



SUPREME COURT OF ARIZONA

IN THE MATTER OF AN INACTIVE MEMBER)	Supreme Court
OF THE STATE BAR OF ARIZONA,)	No. SB-04-0140-D
)	
)	Disciplinary Commission
)	Nos. 98-1232, 99-0835, 00-0585
WENDY B. MORGAN,)	00-1328, 00-1447
Bar No. 015503)	
)	
RESPONDENT.)	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 or *sua sponte* review occurring,

IT IS ORDERED that the Court declines Sua Sponte Review.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **WENDY B. MORGAN**, an inactive member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of six (6) months, retroactive to March 23, 2001, for conduct in violation of her duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **WENDY B. MORGAN** shall be placed on probation for a period of two (2) years, retroactive to April 20, 2004, with terms and conditions as set forth in the Order of Reinstatement filed April 20, 2004, which provides as follows:

- 1) [Respondent's] probation will be jointly monitored by the State Bar of Arizona and the State Bar of California.
- 2) [Respondent] shall, within thirty (30) days of the issuance of this Order, contact the Member Assistance Program (MAP) director at the State Bar of Arizona, as well as the Lawyer Assistance Program (LAP) director at the State Bar of California.
- 3) [Respondent] will schedule an intake interview with LAP, to be completed no later than ninety (90) days after issuance of this Order. Following the intake interview, [Respondent] will sign an application agreement, and agree to participate in LAP throughout the evaluation period.
- 4) Following the evaluation period, [Respondent] shall enter into a LAP Participation Agreement within 120 days.

- 5) [Respondent's] LAP Participation Agreement shall be submitted to the State Bar of Arizona's MAP for approval. Such approval shall not be unreasonably withheld, provided that the terms of the proposed LAP Participation Agreement substantially comply with monitoring requirements that would be required if MAP were supervising the probation.
- 6) [Respondent] shall be responsible for the costs and expenses associated with LAP. The State Bar of Arizona agrees to waive any fees for [Respondent's] participation in MAP while being monitored by LAP.
- 7) [Respondent's] Counsel and MAP shall receive all reports generated by LAP. This includes copies of any reports provided by [Respondent's] therapists submitted to LAP pursuant to the LAP Participation Agreement.
- 8) [Respondent's] continuing therapy with her current therapist will not waive or exempt her from complying with the terms of her LAP Participation Agreement.
- 9) [Respondent] shall attend therapy sessions at least bi-weekly for a period of two (2) years. Should [Respondent] be unable to make a scheduled appointment due to vacations, out of town trips, illness or other reasonable justifications shall not constitute a breach of probation, if they are documented and approved by [Respondent's] therapist and LAP.
- 10) [Respondent] will not engage in the private practice of law as a solo practitioner during her probation period.
- 11) Should [Respondent] relocate from California to another state during the probation period, [Respondent] shall notify MAP. If [Respondent] moves to Arizona, she will enter into a Memorandum of Understanding with MAP for monitoring of her probation in Arizona. Should [Respondent] move to another state, the parties will reach an agreement concerning the monitoring of [Respondent's] probation.
- 12) Should [Respondent] relocate to Arizona and resume the practice of law, [Respondent] shall undergo a full Law Office Management Assistance Program (LOMAP) audit, to include an audit of [Respondent's] procedures for operating a trust account.
- 13) In the event [Respondent] fails to comply with any of the foregoing terms of probation and information thereof is received by the State Bar, Bar Counsel shall file with the Hearing Officer a Notice of Non-Compliance. The Hearing Officer shall conduct the hearing at the earliest practicable date, but no later than thirty (30) days following the receipt of such Notice, to determine whether there has been non-compliance with the terms of probation and if so, to recommend appropriate action and response.

14) If there is an allegation the [Respondent] failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar 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 **WENDY B. MORGAN** for costs and expenses of these proceedings in the amount of \$2,192.49, together with interest at the legal rate from the date of this judgment.

DATED this 10th day of January, 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



CHARLES E. JONES

By  Deputy

Chief Justice

TO:

Wendy B. Morgan, Respondent (Certified Mail, Return Receipt)
J. Scott Rhodes, Respondent's Counsel
James D. Lee, Bar Counsel
Michael D. Rubin, Hearing Officer 7K
Patricia Seguin, Acting Disciplinary Clerk (Cert. Copy)
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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