

FILED

JUL 14 2008

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY CLJ/SJS

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

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
VICTORIA MIRANDA,)
Bar No. 018511)
)
RESPONDENT)

No 07-0933

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on June 14, 2008, pursuant to Rule 58, Ariz R Sup Ct, for consideration of the Hearing Officer's Report filed May 20, 2008, recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent ("Tender") and Joint Memorandum providing for censure, one year of probation (completion of the continuing legal education course entitled "The Ten Deadly Sins of Conflict,") and costs

Decision

Having found no facts clearly erroneous, the seven members¹ of the Disciplinary Commission unanimously recommend accepting and incorporating the Hearing Officer's findings of fact, conclusions of law, and recommendation for censure, one year of probation (completion of the continuing legal education course entitled "The Ten Deadly

¹ One lawyer member seat remains vacant Commissioner Horsley did not participate in these proceedings Sylvia Vega, a public member from Phoenix, participated as an ad hoc member Commissioner Todd recused

Sins of Conflict,") and costs of these disciplinary proceedings including any costs incurred by the Disciplinary Clerk's Office ² The terms of probation are as follows

Terms of Probation

1 Respondent shall contact the State Bar of Arizona Publications (602) 340-7318 to either obtain and listen to the CD or obtain and view the DVD entitled "The Ten Deadly Sins of Conflict" within 90-days of the date of the final Judgment and Order ³ Respondent may alternatively go to the State Bar website (www.myazbar.org) and complete the self-study online version Respondent shall provide bar counsel with evidence of completion by providing copies of handwritten notes Respondent shall be responsible for the cost of the CD, DVD, or online self study

2 The probation period will begin to run at the time of the final Judgment and Order

3 Respondent shall refrain from engaging in any conduct that would violate the rules of professional Conduct or other rules of the Supreme Court of Arizona

4 Respondent will remove the lien placed against the property at question in this matter and will not place a lien against any other property related to this case

5 In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the imposing entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz R Sup Ct The

² Although the Commission accepts the Agreement for Discipline by Consent it shares the Hearing Officer's concerns regarding a pattern of complaints and the number of censures previously imposed on this Respondent A copy of the Hearing Officer's Report is attached as Exhibit A The State Bar's costs total \$643 75

³ The Hearing Officer's Report does not include the agreed-upon terms of probation as set forth in the Tender of Admissions In addition, the Tender inadvertently provides that Respondent must act "within 90-days from the date this Order is mailed" See Tender, p 7

1 Hearing Officer shall conduct a hearing within 30-days after receipt of said notice, to
2 determine whether the terms of probation have been violated and if an additional sanction
3 should be imposed. In the event there is any allegation that any of these terms have been
4 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by
5 clear and convincing evidence.

6 RESPECTFULLY SUBMITTED this 14th day of July, 2008

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9 Daisy Flores, Chair
10 Disciplinary Commission

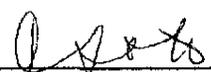
11 Original filed with the Disciplinary Clerk
12 this 14th day of July, 2008

13 Copy of the foregoing mailed
14 this 14th day of July, 2008, to

15 Frederick K. Steiner, Jr
16 Hearing Officer 8T
2915 East Sherran Lane
Phoenix, AZ 85016-7057

17 Ralph W. Adams
18 Respondent's Counsel
520 E. Portland Street
19 Phoenix, AZ 85004-0001

20 Amy K. Rehm
21 Bar Counsel
22 State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

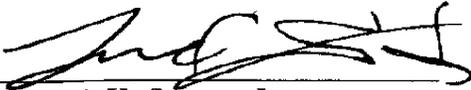
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24 /mps
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Respondent should consider herself fortunate As the parties acknowledge, and as I agree, although censure is an appropriate penalty, so would be a stiffer one Censure is an appropriate penalty that I find proportionate in the light of cases cited in the Joint Memorandum, but a penalty on the cusp Respondent would be well advised not to further tempt fate in the future

I recommend approval of the proposed sanction of censure plus removal of the lien, waiver of fees and payment of costs

May 16, 2008



Frederick K. Steiner, Jr
Hearing Officer 8T

Original mailed for filing May 16, 2008 to
Disciplinary Clerk of the Supreme Court
1501 W. Washington St.
Phoenix, AZ 85007-3231

Copies mailed to

Amy K Rehm, State Bar of Arizona
4201 N 24th Street
Phoenix, Arizona 85016-6288

Ralph W Adams, Counsel for Respondent
520 E Portland Street
Phoenix, AZ 85004-0001


Frederick K Steiner, Jr