

**SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	)	Supreme Court No. SB-05-0002-D
	)	
	)	
	)	Disciplinary Commission
	)	Nos. 03-0310, 03-0703, 03-0871
<b>ANDREW MANKOWSKI,</b>	)	03-1350, 03-1445, 03-1739
<b>Bar No. 016637</b>	)	03-1767, 03-1769, 04-0135
	)	04-0328
	)	
RESPONDENT.	)	<b>JUDGMENT AND ORDER</b>

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 **ANDREW MANKOWSKI**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of six (6) months and one (1) day, 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 **ANDREW MANKOWSKI** shall be placed on probation for a period of two (2) years, effective upon reinstatement. The terms of probation are as follows:

- 1) Upon reinstatement, Respondent shall be placed on probation for a period of two (2) years, commencing upon the signing by Respondent of a Probation Contract.
- 2) Respondent will, within thirty (30) days of the Order of Reinstatement, contact the director of LOMAP. The LOMAP director or his/her designee will conduct an audit of Respondent's law office no later than thirty (30) days thereafter. Following the audit, Respondent will enter into a Memorandum of Understanding that will be effective for a period of two (2) years from the date upon which all parties sign the Memorandum. Respondent will comply with all recommendations of the LOMAP director or his/her designee.
- 3) Respondent will, within thirty (30) days of this Order, contact the director of MAP to schedule an assessment of his condition to practice law. The MAP director or his/her designee will schedule the assessment of Respondent to take place no later than sixty (60) days thereafter.
- 4) Respondent will be responsible for the costs and expenses associated with his participation in the MAP and LOMAP programs.

- 5) Respondent shall be assigned a practice monitor for the period of probation. The reporting terms shall be developed by LOMAP and shall require that the practice monitor actively monitor Respondent's case load.
- 6) Respondent shall participate in fee arbitration with the named Complainants in Counts Two, Three, Five, Seven and Nine. Respondent will pay restitution to those Complainants as determined by the arbitrator. The Complainants have agreed to participate in fee arbitration.
- 7) Respondent shall pay the sanction ordered by the court in Count Ten as reflected in the Tender of Admissions and Agreement for Discipline by Consent, Exhibit 2, payable to Nina Soper.
- 8) 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 (30) 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 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, 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), the State Bar of Arizona is granted judgment against **ANDREW MANKOWSKI** for costs and expenses of these proceedings in the amount of \$1,210.00, together with interest at the legal rate from the date of this judgment.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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CHARLES E. JONES  
Chief Justice

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TO:

Andrew Mankowski, Respondent (Certified Mail, Return Receipt)

Michael N. Harrison, Bar Counsel

Jeffrey Messing, Hearing Officer 9X

Patricia Seguin, 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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