



SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER	)	Supreme Court
OF THE STATE BAR OF ARIZONA,	)	No. SB-07-0126-D
	)	
	)	Disciplinary Commission
	)	Nos. 05-0819, 05-1048, 05-1112,
<b>JAMES L. LEATHER,</b>	)	05-1188, 05-1421, 06-0378
<b>Bar No. 005002</b>	)	06-1915
	)	
RESPONDENT.	)	<b>JUDGMENT AND ORDER</b>

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and there having been no discretionary review,

IT IS ORDERED, ADJUDGED AND DECREED that **JAMES L. LEATHER**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **JAMES L. LEATHER** shall be placed on probation for a period of two years. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation are as follows:

- 1) Respondent shall participate in Law Office Management Assistance Program (LOMAP) for supervision of his practice pursuant to a memorandum of understanding with a LOMAP agreement.
- 2) Respondent shall retain Lynda C. Shely, Esq., or in the event that Ms. Shely is unwilling or unable to represent Respondent, another qualified lawyer approved by bar counsel pursuant to the scope of work exhibit, which has been approved by all parties.
- 3) Respondent shall implement all recommendations made by LOMAP and Ms. Shely or other approved independent ethics counsel.
- 4) For a period of one year Respondent shall submit monthly reports by Ms. Shely or other approved ethics counsel and/or LOMAP to bar counsel, followed by quarterly reports thereafter.
- 5) Respondent shall pay restitution as stated below.
- 6) Within 30-days of the date of the final Judgment and Order, Respondent shall remove any liens held by Respondent or Burton & Leather in File No. 06-1915 and shall offer fee arbitration to the client.

- 7) Respondent shall pay the State Bar's costs and expenses in this matter in addition to costs incurred by the Disciplinary Clerk's office.
- 8) 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. 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.

IT IS FURTHER ORDERED that **JAMES L. LEATHER** shall pay restitution in the following amounts to the following individuals:

Joseph and Florence Brown	\$ 750.00
Robin and Gary Pecora	\$2,225.00
Robert Rogers	\$2,909.82
Randall Francis	<u>\$2,300.00</u>
<b>TOTAL</b>	<b>\$8,184.82</b>

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **JAMES L. LEATHER** for costs and expenses of these proceedings in the amount of \$1,032.05, together with interest at the legal rate from the date of this judgment.

DATED this 17th day of July, 2007.

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST  
Rachelle M. Resnick, Clerk of the Supreme Court  
State of Arizona

By *Pishe Gary* Deputy

*Rachelle M Resnick*  
RACHELLE M. RESNICK  
Clerk of the Court

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TO:

James L. Leather, Respondent (Certified Mail, Return Receipt and Regular Mail and Regular Mail)

J. Scott Rhodes, Respondent's Counsel

David L. Sandweiss, Bar Counsel

Frederick K. Steiner, Jr., Hearing Officer 8T

Lauren E. Eiler, 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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