

SUPREME COURT OF ARIZONA

FILED  
MAR 18 2008  
CLERK SUPREME COURT  
BY

IN THE MATTER OF A SUSPENDED MEMBER )  
OF THE STATE BAR OF ARIZONA, )

Supreme Court  
No SB-08-0030-D

Disciplinary Commission  
Nos 06-1689, 06-1808

GARETH C. HYNDMAN, II, )  
Bar No. 019500 )

RESPONDENT )

JUDGMENT AND ORDER

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

IT IS ORDERED, ADJUDGED AND DECREED that GARETH C. HYNDMAN, II, a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of six months and one day, retroactive to August 7, 2007, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report

IT IS FURTHER ORDERED that Respondent shall pay restitution in the amount of \$813 00 to Mr Trzaska as ordered by the Court in *Trzaska v Hines*, within thirty days of the date of this Judgment and Order

IT IS FURTHER ORDERED that Respondent shall participate in any fee arbitration proceeding conducted by the State Bar if requested by any client, and abide by the findings and order of the arbitrator(s) therein

IT IS FURTHER ORDERED that GARETH C. HYNDMAN, II shall be placed on probation upon reinstatement with the length of probation and any additional terms to be determined at the time of formal reinstatement proceedings Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins The terms of probation shall include

- 1) Respondent shall insure the limitations of his practice to representation of his father's business firm and no more than five (5) clients, with such further conditions as may be placed by the Law Office Management Assistance Program and Member Assistance Program directors
- 2) Respondent shall abide by any additional terms deemed appropriate by this Court
- 3) 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 Respondent shall comply with all applicable provisions of Rule 72, Rules of the Supreme Court of Arizona, and promptly inform this Court of his compliance with this Order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **GARETH C. HYNDMAN, II** for costs and expenses of these proceedings in the amount of \$787 61, together with interest at the legal rate from the date of this judgment. Respondent shall pay these costs and expenses within thirty days of the date of this Judgment and Order.

DATED this 18th day of March, 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  
By [Signature] Deputy

[Signature]  
Rachelle M Resnick  
Clerk of the Court

TO  
Gareth C Hyndman, II, Respondent (Certified Mail, Return Receipt and Regular Mail)  
Gregory N Navazo, Respondent's Counsel  
Matthew E McGregor, Bar Counsel  
Philip M. Haggerty, Hearing Officer 6K  
Leticia V D'Amore, 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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