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IN THE FIFTH JUDICIAL DISTRICT COURT IN AND FOR WASHINGTON COUNTY, STATE OF UTAH	
In the Matter of the Discipline of: Aric M. Cramer, #05460 Respondent.	COMPLAINT Civil No. Judge

The Utah State Bar's Office of Professional Conduct ("OPC"), by and through Todd Wahlquist, Deputy Senior Counsel, complains against Respondent, Aric M. Cramer, as follows:

I
PARTIES

1. The attorney charged with unprofessional conduct in this Complaint is Aric M. Cramer, who is an attorney in the State of Utah and a member of the Utah State Bar.

2. According to the records of the Executive Director of the Utah State Bar, Mr. Cramer's business address is 249 East Tabernacle, Suite 102, St. George, Utah 84770.

3. This Complaint is brought pursuant to a directive of a Screening Panel of the Ethics and Discipline Committee of the Utah Supreme Court, and is based upon an Informal Complaint submitted against Mr. Cramer by Haylee Cheek.

II JURISDICTION AND VENUE

4. On December 9, 2013, the OPC sent Mr. Cramer a Notice of Informal Complaint ("NOIC").

5. On May 1, 2014, a Screening Panel of the Ethics and Discipline Committee of the Utah Supreme Court ("the Screening Panel") heard the matter.

6. At the conclusion of the hearing on May 1, 2014, the Screening Panel directed the OPC to file a formal complaint against Mr. Cramer.

7. Jurisdiction is proper in this Court pursuant to Rule 14-511(a), Rules of Lawyer Discipline and Disability (amended January 1, 2003) ("RLDD").

8. Venue is proper in this Court pursuant to Rule 14-511(b) of the RLDD, in that, at all relevant times, Respondent practiced law and resided in Washington County.

III FACTUAL ALLEGATIONS

9. On June 19, 2009, Aric M. Cramer was retained by Haylee Cheek for representation in a criminal matter.

10. Mr. Cramer engaged in a sexual relationship with Ms. Cheek which began after he was retained by Ms. Cheek and continued during the time he was representing her.

11. A jury trial of Ms. Cheek's criminal matter was held on July 12, 13, 14, 15 & 16, 2010 in the Fifth District Court – Cedar Court Iron County, where Mr. Cramer represented Ms. Cheek.

12. On July 16, 2010, the jury returned a verdict of guilty on all seven counts presented to it for decision.

13. Following Ms. Cheek's conviction, Ms. Cheek obtained new counsel and a Motion for a New Trial was filed by Ms. Cheek premised on the conflict of interest arising out of the sexual relationship which occurred between Ms. Cheek and Mr. Cramer.

14. The District Court held a hearing on Ms. Cheek's Motion for New Trial and Mr. Cramer testified under oath before the Court that he did not engage in a sexual relationship with Ms. Cheek.

15. The sexual relationship between Mr. Cramer and Ms. Cheek exploited the lawyer client relationship.

COUNT ONE
(Violation of Rule 1.8(j) (Conflict of Interest: Current Clients: Specific Rules))

16. Rule 1.8(j) (Conflict of Interest: Current Clients: Specific Rules) of the Rules of Professional Conduct states:

A lawyer shall not engage in sexual relations with a client that exploit the lawyer-client relationship. For the purposes of this Rule: 1) "sexual relations" means sexual intercourse or the touching of an intimate part of another person for the purpose of sexual arousal, gratification, or abuse; and 2) except for a spousal relationship or a sexual relationship that existed at the commencement of the lawyer-client relationship, sexual relations between the lawyer and the client shall be presumed to be exploitive. This presumption is rebuttable.

17. Mr. Cramer violated this Rule by engaging in a sexual relationship with Ms. Cheek, which began after Mr. Cramer was retained to represent Ms. Cheek in her criminal matter.

**COUNT TWO
(Violation of Rule 3.3(a)(1) (Candor Toward the Tribunal))**

18. Rule 3.3(a)(1) (Candor Toward the Tribunal) of the Rules of Professional Conduct states:

A lawyer shall not knowingly 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.

19. Mr. Cramer violated this Rule by testifying under oath before the District Court that he did not engage in a sexual relationship with Ms. Cheek.

**COUNT THREE
(Violation of Rule 8.4(c) (Misconduct))**

20. Rule 8.4(c) (Misconduct) of the Rules of Professional Conduct states:

It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

21. Mr. Cramer violated this Rule by testifying under oath before the District Court that he did not engage in a sexual relationship with Ms. Cheek.

**COUNT FOUR
(Violation of Rule 8.4(d) (Misconduct))**

22. Rule 8.4(c) (Misconduct) of the Rules of Professional Conduct states:

It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.


23. Mr. Cramer violated this Rule by testifying under oath before the District Court that he did not engage in a sexual relationship with Ms. Cheek.

PRAYER FOR RELIEF

WHEREFORE, the Office of Professional Conduct requests:

1. That the appropriate disciplinary sanction be imposed against Mr. Cramer;
2. That the Court order Mr. Cramer to pay the costs of prosecution to the OPC; and
3. For such other relief as the Court deems just.

DATED this 11 day of February 2015.



Todd Wahlquist
Deputy Senior Counsel
Office of Professional Conduct

DATED this 10th day of February 2015.



Terrie T. McIntosh
Chair, Ethics and Discipline Committee

This pleading filed on behalf of the Utah State Bar, Office of Professional Conduct as directed by the Ethics and Discipline Committee of the Utah Supreme Court:
Utah State Bar—Office of Professional Conduct
645 South 200 East, Salt Lake City, Utah 84111