

FILED

FEB - 4 2008

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

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY *M. Smith*

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2
3 IN THE MATTER OF A MEMBER)
4 OF THE STATE BAR OF ARIZONA,)

No. 06-0946

5 **DAVID W. GREGAN,**)
6 **Bar No. 016196**)

**DISCIPLINARY COMMISSION
REPORT**

7 **RESPONDENT.**)
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This matter came before the Disciplinary Commission of the Supreme Court of Arizona January 12, 2008, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the Hearing Officer's Report filed November 20, 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 censure, two years of probation with standard terms including at least six hours of mentoring by an attorney experienced in conducting civil arbitrations, 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 censure, two years of probation including six hours of mentoring by an attorney experienced in conducting civil arbitrations, and costs of these disciplinary proceedings.² The terms of probation are as follows:

¹ Commissioner Baran did not participate in these proceedings.

Terms of Probation

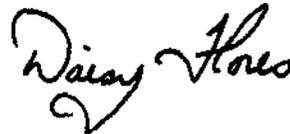
1 1. Respondent shall obtain six hours of mentoring by an attorney experienced
2 in conducting civil arbitrations to enhance Respondent's lawyering skills in conducting any
3 future civil arbitrations. This mentoring must be accomplished within 6-months of the date
4 of the final Judgment and Order.

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

7 3. Respondent shall pay all costs associated with these disciplinary
8 proceedings.

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

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19 RESPECTFULLY SUBMITTED this 4th day of February 2008.

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23 Daisy Flores, Vice-Chair
24 Disciplinary Commission

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26 ² A copy of the Hearing Officer's Report is attached as Exhibit A.

Original filed with the Disciplinary Clerk
this 4th day of February, 2008.

Copy of the foregoing mailed
this 4th day of February, 2008, to:

Honorable Judge H. Jeffrey Coker
Hearing Officer 6R
P.O. Box 23578
Flagstaff, AZ 86002-0001

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by: M. Smith

/mps