



BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)	No. 02-0924
OF THE STATE BAR OF ARIZONA,)	
)	
ALLAN BARFIELD,)	
Bar No. 013148)	
)	
)	DISCIPLINARY COMMISSION
RESPONDENT.)	REPORT
_____)	

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on September 11, 2004, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed June 11, 2004, recommending censure, one year of probation with terms and conditions including the completion of the State Bar's Ethics Enhancement Program (EEP), and costs of these disciplinary proceedings.

Decision

The Commission's standard of review is set forth in Rule 58(b), which states that the Commission reviews questions of law *de novo*. In reviewing findings of fact made by a hearing officer, the Commission applies a clearly erroneous standard.

Therefore, having found no findings of fact clearly erroneous, the nine¹ members of the Commission unanimously recommend adopting and incorporating by reference the Hearing Officer's findings of fact, conclusions of law, and recommendation for censure and one year of probation (EEP) with the following terms and conditions:

¹ Commissioner Funkhouser did not participate in these proceedings. Anne H. Phillips, a hearing officer from Phoenix, participated as an ad hoc member.

Terms and Conditions

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1. Respondent shall be placed on probation for a period of one year effective the date of the signing of the probation contract;
2. Respondent shall not commit any ethical violations during the probation period;
3. Respondent shall respond promptly and completely to any bar inquiries or requests for information;
4. Respondent shall maintain malpractice insurance; and
5. Respondent shall complete EEP during the probation period.
6. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

RESPECTFULLY SUBMITTED this 1st day of October, 2004.



Craig B. Mehrens, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 1st day of October, 2004, to:

Copy of the foregoing mailed
this 1st day of October, 2004, to:

Mark S. Sifferman
Hearing Officer 9J
Norling, Kolsrud, Sifferman & Davis, P.L.C.
16427 North Scottsdale Road, Suite 210
Scottsdale, AZ 85254

Richard A. Segal
Respondent's Counsel
Gust Rosenfeld, P.L.C.
201 East Washington, Suite 800
Phoenix, AZ 85004-2327

Shauna R Miller
Senior Bar Counsel
State Bar of Arizona
111 West Monroe, Suite 1800
Phoenix, AZ 85003-1742

by: *K Weigand*

/mps

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26