

**FILED**  
FEB 21 2008  
RACHELLE M. HESNICK  
CLERK SUPREME COURT  
BY

**SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER	)	Supreme Court
OF THE STATE BAR OF ARIZONA,	)	No SB-08-0022-D
	)	
	)	Disciplinary Commission
	)	No 05-1736
<b>TERRI L. CAPOZZI,</b>	)	
<b>Bar No. 016140</b>	)	
	)	
<b>RESPONDENT</b>	)	<b>JUDGMENT AND ORDER</b>

---

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and there having been no discretionary review,

IT IS ORDERED, ADJUDGED AND DECREED that **TERRI L. CAPOZZI**, 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

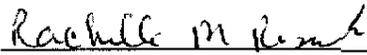
IT IS FURTHER ORDERED that **TERRI L. CAPOZZI** shall be placed on probation for a period of one (1) year Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins The terms of probation are as follows

- 1) Respondent shall be placed on probation for one (1) year, to commence on the date of the final Judgment and Order entered in this matter The term of probation may be extended for an additional year if Respondent fails to complete all the terms of his probation
- 2) Respondent shall contact the Law Office Management Assistance Program ("LOMAP") director within thirty (30) days of the date of the final Judgment and Order and submit to a LOMAP assessment Respondent thereafter will enter into a contract based upon recommendations made by the LOMAP director or designee Respondent shall comply with the recommended terms, including cooperating with a practice monitor selected by the LOMAP director The LOMAP contract will be incorporated herein by this reference
- 3) Respondent shall attend six (6) hours of additional continuing legal education in the area of criminal procedure Respondent shall provide proof of completion, including a copy of her notes taken during the education program, to the LOMAP director or designee
- 4) Respondent shall pay all costs and expenses incurred in these disciplinary proceedings, including the assessment by LOMAP

- 5) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information to that effect, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz R Sup Ct. The Hearing Officer shall conduct a hearing within thirty 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 pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **TERRI L. CAPOZZI** for costs and expenses of these proceedings in the amount of \$1,826.98, together with interest at the legal rate from the date of this judgment.

DATED this 21st day of February, 2008

  
\_\_\_\_\_  
Rachelle M Resnick  
Clerk of the Court

TO

Terri L Capozzi, Respondent (Certified Mail, Return Receipt and Regular Mail)  
David G Derickson, Respondent's Counsel  
Denise K Tomaiko, Bar Counsel  
Honorable H Jeffrey Coker, Hearing Officer 6R  
Nancy Swetnam, 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)  
West Publishing Company (Jode Ottman)  
Lexis/NEXIS

clf

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

By  Deputy