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BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

BY *[Signature]*

IN THE MATTER OF A MEMBER)	
OF THE STATE BAR OF ARIZONA,)	Nos. 01-0764, 01-1017, 02-0302
)	
)	
J. DOUGLAS MCVAY,)	
Bar No. 001777)	DISCIPLINARY COMMISSION
)	REPORT
RESPONDENT.)	

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 November 26, 2002, providing for a censure, two (2) years of probation with the Law Office Management Assistance Program (LOMAP) and a practice monitor, and costs of these disciplinary proceedings.

Decision

The nine¹ members of the Commission unanimously recommend accepting and incorporating by reference the Agreement and Joint Memorandum providing for a censure, two (2) years of probation (LOMAP), 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.

Terms of Probation

- 1 1. Respondent will participate in Law Office Management
2 Assistance Program (LOMAP). Respondent will meet with
3 the LOMAP Director who will determine the appropriate
4 terms of LOMAP and Respondent will enter into a
 Memorandum of Understanding (MOU) with the State Bar of
 Arizona.

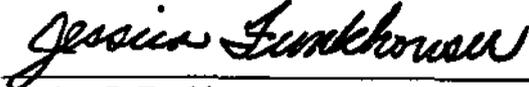
- 5 2. As a part of the LOMAP program, Respondent shall have a
6 Practice Monitor.

- 7 3. If the Practice Monitor determines Respondent is in complete
8 compliance with all the terms/conditions of probation and the
9 MOU and the Director of LOMAP concurs, Respondent's
 probation may be terminated early, but in any event the term
 of probation shall be no less than one (1) year.

- 10 4. In the event Respondent fails to comply with any of the
11 foregoing terms, and information thereof is received by the
12 State Bar, bar counsel shall file with the Hearing Officer a
13 Notice of Non-Compliance. The Hearing Officer shall
14 conduct a hearing at the earliest possible date, but in no event
15 less than thirty (30) days following receipt of notice, to
16 determine whether a condition of probation has been breached
17 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.

18 RESPECTFULLY SUBMITTED this 17th day of January 2003.

19 
20 _____
21 Jessica G. Funkhouser, Chair
22 Disciplinary Commission

1 Original filed with the Disciplinary Clerk
2 this 17th day of January 2003.

3 Copy of the foregoing mailed
4 this 17th day of January 2003, to:

5 Daniel P. Beeks
6 Hearing Officer 7M
7 *Mohr, Hackett, Pederson, Blakley & Randolph, P.C.*
8 2800 North Central, Suite 1100
9 Phoenix, AZ 85004-1043

10 J. Douglas McVay
11 Respondent
12 207 W. Clarendon, Suite 3
13 Phoenix, AZ 85013-3406

14 Copy of the foregoing hand-delivered
15 this 17th day of January, 2003.

16 Jacqueline N. Schesno
17 Bar Counsel
18 State Bar of Arizona
19 111 West Monroe, Suite 1800
20 Phoenix, AZ 85003-1742

21 by Karen Weigand

22 /kdl
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