

SUPREME COURT OF ARIZONA

IN THE MATTER OF A SUSPENDED MEMBER)	Supreme Court
OF THE STATE BAR OF ARIZONA,)	No. SB-09-0102-D
)	
)	Disciplinary Commission
)	No. 08-1811
ANDREW R. PROPER,)	
Bar No. 011295)	FILED 10/29/2009
)	
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 there having been no discretionary or *sua sponte* review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **ANDREW R. PROPER**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of two (2) years retroactive to January 31, 2009, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **ANDREW R. PROPER** shall be placed on probation for a period of two (2) years upon reinstatement. The terms of probation are as follows:

1. Respondent shall contact the director of MAP within 30 days of reinstatement to schedule a MAP assessment. Respondent shall submit to a MAP assessment. The director of MAP shall develop a probation contract based upon the assessment, and its term shall be incorporated herein by reference. The probation period will begin to run at the time of reinstatement.
2. Any other terms that are deemed appropriate by the Hearing Officer and approved by the Disciplinary Commission and Supreme Court at the time of the reinstatement proceedings.
3. In event that Respondent fails to comply with any of the foregoing probation terms and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a Notice of Noncompliance with the imposing entity pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The imposing entity may refer the matter to a hearing officer to conduct a hearing at the earliest practicable date, but in no event later than 30 days after receipt of notice, to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 72(a), which requires that Respondent notify all of his clients, within ten (10) days from the date hereof, of his inability to represent them and that he should promptly inform this Court of his compliance with this Order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **ANDREW R. PROPER** for costs and expenses of these proceedings in the amount of \$1,641.76, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of October, 2009.

Rachelle M. Resnick
Clerk of the Court

TO:

Andrew R. Proper, Respondent (Certified Mail, Return Receipt and Regular Mail)

Ralph W. Adams, Respondent's Counsel

Amy K. Rehm, Senior Bar Counsel

Hon. H. Jeffrey Coker, Hearing Officer 6R

Leticia V. D'Amore, Disciplinary Clerk

Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona

Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit

Attn: Don Lewis

Richard Weare, Clerk, United States District Court, District of Arizona

Attn: Beth Stephenson

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