

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER	)	Supreme Court
OF THE STATE BAR OF ARIZONA,	)	No. SB-06-0145-D
	)	
	)	Disciplinary Commission
	)	Nos. 05-0132, 05-0381
<b>NICHOLAS S. HENTOFF,</b>	)	
<b>Bar No. 012492</b>	)	
	)	
<b>RESPONDENT.</b>	)	<b>JUDGMENT AND ORDER</b>
_____	)	

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and there having been no discretionary review,

IT IS ORDERED, ADJUDGED AND DECREED that **NICHOLAS S. HENTOFF**, 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 **NICHOLAS S. HENTOFF** shall be placed on probation for a period of one (1) year. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation are as follows:

- 1) Respondent shall contact the director of the State Bar’s Law Office Management Assistance Program (LOMAP) within 30 days of the date of the final Judgment and Order. Respondent shall submit to a LOMAP examination of his office’s client communications, calendaring and terminating representative procedures. The director of LOMAP shall develop a probation contract, and its terms shall be incorporated herein by reference. The probation period will begin to run at the time of the Judgment and Order, and will conclude one (1) year from the date that all parties have signed the probation contract.
- 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 to that effect, 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.

IT IS FURTHER ORDERED that **NICHOLAS S. HENTOFF** shall pay restitution in the following amounts to the following individuals:

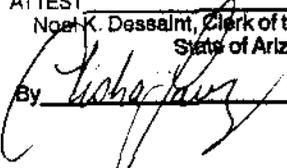
- 1) Respondent will refund \$5,000.00 to Ms. Laura Fisher within 60 days of the date of the final Judgment and Order.
- 2) Respondent will disgorge \$1,200.00 he received from the sale of the guns. Respondent will provide the funds to Mr. Patrick Sampair to hold in trust if the divorce court approves that arrangement. Otherwise, Respondent will transfer the funds to wherever the court directs him. If there is no applicable court approval or order regarding the funds, Respondent shall interplead the funds with the court.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **NICHOLAS S. HENTOFF** for costs and expenses of these proceedings in the amount of \$600.00, together with interest at the legal rate from the date of this judgment.

DATED this 11<sup>th</sup> day of October, 2006.

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



NOEL K. DESSAINT  
Clerk of the Court

TO:  
Nicholas S. Hentoff, Respondent (Certified Mail, Return Receipt and Regular Mail)  
Amy K. Rehjn, Bar Counsel  
Robert J. Stephan, Jr., Hearing Officer 9R  
Lauren E. Eiler, Disciplinary Clerk (Cert. Copy)  
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)  
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