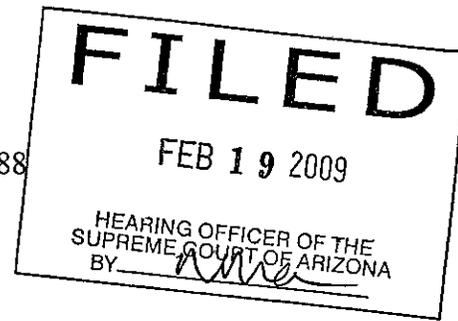


IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
JAY R. BLOOM,)
Bar No. 016380)
)
)
RESPONDENT.)
_____)

No. 08-0488



HEARING OFFICER'S REPORT

PROCEDURAL HISTORY

A Complaint was filed against the Respondent on 9/30/08. Probable cause was found that there was a violation of Rule 42, Ariz.R.Sup.Ct., E.R. 3.4(c), 8.4(d), and Rule 53(c), Ariz.R.Sup.Ct.

FINDINGS OF FACT

1. The Respondent is an attorney who has been licensed to practice in the State of Arizona since 10/21/95.
2. Respondent represented Ms. Denise Navarro, both prior to and subsequent to, the trial in a domestic relations matter involving her husband Guillermo Navarro.
3. The Court issued an Order which awarded Guillermo Navarro a truck as his sole and separate property.
4. The Court further ordered that both parties cooperate to get the vehicles titled in the names of the parties awarded each vehicle.
5. Guillermo Navarro was in possession of the truck. Denise Navarro had the title in her possession.
6. Denise Navarro turned over the title to the truck to the Respondent.
7. Guillermo Navarro requested from the Respondent that the title of the truck be turned over to him pursuant to the court order that both parties were to cooperate with regard to the vehicles.
8. Denise Navarro instructed her attorney, the Respondent, not to turn over the truck title until late child support payments were resolved.

9. Respondent honestly believed that the withholding of the truck title until the past due child support was addressed was within the spirit of cooperation.
10. After repeated attempts to get title by Guillermo Navarro, the Respondent refused to release the title.
11. The Honorable Eddward Ballinger, Jr. specifically ordered the Respondent to turn over the truck title to Guillermo Navarro's attorney, which was done.

CONCLUSIONS OF LAW

1. The Respondent's conduct by virtue of following orders of his client, was a violation of Rule 42, Ariz.R.Sup.Ct., E.R. 3.4(c) and 8.4(d) and Rule 53(c), Ariz.R.Sup.Ct.

STANDARDS

The violation of this case was the duty owed to the court and the administration of Justice. The parties agreed by Stipulation that the Respondent in fact negligently failed to comply with the court Order. It was not the Respondent's intention to violate the somewhat ambiguous Order, but only to see a total resolution to the Divorce Decree.

Aggravating Factors: *Standard 9.22(i)*, the long-term practice of the Respondent.

Mitigating Factors: 1) *Standard 9.32(a)*, No Prior Disciplinary Sanctions; 2) *Standard 9.32(b)*, Absence of Selfish/Dishonest Motive as Respondent was acting in furtherance of his client's objectives; 3) *Standard 9.32(d)*, Immediate Compliance with Subsequent Court Order when told to turn over the title; 4) *Standard 9.32(e)*; Cooperation During Disciplinary Proceedings.

PROPORTIONALITY

This Hearing Officer finds that the case most applicable for a censure is the case of *In re Everett*, Disc. Comm. No. 85-0400 (1986). Based upon the prior disciplinary decisions, as well as the amount of mitigating circumstances compared to the amount of aggravating circumstances and lack of any injury to either party, this Hearing Officer finds that the sanction should be censure under *Standard 6.23*.

SANCTIONS

Based upon this Hearing Officer's opinion, findings as well as the agreements by the parties, this Hearing Officer Finds that: 1) the Respondent shall be censured; 2) the Respondent shall pay all costs and expenses incurred by the State Bar within 30 days of the Supreme Court's filing of Judgment and Order.

DATED this 19th day of February, 2009.

Harlan J. Crossman / HJM
Harlan J. Crossman
Hearing Officer 8L

Original filed with the Disciplinary Clerk
this 19th day of February, 2009.

Copy of the foregoing mailed
this 20th day of February, 2009, to:

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by: *Evelyn J. J. J.*