

**FILED**

MAY 23 2006

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA

BY *[Signature]*

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

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3	IN THE MATTER OF A MEMBER	)	Nos. 04-1688, 04-1875
4	OF THE STATE BAR OF ARIZONA,	)	
5	<b>ROBERT R. JUNG,</b>	)	
6	<b>Bar No. 014198</b>	)	<b>DISCIPLINARY COMMISSION</b>
7		)	<b>REPORT</b>
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This matter came before the Disciplinary Commission of the Supreme Court of Arizona on May 13, 2006, pursuant to Rule 58, Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed March 8, 2006, recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent (Tender) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum) providing for a six month suspension, six months of probation effective upon the signing of the probation contract with the State Bar Trust Account Ethics Enhancement Program (TAEEP), continued counseling during suspension and six months following reinstatement including the filing of quarterly written confirmation of continued counseling to the director of the State Bar's Member's Assistance Program (MAP), and costs.

**Decision**

The seven members<sup>1</sup> of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and

<sup>1</sup> Commissioners Atwood and Nelson did not participate in these proceedings.

1 recommendation for a six month suspension, six months of probation (TAEPP) effective  
2 upon the signing of the probation contract, continued counseling during suspension and six  
3 months following reinstatement, including the filing of quarterly written confirmation of  
4 continued counseling to the MAP director, and costs of these disciplinary proceedings.<sup>2</sup>

5 The terms of probation are as follows:

6 **Terms of Probation**

7 1. Respondent shall attend TAEPP prior to or within six months of  
8 reinstatement. In the event Respondent returns to private practice in a field of law  
9 requiring a trust account within six months of reinstatement, Respondent shall submit to at  
10 least one review of his trust account management procedures by the Staff Examiner of the  
11 State Bar or her designee through the Trust Account Program (TAP). Such review will  
12 include a review of Respondent's monthly three-way reconciliation of his general ledger,  
13 client ledgers and bank statement as well as any additional supporting documentation the  
14 Examiner in her discretion needs to review.  
15

16 2. Respondent shall continue with counseling or other appropriate treatment  
17 during his suspension and for six months following the date of his reinstatement and shall  
18 substantiate his participation by authorizing his health care provider to provide a quarterly  
19 written confirmation of his continued participation to the director of the Members  
20

21  
22 <sup>2</sup> A copy of the Hearing Officer's Report is attached as Exhibit A. In evaluating and ultimately  
23 voting to approve the Tender, the Commission was impressed by and applauds Respondent's  
24 efforts to rectify the consequences of his misconduct. The record supports that Respondent made  
25 restitution to the proper individuals and began treatment for his psychological and emotional  
26 problems *before* the misconduct was discovered and not as a result of bar discipline.

1 Assistance Program (MAP). In the event Respondent fails to provide such confirmation,  
2 bar counsel may require Respondent to submit to a MAP assessment and monitoring.

3 3. In the event that Respondent fails to comply with any of the foregoing  
4 conditions, and the State Bar receives information, bar counsel shall file with the Hearing  
5 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz. R. S. Ct. The  
6 Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to  
7 determine whether the terms of probation have been violated and if an additional sanction  
8 should be imposed. In the event there is an allegation that any of these terms have been  
9 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by  
10 clear and convincing evidence.

11 RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of May, 2006.

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15 J. Conrad Baran, Vice-Chair  
16 Disciplinary Commission

17 Original filed with the Disciplinary Clerk  
18 this 23<sup>rd</sup> day of May, 2006.

19 Copy of the foregoing mailed  
20 this 23<sup>rd</sup> day of May, 2006, to:

21 T. H. Guerin, Jr.  
22 Hearing Officer 7R  
23 1839 South Alma School Road, Suite 354  
24 Mesa, AZ 85210-3028  
25  
26

1 Nancy A. Greenlee  
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10 by: K. Weizand

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