

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
)
)
BOBBI ANNE BERRY,)
Bar No. 013762)
)
RESPONDENT.)

Supreme Court
No. SB-09-0023-D

Disciplinary Commission
No. 08-0183

FILED

MAR 26 2009
RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

JUDGMENT AND ORDER

This matter having come before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, and no discretionary or *sua sponte* review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **BOBBI ANNE BERRY**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of her duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **BOBBI ANNE BERRY** shall be placed on probation for a period of one (1) year. The terms of probation are as follows:

1. Respondent shall complete three hours of additional CLE in the area of criminal practice, preferably criminal trial practice.
2. Respondent shall meet in person with any attorney of her choice, whose primary practice is criminal law, to review her actions in this matter and discuss methods of assuring that the conduct is not repeated.
3. Respondent's probation shall commence at the time the Judgment and Order is entered in this matter, and may be terminated early upon successful completion, with written verification, of paragraphs 1 and 2.
4. Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct or other rules of the Supreme Court of Arizona.
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 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 pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **BOBBI ANN BERRY** for costs and expenses of these proceedings in the amount of \$790.00, together with interest at the legal rate from the date of this judgment.

DATED this 26th day of March, 2009.

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 Armen S. Lalce Deputy

Rachelle M. Resnick
RACHELLE M. RESNICK
Clerk of the Court

TO:

Bobbi Ann Berry, Respondent (Regular Mail and Certified Mail, Return Receipt)
James J. Belanger, Respondent's Counsel
Thomas E. McCauley, Jr., Bar Counsel
Honorable H. Jeffrey Coker, Hearing Officer 6R
Leticia V. D'Amore, Disciplinary Clerk (Cert. Copy)
Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
Molly Dwyer, 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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