SUPREME COURT OF ARIZONA

IN THE MATTER OFA SUSI	PENDED MEMBER)	Supre	eme Court
OF THE STATE BAR OF AR	IZONA,)	No.	SB-08-0030-D
)		
)	Discij	plinary Commission
)	Nos.	06-1689, 06-1808
GARETH C. HYNDMAN, II,)		
Bar No. 019500)		
)		
	RESPONDENT.)	JUDO	GMENT 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 **GARETH C. HYNDMAN**, **II**, a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of six months and one day, retroactive to August 7, 2007, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that Respondent shall pay restitution in the amount of \$813.00 to Mr. Trzaska as ordered by the Court in *Trzaska v. Hines*, within thirty days of the date of this Judgment and Order.

IT IS FURTHER ORDERED that Respondent shall participate in any fee arbitration proceeding conducted by the State Bar if requested by any client, and abide by the findings and order of the arbitrator(s) therein.

IT IS FURTHER ORDERED that **GARETH C. HYNDMAN**, **II** shall be placed on probation upon reinstatement with the length of probation and any additional terms to be determined at the time of formal reinstatement proceedings. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation shall include:

- 1) Respondent shall insure the limitations of his practice to representation of his father's business firm and no more than five (5) clients, with such further conditions as may be placed by the Law Office Management Assistance Program and Member Assistance Program directors.
- 2) Respondent shall abide by any additional terms deemed appropriate by this Court.
- 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

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> 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 applicable provisions of Rule 72, Rules of the Supreme Court of Arizona, and 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 pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **GARETH C. HYNDMAN**, **II** for costs and expenses of these proceedings in the amount of \$787.61, together with interest at the legal rate from the date of this judgment. Respondent shall pay these costs and expenses within thirty days of the date of this Judgment and Order.

DATED this ______ day of ______, 2008.

Rachelle M. Resnick Clerk of the Court

TO:

Gareth C. Hyndman, II, Respondent (Certified Mail, Return Receipt and Regular Mail) Gregory N. Navazo, Respondent's Counsel Matthew E. McGregor, Bar Counsel Philip M. Haggerty, Hearing Officer 6K Leticia V. D'Amore, 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) Jode Ottman, West Publishing Company Lexis/Nexis

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