

In the Matter of Dennis O'Berry, Bar No. 023385, PDJ-2012-9016 effective April 19, 2012. Attorney Suspended, Probation and Costs imposed.

Pursuant to Rule 57(a), the presiding disciplinary judge accepted a direct agreement for discipline by consent by which Dennis O'Berry of Phoenix, was suspended for ninety (90 days) and placed on two years of probation to include participation in the State Bar's Law Office Management Assistance Program and the State Bar's Trust Account Ethics Enhancement Program.

On multiple occasions, Respondent knowingly transferred funds from his trust account as "earned funds" prior to receiving those funds from his clients, thereby converting client funds for personal use. Respondent ultimately replaced the converted funds. His misconduct caused potential harm to clients and the profession.

Aggravating factor: Dishonest or selfish motive.

Mitigating factors: Absence of a prior disciplinary record and full and free disclosure to a disciplinary board or cooperative attitude toward proceedings.

Respondent violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.15(a), and Rules 43(a)1, Rule 43(b)(1)(a), and Rule 43(b)(1)(c), Ariz. R. Sup. Ct.

The agreement is accepted and costs awarded in the amount of \$1,410.00. The proposed final judgment and order is reviewed, approved and signed.