

**FILED**

APR 10 2007

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

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY: *[Signature]*

IN THE MATTER OF A SUSPENDED MEMBER ) Nos. 05-0735, 06-0368, 06-0498,  
OF THE STATE BAR OF ARIZONA, ) 06-0564, 06-0783, 06-0831,  
) 06-0967

**DAVID L. BJORGAARD,**  
**Bar No. 012637**

**DISCIPLINARY COMMISSION  
REPORT**

RESPONDENT.

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on March 10, 2007, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of the Hearing Officer's Report filed January 25, 2007, 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 a two-year suspension, two years of probation upon reinstatement with the State Bar's Law Office Management Assistance Program (LOMAP), Member Assistance Program (MAP), restitution 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 recommendation for a two-year suspension, two years of probation upon reinstatement (LOMAP and MAP), restitution and costs of these disciplinary proceedings.<sup>2</sup> The amount of restitution and terms of probation are as follows:

<sup>1</sup> Commissioners Katzenberg and Todd recused.

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



7. 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 10<sup>th</sup> day of April, 2007.



J. Conrad Baran, Chair  
Disciplinary Commission

Original filed with the Disciplinary Clerk  
this 10<sup>th</sup> day of April, 2007.

Copy of the foregoing mailed  
this 10<sup>th</sup> day of April, 2007, to:

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3 by: Brenda J. Dominguez  
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