

SUPREME COURT OF ARIZONA

FILED
MAR 18 2008
MARCO ANTONIO MEDINA
CLERK SUPREME COURT
BY

IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,

) Supreme Court
) No SB-08-0016-ID
)

RAFAEL F. GALLEGO,
Bar No. 013726

) Disciplinary Commission
) Nos. 05-0689, 05-1264
)

RESPONDENT.

) JUDGMENT AND ORDER
)
)

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

IT IS ORDERED, ADJUDGED AND DECREED that **RAFAEL F. GALLEGO**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of one year, effective thirty days from the date of this judgment and order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **RAFEAL F. GALLEGO** shall be placed on probation for a period of two years upon reinstatement under the following terms and conditions.

- 1) The period of probation will begin upon Respondent's reinstatement to active status and shall terminate no sooner than two years following the date on which Respondent executes all necessary initial Law Office Management Assistance Program ("LOMAP") and Member Assistance Program ("MAP") contracts
- 2) Respondent shall submit to LOMAP and MAP assessments and thereafter, shall agree to and comply with any initial and subsequent contracts deemed appropriate by LOMAP and MAP. At a minimum, the MAP contract will require that Respondent submit to periodic drug testing during his probation and that any and all information provided to or obtained by MAP that in any manner whatsoever pertains to Respondent, even if furnished by Respondent, and even if otherwise deemed privileged or confidential, may and will be disclosed to bar counsel and may be used by the State Bar in any subsequent proceeding herein for any purpose

- 3) Respondent agrees that all information release forms he has previously signed by which his privileged or confidential information may be obtained by the State Bar will remain in effect for the duration of his probation. If deemed necessary by the State Bar, Respondent will sign and provide new such authorizations.
- 4) 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 Respondent shall participate in and initiate fee arbitration with Robert Sagasta, Sr.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 72(a), which requires that Respondent notify all of his clients, within ten (10) days from the date hereof, of his inability to represent them and that he should promptly inform this Court of his compliance with this Order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **RAFAEL F. GALLEGO** for costs and expenses of these proceedings in the amount of \$2,702.19, together with interest at the legal rate from the date of this judgment.

DATED this 18th day of March, 2008

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 *Usha Jay* Deputy

Rachelle M Resnick
Rachelle M Resnick
Clerk of the Court

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TO.

Rafael F Gallego, Respondent (Certified Mail, Return Receipt and Regular Mail)

Richard J. Gonzales, Respondent's Counsel

David L Sandweiss, Bar Counsel

Bruce G. Macdonald, Hearing Officer

Leticia V D'Amore, 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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