

**SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	)	Supreme Court No. SB-09-0080-D
	)	
	)	Disciplinary Commission Nos. 08-0168 and 08-1847
<b>ELLIOT J. PESKIND,</b>	)	
<b>Bar No. 003096</b>	)	<b>FILED 08/21/2009</b>
	)	
RESPONDENT.	)	<b>JUDGMENT AND ORDER</b>
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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 **ELLIOT J. PESKIND**, 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 **ELLIOT J. PESKIND** shall be placed on probation for a period of one (1) year. 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. Respondent shall submit to a LOMAP examination of his office's procedures, including but not limited to, compliance with ERs 1.5(b), 7.4(a), and Rules 53(e) and 53(f), Ariz.R.Sup.Ct. The Director of LOMAP shall develop "Terms and Conditions of Probation" and those terms shall be incorporated herein by reference. One of the terms and conditions of Respondent's probation shall be that Respondent's participation in LOMAP shall include a Practice Monitor. The probation period will begin to run at the time of Judgment and Order and will conclude one year from the date of which Respondent signs the "Terms and Conditions of Probation." Respondent shall be responsible for any costs associated with LOMAP.
2. Respondent shall participate in the State Bar's Fee Arbitration Program with respect to the complainant Valdini's fee dispute. Respondent shall contact the Fee Arbitration Program Coordinator at (602) 340-7379, within 20 days from the date of the final Judgment and Order to obtain and submit the completed forms necessary to participate in Fee Arbitration. Respondent shall timely pay any award entered in the Fee Arbitration proceeding.
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 the terms of probation and information thereof is received by the State Bar, Bar Counsel shall file a Notice of Noncompliance with the imposing entity pursuant to Rule 60(f)(5), Ariz.R.Sup.Ct. The imposing entity may refer the matter to a Hearing Officer to conduct a hearing at the earliest practical time, 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 and response. 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 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 **ELLIOT J. PESKIND** for costs and expenses of these proceedings in the amount of \$841.00, together with interest at the legal rate from the date of this judgment.

DATED this \_\_\_\_\_ day of August, 2009.

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Suzanne D. Bunnin  
Chief Deputy Clerk

TO:

Elliot J. Peskind, Respondent (Certified Mail, Return Receipt and Regular Mail)  
Richard K. Walker, Respondent's Counsel  
Jason B. Easterday, Bar Counsel  
Honorable 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  
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