

SUPREME COURT OF ARIZONA

FILED  
DEC - 1 2004  
NOEL K. DESSAINT  
CLERK SUPREME COURT  
BY: [Signature]

In the Matter of a Member of the  
State Bar of Arizona

) Arizona Supreme Court  
) No. SB-04-0130-D

**RICHARD T. FULLER,**  
Attorney No. 4835

)  
) Disciplinary Commission  
) No. 02-0390

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 this Court having denied Respondent's Petition for Review,

IT IS ORDERED, ADJUDGED AND DECREED that **RICHARD T. FULLER**, 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 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 **RICHARD T. FULLER** shall be placed on probation for a period of two (2) years, commencing upon reinstatement, under the following terms and conditions:

- 1) Respondent shall submit to a LOMAP audit and comply with all recommendations and orders of the State Bar's LOMAP director or designee.
- 2) Respondent shall within thirty (30) days of the effective date of probation, obtain a practice monitor (PM) approved by the State Bar for the term of probation. Respondent shall meet with the PM no less than monthly and shall have weekly telephone contact with the PM during the term of probation.
- 3) Respondent shall meet with the director of the State Bar's Member Assistance Program (MAP), or designee, who will conduct an assessment. Respondent thereafter shall enter into a MAP contract based upon the recommendation made by the director of MAP, or designee.
- 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 (30) days after receipt of said notice, to determine whether the terms of probation 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 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 his compliance with this Order as provided in Rule 72(e).

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

DATED this 1st day of December, 2004.

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 William Beames Deputy

  
CHARLES E. JONES  
Chief Justice

TO:

Richard T. Fuller, Respondent (Certified Mail, Return Receipt)  
Patricia Seguin, Acting Disciplinary Clerk (Cert. Copy)  
Patricia A. Sallen, Bar Counsel  
T. H. Guerin, Jr., Hearing Officer 7R  
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)  
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State Bar of Arizona

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) No. SB-04-0130-D  
)

**RICHARD T. FULLER,**  
Attorney No. 4835

) Disciplinary Commission  
) No. 02-0390  
)

Respondent.

) **AMENDED**  
) **JUDGMENT AND ORDER**  
)

IT IS ORDERED amending nunc pro tunc the second paragraph of this Court's order dated December 1, 2004 as follows:

IT IS ORDERED, ADJUDGED AND DECREED that **RICHARD T. FULLER**, 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 day, effective thirty (30) days from the date of this order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

DATED this 7th day of December, 2004.

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 *William Bellus* Deputy

*Charles E. Jones*  
CHARLES E. JONES  
Chief Justice

TO:

- Richard T. Fuller, Respondent (Certified Mail, Return Receipt)
- Patricia Seguin, Acting Disciplinary Clerk (Cert. Copy)
- Patricia A. Sallen, Bar Counsel
- T. H. Guerin, Jr., Hearing Officer 7R
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