

SUPREME COURT OF ARIZONA

IN THE MATTER OF A SUSPENDED MEMBER ) Supreme Court  
OF THE STATE BAR OF ARIZONA ) No. SB-04-0011-D  
)  
) Disciplinary Commission  
) No. 01-1390  
**RICHARD A. ALCORN,** )  
**Bar No. 006657** )  
)  
RESPONDENT. ) **JUDGMENT AND ORDER**  
)

---

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

IT IS ORDERED, ADJUDGED AND DECREED that **RICHARD A. ALCORN**, a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of three (3) months, retroactive to May 4, 2003, 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 A. ALCORN** shall be placed on probation for a period of one (1) year upon reinstatement. The terms of probation are as follows:

- 1) Respondent shall, within thirty (30) days of the date of the final judgment and order, contact the director of the Law Office Management Assistance Program (LOMAP) or designee to schedule an audit. The director shall prepare a probation contract based on the audit, including a practice monitor, and Respondent shall comply with all of the terms therein.
- 2) In the event Respondent fails to comply with any of the foregoing terms and information thereof is received by the State Bar, bar counsel shall file a Notice of Non-Compliance with the Disciplinary Commission. The Disciplinary Commission may refer the matter to a hearing officer to conduct a hearing at the earliest possible date, but in no event later than thirty (30) days following receipt of said notice. If the matter is referred to a hearing officer, the hearing officer shall determine whether the terms of probation have been breached, and if so, to recommend appropriate action and response to such breach.
- 3) 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 clear and convincing evidence.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 72(a), which requires that Respondent notify all of his clients, within ten (10) days from the date hereof, of his inability to represent

them and that he should promptly inform this Court of his compliance with this Order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **RICHARD A. ALCORN** for costs and expenses of these proceedings in the amount of \$675.10, together with interest at the legal rate from the date of this judgment.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

---

NOËL K. DESSAINT, Clerk

TO:

Richard A. Alcorn, Respondent (Certified Mail, Return Receipt)

Shauna R. Miller, Senior Bar Counsel

Douglas M. Brooks, Disciplinary Clerk (Cert. Copy)

Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)

Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)

Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)

West Publishing Company (Jode Ottman)

Lexis/Nexis

sb