

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,)	Supreme Court No. SB-09-0082-D
)	
)	Disciplinary Commission
)	Nos. 05-2050, 06-0657, 06-1062, 06-1742, 07-1217
JAMES R. ECKLEY, Bar No. 010854)	FILED 08/24/2009
)	
RESPONDENT.)	JUDGMENT AND ORDER
)	

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

IT IS ORDERED, ADJUDGED AND DECREED that **JAMES R. ECKLEY**, 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 **JAMES R. ECKLEY** shall be placed on probation for a period of two (2) years. The terms of probation are as follows:

1. Respondent shall undergo a complete LOMAP audit and comply with the recommendations as to the terms and conditions of probation as recommended by the LOMAP director or designee, but will specifically address ERs 1.8 and 5.7. Respondent shall submit to an audit of his trust account by Gloria Barr and agree to all terms and conditions as recommended by Ms. Barr based on her audit of his trust account practices and procedures. The probation time shall start from the signing of the Terms and Conditions of Probation.
2. Respondent shall participate in fee arbitration through the State Bar of Arizona's Fee Arbitration Program with Ms. Bloom, if she is willing, and be bound by the results thereof.
3. In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a Notice of Non-Compliance with the imposing entity, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The imposing entity may refer the matter to a hearing officer to conduct a hearing at the earliest practical date, but in no event later than 30-days after receipt of notice, to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the State Bar

of Arizona bears the burden of proof to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **JAMES R. ECKLEY** for costs and expenses of these proceedings in the amount of \$2,463.53, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of August, 2009.

Suzanne D. Bunnin
Chief Deputy Clerk

TO:

James R. Eckley, Respondent (Regular Mail and Certified Mail, Return Receipt)
Mark I. Harrison, Respondent's Counsel
Shauna R. Miller, Bar Counsel
Hon. H. Jeffrey Coker, Hearing Officer 6R
Leticia V. D'Amore, Disciplinary Clerk
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona
Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit
Attn: Don Lewis
Richard Weare, Clerk, United States District Court, District of Arizona
Attn: Beth Stephenson
West Publishing Company (Jode Ottman)
Lexis/Nexis
chj