



BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA

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

LEE P. BLAKE,)
Bar No. 016377)

RESPONDENT.)

Nos. 01-1624 and 01-2198

DISCIPLINARY COMMISSION
REPORT

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on January 11, 2003, pursuant to Rule 56(a), Ariz. R. S. Ct., for consideration 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), filed December 20, 2002, providing for a censure, two (2) years of probation with the Membership Assistance Program (MAP) and participation in fee arbitration, and costs of these disciplinary proceedings.

Decision

The nine¹ members of the Commission unanimously recommend accepting² and incorporating by reference the Agreement and Joint Memorandum providing for a censure, two (2) years of probation (MAP), and costs of these disciplinary proceedings. The terms of probation are as follows:

¹ J. Conrad Baran, an attorney and Hearing Officer from Navajo County, participated as an ad hoc member.
² The Commission notes that more letters to support *Standard* 9.32(g) character and reputation would have been helpful; however, based on Respondent's self-reporting to Bar Counsel, the Commission finds the factor applicable in mitigation.

Terms of Probation

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1. Respondent will, within thirty (30) days of the issuance of a Judgment and Order by the Supreme Court of Arizona, contact the director of the Membership Assistance Program (MAP) at the State Bar of Arizona to schedule a MAP assessment. The MAP director or her designee will complete the assessment no later than ninety (90) days after issuance of a Judgment and Order by the Supreme Court of Arizona. Following the assessment, Respondent will enter into a Memorandum of Understanding.
2. Respondent will be responsible for the costs and expenses associated with his participation in the MAP program.
3. Respondent shall participate in the State Bar's fee arbitration program for any claim made by any client in File Nos. 01-1624 and 01-2198 within six (6) months of the date of the Judgment and Order in this matter, and shall pay any award in the amount and within the time frame set by the Fee Arbitration Committee. The State Bar shall inform the clients in the above-referenced files that Respondent is required to participate in fee arbitration if they file a petition for fee arbitration with the State Bar within six (6) months of the entry of a Judgment and Order in this matter.
4. In the event Respondent fails to comply with any of the foregoing terms, and information thereof is received by the State Bar, bar counsel shall file with the Disciplinary Commission a Notice of Non-Compliance. The Disciplinary Clerk shall then assign a Hearing Officer. The Hearing Officer shall conduct a hearing at the earliest possible date, but in no event less than thirty (30) days following receipt of notice, to determine whether a condition of probation has been breached and, if so, to recommend an appropriate sanction.
5. 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 to prove non-compliance by a preponderance of the evidence.

RESPECTFULLY SUBMITTED this 24th day of January 2003.

Jessica Funkhouser

Jessica G. Funkhouser, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 29th day of January 2003.

Copy of the foregoing mailed
this 29th day of January 2003, to:

Shawn K. Aiken
Respondent's Counsel
Herbert Schenk, P.C.
1440 E. Missouri, Suite 125
Phoenix, AZ 85014-2459

Copy of the foregoing hand-delivered
this 29th day of January 2003.

Karen Clark
Senior Bar Counsel
State Bar of Arizona
111 West Monroe, Suite 1800
Phoenix, AZ 85003-1742

by Karen Weigand

/kdl