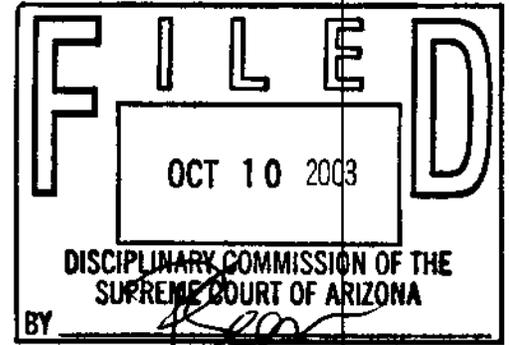


1 Loren J. Braud, Bar No. 014971
2 Senior Bar Counsel
3 State Bar of Arizona
4 111 West Monroe, Suite 1800
5 Phoenix, Arizona 85003-1742
6 Telephone (602) 340-7248



7 **BEFORE THE DISCIPLINARY COMMISSION OF**
8 **THE SUPREME COURT OF ARIZONA**

9 IN THE MATTER OF A MEMBER) No. 00-1727
10 OF THE STATE BAR OF ARIZONA,)
11 **JAMES U. GLANVILLE,**) **TENDER OF ADMISSIONS AND**
12 **Bar No. 010250**) **AGREEMENT FOR DISCIPLINE**
13) **BY CONSENT**
14)
15 Respondent.) (Assigned to Hearing Officer 9D)

16 The State Bar of Arizona and Respondent, James U. Glanville, who is
17 represented by counsel, Robert L. Murray, in these proceedings, submit this Tender
18 of Admissions and Agreement for Discipline by Consent pursuant to Rule 56(a),
19 Ariz. R. S. Ct., and the guidelines for discipline by consent issued by the
20 Disciplinary Commission of the Supreme Court of Arizona. Respondent
21 conditionally admits he violated the Rules of Professional Conduct by
22 mismanaging his trust account. Respondent agrees to accept a public censure and
23 probation, subject to review and acceptance by the Disciplinary Commission and
24 the Arizona Supreme Court.

25 **I. FACTS**

1. At all times relevant hereto, Respondent was an attorney licensed to
practice law in the State of Arizona, having been admitted to practice in Arizona
on November 9, 1985.

RECEIVED
OCT 23 2003
STATE BAR OF ARIZONA

1 2. Respondent had an IOLTA trust account ("trust account"), established
2 with Bank of America pursuant to the requirements of Rules 43 and 44
3 Ariz.R.S.Ct..

4 3. On August 15, 2000, Bank of America sent the State Bar two notices of
5 overdrafts on Respondent's trust account.

6 4. The first notice indicated that on June 27, 2000, Respondent's trust
7 account became overdrawn when a check for \$45.00 paid against the account, at a
8 time when the balance was only \$25.02.

9 5. The second notice indicated that on July 3, 2000, Respondent's trust
10 account again became overdrawn when a check in the amount of \$80.00 paid at a
11 time that the balance in the account was only \$19.88.

12 6. On October 6, 2000, Respondent responded through counsel and
13 admitted violations of the trust account rules and guidelines. Respondent admitted
14 putting personal funds in the trust account and then, needing those funds, writing
15 checks on the trust account for his personal use.

16 7. On October 17, 2000, the State Bar requested Respondent provide
17 copies of additional records required by the *State Bar of Arizona Trust Account*
18 *Guidelines* ("SBA Guidelines") as established pursuant to Rule 43(d) Ariz.R.S.Ct.
19 The State Bar requested Respondent provide trust account bank statements,
20 canceled checks, duplicate deposit slips or the equivalents as required by SBA
21 Guideline 2(b) and individual client ledgers as required by SBA Guideline 2(d).
22 The State Bar also requested copies of trust account ledgers or check registers,
23 client fee agreements, billing statements or any other records that might show that
24 client funds on deposit in Respondent's trust account were not compromised.

1 8. On or about October 26, 2000, Respondent's counsel explained that
2 Respondent's vehicle had been stolen on May 7, 2000, and his checkbooks and
3 bank statements were in the vehicle, and therefore lost. Respondent's counsel
4 requested additional time to reconstruct his records.

5 9. On or about December 28, 2000, Respondent's counsel reported to the
6 State Bar that due to his limited income and financial constraints, Respondent was
7 having trouble obtaining the required records, because of substantial bank charges
8 required.

9 10. The State Bar then served a subpoena on Respondent's bank to obtain
10 copies of the bank's records concerning Respondent's trust account, including
11 bank statements with corresponding canceled checks and deposits with offsets.
12 The State Bar's Staff Auditor reviewed the records received from Bank of
13 America.

14 11. Respondent could not provide individual client ledgers, and
15 accordingly some of the information on deposit slips and checks provided by the
16 Bank of America could not be verified. However, the Staff Auditor's review of
17 the trust account records as well as records obtained from Bank of America
18 revealed that client funds appeared to have been converted by Respondent.
19

20 **II. CONDITIONAL ADMISSIONS**

21
22 12. The State Bar and Respondent both agree to the following chronology
23 of transactions and to the related conditional admissions concerning Respondent's
24 trust account:
25

1 A. April 1, 2000, Respondent's trust account had a balance of
2 \$850.66. Respondent's testimony at hearing would be that all of such funds
3 were earned fees that he left in the trust account. Respondent conditionally
4 admits he violated Rule 44(a)(1.) Ariz.R.S.Ct. because the \$850.66 exceeded
5 an amount "reasonably sufficient to pay service or other charges or fees
6 imposed by the financial institution." The State Bar conditionally admits
7 that it could not prove any of the funds were client funds.

8 B. April 6, 2000, Respondent deposited \$750.00 into his trust
9 account, representing a flat, earned fee.

10 C. May 4, 2000, Respondent deposited a check into his trust
11 account in the amount of \$130.00 representing client funds in the form of a
12 filing fee to be held by Respondent and disbursed for the client.

13 D. May 5, 2000, Respondent deposited \$550.00 in cash into his
14 trust account representing an earned fee, thereby commingling his personal
15 funds with client funds.

16 E. May 5, 2000, Respondent issued trust account check no. 1473,
17 in the amount of \$130.00, to the Pima Superior Court Clerk as payment of a
18 filing fee on behalf of a client.

19 F. May 19, 2000, Respondent deposited \$630.77 into his trust
20 account, representing an earned fee bringing the balance to \$639.93.

21 G. May 19, 2000, Respondent also issued trust account check no.
22 1477, in the amount of \$400.00, payable to himself as a withdrawal of
23 earned fees.

24 H. May 23, 2000, Respondent made two withdrawals from his
25 trust account without using pre-numbered checks in violation of State Bar of
Arizona Trust Account Guideline 2(c). Such withdrawals were made to
obtain funds to pay Respondent's bills. Respondent's testimony at hearing
would be that he believed he had enough money in the account, when in fact
such withdrawals left a negative balance in Respondent's trust account of
(\$424.98).

1 I. June 6, 2000, Respondent issued trust account check no. 1475,
2 in the amount of \$550.00, for personal expenses leaving a negative balance
3 of (\$974.98).

4 J. June 21, 2000, Respondent received and deposited \$800.00 into
5 his trust account as an earned fee, which was not enough to cover his
6 previous overdrafts but reduced the negative balance to (\$174.98).

7 K. June 21, 2000, Respondent deposited \$200.00 into his trust
8 account. The Bar would assert at hearing that the \$200.00, represented at
9 least in part, client funds advanced to Respondent to handle a collection
10 matter. Because Respondent's trust account had a negative balance, \$174.98
11 of the \$200.00 was immediately converted to re-pay Bank of America for its
12 advance of funds to cover Respondent's prior overdraft. The \$200.00
13 deposit accordingly only raised the trust account balance to \$25.02..

14 Respondent would testify at hearing that he had no specific
15 understanding with the client as to what portion of the \$200.00 payment
16 represented advanced costs and what portion represented Respondent's fee.
17 The State Bar would argue at hearing that the \$200.00 was in fact partially
18 client funds because in addition to Respondent's fee of \$75.00, the
19 remaining \$125.00 represented advanced costs Respondent later disbursed
20 for the benefit of the client as a filing fee and cost of a process server. When
21 such disbursements were made, they resulted in a negative balance in
22 Respondent's trust account of (\$99.98).

23 L. August 9, 2000, Respondent's bank charged off and closed his
24 trust account as a result of the repeated overdrafts.

25 13. For purposes of this agreement, Respondent conditionally admits that
his conduct violated Rule 42 Ariz.R.S.Ct., ER 1.15 and Rules 43, and 44
Ariz.R.S.Ct.

14. For purposes of this agreement, the State Bar conditionally admits that
it could not prove that Respondent intentionally misappropriated any client funds.
The State Bar conditionally admits for purposes of this agreement that

1 Respondent's mishandling of client funds and his trust account was negligent. and
2 that violations of Rule 51(e) and Rule 42 Ariz.R.S.Ct., ER 8.4(c) (Misconduct)
3 involving willful or dishonest conduct could not be proved. The State Bar
4 conditionally admits there is insufficient evidence to prove Respondent was
5 willfully dishonest in signing his annual dues statement affirming his compliance
6 with the trust account rules and SBA guidelines. The State Bar also conditionally
7 admits that a violation of Rule 42 Ariz.R.S.Ct., ER 8.4 (Misconduct) prejudicial to
8 the administration of justice could not be proved.
9
10

11 **III. PRIOR DISCIPLINE PROCEEDINGS:**

12 15. In State Bar file no. 00-1389, Respondent agreed to enter into a Law
13 Office Management Assistance Program/Members Assistance Program
14 (LOMAP/MAP) diversion in lieu of a sanction in connection with charges of
15 violations of ER 1.3 (Diligence), ER 1.4 (Communications), and ER 8.4(d)
16 (Misconduct). The State Bar acknowledges Respondent has complied with the
17 terms of diversion in file no. 00-1389. Because Respondent withdrew from the
18 active practice of law and moved out of state, the State Bar agreed to suspend
19 active monitoring of Respondent's diversion pending a resolution of this
20 proceeding or Respondent's return to the active practice of law, which ever occurs
21 sooner.
22
23
24
25

1 16. In State Bar file no. 00-1892, Respondent agreed to enter into a
2 LOMAP/MAP diversion in lieu of a sanction in connection with charges of
3 violations of ER 1.2 (Scope of Representation), ER 1.3 (Diligence), 1.4
4 (Communications), 1.16 (Declining or Terminating Representation), and ER 8.4(d)
5 (Misconduct). The State Bar acknowledges Respondent has complied with the
6 terms of diversion in file no. 00-1892. Because Respondent withdrew from the
7 active practice of law and moved out of state, the Bar agreed to suspend active
8 monitoring of Respondent's diversion pending a resolution of this proceeding or
9 Respondent's return to the active practice of law, which ever occurs sooner.
10
11

12 **IV. RESTITUTION**

13 The State Bar and Respondent agree that there are no issues of restitution,
14 as no client funds were permanently lost. Accordingly, no client or third party
15 suffered any quantifiable financial injuries as a result of Respondent's conduct in
16 these matters.
17
18

19 **V. SANCTIONS**

20 Respondent and the State Bar agree that on the basis of the conditional
21 admissions contained herein, the appropriate disciplinary sanctions are as
22 follows:
23
24
25

- 1 1. Respondent shall receive a censure for violating Rule 42,
2 Ariz.R.S.Ct., specifically, Rule 42 Ariz.R.S.Ct., ER 1.15, and Rules
3 43 and 44, Ariz.R.S.Ct.
4
- 5 2. Respondent shall be placed on probation for one year from the date
6 of entry of the Judgment and Order imposing the agreed upon
7 sanction herein. Respondent has indicated his intention of either
8 obtaining employment in the public sector where he will not have to
9 open and maintain a trust account or to move to the State of
10 Kentucky. The sole term of probation will be that Respondent will
11 not commit any violations of the rules of professional conduct.
12 However, if during the one year term of probation specified herein,
13 Respondent returns to the private practice of law in Arizona, in a
14 situation requiring him to open and maintain a trust account,
15 Respondent shall notify the State Bar of his return to private practice
16 and probation will be extended for one additional year. Further, if
17 Respondent's probation is so extended, he must submit to an
18 assessment of his practice by the Law Office Management
19 Assistance Program ("LOMAP") and the recommendations of the
20 LOMAP director or his or her designee, shall be incorporated as
21 additional terms of Respondent's probation.
22
23
24
25

- 1 3. In the event Respondent fails to comply with any of the foregoing
2 terms of probation, and information thereof is received by the State
3 Bar, bar counsel shall file a Notice of Non-Compliance with the
4 Disciplinary Commission. A Hearing Officer shall then conduct a
5 hearing at the earliest possible date, but in no event more than thirty
6 (30) days following receipt of notice, to determine whether a
7 condition of probation has been breached and, if so, to recommend
8 an appropriate sanction.
9
- 10 4. In the event there is an allegation that any of these terms have been
11 breached, the burden shall be on the State Bar to prove non-
12 compliance by a preponderance of the evidence.
13
- 14 5. Respondent shall pay all costs and expenses incurred by the State
15 Bar, the Disciplinary Clerk's Office, the Hearing Officer, the
16 Disciplinary Commission, and the Arizona Supreme Court in this
17 disciplinary proceeding. If Respondent is unable to pay such costs
18 within thirty (30) days of the judgment and order as required by Rule
19 52(a)9. Ariz.R.S.Ct., as a term of probation, he agrees to contact the
20 Lawyer Records Manager of the State Bar and negotiate a payment
21 plan that will result in a timely payment of assessed costs and
22 expenses.
23
24
25

1 6. Upon commencement of the forgoing probation pursuant to a in this
2 matter, the State Bar agrees to move to terminate the pending
3 diversions in State Bar files 00-1389 and 00-1892 and request that
4 the Probable Cause Panelist enter orders of dismissal in such files.
5

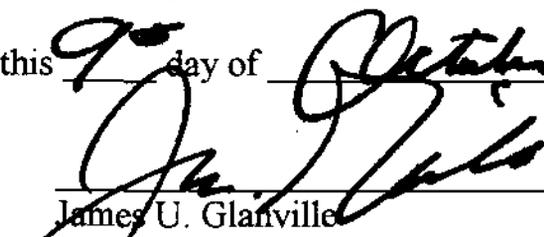
6 7. As set forth above, there are no issues of restitution to be addressed
7 by this discipline by consent.
8

9 Respondent conditionally admits he engaged in the conduct set forth
10 above, and the rule violations indicated, in exchange for the form of discipline
11 set forth above. Attached hereto is a statement of costs and expenses incurred by
12 the State Bar in this disciplinary proceeding. Respondent by entering into
13 this agreement, waives his right to a formal disciplinary hearing that he would
14 otherwise be entitled to pursuant to Rule 53(c)6, Ariz.R.S.Ct., and the right to
15 testify or present witnesses on his behalf at a hearing. Respondent further waives
16 all motions, defenses, objections, or requests which he has made or raised, or
17 could assert hereafter, if the conditional admissions and stated form of discipline
18 are approved. Respondent acknowledges that he has read this agreement and
19 received a copy of it. Respondent is specifically aware of his need to comply
20 with Rule 63, Ariz.R.S.Ct., and his need to apply for reinstatement pursuant to
21 Rules 71 and 72, Ariz.R.S.Ct.
22
23
24
25

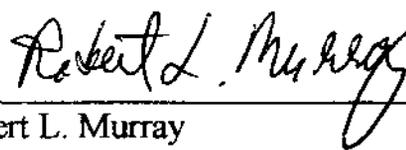
1 This tender of admissions and agreement for discipline by consent will be
2 submitted to the Disciplinary Commission for approval. Respondent realizes
3 that the Disciplinary Commission may request his presence at a hearing for
4 presentation of evidence and/or oral argument in support of this agreement. He
5 further recognizes that the Disciplinary Commission may recommend rejection
6 of this agreement, and that the Arizona Supreme Court may accept or reject the
7 Disciplinary Commission's recommendation. If the Arizona Supreme Court
8 rejects this agreement, Respondent's conditional admissions are withdrawn.
9

11 **This agreement, with conditional admissions, is submitted freely and**
12 **voluntarily and not under coercion or intimidation. I am aware of the Rules**
13 **of the Supreme Court with respect to discipline and reinstatement.**

14 DATED this 9th day of October, 2003.

15
16 
17 James U. Glanville
Respondent

18 DATED this 21st day of October, 2003.

19
20 
21 Robert L. Murray
Respondent's counsel

22 DATED this 23rd day of October, 2003.

23
24 
25 Loren J. Braud
Senior Bar Counsel

1 Approved as to form and content:

2

3

(S)

Robert B. Van Wyck
Chief Bar Counsel

5

6

7 Original filed with the Disciplinary Clerk
this 20th day of November 2003.

8

9

by: *(S) JTB*

10

LJB:cm

11

12

13

14

15

16

17

18

19

20

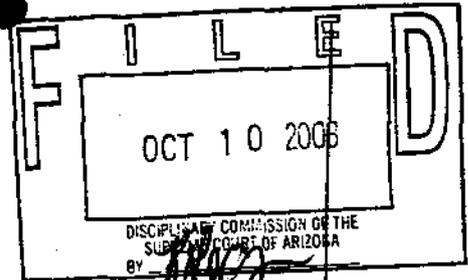
21

22

23

24

25



1 Loren J. Braud, Bar No. 014971
 2 Deputy Chief Bar Counsel
 3 State Bar of Arizona
 4 111 West Monroe, Suite 1800
 Phoenix, Arizona 85003-1742
 Telephone (602) 340-7248

5 **BEFORE THE DISCIPLINARY COMMISSION OF**
 6 **THE SUPREME COURT OF ARIZONA**

7 IN THE MATTER OF A MEMBER) No. 00-1727
 8 OF THE STATE BAR OF ARIZONA,)
 9) **JOINT MEMORANDUM IN**
 JAMES U. GLANVILLE,) **SUPPORT OF AGREEMENT**
 10 Bar No. 010250) **FOR DISCIPLINE BY CONSENT**
 11 Respondent.) (Assigned to Hearing Officer 9D)

12
 13 The State Bar of Arizona and Respondent, James U. Glanville, who is
 14 represented by counsel, Robert L. Murray, in these proceedings, submit this Joint
 15 Memorandum in Support of the Agreement for Discipline by Consent
 16 ("Memorandum").

17 **CONDUCT**

18 As reflected in the Tender of Admissions and Agreement for Discipline by
 19 Consent ("Tender"), Respondent conditionally admits violations of the Supreme
 20 Court Rules and State Bar Trust Account Guidelines, as they pertain to the
 21 operation of Respondent's trust account. Respondent's violations included
 22 depositing and keeping excessive amounts of personal funds in his trust account,
 23 failing to maintain required records of funds deposited to and disbursed from his
 24 trust account, commingling his personal funds with client funds, and exposing
 25

RECEIVED

OCT 10 2003

STATE BAR OF ARIZONA

1 client funds to a risk of loss by issuing insufficient funds checks against his trust
2 account.

3 SANCTIONS

4 The State Bar of Arizona and Respondent agree to the imposition of a censure,
5 probation and payment of costs incurred in the disciplinary proceedings. The State
6 Bar and Respondent agree that no restitution is due any clients as none have
7 suffered any financial injury as a result of Respondent's conduct. In arriving at the
8 agreed upon sanctions, consideration was give to the *ABA Standards for Imposing*
9 *Lawyer Sanctions* ("*Standards*"), the decisions of the Disciplinary Commission of
10 the Supreme Court of Arizona, and the decisions of the Arizona Supreme Court.

11 STANDARDS

12 The *Standards*, specifically Section 4.12, provides suspension is generally
13 appropriate when a lawyer knows or should know that he is dealing improperly
14 with client property and causes injury or potential injury to a client. Section 4.13
15 provides a reprimand (censure in Arizona) is generally appropriate when a lawyer
16 is negligent in dealing with client property and causes injury or potential injury to
17 a client.
18

19
20 Respondent's misconduct implicates both *Standards*. For purposes of this
21 agreement, the State Bar conditionally admits that Respondent's conduct was
22 "negligent" and that the presumptive sanction is therefore a censure.
23

24 After determining the presumptive sanction, the next step according to the
25 *Standards* is to consider aggravating and mitigating circumstances. There are two (2)

1 aggravating factors in this case including pattern of misconduct and substantial
2 experience in the practice of law. *Standards, Section 9.22(c) and (i).*

3
4 Respondent engaged in a pattern of misconduct when he violated Rule
5 44(a)(1.) Ariz.R.S.Ct. by maintaining personal funds in his trust account in excess
6 of an amount "reasonably sufficient to pay service or other charges or fees imposed
7 by the financial institution;" violated Rule 43(a) Ariz.R.S.Ct. by making seven (7)
8 separate deposits of personal funds into his trust account between April 1, 2000 and
9 August 9, 2000 and on at least two occasions commingling his personal funds with
10 client funds. Respondent violated Rule 42 Ariz.R.S.Ct., ER 1.15 (Safekeeping
11 Property) and Rule 43(d) Ariz.R.S.Ct. by failing to exercise due care in maintaining
12 his trust account in accordance with the SBA Trust Account Guidelines. Respondent
13 has substantial experience in the practice of law, having been admitted to practice in
14 Arizona November 9, 1985

15
16
17 There are six (6) mitigating factors present in this case including personal or
18 emotional problems, absence of a prior disciplinary record, absence of a dishonest or
19 selfish motive, full and free disclosure to a disciplinary board or cooperative attitude
20 toward proceedings, character or reputation and remorse. *Standards, Section 9.32(a),*
21 *(b, (c), (e), (g) and (l).*

22
23
24 Respondent had personal or emotional problems at the time of the misconduct
25 and has no prior disciplinary record since he was admitted to practice over seventeen

1 (17) years ago. Although Respondent was ordered into and has been cooperating
2 with a diversion program in connection with the two prior file numbers described in
3 the Tender, diversion orders are not considered disciplinary "sanctions", but are an
4 alternative to a disciplinary sanction. *Rule 52(a)(11)(A.) Ariz.R.S.Ct.*

6 Respondent's conduct was negligent and not motivated by selfishness or
7 dishonesty, Respondent has been cooperative through out these discipline
8 proceedings, has provided evidence of character and reputation and has demonstrated
9 remorse. Evidence of these mitigating factors will be provided in the form of an
10 Appendix, to be filed prior to consideration of this matter by the Disciplinary
11 Commission.
12

14 In addition, while at the time this Tender and Memorandum are being signed,
15 Respondent remains on an administrative suspension for non-payment of dues, he
16 has agreed to submit to probationary terms at such time as he returns to the practice
17 of law that are designed to prevent a recurrence of the misconduct.
18

19 PROPORTIONALITY ANALYSIS

20 Respondent and the State Bar recognize the difficulty in finding cases
21 directly on point. Each case has its unique features. Although the cases cited
22 below are distinguishable in some manner, they are nevertheless instructive.
23

24 Lawyer discipline cases similar to Respondent's have resulted in
25 suspensions. In *Matter of Rubi*, 133 Ariz. 491, 652 P.2d 1014 (1982), Rubi was

1 suspended for one year for commingling funds, converting client funds, failing to
2 promptly turn over client funds, and failing to maintain complete records.
3 However, in contrast to Respondent's cooperative and forthright responses to the
4 State Bar, Rubi also made false statements to the State Bar and failed to reveal
5 required information to the State Bar. The only apparent mitigating factors in
6 *Matter of Rubi* were that Rubi's conduct was an isolated occurrence and he made
7 full restitution. In *Matter of Retter*, 180 Ariz. 515, 885 P.2d 1080 (1994), Retter
8 was suspended for one hundred twenty (120) days for depositing personal funds
9 into his trust account, commingling personal funds with client funds, and failing to
10 maintain adequate records. No aggravating factors were present and mitigating
11 factors included no prior discipline, personal or emotional problems, good faith
12 efforts to rectify the consequences of his misconduct, full and free disclosure to
13 and cooperation with the State Bar, and remorse. However, again in contrast to
14 Respondent, Retter's conduct was more serious because Retter was keeping
15 personal funds in his trust account to avoid an Internal Revenue Service tax lien.
16
17
18
19

20 Other lawyer discipline cases similar to Respondent's have resulted in
21 censures. For violations very similar to Respondent's herein, in *Matter of Riggs*,
22 177 Ariz. 494, 869 P.2d 170 (1994), Riggs received a censure for negligently
23 failing to deposit client funds into a separate interest bearing account, commingling
24 personal funds with client funds and delaying returning client funds. The only
25

1 aggravating factor present, which the court decided not to consider, was substantial
2 experience. Mitigating factors included no prior disciplinary record, no dishonest
3 or selfish motive, a timely good faith effort to make restitution or to rectify
4 consequences of the misconduct, and full and free disclosure and a cooperative
5 attitude during the disciplinary proceedings,
6

7 In more recent cases, the Disciplinary Commission has recommended and
8 the Arizona Supreme Court has imposed censures for conduct almost identical to
9 Respondent's. In *Matter of Smith*, Supreme Court No. SB-02-0121-D, 2002 Ariz.
10 LEXIS 145, (September 3, 2002), Smith received a censure for conduct that
11 consisted primarily of using his trust account as an operating account,
12 commingling his personal funds with client funds and failing to adequately
13 safeguard client funds. The only aggravating factor present was substantial
14 experience in the practice of law although when combined with the mitigating
15 factor of absence of any prior discipline, the Commission indicated it may be
16 considered a mitigating factor. Other mitigating factors found included absence of
17 dishonest or selfish motive, personal or emotional problems, timely good faith
18 effort to make restitution or rectify consequences of misconduct, full and free
19 disclosure to disciplinary board or cooperative attitude toward proceedings and
20 remorse. In *Matter of Hall*, Supreme Court No. SB-02-0122-D, 2002 LEXIS 152
21 (September 12, 2002), Hall received a censure for misconduct including using
22
23
24
25

1 client funds to cover other client's costs, failing to hold his funds separate from his
2 clients' funds, failing to record all transactions in a prompt and complete manner,
3 failing to disburse funds only with pre-numbered checks, and failing to adequately
4 maintain required records. There were no aggravating factors and six (6)
5 mitigating factors were found including absence of a prior disciplinary record,
6 absence of a dishonest or selfish motive, timely good faith effort to rectify
7 consequences of misconduct, full and free disclosure to disciplinary board on
8 cooperative attitude toward proceedings, physical disability, and remorse.
9
10

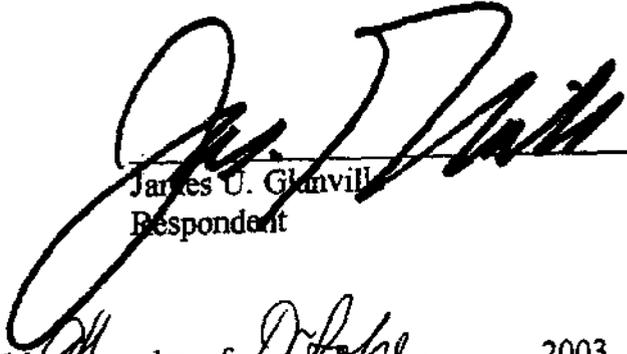
11 Comparing the facts and findings in these cases with those conditionally
12 admitted by Respondent and the State Bar demonstrates that the agreed upon
13 sanction in this matter is within the range of appropriate sanctions for similar
14 conduct and will serve the interests of lawyer discipline.
15

16 CONCLUSION

17 The Standards suggest that a censure is the appropriate presumptive
18 sanction. Moreover, the case law supports censure as an appropriate sanction. It is
19 therefore the position of the State Bar and Respondent that a censure, probation,
20 and costs, are appropriate and will serve the purposes of lawyer discipline.
21
22

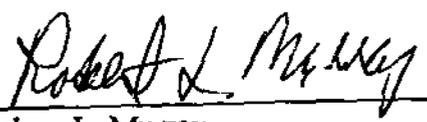
23 DATED this 7th day of October, 2003.
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



James U. Glavin
Respondent

DATED this 7th day of October, 2003.



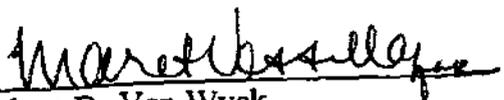
Robert L. Murray
Respondent's counsel

DATED this 10th day of October, 2003.



Loren J. Braud
Deputy Chief Bar Counsel

Approved as to form and content:



Robert B. Van Wyck
Chief Bar Counsel

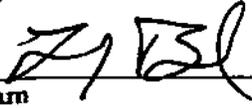
Original filed with the Disciplinary Clerk
this 10th day of October, 2003.

by: 
LJB:cm

Copy of the foregoing hand delivered this
10th day of October, 2003 to:

~~Bee-Standmen~~
Lawyer Regulation Records Manager
State Bar of Arizona

1 111 West Monroe Street, Suite 1800
2 Phoenix, Arizona 85003

3 by: 
4 LJR:cam

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25