

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

**IN THE MATTER OF A MEMBER OF THE
STATE BAR OF ARIZONA,**

**TROY L. BROWN,
Bar No. 016400**

Respondent.

PDJ-2013-9057

**REPORT AND ORDER IMPOSING
SANCTIONS**

[State Bar No. 12-1767]

FILED NOVEMBER 18, 2013

On October 18, 2013, the Hearing Panel ("Panel") composed of Bruce M. Brannan, a public member from Maricopa County, Andrea J. Curry, an attorney member from Maricopa County, and the Presiding Disciplinary Judge ("PDJ") held a one day hearing pursuant to Supreme Court Rule 58(j), Ariz. R. Sup. Ct. Shauna R. Miller appeared on behalf of the State Bar of Arizona ("State Bar") and Mr. Brown appeared *pro per*. Rule 615 of the Arizona Rules of Evidence, witness exclusionary rule was invoked.¹ The Panel carefully considered the admitted exhibits, the parties' Joint Prehearing Statement, Mr. Brown's Proposed Findings of Fact and Conclusions of Law, the State Bar's Prehearing Memorandum, testimony and evaluated the credibility of the witnesses, including Mr. Brown. The Panel now issues the following "Report and Order Imposing Sanctions," pursuant to Rule 58(k), Ariz. R. Sup. Ct.

¹ Consideration was given to the sworn testimony of Holly Marshall, Esq., Thomas McCauley, Esq., Aaron Bernier and Robin Bernier.

I. SANCTION IMPOSED:

ATTORNEY SUSPENDED FOR ONE (1) YEAR. UPON REINSTATEMENT, TWO (2) YEARS OF PROBATION WITH THE STATE BAR'S LAW OFFICE MANAGEMENT ASSISTANCE PROGRAM ("LOMAP") AND MEMBER ASSISTANCE PROGRAM ("MAP") AND THE PAYMENT OF COSTS OF THESE DISCIPLINARY PROCEEDINGS.

II. BACKGROUND AND PROCEDURAL HISTORY

An Order of Probable Cause was filed on April 15, 2013, and the formal Complaint was filed on June 28, 2013. Mr. Brown filed a Response to Complaint on July 22, 2013. An initial case management conference was held on July 30, 2013. Mr. Brown filed Proposed Findings of Fact and Conclusions of Law on September 24, 2013. The parties filed their Joint Prehearing Statement on September 25, 2013. The State Bar filed its prehearing memoranda on October 11, 2013. The Complaint alleged Mr. Brown violated the following ethical rules: ER 1.1 (competence), ER 3.1 (meritorious claims and contentions), ER 3.3(a)(3) (offer evidence that the lawyer knows to be false and failing to take remedial measures), ER 8.4(c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation), ER 8.4(d) (conduct prejudicial to the administration of justice).

The State Bar bears the burden of proof by clear and convincing evidence that Mr. Brown committed the violations charged pursuant to Rule 48(e), Ariz. R. Sup. Ct.

Mr. Brown argues he committed no ethical violations because he provided candid and accurate information to the court; therefore, there is no basis for disciplinary action.

The State Bar seeks a suspension of six months and one day and probation upon reinstatement. Mr. Brown asserts that dismissal is appropriate.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant, Mr. Brown was a lawyer licensed to practice law in Arizona having first been admitted on October 21, 1995. [Joint Prehearing Statement]

2. Mr. Brown represented Robin Bernier in a post decree family law matter (*In the Matter of Aaron Bernier and Robin Bernier*, FC2008-002965). [Joint Prehearing Statement]

3. On May 3, 2011, the family court ordered that the fees for a limited family assessment "shall be borne equally by the parties ... Mother (Robin Bernier "Mother") shall reimburse Father (Aaron Bernier "Father") for her portion of such fees within 45 days." [Joint Prehearing Statement]

4. Father's lawyer, Holly Marshall ("Ms. Marshall"), filed a proposed order awarding Father \$2,750.00, which represented one-half of the fees paid by him for the assessment. The Court entered the order on July 12, 2011. [Joint Prehearing Statement]

5. Sometime between July 12, 2011, and July 28, 2011, Mother sent partial payment of the \$2,750.00 to Father, but reduced the amount she owed by \$596.29, an amount Mother claims that Father owed her for his share of uncovered medical expenses. [Joint Prehearing Statement]

6. Mother informed Mr. Brown multiple times that she needed the judgment off her record immediately as she was actively trying to refinance her home. Mother inquired of Mr. Brown if there could be a "set off" for the medical expenses she paid. [Robin Bernier Hearing Testimony]

7. Mr. Brown advised Mother that pursuant to her divorce decree, she could do an offset of the judgment for the \$596.29 in unpaid medical expenses. Mother provided the itemized statements to Mr. Brown. He later would repeatedly ask that they be provided again. Sometime before July 28, 2011, instead of drafting a pleading for an "off set", Mr. Brown drafted a pleading on his letterhead titled "Satisfaction of Judgment" and sent it to Mother with instructions. Mother had never heard of the terminology "satisfaction of judgment" prior to that. [Robin Bernier Hearing Testimony]

8. Mr. Brown is the author of the document. The signature line has Mr. Brown's name typed beneath it. Mr. Brown included the date, July 28, 2011, above the signature line and on the mailing certificate. [Joint Prehearing Statement; State Bar's Hearing Exhibit 2]

9. The pleading read in part "(t)he payment to [Father] by [Mother] satisfies the Order for the payment of her share of the fees for the evaluation completed by Joel Glassman." [Joint Prehearing Statement; Hearing Exhibit 2]

10. Mr. Brown prepared the Satisfaction of Judgment and provided the draft to Mother for her review and input to be returned to Mr. Brown. She told him to proceed with the recording. [Joint Prehearing Statement; State Bar's Hearing Exhibit 1; Robin Bernier Hearing Testimony; Troy Brown Hearing Testimony]

11. Mr. Brown told Mother he would take care of the recording of the satisfaction of judgment. He did not. Mr. Brown and Mother had multiple communications regarding the need to record the document and the refinancing of her home. She left many messages regarding his inaction regarding the recordation of it. Mr. Brown had instructed Mother on how to proceed and she finally followed

his instructions. Those instructions included recording the Satisfaction of Judgment with the Court and recording it with the Maricopa County Recorder's office. After recording the documents with the court and the recorder, Mother informed Mr. Brown that she had filed it with the court and the recorder. She sent a copy of the recorded documents to Mr. Brown and Ms. Marshall. [Joint Prehearing Statement; Robin Bernier Hearing Testimony]

12. Mr. Aaron Bernier routinely reviewed the Court's online docket sheet and discovered a Satisfaction of Judgment had been filed and called his attorney, Holly Marshall. [Aaron Bernier Hearing Testimony]

13. On August 26, 2011, Ms. Marshall, counsel for Mr. Bernier, wrote to Mr. Brown notifying him that the Satisfaction of Judgment had been filed and asked that it be withdrawn because the judgment had not been satisfied. [State Bar's Hearing Exhibit 3]

14. At the request of Mr. Brown, Mother again sent copies of the satisfaction of judgment that had been recorded with the county recorder and the court in September, 2011. [Robin Bernier Hearing Testimony]

15. Without consulting with his client, Mr. Brown on October 18, 2011, filed a Notice of Compliance with Court Orders in relation to the July 12, 2011, Order requiring Mother to pay Father \$2,750.06. He later informed Mother that the State Bar told him the title of the satisfaction of judgment needed to be changed. No individual with the State Bar gave him such advice. [State Bar Hearing Exhibit 4; Robin Bernier Hearing Testimony; Tom McCauley Hearing Testimony]

16. Sometime thereafter Ms. Marshall encountered Mr. Brown in the hallway of the Southeast Court Complex in Mesa and asked him if he was going to

retract the satisfaction of judgment and asked that he think about it. Mr. Brown communicated that he did not think it was important. She had no other communication with him. [Holly Marshall Hearing Testimony; Robin Bernier Hearing Testimony]

17. As a result, on December 30, 2011, Ms. Marshall formally moved the Court to set aside the Satisfaction of Judgment and the Notice of Compliance. [Holly Marshall Hearing Testimony; Joint Prehearing Statement]

18. Mr. Brown instructed Mother, that Ms. Marshall was creating chaos out of nothing, and that he had resolved the issue with the State Bar. He informed her she could easily handle the hearing on her own. [Robin Bernier Hearing Testimony]

19. On January 11, 2012, Mr. Brown filed a motion to withdraw with consent as Mother's counsel of record. [State Bar's Hearing Exhibit 5]

20. On January 17, 2012, the Court granted Mr. Brown's motion to withdraw and granted Father's motion vacating the Satisfaction of Judgment and Notice of Compliance. [State Bar Hearing Exhibit 6]

21. The Court set an evidentiary hearing for February 15, 2012. Mr. Brown did not pay the judgment. The parties stipulate it was discharged by the Bankruptcy Court. [Joint Prehearing Statement]

22. Mother eventually paid the full amount of the judgment to Father and paid the \$3,464.75 attorney's fee judgment. [Joint Prehearing Statement]

23. Ms. Marshall filed a Satisfaction of Judgment on July 11, 2013, verifying that full satisfaction of the \$3,464.75 had been received. [State Bar's Hearing Exhibit 21]

Holly Marshall, Esq.

Ms. Marshall testified that she was admitted to practice law in Arizona in 1994 and her area of practice is family law. She stated she was opposing counsel in a post decree matter concerning the Berniers. Ms. Marshall stated that her client called her because while reviewing the court's online docket, he saw a document that he was not aware had been filed in his case. Ms Marshall stated she was not sure if Mr. Brown was aware a Satisfaction of Judgment had been filed because it was not signed. She wrote to Mr. Brown in August and then subsequently spoke with him at the courthouse in Mesa about the erroneous filing of the Satisfaction of Judgment. Ms. Marshall testified she wanted Mr. Brown to retract the document because the judgment was not satisfied and she objected to the client discharging her own debt. Ms. Marshall stated Mr. Brown did not respond to her letter or take action after they spoke, so she advised her client to contact the State Bar of Arizona.

Thomas E. McCauley, Esq.

Mr. Thomas McCauley, supervising attorney for the State Bar's Attorney Consumer Assistance Program testified that Mr. Brown called the State Bar sometime in October of 2012, regarding the Satisfaction of Judgment and stated that he did not understand why the Satisfaction of Judgment had been filed because the judgment had not been satisfied. He considered it an odd filing because a satisfaction of judgment is not filed by the debtor. Mr. McCauley further stated that Mr. Brown acknowledged he drafted the Satisfaction of Judgment but did not sign the pleading and then gave it to his client, Ms. Bernier. Mr. McCauley stated that he told Mr. Brown he needed to do something to correct the Satisfaction of Judgment because it was inaccurate. Mr. McCauley stated because the Satisfaction of Judgment had been filed and was

improper something needed to be done. Although Mr. Brown's position is that Mr. McCauley indicated the Satisfaction of Judgment was a "nullity" because it was not signed, Mr. McCauley stated that "nullity" is not a term that he would use and he did not recall if he specifically told Mr. Brown to withdraw the document. Because the client, Ms. Bernier, filed the Satisfaction of Judgment and not Respondent, Mr. McCauley stated the State Bar closed the intake file.

Based upon the above mentioned facts, the Hearing Panel finds by clear and convincing evidence that Mr. Brown violated ERs 1.1 (competence), 3.1 (meritorious claims and contentions), 3.3(a)(3) (offer evidence that the lawyer knows to be false and failing to take remedial measures), 8.4(c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation), 8.4(d) (conduct prejudicial to the administration of justice).

IV. DISCUSSION OF DECISION

Mr. Brown had several opportunities to remedy the filing of the Satisfaction of Judgment and he remains to this day completely unremorseful and rationalizes his actions. On several occasions, opposing counsel and the State Bar notified him of the impropriety of the document. [Exhibit 3, Bates 000007] Instead of looking at the facts and researching the law, we find he ignored those concerns, researched nothing and acted contrary to the best interests of his client by his conduct.

Had Respondent acknowledged his error and corrected or withdrawn the Satisfaction of Judgment when first notified by Ms. Marshall or even after being notified by the State Bar, it is probable this matter would never have proceeded. However sometimes the eye only sees what the mind is willing to comprehend.

The testimony of Mr. Brown was not credible on multiple occasions. During the hearing he frequently provided information that was totally false, misleading and lacking in candor. Repeatedly his testimony was impeached. By example, Mr. Brown testified that he personally reviewed the county recorder's records to see if the Satisfaction of Judgment had been recorded and saw online that the document was not signed. Mr. Brown further testified he did not call the recorder's office prior to preparing the Satisfaction of Judgment to see if Mr. Bernier recorded his Judgment with the county recorder. This testimony is contrary to what Mr. Brown stated in this e-mail to Ms. Bernier. There he affirmatively asserted the document had not been recorded. [Exhibit 1, Bates No. SBA000001]

In addition, when cross examining Ms. Bernier regarding Mr. Brown's Motion to Withdraw as counsel and the subsequent Order to Withdraw (Respondent's Exhibit 30, Bates 301), Mr. Brown acknowledged that the Court granted his withdrawal from representation by separate order and stated that "there is no date stamp, unfortunately." Further, he agreed that it would have been helpful to have a date/time stamped copy of the Order to Withdraw.

The Panel requested that the State Bar authenticate the Order to Withdraw by obtaining a copy from the court directly and supplement the record. A copy of the Order to Withdraw was received on October 21, 2013, and marked as Exhibit 30, Bates 301A. The Panel notes that the Order To Withdraw received from Maricopa County Superior Court contained a time and date stamp of January 17, 2012 at 5:00 p.m. and was signed by Judge Christopher Whitten. The Panel further notes that Exhibit 30 Bates 301 as submitted by Respondent, does not contain the official time and date stamp by the Court. It appears to this Panel that the

document Respondent submitted as Exhibit 30, Bates 301 is not an authentic copy and finds Mr. Brown's offering of false evidence to be egregious.

The Hearing Panel also found the attitude of Mr. Brown, his recreation of the facts of the case and his rationalization of his misconduct especially troubling.

V. ABA STANDARDS ANALYSIS

The American Bar Association's *Standards for Imposing Lawyer Sanctions* ("Standards") are a "useful tool in determining the proper sanction." *In re Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should be considered: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard* 3.0.

The record supports that Mr. Brown knowingly violated his duty to his client and to the legal system causing actual injury to his client and potential injury to the legal system which implicates the following *Standards*:

Standard 6.1, False Statements, Fraud and Misrepresentation is applicable to Mr. Brown's most serious misconduct, his violations of ERs 3.3(a)(3), 8.4(c) and 8.4(d). *Standard* 6.12 provides that:

Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

Mr. Brown knowingly violated ER 3.3(a)(3) by failing to withdraw the Satisfaction of Judgment after he became aware it was factually inaccurate and the

opposing counsel requested it be withdrawn. He misled the court about advice he received from bar counsel, Tom McCauley, and further misled the court about withdrawing from representation.

Mr. Brown knowingly violated ER 8.4(c) by misleading the court regarding the advice he received from bar counsel about his inability to correct the Satisfaction of Judgment and Notice of Compliance because he had withdrawn from the representation.

Mr. Brown knowingly violated ER 8.4(d) by failing to withdraw the Satisfaction of Judgment and by filing the Notice of Compliance, which caused opposing party to file a motion to strike which thereby wasted the court's time and resources.

Standard 4.5, Lack of Competence is applicable to Mr. Brown's violation of ER 1.1. *Standard 4.52* provides that:

Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client.

Mr. Brown violated ER 1.1 by knowingly preparing the factually inaccurate Satisfaction of Judgment filed by his client and by failing to withdraw it after he knew it was inaccurate, thereby effectively adopting it. He also did not competently represent his client. He incorrectly advised his client that she could unilaterally offset unpaid medical bills against a judgment entered in favor of her husband.

Standard 6.2, Abuse of the Legal process is applicable to Mr. Brown's violation of ER 3.1. *Standard 6.22* provides:

Suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or

potential injury to a client or a party, or interference or potential interference with a legal proceeding.

Mr. Brown filed a Notice of Compliance with the Court when he knew opposing counsel did not agree that his client had complied with the Court's Order.

The above mentioned applicable *Standards* underscore the Hearing Panel's conclusion that suspension is the presumptive sanction and that suspension is clearly warranted under these facts. The Hearing Panel then weighed the aggravating and mitigating factors to determine the length of suspension.

AGGRAVATING AND MITIGATING FACTORS

Aggravating factors are circumstances that may justify an increase in the degree of discipline to be imposed. *Standards*, 9.21, Definitions. Factors that may aggravate or mitigate the presumptive sanction "need only be supported by reasonable evidence." *In re Abrams*, 227 Ariz. 248, 252 ¶¶27, 257 P.3d 167, 171 (2011) (quoting *In re Peasley*, 208 Ariz. 27, 36 ¶¶36, 90 P.3d 764, 773 (2004)).

The Hearing Panel finds the following aggravating factors are present in this matter:

Standard 9.22 (a) prior disciplinary offenses. A five month suspension and two years of probation (LOMAP with practice monitor) was imposed against Mr. Brown in File No. 05-0098 effective May 22, 2007 for violating ERs 1.8(a), 1.15(a), 1.15(e), Rules 43(d) and (f) and 53(f). Mr. Brown was reinstated effective December 12, 2007. His term of Probation was completed March 24, 2010. Aggravating factors in the prior matter included 9.22(b) dishonest or selfish motive, 9.22(g) refusal to acknowledge wrongful nature of misconduct and 9.22(i) substantial experience in the practice of law. The hearing officer in the prior matter found the presence of a selfish and dishonest motive and Mr. Brown's refusal to

acknowledge his misconduct "especially troubling." [Exhibit 15, Bates No. 132] Mr. Brown's prior misconduct also involved candor before the tribunal and demonstrates a pattern of misconduct, factor 9.22(c) that is troubling to the Panel.

Mr. Brown testified that his last suspension was a blessing as it allowed his wife to return to school and obtain her teaching degree. He stated he had no income for over 5 months and incurred significant debt during his period of suspension and ultimately filed for bankruptcy. Mr. Brown further stated that he is also considering a change in profession. The Hearing Panel strongly considered a multi-year suspension. However, given his concluding testimony, the Panel is convinced that the public will be protected by a one year suspension.

Standard 9.22 (f) submission of false evidence, false statements of other deceptive practices during the disciplinary process. During the disciplinary hearing, Mr. Brown filed as an exhibit, a copy of the minute entry that allowed him to withdraw as counsel for his client. That exhibit however, did not contain the date and time stamp which was intentionally omitted from the exhibit submitted to mislead the Panel. [Respondent's Exhibit 30, Bates 000301(A)].

Our Supreme Court expects and demands candor in disciplinary proceedings. Being untruthful during a disciplinary proceeding is one of the most serious ethical violations an attorney can commit. *Matter of Varbel*, 182 Ariz. 451, 454 (1995); *Matter of Fioramonti*, 176 Ariz. 182 (1993); *Matter of Fresquez*, 162 Ariz. 328, 335 (1989).

Standard 9.22 (g) refusal to acknowledge wrongful nature of misconduct. This Hearing Panel finds this recurring factor particularly aggravating. Had Mr.

Brown acknowledged his misconduct and demonstrated some element of remorse, the outcome may have been different.

Standard 9.22 (i) substantial experience in the practice of law. Mr. Brown was admitted in Arizona in 1995 and has practiced for eighteen years.

Standard 9.22(j) indifference to making restitution. Mr. Brown asserts that he has no duty to pay any of the \$3,464.75 imposed by the Court against Mr. Brown and his client Robin Bernier. He unequivocally testified that he had a "constitutional right to bankruptcy." He maintains that since he has filed for bankruptcy, he is no longer responsible for that court ordered sanction. In *In re Levine*, 174 Ariz. 146, 176, 847 P.2d 1093, 1123, the Supreme Court ordered that Mr. Brown pay the "unpaid fees and sanctions as restitution to the persons financially injured...regardless of the inclusion of the underlying judgments in his bankruptcy." The Supreme Court determined that payment of restitution is part of an attorney's rehabilitative process rather than a reinstatement of any discharged civil judgments.

Mr. Brown offered no factors in mitigation and the Panel finds none.

VI. CONCLUSION

The Supreme Court of Arizona "has long held that 'the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.'" *Alcorn*, 202 Ariz. 62, 74, 41 P.3d, 600, 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 187, 859 P.2d 1315, 1320 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the

integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 24, 881 P.2d 352, 356 (1994).

The Hearing Panel has reached its decision as to the appropriate sanction considering the facts and conclusions of law, the *Standards*, the aggravating factors, the mitigating factor, and the goals of the attorney discipline system. Therefore, based upon the above,

IT IS ORDERED:

1. Mr. Brown shall be suspended from the practice of law for one (1) year effective thirty (30) days from the date of this Report and Order.
2. Mr. Brown shall comply with all provisions of Rule 72, Ariz.R.Sup.Ct., including notice to clients and others.

PROBATION

3. Upon reinstatement, Mr. Brown shall be placed on probation for two years (LOMAP). Mr. Brown shall comply with all recommendations from LOMAP. The terms and conditions of the LOMAP contract shall be incorporated herein and Mr. Brown shall be responsible for the costs associated with LOMAP.

4. Within 30 days from the date of reinstatement, Mr. Brown shall obtain a MAP assessment and if appropriate, enter into a therapeutic MAP contract based on the recommendations by MAP and shall comply with all recommendation of MAP. Any terms and conditions of a MAP contract shall be incorporated herein and Mr. Brown shall be responsible for costs associated with MAP.

5. In the event that Mr. Brown fails to comply with any of the foregoing probation terms, and that information is received by the State Bar, Bar Counsel shall file a notice of noncompliance with the PDJ, pursuant to Rule 60(a)(5),

Ariz.R.Sup.Ct. The PDJ may conduct a hearing within 30 days thereafter to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Mr. Brown failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar to prove noncompliance by a preponderance of the evidence.

RESTITUTION

6. Mr. Brown shall pay \$3,464.75 in restitution to Robin Bernier with interest at the legal rate until paid.

7. Mr. Brown shall pay all costs and expenses incurred by the State Bar of Arizona and the Office of the Presiding Disciplinary Judge in this proceeding.

DATED this 18th day of November 2013.

William J. O'Neil

**Honorable William J. O'Neil
Presiding Disciplinary Judge**

Bruce M. Brannan

**Bruce Brannan
Volunteer Public Member**

Andrea J. Curry

**Andrea Curry
Volunteer Attorney Member**

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 18th day of November 2013.

Copies of the foregoing mailed/emailed
this 18th day of November 2013, to:

Troy Brown
1757 E. Baseline Road., Suite 130
Gilbert, AZ 85233-1534
Email: troybrown@troybrown.com
Respondent

Shauna R. Miller
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

Copy of the foregoing hand-delivered
this 18th day of November 2013, to:

Sandra Montoya
Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

by: MSmith

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

**IN THE MATTER OF A MEMBER OF THE
STATE BAR OF ARIZONA,**

TROY L. BROWN,
Bar No. 016400

Respondent.

PDJ-2013-9057

FINAL JUDGMENT AND ORDER

[State Bar No. 12-1767]

FILED: December 18, 2013

This matter having come before the Hearing Panel of the Supreme Court of Arizona, the Hearing Panel having duly rendered its decision, and an appeal having been filed pursuant to Rule 59(a), Ariz.R.Sup.Ct., but no request for stay having been filed pursuant to Rule 59(c), Ariz.R.Sup.Ct., accordingly:

IT IS HEREBY ORDERED that Respondent, **TROY L. BROWN, Bar No. 016400**, is hereby suspended for one year for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the Report and Order Imposing Sanctions, effective immediately.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for two years with the State Bar's Law Office Management Assistance Program ("LOMAP") and Member Assistance Program ("Map").

IT IS FURTHER ORDERED that **TROY L. BROWN** shall immediately comply with the requirements relating to notification of clients and others, and

provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$4,241.90. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these proceedings.

DATED this 18th day of December, 2013.

/s/ William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 18th day of December, 2013.

Copies of the foregoing mailed/emailed
this 18th day of December, 2013, to:

Troy L. Brown
Troy L. Brown, P.C.
1757 E. Baseline Road, Suite 130
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Respondent

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by: s/LHopkins