

9. Respondent honestly believed that the withholding of the truck title until the past due child support was addressed was within the spirit of cooperation.
10. After repeated attempts to get title by Guillermo Navarro, the Respondent refused to release the title.
11. The Honorable Eddward Ballinger, Jr. specifically ordered the Respondent to turn over the truck title to Guillermo Navarro's attorney, which was done.

CONCLUSIONS OF LAW

1. The Respondent's conduct by virtue of following orders of his client, was a violation of Rule 42, Ariz.R.Sup.Ct., E.R. 3.4(c) and 8.4(d) and Rule 53(c), Ariz.R.Sup.Ct.

STANDARDS

The violation of this case was the duty owed to the court and the administration of Justice. The parties agreed by Stipulation that the Respondent in fact knowingly failed to comply with the court Order.

Aggravating Factors: *Standard 9.22(i)*, the long-term practice of the Respondent.

Mitigating Factors: 1) *Standard 9.32(a)*, No Prior Disciplinary Sanctions; 2) *Standard 9.32(b)*, Absence of Selfish/Dishonest Motive as Respondent was acting in furtherance of his client's objectives; 3) *Standard 9.32(d)*, Immediate Compliance with Subsequent Court Order when told to turn over the title; 4) *Standard 9.32(e)*; Cooperation During Disciplinary Proceedings.

PROPORTIONALITY

This Hearing Officer finds that the case most applicable for a censure is the case of *In re Everett*, Disc. Comm. No. 85-0400 (1986). Based upon the prior disciplinary decisions, as well as the amount of mitigating circumstances compared to the amount of aggravating circumstances and lack of any injury to either party, this Hearing Officer finds that the sanction should be censure under *Standard 6.23*.

SANCTIONS

Based upon this Hearing Officer's opinion, findings as well as the agreements by the parties, this Hearing Officer Finds that: 1) the Respondent shall be censured; 2) the Respondent shall pay all costs and expenses incurred by the State Bar within 30 days of the Supreme Court's filing of Judgment and Order.

DATED this 26th day of February, 2009.

Harlan Crossman / NMC
Harlan J. Crossman
Hearing Officer 8L

Original filed with the Disciplinary Clerk
this 26th day of February, 2009.

Copy of the foregoing mailed
this 27th day of February, 2009, to:

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