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

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

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3 IN THE MATTER OF A MEMBER)
4 OF THE STATE BAR OF ARIZONA,)
5 **CARL D. LEE,**)
6 **Bar No. 007439**)
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RESPONDENT.

No. 03-1798

**DISCIPLINARY COMMISSION
REPORT**

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 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 censure, one year of probation, effective upon the signing of the probation contract, with the State Bar's Law Office Management Assistance Program (LOMAP), the State Bar's Trust Account Ethics Enhancement Program (TAEEP), and costs of these disciplinary proceedings.

Decision

The eight¹ members of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for censure, one year of probation effective upon the signing of the probation contract (LOMAP and TAEEP), and costs of these disciplinary proceedings.² The

¹ Commissioner Nelson did not participate in these proceedings.

² The Hearing Officer's Report is attached as Exhibit A.

State Bar shall notify the Disciplinary Clerk of the date of commencement of probation.

The terms of probation are as follows:

Terms of Probation

1. Respondent shall, within 30 days of the Supreme Court's final judgment and order, contact the director of LOMAP to schedule an audit of his trust account. Following the audit, Respondent shall enter into a probation contract. Respondent shall comply with all recommendations of the LOMAP director or her designee.

2. Respondent shall complete TAEEP during the probation period.

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

RESPECTFULLY SUBMITTED this 12th day of December, 2005.

Cynthia L. Choate, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 12th day of December, 2005.

1 Copy of the foregoing mailed
2 this 12th day of December, 2005, to:

3 Patricia E. Nolan
4 Hearing Officer 7Y
5 2702 N. 3rd St., Suite 3000
6 Phoenix, AZ 85004-4607

7 Carl D. Lee
8 Respondent
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10 Phoenix, AZ 85021-0876

11 Denise M. Quinterri
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14 4201 North 24th Street, Suite 200
15 Phoenix, AZ 85016-6288

16 by: *K. Weigand*

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