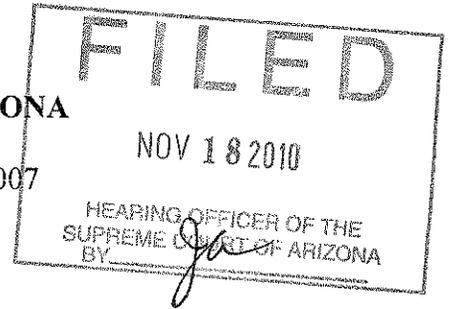


**BEFORE A HEARING OFFICER
OF THE SUPREME COURT OF ARIZONA**



IN THE MATTER OF A SUSPENDED)
MEMBER OF THE STATE BAR)
OF ARIZONA,)
)
CRAIG S. WALKON,)
Bar No. 012926)
)
APPLICANT.)

No. 10-6007

HEARING OFFICER'S REPORT

PROCEDURAL HISTORY

1. On June 23, 2010, Applicant Craig S. Walkon (hereafter "Applicant") filed his Application for Reinstatement.

The Application required Applicant to undergo the detailed review process under Rule 65, Ariz. R. Sup. Ct. because Applicant had not filed for reinstatement within two years of his summary suspension from 1995 for nonpayment of dues.¹

2. On September 27, 2010, the hearing on the Application was held with Applicant representing himself, and counsel David L. Sandweiss appearing for the State Bar. At the hearing, State Bar counsel agreed with the Application and recommended reinstatement and waiver of the bar exam provision.

FINDINGS OF FACT

3. Applicant was admitted to practice law in California on June 6, 1989.²

4. Four months later, Applicant was first admitted to practice law in Arizona on October 21, 1989.

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

² Unless otherwise noted, the facts are taken from the transcript of the hearing, exhibits admitted, or the Joint Pre-Hearing Statement.

5. Although admitted as a member of the State Bar of Arizona, Applicant has not resided in or regularly practiced law in Arizona. Yet, Applicant retained his active status with the State Bar of Arizona until 1995.
6. On June 12, 1995, by Supreme Court Order filed on June 12, 1995, in file number SB-95-0025-D, Applicant was summarily suspended from the practice of law for failure to pay annual membership fees within two months after written notice of delinquency, in violation of then existing Rule 31(c) 9. Exhibit 2.
7. On June 23, 2010, Applicant filed his Application for Reinstatement with the Supreme Court of Arizona, pursuant to Rules 64 and 65, Ariz. R. Sup. Ct.
8. Since 1989, Applicant has been practicing law in California with a focus on medical malpractice and personal injury, both plaintiff and defense. Transcript of Hearing (“T/H”) 9: 10-15. Exhibit 10.
9. Applicant has complied with all of his annual California continuing legal education program (CLE) requirements. T/H 43:18-23. He has also continuously paid his annual California bar dues. T/H 43:23-44:2.
10. Applicant has paid all his financial requirements to the State Bar of Arizona to be eligible for reinstatement. Exhibit 5.
11. Applicant has practiced financial responsibility over the years. His only major financial obligation is a home equity line of credit taken out approximately 2 years ago. Application for Reinstatement, page 3, paragraph G.
12. Applicant testified that he chose to take the Arizona bar exam in 1989 immediately after he took the California bar because he wanted to someday practice in Arizona. T/H 7:13-16.

13. Applicant began his law career by working his first five years for a law firm in Orange County, California. At the end of 1994, he decided to go out on his own and practice law as a solo practitioner. At that time, given his uncertainty over future income, he decided to reduce expenses and overhead. For that reason he stopped paying his Arizona bar dues. T/H 7:17-9:9. Thereafter, he focused on getting his practice off the ground and helping his wife raise their two sons, even though in later years, he could have paid his Arizona bar dues without any financial burden to his law practice. T/H 11:20-12:11.

14. Applicant testified that he did not think about his earlier plan to someday practice law in Arizona until 2010, when his older son prepared to take his law school admission test and wanted to apply to the law schools in Arizona. T/H 12:12-13:8. Applicant would like to join his son in practicing law in Arizona in the future. Application for Reinstatement, pages 3-4, paragraph M. In hindsight, Applicant regrets his earlier decision to stop paying his State Bar of Arizona Bar dues. T/H 9:9-10. Having gone through the hearing review process, Applicant testified that if reinstated, he will not fail to pay his dues in the future. T/H 42:6-11.

15. The rigorous investigation by the State Bar and the evidence at the hearing confirmed that Applicant remains in good standing with the California Bar and that he has satisfied the requirements for reinstatement under Rule 65.³ Applicant has complied with all discipline orders and rules, is fit to practice and has practiced very competently in his area of personal injury and professional malpractice. The letters by retired Judge

³ The evidence at hearing covered tax returns, satisfaction of payment on two traffic tickets, a one year inadvertent non-renewal of legal corporate status that was immediately corrected, and a onetime draw on a check which had not been given sufficient time to be posted by the bank.

Norman W. Gordon and by attorney Timothy J. Rabun recommend Applicant for reinstatement based on his professionalism, competency and integrity. Exhibits 9 and 10.

16. At the conclusion of the hearing, Bar Counsel recommended that Applicant be reinstated and that the provision under Rule 64(c) to re-take the Arizona Bar Exam be waived.

CONCLUSIONS OF LAW

17. Applicant was suspended from the practice of law in Arizona for non-payment of his membership dues and not for any disciplinary reason. Applicant is considered a very competent, ethical and trustworthy attorney in California.

18. This Hearing Officer also finds that Applicant's circumstances are similar to those of the applicant in *In re Trester*, SB 06-6003, involving a summary suspension of 13 years for non-payment of dues where the applicant had established a continuous record of competency in another state. During the time of his Arizona summary suspension, Applicant in California has established and maintained himself as a professional and trustworthy practitioner in his area of malpractice and personal injury law. Consistent with the holding in *In re Trester*, *supra*, to require Applicant to re-take the Arizona Bar Exam would be punitive.

RECOMMENDATION

Based on the above facts and circumstances, this Hearing Officer recommends that Applicant be reinstated as an active member of the State Bar of Arizona and that the Rule 64(c) provision requiring the applicant to retake the Arizona Bar Exam be waived. 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 18 day of November, 2010.

Louis A. Araneta /ms

Honorable Louis Araneta
Hearing Officer 6U

Original filed with the Disciplinary Clerk
this 18 day of November, 2010.

Copy of the foregoing mailed
this 19 day of ~~September~~, 2010 to:
November

Craig S. Walkon
34700 Pacific Coast Hwy., Suite 300
Capistrano Beach, CA 92624-1350

David L. Sandweiss
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

by: Deann Baker

/jsa