

suspension retroactive to July 5, 2002,³ two years of probation upon reinstatement, fee arbitration,⁴ and costs. The terms of probation are as follows:

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- 1) Respondent shall contact the Director of LOMAP within thirty days of the date of the final judgment and order. Respondent shall submit to a LOMAP audit of his office's client communications and calendaring procedures. The Director of LOMAP shall develop a probation contract, and its terms shall be incorporated herein by reference.
- 2) Respondent shall contact the Director of MAP within thirty days of the date of the final judgment and order. Respondent shall submit to a MAP assessment. If deemed appropriate as a result of the assessment, the Director of MAP shall develop a probation contract, and its terms shall be incorporated herein by reference.
- 3) Respondent shall find a qualified practice monitor, approved by bar counsel and the LOMAP Director within thirty days of the effective date of probation. The practice monitor shall be an attorney who will supervise the Respondent's law practice and monitor the Respondent's case load, the quality of the services rendered by Respondent and his communication with clients. The practice monitor will report to the State Bar any manifestations of relapse, unusual behavior or conduct falling below minimum standards of the profession as set forth in the Rules of Professional Conduct, Rule 42.
- 4) Respondent shall obtain and maintain contact with a practice monitor to be approved by the State Bar for the duration of the term of his probation.

³ The Commission determined the retroactivity is justified based on the date of the misconduct in the instant matter. All conduct arose prior to the effective date of Respondent's prior suspension.

⁴ Respondent shall enter into binding fee arbitration with Mr. Sahli, Ms. Kulisek, and Ms. Marquez. Respondent must contact the fee arbitration program within thirty days of the date of the judgment and order in this case to begin the fee arbitration process.

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- 5) Respondent shall have contact with the practice monitor on a weekly basis and the practice monitor will report to the State Bar the Respondent's activities on a monthly basis.
- 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) In the event Respondent fails to comply with any of the foregoing terms, and information thereof is received by the State Bar, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance. The Hearing Officer shall conduct a hearing at the earliest possible date, but in no event later than thirty (30) days following receipt of notice, to determine whether a condition of probation has been breached and, if so, to recommend an appropriate sanction.
- 8) If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar to prove non-compliance by a preponderance of the evidence.

RESPECTFULLY SUBMITTED this 20th day of April, 2003.

Jessica Funkhouser
Jessica G. Funkhouser, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 20th day of April, 2003.

1 A copy of the foregoing mailed
2 this 20th day of April 2003.

3 Philip M. Haggerty
4 Hearing Officer 6K
5 7750 North 18th Street
6 Phoenix, AZ 85020-4406

7 Robert Cimino
8 Respondent
9 15712 E. Chandler Heights Rd.
10 Chandler, AZ 85249-9569

11 A copy of the foregoing hand-delivered
12 this 20th day of April 2003.

13 Amy K. Rehm
14 Bar Counsel
15 State Bar of Arizona
16 111 West Monroe, Suite 1800
17 Phoenix, AZ 85003-1742

18 By K. Weigand

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