

**FILED**

APR 30 2007

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

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY: *[Signature]*

IN THE MATTER OF A MEMBER )  
OF THE STATE BAR OF ARIZONA, )

No. 06-0086

LAWRENCE M. BIERMAN, )  
Bar No. 005225 )

**DISCIPLINARY COMMISSION  
REPORT**

RESPONDENT. )  
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This matter came before the Disciplinary Commission of the Supreme Court of Arizona on April 14, 2007, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of the Hearing Officer's Report filed February 23, 2007, 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 a 90-day suspension, two years of probation upon reinstatement with the State Bar's Law Office Management Assistance Program (LOMAP), Member Assistance Program (MAP), and costs.

**Decision**

The nine members<sup>1</sup> of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for a 90-day suspension, two years of probation upon reinstatement

<sup>1</sup> Commissioners Atwood and Horsley did not participate in these proceedings. Former Commissioner Steven Nelson, M.D. and Hearing Officer Frederick Steiner participated as ad hoc members.

(LOMAP and MAP), and costs of these disciplinary proceedings.<sup>2</sup> The terms of probation are as follows:

**Terms of Probation**

1. Respondent shall contact the Director of LOMAP within 30-days of the date of reinstatement and submit to a LOMAP audit. Respondent thereafter will enter into a LOMAP contract based upon the recommendations of the LOMAP director or designee and shall comply with the recommended terms which shall be incorporated herein by reference. The probation period will begin to run at the time of Respondent's reinstatement and will conclude two years from the date that all parties have signed the probation contract.

2. Respondent shall also contact the MAP director within 30-days of the date of reinstatement and undergo a MAP assessment. Any recommendations resulting from such assessment shall also be incorporated in the probation contract.

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

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<sup>2</sup> A copy of the Hearing Officer's Report is attached as Exhibit A.

