

1 incorporating by reference the Agreement and Joint Memorandum² providing for a censure
2 and one year of probation (trust account monitoring) with the following terms and
3 conditions:

4 **Terms of Probation**

- 5
- 6 1. Respondent shall be placed on probation for a period of one year effective the
7 date the MOU is signed.
 - 8 2. Within 30 days of the date of the final Judgment and Order, Respondent shall
9 contact Leigh Ann Mauger, State Bar staff investigator, to arrange for a
10 consultation regarding Respondent's trust account.
 - 11 3. In the event the State Bar receives information that Respondent has failed to
12 comply with any of the foregoing conditions, bar counsel shall file with the
13 hearing officer a notice of non-compliance, pursuant to 51(j). The hearing
14 officer shall conduct a hearing at the earliest practicable date, but in no event
15 more than 30 days after the receipt of said notice to determine whether a
16 condition of probation has been breached and if so, to recommend an
17 appropriate sanction therefore.
 - 18 4. Respondent shall be assessed the costs and expenses incurred in these
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24 ² ABA mitigating factor 9.32(j) interim rehabilitation was deleted in 1992. See *Amendments*
25 *to the ABA Standards for Imposing lawyer Sanctions* effective February 1992. The
26 Commission determined that mitigating factor 9.32(g)⁴ timely good faith effort to rectify
consequences of misconduct was appropriate in consideration of the remedial measures
Respondent has taken regarding overall management of his trust account. See Joint
Memorandum, p. 4:11.

disciplinary matters, pursuant to Rule 52(a)8, Ariz. R. S. Ct.

1 RESPECTFULLY SUBMITTED this 10th day of February 2004.

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Craig B. Mehrens, Chair
Disciplinary Commission

5 Original filed with the Disciplinary Clerk
6 this 10th day of February 2004.

7 Copy of the foregoing mailed
8 this 10th day of February 2004 to:

9 Patricia A. Nolan
10 Hearing Officer 7Y
11 2702 N. 3rd Street, Suite 3000
12 Phoenix, AZ 85004

13 Donald M. Peters
14 Respondent's Counsel
15 Miller, LaSota, & Peters
16 5225 N. Central Avenue, Suite 235
17 Phoenix, AZ 85012-1452

18 Copy of the foregoing hand-delivered
19 this 10th day of February 2004 to:

20 Shauna R. Miller
21 Senior Bar Counsel
22 State Bar of Arizona
23 111 West Monroe, Suite 1800
24 Phoenix, AZ 85003-1742

25 By K. Weigand

26 /mps