

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
)
)
SIDNEY F. WOLITZKY,)
Bar No. 003195)
)
RESPONDENT.)
_____)

Supreme Court
No. SB-10-0046-D

Disciplinary Commission
No. 09-0197

JUDGMENT AND ORDER

FILED 04/28/2010

This matter having come before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, and there having been no discretionary or *sua sponte* review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **SIDNEY F. WOLITZKY**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **SIDNEY F. WOLITZKY** shall be placed on probation for a period of one (1) year. The terms of probation are as follows:

1. Respondent shall successfully complete the State Bar's continuing legal education ("CLE") course entitled "Candor, *Courtesy, and Confidences: Common Courtroom Conundrums*". Respondent shall provide either a certificate of completion or a copy of his notes to Bar Counsel signifying he has completed the course. Respondent shall be responsible for any costs associated with this course.
2. Respondent shall successfully complete three (3) additional hours of CLE in criminal law and/or procedure. Respondent shall provide either a certificate of completion or a copy of his notes to Bar Counsel signifying he has completed the course(s). Respondent shall be responsible for any costs associated with this course.
3. 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.
4. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information thereof, Bar Counsel shall file with the imposing entity a Notice of Non-Compliance, 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 practicable date, but in no event later than 30

days after receipt of notice, to determine whether the terms of probation have been breached and, if so, to recommend appropriate action and response. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the State Bar of Arizona bears the burden to prove non-compliance by a preponderance of the evidence.

5. The probation period shall begin to run as of the date of the Judgment and Order.
6. In the event that Respondent successfully completes his above listed CLE courses, Bar Counsel shall review the recommendation to ascertain whether an early termination of probation is appropriate. If early termination is appropriate, Bar Counsel shall file a Notice of Successful Completion of Probation.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **SIDNEY F. WOLITZKY**, for costs and expenses of these proceedings in the amount of \$2,078.85 together with interest at the legal rate from the date of this judgment.

DATED this _____ day of April, 2010.

Rachelle M. Resnick
Clerk of the Court

TO:
Sidney F. Wolitzky, Respondent
Karen Clark, Respondent's Counsel
Jason B. Easterday, Bar Counsel
Hon. H. Jeffrey Coker, Hearing Officer 6R
Leticia V. D'Amore, Disciplinary Clerk
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona
Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit
Attn: Don Lewis
Richard Weare, Clerk, United States District Court, District of Arizona
Attn: Beth Stephenson
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