

SUPREME COURT OF ARIZONA

FILED
NOV 19 2008
RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
)
SEAN CANNON,)
Bar No. 022137)
)
)
RESPONDENT.)

Supreme Court
No. SB-08-0161-D

Disciplinary Commission
No. 06-0929

JUDGMENT AND ORDER

This matter having come before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, and no discretionary or *sua sponte* review occurring

IT IS ORDERED, ADJUDGED AND DECREED that SEAN CANNON, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that SEAN CANNON shall be placed on probation for a period of two (2) years. The terms of probation are as follows:

- 1) Respondent shall contact the Director of LOMAP at (602) 340-7313 within 30-days from the date of the final Judgment and Order issued by the Supreme Court of Arizona. Respondent shall submit to a LOMAP examination of his office procedures, including, but not limited to compliance with ER 5.4 and 8.4(d). The LOMAP director shall develop "Terms and Conditions of Probation" and those terms shall be incorporated herein by reference. The period of probation will begin to run at the time that the Judgment and Order is filed and will conclude two years from the date that the Respondent has signed the "Terms and Conditions of Probation." Respondent shall be responsible for any costs associated with LOMAP.

- 2) Respondent shall contact the Director of MAP at (602) 340-7334 within 30-days of the date of the final Judgment and Order. Respondent shall submit to a MAP assessment. The MAP director shall develop "Terms and Conditions of Probation" if he determines that the results of the assessment so indicate, and the terms shall be incorporated herein by reference. The probation period shall begin to run at the time that the Judgment and order is filed and will conclude two years from the date that the Respondent has signed the "Terms and Conditions of Probation." Should the MAP director conclude that no Map probation terms are necessary, probation shall conclude as noted in paragraph 1 above. Respondent shall be responsible for any costs associated with MAP.

- 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) In the event either the Director of LOMAP or MAP recommends early termination from probation, Bar counsel shall review the recommendation to ascertain whether early termination of probation is appropriate. If early termination of probation is appropriate, Bar Counsel shall file a Notice of Successful Completion 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 imposing entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The Hearing Officer shall conduct a hearing within 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 pay the costs and expenses of these proceedings in the amount of \$4669.38, together with interest at the legal rate from the date of this judgment.

DATED this 19th day of November, 2008.

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

ATTEST

Rachelle M. Resnick, Clerk of the Supreme Court
State of Arizona

Armen P. Gulce Deputy

Rachelle M Resnick
Rachelle M. Resnick
Clerk of the Court

TO:

Sean Cannon, Respondent (Certified Mail, Return Receipt and Regular Mail)
Frank W. Moskowitz, Respondent's Counsel
Jason B. Easterday, Bar Counsel
Christopher D. Thomas, Hearing Officer 8Z
Leticia V. D'Amore, Disciplinary Clerk (Cert. Copy)
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
Molly Dwyer, 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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