

SUPREME COURT OF ARIZONA

FILED
APR 23 2003
NOEL K. DESSAINT
CLERK SUPREME COURT
BY

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

) Supreme Court
) No. SB-03-0029-D
)
) Disciplinary Commission
) No. 01-0915

DAVID B. APKER,
Attorney No. 004741

RESPONDENT.

JUDGMENT AND ORDER

This matter having come on for hearing 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 **DAVID B. APKER**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of six (6) months and one (1) day, effective the date of this Judgment and Order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the commission report.

IT IS FURTHER ORDERED that **DAVID B. APKER** shall pay restitution in the amount of \$4,000.00 to the State Bar's Client Protection Fund.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 63, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 63(a), which requires that Respondent notify all of his clients, within ten (10) days from the date hereof, of his inability to represent them and that he should promptly inform this Court of his compliance with this Order as provided in Rule 63(d).

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

IT IS FURTHER ORDERED that pursuant to Rule 52(a)8, the State Bar of Arizona is granted judgment against **DAVID B. APKER** for costs and expenses of these proceedings in the amount of \$1,215.25, together with interest at the legal rate from the date of this judgment.

DATED this 23rd day of April, 2003.



NOEL K. DESSAINT, Clerk

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

ATTEST
Noel K. Dessaint, Clerk of the Supreme Court
State of Arizona

By Karen Gehus Deputy

TO:

David B. Apker, Respondent (Certified Mail, Return Receipt)
James D. Lee, Senior Bar Counsel
Frederick K. Steiner, Jr., Hearing Officer 8T
Bob Van Wyck, Chief Bar Counsel, State Bar of Arizona (Cert. Copy)
Douglas M. Brooks, Clerk, Disciplinary Commission (Cert. Copy)
Betty Flores, Director, Membership Records, State Bar of Arizona (Cert. Copy)
Marnie Leinberger, MCLE/BLS Administrator, State Bar of Arizona
Cynthia Zwick, Executive Director, State Bar of Arizona
Dee Steadman, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
William Suter, Clerk, United States Supreme Court (Cert. Copy)
Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)
Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)
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