



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

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA

BY *[Signature]*

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IN THE MATTER OF A MEMBER )  
OF THE STATE BAR OF ARIZONA, ) No. 01-2449  
)  
)  
**ROBERT G. CLARK,** )  
**Bar No. 002881** )  
) **DISCIPLINARY COMMISSION**  
) **REPORT**  
)  
RESPONDENT. )  
\_\_\_\_\_ )

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on November 8, 2003, pursuant to Rule 56(a), Ariz. R. S. Ct., for consideration of the Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum) filed September 29, 2003, providing for a censure, six months of probation effective the date of the final Judgment and Order, and costs of these disciplinary proceedings. Respondent, Respondent's counsel and counsel for the State Bar were present.

**Decision**

The nine<sup>1</sup> members of the Commission unanimously recommend accepting and incorporating by reference the Agreement and Joint Memorandum providing for a censure, six months of probation effective the date of the final Judgment and Order, and costs. The terms of probation are as follows:

<sup>1</sup> Commissioner Gutierrez did not participate in these proceedings. One public seat remains vacant. Maria Hoffman, a former commissioner and public member from Tucson and Helen Purcell, a public member from Tucson, participated as ad hoc members.

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- 1) Within the term of probation, the State Bar's Staff Examiner will schedule a random review of Respondent's office procedures and records limited to the operation and maintenance of his lawyer trust account.
  
- 2) 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 a Notice of Non-Compliance with the Disciplinary Commission. The Disciplinary Commission may refer the matter to a hearing officer to conduct a hearing at the earliest possible date, but in no event later than thirty days following receipt of said notice. If the matter is referred to a hearing officer, the hearing officer shall determine whether the terms of probation have been breached, and if so, to recommend appropriate action and response to such breach.
  
- 3) 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 1st day of December 2003.

  
\_\_\_\_\_  
Jessica G. Funkhouser, Chair  
Disciplinary Commission

Original filed with the Disciplinary Clerk  
this 1st day of December 2003.

Copy of the foregoing mailed  
this 2nd day of December 2003 to:

Robert J. Hooker  
Respondent's Counsel  
2830 N. Swan Rd., Suite 120  
Tucson, AZ 85712-6301

Copy of the foregoing hand-delivered  
this 2nd day of December 2003 to:

Maret Vessella  
Deputy Chief Bar Counsel  
State Bar of Arizona  
111 West Monroe, Suite 1800  
Phoenix, AZ 85003-1742

By K. Weigand

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