

**FILED**

OCT - 4 2005

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY: *[Signature]*

**BEFORE THE DISCIPLINARY COMMISSION  
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER )	Nos. 01-1292, 02-1823
OF THE STATE BAR OF ARIZONA, )	
)	
<b>HARRY E. CAWOOD,</b> )	
<b>Bar No. 003769</b> )	<b>DISCIPLINARY COMMISSION</b>
)	<b>REPORT</b>
RESPONDENT. )	
_____ )	

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on September 10, 2005, pursuant to Rule 58, Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed June 9, 2005 recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent (Tender) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum) providing for a censure, two years of probation effective upon the signing of the Memorandum of Understanding with the State Bar's Law Office Management Assistance Program (LOMAP), restitution, and costs of these disciplinary proceedings.

**Decision**

The eight members<sup>1</sup> of the Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law and recommendation for a censure, two years of probation effective upon the signing of the Memorandum of Understanding (LOMAP), and costs.<sup>2</sup> Restitution is as follows:

Betty Alisouskas	\$474.00
Anne Marie Cylkowski	<u>\$515.00</u>
<b>Total:</b>	<b>\$989.00</b>

<sup>1</sup> Commissioners Choate, Gutierrez and Nelson did not participate in these proceedings. Former Commissioners Jack L. Potts, M.D. and Maria Hoffman participated as public ad hoc members.  
<sup>2</sup> The Hearing Officer's Report is attached as Exhibit A.

The terms of probation are as follows:


**Terms of Probation**

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2 1. Respondent shall, within 30 days of the Supreme Court's final judgment  
3 and order, contact the director of LOMAP to schedule an audit of his trust account.  
4 Following the audit, Respondent shall enter into a Memorandum of Understanding.  
5 Respondent shall comply with all recommendations of the LOMAP director or her  
6 designee. Respondent shall pay probation costs, including the assessment by LOMAP and  
7 applicable monitoring of the MOU.  
8

9 2. Respondent shall pay \$474.00 restitution to Betty Alisouskas and to  
10 \$515.00 restitution to Anne Marie Cylkowski within 30 days of the Supreme Court's final  
11 judgment and order.  
12

13 3. In the event that Respondent fails to comply with any of the foregoing  
14 conditions, and the State Bar receives information, bar counsel shall file with the Hearing  
15 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing  
16 Officer shall conduct a hearing within thirty days after receipt of said notice, to determine  
17 whether the terms of probation have been violated and if an additional sanction should be  
18 imposed. In the event there is an allegation that any of these terms have been violated, the  
19 burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and  
20 convincing evidence.  
21

22 RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of October, 2005.

23  
24   
25 Barbara A. Atwood, Vice-Chair  
26 Disciplinary Commission

1 Original filed with the Disciplinary Clerk  
2 this 4<sup>th</sup> day of October, 2005.

3 Copy of the foregoing mailed  
4 this 4<sup>th</sup> day of October, 2005, to:

5 T.H. Guerin, Jr.  
6 Hearing Officer 7R  
7 2222 South Dobson Rd., Suite 302  
8 Mesa, AZ 85202

9 Frederick G. Gamble  
10 Respondent's Counsel  
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14 Shauna R. Miller  
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19 by K. Weigand

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