

FILED

OCT - 5 2005

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

BY *[Signature]*

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

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3	IN THE MATTER OF A MEMBER)	Nos. 03-0918, 03-1311, 03-1340
4	OF THE STATE BAR OF ARIZONA,)	03-1354, 03-1442, 03-1540
5	DAVID M. HAMPTON,)	03-1601, 03-1630, 03-1781
6	Bar No. 020482)	03-1874, 03-1959, 03-1973
7)	03-2103, 03-2207, 04-0003
8)	04-0021, 04-0111, 04-0272
9)	04-0384, 04-0541, 04-0549
10)	04-0648
11)	
12)	DISCIPLINARY COMMISSION
13)	REPORT
14)	
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This matter came before the Disciplinary Commission of the Supreme Court of Arizona on September 10, 2005, pursuant to Rule 58, Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed June 9, 2005 recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent (Tender) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum) providing for a 90-day suspension, one year of probation with the State Bar's Law Office Management Assistance Program (LOMAP) effective upon the signing of the probation contract, and costs of these disciplinary proceedings.

Decision

The eight¹ members of the Disciplinary Commission by a majority of seven² recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for a 90-day suspension, one year of probation (LOMAP) effective upon

¹ Commissioners Choate, Gutierrez and Nelson did not participate in these proceedings. Former Commissioners Jack L. Potts, M.D. and Maria Hoffman, participated as public ad hoc members.

² Commissioner Mehrens was opposed and would have recommended a longer period of suspension.

1 the signing of the probation contract, and costs of these disciplinary proceedings.³ Bar Counsel
2 shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of
3 probation are as follows:

4 **Terms of Probation**

5 1. Respondent shall comply with all recommendations of the LOMAP director or
6 designee after an office evaluation and audit is conducted.

7 2. In the event that Respondent fails to comply with any of the foregoing
8 conditions, and the State Bar receives information, bar counsel shall file with the Hearing
9 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing
10 Officer shall conduct a hearing within thirty days after receipt of said notice, to determine
11 whether the terms of probation have been violated and if an additional sanction should be
12 imposed. In the event there is an allegation that any of these terms have been violated, the
13 burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and
14 convincing evidence.
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16 RESPECTFULLY SUBMITTED this 5th day of October, 2005.

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19 Barbara A. Atwood, Vice-Chair
20 Disciplinary Commission

21 Original filed with the Disciplinary Clerk
22 this 5th day of October, 2005.

23 Copy of the foregoing mailed
24 this 5th day of October, 2005, to:
25

26 ³ The Hearing Officer's Report is attached as Exhibit A.

1 Robert J. Lord
2 Hearing Officer 6L
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6 Mark I. Harrison
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17 by: *K. Weigand*

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