FILED
MAR 14 2006
NOEL K. DESSAINT
CLERK SUPREME COURT
BY

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	)	Supreme Court No. SB-06-0011-D
	)	Disciplinary Commission Nos. 04-0039, 04-1193
JOHN DANIEL ROLPH, Bar No. 021302	)	
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, there having been no discretionary review and *sua sponte* review having been declined by the Court,

IT IS ORDERED, ADJUDGED AND DECREED that **JOHN DANIEL ROLPH**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of ninety (90) days, 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.

IT IS FURTHER ORDERED that **JOHN DANIEL ROLPH** shall be placed on probation for a period of two (2) years effective upon the signing of the probation contract. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation are as follows:

1) Respondent currently has a probation contract in effect in File No. 03-1358 as of April 14, 2004. The contract is attached as Exhibit A to the Tender. The terms of that probation contract shall be held in abeyance during Respondent's period of suspension.

2) Respondent shall contact the director of the State Bar's Law Office Management Program (LOMAP) 30 days prior to filing his application for reinstatement pursuant to Rule 64, Ariz. R. S. Ct. Respondent shall submit to a LOMAP audit of his office procedures within 30 days from the date he is reinstated by order of the court. The director of LOMAP shall develop any additional terms of probation to be incorporated with or including in an addendum to the existing probation contract. The final probation contract, and its terms shall be incorporated therein by reference. Probation will commence upon Respondent signing the probation contract for a period of two years. Bar Counsel will notify the Disciplinary Clerk of the date on which the probation term begins. A failure to comply with any term of the LOMAP contract will result in a notice of noncompliance as a violation of a term of probation.

3) Within 30 days of signing the consent documents, Respondent shall submit to an evaluation by the director of the State Bar's Member Assistance Program (MAP). The MAP director shall develop a therapeutic contract stating the terms of treatment, if he deems such a contract is appropriate. The MAP contract shall be incorporated into this agreement by reference. A failure to comply with any term of the MAP contract will result in a notice of noncompliance as a violation of a term of probation.

4) Respondent shall be assigned a practice monitor for the period of his probation term. The reporting terms shall be developed by the Director of LOMAP and included in the probation contract which shall be incorporated therein by this reference.

5) Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct or other rules of the Supreme Court of Arizona.

6) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information to that effect, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. 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.

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 comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **JOHN DANIEL ROLPH** for costs and expenses of these proceedings in the amount of $1,013.62, together with interest at the legal rate from the date of this judgment.

DATED this 14th day of March, 2006.

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 _____ Deputy

NOEL K. DESSAINT
Clerk of the Court

TO:
John Daniel Rolph, Respondent (Certified Mail, Return Receipt and Regular Mail)
Cheryl A. Brown, Respondent's Counsel
Shauna R. Miller, Senior Bar Counsel
Hon. Armando de Leon, Hearing Officer 6Q
Patricia Seguin, 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)
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