

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

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

LOGAN T. JOHNSTON, III
Bar No. 009484

Respondent.

No. 10-1167

**AMENDED REPORT AND ORDER
IMPOSING SANCTIONS**

On January 13, 2011, the Hearing Panel composed of Robert Gallo, a public member from Pinal County, Kenneth L. Mann, an attorney member from Maricopa County, and the Honorable William J. O'Neil, Presiding Disciplinary Judge ("PDJ") held a one day hearing pursuant to Supreme Court Rule 58(j), Ariz.R.Sup.Ct. Stephen P. Little appeared on behalf of the State Bar of Arizona ("State Bar") and Daniel D. Maynard appeared on behalf of the Respondent. The PDJ and Hearing Panel ("Panel") now issue the following "Amended Report and Order Imposing Sanctions," pursuant to Rule 58(k), Ariz.R.Sup.Ct..

The Panel issued its original Report and Order Imposing Sanctions on February 11, 2011 ("Original Report and Order"). The Panel ordered, in pertinent part:

1. LOGAN T. JOHNSTON, III, Bar No. 009484, is hereby SUSPENDED from the practice of law for a period of SIX (6) MONTHS.
2. The suspension is stayed pending a two-year probationary period.

Thereafter, the State Bar of Arizona timely appealed the decision of the Panel staying the suspension. On April 26, 2011, the Arizona Supreme Court stayed its prior interim suspension of Respondent retroactive to February 11, 2011.

Respondent has been under terms of probation under the Original Report and Order and no notices of non-compliance have been filed by the State Bar.

By Decision Order filed on July 21, 2011, the Arizona Supreme Court reversed in part, the Panel's Original Report and Order, finding "Arizona's discipline rules do not authorize a stayed suspension." The sanction was reversed and the matter remanded to the Panel for reconsideration of the appropriate sanction in light of that order. Therefore, the Panel reconsidered the sanction only. The Panel having reconsidered the appropriate sanction in light of: the Decision Order, that Respondent was on interim suspension for approximately 7 1/3 months (from June 30, 2010 through February 10, 2011), the staying of the interim suspension of Respondent, and his present performance on probation, does now replace sections VI and VII of its original Report and Order, and substitutes the following amended sections VI and VII in their place and stead in this Amended Report and Order.

VI. AMENDED CONCLUSIONS

The purpose of attorney discipline is to maintain the integrity of the profession in the eyes of the public, protect the public from unethical or incompetent lawyers, and deter other lawyers from engaging in illegal or unprofessional conduct. *In re Scholl*, 200 Ariz. 222, 224, 25 P.3d 710, 712 (2001).

Therefore, given the facts of this matter and in consideration of the ABA *Standards*, including aggravating and mitigating factors, and proportionality to prior disciplinary cases that appear most relevant, the Panel determines that a six (6) month suspension, followed by a two-year probationary period as elaborated below, is the appropriate sanction and will fulfill the purposes of discipline.

VII. AMENDED ORDER

IT IS THEREFORE ORDERED:

1. LOGAN T. JOHNSTON, III, Bar No. 009484, is hereby SUSPENDED from the practice of law for a period of SIX (6) MONTHS. Under the totality of the circumstances including but not limited to the existing stay of his interim suspension, credit should be and is hereby given for the 7 1/3 months non-stayed, previously served portion of the interim suspension; and Respondent's suspension is accordingly deemed concluded (subject to the provisions of Rule 64(e)(2)).
2. Respondent SHALL be placed on two (2) years of PROBATION.¹ The terms of probation are as follows:
 - A. Respondent shall contact the MAP director and schedule an assessment. Respondent shall thereafter enter into a contract based upon the recommendation made by the MAP director or designee. The contract shall include a provision for random urinalysis testing. In addition, Respondent shall obtain a MAP mentor and shall mentor others in similar circumstances through outreach or community service programs and/or through the State Bar CLE or other programs as and to the extent the MAP Director determines it will aid his resolve and the Bar's efforts to combat the adverse effects of alcohol dependency among members of the legal profession. Respondent shall comply with all recommended terms and pay costs associated with MAP.
 - B. The State Bar shall report material violations of the terms of probation pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct., and a hearing may

¹ Pursuant to Rule 60(a)(5)(A) the length of probation may be renewed for an additional two (2) years if deemed appropriate by the MAP director.

be held within thirty (30) days to determine if the terms of probation have been violated and if an additional sanction should be imposed. The burden of proof shall be on the State Bar to prove non-compliance by a preponderance of the evidence.

3. Respondent shall successfully complete his criminal probation.
4. Respondent shall pay the costs of these proceedings. The State Bar may submit a Statement of Costs and Expenses pursuant to Rule 60(b), Ariz.R.Sup.Ct. Respondent may file objections within five (5) days of service of the Statement of Costs and Expenses and shall serve a copy on the State Bar and the Disciplinary Clerk.

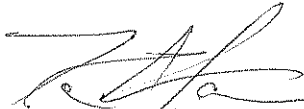
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DATED this 31 day of August, 2011.

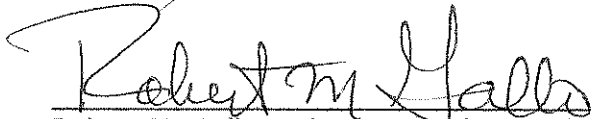


**THE HONORABLE WILLIAM J. O'NEIL
PRESIDING DISCIPLINARY JUDGE**

CONCURRING:



Kenneth L. Mann, Volunteer Attorney Member



Robert M. Gallo, Volunteer Public Member

Original filed with the Disciplinary Clerk
this 1st day of ~~August~~, 2011.

COPY of the foregoing e-mailed and mailed this
1st day of ~~August~~, 2011, to:

~~September~~
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