

AUG - 3 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. 03-2202, 03-2319, 04-0510
OF THE STATE BAR OF ARIZONA,	)	
	)	
<b>THOMAS C. McDANIEL, III,</b>	)	
<b>Bar No. 016986</b>	)	<b>DISCIPLINARY COMMISSION</b>
	)	<b>REPORT</b>
RESPONDENT.	)	
_____	)	

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on July 9, 2005, pursuant to Rule 58, Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed April 26, 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 six month and one day suspension, two years of probation upon reinstatement effective upon the executing a Memorandum of Understanding with the State Bar's Law Office Management Assistance Program (LOMAP) including a practice monitor, restitution, and costs of these disciplinary proceedings.

**Decision**

The nine members of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for a six month and one day suspension, two years of probation upon reinstatement effective upon the executing a Memorandum of Understanding with LOMAP including a practice monitor, restitution, and costs.<sup>1</sup> Restitution is as follows:

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<sup>1</sup> The Hearing Officer's Report is attached as Exhibit A.

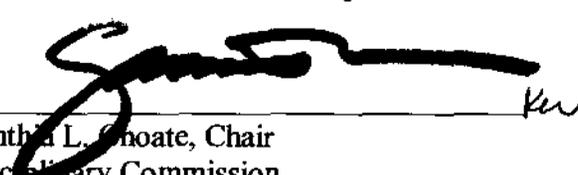
Beth Saigon \$500.00  
Daniel P. Warren \$450.00  
**Total: \$950.00**

The terms of probation are as follows:

**Terms of Probation**

1. Within 30 days from the issuance of an order of reinstatement, Respondent shall contact LOMAP and schedule an audit. Respondent shall comply with any recommendations made by the LOMAP director or designee.
2. Respondent shall submit to the assignment of a practice monitor and the reporting terms shall be developed by LOMAP.
3. Respondent shall be responsible for costs associated with participation in LOMAP. Respondent shall commit no ethical violations or other acts which violate the 1989 Lawyer's Creed of Professionalism.
4. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. 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.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of August, 2005.

  
Cynthia L. Choate, Chair  
Disciplinary Commission

1 Original filed with the Disciplinary Clerk  
this 3rd day of August, 2005.

2 Copy of the foregoing mailed  
3 this 3rd day of August, 2005, to:

4 Denice R. Shepherd  
5 Hearing Officer 7Q  
6 105 East Speedway  
7 Tucson, AZ 85705-7763

8 Jack L. Landsale, Jr.  
9 Respondent's Counsel  
10 177 North Church Street, Suite 200  
11 Tucson, AZ 85071-1191

12 Angela M.B. Napper  
13 Bar Counsel  
14 State Bar of Arizona  
15 4201 North 24th Street, Suite 200  
16 Phoenix, AZ 85016-6288

17 by: K. Delgado

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