

FILED

DEC 19 2005

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

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

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
JOHN T. RYAN,)
Bar No. 006963)
)
RESPONDENT.)
_____)

No. 03-2224

**DISCIPLINARY COMMISSION
REPORT**

This matter first came before the Disciplinary Commission of the Supreme Court of Arizona on January 15, 2005 pursuant to Rule 58, Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed December 3, 2004 recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent and Joint Memorandum in Support of Agreement for Discipline by Consent filed October 19, 2004 recommending censure, two years of probation with the State Bar's Law Office Management Assistance Program (LOMAP) effective upon the signing of the probation contract, including a practice monitor, and costs of these disciplinary proceedings.

The Disciplinary Commission determined that given the presumptive sanction of suspension and moreover, in consideration of Respondent's repeated pattern of misconduct and his prior disciplinary history for similar offenses, a term of suspension was more appropriate. The Commission therefore rejected the consent documents and remanded the matter for further proceedings. See Disciplinary Commission Report filed January 26, 2005. An evidentiary hearing was held on March 7, 2005 and the amended consent documents were filed thereafter on May 26, 2005. The Hearing Officer filed a second Report on July 8, 2005 recommending suspension and probation and an Order of Modification was filed on

1 July 12, 2005 requesting that the parties modify the amended consent documents to reflect a
2 60 day suspension and two years of probation (LOMAP). The third amended consent
3 documents were filed on July 29, 2005.

4 The matter was again heard by the Disciplinary Commission on November 19, 2005
5 for consideration of the Hearing Officer's Report filed September 27, 2005 recommending
6 acceptance of the Third Amended Tender of Admissions and Agreement for Discipline by
7 Consent (Tender) and Third Amended Joint Memorandum in Support of Agreement for
8 Discipline by Consent (Joint Memorandum) filed July 29, 2005 providing for a 60 day
9 suspension, two years of probation (LOMAP) effective upon the signing of the probation
10 contract, including a practice monitor, and costs of these disciplinary proceedings.

11 Decision

12 The eight members¹ of the Disciplinary Commission by a majority of five²
13 recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of
14 law, and recommendation for a 60 day suspension, two years of probation (LOMAP)
15 including a practice monitor, and costs of these disciplinary proceedings.³ The State Bar
16 shall notify the Disciplinary Clerk of the date of commencement of probation. The terms of
17 probation are as follows:

18 Terms of Probation

19 1. Respondent shall contact the LOMAP director and submit to a LOMAP audit.
20
21 Respondent thereafter, shall comply with the recommendations of the LOMAP director or
22

23
24 ¹ Commissioner Nelson did not participate in these proceedings.

25 ² Commissioners Atwood, Baran and Choate were opposed. In view of mitigating factor 9.32(a)
26 (absence of prior disciplinary offenses) these Commissioners concluded that censure and probation
were appropriate sanctions and fulfilled the purposes of discipline.

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

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Hearing Officer 8I
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10 by: KE Weigand

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