

SUPREME COURT OF ARIZONA

**FILED**  
AUG 16 2004  
NOEL K. DESSAINT  
CLERK SUPREME COURT  
BY

IN THE MATTER OF A SUSPENDED MEMBER	)	Supreme Court
OF THE STATE BAR OF ARIZONA,	)	No. SB-04-0086-D
	)	
	)	Disciplinary Commission
	)	Nos. 02-0488, 02-1031, 02-2263
<b>CARROLL A. CLARK,</b>	)	
<b>Bar No. 006563</b>	)	
	)	
	)	
RESPONDENT.	)	<b>JUDGMENT AND ORDER</b>
	)	

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 **CARROLL A. CLARK**, a suspended 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 order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **CARROLL A. CLARK** shall be placed on probation for a period of two (2) years, effective upon reinstatement. The terms of probation are as follows:

- 1) Respondent shall submit to a law office audit by the State Bar's Law Office Management Assistance Program (LOMAP) director or designee, and shall comply with all recommendations of the LOMAP director or designee.
- 2) Respondent shall find a qualified Practice Monitor approved by the LOMAP director.
- 3) Respondent shall submit to an assessment by the State Bar Member Assistance Program.
- 4) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Rules of the Supreme Court of Arizona. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that Respondent shall participate in binding fee arbitration with clients Sigfred and/or Wuilbur Flores.

IT IS FURTHER ORDERED that Respondent shall pay restitution in the following amount to the following individual:

Ruben Frisby: \$ 670.00

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 72(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 her compliance with this Order as provided in Rule 72(e).

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

IT IS FURTHER ORDERED that Respondent shall be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b).

DATED this 16th day of August, 2004.



NOEL K. DESSAINT  
Clerk of the Court

TO:  
Carroll A. Clark, Respondent (Certified Mail, Return Receipt)  
Amy K. Rehm, Bar Counsel  
Jeffrey Messing, Hearing Officer 9X  
Douglas M. Brooks, Disciplinary Clerk (Cert. Copy)  
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (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)  
West Publishing Company (Jode Ottman)  
Lexis/Nexis

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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 Gehres Deputy