

SUPREME COURT OF ARIZONA

In the Matter of a Member of the) Arizona Supreme Court
State Bar of Arizona,) No. SB-10-0131-D
)
HECTOR A MONTOYA,) Disciplinary Commission
Attorney No. 15499,) Nos. 08-0193 & 08-1253
)
Respondent.)
) Judgment & Order
) **FILED 02/08/2011**

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision; and this Court having considered the State Bar's Petition for Review and the Respondent's Cross-Petition for Review, and the responses thereto, accordingly,

IT IS ORDERED that the Petition for Review is DENIED.

IT IS FURTHER ORDERED that the Cross-Petition for Review is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent **HECTOR A. MONTOYA**, a member of the State Bar of Arizona, is hereby suspended from the practice of law in the State of Arizona for a period of thirty days, effective thirty days from the date of this order, 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 **HECTOR A. MONTOYA** shall be placed on probation for a period of two years beginning on the date of his reinstatement. The terms of probation are as follows:

1. Within thirty days of reinstatement, Respondent shall contact the Director of LOMAP and schedule a LOMAP audit. The LOMAP director or designee shall conduct the audit within 60 days thereafter. Respondent shall enter into a LOMAP contract based on the recommendations made by the LOMAP director or designee. Respondent shall comply with all the terms of the LOMAP contract after signing and throughout the remaining period of probation.

2. Respondent shall be responsible for any costs associated with LOMAP.
3. The State Bar shall report material violations of the terms of probation pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct., and a hearing may be held within thirty days to determine if the terms of probation have been violated and if an additional sanction should be imposed. 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 **HECTOR A. MONTOYA** shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that Respondent **HECTOR A. MONTOYA** shall comply with all applicable provisions of Rule 72, Rules of the Supreme Court of Arizona, and that he should promptly inform this Court of his compliance with this Order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent **HECTOR A. MONTOYA** shall be assessed and pay costs and expenses of the disciplinary proceedings as provided in Rule 60(b), including any costs incurred by the Disciplinary Clerk's Office.

DATED this _____ day of February, 2011.

REBECCA WHITE BERCH
Chief Justice

TO:
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Bruce E Meyerson
Thomas E McCauley Jr
David M Waterman
Nancy Swetnam
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damr