

FILED

MAR 23 2006

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

BY *[Signature]*

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

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3 IN THE MATTER OF A MEMBER)
4 OF THE STATE BAR OF ARIZONA,)
5)
6 **MICHAEL J. DOYLE,**)
7 **Bar No. 009446**)
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_____)
RESPONDENT.)

No. 03-2156

**DISCIPLINARY COMMISSION
REPORT**

This matter first came before the Disciplinary Commission of the Supreme Court of Arizona on August 20, 2005, pursuant to Rule 58, Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed May 20, 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 Memo) providing for censure, one year of probation effective upon the signing of the probation contract with the State Bar's Ethics Enhancement Program (EEP), and continuing legal education (CLE) involving the video entitled "Ten Deadly Sins of Conflict," and costs of these disciplinary proceedings. The Disciplinary Commission rejected the Tender and Joint Memorandum and remanded the matter to the Hearing Officer for further proceedings. The Commission determined that the conditional admissions and Respondent's deposition dated April 27, 2005, supported a knowing misrepresentation and therefore, a suspension may be appropriate. See Disciplinary Commission Report filed September 19, 2005. On November 14, 2005, the parties filed a Revised Tender of Admissions and Agreement for Discipline by Consent (Revised Tender) and Revised Joint Memorandum in Support of Agreement for Discipline by Consent (Revised

1 Joint Memo) providing for a 90 day suspension, one year of probation (EEP and CLE)
2 effective upon the signing of the probation contract, and costs.

3 This matter again came before the Disciplinary Commission on March 11, 2006, for
4 consideration of the Hearing Officer's Report filed January 19, 2006, recommending
5 acceptance of the Revised Tender and Revised Joint Memorandum providing for 90 day
6 suspension, one year of probation (EEP and CLE) effective upon the signing of the probation
7 contract, and costs.

8 **Decision**

9 The nine members of the Disciplinary Commission unanimously recommend
10 accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and
11 recommendation of a 90 day suspension, one year of probation (EEP and CLE) effective upon
12 the signing of the probation contract, and costs of these disciplinary proceedings.¹ Bar
13 Counsel shall notify the Disciplinary Clerk of the date on which probation begins. The terms
14 of probation are as follows:

15 **Terms of Probation**

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17 1. Respondent shall participate in EEP and the CLE program entitled "Ten
18 Deadly Sins of Conflict."

19 2. Respondent shall refrain from engaging in any conduct that would violate
20 the Rules of Professional Conduct or other rules of the Supreme Court of Arizona.

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

5 4. Respondent shall pay the costs and expenses incurred in this disciplinary
6 proceeding.

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8 RESPECTFULLY SUBMITTED this 23rd day of March, 2006.

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11 _____
12 Barbara A. Atwood, Chair
13 Disciplinary Commission

14 Original filed with the Disciplinary Clerk
15 this 23rd day of March, 2006.

16 Copy of the foregoing mailed
17 this 23rd day of March, 2006, to:

18 Christopher D. Thomas
19 Hearing Officer 8Z
20 *Squire Sanders & Dempsey, L.L.P*
21 40 North Central, Suite 2700
22 Phoenix, AZ 85004-4441

23 Mark I. Harrison
24 Sara Southern
25 Respondent's Counsel
26 *Osborn Maledon, P.A.*
2929 North Central Avenue, Suite 2100
Phoenix, AZ 85012-2794

¹ The Hearing Officer's Report is attached as Exhibit A.

Angela M.B. Napper
Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

by: K. Weigand

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