

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)	Supreme Court
OF THE STATE BAR OF ARIZONA,)	No. SB-09-0086-D
)	
)	Disciplinary Commission
)	No. 08-1387
RICHARD R. LUFF, JR.)	
Bar No. 022931)	FILED 09/02/2009
)	
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 **RICHARD R. LUFF, JR.** 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 **RICHARD R. LUFF, JR.** shall be placed on probation for a period of six (6) months. The terms of probation are as follows:

1. Respondent shall contact the Director of LOMAP at (602) 340-7313 within thirty (30) days of the date of the final Judgment and Order, to arrange for a LOMAP examination of his office policies and procedures. The LOMAP examination shall take place within sixty (60) days of the date of the Judgment and Order. Respondent shall submit to a LOMAP examination of his office's procedures including, but not limited to, his compliance with ERs 1.3, 3.2, 3.4(c), 8.4(d) and Rule 53(c), Ariz.R.Sup.Ct. The Director of LOMAP shall develop "Terms and Conditions of Probation," which shall be signed by Respondent, and those terms shall be incorporated herein by reference. The probation period will begin to run at the time of the Judgment and Order and will provisionally conclude six months from the date of which Respondent signs the "Terms and Conditions of Probation." Respondent's probation may be extended for an additional six months, at the discretion of the Hearing Officer. The State Bar may move to extend the probationary period, by filing a motion with the Hearing Officer prior to the expiration of the initial period of probation. Respondent shall have an opportunity to respond to the State Bar's motion. Respondent shall be responsible for any costs associated with LOMAP.
2. Respondent shall attend a one-day of EEP. Respondent must contact the EEP Coordinator, State Bar of Arizona, at (602) 340-7241, within twenty (20) days from the date of the final Judgment and Order. Respondent shall be responsible for the cost of attending the program.

3. 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.
4. In the event that Respondent fails to comply with any of the foregoing probation terms, and the State Bar receives information thereof, 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 practicable date, but in no event later than thirty (30) days following 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 burden of proof shall be on the State Bar to prove non-compliance 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 **RICHARD R. LUFF, JR.** for costs and expenses of these proceedings in the amount of \$1,203.25, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2009.

Rachelle M. Resnick
Clerk of the Court

TO:

Richard R. Luff, Jr., Respondent (Certified Mail, Return Receipt and Regular Mail)
Andrew Diodati, Respondent's Counsel
Jason B. Easterday, Bar Counsel
Douglas H. Clark, Jr. Hearing Officer 7J
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
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