

FILED
JAN 26 2011
DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF AN APPLICATION) No. 10-6010
FOR REINSTATEMENT OF A SUSPENDED)
MEMBER OF THE STATE BAR OF ARIZONA,)
)
MATTHEW R. LEWIS,) **DISCIPLINARY COMMISSION**
Bar No. 017331) **REPORT**
)
APPLICANT.)
_____)

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on January 22, 2011, pursuant to Rules 64 and 65, Ariz.R.Sup.Ct., for review of the Hearing Officer's Report filed November 18, 2010, recommending reinstatement and waiving of the requirement that Applicant retake the Arizona Bar Exam.

The Commission requested oral argument. Applicant filed a motion to waive his appearance, which was granted. Counsel for the State Bar was present at oral argument and does not oppose the reinstatement.

Decision

Having found no facts clearly erroneous, the seven members¹ of the Commission unanimously recommend adopting and incorporating by reference the Hearing Officer's findings of fact, conclusions of law, and recommendation that Applicant Matthew R. Lewis be reinstated to the practice of law and the additional requirement that Applicant retake the Arizona Bar Exam pursuant to Rule 64(c), Ariz.R.Sup.Ct., be waived. Applicant has consistently been involved in the practice of law in other jurisdictions since

¹ Commissioners Belleau and Horsley did not participate in these proceedings.

1 his summary suspension on May 14, 2004 for non-payment of bar dues. The Commission
2 further recommends Applicant pay costs of these proceedings including any costs incurred
3 by the Disciplinary Clerk's office.² The Commission finds Applicant has met his burden
4 of proof and is qualified for reinstatement to active bar membership.

5 RESPECTFULLY SUBMITTED this 26 day of January 2011.
6

7
8 
9 Pamela M. Katzenberg, Chair
10 Disciplinary Commission

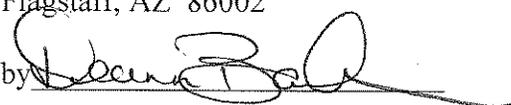
11 Original filed with the Disciplinary Clerk
12 this 26 day of January 2011.

13 Copy of the foregoing mailed
14 this 26 day of January 2011, to:

15 Matthew R. Lewis
16 Applicant
17 *Ray Quinney & Nebeker, P.C.*
18 36 South State St., Ste. 1400
19 Salt Lake City, UT 84111

20 Edward W. Parker
21 Bar Counsel
22 4201 N. 24th Street, Suite 200
23 Phoenix, AZ 85016-6288

24 Hon. H. Jeffrey Coker
25 Hearing Officer 6R
26 P.O. Box 23578
27 Flagstaff, AZ 86002

28 by 

/mps

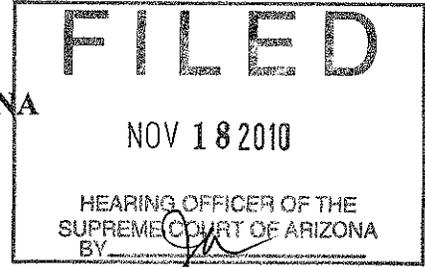
² A copy of the Hearing Officer's Report is attached as Exhibit A.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT

A

BEFORE A HEARING OFFICER
OF THE SUPREME COURT OF ARIZONA



IN THE MATTER OF A SUSPENDED)
MEMBER OF THE STATE BAR OF)
ARIZONA,)
)
MATTHEW R. LEWIS,)
Bar No. 017331)
)
APPLICANT.)

No. 10-6010

HEARING OFFICER'S REPORT

PROCEDURAL HISTORY

1. Applicant filed his Application for Reinstatement on August 24, 2010, and thereafter filed a Motion to Waive Bar Exam on October 8, 2010. The State Bar filed a Response to Applicant's Application on Motion to Waive Bar Exam on October 27, 2010. A telephonic hearing was held on the Application on November 5, 2010.

FINDINGS OF FACT

Summary of Findings of Fact

2. This is a case wherein Applicant, who since 1997 has practiced law primarily in Utah and Washington D.C., did not keep his Bar dues current and was summarily suspended by the State Bar of Arizona in the year 2004. Upon discovery of this, Respondent has applied to be readmitted to the practice of law and have the requirement that he retake the Arizona Bar Exam waived. The State Bar does not oppose either request.

3. Applicant graduated from law school in 1996 and was admitted to the practice of law in Arizona in that same year. Applicant was also admitted to the Bar in the State of Utah in 1997 and the Washington D.C. Bar in 1998. Applicant has remained a member in good standing of those Bars since admission.
4. Applicant's primary practice has been in Utah and Washington, D.C. Applicant began clerking for the Utah Supreme Court in 1996 and then joined a Washington D.C. law firm in 1997. He worked for that firm until 2004, when he then took a position with a Utah firm, Ray, Quinney & Nebeker, P.C. in Salt Lake City. In 2006, Applicant took a senior position with the United States Justice Department for a year and then returned to his previous Utah firm in 2007. It was during these transitions that Applicant lost track of the fact that his firm was not paying his Bar dues to the State of Arizona, and believes that the Bar dues statement was sent to the wrong address.
5. Applicant was not actively practicing law in the State of Arizona and believed that he had placed his Arizona license on inactive status.
6. Since 1997 Applicant has actively practiced law in Washington D.C. and Utah in State and Federal courts including complex matters that involved hundreds of millions of dollars.
7. In 1997, when Applicant was appointed as Senior Counsel to the Assistant Attorney General over the Criminal Division at the United States Justice Department in Washington D.C., he went through a thorough background check by the FBI that inquired into Applicant's honesty, financial affairs, mental health, and lack of illegal drug use. This investigation concluded that Respondent was

qualified to serve and he held several security clearances while employed by the Department of Justice.

8. According to Applicant's Application, and the supporting Affidavits from two fellow attorneys in his present firm, Applicant has handled complex and difficult cases and is considered an outstanding, respected and competent attorney by his peers.
9. Applicant has not received any disciplinary actions from any jurisdiction other than these proceedings in Arizona.
10. Applicant has, throughout his period of suspension, completed 170.5 hours of Continuing Legal Education requirements, more than 100 hours over the minimum requirement in Utah. Additionally, Applicant has lectured and authored several legal articles.¹
11. Applicant has been actively engaged in pro bono work helping low income clients in the areas of landlord tenant disputes, asylum applications, and social security benefits matters. Applicant has also been active in his community serving as President of a youth baseball league, as a coach in youth sports, and on the Board for Healing Hands for Haiti, a 501(c)(3) organization.
12. A review of the attachments to the Applicant's Application shows that Respondent has no financial issues and appears to not only be creditworthy, but economically stable.
13. Applicant testified that he has, or will prior to the review of this matter, paid all outstanding dues which are payable to the State Bar of Arizona.

¹ See page 5 of Applicant's Motion for Waiver of Bar Exam for a complete listing.

14. A review of Applicant's Application shows that Applicant has complied with the requirements of Rule 65, Ariz.R.Sup.Ct.
15. Applicant would be eligible for admission to the State Bar of Arizona by motion but not for this suspension.
16. Both verbally and in pleadings the State Bar of Arizona has advised the undersigned that it does not oppose Applicant's Application for Readmission, or his request to have the retaking of the Bar Exam, as required by Rule 64(c) Ariz.R.Sup.Ct., waived.

RECOMMENDATION

17. This Hearing Officer, after a review of all of the information presented, finds that Applicant's explanation for his failure to pay his Bar dues is reasonable and that he now has a much greater awareness of his duty to make sure that the State Bar has a correct address for him and confirm that the dues are paid, which should assure that this lapse not be repeated. It is also clear that Applicant is a highly respected attorney continuously engaged in the practice of law in two other jurisdictions during the period of his suspension. Applicant has maintained and improved his attorney skills over the years and is not in need of retaking the Arizona State Bar Exam.
18. It is therefore recommended that Applicant Matthew R. Lewis' Application for Reinstatement be granted. It is further recommended that Applicant not be required to retake the Arizona Bar Exam.

DATED this 18 day of November, 2010.

H. Jeffrey Coker
Honorable H. Jeffrey Coker
Hearing Officer 6R

Original filed with the Disciplinary Clerk
this 18 day of November, 2010.

Copy of the foregoing mailed
this 19 day of November, 2010, to:

Honorable H. Jeffrey Coker
Hearing Officer 6R
P.O. Box 23578
Flagstaff, AZ 86002-0001

Matthew R. Lewis
Applicant
3236 South State Street Ste. 1400
Salt Lake City, Utah 84111

Edward Parker
Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

by: Deann Baker

/jsa