

FILED

JAN 25 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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4 IN THE MATTER OF A MEMBER) Nos. 05-0385, 05-1548
5 OF THE STATE BAR OF ARIZONA,)
6 **JERRY L. SMITH,**)
7 **Bar No. 001027**) **DISCIPLINARY COMMISSION**
8 **RESPONDENT.**) **REPORT**

9 This matter first came before the Disciplinary Commission of the Supreme Court of
10 Arizona on January 12, 2007, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of
11 the Hearing Officer's Report filed October 30, 2006, recommending acceptance of the
12 Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint
13 Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent
14 providing for a six-month and one-day suspension, two years of probation upon
15 reinstatement with the State Bar's Law Office Management Assistance Program (LOMAP)
16 and costs. The Commission reluctantly recommended accepting the Agreement for
17 Discipline by Consent and the matter was transmitted to the Court for its consideration.
18 See Commission Report filed February 12, 2007.

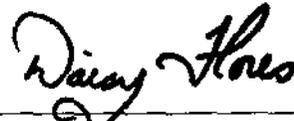
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21 Thereafter, the Court granted *sua sponte* review and the Agreement for Discipline
22 by Consent was rejected and the matter was remanded to Hearing Officer 7Y for further
23 proceedings. See Order filed May 24, 2007. An evidentiary hearing was held on
24 September 10, 2007. Respondent failed to respond or participate in the proceedings
25 subsequent to the remand.
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1 The matter again came before the Commission on January 12, 2008 for
2 consideration of the Hearing Officer's Second Report filed October 30, 2007,
3 recommending disbarment and costs. No objections were filed.

4 **Decision**

5 The seven members¹ of the Disciplinary Commission unanimously recommend
6 accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and
7 recommendation for disbarment and costs of these disciplinary proceedings.²

8 RESPECTFULLY SUBMITTED this 25th day of January, 2008.

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11 _____
12 Daisy Flores, Vice-Chair
13 Disciplinary Commission

14 Original filed with the Disciplinary Clerk
15 this 25th day of January, 2008.

16 Copy of the foregoing mailed
17 this 25th day of January, 2008, to:

18 Patricia E. Nolan
19 Hearing Officer 7Y
20 *Polese, Pietzch, Williams & Nolan, P.A.*
21 2702 North 3rd Street, Suite 3000
22 Phoenix, AZ 85004-4607

23 Jerry L. Smith
24 Respondent
25 *Law Offices of Jerry L. Smith*
26 P.O. Box 517
Tribune, KS 67879-0517

¹ Commissioner Baran did not participate in these proceedings. Commissioner Osborne recused.

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

David L. Sandweiss
Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

by: Brenda Lee Dominguez

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