BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER) No. 03-1633
OF THE STATE BAR OF ARIZONA,)
)
JAMAL A. HARRISON,)
Bar No. 017262)
)   **DISCIPLINARY COMMISSION**
RESPONDENT.)   **REPORT**
_____)

This matter came before the Disciplinary Commission of the Supreme Court of

Arizona on December 11, 2004, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration

of the Hearing Officer's Report filed October 7, 2004, recommending acceptance of the

Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint

Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum)

providing for a censure, two years of probation with the State Bar's Law Office

Management Assistance Program (LOMAP) including a practice monitor (PM),

compliance with the court's assessment of attorneys' fees against him, and costs of these

disciplinary proceedings. The Commission requested oral argument. The Respondent and

counsel for the State Bar were present.

Decision

The Commission's standard of review is set forth in Rule 58(b), which states that

the Commission reviews questions of law *de novo*. In reviewing findings of fact made by

a hearing officer, the Commission applies a clearly erroneous standard. Mixed findings of

fact and law are also reviewed *de novo*. *State v Blackmore*, 186 Ariz. 630, 925 P.2d 1347

(1996) citing *State v. Winegar*, 147 Ariz. 440, 711 P.2d 579 (1985).

Therefore, having found no findings of fact clearly erroneous, the nine[1] members of the Commission unanimously recommend adopting and incorporating by reference[2] the Hearing Officer's findings of fact, conclusions of law, and recommendation for a censure, two years of probation (LOMAP with a PM), compliance with the court's assessment of attorneys' fees against him, and costs. The terms of probation are as follows:

Terms of Probation

1. Respondent shall comply with the court's assessment of attorneys' fees against him, subject to any remedies legally available to Respondent.

2. Respondent shall contact the director of LOMAP. The LOMAP director or designee will conduct an audit of Respondent's law office. The recommendations of the LOMAP director shall then be incorporated as additional terms of probation ordered pursuant to the agreement.

3. Respondent shall obtain a practice monitor acceptable to the State Bar. The practice monitor with whom Respondent is currently working is acceptable to the State Bar.

4. 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, Ariz. R. S. Ct. The Hearing Officer shall conduct a hearing within thirty 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

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[1] One attorney member seat remains vacant. Former Commissioner C. Alan Bowman, an attorney from Yuma, participated as an ad hoc member.
[2] The Hearing Officer's Report is attached as Exhibit A.

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burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and

convincing evidence.

RESPECTFULLY SUBMITTED this 6th day of January, 2005

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Craig B. Mehren, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 6th day of January, 2005.

Copy of the foregoing mailed
this 6th day of January, 2005, to:

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/mps

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