

SUPREME COURT OF ARIZONA

In the Matter of a Member of the) Arizona Supreme Court
State Bar of Arizona) No. SB-17-0033-AP
)
RONALD M. DEBRIGIDA JR.,) Office of the Presiding
Attorney No. 15697) Disciplinary Judge
) No. PDJ20169114
Respondent.)
_____) **FILED 01/10/2018**

O R D E R

Pursuant to Rule 59, Rules of the Arizona Supreme Court, the State Bar appealed the hearing panel's decision dismissing the disciplinary complaint with prejudice. Because the hearing panel's decision did not contain findings of fact and conclusions of law as to each count in the complaint as required by Rule 58(k), we remand the matter to the panel for a supplemental decision including formal findings of fact and conclusions of law.

The State Bar filed a three-count complaint alleging numerous ethical violations involving three separate clients. Following the formal hearing, the hearing panel issued an "Order of Dismissal," dismissing all charges with prejudice. The panel found generally that the State Bar had failed to meet its burden of proof, however, the decision did not contain findings of fact and conclusions of law as to each count and each charge alleged in the complaint. Rule 58(k) requires that, following a disciplinary hearing, the hearing panel "prepare and file with the disciplinary clerk a written decision containing findings of fact, conclusions of law and an order regarding discipline, together with the record of the proceedings."

A decision dismissing a complaint on the merits is "an order regarding discipline" under Rule 58(k) because the order dismissed the charges and no discipline was imposed. Requiring orders of dismissal to include findings of fact and conclusions of law supports the right of the State Bar to appeal the decision under Rule 59(a) and facilitates review by this Court.

Accordingly,

IT IS ORDERED remanding this matter to the hearing panel for a supplemental decision including findings of fact and conclusions of law as to each count and each charge alleged in the disciplinary complaint. Following the issuance of the supplemental decision, the

parties will be afforded an opportunity to file supplemental briefs on appeal.

DATED this 10th day of January, 2018.

_____/s/_____
SCOTT BALES
Chief Justice

TO:

Russell R Yurk
Patricia A Sallen
Hunter F Perlmeter
Amanda McQueen
Sandra Montoya
Maret Vessella
Beth Stephenson
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