

FILED

DEC 12 2007

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY: *M. Sullivan*

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

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IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
DION C. WARE,)
Bar No. 019357)
)
RESPONDENT)

Nos 06-1022, 06-1589

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on November 17, 2007, pursuant to Rule 58, Ariz R Sup Ct , for consideration of the Hearing Officer's Report filed September 13, 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 two-year suspension, probation upon reinstatement with the State Bar's Law Office Management Assistance Program (LOMAP) and Member Assistance Program (MAP) with length and terms to be determined upon reinstatement, restitution, and costs

Decision

Having found no facts clearly erroneous, the eight members¹ of the Disciplinary Commission unanimously recommend accepting and incorporating the Hearing Officer's findings of fact, conclusions of law, and recommendation for a two-year suspension, probation upon reinstatement (LOMAP and MAP) with length and terms of probation to be

¹ Commissioner Katzenberg did not participate in these proceedings

determined upon reinstatement, restitution and costs of these disciplinary proceedings²

1 Restitution and terms of probation are as follows

2 **Restitution**

3 Bernice Kay Rhoden \$ 500 00
4 Tina Ann Pace-Morell \$5,000 00
5 **TOTAL \$5,500.00**

6 **Terms of Probation**

7 1 Within 30-days of reinstatement, Respondent shall contact the LOMAP
8 director and submit to an audit of his office's client communications, billing and
9 accounting practices. The LOMAP director or designee shall make recommendations and
10 thereafter, develop a probation contract incorporating her recommendations

11 2 Within 30-days of reinstatement, Respondent shall contact the MAP
12 director and enter into a therapeutic contract incorporating the recommendations of the
13 MAP director or designee

14 3 Respondent shall pay restitution in the amount of \$500 00 to Bernice Kay
15 Rhoden and \$5,000 00 to Tina Ann Pace-Morell. Respondent shall also reimburse the
16 client protection fund for any and all claims paid not to exceed \$100,000

17 4 Respondent shall pay all costs associated with these disciplinary
18 proceedings including those incurred by LOMAP and MAP

19 5 In the event that Respondent fails to comply with any of the foregoing
20 conditions, and the State Bar receives information, bar counsel shall file with the imposing
21 entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz R Sup Ct. The
22 Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to
23 determine whether the terms of probation have been violated and if an additional sanction
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² A copy of the Hearing Officer's Report is attached as Exhibit A

should be imposed In the event there is an allegation that any of these terms have been
1 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by
2 clear and convincing evidence

3 RESPECTFULLY SUBMITTED this 12th day of December, 2007

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7 J. Conrad Baran, Chair
Disciplinary Commission

8 Original filed with the Disciplinary Clerk
9 this 12th day of December, 2007

10 Copy of the foregoing mailed
11 this 12th day of December, 2007, to

12 Richard N Goldsmith
13 Hearing Officer 7I
14 *Lewis and Roca, L.L.P*
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Phoenix, AZ 85004-4429

15 Dion C Ware
16 Respondent
17 5133 N Central Avenue, Suite 128
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18 Edward W Parker
19 Bar Counsel
20 State Bar of Arizona
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Phoenix, AZ 85016-6288

21 by *M. Smith*

22 /mps
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