



BEFORE THE DISCIPLINARY COMMISSION OF THE SUPREME COURT OF ARIZONA

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IN THE MATTER OF A MEMBER )  
OF THE STATE BAR OF ARIZONA, )  
)  
**RON KENT HOOPER,** )  
**Bar No. 001961** )  
)  
)  
RESPONDENT. )  
\_\_\_\_\_ )

No. 02-0487

**DISCIPLINARY COMMISSION REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on May 8, 2004, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report, filed March 8, 2004, recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum) providing for censure, one year of probation with the State Bar's Law Office Management Assistance Program (LOMAP), restitution, and costs of these proceedings, pursuant to Rule 56(a), Ariz. R. S. Ct.

**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, the Commission applies a clearly erroneous standard.

Therefore, having found no findings of fact clearly erroneous, the eight<sup>1</sup> members of

<sup>1</sup> Commissioner Gutierrez did not participate in these proceedings.

1 the Commission recommend adopting and incorporating by reference the Hearing Officer's  
2 findings of fact, conclusions of law, and recommendation to accept the Agreement for a  
3 censure, one year of probation (LOMAP), and \$500.00 restitution to client Waltman. The  
4 terms of probation are as follows:

5 1. Respondent shall be placed on probation for a period of one year. The only term  
6 of probation shall be participation in LOMAP. Respondent shall, within ten days of the  
7 Supreme Court's final Judgment and Order, contact the director of LOMAP to schedule an  
8 audit of his law office. The LOMAP director or designee will conduct an audit of  
9 Respondent's law office no later than sixty days thereafter. Following the audit, Respondent  
10 shall enter into a Memorandum of Understanding that will be effective for a period of one  
11 year from the date upon which all parties have signed the Memorandum. Respondent shall  
12 comply with all recommendations of the LOMAP director or designee. The State Bar shall  
13 notify the Disciplinary Clerk of the effective date of the Memorandum of Understanding.  
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15 2. Respondent shall pay Mr. Waltman restitution in the amount of \$500.00.  
16 Payment shall be made within thirty (30) days of the date of the Supreme Court's final  
17 Judgment and Order in this matter.

18 4. In the event that Respondent fails to comply with any of the foregoing conditions,  
19 and the State Bar receives information, bar counsel shall file with the Hearing Officer a  
20 Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing Officer  
21 shall conduct a hearing within thirty days after receipt of said notice, to determine whether a  
22 condition of probation has been breached and, if so, to recommend an appropriate sanction.  
23 In the event there is an allegation that any of these terms have been breached, the burden of  
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1 proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing  
2 evidence.

3 In general, the Commission reminds Hearing Officers that effective December 1,  
4 2003, amended Rule 56, Ariz. R. S. Ct., provides that Agreements are now filed before the  
5 Hearing Officer rather than the Commission. This rule also allows for a discretionary  
6 evidentiary hearing. The Commission previously held oral argument on each Agreement  
7 filed over the last few years and advises Hearing Officers that when reviewing Agreements  
8 for Discipline by Consent, a short hearing or the request for filing of supplemental  
9 memoranda can provide the evidentiary support needed for the finding of the presence of  
10 any agreed-upon mitigating factors as well as resolve any unanswered issues concerning  
11 restitution.

12 RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of June 2004.

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16 Craig B. Mehrens, Chair  
17 Disciplinary Commission

18 Original filed with the Disciplinary Clerk  
19 this 8<sup>th</sup> day of June 2004.

20 Copy of the foregoing mailed  
21 this 8<sup>th</sup> day of June 2004, to:

22 Stanley R. Lerner  
23 Hearing Officer 7V  
24 3707 N. 7<sup>th</sup> Street, Suite 250  
25 Phoenix, AZ 85014-5057  
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by: K. Weigand

/mps