

FILED

OCT 27 2006

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

BY *[Signature]*

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

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
DAVID E. LIPARTITO,)
Bar No. 010048)
)
RESPONDENT.)
_____)

No. 05-0695

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on September 9, 2006, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of the Hearing Officer's Report filed May 18, 2006, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for censure, one year of probation with the State Bar's Ethic Enhancement Program (EEP), and costs.

Decision

The seven members¹ of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for censure, one year of probation (EEP), and costs of these disciplinary proceedings.² The terms of probation are as follows:

¹ One public member seat remains vacant. Commissioner Mehrens recused.
² A copy of the Hearing Officer's Report is attached as Exhibit A.

Terms of Probation

1. Respondent shall enroll in and successfully complete EEP.
2. Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct or other rules of the Supreme Court of Arizona.
3. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

RESPECTFULLY SUBMITTED this 27th day of October, 2006.

Barbara A. Atwood

Barbara A. Atwood, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 27th day of October, 2006.

Copy of the foregoing mailed
this 27th day of October, 2006, to:

Juan Perez-Medrano
Hearing Officer 9D
360 North Court Avenue
Tucson, AZ 85701-0001

1 Mark I. Harrison
2 Debra A. Hill
3 Keith A. Swisher
4 Respondent's Co-Counsel
5 *Osborn Maledon, P.A.*
6 2929 North Central Avenue, Suite 2100
7 Phoenix, AZ 85012-2794

4 Clarence E. Matherson, Jr.
5 Bar Counsel
6 State Bar of Arizona
7 4201 North 24th Street, Suite 200
8 Phoenix, AZ 85016-6288

8 by: 

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