

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

ROBERT C. BILLAR,
Bar No. 006662

Respondent.

PDJ 2017-9074

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 16-1978]

FILED OCTOBER 5, 2017

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on September 8, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement. Accordingly:

IT IS ORDERED Respondent, **Robert C. Billar, Bar No. 006662** is suspended for sixty (60) days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective **November 15, 2017**.

IT IS FURTHER ORDERED Mr. Billar is placed on probation for two (2) years to satisfy all sanction awards assessed against him in *Kurti v. Gitt*, Desert Ridge Justice Court CC2013-224266RC, in the principal sum of \$14,356.66.

IT IS FURTHER ORDERED upon reinstatement, if Mr. Billar returns to private practice, he shall be placed on probation for two (2) years with the State Bar's Law Office Management Assistance Program (LOMAP).

IT IS FURTHER ORDERED pursuant to Rule 72 Ariz. R. Sup. Ct., Mr. Billar shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED Mr. Billar shall pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,200.00, within thirty (30) days from the date of this order. 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 5th day of October, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/mailed
this 5th day of October, 2017, to:

Robert C. Billar
Yuma County Public Defender
168 S. 2nd Ave.
Yuma, AZ 85364-2363
Email: Robert.Billar@yumacountyaz.gov
Respondent

David L. Sandweiss
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

ROBERT C. BILLAR,
Bar No. 006662

Respondent.

PDJ-2017-9074

**DECISION AND ORDER
ACCEPTING DISCIPLINE
BY CONSENT**

[State Bar No. 16-1978]

FILED OCTOBER 5, 2017

Probable cause issued on May 31, 2017 and the formal complaint was filed on June 9, 2017. The parties filed their Agreement for Discipline by Consent filed on September 8, 2017 pursuant to Rule 57(a), Ariz. R. Sup. Ct.

Rule 57 requires admissions be tendered solely “...in exchange for the stated form of discipline...” Under that rule, the right to an adjudicatory hearing is waived only if the “...conditional admission and proposed form of discipline is approved...” If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Mr. Billar has voluntarily waived the right to an adjudicatory hearing, and waived all motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. Notice of this Agreement and an

opportunity to object as required by Rule 53(b)(3), Ariz. R. Sup. Ct., was provided by letter to the complainant(s) on September 6, 2017. No objections have been filed.

The Agreement details a factual basis to support the conditional admissions. Mr. Billar conditionally admits he violated Rule 42, ERs 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.16 (declining/terminating), 3.1(meritorious claims and contentions), 3.2 (expediting litigation), 3.4(c) (knowingly disobey and obligation under rules of tribunal) 8.4(d) (conduct prejudicial to the administration of justice) and Rule 54(c) (knowing violation of any rule or order). The agreed upon sanctions include a sixty (60) day suspension effective November 15, 2017, and two (2) years of probation (satisfy all sanctions and awards assessed against Mr. Billar in *Kurti v. Gitt*, CC2013-224266RC, in the principal sum of \$14,356.66), participation in LOMAP if Mr. Billar returns to private practice, and costs totaling 1,200.00 within thirty (30) days from the date of this order. The conditional admissions are briefly summarized.

In January 2014, Mr. Brillar represented a client in a civil matter. Thereafter, he failed to competently and diligently represent the client. He failed to perform legal services and also engaged in a pattern of neglect. Specifically, he failed to file a disclosure statement and expert witness certifications; failed to file a response to the opposing parties' motion to compel compliance with applicable rules. The Court granted the motion and monetary sanctions issued against Mr. Billar. In August

2014, the opposing parties filed a motion to dismiss and order to show cause (OSC) for contempt involving payment of the sanction. Mr. Billar did not file a response and was ordered by the Court at the OSC hearing on November 4, 2014 to file a written explanation regarding his failure to file a disclosure statement and failure to respond to the motion to dismiss. He was further ordered to deliver the client's file by November 5, 2014. Mr. Billar failed to deliver the client's file to counsel until November 26, 2014, and additional sanctions were imposed by the Court. Mr. Billar then failed to appear at the scheduled hearing regarding the assessment of attorney fees. A civil arrest warrant was issued and attorney fees were assessed against Mr. Billar. Mr. Billar was successful in having the warrant quashed however, the sanctions remain unpaid.

Rule 58(k) provides sanctions shall be determined under the *American Bar Association Standards for Imposing Lawyer Sanctions*, (“Standards”).

The parties agree *Standard 4.42, Lack of Diligence* applies to Mr. Billar's violation of ERs 1.3 and 1.4 and provides that suspension is appropriate when:

- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client,
- or
- (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

Standard 4.52, Lack of Competence is applicable to Mr. Billar's violation of ER 1.1 and provides that suspension is generally appropriate when a lawyer engages

in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client.

Standard 6.22, Abuse of the Legal Process is applicable to Mr. Billar's violation of ERs 3.1, 3.2 3.4(c) and provides that suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

Standard 7.2, Violation of Duties Owed as a Professional is applicable to his violations of ER 1.16 and Rule 54(c) and provides that suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

The PDJ agrees the presumptive sanction is suspension for knowing violations which caused actual and potentially serious harm to his client, and actual harm to both the legal system and the profession.

The parties agree the following aggravating factors are present in the record: *Standard 9.22(a)* prior disciplinary offenses, 9.22(c) pattern of misconduct, 9.22(d) multiple offenses, 9.22(i) substantial experience in the practice of law, and 9.22(j) indifference to making restitution. In mitigation are *Standard 9.32(b)* absence of a dishonest or selfish motive, 9.32(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings, and 9.32(k) imposition of other penalties

or sanctions. The parties agree to a sixty (60) day suspension and upon reinstatement, two years of probation with terms to satisfy all sanctions in *Kurti v. Gitt*, CC2013-224266RC, and participate in LOMAP if Mr. Billar returns to private practice. Mr. Billar shall also pay the State Bar's costs and expenses totaling 1,2000.00 within thirty (30) days.

Now therefore,

IT IS ORDERED accepting and incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are: sixty (60) day suspension **effective November 15, 2017**, and upon reinstatement, two (2) years of probation, and the payment of costs and expenses of the disciplinary proceeding totaling \$1,200.00, to be paid within thirty (30) days from the date of this order. There are no costs incurred by the Office of the Presiding Disciplinary Judge. A final judgment and order is signed this date.

DATED this 5th of October, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

///

COPY of the foregoing e-mailed/mailed
on this 5th day of October 2017, to:

David L. Sandweiss
Senior Bar Counsel
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

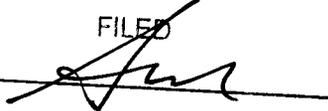
Robert C. Billar
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Respondent

by: AMcQueen

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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

SEP 8 2017

FILED
BY 

Robert C. Billar, Bar No. 006662
Yuma County Public Defender
168 S. 2nd Ave.
Yuma, AZ 85364-2363
Telephone 928-817-4600
Email: Robert.Billar@yumacountyaz.gov
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**ROBERT C. BILLAR,
Bar No. 006662,**

Respondent.

PDJ 2017-9074

State Bar File No. 16-1978

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona and Respondent Robert C. Billar, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline

by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct.¹ A probable cause order was entered on May 31, 2017, the State Bar filed a formal complaint on June 9, 2017, and Respondent filed his answer on July 3, 2017. The parties attended a settlement conference on August 31, 2017, over which the Hon. (ret.) Penny Willrich presided. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

On September 6, 2017, the State Bar informed complainant, Nickolas Kurti, of this consent by regular U.S. mail and email, and advised him of his right to object to this consent in writing within five days. Complainant has not objected.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.16(d) (duties on termination of representation), 3.1 (frivolous claims), 3.2 (failure to expedite litigation), 3.4(c) (violation of court rules), 8.4(d) (conduct prejudicial to the administration of justice), and Rule 54(c) (violation of court orders and rules).

¹ All references to rules are to the Arizona Rules of the Supreme Court unless otherwise stated.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Suspension for 60 days, effective November 15, 2017; probation for two years to satisfy all sanction awards assessed against him in *Kurti v. Gitt*, Desert Ridge Justice Court CC2013-224266RC, in the principal sum of \$14,356.66; and probation for two years to participate with the State Bar's Law Office Management Assistance Program (LOMAP) if Respondent returns to private practice. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.² The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

CAUTION RE: PROBATION

If Respondent fails to comply with any of the foregoing probation terms, and the State Bar of Arizona receives information thereof, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5). The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine

² Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

whether a term of probation has been breached and, if so, whether to impose an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

FACTS

COUNT ONE of ONE (File no. 16-1978/Kurti)

1. Respondent was licensed to practice law in Arizona on May 16, 1981.
2. In 2013, Complainant Nickolas Kurti sued North Valley Plastic Surgery (“NVPS”) over an allegedly failed hair transplant procedure.
3. Complainant filed the suit *in pro per* in the Desert Ridge Justice Court.
4. Through counsel Burt Rosenblatt, NVPS filed a motion to dismiss for failure to state a claim.
5. Respondent entered an appearance for Complainant in January 2014.
6. Respondent filed a motion to amend the complaint.
7. Respondent did not file an amended complaint as a matter of course under Rules 7.1 and 15(a), Ariz. R. Civ. P.

8. Justice of the Peace Clancy Jayne (“JP Jayne”) denied Respondent’s Motion to Amend the Complaint and set oral argument on NVPS’s motion to dismiss for February 2014.

9. JP Jayne denied NVPS’s motion to dismiss and set the case for mediation in August 2014.

10. Respondent filed an amended complaint on March 25, 2014; by then, it was too late to amend the complaint as a matter of course. However, JP Jayne verbally granted Respondent’s motion to amend at the February 2014 hearing, and NVPS thereafter filed an answer to the amended complaint.

11. Respondent produced Complainant for his deposition on May 2, 2014.

12. Respondent did not serve a Rule 26.1 disclosure statement, and did not file the requisite expert witness certifications under A.R.S. §12-2602 *et seq.*

13. When Respondent’s deadlines to serve a Rule 26.1 disclosure statement and file the requisite expert witness certifications under A.R.S. §12-2602 *et seq.* expired, Mr. Rosenblatt tried to reach Respondent several times, and wrote him three letters, to coax him into complying with the applicable rules.

14. Respondent did not respond to Mr. Rosenblatt so in June 2014, NVPS filed a motion to compel compliance with the applicable rules, to stay the case until Respondent complied, and for \$2,400 in sanctions against Respondent only.

15. Respondent wrote a letter to Mr. Rosenblatt bearing the date May 23, 2014, but which Mr. Rosenblatt did not receive until June 5.

16. In that letter, Respondent claimed that he did not receive NVPS's Answer (filed and served in April 2014) or its disclosure statement (served earlier in May 2014).

17. Respondent's claim that he did not receive the Answer or disclosure statement defies credulity; a reasonably competent lawyer would not have produced his client for a deposition (as Respondent did on May 2, 2014) when the case was not yet at issue and before the opposing party served a disclosure statement outlining the issues and evidence in the case.

18. In his May 2 letter to Respondent (composed after Complainant's deposition), Mr. Rosenblatt itemized the flaws in Respondent's case:

a. Respondent's amended complaint alleged breach of contract, which is not permitted in a medical negligence case absent a specific written contract (which was lacking);

b. The two-year statute of limitations had lapsed;

c. Respondent had no expert witness.

19. Mr. Rosenblatt offered Respondent and Complainant a walkaway with the parties to bear their own fees and costs, with the promise that if they declined the offer, NVPS would pursue collection of fees and costs once the case was dismissed.

20. Respondent did not file a response to NVPS's motion to compel compliance with the applicable rules so in June 2014, JP Jayne granted the motion and assessed \$2,400 in sanctions against Respondent.

21. In August 2014, NVPS filed a motion to dismiss and for an order to show cause ("OSC") why Respondent ought not be held in contempt for failure to pay the sanctions.

22. NVPS asked for \$2,200 more, for having to file the August motion.

23. Respondent did not file a response to NVPS's August 2014 motion to dismiss and for OSC.

24. In September 2014 JP Jayne granted NVPS's motion to dismiss and set Respondent's OSC for November 4, 2014.

25. In October 2014, NVPS filed a statement of costs for \$305.59 and request for attorney's fees of \$9,686.66 (in addition to the sums sought as sanctions).

26. Throughout 2014, Complainant tried to reach Respondent by phone or to meet with him in person many times.

27. When Complainant tried to reach Respondent, Respondent's secretary Tonya told him that Respondent was busy or otherwise unavailable.

28. On November 3, 2014, attorney Joseph Stewart entered an appearance for Complainant for all further proceedings.

29. At the November 4, 2014 OSC, JP Jayne ordered Respondent to explain in writing why he did not file a disclosure statement or respond to the motion to dismiss.

30. JP Jayne also ordered Respondent to give the client file to Mr. Stewart by November 5, 2014.

31. Respondent filed a writing in which he explained that he did not receive NVPS's answer to the amended complaint until June 6, 2014 (as an attachment to the motion for sanctions).

32. Respondent elaborated that during the relevant time period he was embroiled in two complex criminal trials, but added: "However, even with the two trial conflicts, undersigned counsel did not fulfill his duties to Mr. Kurti. With that

in mind, undersigned counsel understands he is responsible for [sic] these [sic] sanctions but would urge the court not to punish Mr. Kurti.”

33. On November 25, 2014, JP Jayne issued an order adding \$2,200 in sanctions against Respondent, bringing the total amount of sanctions to \$4,600.

34. JP Jayne ordered the sanctions to be paid in three equal installments in December 2014, and January and February 2015.

35. Respondent did not deliver the client file to Mr. Stewart by November 5, 2014, so JP Jayne ordered Respondent to hand-deliver the file to Mr. Stewart's office no later than noon November 28, 2014.

36. JP Jayne further ordered that if Respondent failed to deliver the file, JP Jayne would issue a civil arrest warrant.

37. JP Jayne added \$150 to the sanctions for Respondent's failure to deliver the file by November 5.

38. Mr. Stewart asked to add Respondent as a party to the case to help the court determine who should be liable for the pending request for attorney's fees.

39. JP Jayne granted that request, and gave Mr. Stewart to December 14, 2014, to respond to NVPS's application for attorney's fees.

40. JP Jayne set a hearing for December 30, 2014 regarding the motion for attorney's fees and costs, and ordered all parties to appear in person.

41. Respondent delivered the file on November 26, 2014.

42. In December 2014, Mr. Stewart filed a motion asking the court to assess against Respondent only, whatever attorney's fees the court awarded.

43. At the December 30, 2014 hearing, the court awarded attorney's fees against Respondent only, for \$9,606.66 plus interest at 4.25% per annum.

44. Respondent did not appear for the hearing as ordered so JP Jayne issued a civil arrest warrant with a cash bond of \$4,600 to be used as a credit toward the unpaid sanctions.

45. Respondent successfully moved to quash the warrant on the ground that he was delayed getting to court due to a calendar conflict in Superior Court, and tried to notify the JP of that fact.

46. JP Jayne, however, declined to set aside the \$9,606.66 assessment against Respondent.

47. In June 2015, attorney Tim Ducar appeared for NVPS to try to collect the attorney's fees from Respondent.

48. Through January 2016, JP Jayne scheduled and, on motions, continued several judgment debtor exams due to calendar conflicts or due to lack of service on Respondent who by then moved to Yuma.

49. Dr. Steven Gitt, NVPS's owner, died so Mr. Ducar ceased his efforts to collect pending a decision from Mr. Rosenblatt as to whether and how to proceed.

50. The sanction awards remain unpaid.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.16(d) (duties on termination of representation), 3.1 (frivolous claims), 3.2 (failure to expedite litigation), 3.4(c) (violation of court rules), 8.4(d) (conduct prejudicial to the administration of justice), and Rule 54(c) (violation of court orders and rules).

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Suspension for 60 days effective November 15, 2017; probation for two years to satisfy all sanction awards assessed against him in *Kurti v. Gitt*, Desert Ridge Justice Court CC2013-224266RC, in the principal sum of \$14,356.66; probation for two years to participate with the State Bar's Law Office Management Assistance Program (LOMAP) if Respondent returns to private practice; and costs as described above.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary.

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *In re Peasley*, 208 Ariz. 27, 35, 90 P.3d 764, 772 (2004); *Standard* 3.0.

The duty violated

Respondent violated his duties to his client (ERs 1.1, 1.3, and 1.4), to the legal system (ERs 3.1, 3.2, 3.4(c), 8.4(d), and Rule 54(c)), and as a professional (ER 1.16(d)).

The lawyer's mental state

Respondent knowingly engaged in most if not all of the above-described conduct.

The extent of the actual or potential injury

There was actual harm to Respondent's client, the legal system, and the legal profession, and potentially serious harm to Respondent's client.

The parties agree that the following *Standards* apply to this case:

Standard 4.42 Suspension is generally appropriate when:

(a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or

(b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

Standard 4.52 Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client.

Standard 6.22 Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

Standard 7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22 Aggravating factors include:

(a) prior disciplinary offenses;

Feb. 2010, No. 09-1146, Order of Informal Reprimand (currently, Admonition), Probation, LOMAP and Costs, ERs 1.3, 3.2, and 8.4(d).

Dec. 2013, No. 13-0497, Agreement for Discipline by Consent-Reprimand, ERs 1.3, 1.4, and 8.4(d).

(c) a pattern of misconduct;

- (d) multiple offenses;
- (i) substantial experience in the practice of law (admitted in 1981);
- (j) indifference to making restitution.

Standard 9.32 Mitigating factors include:

- (b) absence of a dishonest or selfish motive;
- (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
- (k) imposition of other penalties or sanctions.

Discussion

The parties conditionally agree that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive principal sanction of suspension is appropriate. The parties further agree that a short term rather than long term suspension, coupled with the described probationary terms, will adequately protect the public and also serve the other purposes of lawyer discipline. Since Respondent's conduct in this matter, he has taken a position with the Yuma County Public Defender handling criminal defense cases, which is his area of expertise and where he is prohibited from representing private clients in civil cases. Based on the *Standards* and in light of the facts and circumstances of this matter, the parties

conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of a 60-day suspension with probation as described above, and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

DATED this 5th day of September, 2017.

STATE BAR OF ARIZONA



David L. Sandweiss
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this 8th day of September, 2017.



Robert C. Billar
Respondent

Approved as to form and content

Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this ___ day of September, 2017.

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this 8th day of September, 2017.



Robert C. Billar
Respondent

Approved as to form and content


Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 8th day of September, 2017.

Copy of the foregoing emailed
this 8th day of September, 2017, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 8th day of September, 2017, to:

Robert C. Billar
Yuma County Public Defender
168 S. 2nd Ave.
Yuma, AZ 85364-2363
Email: Robert.Billar@yumacountyaz.gov
Respondent

Copy of the foregoing hand-delivered
this 8th day of September, 2017, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

by: 
DLS: jlb

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Robert C. Billar, Bar No. 006662, Respondent

File No. 16-1978

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses
for above-numbered proceedings **\$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

Total for staff investigator charges \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$1,200.00

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

ROBERT C. BILLAR,
Bar No. 006662,

Respondent.

PDJ 2017-9074

**FINAL JUDGMENT AND
ORDER**

State Bar No. 16-1978

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on _____, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Robert C. Billar**, is hereby suspended for 60 days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective November 15, 2017.

IT IS FURTHER ORDERED that Respondent is placed on probation for two years to satisfy all sanction awards assessed against him in *Kurti v. Gitt*, Desert Ridge Justice Court CC2013-224266RC, in the principal sum of \$14,356.66;

IT IS FURTHER ORDERED that, after reinstatement, if Respondent returns to private practice, Respondent will be on probation for two years to

participate with the State Bar's Law Office Management Assistance Program (LOMAP).

WARNING RE: NON-COMPLIANCE WITH PROBATION

If Respondent fails to comply with any of the foregoing probation terms, and the State Bar of Arizona receives information thereof, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5). The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, whether to impose an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's

Office in connection with these disciplinary proceedings in the amount of _____, within 30 days from the date of service of this Order.

DATED this _____ day of September, 2017.

**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 _____ day of September, 2017.

Copies of the foregoing mailed/mailed
this _____ day of September, 2017, to:

Robert C. Billar
Yuma County Public Defender
168 S. 2nd Ave.
Yuma, AZ 85364-2363
Email: Robert.Billar@yumacountyaz.gov
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of September, 2017, to:

David L. Sandweiss
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this ____ day of September, 2017, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: _____