

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,)	Supreme Court No. SB-07-0051-D
)	
)	
)	Disciplinary Commission
)	Nos. 05-1377, 05-1616, 05-1660, 06-0204,
HEATH ORAN DOOLEY,)	and 05-2088
Bar No. 014399)	
)	
RESPONDENT.)	JUDGMENT AND ORDER

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 **HEATH ORAN DOOLEY**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of six-months, effective thirty (30) days from the date of this 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 **HEATH ORAN DOOLEY** shall be placed on probation for a period of two years upon reinstatement and effective upon the signing of the probation contract. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation are as follows:

- 1) Within 30 days of reinstatement, Respondent shall contact the Director of Member Assistance Program (MAP) and submit to a MAP assessment. Respondent thereafter will enter into a MAP contract based upon the recommendations of the MAP director or designee and shall comply with the recommended terms.
- 2) Should Respondent relocate out of state, he is still required to undergo the assessment, and appropriate terms, if needed, will be developed to continue any requirements in the other state. In accordance with the terms of the contract, Respondent will continue to report compliance with any such terms to MAP.

- 3) Within 30 days of reinstatement, Respondent shall contact the Director of Law Office Management Assistance Program (LOMAP) and submit to a LOMAP audit of his office's calendaring procedures and client communication. Respondent thereafter will enter into a LOMAP contract based upon the recommendations of the LOMAP director or designee and shall comply with the recommended terms. Should Respondent relocate out of state, he will not be required to complete this term. However, should Respondent resume the practice of law in Arizona during the probationary period, Respondent shall immediately contact LOMAP and comply with this term.
- 4) Respondent shall complete the Ethics Enhancement Program (EEP) during the probationary period.
- 5) Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct or other Rules of the Supreme Court of Arizona.
- 6) Respondent shall pay restitution in the amount of \$5,283.04.
- 7) Respondent shall pay the costs incurred in these disciplinary proceedings.
- 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 thirty 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 **HEATH ORAN DOOLEY** shall pay restitution in the following amounts to the following individuals:

George and Sharon Snyder	\$4,771.14
Mary Kohler	<u>\$ 511.90</u>
	\$5,283.04

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 ten (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 **HEATH ORAN DOOLEY** for costs and expenses of these proceedings in the amount of \$735.36, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2007.

RACHELLE M. RESNICK
Clerk of the Court

TO:

Heath Oran Dooley, Respondent (Certified Mail, Return Receipt and Regular Mail)
Amy K. Rehm, Bar Counsel
Mark S. Sifferman, Hearing Officer
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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