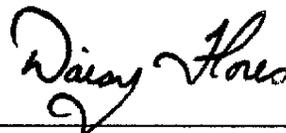


1 Arizona Corporation Commission Consent Order, Docket No S-20483A-06-0661, and
2 costs of these disciplinary proceedings³

3 Given the open-ended effective date of retroactivity, and absence of any evidence
4 that no additional harm has occurred to clients, the Commission determined that a
5 retroactive suspension is not appropriate in this matter. Case law has established that
6 voluntarily removing oneself from the practice of law should be given consideration, as it
7 is an attempt to prevent any additional harm to clients. *Matter of Nicolini*, 168 Ariz. 448,
8 814 P.2d 1385 (1991)

9 Here, Respondent has not made any effort to transfer to inactive status and there is
10 no evidence to support that he intends to remove himself from the practice of law. At the
11 hearing on March 16, 2008, Respondent testified that he has not yet declared himself
12 inactive but that it probably will be coming soon. Pursuant to Rule 58(a), Ariz. R. Sup. Ct.,
13 the introduction of new evidence, including any possible change in Respondent's
14 membership status and whether or not any clients have been harmed during his voluntary
15 withdrawal from the practice of law at this stage in the process, is precluded and therefore,
16 a retroactive suspension is not appropriate.

17
18 RESPECTFULLY SUBMITTED this 16th day of June, 2008

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21 

22 Daisy Flores, Chair
23 Disciplinary Commission

24 Original filed with the Disciplinary Clerk
25 this 16th day of June, 2008

26 ² One lawyer member seat remains vacant

³ A copy of the Hearing Officer's Report is attached as Exhibit A

Copy of the foregoing mailed
this 16th day of June, 2008, to

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

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/mps

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