

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

IN THE MATTER OF AN APPLICATION) No. 10-6007
FOR REINSTATEMENT OF A SUSPENDED)
MEMBER OF THE STATE BAR OF ARIZONA,)
)
CRAIG S. WALKON,) **DISCIPLINARY COMMISSION**
Bar No. 012926) **REPORT**
)
APPLICANT.)
_____)

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on December 11, 2010, pursuant to Rules 64 and 65, Ariz.R.Sup.Ct., for review of the Hearing Officer's Report filed November 18, 2010, recommending reinstatement and costs. The Hearing Officer further recommended that the requirement requiring Applicant to re-take the Arizona Bar Exam be waived. The Commission requested oral argument. Applicant and counsel for the State Bar were present. The State Bar does not oppose the reinstatement.

Decision

Having found no facts clearly erroneous, the eight members¹ of the Commission unanimously recommend adopting and incorporating by reference the Hearing Officer's findings of fact, conclusions of law, and recommendation that Applicant Craig S. Walkon be reinstated to the practice of law and pay costs associated with these proceedings including any costs incurred by the Disciplinary Clerk's Office.² The Commission further adopts the Hearing Officer's recommendation that the additional requirement

¹ Commissioner Belleau did not participate in these proceedings.

1 pursuant to Rule 64(c), Ariz.R.Sup.Ct., requiring Applicant to re-take the Arizona Bar
2 Examination be waived.

3 **Background**

4 Applicant was summarily suspended effective June 12, 1995 for nonpayment of bar
5 dues. Applicant filed his Application for Reinstatement on June 23, 2010.

6 Pursuant to Rule 64(f), Ariz.R.Sup.Ct., because Applicant's Motion for
7 Reinstatement was not filed within two years of the effective date of suspension, he must
8 submit to formal reinstatement proceedings pursuant to Rule 65. Applicant must cure the
9 grounds upon which the suspension order was entered by payment of the amount of fees,
10 assessments and any administrative costs.

11 In addition, Rule 64(c), Ariz.R.Sup.Ct. (Additional Requirements) provides that if
12 the applicant has been suspended for a period of five years at the time the application for
13 reinstatement is filed, applicant shall be required to apply for admission and pass the bar
14 examination as required.

15 Applicant was admitted to practice law in California on June 6, 1989 and admitted in
16 Arizona on October 21, 1989. He has not resided or practiced law in Arizona but
17 maintained active status in Arizona until 1995. Applicant is currently a sole practitioner in
18 California and is in good standing with the California bar but needed to reduce his expenses
19 and overhead so for economic reasons he stopped paying his Arizona bar dues. Applicant
20 would like to eventually join his son in practicing law in Arizona. He regrets his earlier
21 decision to stop paying his Arizona bar dues and testified that he will not fail to pay his dues
22 in the future.

23
24
25
26

² A copy of the Hearing Officer's Report is attached as Exhibit A.

1 Applicant has consistently practiced law in California during his suspension,
2 focusing on medical malpractice and personal injury cases. He has complied with all of
3 California's CLE and requirements and has paid his California dues. Applicant has also
4 paid his financial requirements to the State Bar of Arizona.

5 **Conclusion**

6 The Hearing Officer found that Applicant has proven by clear and convincing
7 evidence his competence, fitness to practice law, compliance with all applicable discipline
8 orders, and requirements regarding rehabilitation pursuant to Rule 65, Ariz.R.Sup.Ct. The
9 Commission agrees and therefore adopts the Hearing Officer's recommendation for
10 reinstatement and the payment of costs of these proceedings. The Commission further
11 recommends waiving the requirement for the Applicant to re-take the Arizona Bar
12 Examination.
13

14 RESPECTFULLY SUBMITTED this 5 day of January 2011.

15
16 Pamela M. Katzenberg Chair
17 Pamela M. Katzenberg, Chair
Disciplinary Commission

18 Original filed with the Disciplinary Clerk
19 this 5th day of January 2011.

20 Copy of the foregoing mailed
21 this 7 day of January 2011, to:

22 Craig S. Walkon
23 Applicant
34700 Pacific Coast Hwy., Suite 300
24 Capistrano Beach, CA 92624-1350
25
26

1 David L. Sandweiss
2 Senior Bar Counsel
3 State Bar of Arizona
4 4201 North 24th Street, Suite 200
5 Phoenix, AZ 85016-6288

6 Copy of the foregoing hand delivered
7 this 7 day of January 2011, to:

8 Hon. Louis A. Araneta
9 Hearing Officer 6U
10 1501 W. Washington, Suite 104
11 Phoenix, AZ 85007

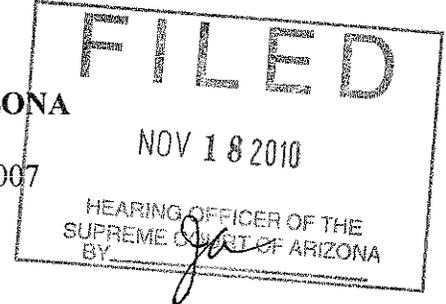
12 by Deann Bab

13 /mps
14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT

A

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.



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: 

/jsa