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JAN 04 2008

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

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

IN THE MATTER OF A SUSPENDED MEMBER)
OF THE STATE BAR OF ARIZONA,)

GARETH C. HYNDMAN, II.)
Bar No. 019500)

RESPONDENT.)

No. 06-1689, 06-1808

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on December 8, 2007, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the Hearing Officer's Report filed October 11, 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 six-month and one-day suspension retroactive to August 7, 2007, probation upon reinstatement with the State Bar's Law Office Management Assistance Program (LOMAP) and Member Assistance Program (MAP), with the length of probation to be determined at the time of formal reinstatement proceedings, restitution, and costs.

Decision

Having found no facts clearly erroneous, the nine members of the Disciplinary Commission unanimously recommend accepting and incorporating the Hearing Officer's findings of fact, conclusions of law, and recommendation for a six-month and one-day suspension retroactive to August 7, 2007, probation upon reinstatement (LOMAP and MAP) with the length of probation to be determined at the time of formal reinstatement

1 proceedings, restitution in the amount of \$813.00 as ordered in Maricopa County Superior
2 Court civil suit, *Trzaska v. Hines et al.*, No. CV 2005-018557, and costs of these
3 disciplinary proceedings.¹ The terms of probation are as follows:

4 **Terms of Probation**

5 1. Respondent shall pay all costs associated with these disciplinary
6 proceedings within 30-days from the date of the final Judgment and Order.

7 2. Respondent shall pay within 30-days from the date of the final Judgment and
8 Order, restitution in the amount of \$813.00 as ordered by the Court in *Trzaska v. Hines*.

9 3. Upon reinstatement, Respondent shall insure the limitations of his practice
10 to representation of his father's business firm and no more than five clients, with such
11 further conditions as may be placed by the LOMAP and MAP directors.

12 4. Respondent shall participate in any fee arbitration proceeding conducted by
13 the State Bar if requested by any client; and abide by the findings and orders of the
14 arbitrator(s) therein.

15 5. Respondent shall abide by any additional terms deemed appropriate by the
16 the Supreme Court of Arizona.

17 6. In the event that Respondent fails to comply with any of the foregoing
18 conditions, and the State Bar receives information, bar counsel shall file with the imposing
19 entity, a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The
20 Hearing Officer shall conduct a hearing within 30-days after receipt of said notice, to
21 determine whether the terms of probation have been violated and if an additional sanction
22 should be imposed. In the event there is an allegation that any of these terms have been
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26 ¹ August 7, 2007 is the date Respondent withdrew his application for reinstatement in the prior suspension. A copy of the Hearing Officer's Report is attached as Exhibit A.

violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

RESPECTFULLY SUBMITTED this 4th day of January, 2008.



J. Conrad Baran, Chair
Disciplinary Commission

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

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

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/mps