aubuchon -- meaning he hoped to make money from her despite the fact that

Aubuchon -- meaning he hoped to make money from her despite the fact that the claims by Hendershott and Aubuchon were nonsense. The complaint calls Moriarity's assertion that he was giving Aubuchon a free legal defense "dishonest and uncooperative."

Judge Duncan, prior to levying her sanction, criticized the lawsuit by Aubuchon and Hendershott heavily, saying "No legal or factual basis ever existed to file a complaint against these defendants, and the court further finds the complaint was filed for vexatious purposes."

Aubuchon and Hendershott filed their lawsuit in August 2011 against all five County Supervisors, various county officials, and the two lawyers, **Tom Irvine and Ed Novak**. It was based on a ludicrous conspiracy theory that Arpaio, Thomas and their minions had cooked up as a weapon to use against the people they perceived as political enemies. Arpaio and Thomas, whose partnership was later likened to an "unholy collaboration" by the three-member disciplinary panel, took their theory public in 2009 when they **announced the filing** of a RICO suit against their targets.

The two lawmen claimed the many named defendants in their RICO suit had conspired to fund an overly expensive court tower in exchange for blocking criminal proceedings against former Supervisor Don Stapley, (who later won \$3.5 million from the county for his troubles).

The RICO suit and underlying conspiracy theory had numerous holes, including the fact that wild allegations of involvement by lawyers Novak and Irvine had no evidence (or even plausibility) behind them.



Thomas
Irvine

Although Thomas, now running for governor using public money, has an 8,000-word screed on his website in which he claims that a lawyer working for him and Arpaio on the RICO suit, Robert Driscoll, thought the theory was solid, records later showed that Driscoll told a colleague in an email it was "freaking thin" and "an excuse for a noontime scotch."

Former *Phoenix New Times* staff writer Sarah Fenske, now editor of the *L.A. Weekly*, later destroyed the theory in a **February 2010 expose**.

Thomas and Arpaio **dropped the RICO suit** a few months after filing it.

In a January 2013 letter to the State Bar, Moriarity admitted the lawsuit by Hendershott and Aubuchon was based on the court-tower conspiracy theory, the Bar complaint states.

He began representing Aubuchon in February 2010. But by November of that year, a report on a state investigation into the antics of Thomas and Arpaio had concluded that no evidence existed for the conspiracy theory. The disciplinary panel later called it "factually impossible."

Moriarity knew from Rachel Alexander's July 21, 2011, deposition that Alexander's supervisor, Peter Spaw, "had expressed serious reservations to Alexander about the RICO Suit's viability; and that Alexander had done no independent investigation of the RICO Suit's factual basis, including the supposed Court Tower Conspiracy," the complaint says. Yet Moriarity pressed ahead with the lawsuit, in "bad faith," and for hoped-for financial gain.



Lisa Aubuchon

It gets worse: Moriarity claimed he'd spent a week in August 2011 working with Hendershott and Aubuchon on their case, reviewing stacks of documents. He later admitted he'd been in his home state of Montana that week. He also was supposed to put his signature on the lawsuit, but had Aubuchon sign it.

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complaint accuses Moriarity of dishonest, misconduct, fraud and other ethical violations.

"This Thomas/Arpaio rampage has harmed hundreds of innocent people and cost taxpayers tens of millions of dollars," lawyer Tom Irvine tells *New Times* in a written statement. "This is yet another sad, but necessary, result. Hopefully, no other public officials in America will ever abuse their offices like this again."

[Click here to read the Bar complaint against Ed Moriarity.](#)

Moriarity's [website](#) states that he's still licensed to practice in Montana, Utah and Wyoming.

Got a tip? Send it to: [Ray Stern](#).

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Ray has worked as a newspaper reporter in Arizona for more than two decades. He's won many awards for his reporting, including the Arizona Press Club's Don Bolles Award for Investigative Journalism.

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