

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,

MICHAEL E. ISLER, Bar No. 020847

RESPONDENT.

) No. 03-0272  
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) DISCIPLINARY COMMISSION  
) REPORT  
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This matter came before the Disciplinary Commission of the Supreme Court of Arizona on March 13, 2004, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report, filed January 4, 2004, recommending censure and two years of probation with the State Bar's Member Assistance Program (MAP) and completion of the Ethics Enhancement Program (EEP).

Decision

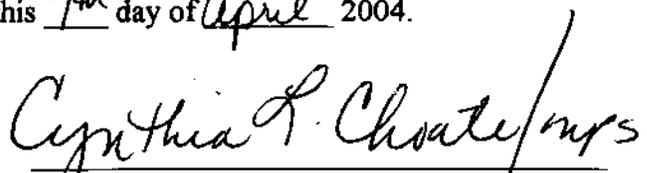
The Commission's standard of review is set forth in Rule 58(b), which states that the Commission reviews questions of law *de novo*. In reviewing findings of fact made by a hearing officer, the Commission applies a clearly erroneous standard.

Therefore, having found no findings of fact clearly erroneous, the seven<sup>1</sup> 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 two years of probation (MAP and EEP).

<sup>1</sup> Commissioners Bowman and Nelson did not participate in these proceedings. Pamela M. Katzenberg, a hearing officer from Tucson, participated as an ad hoc member.

1 Due to the disturbing nature of the misconduct and Respondent's failure to  
2 participate in these disciplinary proceedings, the Commission further recommends that  
3 Respondent submit to an *immediate* MAP assessment within 30 days from the date of the  
4 final Judgment and Order. Should Respondent fail to timely submit to the MAP assessment,  
5 the Commission requests that the State Bar promptly pursue probations violations pursuant  
6 to Rule 60(a)(5)(C).

7 RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of April 2004.

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10 Cynthia L. Choate, Vice-Chair  
11 Disciplinary Commission

12 Original filed with the Disciplinary Clerk  
13 this 7<sup>th</sup> day of April 2004.

14 Copy of the foregoing mailed  
15 this 7<sup>th</sup> day of April 2004 to:

16 Jeffrey Messing  
17 Hearing Officer 9X  
18 2999 North 44<sup>th</sup> Street, Suite 500  
19 Phoenix, AZ 85018-7252

20 Michael E. Isler  
21 Respondent  
22 2700 North Central Avenue, Suite 1130  
23 Phoenix, AZ 85004

24 Copy of the foregoing hand-delivered  
25 this 7<sup>th</sup> day of April 2004 to:  
26

Denise M. Quinterri  
Bar Counsel  
State Bar of Arizona  
111 West Monroe, Suite 1800  
Phoenix, AZ 85003-1742

By *K. Weigand*

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