

**FILED**

JAN 08 2007

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA

BY *S. Somogyi*

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

1	IN THE MATTER OF AN INACTIVE MEMBER	)	No. 05-1468
2	OF THE STATE BAR OF ARIZONA,	)	
3		)	
4	<b>DONALD C. ZAVALA, JR.,</b>	)	
5	<b>Bar No. 016107</b>	)	<b>DISCIPLINARY COMMISSION</b>
6		)	<b>REPORT</b>
7	<b>RESPONDENT.</b>	)	
8		)	

8 This matter came before the Disciplinary Commission of the Supreme Court of  
9 Arizona on November 18, 2006, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration  
10 of the Hearing Officer's Report filed August 6, 2006, recommending acceptance of the  
11 Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint  
12 Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent  
13 providing for a one year suspension retroactive to May 20, 2005, two years of probation  
14 upon reinstatement including continued counseling with quarterly reports to the State Bar's  
15 Member Assistance Program (MAP), and costs.

**Decision**

18 The eight members<sup>1</sup> of the Disciplinary Commission unanimously recommend  
19 accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and  
20 recommendation for a one year suspension retroactive to May 20, 2005,<sup>2</sup> two years of  
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25 <sup>1</sup> Commissioners Katzenberg and Osborne did not participate in these proceedings. Former  
26 Commissioner Steve Nelson, M.D., participated as an ad hoc member.

<sup>2</sup> The date of Respondent's admission to *Prescott House* treatment facility.

1 probation (MAP) upon reinstatement, and costs of these disciplinary proceedings.<sup>3</sup> The  
2 terms of probation are as follows:

3 **Terms of Probation**

4 1. Respondent shall continue with addiction counseling or other appropriate  
5 psychiatric or psychological treatment during his suspension and term of probation and  
6 shall substantiate his participation by authorizing his counselor or health care provider to  
7 provide a quarterly written confirmation of his continued participation to the Director of  
8 MAP.

9 2. In the event Respondent fails to provide such confirmation, bar counsel may  
10 require Respondent to submit to a MAP assessment monitoring.

11 3. Respondent shall pay all costs and expenses incurred in the disciplinary  
12 proceedings within 30 days of the Supreme Court's final Judgment and Order.

13 4. Respondent shall complete his criminal probation. If Respondent fails to  
14 successfully complete his probation, the State Bar in its sole discretion may withdraw from  
15 this agreement and institute formal discipline.

16 5. In the event that Respondent fails to comply with any of the foregoing  
17 conditions, and the State Bar receives information, bar counsel shall file with the Hearing  
18 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The  
19 Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to  
20 determine whether the terms of probation have been violated and if an additional sanction  
21 should be imposed. In the event there is an allegation that any of these terms have been  
22 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by  
23  
24  
25

26 <sup>3</sup> A copy of the Hearing Officer's Report is attached as Exhibit A.

