

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,)	Supreme Court No. SB-05-0134-D
)	
)	Disciplinary Commission
)	Nos. 03-2202, 03-2319,
THOMAS C. McDANIEL, III,)	04-0510
Bar No. 016986)	
)	
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 there having been no discretionary review and *sua sponte* review having been declined by the Court,

IT IS ORDERED, ADJUDGED AND DECREED that **THOMAS C. McDANIEL, III**, 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 **THOMAS C. McDANIEL, III** shall be placed on probation for a period of two (2) years upon reinstatement and effective upon executing a Memorandum of Understanding. The terms of probation are as follows:

- 1) Within 30 days from the issuance of an order of reinstatement, Respondent shall contact LOMAP and schedule an audit. Respondent shall comply with any recommendations made by the LOMAP director or designee.
- 2) Respondent shall submit to the assignment of a practice monitor and the reporting terms shall be developed by LOMAP.
- 3) Respondent shall be responsible for costs associated with participation in LOMAP.
- 4) Respondent shall commit no ethical violations or other acts which violate the 1989 Lawyer’s Creed of Professionalism.
- 5) 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, Rules of the Supreme Court of Arizona. 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 **THOMAS C. McDANIEL, III** shall pay restitution in the following amounts to the following individuals:

Beth Sigon	\$500.00
Daniel P. Warren	<u>\$450.00</u>
Total:	\$950.00

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 Respondent shall be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b), Rules of the Supreme Court of Arizona.

DATED this _____ day of October, 2005.

NOËL K. DESSAINT
Clerk of the Court

TO:

Thomas C. McDaniel, III, Respondent (Certified Mail, Return Receipt and Regular Mail)
Jack L. Lansdale, Jr., Respondent's Counsel
Angela M.B. Napper, Bar Counsel
Denice R. Shepherd, Hearing Officer 7Q
Patricia Seguin, Disciplinary Clerk (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)
West Publishing Company (Jode Ottman)
Lexis-Nexis