

**FILED**

JAN 29 2008

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA

BY *D. Deming*

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

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3  
4 IN THE MATTER OF A MEMBER ) No. 06-0776  
5 OF THE STATE BAR OF ARIZONA, )  
6 )  
7 **MARK N. GOODMAN,** )  
8 **Bar No. 005124** ) **DISCIPLINARY COMMISSION**  
9 ) **REPORT**  
10 )  
11 )  
12 ) **RESPONDENT.** )  
13 )  
14 )

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16 This matter came before the Disciplinary Commission of the Supreme Court of  
17 Arizona January 12, 2008, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the  
18 Hearing Officer's Report filed December 17, 2007, recommending censure and costs.  
19 Respondent filed an objection and waived oral argument. Respondent did not file an  
20 Opening Brief.

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23 **Decision**

24 Having found no facts clearly erroneous, the eight members<sup>1</sup> of the Disciplinary  
25 Commission by a majority of seven,<sup>2</sup> recommend accepting and incorporating the Hearing  
26 Officer's findings of fact and conclusions of law,<sup>3</sup> but modify the recommended sanction  
based on an independent review of the aggravating and mitigating factors to reflect

<sup>1</sup> Commissioner Baran did not participate in these proceedings.

<sup>2</sup> Commissioner Osborne was opposed having concluded that suspension is the presumptive sanction for a knowing violation of ER 8.4(c) conduct involving dishonesty, fraud, deceit or misrepresentation.

<sup>3</sup> Although the Hearing Officer's findings and conclusions support a violation of ER 8.4(d) conduct prejudicial to the administration of justice, the Hearing Officer inadvertently did not list the violation of ER 8.4(d). See Hearing Officer's Report, p. 2:16.

1 censure, one year of probation with the State Bar's Member Assistance Program (MAP),  
2 and costs of these disciplinary proceedings.<sup>4</sup> The terms of probation are as follows:

3 **Terms of Probation**

4 1. Within 30-days from the date of the final Judgment and Order, Respondent  
5 shall contact the MAP director and schedule an assessment. Respondent shall thereafter,  
6 enter into a MAP contract based upon recommendations made by the MAP director or  
7 designee.

8 2. Respondent shall refrain from engaging in any conduct that would violate  
9 the Rules of Professional Conduct or other rules of the Supreme Court of Arizona.

10 3. Respondent shall pay all costs associated with these disciplinary  
11 proceedings.

12 4. In the event that Respondent fails to comply with any of the foregoing  
13 conditions, and the State Bar receives information, bar counsel shall file with the imposing  
14 entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The  
15 Hearing Officer shall conduct a hearing within 30-days after receipt of said notice, to  
16 determine whether the terms of probation have been violated and if an additional sanction  
17 should be imposed. In the event there is an allegation that any of these terms have been  
18 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by  
19 clear and convincing evidence.  
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21  
22 RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of January, 2008.

23 

24 \_\_\_\_\_  
25 Daisy Flores, Vice-Chair  
26 Disciplinary Commission

<sup>4</sup> A copy of the Hearing Officer's Report is attached as Exhibit A.

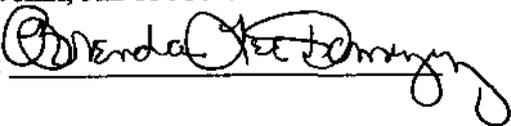
1 Original filed with the Disciplinary Clerk  
this 29<sup>th</sup> day of January, 2008.

2 Copy of the foregoing mailed  
3 this 29<sup>th</sup> day of January, 2008, to:

4 C. Eileen Bond  
5 Hearing Officer  
6 122 North Cortez Street, Suite 320  
7 Prescott, AZ 86301-3023

8 Mark N. Goodman  
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13 Patricia J. Ramirez  
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18 by: 

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