

**FILED**

OCT 26 2006

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA

BY *[Signature]*

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

IN THE MATTER OF A MEMBER )  
OF THE STATE BAR OF ARIZONA, )

No. 04-0666

**RONALD J. ELLETT,** )  
**Bar No. 012697** )

**DISCIPLINARY COMMISSION  
REPORT**

RESPONDENT. )  
\_\_\_\_\_ )

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on September 9, 2006, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of the Hearing Officer's Report filed June 23, 2006, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for censure, one year of probation with the State Bar's Law Office Management Assistance Program (LOMAP), and costs.

**Decision**

The eight members<sup>1</sup> of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for censure, one year of probation (LOMAP), and costs of these disciplinary proceedings.<sup>2</sup> The terms of probation are as follows:

**Terms of Probation**

1. Within 30 days from the date of the final Judgment and Order, Respondent shall pay restitution to Michael and Susan Wade in the amount of \$1,975.00.

<sup>1</sup> One public member seat remains vacant.

<sup>2</sup> A copy of the Hearing Officer's Report is attached as Exhibit A.

2. Within 30 days from the date of the final Judgment and Order, Respondent shall contact the LOMAP director and schedule an audit of his law office. The LOMAP director or designee will conduct an audit no later than 60 days thereafter. Following the audit, Respondent shall enter into a Memorandum of Understanding (MOU) that will be effective for a period of one year from the date upon which all parties have signed the MOU.

3. Respondent will follow all the Rules of Professional Conduct and all Trust Account Guidelines.

4. Respondent shall pay all costs incurred by the State Bar of Arizona in these proceedings, including the LOMAP assessment.

5. 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), Ariz. R. Sup. Ct. 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.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of October, 2006.



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Barbara A. Atwood, Chair  
Disciplinary Commission

1 Original filed with the Disciplinary Clerk  
this 26<sup>th</sup> day of October, 2006.

2 Copy of the foregoing mailed  
3 this 26<sup>th</sup> day of October, 2006, to:

4 JoAnn Garcia  
5 Hearing Officer 8U  
6 Office of Legal Advocate  
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9 J. Scott Rhodes  
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21 by: Brenda Dominguez  
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23 /mps  
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