

**FILED**

MAR 12 2007

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

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

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2  
3 IN THE MATTER OF A MEMBER )  
4 OF THE STATE BAR OF ARIZONA, )  
5 )  
6 **JEROLD A. CARTIN,** )  
7 **Bar No. 002081** )  
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RESPONDENT. )

File No. 05-0252

**DISCIPLINARY COMMISSION  
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on February 10, 2007, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the Amended Hearing Officer's Report filed December 4, 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 Trust Account Ethics Enhancement Program (TAEEP), and costs.

**Decision**

The eight members<sup>1</sup> of the Disciplinary Commission unanimously recommend accepting and adopting the majority of Hearing Officer's findings of fact and conclusions of law,<sup>2</sup> and recommendation for censure, one year of probation (TAEEP) to commence upon the signing of the probation contract, and costs of these disciplinary proceedings.<sup>3</sup>

The terms of probation are as follows:

<sup>1</sup> Commissioner Gooding did not participate in these proceedings.

<sup>2</sup> The Disciplinary Commission determined that the record is insufficient to support the finding of mitigating factors 9.32(g) character or reputation and 9.32(l) remorse. See Hearing Officer's Report, p. 17. However, the absence of these mitigating factors does not affect the outcome.

<sup>3</sup> A copy of the Hearing Officer's Report is attached as Exhibit A.

**Terms of Probation**

1           1.       Respondent shall complete TAEEP during the period of probation.

2           2.       Respondent shall submit to a quarterly review of his trust account  
3 management procedures by the Staff Examiner of the State Bar of Arizona or designee.  
4 Such review will include a review of Respondent's monthly three-way reconciliation of his  
5 general ledger, client ledgers and bank statements as well as any additional supporting  
6 documentation the Examiner in her discretion needs to review.  
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8           3.       Respondent shall pay all costs incurred in these disciplinary proceedings  
9 within 30-days of the final Judgment and Order.

10          4.       In the event that Respondent fails to comply with any of the foregoing  
11 conditions, and the State Bar receives information, bar counsel shall file with the Hearing  
12 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The  
13 Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to  
14 determine whether the terms of probation have been violated and if an additional sanction  
15 should be imposed. In the event there is an allegation that any of these terms have been  
16 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by  
17 clear and convincing evidence.  
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19                   RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of March, 2007.

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23 J. Conrad Baran, Chair  
24 Disciplinary Commission

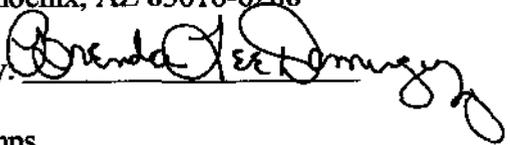
25 Original filed with the Disciplinary Clerk  
26 this 12<sup>th</sup> day of March, 2007.

Copy of the foregoing mailed  
this 12<sup>th</sup> day of March, 2007, to:

1  
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