

FILED

FEB 29 2008

**RACHELLE M. RESNICK
CLERK SUPREME COURT
BY**

SUPREME COURT OF ARIZONA

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

RANDY J. TUNAC,
Bar No. 022069

RESPONDENT

) Supreme Court
) No SB-08-0014-D
)

) Disciplinary Commission
) Nos 05-0905, 05-1890, 06-141,
) 06-0187
)

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 and there having been no discretionary review,

IT IS ORDERED, ADJUDGED AND DECREED that **RANDY J. TUNAC**, 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 **RANDY J. TUNAC** shall be placed on probation for a period of two (2) 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 be placed on probation effective the date of the final Judgment and Order and will continue for two years from the date Respondent signs the probation contract.
- 2) Within 30-days from the date of the final Judgment and Order, Respondent shall contact the Director of Lawyer Assistance Programs to schedule and assessment of Respondent's office procedures as they relate to client communication and diligence issues including but not limited to calendaring and compliance with deadlines, court imposed or otherwise. Respondent shall cooperate with Law Office Management Assistance Program ("LOMAP") staff and participate in the program for the duration of the probation period.
- 3) Within 30-days from the date of the final Judgment and Order, Respondent shall contact the Member Assistance Program ("MAP") director to schedule an assessment and thereafter, shall comply with the MAP director's recommendations.
- 4) Respondent shall, during the period of probation, obtain and utilize the services of a Practice Monitor and/or Peer Monitor, as required by LOMAP and MAP after completion of all necessary assessments and after consultation with bar counsel.

- 5) 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.

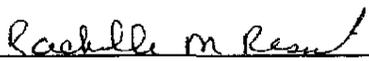
IT IS FURTHER ORDERED that **RANDY J. TUNAC** shall pay restitution in the following amounts to the following individuals:

Mr and Mrs Mendoza	\$ 750 00
Ms Socorro Barocio	\$ 725 00
TOTAL	\$1,475.00

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **RANDY J. TUNAC** for costs and expenses of these proceedings in the amount of \$1,817 62, together with interest at the legal rate from the date of this judgment.

IT IS FURTHER ORDERED that Respondent shall be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b).

DATED this 29th day of February, 2008.

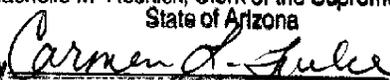


Rachelle M Resnick
Clerk of the Court

TO
Randy J Tunac, Respondent (Certified Mail, Return Receipt and Regular Mail)
Nancy A Greenlee, Respondent's Counsel
Roberta L Tepper, Bar Counsel
Richard N. Goldsmith, Hearing Officer 7I
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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clf

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  Deputy