

SUPREME COURT OF ARIZONA

IN THE MATTER OF A SUSPENDED MEMBER) Supreme Court
OF THE STATE BAR OF ARIZONA) No. SB-03-0139-D
)
) Disciplinary Commission
) Nos. 00-1635, 00-2128, 00-2212,
) 00-2286, 00-2491, 01-1001
PATRICK J. GEARE,)
Bar No. 015748)
)
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 and no discretionary or *sua sponte* review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **PATRICK J. GEARE**, a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of ninety (90) days, effective 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 **PATRICK J. GEARE** shall be placed on probation, upon reinstatement, for a period of one (1) year, under the following terms and conditions:

- 1) Should Respondent return to private practice within one (1) year of the entry of this Order, Respondent shall submit to an audit of his practice by the Director(s) of the Law Office Management Assistance Program and the Member Assistance Program. The recommendations of the Director(s) shall then be incorporated as additional terms of probation ordered pursuant to the tender of admissions and agreement for discipline by consent dated June 26, 2003.
- 2) In the event Respondent fails to comply with any of the foregoing terms and information thereof is received by the State Bar, bar counsel shall file a Notice of Non-Compliance with the Disciplinary Commission. The Disciplinary Commission may refer the matter to a hearing officer to conduct a hearing at the earliest possible date, but in no event later than thirty (30) days following receipt of said notice. If the matter is referred to a hearing officer, the hearing officer shall determine whether the terms of probation have been breached, and if so, to recommend appropriate action and response to such breach.
- 3) 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 pay in full any and all claims paid by the Client Protection Fund, not to exceed the maximum permissible payment of \$100,000.00.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona (formerly Rule 63), including, but not limited to, Rule 72(a), which requires that Respondent notify all of his clients, within ten (10) days from the date hereof, of his inability to represent them 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 shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b) (formerly Rule 52(a)(8)), the State Bar of Arizona is granted judgment against **PATRICK J. GEARE** for costs and expenses of these proceedings in the amount of \$1,351.25, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2003.

NOËL K. DESSAINT, Clerk

TO:

Patrick J. Geare, Respondent (Certified Mail, Return Receipt)

Loren J. Braud, Deputy Chief Bar Counsel

John M. Neis, Hearing Officer 8V

Douglas M. Brooks, Clerk, Disciplinary Commission (Cert. Copy)

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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