## SUPREME COURT OF ARIZONA

IN THE MATTER OF AN INA	ACTIVE MEMBER	)	Supreme Court
OF THE STATE BAR OF AR	IZONA,	)	No. SB-07-0004-D
		)	
		)	Disciplinary Commission
		)	No. 05-1468
DONALD C. ZAVALA, JR.,	)		
Bar No. 016107		)	
		)	
	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, there having been no discretionary review and *sua sponte* review having been declined by the Court,

IT IS ORDERED, ADJUDGED AND DECREED that **DONALD C. ZAVALA, JR.**, an inactive member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of one year, retroactive to May 20, 2005, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **DONALD C. ZAVALA, JR.** shall be placed on probation for a period of two years upon reinstatement and effective upon the signing of the probation contract. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation shall include the following:

- 1) Respondent shall continue with addiction counseling or other appropriate psychiatric or psychological treatment during his suspension and term of probation and shall substantiate his participation by authorizing his counselor or health care provider to provide a quarterly written confirmation of his continued participation to the Director of Member Assistance Program (MAP).
- 2) In the event Respondent fails to provide such confirmation, bar counsel may require Respondent to submit to a MAP assessment monitoring.
- 3) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information to that effect, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. Sup. 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 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 **DONALD C. ZAVALA, Jr.** for costs and expenses of these proceedings in the amount of \$755.00, together with interest at the legal rate from the date of this judgment. Respondent shall pay all costs and expenses incurred in the disciplinary proceedings within 30 days of this Judgment and Order.

DATED this \_\_\_\_\_\_ , 2007.

RACHELLE M. RESNICK Clerk of the Court

TO:

Donald C. Zavala, Jr., Respondent (Certified Mail, Return Receipt and Regular Mail) Michael D. Kimerer, Respondent's Counsel Roberta Tepper, Bar Counsel T.H. Guerin, Jr., Hearing Officer Lauren E. Eiler, 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) West Publishing Company (Jode Ottman) Lexis-Nexis

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