

SUPREME COURT OF ARIZONA

In the Matter of a Member of the ) Arizona Supreme Court  
State Bar of Arizona, ) No. SB-09-0118-D  
)  
BRIAN E FINANDER, ) Disciplinary Commission  
Attorney No. 7739 ) Nos. 06-1953, 07-0993  
)  
) **FILED 01/05/2010**  
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, and this Court having considered Respondent's Petition for Review, accordingly,

IT IS ORDERED that the Petition for Review is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent BRIAN E FINANDER, a member of the State Bar of Arizona, is suspended from the practice of law for one year, effective thirty 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 BRIAN E FINANDER shall be placed on probation upon reinstatement for two years under such terms and conditions to be determined at the time of reinstatement, including:

1. Respondent shall participate in the State Bar's Member Assistance Program (MAP) to include evaluation and compliance with any recommended therapeutic course, and shall participate in the State Bar's Law Office Management Assistance Program (LOMAP) including the use of a practice monitor.

2. In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a Notice of Non-Compliance with the imposing entity, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The imposing entity may refer the matter to a hearing officer to conduct a hearing at the earliest practical date, but in no event later than thirty days after receipt of notice, to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the State Bar of Arizona bears the burden of proof to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent shall pay restitution to

Carol Sikora in the amount of \$117,214.00.

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 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 be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b).

DATED this \_\_\_\_\_ day of January, 2010.

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REBECCA WHITE BERCH  
Chief Justice

TO:

Leticia V D'Amore

Sandra Montoya

Perry Thompson

Don Lewis

Beth Stephenson

Jode Ottman

Lexis Nexis

Brian E Finander, Law Offices of Brian E Finander

Roberta L Tepper, Bar Counsel, State Bar of Arizona