

FILED
FEB - 9 2004
DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY *[Signature]*

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

IN THE MATTER OF A MEMBER) Nos. 02-2251, 02-2359
OF THE STATE BAR OF ARIZONA,)
)
DAVID J. ESTES,)
Bar No. 006857) **DISCIPLINARY COMMISSION**
) **REPORT**
)
RESPONDENT.)
_____)

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on January 10, 2004, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report, filed November 7, 2003, recommending censure 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 eight¹ members of the Commission unanimously recommend adopting and incorporating by reference the

¹ Commissioner Funkhouser did not participate in these proceedings. Daniel P. Beeks, a hearing officer from Phoenix, participated as an ad hoc member. One public member seat remains vacant.

Hearing Officer's findings of fact, conclusions of law,² and recommendation for censure and costs.

RESPECTFULLY SUBMITTED this 9th day of February 2004.


Craig B. Mehrens, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 9th day of February 2004.

Copy of the foregoing mailed
this 9th day of February 2004 to:

Steven M. Friedman
Hearing Officer 9Q
111 West Monroe, Suite 1400
Phoenix, AZ 85003-1787

David J. Estes
Respondent
Rosepink & Estes, PLLC
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Scottsdale, AZ 85253-3513

Copy of the foregoing hand-delivered
this 9th day of February 2004 to:

Robert A. Clancy, Jr.
Bar Counsel
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Phoenix, AZ 85003-1742

By 
/mps

² In Counts One and Two, violations of 8.4(d) (conduct prejudicial to the administration of justice), which were deemed admitted by default and also supported by the Hearing Officer's findings of facts, were inadvertently omitted from his report. See report, p. 14.