

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA

LYNN M. PEARLSTEIN,
Bar No. 002374

RESPONDENT.

) Supreme Court
) No. SB-03-0155-D
)
) Disciplinary Commission
) Nos. 01-1005, 02-1359
)
)
)
) **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 **LYNN M. PEARLSTEIN**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of sixty (60) 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 **LYNN M. PEARLSTEIN** shall be placed on probation for a period of two (2) years. The terms of probation are as follows:

- 1) Respondent shall enter into a Member Assistance Program (MAP) contract requiring him to participate in a course of treatment as developed by the director of MAP and Respondent's therapist.
- 2) Respondent shall enter into a Law Office Management Assistance Program (LOMAP) contract and shall, within thirty (30) days of this Order, contact the director of the LOMAP program to schedule an audit of his law office. The LOMAP director or designee will conduct an audit of Respondent's law office no later than sixty (60) days thereafter. Following the audit, Respondent shall enter into a Memorandum of Understanding that will be effective for a period of two (2) years from the date upon which all parties have signed the Memorandum. The State Bar will notify the Disciplinary Clerk of the date the Memorandum is fully executed. Respondent shall comply with all recommendations of the LOMAP director or designee.
- 3) 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.

- 4) 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 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 pursuant to Rule 60(b), formerly Rule 52(a)8, the State Bar of Arizona is granted judgment against **LYNN M. PEARLSTEIN** for costs and expenses of these proceedings in the amount of \$1,455.11, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2004.

NOËL K. DESSAINT, Clerk

TO:

Lynn M. Pearlstein, Respondent (Certified Mail, Return Receipt)
Daniel A. Zanon, Respondent's Counsel
Robert A. Clancy, Jr., Bar Counsel
Stephen L. Weiss, Hearing Officer 9Z
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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