

SUPREME COURT OF ARIZONA

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

MICHAEL R. KARBER,
Bar No. 016230

RESPONDENT.)

Supreme Court

No. SB-09-0074-D

Disciplinary Commission

Nos. 08-0341, 08-0819,

08-0918, 09-0140

FILED 08/18/2009

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 **MICHAEL R. KARBER** a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of twenty-one months, retroactive to July 28, 2008, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **MICHAEL R. KARBER** shall be placed on probation upon reinstatement for a period of two years. The terms of probation are as follows:

1. The probation period should commence upon the entry of any order of reinstatement and continue for two years after the date that all parties have signed the "Terms and Conditions of Probation."
2. Respondent shall contact the Director of the State Bar's Member Assistance Program (MAP) within thirty days of the date of the order of reinstatement.
3. Respondent shall submit to a MAP assessment.
4. The director of MAP shall develop "Terms and Conditions of Probation" based on the assessment and terms shall be incorporated herein by reference.
5. Respondent shall comply with any other terms and conditions deemed appropriate at the time of the reinstatement proceedings, which shall be incorporated herein by reference.
6. 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.
7. If Respondent fails to comply with any of the foregoing conditions and the State Bar receives information about non-compliance, bar counsel shall file with the imposing entity a Notice of Noncompliance. The imposing entity may

refer the matter to a hearing officer to conduct a hearing at the earliest applicable 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 conditions, the burden of proof shall be on the State Bar to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent shall comply with all applicable provisions of Rule 72, Rules of the Supreme Court of Arizona, and shall promptly inform this Court of his compliance with this Order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **MICHAEL R. KARBER** for costs and expenses of these proceedings in the amount of \$727.34, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2009.

Rachelle M. Resnick
Clerk of the Court

TO:

Michael R. Karber, Respondent (Regular Mail and Certified Mail, Return Receipt)
J. Scott Rhodes, Respondent's Counsel
Roberta L. Tepper, Bar Counsel
Daniel P. Beeks, Hearing Officer 7M
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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