

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,)	Supreme Court No. SB-05-0026-D
)	
)	
)	Disciplinary Commission
)	Nos. 03-1172, 03-1378, 03-1665
WILLIAM M. SPENCE,)	
Bar No. 002728)	
)	
RESPONDENT.)	JUDGMENT AND ORDER
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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 **WILLIAM M. SPENCE**, 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 judgment and 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 **WILLIAM M. SPENCE** shall be placed on probation for a period of two (2) years, effective upon the signing of the probation contract. The terms of probation are as follows:

1. Respondent shall contact the director of MAP no later than thirty (30) days from the date of this Judgment and Order to develop a MAP contract in conjunction with Respondent's physician to ensure that no emotional or psychological issues will negatively impact Respondent's ability to practice.
2. Respondent shall participate in a program developed by MAP specifically tailored toward sensitivity training to address the type of conduct at issue in this matter.
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 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 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 Judgment and 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 Respondent shall be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b).

DATED this _____ day of _____, 2005.

NOEL K. DESSAINT
Clerk of the Court

TO:

William M. Spence, Respondent (Certified Mail, Return Receipt)
Patricia Seguin, Disciplinary Clerk (Cert. Copy)
Nancy A. Greenlee, Respondent's Counsel
Roberta L. Tepper, State Bar Counsel
Daniel P. Beeks, Hearing Officer 7M
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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