

SUPREME COURT OF ARIZONA

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

) Supreme Court
) No. SB-03-0079-D
)
) Disciplinary Commission
) Nos. 01-0627, 01-1317, 01-1515,
) 01-2099, 02-0147, 02-0780,

ROBERT CIMINO,
Attorney No. 007134

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 **ROBERT CIMINO**, suspended by Judgment and Order of this Court dated July 3, 2002, is again suspended from the practice of law for a period of six (6) months, retroactive to July 5, 2002, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the commission report.

IT IS FURTHER ORDERED that **ROBERT CIMINO** shall be placed on probation for a period of two (2) years upon reinstatement, under the following terms and conditions:

- 1) Respondent shall contact the Director of the Law Officer Management Assistance Program (LOMAP) within thirty (30) 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 the Member Assistance Program (MAP) within thirty (30) 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.
- 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.

IT IS FURTHER ORDERED that **ROBERT CIMINO** shall enter into binding fee arbitration with Dennis Sahli, Dorothy Kulisek and Celia-Joy Marquez. Respondent shall contact the fee arbitration program within thirty (30) days of the effective date of this Order to begin the fee arbitration process.

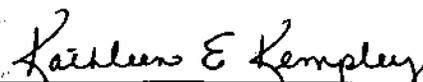
IT IS FURTHER ORDERED that Respondent shall pay in full any and all claims paid by the Client Protection Fund, not to exceed the maximum permissible payment of \$100,000.00.

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 **ROBERT CIMINO** for costs and expenses of these proceedings in the amount of \$1,025.82, together with interest at the legal rate from the date of this judgment.

DATED this 1st day of July, 2003.


KATHLEEN E. KEMPLEY, Chief Deputy

TO:

Robert Cimino, Respondent (Certified Mail, Return Receipt)

Amy K. Rehm, Bar Counsel

Philip M. Haggerty, Hearing Officer 6K

Douglas M. Brooks, Clerk, Disciplinary Commission (Cert. Copy)

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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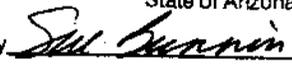
Lexis/Nexis

/kdl

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  Deputy