

**FILED**

DEC - 3 2004

**BEFORE THE DISCIPLINARY COMMISSION  
OF THE SUPREME COURT OF ARIZONA**

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY *[Signature]*

1  
2  
3 IN THE MATTER OF A MEMBER )  
4 OF THE STATE BAR OF ARIZONA, )  
5 **SANDFORD J. EDELMAN,** )  
6 **Bar No. 004497** )  
7 **RESPONDENT.** )

No. 03-1910

**DISCIPLINARY COMMISSION  
REPORT**

8 This matter came before the Disciplinary Commission of the Supreme Court of  
9 Arizona on November 13, 2004, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration  
10 of the Hearing Officer's Report filed July 26, 2004, recommending acceptance of the  
11 Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint  
12 Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum)  
13 providing for censure and costs of these disciplinary proceedings.

14  
15 **Decision**

16 The Commission's standard of review is set forth in Rule 58(b), which states that  
17 the Commission reviews questions of law *de novo*. In reviewing findings of fact made by  
18 a hearing officer, the Commission applies a clearly erroneous standard. Mixed findings of  
19 fact and law are also reviewed *de novo*. *State v Blackmore*, 186 Ariz. 630, 925 P.2d 1347  
20 (1996) citing *State v. Winegar*, 147 Ariz. 440, 711 P.2d 579 (1985).

21  
22 Therefore, having found no findings of fact clearly erroneous, the nine<sup>1</sup> members of  
23 the Commission unanimously recommend adopting and incorporating by reference the  
24  
25

26 <sup>1</sup> Commissioners Nelson and Osborne did not participate in these proceedings. Mary Durand, from Phoenix, and former Commissioner Jack Potts, M.D., from Phoenix participated as ad hoc members.

Hearing Officer's findings of fact, conclusions of law,<sup>2</sup> and recommendation for a censure  
and costs. The Hearing Officer's Report is attached herein as Exhibit A.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of December, 2004.

  
\_\_\_\_\_  
Craig B. Mehrens, Chair  
Disciplinary Commission

Original filed with the Disciplinary Clerk  
this 3<sup>rd</sup> day of December, 2004.

Copy of the foregoing mailed  
this 3<sup>rd</sup> day of December, 2004, to:

David H. Lieberthal  
Hearing Officer 9H  
3900 East Broadway, Suite 210  
Tucson, AZ 85711-3453

Mark D. Rubin  
Respondent's Counsel  
4574 North First Avenue, Suite 150  
Tucson, AZ 85718

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

by: K Weizand

/mps

<sup>2</sup> The Commission notes the presence of aggravating factor 9.22(i) substantial experience in the practice of law, but determined it would not affect the outcome.