

FILED

JAN 04 2007

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY: *[Signature]*

**BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A SUSPENDED MEMBER) No. 05-0921
OF THE STATE BAR OF ARIZONA,)

JOSUE-ALFONSO MUNOZ S.,
Bar No. 014571

) **DISCIPLINARY COMMISSION**
) **REPORT**

) **RESPONDENT.**
)

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on November 18, 2006, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of the Hearing Officer's Report filed August 14, 2006, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for censure, one year of probation with the State Bar's Law Office Management Assistance Program (LOMAP) and the Trust Account Ethics Enhancement Program (TAEEP), and costs.

Decision

The eight members¹ of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for censure, one year of probation (LOMAP and TAEEP), and costs of these disciplinary proceedings.² The terms of probation are as follows:

¹ Commissioners Katzenberg and Osborne did not participate in these proceedings. Former Commissioner Steve Nelson, M.D., participated as an ad hoc member.

² A copy of the Hearing Officer's Report is attached as Exhibit A.

Terms of Probation

1 1. Respondent shall contact the Director of LOMAP within 30-days of the
2 date of the final Judgment and Order and submit to a LOMAP audit of his trust account
3 procedures and calendaring procedures. The Director of LOMAP shall develop a
4 probation contract and its terms shall be incorporated herein by reference.

5
6 2. Respondent shall refrain from engaging in any conduct that would violate
7 the Rules of Professional Conduct or other rules of the Supreme Court of Arizona.

8 3. Respondent shall complete TAEPP during the probationary period.

9 4. Respondent shall pay all costs associated with these disciplinary
10 proceedings including the assessment by LOMAP and any applicable monitoring of the
11 probation contract.

12 5. In the event that Respondent fails to comply with any of the foregoing
13 conditions, and the State Bar receives information, bar counsel shall file with the Hearing
14 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The
15 Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to
16 determine whether the terms of probation have been violated and if an additional sanction
17 should be imposed. In the event there is an allegation that any of these terms have been
18 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by
19 clear and convincing evidence.
20

21 RESPECTFULLY SUBMITTED this 4th day of January, 2007.

22
23 *Barbara A. Atwood*

24
25 _____
26 Barbara A. Atwood, Chair
 Disciplinary Commission

Original filed with the Disciplinary Clerk
this 4th day of January, 2007.

Copy of the foregoing mailed
this 4th day of January, 2007, to:

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/mps