



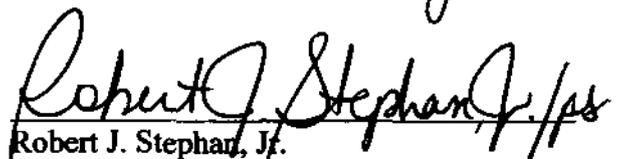
1 approval of the court, must the lawyer hold the funds in his or her trust account until court  
2 approval?"

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

10 3. Pursuant to Rule 60(a)4, Ariz. R. S. Ct., this Order will be entered in the  
11 Respondent's permanent record and, pursuant to Rule 70, is not confidential. It may also be  
12 considered by a hearing officer, the Disciplinary Commission or the Supreme Court in  
13 recommending or imposing discipline in a subsequent disciplinary proceeding against Respondent,  
14 pursuant to Rule 48(k)3, Ariz. R. S. Ct.

15 4. Costs and expenses in the amount of \$1,498.41, as set forth in the Amended  
16 Statement of Costs and Expenses,<sup>1</sup> are hereby assessed against Respondent pursuant to the  
17 provisions of Rule 60(b)2A, Ariz. R. S. Ct.

18 DATED this 10<sup>th</sup> day of February, 2006.

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22   
23 Robert J. Stephan, Jr.  
24 Hearing Officer 9R

25 Original filed with the Disciplinary Clerk  
26 this 10<sup>th</sup> day of February, 2006,

<sup>1</sup> The Amended Statement of Costs and Expenses is attached as Exhibit A.

1 Copy of the foregoing mailed  
this 10<sup>th</sup> day of February 2006, to:

2 John A. Weil  
3 Respondent's Counsel  
4 *Weil & Weil, P.L.L.C.*  
5 1600 South Fourt Avenue, Suite C  
6 Yuma, AZ 85366-1977

7 Mark I. Harrison  
8 Sara Southern  
9 Respondent's Counsel  
10 *Osborn Maledon, P.A.*  
11 2929 North Central Avenue, Suite 2100  
12 Phoenix, AZ 85012-2794

13 Denise K. Tomaiko  
14 Bar Counsel  
15 State Bar of Arizona  
16 4201 North 24<sup>th</sup> Street, Suite 200  
17 Phoenix, AZ 85016-6288

18 Betty Flores, Director  
19 Membership Department  
20 State Bar of Arizona  
21 4201 North 24<sup>th</sup> Street, Suite 200  
22 Phoenix, AZ 85016-6288

23 Sandra Montoya  
24 Lawyer Regulation Records Manager  
25 State Bar of Arizona  
26 4201 North 24<sup>th</sup> Street, Suite 200  
Phoenix, AZ 85016-6288

by: *Williams*

**EXHIBIT A**

1 **Statement of Costs and Expenses**

2 In the Matter of a Member of the State Bar of Arizona,  
3 Robert M. Cook, Bar No. 002628, Respondent

4 File No(s). 04-0713

5 **Administrative Expenses**

6 The Board of Governors of the State Bar of Arizona has adopted a schedule of  
7 administrative expenses to be assessed in disciplinary proceedings, depending on at which  
8 point in the system the matter concludes. The administrative expenses were determined to  
9 be a reasonable amount for those expenses incurred by the State Bar of Arizona in the  
10 processing of a disciplinary matter. An additional fee of 20% of the administrative expenses  
11 is also assessed for each separate matter over and above five (5) matters due to the extra  
12 expense incurred for the investigation of numerous charges.

13 Factors considered in the administrative expense are time expended by staff bar counsel,  
14 paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone  
15 costs, office supplies and all similar factors generally attributed to office overhead. As a matter  
16 of course, administrative costs will increase based on the length of time it takes a matter to  
17 proceed through the adjudication process.

18 ***General Administrative Expenses for above-numbered proceedings = \$600.00***

19 Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary  
20 matter, and not included in administrative expenses, are itemized below.

21 **Staff Investigator/Miscellaneous Charges**

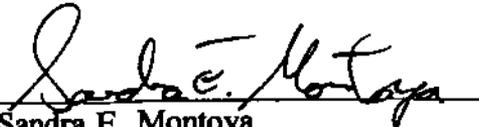
22	11/22/04	1 call to Longbottom	\$8.75
23	11/23/04	Consult w/Bar Counsel; 1 call from Longbottom;	\$43.75
24	04/11/05	1 email received; Consult w/Bar Counsel; Consult w/ Staff Investigator	\$26.25
25	04/12/05	Review file	\$35.00
26	04/14/05	3 calls to Drake; 1 call from Drake	\$43.75
27	10/12/05	Deliver Subpoena; Prepare memo	\$26.25
28	10/14/05	1 call to Misenhimer; 1 call to Bohanon; 2 calls to York; 4 calls to Amorosi	\$70.00
29	10/20/05	1 call to York	\$8.75
30	10/21/05	Consult w/Bar Counsel	\$8.75
31	10/13/05	4 calls to Amerosi; 2 calls to Smith; 1 call from Smith; 1 call to Cartwright; 1 call to Harvey; 1 call from Harvey	\$113.75
32	10/03/05	1 call to Bohanon; 2 calls to York; 1 call to Drake; Computer Investigation - attempts to locate Misenhimer	\$52.50
33	10/12/05	Mileage to Serve Subpoena on Respondent	\$2.91
34	11/07/05	Atwood Reporting Service; Deposition of Respondent	\$458.00

35 **Total charges \$898.41**

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**TOTAL COSTS AND EXPENSES INCURRED**

**\$1,498.41**

  
Sandra E. Montoya  
Lawyer Regulation Records Manager

February 4, 2006  
Date