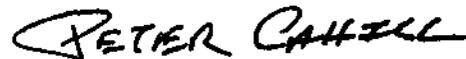




1 The Commission recognizes that retroactive suspensions are historically reserved for  
2 cases where the respondent has voluntarily ceased the practice of law in an attempt to  
3 prevent any additional harm to clients. *Matter of Nicolini*, 168 Ariz. 448, 814 P.2d 1385  
4 (1991). Nonetheless, Respondent in this instant matter remains suspended<sup>3</sup> and has not  
5 applied for reinstatement. In any future reinstatement proceedings, Respondent will be  
6 required to demonstrate clear and convincing evidence of rehabilitation, compliance with all  
7 applicable discipline orders and rules, fitness to practice, and competence, pursuant to Rule  
8 71 and 72, Ariz. R. S. Ct. Furthermore, Respondent stipulated at oral argument that he will  
9 not apply for reinstatement until the 90-day suspension recommended in this instant matter  
10 has expired.<sup>4</sup> Therefore, the Commission is satisfied that the public will be protected by the  
11 agreed sanction.

12  
13 RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of October 2002.

14 

15 Peter J. Cahill, Chair  
16 Disciplinary Commission

17 Original filed with the Disciplinary Clerk  
18 this 10<sup>th</sup> day of October 2002.

19 Copy of the foregoing mailed  
20 this 10<sup>th</sup> day of October 2002, to:

21 Leonard W. Copple  
22 Hearing Officer 9M  
23 2070 East Southern, Suite A  
24 Tempe, AZ 85282-7515

25 <sup>3</sup> In File No. SB-00-0051-D (2001), Respondent was suspended for two years effective  
26 08/27/00, pursuant to Rule 58(c), Ariz.R.S.Ct. This discipline is the same discipline  
imposed by the Fourth Judicial District Court of the State of Utah.

<sup>4</sup>See Commission transcript, pp.18-19.

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Stephen G. Montoya  
Respondent's Counsel  
411 N. Central Ave., Suite 520  
Phoenix, AZ 85004-2133

Copy of the foregoing hand-delivered  
this 10<sup>th</sup> day of October, 2002.

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State Bar of Arizona  
111 West Monroe, Suite 1800  
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by Karen Weigand

/mps