

FILED

JUL 15 2005

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

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

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3	IN THE MATTER OF A MEMBER) No. 03-2283, 04-0383
4	OF THE STATE BAR OF ARIZONA,)
5	RICHMOND KELLY TURNER,)
6	Bar No. 002445) DISCIPLINARY COMMISSION
7) REPORT
8	RESPONDENT.)
9	_____)

10 This matter came before the Disciplinary Commission of the Supreme Court of
 11 Arizona on July 9, 2005, pursuant to Rule 58, Ariz. R. S. Ct., for consideration of the
 12 Hearing Officer's Report filed April 14, 2005 recommending acceptance of the Tender of
 13 Admissions and Agreement for Discipline by Consent (Agreement) and Joint Memorandum
 14 in Support of Agreement for Discipline by Consent (Joint Memorandum) providing for a
 15 censure, one year of probation effective upon the signing of the probation contract, with the
 16 State Bar's Law Office Management Assistance Program (LOMAP) and Ethics
 17 Enhancement Program (EEP), and costs of these disciplinary proceedings.

Decision

18 The nine members of the Disciplinary Commission unanimously recommend
 19 accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and
 20 recommendation of censure, one year of probation effective upon the signing of the
 21 probation contract with LOMAP and EEP, and costs of these disciplinary proceedings.¹ The
 22 terms of probation are as follows:
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 26 ¹ The Hearing Officer's Report is attached as Exhibit A. The Disciplinary Commission notes that the
 Hearing Officer's review of this matter demonstrates the appropriate handling and consideration of
 consent documents.

Terms of Probation

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1. Within thirty (30) days from the entry of the final Judgment and Order Respondent shall contact LOMAP and EEP in order to participate in these programs and Respondent shall fully comply with the requirements thereof.

2. 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.

RESPECTFULLY SUBMITTED this 15th day of July, 2005.


Cynthia L. Choate, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 15th day of July, 2005.

Copy of the foregoing mailed
this 15th day of July, 2005, to:

Jeffrey Messing
Hearing Officer 9X
Poli & Ball, P.L.C.
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Phoenix, AZ 85018-7252

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2 401 West Baseline Road, #107
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3 Michael N. Harrison
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6
7 by: *K. Weigand*

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