

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,)	Supreme Court No. SB-07-0011-D
)	
)	Disciplinary Commission
)	No. 05-0098
TROY L. BROWN,)	
Bar No. 016400)	
)	
RESPONDENT.)	JUDGMENT AND ORDER
<hr style="width: 40%; margin-left: 0;"/>)	

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, and this Court having considered Respondent's Petition for Review and the State Bar of Arizona's Response to Petition for Review, accordingly

IT IS ORDERED that the Petition for Review is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **TROY L. BROWN**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of five (5) months, 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 **TROY L. BROWN** shall make restitution as follows:

Susan M. DeZonia \$4,923.64, plus 10% interest per annum from December 10, 2004 until paid.

IT IS FURTHER ORDERED that **TROY L. BROWN** shall be placed on probation for a period of two (2) years upon reinstatement with the State Bar's Law Office Management Assistance Program (LOMAP). Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation are as follows:

- 1) Within 30 days of the final Judgment and Order, Respondent shall contact the director of LOMAP and undergo a LOMAP assessment. The LOMAP director or designee shall conduct the audit within 60 days thereafter. Respondent thereafter shall enter into a LOMAP contract and comply with the recommendations of the LOMAP director or designee.
- 2) Respondent shall obtain a practice monitor, approved by bar counsel and the LOMAP director.

- 3) Respondent shall pay all costs incurred in these disciplinary proceedings, including costs associated with LOMAP.
- 4) 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 (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 her 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 is granted judgment against **TROY L. BROWN** for costs and expenses of these proceedings.

DATED this _____ day of _____, 2006.

Ruth V. McGregor
Chief Justice

TO:

Troy L Brown, Troy L Brown PC (Certified Mail, Return Receipt and Regular Mail)
Shauna R Miller, Bar Counsel, State Bar of Arizona
Neal C Taylor, Hearing Officer
Lauren Elisabeth Eiler, Disciplinary Clerk (Cert. Copy)
Sandra Montoya, Records Manager, State Bar of Arizona (Cert. Copy)
Cathy A Catterson, Clerk, United States Court of Appeals for Ninth Circuit (Cert. Copy)
Mr. Richard H Weare, Clerk, United States District Court for the District of Arizona,
Office of the Clerk (Phoenix) (Cert. Copy)
Jode Ottman, West Publishing Company, Editorial Department D3-40 #4467
Lexis Nexis, Legal Data Collection

damr