

FILED

NOV 04 2008

RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

SUPREME COURT OF ARIZONA

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

JAMES T. GREGORY,
Bar No. 021499

RESPONDENT.

) Supreme Court
) No. SB-08-0153-D
)

) Disciplinary Commission
) No. 05-0868
)

) **JUDGMENT AND ORDER**
)
)

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

IT IS ORDERED, ADJUDGED AND DECREED that **JAMES T. GREGORY**, 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.

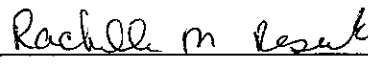
IT IS FURTHER ORDERED that **JAMES T. GREGORY** shall be placed on probation for a period of one (1) year. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation are as follows:

1. Respondent shall meet with the State Bar Staff Examiner for Trust Accounts, Gloria Barr, within 30-days after the execution of the Memorandum of Understanding ("MOU") to schedule an assessment of his client trust account procedures. Following the assessment, Respondent shall enter into a TAP contract based upon recommendation of Ms. Barr. The TAP contract thereafter, shall be incorporated by reference in the MOU. Respondent shall comply with all recommendations or requirements made by Ms. Barr in relation to TAP.
2. Respondent shall complete TAEEP during the probation period.
3. Respondent shall pay all costs and expenses associated with this additional term of probation.
4. 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.
5. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the opposing entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The Hearing Officer shall conduct a hearing within 30-days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of

proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **JAMES T. GREGORY** for costs and expenses of these proceedings in the amount of \$900.00, together with interest at the legal rate from the date of this judgment.

DATED this 4th day of November, 2008.



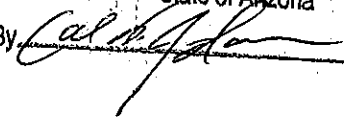
Rachelle M. Resnick
Clerk of the Court

TO:

James T. Gregory, Respondent (Certified Mail, Return Receipt and Regular Mail)
Robert M. Cook, Respondent's Counsel
Matthew E. McGregor, Bar Counsel
Larry Suci, Hearing Officer 7A
Leticia V. D'Amore, Disciplinary Clerk (Cert. Copy)
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)
Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)
West Publishing Company (Jode Ottman)
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chj

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST
Rachelle M. Resnick, Clerk of the Supreme Court
State of Arizona

By  Deputy