

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,
BRIAN E. FINANDER, Bar No. 007739
RESPONDENT.

Supreme Court
No. SB-05-0157-D
Disciplinary Commission
Nos. 04-0507, 04-0732

JUDGMENT AND ORDER

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, and this Court having considered Respondent's Petition for Review, accordingly

IT IS ORDERED that the Petition for Review is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that BRIAN E. FINANDER, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that BRIAN E. FINANDER shall be placed on probation for a period of two years effective upon the signing of the probation contract. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation are as follows:

- 1) Within thirty (30) days from the date of this Order, Respondent shall contact the State Bar's Member Assistance Program (MAP), Law Office Management Assistance Program (LOMAP) and Ethics Enhancement Program (EEP) in order to participate in these programs and Respondent shall fully comply with the requirements thereof.
2) Respondent shall pay all costs of the 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. S. 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.

DATED this 7th day of February, 2006.

  
RUTH V. MCGREGOR  
Chief Justice

TO:

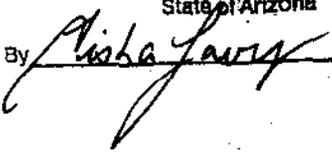
Brian E. Finander, Respondent (Certified Mail, Return Receipt and Regular Mail)  
Roberta L. Tepper, Bar Counsel  
Yvonne R. Hunter, Hearing Officer 8P  
Patricia Seguin, Disciplinary Clerk (Cert. Copy)  
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)  
Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)  
Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)  
West Publishing Company (Jode Ottman)  
Lexis-Nexis

tel

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Noel K. Dessaint, Clerk of the Supreme Court  
State of Arizona

By  Deputy