

1 conclusions of law,² and recommendation for censure, one year of probation effective upon
2 the signing of the probation contract (MAP) and participation in the State Bar's Ethic
3 Enhancement Program (EEP),³ comply with all recommendations of the MAP Director,
4 follow all the Rules of Professional Conduct and Trust Account Guidelines, and costs of
5 these disciplinary proceedings.⁴ The terms of probation are as follows:

6 **Terms of Probation**

7 1. Respondent shall within 30 days of the signing of the probation contract,
8 contact the MAP Director to schedule an assessment to be conducted within the next 30
9 days. Respondent shall comply with all of the MAP Director or the director's designee.

10 2. Respondent shall complete EEP during the probation period.

11 3. Respondent shall follow all the Rules of Professional Conduct and Trust
12 Account Guidelines. Respondent shall pay all costs incurred by the State Bar in
13 connection with these proceedings, including the MAP assessment.

14 4. In the event that Respondent fails to comply with any of the foregoing
15 conditions, and the State Bar receives information, bar counsel shall file with the Hearing
16 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The
17 Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to
18 determine whether the terms of probation have been violated and if an additional sanction
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22 ² The Commission determined that the Hearing Officer erroneously concluded that Respondent
23 violated SCR 41(g) and Section 1 of the *Preamble, A Lawyer's Responsibility*. Hearing Officer's
24 Report, p.4. These violations were not charged in the Complaint and were not part of the Tender.
25 In addition, although the parties agree that mitigating factor 9.32(f) inexperience in the practice of
26 law is present (Joint Memorandum, p.7), the Commission agrees with the Hearing Officer that this
factor is not applicable as even the most inexperienced attorney knows it is inappropriate to lie.
The absence of this factor however, does not affect the outcome.

³ This agreed upon term of probation was inadvertently omitted by the Hearing Officer. See
Tender, p. 2 and p. 6.

⁴ A copy of the Hearing Officer's Report is attached as Exhibit A.

1 should be imposed. In the event there is an allegation that any of these terms have been
2 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by
3 clear and convincing evidence.

4 RESPECTFULLY SUBMITTED this 12th day of July, 2006.

5 Barbara A. Atwood

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7 Barbara A. Atwood, Chair
Disciplinary Commission

8 Original filed with the Disciplinary Clerk
9 this 12th day of July, 2006.

10 Copy of the foregoing mailed
11 this 12th day of July, 2006, to:

12 Denice R. Shepherd
13 Hearing Officer 7Q
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