

FILED

MAR 14 2005

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

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

Nos.

03-2003, 04-05717
04-0933, 04-0968

1
2 IN THE MATTER OF A SUSPENDED MEMBER)
3 OF THE STATE BAR OF ARIZONA,)
4)
5 **GEORGE R. BROWN,**)
6 **Bar No. 009628**)
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RESPONDENT.

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on February 12, 2005, pursuant to Rule 58, Ariz. R. S. Ct., for consideration of the Hearing Officer's Report, filed December 17, 2004, recommending disbarment, conditions of reinstatement including obtaining a Member Assistance Program (MAP) assessment six months prior to filing an application for reinstatement, providing evidence of successful treatment of any anxiety disorders and rehabilitation from the abuse of controlled substances, including alcohol, six months prior to filing an application for reinstatement, two years of probation with terms and conditions to be determined upon reinstatement, restitution, and costs.

Decision

The Commission's standard of review is set forth in Rule 58(b), which states that the Commission reviews questions of law *de novo*. In reviewing findings of fact made by a hearing officer, the Commission applies a clearly erroneous standard. Mixed findings of fact and law are also reviewed *de novo*. *State v Blackmore*, 186 Ariz. 630, 925 P.2d 1347 (1996) citing *State v. Winegar*, 147 Ariz. 440, 711 P.2d 579 (1985).

1 Therefore, having found no findings of fact clearly erroneous, the nine¹ members of
2 the Commission recommend adopting and incorporating by reference the Hearing Officer's
3 findings of fact and conclusions of law², and recommendation³ of disbarment, two years of
4 probation upon reinstatement with terms and conditions to be determined upon reinstatement,
5 restitution, costs of these disciplinary proceedings, and the following conditions of
6 reinstatement and restitution:

7 **Conditions of Reinstatement**

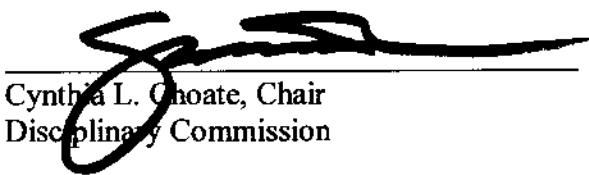
8 No later than six months prior to filing an application for reinstatement, Respondent
9 shall contact the Director of the Law Office Management Program (LOMAP) and schedule a
10 MAP assessment. In addition to any other areas of investigation identified by the Director of
11 MAP, Respondent shall provide evidence, satisfactory to the Director of MAP, of his
12 successful treatment of any anxiety disorders and rehabilitation from the abuse of controlled
13 substances, including alcohol.
14

15 **Restitution**

16 Respondent shall demonstrate satisfaction of payment of restitution as follows:

17	Count 1 - Melinda Preston	\$11,000.00
18	Count 2 - William Rodrigues	\$ 7,500.00
19	Count 3 - Lori Matteson Warner	\$13,529.94
20	Count 4 - Donald & Patricia Starkey	\$ 5,000.00
	TOTAL DUE:	\$37,029.94

21 RESPECTFULLY SUBMITTED this 14th day of March 2005.

22
23 
24 Cynthia L. Choate, Chair
Disciplinary Commission

25 ¹ One lawyer member seat remains vacant. Bruce G. Macdonald, a Hearing Officer from Tucson, participated as
26 an ad hoc member.

² The Commission notes that the Hearing Officer's finding regarding no evidence of mental state is inconsistent
with her overall findings and conclusions, including the proportionality analysis and recommendation of
disbarment in this defaulted matter. See Hearing Officer's Report, p. 13, item 68.

³ The Hearing Officer's Report is attached as Exhibit A.

1 Original filed with the Disciplinary Clerk
this 14th day of March 2005.

2 Copy of the foregoing mailed
3 this 14th day of March 2005, to:

4 Pamela M. Katzenberg
5 Hearing Officer 7T
6 177 N. Church, Suite 815
Tucson, AZ 85701-1131

7 George R. Brown
8 Respondent
9 7355 E. Knollwood Dr.
Tucson, AZ 85750-2239

10 Loren J. Braud
11 Senior Bar Counsel
12 State Bar of Arizona
111 West Monroe, Suite 1800
Phoenix, AZ 85003-1742

13 by: Kel Weigand
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