

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,

RICHARD E. CLARK,
Bar No. 009052

RESPONDENT.

) Supreme Court
) No. SB-04-0127-D
)
) Disciplinary Commission
) No. 00-1066
)
)
)
) **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 this Court having denied the respondent's petition for review,

IT IS ORDERED, ADJUDGED AND DECREED that, **RICHARD E. CLARK**, 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 E. CLARK** shall pay restitution to Edward Kosac in the amount of \$12,141.16 within one year of the entry of this judgment and order as provided in the terms of probation listed below.

IT IS FURTHER ORDERED that **RICHARD E. CLARK** shall be placed on probation for a period of two (2) years effective the date of this judgment and order under the following terms and conditions:

- 1) Respondent shall complete the State Bar's Professionalism Course during the probation period.
- 2) Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP) within thirty (30) days of the final judgment and order and enter into a good faith repayment plan for the ordered restitution.
- 3) If Respondent returns to private practice, he shall immediately contact the LOMAP Director and obtain a practice monitor and shall comply with all recommendations of the LOMAP Director or Designee.
- 4) Respondent shall pay all costs associated with LOMAP.

- 5) 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 Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5. The Hearing Officer shall conduct a hearing within thirty (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 clear and convincing evidence.

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

DATED this _____ day of _____, 2004.

CHARLES E. JONES
Chief Justice

TO:

Richard E. Clark (Certified Mail, Return Receipt)
Patricia Seguin, Acting Disciplinary Clerk (Cert. Copy)
Steven M. Friedman, Begam, Lewis, Marks & Wolfe, PA
Patricia A. Sallen, State Bar counsel
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
Betty Flores, Manager, Membership Records, State Bar of Arizona
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)
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