

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)	Supreme Court
OF THE STATE BAR OF ARIZONA,)	No. SB-04-0146-D
)	
)	Disciplinary Commission
)	Nos. 01-2136, 02-1560, 02-2422
ROBERT H. GREEN, JR.,)	03-0268, 03-1505
Bar No. 015089)	
)	
)	
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 discretionary or sua sponte review occurring,

IT IS ORDERED that the Court declines Sua Sponte Review.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that ROBERT H. GREEN, JR., a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of sixty (60) days, effective thirty (30) days from the date of this order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that ROBERT H. GREEN, 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, no later than thirty (30) days after reinstatement, contact the director of the State Bar's Law Office Management Assistance Program (LOMAP) to schedule an audit of his trust account and office systems for calendaring and/or docketing. The LOMAP director or designee will conduct an audit no later than sixty (60) days thereafter. Following the audit, Respondent shall enter into a Memorandum of Understanding (MOU) that will be effective for a period of two years from the date upon which all parties have signed the MOU. Respondent shall comply with all recommendations of the LOMAP director or designee.
- 2) Respondent shall, no later than thirty (30) days after reinstatement, contact the director of The Member Assistance Program (MAP) to schedule an assessment. The (MAP) director or designee will conduct an assessment no later than sixty (60) days thereafter. Following the assessment, Respondent shall, if appropriate, enter into a MOU that will be effective for a period of two years from the date upon which all parties have signed the MOU. Respondent shall comply with all recommendations of the MAP director or designee.

- 3) Respondent shall find a practice monitor (PM) who shall be approved by the State Bar. The PM shall be an attorney who will supervise Respondent's quality of services rendered and Respondent's supervision of his trust account. The PM shall submit quarterly reports to the State Bar, and the PM will agree to report to the State Bar any manifestation or relapse, unusual behavior or conduct falling below minimum standards of the profession as set forth in the Rules of Professional Conduct, Rule 42, Ariz. R. S. Ct.
- 4) Respondent shall, no later than six (6) months after his reinstatement, attend the State Bar's Ethics Enhancement Program (EEP).
- 5) Respondent shall be responsible for costs and expenses associated with participation in LOMAP, MAP and EEP, as well as for the costs and expenses associated with his PM.
- 6) 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 (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 **ROBERT H. GREEN, JR.** shall, if he has not already done so, pay restitution in the following amounts to the following individuals:

City of Scottsdale/Count 3	\$210.00
<u>Mr. Berutto/Count 5</u>	<u>\$500.00</u>
TOTAL:	\$710.00

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).

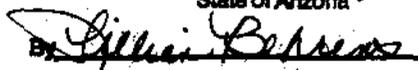
IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

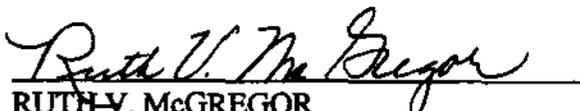
IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **ROBERT H. GREEN, JR.** for costs and expenses of these proceedings in the amount of \$667.77, together with interest at the legal rate from the date of this judgment.

DATED this 11th day of January, 2005.

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST
Noel K. Dessaint, Clerk of the Supreme Court
State of Arizona

 Deputy


RUTH V. MCGREGOR
Vice Chief Justice

TO:

Robert H. Green, Jr., Respondent (Certified Mail, Return Receipt)
Kent E. Turley, Respondent's Counsel
Loren J. Braud, Senior Bar Counsel
Christopher D. Thomas, Hearing Officer 8Z
Patricia Seguin, Acting 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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