

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,)	Supreme Court No. SB-04-0120-D
)	
)	Disciplinary Commission No. 03-1606
DAVID B. MEDANSKY, Bar No. 013963)	
)	
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 that Sua Sponte Review is declined.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **DAVID B. MEDANSKY**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of thirty (30) days, effective thirty (30) 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 shall complete the State Bar's Professionalism Course prior to reinstatement.

IT IS FURTHER ORDERED that **DAVID B. MEDANSKY** shall be placed on probation for a period of one (1) year, effective upon reinstatement. The terms of probation are as follows:

- 1) Respondent shall contact the director of the State Bar's Member Assistance Program (MAP) within 30 days of entry of the final Judgment and Order and submit to a MAP assessment.
- 2) Respondent thereafter will enter into a one year MAP contract based upon recommendations made by the MAP director or designee.
- 3) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, 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 **DAVID B. MEDANSKY** shall be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b)

DATED this _____ day of _____, 2004.

CHARLES E. JONES
Chief Justice

TO:

David B. Medansky, Respondent (Certified Mail, Return Receipt)

Kent E. Turley, Respondent's Counsel

Amy K. Rehm, Bar Counsel

Harlan J. Crossman, Hearing Officer 8L

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

Sandra Montoya, 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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