

- 4) Respondent shall pay all costs incurred in these disciplinary proceedings, including the assessment by LOMAP and MAP.
- 5) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information to that effect, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. Sup. 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 **BARRY G. NELSON** shall pay restitution in the following amounts to the following individuals:

Rosalina Verdugo	\$ 100.00
Mary Huerta	\$ 2,000.00
Greg Curtis	\$ 2,145.00
Amanda Simpson	\$ 700.00
John Trojanovich	\$ 1,290.00
Carlos Villicana	\$ 2,500.00
Brenda Nowak	\$ 1,300.00
Katherine Jacobs	<u>\$ 1,500.00</u>
TOTAL:	\$11,535.00

IT IS FURTHER ORDERED that Respondent shall participate in fee arbitration through the State Bar fee arbitration program if requested by client Alejandro Badilla.

IT IS FURTHER ORDERED that Respondent shall comply with all applicable provisions of Rule 72, Rules of the Supreme Court of Arizona, and he shall 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 **BARRY G. NELSON** for costs and expenses of these proceedings in the amount of \$1,690.86, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2007.

RACHELLE M. RESNICK
Clerk of the Court

TO:

Barry G. Nelson, Respondent (Certified Mail, Return Receipt and Regular Mail)
Amy K. Rehm, Bar Counsel
Denice R. Shepherd, Hearing Officer
Lauren E. Eiler, Disciplinary Clerk (Cert. Copy)
Sandra Montoya, 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)
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