

DEC - 9 2005

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY *W. Nelson*

BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA

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3	IN THE MATTER OF A SUSPENDED MEMBER)	Nos. 03-0342, 03-0603, 03-0654
4	OF THE STATE BAR OF ARIZONA,)	03-0655, 03-0947, 03-1326
5		03-1384, 03-1434, 03-1469
6	DORTHEA P. KRAEGER,)	03-1700, 03-1816, 04-0016
7	Bar No. 015475)	04-0823, 04-0994, 04-1097
8		04-1179, 04-1190, 04-1314
9)
10) DISCIPLINARY COMMISSION
11) REPORT
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This matter came before the Disciplinary Commission of the Supreme Court of Arizona on November 19, 2005, pursuant to Rule 58, Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed August 30, 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 four year suspension retroactive to March 23, 2005, two years of probation upon reinstatement with the State Bar's Law Office Management Assistance Program (LOMAP), fee arbitration, and costs of these disciplinary proceedings.

Decision

The eight members¹ of the Disciplinary Commission by a majority of six,² recommend accepting and adopting the Hearing Officer's findings of fact and conclusions of law,³ and recommendation for a four year suspension retroactive to March 23, 2005,⁴ two

¹ Commissioner Nelson did not participate in these proceedings.
² Commissioners Flores and Mehrens were opposed and would have rejected the consent documents and recommended disbarment.
³ The Commission notes that aggravating factor 9.22(h) vulnerability of victim, is supported by the record but the presence of this factor does not affect the outcome.

1 years of probation upon reinstatement (LOMAP with additional terms to be determined at
2 reinstatement), fee arbitration in File Nos. 03-0655, 03-0947, 03-1326, 03-1469, 03-1700,
3 03-1816, 04-0994, 04-0823, 04-1179, 04-1190, 04-1097, and costs of these disciplinary
4 proceedings.⁵ The State Bar shall notify the Disciplinary Clerk of the date of
5 commencement of probation. The terms of probation are as follows:

6 **Terms of Probation**

7 1. Respondent shall contact the director of LOMAP within 30 days of the date of
8 the order of reinstatement. The director of LOMAP shall develop a probation contract, and its
9 terms shall be incorporated therein by reference. The probation period will begin to run when
10 all parties have signed the probation contract.

11 2. Other terms and conditions of probation may be added at the time of
12 reinstatement.

13 3. Respondent shall refrain from engaging in any conduct that would violate the
14 Rules of Professional Conduct or other rules of the Supreme Court of Arizona.

15 4. Respondent shall submit to fee arbitration in File Nos. 03-0655, 03-0947, 03-
16 1326, 03-1469, 03-1700, 03-1816, 04-0994, 04-0823, 04-1179, 04-1190, and 04-1097, if the
17 client wishes to do so. Clients shall be advised in writing that fee arbitration is available at
18 no charge to them.

19 5. In the event that Respondent fails to comply with any of the foregoing
20 conditions, and the State Bar receives information, bar counsel shall file with the Hearing
21 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing
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25 ⁴ The effective date of Respondent's interim suspension in File No. 05-0127.

26 ⁵ The Hearing Officer's Report is attached as Exhibit A. In Count Eleven, a violation of ER 8.4(c) is dismissed in exchange for the Agreement. See Report, p. 38.

1 Officer shall conduct a hearing within thirty days after receipt of said notice, to determine
2 whether the terms of probation have been violated and if an additional sanction should be
3 imposed. In the event there is an allegation that any of these terms have been violated, the
4 burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and
5 convincing evidence.

6 RESPECTFULLY SUBMITTED this 9th day of December, 2005.

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Cynthia L. Choate, Chair
Disciplinary Commission

10 Original filed with the Disciplinary Clerk
11 this 9th day of December, 2005.

12 Copy of the foregoing mailed
13 this 9th day of December, 2005, to:

14 Robert J. Stephan, Jr.
15 Hearing Officer 9A
16 P. O. Box 500
17 Tempe, AZ 85280-0500

18 Lisa D. Duran
19 Respondent's Counsel
Quarles & Brady, Streich Lang, L.L.P.
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20 Amy K. Rehm
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24 by: Kelley

25 /mps
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