

SUPREME COURT OF ARIZONA

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

CARMEN A. CHENAL,
Bar No. 009428

RESPONDENT.

Supreme Court
No. SB-05-0104-D

Disciplinary Commission
Nos. 03-0811, 03-1089, 03-1370
03-1412, 03-2009, 04-0930
04-1091

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 there having been no discretionary review and *sua sponte* review having been declined by the Court,

IT IS ORDERED, ADJUDGED AND DECREED that **CARMEN A. CHENAL**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of one hundred and twenty (120) days, effective thirty (30) days from the date of this judgment and order, for conduct in violation of her duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **CARMEN A. CHENAL** shall be placed on probation for a period of two years, effective upon the signing of the probation contract. The terms of probation are as follows:

- 1) Within thirty (30) days of the entry of the judgment and order in this matter or Respondent's return to active status, whichever is later, Respondent shall contact the MAP director and arrange for a MAP assessment.
- 2) In the event that Respondent returns to private practice as a sole practitioner or in a law firm during the term of probation, Respondent agrees that within thirty (30) days of the date of her return to private practice, she will contact the LOMAP director and schedule a LOMAP assessment. Respondent further agrees that she will agree to abide by the recommendations of the LOMAP director including, but not limited to, appointment of a practice monitor, and further agrees to extend the term of probation for one year if necessary to accomplish the recommendations of the LOMAP director.
- 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 **CARMEN A. CHENAL** shall pay restitution to Richard Flickinger in the amount of \$2,500.00.

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 her clients, within ten (10) days from the date hereof, of her inability to represent them and that she should promptly inform the Court of her compliance with the 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 **CARMEN A. CHENAL** for costs and expenses of these proceedings in the amount of \$1,018.71, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of August, 2005.

NOËL K. DESSAINT
Clerk of the Court

TO:

Carmen A. Chenal, Respondent (Certified Mail, Return Receipt and Regular Mail)
Mark I. Harrison, Respondent's Counsel
Myron F. Mlachak & Kristin Rough, Respondent's Counsel
Roberta L. Tepper, Bar Counsel, State Bar of Arizona
Christopher D. Thomas, Hearing Officer 8Z
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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