

FILED

AUG - 7 2008

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

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
ROBERT M. GREGORY,)
Bar No. 021805)
)
RESPONDENT)

Nos 06-1832, 07-0265

DISCIPLINARY COMMISSION
REPORT

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on July 12, 2008, pursuant to Rule 58, Ariz R Sup Ct , for consideration of the Hearing Officer's Report filed May 30, 2008, 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 30-day suspension, one year of probation with the State Bar Law Office Management Assistance Program ("LOMAP"), Trust Account Ethics Enhancement Program (TAEEP), completion of the continuing legal education ("CLE") seminar entitled *Ten Deadly Sins of Conflict*, and costs within 30-days of the Supreme Court's final Judgment and Order

Decision

Having found no facts clearly erroneous, the seven members¹ of the Disciplinary Commission unanimously recommend accepting and incorporating the Hearing Officer's findings of fact, conclusions of law, and recommendation for 30-day suspension, one year

¹ One lawyer member seat remains vacant Commissioner Horsley did not participate in these proceedings

of probation (LOMAP, TAEPP and view CLE seminar entitled *Ten Deadly Sins of Conflict*), and costs of these disciplinary proceedings within 30-days from the date of the final Judgment and Order including any costs incurred by the Disciplinary Clerk's office ²

The terms of probation are as follows

Terms of Probation

1 Respondent shall³ undergo and cooperate with a full assessment by LOMAP

2 Respondent shall attend and successfully complete TAEPP

3 Respondent shall review the "Ten Deadly Sins of Conflict" MCLE video-tape and provide his hand-written notes to bar counsel

4 Respondent shall provide the State Bar with copies of all letters required to be sent to his clients and other interested parties providing notice to said clients and parties of Respondent's suspension

5 Respondent shall provide the State Bar with copies of all certified certificates required to be attached to the mailings referenced in paragraph 4

6 Respondent shall provide the State Bar with copies of all return receipts returned to him as a result of the mailings referenced in paragraph 4

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 imposing entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz R Sup Ct The Hearing Officer shall conduct a hearing within 30-days after receipt of said notice, to

² A copy of the Hearing Officer's Report is attached as Exhibit A The State Bar's costs total \$1,150 05

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 ⁴

RESPECTFULLY SUBMITTED this 7th day of August, 2008

Daisy Flores

Daisy Flores, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 7th day of August, 2008

Copy of the foregoing mailed
this 7th day of August, 2008, to

Daniel P Beeks
Hearing Officer 7M
Mohr, Hackett, Pederson, Blakley & Randolph, P.C
2800 North Central, Suite 1100
Phoenix, AZ 85004-1043

Nancy A Greenlee
Respondent's Counsel
821 East Fern Drive North
Phoenix, AZ 85014-3248

³ The Hearing Officer stated that "Gregory *should be* required," however, the Terms of Probation as set forth in the Tender provide that "Respondent *shall*" See Report, pp 12-13 and Tender, pp 19-20

⁴ The Hearing Officer's Report and Tender documents does not contain the standard probation compliance language

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by *RJA*

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