

**FILED**  
 APR 18 2008  
 HEARING OFFICER OF THE  
 SUPREME COURT OF ARIZONA  
*MM*

**BEFORE A HEARING OFFICER  
 OF THE SUPREME COURT OF ARIZONA**

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IN THE MATTER OF A MEMBER OF  
 THE STATE BAR OF ARIZONA.

File No. 02-0560, 02-1015

**BARBARA T. BROWN**  
 Bar No. 006166,

**HEARING OFFICER'S REPORT**

RESPONDENT

**PROCEDURAL HISTORY**

A Complaint was filed against the Respondent in September 2002. Another  
 Complaint was filed in File #02-1015 on 4/10/03. The two different Complaints were  
 consolidated for hearing purposes. As a result of the hearings and subsequent appeal, the Arizona  
 Supreme Court entered a Judgment and Order on 12/1/04 (See Attached Order). This Order  
 specifically states that if the Respondent fails to comply with the Judgment and Order, the State  
 Bar could file for a probation violation hearing for non-compliance with Judgment and for  
 additional sanctions under Rule 60(A)(5) Ariz R. S. Ct.

On 1/25/08 the State Bar filed a Notice of Non-Compliance with Judgment and  
 Order of the Supreme Court for violation of the terms under the Judgment. It was on this basis  
 that the most recent hearing was held in this matter.

**FINDINGS OF FACT**

1 The Supreme Court issued a Judgment and Order on 12/1/04 for violations of the  
 27 Supreme Court rules.

2 The Respondent went inactive with her membership in the State Bar in 2005.

3 Based upon the previous Judgment and Order of the Supreme Court, on 10/17/06

1 a probation contract was signed by the Respondent and parties  
2 4 As part of the Judgment and Order, the Respondent was required to pay all costs  
3 and expenses associated with compliance with the terms of probation  
4 5 A probation contract was sent to the Respondent but since she chose to go from an  
5 active member of the State Bar to an inactive member, nothing further was  
6 pursued  
7 6 On 7/18/07, the Respondent returned to an active status  
8 7 An Addendum to the probation contract was sent to the Respondent in October,  
9 2007 After she returned to active status, this Addendum was returned with edits,  
10 but no signature On 11/19/07, the State Bar requested that the Respondent sign  
11 the Addendum to the probation contract  
12 8 Neither at that time, nor at any time after, has the Respondent signed or agreed to  
13 sign the Addendum as written  
14 9 The Respondent was also required under the original Judgment and Order to enter  
15 into a LOMAP contract as well as pay any fees or costs This has not been done  
16 10 As part of the original Order and Judgment, the Respondent was also to enter into  
17 a contract and assessment based upon the recommendation of the MAP Director  
18 11 The Respondent chose to receive the MAP benefits under Judith Levitt Reports  
19 were submitted for all periods during her inactive status These reports were  
20 received  
21 12 After the Respondent became active in the State Bar once again, there was only  
22 one confidential MAP report received which consisted of one word, "improving "  
23 13 The Respondent refused to sign a Consent and Waiver form, which would allow  
24 the State Bar access to the records of Ms Levitt  
25 14 The Respondent was requested to sign a contract and pay the fees for the LOMAP  
26 plan The Respondent did not sign the LOMAP contract and requested a waiver of  
27 fees, but this has been denied  
28 15 The State Bar had previously waived fees applicable to the Respondent for legal

1 seminars sponsored by the State Bar. In this case, the State Bar refused to waive  
2 or reduce any of the fees required under the LOMAP program.

3 16 There has been no MAP assessment made since the one-word report of  
4 November, 2007.

5 17 The Respondent refused to testify at the hearing, but acted as her own legal  
6 counsel.

### 7 CONCLUSIONS OF LAW

8 1 It is the Hearing Officer's opinion that the Judgment and Order entered by the  
9 Arizona Supreme Court on 12/1/04 is quite clear. It specifically provides that the  
10 Respondent shall contact the Director of State Bar Law Office Management  
11 (LOMAP) within 30 days and shall enter into a LOMAP contract. The Judgment  
12 and Order further states that Respondent shall contact the State Bar's member  
13 assistance program and enter into a MAP contract. The Judgment and Order  
14 specifically provides that the Respondent shall pay all costs and expenses  
15 associated with compliance with the terms of this probation.

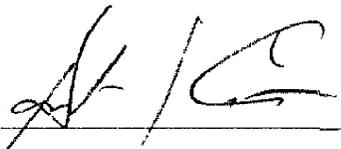
16 2 It is this Hearing Officer's opinion that the failure to sign the Addendum is in fact  
17 a violation of the probation requirements under the Judgment and Order. It is also  
18 this Hearing Officer's opinion that the failure to pay the fees required for the  
19 programs involved is a violation of Paragraph 4 of the probation contract. It is  
20 further this Hearing Officer's opinion that the one word report from Judith Levitt  
21 is not sufficient to meet the MAP requirements nor any other requirements.

22 3 It seems quite obvious that the Respondent has failed to cooperate with the State  
23 Bar neither with the specific requirements of the Judgment and Order nor with the  
24 spirit of the Judgment and Order. The Respondent's lack of respect for the hearing  
25 conducted by this Hearing Officer is fortified by her unwillingness to testify, her  
26 demeanor at the hearing, and her cynical approach and attitude to this hearing.

27 4 The State Bar has proved by clear and convincing evidence that the terms of the  
28 Judgment and Order have been violated.

1 **CONCLUSION**

2 It is the Hearing Officer's opinion that the Respondent should be now given 3  
3 months suspension from the practice of law in the state of Arizona. During this period of time  
4 she must comply with the reasonable requirements under the MAP program and well as the  
5 LOMAP program, and pay all costs. The costs include the costs of the programs as well as all  
6 costs incurred by the State Bar. If these arrangements are not completed within 30 days of the  
7 date this decision becomes final, then it is the opinion of this Hearing Officer that the  
8 Respondent's suspension should be increased to 6 months and 1 day to give her plenty of time to  
9 understand the ramifications of her actions.

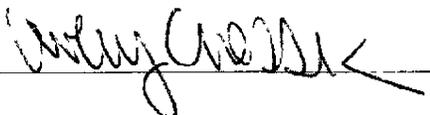
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11  
12 By   
13 Harlan J. Crossman, Esq.  
14 Hearing Officer

15  
16  
17 COPIES of the foregoing  
18 mailed this 14<sup>th</sup> day of April, 2008

19 Barbara T. Brown, Esq.  
20 7000 North 16<sup>th</sup> Street, #245  
Phoenix, Arizona 85020-5547  
Respondent

21 David L. Sandweiss  
22 State Bar of Arizona  
23 4201 North 24<sup>th</sup> Street, #200  
Phoenix, Arizona 85016  
Attorney for the State Bar

24 Certification & Licensing Div  
25 Supreme Court of Arizona  
1501 West Washington #104  
26 Phoenix, Arizona 85007

27 by   
28

CROSSMAN LAW OFFICES, P.C.

**FILED**  
DEC - 1 2004  
NOEL K. DESHAINT  
CLERK SUPREME COURT  
BY

**SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER ) Supreme Court  
OF THE STATE BAR OF ARIZONA, ) No. SB-04-0084-D  
)  
) Disciplinary Commission  
) No. 02-0560, 02-1015  
**BARBARA T. BROWN,** )  
**Attorney No. 006166** )  
)  
**RESPONDENT.** ) **JUDGMENT AND ORDER**

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This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and this Court having considered the respondent's petition for review,

IT IS ORDERED that the petition for review is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **BARBARA T. BROWN**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of her duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **BARBARA T. BROWN** shall pay restitution to Denise Barregarye in the amount of \$1,696.00, plus interest at the statutory rate of 10% per annum from February 15, 2002, as provided in the terms of probation listed below.

IT IS FURTHER ORDERED that **BARBARA T. BROWN** shall be placed on probation for a period of two (2) years effective the date of the signing of the probation contract. The terms of probation are as follows:

- 1) Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP) within thirty (30) days of the date of the final judgment and order to schedule an audit of her law office. Respondent thereafter shall enter into a LOMAP contract based on the recommendations made by the LOMAP director or designee.
- 2) Respondent shall contact the director of the State Bar's Member Assistance Program (MAP) within thirty (30) days of the final judgment and order and submit to an assessment. Respondent thereafter will enter into a MAP contract based upon recommendations made by the MAP director or designee.

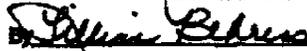
- 3) During the period of probation, Respondent shall pay restitution to Denise Barregarye in the amount of \$1,696.00, with interest at the statutory rate of 10% per annum from February 15, 2002. Respondent shall contact the LOMAP director within thirty (30) days of the final judgment and order and submit a scheduled repayment plan. Probation may also be renewed for an additional two (2) years if restitution is outstanding, pursuant to Rule 60(a)5(A).
- 4) Respondent shall pay all costs and expenses associated with compliance with the terms of probation, including those incurred by the State Bar as a result of the administration and enforcement of the terms of probation.
- 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 Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5. The Hearing Officer shall conduct a hearing within thirty (30) days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that Respondent shall be assessed costs and expenses of the discipline proceedings as provided in Rule 60(b).

DATED this 1st day of December, 2004.

The foregoing instrument is a full, true and correct copy of the original on file in this office

ATTEST  
Noel K. Dessaint, Clerk of the Supreme Court  
State of Arizona

 Deputy

  
CHARLES E. JONES  
Chief Justice

TO:

Barbara T. Brown, Respondent (Certified Mail, Return Receipt)  
Dana David, Bar Counsel  
Geoffrey M.T. Sturr, Hearing Officer EX  
Patricia Seguin, Acting Disciplinary Clerk (Cert. Copy)  
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)  
Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)  
Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)  
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