

FILED

JAN 03 2008

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY: *[Signature]*

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

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3 IN THE MATTER OF A RETIRED MEMBER) No. 06-1088
4 OF THE STATE BAR OF ARIZONA,)
5)
6 **JACK H. LASSETER,**)
7 **Bar No. 002086**) **DISCIPLINARY COMMISSION**
8) **REPORT**
9)
10) **RESPONDENT.**
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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 November 23, 2007, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Amended Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for a four-month suspension, probation in the form of an initial consultation with the State Bar's Member Assistance Program (MAP), and costs.

Decision

Having found no facts clearly erroneous, nine members of the Disciplinary Commission by a majority of five,¹ recommend accepting and incorporating the Hearing

¹ Commissioners Gooding, Horsley, Messing, and Osborne were opposed and would have rejected the Agreement. Commissioners Messing and Horsley determined that the term of probation should require an actual MAP contract, not just an initial consultation, or in the alternative, a suspension of six-months and one-day. The facts found by the Hearing Officer establish that Respondent's behavior poses a serious threat to the public. That threat is not addressed by the recommended sanction which does not require Respondent to actually obtain treatment or establish rehabilitation before resuming practice. Commissioners Gooding and Osborne determined that although Respondent is a retired member of the State Bar, a lengthier suspension, one which requires Respondent to participate in formal reinstatement proceedings, is more appropriate and necessary to protect the public.

1 Officer's findings of fact, conclusions of law and recommendation for a four-year
2 suspension, probation (initial MAP consultation), and costs of these disciplinary
3 proceedings.² The terms of probation are as follows:

4 **Terms of Probation**

5 1. Respondent shall contact the MAP director within 30-days of the date of
6 the final Judgment and Order and shall participate in a MAP initial consultation. The
7 period of probation shall be effective upon the filing of the final Judgment and Order and
8 will conclude upon Respondent's compliance with these terms and conditions.

9 2. Respondent shall pay all costs associated with these proceedings.

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

19 RESPECTFULLY SUBMITTED this 3rd day of January, 2008.

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23 J. Conrad Baran, Chair
Disciplinary Commission

24 Original filed with the Disciplinary Clerk
25 this 3rd day of January, 2008.

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

Copy of the foregoing mailed
this 3rd day of January, 2008, to:

1
2 Honorable H. Jeffrey Coker
3 Hearing Officer 6R
4 P.O. Box 23578
5 Flagstaff, AZ 86002-0001

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