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DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

BY: *[Signature]*

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

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IN THE MATTER OF A MEMBER)	No. 05-1928
OF THE STATE BAR OF ARIZONA,)	
)	
REX L. MARTIN,)	
Bar No. 002845)	DISCIPLINARY COMMISSION
)	REPORT
RESPONDENT.)	
_____)	

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on October 14, 2006, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of the Hearing Officer's Report filed July 27, 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 and probation. After a proportionality analysis, the Hearing Officer recommended one year of probation with the State Bar's Member Assistance Program (MAP), and costs. The consent documents however, stipulated a two year term of probation. See Tender, p. 7 and Joint Memorandum, p.p. 2-3.

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, but recommend acceptance of the agreement as written providing for two years of probation (MAP), effective upon the signing of the probation

¹ Commissioner Baran did not participate in these proceedings. One public member seat remains vacant.

contract, and costs of these disciplinary proceedings.² The terms of probation are as follows:

Terms of Probation

1. Within 30 days of the date of the final Judgment and Order, Respondent shall contact the Director of MAP and submit to a MAP assessment. Respondent thereafter will enter into a MAP contract based upon the recommendations of the MAP director or designee and shall comply with the recommended terms.

2. Respondent shall pay all costs and expenses incurred in these disciplinary proceedings.

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 November, 2006.

Barbara A. Atwood

Barbara A. Atwood, Chair
Disciplinary Commission

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

² A copy of the Hearing Officer's Report is attached as Exhibit A.

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

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