

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
)
)
)
TROY L. MESSER,)
Bar No. 020581)
)
RESPONDENT.)
_____)
)

Supreme Court
No. SB-09-0092-D

Disciplinary Commission
No. 08-1521

FILED 09/16/2009

JUDGMENT AND ORDER

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

IT IS ORDERED, ADJUDGED AND DECREED that **TROY L. MESSER**, 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 **TROY L. MESSER** shall be placed on probation for a period of two (2) years. The terms of probation are as follows:

1. Respondent shall submit to a LOMAP assessment, the terms of which shall be incorporative by this reference and shall include, but may not be limited to, a requirement that Respondent comply with any recommendations made by the LOMAP Director. Respondent shall contact the Lawyer Assistance Program within 20 days of his return to the practice of law in the State of Arizona.
2. Respondent shall be responsible for costs related to LOMAP.
3. Respondent shall contact the Director of MAP, within 20 days from the date of his return to the practice of law in the State of Arizona and submit to a MAP assessment.
4. Respondent shall be responsible for the costs related to MAP.
5. Respondent shall report, in writing, his compliance with the terms of probation to the State Bar's Phoenix Office.
6. 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.

7. In the event that Respondent fails to comply with any of the foregoing probation terms, and the State Bar receives information thereof, Bar Counsel shall file a Notice of Non-Compliance with the imposing entity pursuant to Rule (60)(a)(5), Ariz.R.Sup.Ct. The imposing entity may refer the matter to a Hearing Officer to conduct a hearing at the earliest practicable date, but in no event later than thirty (30) days following receipt of notice, to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar to prove non-compliance by a preponderance of the evidence.

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

DATED this _____ day of September, 2009.

Rachelle M. Resnick
Clerk of the Court

TO:

Troy L. Messer, Respondent (Certified Mail, Return Receipt and Regular Mail)
Matthew McGregor, Bar Counsel
Honorable H. Jeffrey Coker, Hearing Officer 6R
Leticia V. D'Amore, Disciplinary Clerk
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona
Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit
Attn: Don Lewis
Richard Weare, Clerk, United States District Court, District of Arizona
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