

SUPREME COURT OF ARIZONA

FILED
JUN 11 2009
RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
)
CHARLES K. SHELL,)
Bar No. 017051)
)
)
RESPONDENT.)

Supreme Court
No. SB-09-0059-D

Disciplinary Commission
No. 08-0358

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 **CHARLES K. SHELL**, 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 **CHARLES K. SHELL** shall be placed on probation for a period of one (1) year. The terms of probation are as follows:

1. Within 30 days from the date of the final Judgment and Order, Respondent shall contact the LOMAP director and schedule an assessment related to Respondent's conflict check system and policies for compliance with ER 1.5(b). Respondent thereafter, shall comply with all recommendations made by the LOMAP director or her designee and shall pay any costs associated with LOMAP.
2. Within 30 days from the date of the final Judgment and Order, Respondent shall contact the State Bar's Continuing Legal Education Department and arrange to view the State Bar's seminar entitled "Ten Deadly Sins of Conflict" and shall complete the seminar during the period of probation.
3. Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct or other Rules of Supreme Court of Arizona.
4. 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 a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent shall be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b).

DATED this 11th day of June, 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 Amber P. Tulce Deputy

Rachelle M Resnick
Rachelle M. Resnick
Clerk of the Court

TO:

Charles K. Shell, Respondent (Certified Mail, Return Receipt and Regular Mail)
Russell J. Anderson, Bar Counsel
Honorable H. Jeffrey Coker, Hearing Officer 6R
Leticia V. D'Amore, Disciplinary Clerk (Cert. Copy)
Sandra Montoya, 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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