

**SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	)	Supreme Court No. SB-08-0009-D
	)	
	)	Disciplinary Commission
	)	Nos. 06-1022, 06-1589
<b>DION C. WARE,</b> <b>Bar No. 019357</b>	)	
	)	
RESPONDENT.	)	<b>JUDGMENT AND ORDER</b>
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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, there having been no discretionary review and *sua sponte* review having been declined by the Court,

IT IS ORDERED, ADJUDGED AND DECREED that **DION C. WARE**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of two years, effective thirty 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 **DION C. WARE** shall be placed on probation with length and terms to be determined 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 are as follows:

- 1) Within thirty days of reinstatement, Respondent shall contact the Law Office Management Assistance Program (“LOMAP”) director and submit to an audit of his office’s client communications, billing and accounting practices. The LOMAP director or designee shall make recommendations and thereafter, develop a probation contract incorporating the recommendations.
- 2) Within thirty days of reinstatement, Respondent shall contact the Member Assistance Program (“MAP”) director and enter into a therapeutic contract incorporating the recommendations of the MAP director or designee.
- 3) Respondent shall pay all costs associated with these disciplinary proceedings including those incurred by LOMAP and MAP.

- 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 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 **DION C. WARE** shall pay restitution in the following amounts to the following individuals:

Bernice Kay Rhoden	\$ 500.00
Tina Ann Pace-Morell	<u>\$5,000.00</u>
<b>TOTAL</b>	<b>\$5,500.00</b>

IT IS FURTHER ORDERED THAT Respondent shall also reimburse the client protection fund for any and all claims paid not to exceed \$100,000.

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 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).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Rachelle M. Resnick  
Clerk of the Court

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TO:

Dion C. Ware, Respondent (Certified Mail, Return Receipt and Regular Mail)

Edward W. Parker, Bar Counsel

Richard N. Goldsmith, Hearing Officer

Leticia V. D'Amore, Disciplinary Clerk (Cert. Copy)

Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)

Perry Thompson, Director of Admissions, Supreme Court of the United States (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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