



BEFORE THE DISCIPLINARY COMMISSION OF THE SUPREME COURT OF ARIZONA

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

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IN THE MATTER OF A SUSPENDED MEMBER ) Nos. 02-1697, 03-1468, 04-0038  
OF THE STATE BAR OF ARIZONA, )  
)  
MARK E. TURLEY, )  
Bar No. 005044 ) DISCIPLINARY COMMISSION  
) REPORT  
)  
RESPONDENT. )  
\_\_\_\_\_ )

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 11, 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) pursuant to Rule 56, Ariz. R. S. Ct., providing for a two year suspension and, upon reinstatement, two years of probation with terms and conditions including successful completion of the State Bar's Trust Account Ethics Enhancement Program (TAEHP), demonstration to the satisfaction of the court that Respondent has not engaged in the practice of law during the period of suspension, and demonstration of payment of costs to the State Bar as a result of these 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.

1 Therefore, having found no findings of fact clearly erroneous, the eight<sup>1</sup> members of  
2 the Commission recommend adopting and incorporating by reference the Hearing Officer's  
3 findings of fact, conclusions of law, and recommendation for a two-year suspension and,  
4 upon reinstatement, two years of probation with terms and conditions including successful  
5 completion of TAEEP, demonstration to the satisfaction of the court that he has not engaged  
6 in the practice of law during the period of suspension, and demonstration of payment of  
7 costs to the State Bar as a result of these proceedings.

8 The Commission further agreed with the Hearing Officer that the evidence present  
9 in the record is insufficient to support a finding of mitigating factors 9.32(c) personal and  
10 emotional problems and 9.32(l) remorse, but determined that the outcome was not affected  
11 by the absence of these factors.

12 RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of June 2004.

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16 Craig B. Mehrens, Chair  
Disciplinary Commission

17 Original filed with the Disciplinary Clerk  
18 this 3<sup>rd</sup> day of June 2004.

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

21 Patricia E. Nolan  
22 Hearing Officer 7Y  
23 2702 North 3<sup>rd</sup> Street, Suite 3000  
24 Phoenix, AZ 85004-4607

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

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by:     *K. Weigand*    

/mps