

**FILED**

JAN - 6 2005

**BEFORE THE DISCIPLINARY COMMISSION OF THE  
OF THE SUPREME COURT OF ARIZONA**

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY *[Signature]*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE MATTER OF A MEMBER )  
OF THE STATE BAR OF ARIZONA, )  
 )  
**ROBERT G. ROBINSON,** )  
**Bar No. 003457** )  
 )  
RESPONDENT. )  
\_\_\_\_\_ )

Nos. 01-2144, 03-0304

**DISCIPLINARY COMMISSION  
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on December 11, 2004, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed October 26, 2004, recommending a censure, two years of probation, including an audit with the State Bar's Law Office Management Assistance Program (LOMAP), and costs of these disciplinary proceedings.

**Decision**

The Commission's standard of review is set forth in Rule 58(b), which states that the Commission reviews questions of law *de novo*. In reviewing findings of fact made by a hearing officer, the Commission applies a clearly erroneous standard. Mixed findings of fact and law are also reviewed *de novo*. *State v Blackmore*, 186 Ariz. 630, 925 P.2d 1347 (1996) citing *State v. Winegar*, 147 Ariz. 440, 711 P.2d 579 (1985).

Therefore, having found no findings of fact clearly erroneous, the nine<sup>1</sup> members of the Commission unanimously recommend adopting and incorporating by reference<sup>2</sup> the Hearing Officer's findings of fact, conclusions of law, and recommendation

<sup>1</sup> One attorney member seat remains vacant. Former Commissioner Alan Bowman, an attorney from Yuma, participated as an ad hoc member.  
<sup>2</sup> The Hearing Officer's Report is attached as Exhibit A.

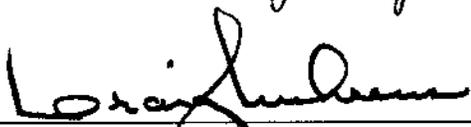
1 for a censure, two years of probation (LOMAP audit) commencing upon the signing of the  
2 probation contract, and costs of these disciplinary proceedings. The terms of probation are  
3 as follows:

4 **Terms of Probation**

5 1. Respondent shall contact the director of LOMAP. The LOMAP director or  
6 designee will conduct an audit of Respondent's law office. The recommendations of the  
7 LOMAP director shall then be incorporated as additional terms of probation ordered  
8 pursuant to the agreement.

9 2. In the event that Respondent fails to comply with any of the foregoing  
10 conditions, and the State Bar receives information, bar counsel shall file with the Hearing  
11 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing  
12 Officer shall conduct a hearing within thirty days after receipt of said notice, to determine  
13 whether the terms of probation have been violated and if an additional sanction should be  
14 imposed. In the event there is an allegation that any of these terms have been violated, the  
15 burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and  
16 convincing evidence.  
17

18 RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of January, 2005.

19  
20   
21 \_\_\_\_\_  
22 Craig B. Mehrens, Chair  
23 Disciplinary Commission

24 Original filed with the Disciplinary Clerk  
25 this 6<sup>th</sup> day of January, 2005.

26 Copy of the foregoing mailed  
this 6<sup>th</sup> day of January, 2005, to:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Robert J. Stephan, Jr.  
Hearing Officer 9R  
371 East Monte Vista  
Phoenix, AZ 85004-1438

Ralph Adams  
Respondent's Counsel  
714 North Third Street, Suite 7  
Phoenix, AZ 85004

Denise M. Quinterri  
Bar Counsel  
State Bar of Arizona  
111 West Monroe, Suite 1800  
Phoenix, AZ 85003-1742

by: K. Weigand

/mps