

SUPREME COURT OF ARIZONA

FILED

APR 20 2009

RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

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

Supreme Court
No. SB-09-0012-D

Disciplinary Commission
No. 07-2104, 08-0126

MARK F. BRINTON,
Bar No. 007674

RESPONDENT.

JUDGMENT AND ORDER

This matter having come before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, and no discretionary or *sua sponte* review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **MARK F. BRINTON** a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of six months retroactive to June 2, 2008, for conduct in violation of his duties and obligations as a lawyer as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **MARK F. BRINTON** shall be placed on probation for a period of two years upon reinstatement. The terms of probation are as follows:

1. Respondent shall, within thirty days of reinstatement, contact the director of the State Bar's Law Office Management Assistance Program (LOMAP) to schedule an audit of his law office. The LOMAP director or his/her designee will conduct an audit of Respondent's law office no later than sixty days thereafter. Following the audit, Respondent shall enter into a Memorandum of Understanding that will be effective for a period of two years from the date upon which all parties have signed the Memorandum. Respondent will comply with all recommendations of the LOMAP director or his/her designee.
2. Respondent shall, within thirty days of reinstatement, contact the director of the State Bar's Member Assistance Program (MAP) to schedule an assessment of his condition to practice law. The MAP director or his/her designee will schedule the assessment of Respondent to take place no later than sixty days thereafter.
3. Respondent shall be responsible for the costs and expenses associated with his participation in the MAP and LOMAP programs.
4. In the event Respondent fails to comply with any of the foregoing terms, and the State Bar receives such information, bar counsel will file with the Hearing Officer a Notice of Non-Compliance. The Hearing Officer will conduct a hearing at the earliest possible date, but in no

event less than thirty days following the receipt of the notice, to determine whether a condition of probation has been breached and, if so, to recommend an appropriate sanction.

5. In the event there is an allegation that any of these terms have been breached, the burden will be on the State Bar to prove non-compliance by a preponderance of evidence.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **MARK F. BRINTON** for costs and expenses of these proceedings in the amount of \$742.00 together with interest at the legal rate from the date of this judgment.

DATED this 20th day of April, 2009.

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

ATTEST

Rachelle M. Resnick, Clerk of the Supreme Court
State of Arizona

By Wendy L. Zuercher Deputy

Rachelle M Resnick
Rachelle M. Resnick
Clerk of the Court

TO:

Mark F. Brinton, Respondent (Certified Mail, Return Receipt and Regular Mail)

Russell J. Anderson, Bar Counsel

Honorable H. Jeffrey Coker, Hearing Officer 6R

Leticia V. D'Amore, Disciplinary Clerk (Cert. Copy)

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

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

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

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