

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
)
)
)
KEVIN B. SWEENEY,)
Bar No. 011737)
)
RESPONDENT.)
_____)

Supreme Court
No. SB-09-0066-D
Disciplinary Commission
No. 08-1225
JUDGMENT AND ORDER
FILED 07/09/2009

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 **KEVIN B. SWEENEY**, 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 **KEVIN B. SWEENEY** shall be placed on probation for a period of two (2) years. The terms of probation are as follows:

1. Within 30 days from the date of the final Judgment and Order, Respondent shall contact the Director of LOMAP at (602) 340-7313 and shall submit to a LOMAP examination of his office's procedures, including, but not limited to, compliance with ERs 5.5, 8.1, 8.4(a), (c) and (d), and Rules 31, 52 and 53, Ariz.R.Sup.Ct. The LOMAP director shall develop "Terms and Conditions of Probation" and those terms shall be incorporated herein by reference. The period of probation will begin to run at the time of the final Judgment and Order and will conclude two years from the date that Respondent has signed the "Terms and Conditions of Probation." Respondent shall be responsible for any costs associated with LOMAP.
2. 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.
3. 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 imposing entity may refer the matter to a hearing officer to conduct a hearing at the earliest practicable time, but in no event later than 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 pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **KEVIN B. SWEENEY** for costs and expenses of these proceedings in the amount of \$1813.65, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of July, 2009.

Rachelle M. Resnick
Clerk of the Court

TO:

Kevin B. Sweeney, Respondent (Regular Mail and Certified Mail, Return Receipt)
Harriet M. Bernick, Bar Counsel
Stanley R. Lerner, Hearing Officer 7V
Leticia V. D'Amore, Disciplinary Clerk
Lawyer Regulation Records Manager, State Bar of Arizona
Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit
Richard Weare, Clerk, United States District Court, District of Arizona
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