

FILED

JAN 31 2008

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

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

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3 IN THE MATTER OF A SUSPENDED MEMBER) No. 06-0131
4 OF THE STATE BAR OF ARIZONA,)
5)
6 **WILLIAM J. RECKLING, III**)
7 **Bar No. 005748**) **DISCIPLINARY COMMISSION**
8) **REPORT**
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RESPONDENT.)
_____)

8 This matter came before the Disciplinary Commission of the Supreme Court of
9 Arizona January 12, 2008, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the
10 Hearing Officer's Report filed December 10, 2007, recommending acceptance of the
11 Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint
12 Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent
13 providing for an eighteen-month suspension retroactive to July 6, 2006,¹ probation with the
14 Law Office Management Assistance Program (LOMAP) upon reinstatement with length
15 and terms to be determined at the time of reinstatement, and costs within 30-days of the
16 date of the final Judgment and Order.
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19 **Decision**

20 Having found no facts clearly erroneous, the eight members² of the Disciplinary
21 Commission unanimously recommend accepting and incorporating the Hearing Officer's
22 findings of fact, conclusions of law, and recommendation for an eighteen-month
23 suspension retroactive to July 6, 2006, probation (LOMAP) upon reinstatement with the
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26 ¹ The date of Respondent's interim suspension.

² Commissioner Baran did not participate in these proceedings.

length and specific terms to be determined at the time of reinstatement,³ and costs of these disciplinary proceedings to be paid within 30-days of the date of the final Judgment and Order.⁴ The terms of probation at minimum are as follows:

Terms of Probation

1. Within 30-days of the date of reinstatement, Respondent shall contact the LOMAP director. The LOMAP director shall develop a probation contract, and its terms shall be incorporated herein by reference.

2. Respondent's probation shall also include any additional terms deemed appropriate by the hearing officer assigned to the reinstatement matter, the Disciplinary Commission or the Supreme Court of Arizona, at the time of reinstatement.

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

4. Respondent shall pay all costs associated with these disciplinary proceedings within 30-days from the date of the final Judgment and Order.

5. 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 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

³ The Commission further recommends that should Respondent seek reinstatement, a two-year term of probation with the State Bar's Member Assistance Program (MAP) is appropriate. See Hearing Officer's Report, p. 11, item B.

⁴ A copy of the Hearing Officer's Report is attached as Exhibit A.

1 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by
2 clear and convincing evidence.

3 RESPECTFULLY SUBMITTED this 31st day of January, 2008.

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5 _____
6 Daisy Flores, Vice-Chair
7 Disciplinary Commission

8 Original filed with the Disciplinary Clerk
9 this 31st day of January, 2008.

10 Copy of the foregoing mailed
11 this 31st day of January, 2008, to:

12 Honorable Judge H. Jeffrey Coker
13 Hearing Officer 6R
14 P.O. Box 23578
15 Flagstaff, AZ 86002-0001

16 William J. Reckling, III
17 Respondent
18 4202 North 42nd Street
19 Phoenix, AZ 85018-0001

20 Matthew E. McGregor
21 Bar Counsel
22 State Bar of Arizona
23 4201 North 24th Street, Suite 200
24 Phoenix, AZ 85016-6288

25 by: 

26 /mps