

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

TRACY S. MOREHOUSE,
Bar No. 018502

Respondent.

PDJ-2018-9002

**ORDER GRANTING
UNOPPOSED MOTION FOR
INTERIM PROBATION AND
IMPOSING INTERIM
PROBATION**

[State Bar No. 18-0099]

FILED JANUARY 24, 2018

On January 10, 2018, the State Bar of Arizona moved (“Motion”) for the interim probation or suspension of Tracy S. Morehouse, Bar No. 018502 Exhibit C to the Motion was a proposed Order granting the motion for interim probation. The Motion is not accompanied by verification or separate affidavit as required under Rule 61(c)(2) Ariz. R. Sup. Ct.¹ Pursuant to Rule 61(c)(2)(A), the Presiding Disciplinary Judge (“PDJ”) ordered the State to serve, within five (5) days, the Motion upon Morehouse and/or Morehouse’s Counsel of Record under Rule 47(c). Morehouse timely filed a response on January 17, 2018. Morehouse in declining to comment on the substance of the Motion or its supporting affidavit, stated there was

¹ Unless otherwise stated, all Rule references are to the Ariz. R. Sup. Ct.

no objection to the entry of an order of interim probation with the terms as proposed in Exhibit C to the Motion.

The State Bar has the burden of establishing probable cause that the basis of the requested relief exists if it seeks interim suspension. Rule 61(c)(2)(B). Morehouse does not dispute that the Grand Jury has found probable cause regarding the alleged crimes. In the Superior Court of Arizona (Maricopa County) CR-2017-005713, Morehouse was indicted with one count of Second Degree Murder, a Class 1 Dangerous Felony, two counts of Endangerment, Class 6 Dangerous Felonies and one count of Leaving the Scene of a Damage Accident, a Class 2 Misdemeanor. [Motion Ex. A.] The Motion stated that the State Bar has initiated a screening investigation and that Morehouse has failed to respond to multiple written requests for response as required under Rule 55(b), Ariz. R. Sup. Ct. This allegation is not responded to by Morehouse.

The Probable Cause Statement is an addendum to the Release Questionnaire certified by the arresting office. It alleges that while driving a 2014 Tesla Model S 85, Morehouse struck and killed a motorcyclist who had stopped for a red-light signal. It is alleged Morehouse had a BAC was .355% at the time and that her top speed prior to the impact was over 100 MPH. After being struck the motorcyclist allegedly came to an uncontrolled point of rest 265 feet south of the point of impact. The motorcyclist was pronounced dead at the scene with multiple injuries including

a left leg severed below the knee. It is also alleged that prior to this event that Morehouse was driving down the wrong side of another street, struck a different vehicle and fled the scene. [Ex. B.] In her response, Morehouse attached an Order of Release from the Superior Court and a scheduling minute entry. Morehouse was released on a \$300,000 bond with specified release conditions. A Jury trial has been set for June 19, 2018.

As the Motion is not accompanied by verification or separate affidavit as required under Rule 61(c)(2), interim suspension is not considered. If the matter had proceeded to suspension hearing, the PDJ would not be bound by common law or rules of evidence or by technical or formal rules of procedure. *See* Rule 61(c)(2)(B). The Grand Jury has found probable cause exists on the underlying facts and criminal conduct only.

The motion for interim probation is unopposed. Morehouse, by consent to the order of interim probation, acknowledges probable cause exists that the conduct constituted unprofessional conduct in violation of the Supreme Court Rules. That concession may not be used in any further disciplinary proceeding. Under Rule 61(c)(2)(C), interim probation may be granted in lieu of interim suspension. The motion is granted.

IT IS ORDERED Respondent, **Tracy S. Morehouse, Bar No. 018502**, is placed on interim probation effective immediately under the terms and conditions of

probation as recommended by the State Bar and as supplemented with the attachments of Morehouse.

IT IS FURTHER ORDERED Respondent, Tracy S. Morehouse, shall sign those terms and conditions of probation immediately.

IT IS FURTHER ORDERED any violation by Tracy S. Morehouse of her terms and conditions of release shall be non-compliant with her terms of interim probation.

NON-COMPLIANCE WITH PROBATION

If Morehouse fails to comply with any of the foregoing probation terms, and the State Bar of Arizona receives information thereof, Bar Counsel shall file a notice of non-compliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5). The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, whether to impose an appropriate sanction. If there is an allegation that Morehouse failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by a preponderance of the evidence.

DATED this 24th day of January 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing emailed/mailed
this January 24, 2018 to:

Stephen P. Little
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6288
Email: lro@staff.azbar.org

Tracy S. Morehouse
2258 S. Basmath Lane
Gilbert, AZ 85295-0148
Email: morehousetracy@gmail.com
Respondent

by: AMcQueen