

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

JOHN B. BREWER,
Bar No. 018207

Respondent.

PDJ-2018-9080

**ORDER OF INTERIM
SUSPENSION AND PROBATION**

[State Bar File: 18-2616]

FILED OCTOBER 9, 2018

Based on Mr. Brewer's felony conviction in *State of Arizona v. John Brian Brewer*, CR2018-11886-001 DT, for Endangerment, a Class 6 Designated Felony, and DUI, a Class 1 Misdemeanor, the State Bar moved for Interim Suspension. Mr. Brewer, through co-counsel, Kerry Hodges and J. Scott Rhodes of *Jennings, Strouss & Salmon, PLC*, moved to impose interim probation in lieu of suspension. The matter was heard telephonically on October 9, 2018. Bradley F. Perry argued for the State Bar and Kerry A. Hodges argued on behalf of Mr. Brewer.

The thorough motion of Mr. Brewer details the history and circumstances that warrant modification from the presumptive suspension language of Rule 6(c)(1)(A). Its openness and wide-ranging recitation of the facts was helpful and revealing of a will for change. Candor is often the best precursor of a needed change of direction. Rule 61(d) provides that any suspension order "shall continue in force until final disposition of all pending proceedings against the lawyer unless vacated or modified." The motion is denied but suspension to be modified ordered.

While factors are reasonably argued for probation, other factors warrant

suspension. Mr. Brewer properly self-reported his convictions to the State Bar. Mr. Brewer had a requirement for an Ignition Interlock Device and drove a vehicle which did not have one installed. This is analogous to driving without a license. He had no right to drive without that interlock device. His blood alcohol level of .322 was four times the legal limit. He damaged a fire sprinkler system. To his credit, he paid full restitution. He was convicted of Endangerment, a Class 6 felony.

Mr. Brewer is a recovering alcoholic. Such open acknowledgement is an important step in any meaningful recovery. He had two prior DUIs. Each of those apparently arose out of highly contentious personal and legal disputes. Life is not obligated to play fair. It is not unusual for a personal storm to be attached to the use of alcohol by a recovering alcoholic. When a third personal storm ensued, then came the collapse of the veneer of his recovery. Such strains in the structure of life only end in breakdown when coupled with wrong choices.

Despite his two prior strategies to overcome his alcohol misuse, he made choices demonstrating a willingness to put his own interests ahead of the common good and a functioning society and profession. There are consequences from society. The result is he has a felony conviction and is serving a jail term on day time work furlough. There are public protection consequences from the profession. He will be suspended for sixty (60) days which will automatically be modified to terms of interim probation which shall include his supervision by his colleague at

his law firm and the direct supervision of his sobriety by the attorney named who works in a separate firm in the same office building. Accordingly:

IT IS ORDERED that **John B. Brewer, Bar No. 018207** is interim suspended for sixty (60) days effective immediately. He shall comply with Rule 72(b), Ariz. R. Sup. Ct. His suspension shall be automatically modified to specified terms of interim probation, which terms shall be written and submitted for approval by the PDJ, within 45 days.

DATED this 9th day of October, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copy of the foregoing emailed/mailed
this 9th day of October, 2018, to:

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