



SUPREME COURT OF ARIZONA

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

BARBARA T. BROWN,
Attorney No. 006166

RESPONDENT.

) Supreme Court
) No. SB-04-0084-D
)
) Disciplinary Commission
) No. 02-0560, 02-1015
)
)
)
) JUDGMENT AND ORDER

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and this Court having considered the respondent's petition for review,

IT IS ORDERED that the petition for review is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **BARBARA T. BROWN**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of her duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **BARBARA T. BROWN** shall pay restitution to Denise Barregarye in the amount of \$1,696.00, plus interest at the statutory rate of 10% per annum from February 15, 2002, as provided in the terms of probation listed below.

IT IS FURTHER ORDERED that **BARBARA T. BROWN** shall be placed on probation for a period of two (2) years effective the date of the signing of the probation contract. The terms of probation are as follows:

- 1) Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP) within thirty (30) days of the date of the final judgment and order to schedule an audit of her law office. Respondent thereafter shall enter into a LOMAP contract based on the recommendations made by the LOMAP director or designee.
- 2) Respondent shall contact the director of the State Bar's Member Assistance Program (MAP) within thirty (30) days of the final judgment and order and submit to an assessment. Respondent thereafter will enter into a MAP contract based upon recommendations made by the MAP director or designee.

- 3) During the period of probation, Respondent shall pay restitution to Denise Barregarye in the amount of \$1,696.00, with interest at the statutory rate of 10% per annum from February 15, 2002. Respondent shall contact the LOMAP director within thirty (30) days of the final judgment and order and submit a scheduled repayment plan. Probation may also be renewed for an additional two (2) years if restitution is outstanding, pursuant to Rule 60(a)5(A).
- 4) Respondent shall pay all costs and expenses associated with compliance with the terms of probation, including those incurred by the State Bar as a result of the administration and enforcement of the terms of probation.
- 5) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5. The Hearing Officer shall conduct a hearing within thirty (30) days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that Respondent shall be assessed costs and expenses of the discipline proceedings as provided in Rule 60(b).

DATED this 1st day of December, 2004.

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Noel K. Dessaint, Clerk of the Supreme Court
State of Arizona

By William Behrens Deputy


CHARLES E. JONES
Chief Justice

TO:

Barbara T. Brown, Respondent (Certified Mail, Return Receipt)

Dana David, Bar Counsel

Geoffrey M.T. Sturt, Hearing Officer 8X

Patricia Seguin, Acting Disciplinary Clerk (Cert. Copy)

Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)

Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)

Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)

West Publishing Company (Jode Ottman)

Lexis/Nexis