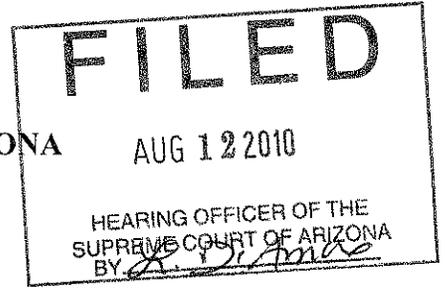


BEFORE A HEARING OFFICER  
OF THE SUPREME COURT OF ARIZONA



No. 10-6002

IN THE MATTER OF A )  
SUSPENDED MEMBER OF THE )  
STATE BAR OF ARIZONA )  
BRUCE T. COOPER )  
Bar No. 015407 )  
APPLICANT )  
\_\_\_\_\_ )

HEARING OFFICER'S REPORT

PROCEDURAL HISTORY

1. On March 18, 2010, Bruce T. Cooper (hereafter "Applicant") filed his Motion for Reinstatement with the Supreme Court of Arizona. On July 7, 2010, the hearing on the Motion was held. At the hearing, State Bar counsel agreed with the Applicant's Motion and recommended reinstatement.
2. This case involves a request for reinstatement after summary suspension for nonpayment of dues more than two years after the suspension, resulting in the required procedure under Rule 65, Ariz. R. Sup. Ct.<sup>1</sup>

FINDING OF FACTS

3. Applicant, age 46 was first admitted to practice law in Arizona on February 2, 1995.<sup>2</sup>
4. On or about May 20, 2005, the Arizona State Bar Board of Governors summarily suspended Applicant for nonpayment of dues.
5. Applicant testified that he is a member of seven Bars (Arizona, California, Maryland, District of Columbia, Florida, Colorado and Hawaii). Exhibit 1; Transcript of Hearing ("T/H") 35:10 – 36:22. His purpose for taking the bar exams and becoming a member of these Bars was to give himself the opportunity to later on in his life move and practice or do mediations in these other locations. T/H 16:3-8. He was an administrative law judge in

<sup>1</sup> Ariz. R. Sup. Ct. will hereafter be referenced with "Rule" followed by the relevant rule's numerical designation.

<sup>2</sup> Exhibit 1. Unless otherwise noted, the facts are taken from the transcript of the hearing, exhibits admitted at the hearing, and the Joint Pre-Hearing Statement filed June 28, 2010.

Maryland for ten years. T/H16:18-19. Applicant has been a member of the Maryland Bar since 1989. T/H 36:8. Currently, he has active status in California, Maryland and the District of Columbia and he has maintained inactive status in the other states. T/H 35:17-36:25.

6. Applicant also testified that the nonpayment of the Arizona Bar dues in 2005 and thereafter were due to a combination of circumstances based largely on his ongoing assumptions that the Arizona Bar dues were continuing to be paid. T/H 12:6-13:18. More specifically the reasons are:

a. In 2000, Applicant moved from Maryland. T/H 13:19-21. From 2000 to 2004, Respondent continued to receive and pay his Arizona Bar dues as he received them. During this time, Applicant received his Arizona Bar dues in California because his parents forwarded his mail that was sent to Maryland. In 2004, his parents moved and Applicant stopped receiving the forwarded mail from them. T/H13:9-14:7.

b. In 2008, Applicant moved to another address in California. In retrospect, he realizes that he provided his change of address for the other Bars, but did not do so for Arizona. T/H 14:16-18.

c. Applicant believes that he continued to overlook paying his Arizona Bar dues amidst his payment of the other six jurisdictional Bars which are payable during different times of the year. T/H 14: 16- 25.

d. In 2010, when he paid or was preparing to pay some of the other Bars' dues, Applicant thought about the Arizona dues:

"I had assumed that I had taken care of Arizona for those years [2005 – 2010], when in this year in February, when I paid Hawaii, took care of California, then received e-mail notice about Colorado was going to be coming due and D. C. was going to be coming due, I said, okay, what happened to Arizona." T/H 15:1-7. Applicant then called the Arizona State Bar and was advised of his suspension status for failure to pay since 2005. T/H 15:

7. Mailings from the State Bar to Applicant, including the third notice of non-payment, confirm that they were sent in 2005 to his prior address in Baltimore, Maryland. The certified mail was stamped as unclaimed. T/H21:3-22:18. Exhibit 29. Applicant's payments through 2004 from dues notices mailed to his former Baltimore address confirm his account that his parents forwarded his mail to him.

8. In seeking reinstatement to inactive member status, Applicant has made the required payments for his application and his delinquent payments. Exhibit4.

9. Since 2005, Applicant has been admitted as an active member to practice law in California. Between 2005 and 2009, he performed contractual adjudicatory services for civil service commissions with the City and County of Los Angeles and the Los Angeles Unified School District. T/H23:15 – 24:12. Applicant has complied with all the

Continuing Legal Education (CLE) requirements for California. T/H 28:7-24; T/H 29:20-30:1.

10. On June 1, 2009, Applicant was appointed as a California administrative law judge handling unemployment and disability hearings. T/H 24:13-16. He continues to attend education programs relevant to his work as an administrative law judge. T/H 29:20-30:1.

11. Applicant is in good standing in the other State Bars where he has been admitted. 34:23-25. His information in his Application and his testimony demonstrate that he remains fit to practice law.

12. Applicant apologized for being remiss in overlooking his unpaid dues obligation to the State Bar of Arizona. T/H16:24-25.

### **CONCLUSIONS OF LAW**

13. This Hearing Officer finds that pursuant to Rule 65(b) (1) (D) (2), Applicant has proven by clear and convincing evidence that he should be reinstated to inactive status as a member of the Arizona State Bar. During the period of his suspension in Arizona for nonpayment of dues, Applicant was an active member of the Maryland Bar and in 2005 became admitted to the California Bar. He has remained in good standing with the other Bars where he has inactive status.

### **RECOMMENDATION**

14. Respondent had a major lack of oversight in failing to pay his dues obligations for five years as an inactive member. After considering Respondent's testimony and assessing his credibility and demeanor, this Hearing Officer finds that Respondent's mistake was due to his oversight and that he did not intend to deliberately fail to pay his dues or deprive the State Bar of those dues.

15. His non-payment went well past the maximum two year period which allows for reinstatement by affidavit under Rule 64 (e) (2)(A). As a result, Applicant was required to give detailed information to show that during the time period of suspension he did not have any mental health, civil, criminal or financial issues that would render him unfit to practice. Respondent has shown that there are no issues that make him unfit to practice. Having gone through the rigorous investigation and hearing process required by Rule 65, it is unlikely that Applicant will overlook paying his Arizona State Bar dues in the future.

16. Based on the above facts and circumstances, this Hearing Officer recommends to the Disciplinary Commission that Applicant be reinstated as an inactive member of the Arizona State Bar. This Hearing Officer also recommends that Applicant pay all costs incurred by the State Bar in these reinstatement proceedings. Applicant shall also pay all costs incurred by the Disciplinary Clerk's office and the Supreme Court in this matter.

DATED this 12<sup>th</sup> day of August, 2010.

Hon. Louis A. Araneta / R. D'Audre  
Hon. Louis A. Araneta, Hearing Officer 6U

Original filed with the Disciplinary Clerk  
this 12<sup>th</sup> day of August, 2010.

Copy of the forgoing mailed this 12 day  
of August, 2010 to:

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