

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,)	Supreme Court No. SB-06-0170-D
)	
)	Disciplinary Commission Nos. 05-1606, 05-1817
GARETH C. HYNDMAN II,)	
Bar No. 019500)	
)	
RESPONDENT.)	JUDGMENT AND ORDER
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This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, there having been no discretionary review and *sua sponte* review having been declined by the Court,

IT IS ORDERED, ADJUDGED AND DECREED that **GARETH C. HYNDMAN II**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of 90 days, effective 30 days from the date of this judgment and order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **GARETH C. HYNDMAN, II** shall be placed on probation for a period of one year under the following terms and conditions:

- 1) Respondent shall participate in MAP. Within 30 days of the date of the final Judgment and Order, Respondent shall contact the Member Assistance Program (MAP) director Hal Nevitt and submit to a MAP assessment. Respondent thereafter shall enter into a therapeutic contract incorporating the recommendations of the MAP director or designee. The MAP contract will be effective for a period of one year from the date Respondent signs the MAP contract.
- 2) Respondent shall be responsible for all costs associated with MAP.
- 3) In the event that Respondent returns to private practice during the probation period, Respondent shall report the employment change within 30 days to bar counsel and the Law Office Management Assistance Program (LOMAP) director. Respondent thereafter shall submit to a LOMAP audit and enter into a new probation contract effective for a period of one year from the date the LOMAP contract is signed. Respondent shall comply with all recommendations of the LOMAP director or designee.
- 4) Respondent shall pay the costs associated with LOMAP.

- 5) Within 30 days of the date of the order reinstating Respondent from the 90 day suspension, Respondent shall pay restitution to the State Bar for the Ethics Enhancement Program (EEP) enrollment fee, and any other unpaid costs ordered in File No. 03-1331.
- 6) Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct or the Rules of the Supreme Court of Arizona.
- 7) Respondent shall pay all costs incurred by the State Bar in these disciplinary proceedings. All costs shall be paid within 30 days of reinstatement.
- 8) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information to that effect, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. Sup. Ct. The Hearing Officer shall conduct a hearing within 30 days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 72(a), which requires that Respondent notify all of his clients, within 10 days from the date hereof, of his inability to represent them and that he should promptly inform this Court of his compliance with this Order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **GARETH C. HYNDMAN, II** for costs and expenses of these proceedings in the amount of \$600.00, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2007.

NOEL K. DESSAINT
Clerk of the Court

TO:

Gareth C. Hyndman II, Respondent (Certified Mail, Return Receipt and Regular Mail)

Gregory N. Navazo, Respondent's Counsel

Ariel I. Worth, Bar Counsel

Thomas M. Quigley, Hearing Officer 8W

Lauren E. Eiler, Disciplinary Clerk (Cert. Copy)

Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)

Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)

Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)

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