

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
)
DANIEL INSERRA,)
Bar No. 017284)
)
)
RESPONDENT.)

Supreme Court
No. SB-05-0124-D

Disciplinary Commission
No. 03-0507

JUDGMENT 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 and no discretionary review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **DANIEL INSERRA**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **DANIEL INSERRA** shall be placed on probation for a period of one (1) year, effective upon the signing of a Memorandum of Understanding (MOU). The terms of probation are as follows:

- 1) Respondent shall submit to a LOMAP audit that will focus on diligence, communication and office procedures and shall enter into a probation contract with the State Bar which shall include recommendation based on the LOMAP audit.
- 2) Respondent shall submit to a MAP assessment and shall enter into a probation contract with the State Bar which shall include recommendation based on the MAP assessment.
- 3) Within 30 days from the execution of the MOU, Respondent shall obtain a qualified practice monitor, approved by LOMAP and bar counsel.
- 4) In the event the State Bar receives a charge during Respondent's probation period that involves conduct that occurred during the effective period of probation, the term of this probation shall be extended until such charge has been investigated and a determination made by bar counsel and/or the Probable Cause Panelist regarding disposition of such charge.

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- 5) Respondent shall advise LOMAP, MAP, and the Director of Membership Records of the State Bar, in writing, of any changes in his address or employment status.
- 6) 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.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **DANIEL INSERRA** for costs and expenses of these proceedings in the amount of \$1,030.70, together with interest at the legal rate from the date of this judgment.

DATED this 23rd day of August, 2005.

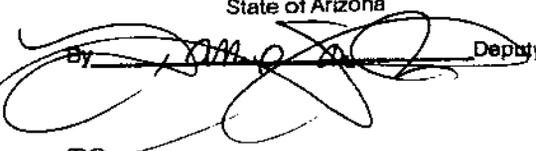
The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Noel K. Dessaint, Clerk of the Supreme Court
State of Arizona



NOËL K. DESSAINT
Clerk of the Court

By  Deputy

TO:

Daniel Inserra, Respondent (Certified Mail, Return Receipt)
Timothy J. Burke, Respondent's Counsel
Shauna R. Miller, Senior Bar Counsel
Frederick C. Berry, Jr., Hearing Officer 9S
Patricia Seguin, 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)
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