

FILED

AUG 24 2007

**BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA**

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY *[Signature]*

1
2
3 IN THE MATTER OF AN INACTIVE MEMBER) No. 06-0301
4 OF THE STATE BAR OF ARIZONA,)
5 **BERNARD M. STRASS,**)
6 **Bar No. 013684**) **DISCIPLINARY COMMISSION**
7) **REPORT**
8)
9) **RESPONDENT.**)
10)
11)
12)
13)
14)
15)
16)

17 This matter came before the Disciplinary Commission of the Supreme Court of
18 Arizona on August 11, 2007, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the
19 Hearing Officer's Report filed May 21, 2007, recommending acceptance of the Tender of
20 Admissions and Agreement for Discipline by Consent ("Tender") and Joint Memorandum
21 ("Joint Memorandum") in Support of Agreement for Discipline by Consent providing for a
22 six-month and one-day suspension, three years of probation upon reinstatement with terms
23 and conditions to be determined upon reinstatement, and costs.

Decision

24 The eight members¹ of the Disciplinary Commission unanimously recommend
25 accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and
26 recommendation for a six-month and one-day suspension, three years of probation² upon
reinstatement with terms and conditions to be determined upon reinstatement, and costs of
these disciplinary proceedings.³

¹ Commissioner Todd did not participate in these proceedings.

² The Commission notes that pursuant to Rule 60(b)(5)(A), Ariz.R.Sup. Ct., the term of probation imposed shall not be in excess of two years, but may be renewed for an additional two years. Consequently, upon completion of a two year period of probation, Respondent's contract would be renewed for an additional year.

³ A copy of the Hearing Officer's Report is attached as Exhibit A.

1 Ultimately, the Commission is satisfied that Respondent the public is protected by
2 the agreed-upon sanction and Respondent will be required to participate in formal
3 reinstatement proceedings should he wish to return to the practice of law. A review of
4 previous cases involving similar misconduct reflects that misconduct involving dishonesty
5 and lying to clients with actual harm occurring would generally warrant a lengthier
6 suspension; therefore, the Commission requests that this matter not be cited in future
7 proportionality analysis unless the matter is directly on point.

8 RESPECTFULLY SUBMITTED this 24th day of August, 2007.

9
10 

11 J. Conrad Baran, Chair
12 Disciplinary Commission

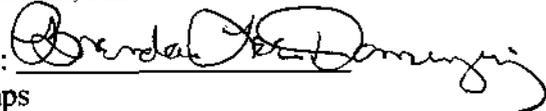
13 Original filed with the Disciplinary Clerk
14 this 24th day of August, 2007.

15 Copy of the foregoing mailed
16 this 24th day of August, 2007, to:

17 Donna Lee Elm
18 Hearing Officer 6N
19 Federal Public Defender
20 850 West Adams Street, Suite 201
21 Phoenix, AZ 85007

22 Bernard M. Strass
23 Respondent
24 P.O Box 2526
25 Gilbert, AZ 85299

26 Roberta L. Tepper
Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

by: 
/mps