## SUPREME COURT OF ARIZONA

IN THE MATTER OF A SUS	SPENDED MEMBER	)	Supreme Court
OF THE STATE BAR OF ARIZONA,		)	No. SB-04-0123-D
		)	
		)	Disciplinary Commission
		)	Nos. 02-1526, 02-1954
		)	03-0103, 03-1015
JOHN R. ROBERTS, JR.,		)	
Bar No. 019966		)	
		)	
	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 timely petition for review having been filed,

IT IS ORDERED that Sua Sponte Review is declined.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **JOHN R. ROBERTS, JR.**, a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of three and one half (3 ½) years, effective the date of this order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report. As a condition of reinstatement, Respondent shall:

- 1) Demonstrate restitution of unearned fees to John Vardian by submitting to fee arbitration, restitution in the amount of \$1,500.00 to Gary W. Pederson, and Curtis Walker, and unpaid fees in the amount of \$2,500.00 to Dr. Dennis W. Kirsten;
- 2) Demonstrate participation in the State Bar's Trust Account Ethics Enhancement Program (TAEEP);
- 3) Demonstrate participation, satisfactory to the court, in the State Bar's Members Assistance Program (MAP); and,
- 4) Demonstrate payment of all costs that are or will be due and owing to the State Bar as a result of these proceedings as provided by Rule 65(a)(1), Ariz. R. S. Ct.

IT IS FURTHER ORDERED that **JOHN R. ROBERTS**, **JR.** shall be placed on probation for a period of two (2) years, effective upon reinstatement. The terms of probation are as follows:

- 1) Respondent shall participate in the State Bar's Law Office Management Assistance Program (LOMAP), and shall comply with all recommendations of the LOMAP director or designee.
- 2) Specific additional terms of probation shall be addressed at the reinstatement proceeding

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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 Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing Officer shall conduct a hearing within thirty 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 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 **JOHN R. ROBERTS, JR.,** for costs and expenses of these proceedings in the amount of \$1,021.89 together with interest at the legal rate from the date of this judgment.

DATED this day of	, 2004.
	CHARLES E. JONES
	Chief Justice

TO:

John R. Roberts, Jr., Respondent (Certified Mail, Return Receipt)

Dana David, Bar Counsel

Robert J. Lord, Hearing Officer 6L

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

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

William K. Suter, Clerk of the Supreme Court of the United States (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)

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