



1 (4) year suspension, retroactive to December 17, 1997,<sup>2</sup> one (1) year of probation (LOMAP  
2 and MAP), effective the date of the final judgment and order, restitution in the amount of  
3 \$500.00 to be paid to Emilio Brugueras,<sup>3</sup> and costs of these disciplinary proceedings. The  
4 terms of probation are as follows:

5 **Terms of Probation**

- 6 1. Respondent shall participate in MAP. Respondent is presently  
7 living in Nevada and in treatment on a monthly basis with Dr.  
8 Ron Zadek, M.D., Psychiatrist. Respondent shall continue  
9 treatment with Dr. Zadek for as long and as often as Dr. Zadek  
10 determines appropriate. Dr. Zadek will supply the State Bar  
11 of Arizona, specifically MAP, with quarterly reports as to  
12 Respondent's condition and fitness to practice law.  
13 Additionally, Dr. Zadek will report to the State Bar of Arizona  
14 if Respondent fails to report for his appointments or to take his  
15 medications.
- 16 2. Should Respondent return to the practice of law in the state of  
17 Arizona, then Respondent must notify the State Bar of  
18 Arizona of his return to practice and within thirty days of such  
19 contact the Director of the LOMAP to be assessed and enter  
20 into a Memorandum of Understanding with terms deemed  
21 appropriate by the LOMAP Director and incorporated by  
22 reference herein.

23 <sup>2</sup> The suspension is retroactive and Respondent has already undergone reinstatement  
24 proceedings in which the Commission has recommended reinstatement. Additionally,  
25 Respondent and the State Bar state in their Agreement that it is their intention that  
26 Respondent will not have to go through another reinstatement proceeding. Therefore, the  
Commission recommends that Respondent be reinstated from the instant suspension without  
further proceedings.

<sup>3</sup> Respondent shall pay restitution in full within two (2) weeks of the final date of the Order  
by this Commission. In addition, the Respondent shall file an affidavit with the Disciplinary  
Clerk as notification of payment of restitution.

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3. 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 Hearing Officer a Notice of Non-Compliance. 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.
  4. 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.

9 RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of October 2002.

10  
11 PETER CAHILL

12 Peter J. Cahill, Chair  
13 Disciplinary Commission

14 Original filed with the Disciplinary Clerk  
this 27<sup>th</sup> day of October 2002.

15 Copy of the foregoing mailed  
16 this 29<sup>th</sup> day of October 2002, to:

17 Mark I. Harrison  
18 Respondent's Counsel  
19 Two North Central, Suite 2200  
20 Phoenix, AZ 85004-4406

21 Copy of the foregoing hand-delivered  
22 this 29<sup>th</sup> day of October, 2002.

23 Jacqueline N. Schesnoel  
24 Bar Counsel  
25 State Bar of Arizona  
26 111 West Monroe, Suite 1800  
Phoenix, AZ 85003-1742

by Karen Weigand

/kdl