

**FILED**  
AUG 28 2006  
DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY M. Smith

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

IN THE MATTER OF A MEMBER )  
OF THE STATE BAR OF ARIZONA, )  
 )  
**SUZANNE BAFFA,** )  
**Bar No. 022807** )  
 )  
RESPONDENT. )

No. 04-1144

**DISCIPLINARY COMMISSION  
REPORT**

This matter originally came before the Disciplinary Commission on May 13, 2006 pursuant to Rule 58(e), Ariz. R. Sup. Ct., for consideration of the Hearing Officer's Report filed March 21, 2006, 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 nine months suspension, contact the State Bar's Member Assistance Program (MAP) to begin a MAP assessment within 30 days of the execution of the agreement, and costs of these disciplinary proceedings.

On its own motion, the Commission continued the matter, set it for oral argument and requested the State Bar file a brief addressing the conditionally dismissed allegations involving the submission of false and or misleading information to Whittier Law School, the Supreme Court of Arizona's Committee on Character and Fitness, and the Maricopa County Public Defender's Office, and the rationality of the agreed upon mitigating factors. See Commission Order filed June 1, 2006. The State Bar filed its Brief on June 21, 2006.

This matter again came before the Disciplinary Commission of the Supreme Court of Arizona on August 12, 2006. Respondent and counsel for the State Bar were present for

oral argument. The State Bar urged the Commission to accept the agreement and discussed  
1 some of the evidentiary concerns involving the conditionally dismissed allegations. The  
2 State Bar further argued that the agreed upon sanction fulfills the purposes of discipline and  
3 Respondent shall be required to participate in formal reinstatement proceedings to  
4 demonstrate her rehabilitation and fitness to practice.  
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6 For the first time at oral argument, Respondent stated she wished to withdraw from  
7 the agreement based on an ongoing investigation by Whittier Law School as to the validity  
8 of her law degree. The State Bar had not been advised of Respondent's decision to  
9 withdraw from the agreement and stated that it entered into the agreement in good faith and  
10 considered itself bound by the agreement.  
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### 12 Decision

13 The eight members of Disciplinary Commission unanimously recommend rejecting  
14 the Tender and Joint Memorandum and remanding this matter to a Hearing Officer for  
15 further proceedings. In rejecting the Agreement, the Commission did not decide whether  
16 Respondent had the right to withdraw from the Agreement at this stage of the proceedings.  
17 The Commission, however, did take into account Respondent's request to withdraw her  
18 conditional admissions and her demeanor at oral argument, as well as the Commission's  
19 continuing concern that a nine-month suspension may be insufficient for the alleged  
20 misconduct. See, e.g., *Matter of Brown*, 361 S.C. 347, 605 S.E.2<sup>nd</sup> 509 (2004), which held  
21 disbarment was the appropriate sanction for fraudulent misrepresentation and unauthorized  
22 practice conduct that occurred prior to admission to practice law in South Carolina, but not  
23 discovered until after the attorney's admission to practice law.  
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Respondent's conditional admissions shall not be used in any subsequent proceedings. In order to protect the public from substantial harm, the Commission further recommends that the State Bar seek an Interim Suspension until a final disposition of all pending proceedings, pursuant to Rule 61, Ariz. R. Sup. Ct.

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of August 2006.

*Barbara A. Atwood*

Barbara A. Atwood, Chair  
Disciplinary Commission

Original filed with the Disciplinary Clerk  
this 28<sup>th</sup> day of August 2006.

Copy of the foregoing mailed  
this 28<sup>th</sup> day of August 2006 to:

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/mps