

1 suspension, two years of probation (LOMAP and MAP) upon the return to active practice,
2 restitution, and costs of these disciplinary proceedings. This matter again came for review
3 by the Disciplinary Commission on September 10, 2005.

4 **Decision**

5 The eight¹ members of the Disciplinary Commission recommend accepting and
6 adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for
7 a 90-day suspension, two years of probation (LOMAP and MAP) upon the return to active
8 status and effective upon the signing of the probation contract, restitution, and costs of these
9 disciplinary proceedings.² As a condition precedent to Respondent's return to active status
10 and the practice of law, Respondent shall contact the LOMAP and MAP director and
11 schedule an assessment. Bar Counsel shall notify the Disciplinary Clerk of the date on which
12 probation begins. Restitution and the terms of Probation are as follows:

13 Restitution in the amount of \$675.00 shall be paid to Ms. CaMargo Damrow within
14 60 days of the Supreme Court's final judgment and order.³

15 **Terms of Probation**

16 1. Respondent shall participate in LOMAP and MAP and comply with all
17 recommendations of the LOMAP and MAP director or designee.

18 2. In the event that Respondent fails to comply with any of the foregoing
19 conditions, and the State Bar receives information, bar counsel shall file with the Hearing
20 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing
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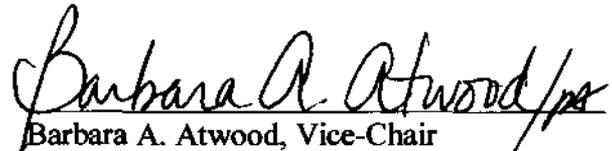
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24 ¹ Commissioners Choate, Gutierrez and Nelson did not participate in these proceedings. Former
Commissioners Jack L. Potts, M.D. and Maria Hoffman, participated as public ad hoc members.

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

26 ³ If Respondent is unable to locate Ms. Damrow, Respondent shall provide Bar Counsel with a sworn
statement detailing Respondent's efforts to locate Ms. Damrow and the State Bar reserves the right
to conduct further research and instruct Respondent on how to pay the restitution.

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 5th day of October, 2005.

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9 Barbara A. Atwood, Vice-Chair
10 Disciplinary Commission

11 Original filed with the Disciplinary Clerk
12 this 5th day of October, 2005.

13 Copy of the foregoing mailed
14 this 5th day of October, 2005, to:

15 Stanley R. Lerner
16 Hearing Officer 7V
17 3707 North 7th Street, Suite 250
18 Phoenix, AZ 85014-5057

19 J. Scott Rhodes
20 *Jennings Strouss & Salmon, P.L.C.*
21 Respondent's Counsel
22 201 East Washington Street, 11th Floor
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24 Michael N. Harrison
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by: K. Weizand

/mps