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IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

**IN THE MATTER OF A SUSPENDED
MEMBER OF THE STATE BAR OF
ARIZONA,**

ROBERT M. COOK,
Bar No. 012009

Applicant.

PDJ-2013-9095

**REPORT AND ORDER
ACCEPTING CONSENT TO
DISBARMENT**

State Bar No. 11-1020, 11-3510,
12-0750, 12-1662, 12-1736, 13-
0064, 13-0077, 13-0779, and 13-
1047

FILED NOVEMBER 4, 2013

Charges were submitted to the State Bar of Arizona regarding Mr. Cook. The Attorney Discipline Probable Cause Committee found probable cause regarding the various listed bar charges allegations by separate orders on March 14, 2013, and on July 17, 2013, and September 17, 2013. On October 18, 2013, the parties filed a Consent to Disbarment and Restitution pursuant to Rule 57, Ariz.R.Sup.Ct.

That rule provides that any member against whom charges have been filed may voluntarily consent to disbarment by complying with the terms of that rule. Mr. Cook has complied with the terms of that rule.

A complainant is afforded the right to object to an agreement for discipline by consent including disbarment. See Rule 53(b)(3) Ariz.R.Sup.Ct.

1 On October 31, 2013 the Complainant objected to the consent agreement.
2 Complainant was never a client of Mr. Cook.

3 Multiple reasons were listed for the objection. The first was that
4 disbarment is not permanent in Arizona, but rather a suspension that holds the
5 possibility of reinstatement after five years. The concern expressed is that Mr.
6 Cook still holds licenses in Missouri and Nebraska and could practice in those
7 states. It is likely however, that disbarment in this state will result in
8 disbarment in those states. The second objection is that the State Bar did not
9 report Mr. Cook to the American Bar Association. However, that association
10 does not issuance licenses but is rather only a voluntary association.

11 Apparently more pointedly is the multiple allegations that Mr. Cook may
12 have committed a criminal act. However, attorney regulation serves two main
13 purposes: (1) to protect the public and the courts and (2) to deter the attorney
14 and others from engaging in the same or similar misconduct. *In re*
15 *Kleindienst*, 132 Ariz. 95, 102, 644 P.2d 249, 256 (1982) (citing *In re*
16 *Stout*, 122 Ariz. 503, 596 P.2d 29 (1974)). Attorney discipline is not intended
17 to punish the offending attorney, although the sanctions imposed may have
18 that incidental effect. *In re Swartz*, 141 Ariz. 266, 686 P.2d 1236 (1984).
19 Attorney regulation is neither criminal in nature nor a substitute for a civil
20 litigation.
21

22 Complainant argues that the real property deeded to Mr. Cook by his
23 clients in lieu of payment of fees should be returned to them. However, there is
24 no such request from the clients for such a return. To the contrary, it appears
25 those clients agree with the payment made by them. Similarly, complainant

1 argues that the ownership of Mr. Cook in that real property caused other legal
2 concerns for complainant regarding that property. Complainant was in litigation
3 over that property. The Superior Court has jurisdiction over such legal issues,
4 not attorney regulation. It is apparent that multiple legal issues arising out of
5 the joint ownership of certain real property by complainant and the clients of
6 Mr. Cook may have legal ramifications. But those are not ethical rule issues.
7 The objections are overruled.

8 Now Therefore,

9 **IT IS ORDERED** incorporating by this reference the consent to
10 disbarment and restitution. Costs are approved as submitted.

11 **IT IS FURTHER ORDERED** the Consent for Disbarment and Restitution
12 is accepted. The proposed final Judgment has been reviewed and is approved
13 as to form. The final Judgment is signed this date. The costs are approved.
14 The disbarment is effective immediately. Mr. Cook shall immediately comply
15 with the requirements relating to notification of clients and others, and provide
16 and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

17 DATED this 4th day of November, 2013.

18 *William J. O'Neil*

19 **William J. O'Neil, Presiding Disciplinary Judge**

20 Original filed with the Disciplinary Clerk
21 this 4th day of November, 2013.

22 Copies of the foregoing mailed/emailed
23 this 4th day of November, 2013, to:

24 Robert M. Cook
25 219 West 2nd Street
Yuma, Arizona 85364-2209
Email: robertmcook@yahoo.com
Respondent

1 Robert M. Cook
2 3961 East Chandler Blvd., Suite 111-113
3 Phoenix, Arizona 85048
4 Respondent
(Alternate Mailing Address)

5 Copy of the foregoing hand-delivered/emailed
6 this 4th day of November, 2013, to:

7 David L. Sandweiss
8 Senior Bar Counsel
9 State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: lro@staff.azbar.org

10 Sandra Montoya
11 Lawyer Regulation Records Manager
12 State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

13 by: MSmith
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IN THE
THE SUPREME COURT OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

**IN THE MATTER OF A SUSPENDED
MEMBER OF THE STATE BAR OF
ARIZONA,**

**ROBERT M. COOK,
Bar No. 002628**

Respondent.

PDJ-2013-9095

**JUDGMENT OF DISBARMENT AND
RESTITUTION**

State Bar Nos. 11-1020, 11-3510,
12-0750, 12-1662, 12-1736, 13-0064,
13-0077, 13-0779, and 13-1047

FILED NOVEMBER 4, 2013

Pursuant to Rule 57, Ariz. R. Sup. Ct., the Presiding Disciplinary Judge of the Supreme Court of Arizona has considered Respondent's Consent to Disbarment and Restitution filed on October 18, 2013. Accordingly:

IT IS HEREBY ORDERED accepting the Consent to Disbarment. Respondent, **ROBERT M. COOK**, is hereby disbarred from the State Bar of Arizona and his name is hereby stricken from the roll of lawyers **effective immediately**.

Respondent is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court.

IT IS FURTHER ORDERED that Respondent shall immediately comply with the requirements relating to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that Respondent shall pay restitution with interest as provided by law to the following people in the following amounts:

Brian C. Lockwood – Count Four - \$662.00;

Jack A. Hills – Count Five - \$1,303.00;

Kent Fletcher & Jodie Fletcher – Count Seven - \$56,300.00; and

Rosa Munoz – Count Eight - \$50,000.00.

IT IS FURTHER ORDERED that no further disciplinary action shall be taken in reference to the matters that are the subject of the charges upon which the consent to disbarment and this judgment of disbarment are based.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$2,909.91. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 4th day of November, 2013.

William J. O'Neil

The Honorable William J. O'Neil
Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 4th day of November, 2013.

Copies of the foregoing mailed/emailed
this 4th day of November, 2013, to:

Robert M. Cook
219 West 2nd Street
Yuma, Arizona 85364-2209
Email: robertmcook@yahoo.com
Respondent

Robert M. Cook
3961 East Chandler Blvd., Suite 111-113
Phoenix, Arizona 85048
Respondent
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David L. Sandweiss
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
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Lawyer Regulation Records Manager
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by: MSmith