

SUPREME COURT OF ARIZONA

In the Matter of a Member of the) Arizona Supreme Court
State Bar of Arizona,) No. SB-09-0105-D
)
JAMES DARRELL JENKINS,) Disciplinary Commission
Attorney No. 5725) Nos. 07-1075
) 07-1083
) 07-1483
) 07-1523
)
) **FILED 12/03/2009**
Respondent.)
_____)

Amended 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 this Court having considered Respondent's Petition for Review and the response of the State Bar, accordingly,

IT IS ORDERED that the Petition for Review is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent JAMES DARRELL JENKINS, a member of the State Bar of Arizona, is suspended for eighteen months, effective thirty days from the date of this judgment and 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 JAMES DARRELL JENKINS shall be placed on probation upon reinstatement for two years, the specific terms and conditions to be decided at the time of reinstatement. The general terms of probation shall include:

1. Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional conduct or other rules of the Supreme Court of Arizona.
2. In the event Respondent fails to comply with any of the foregoing terms and the State Bar receives such information, bar counsel will file with the Hearing Officer a Notice of Non-Compliance. The Hearing Officer will conduct a hearing at the earliest possible date, but in no event less than thirty days following the receipt of the notice, to determine whether a condition of probation has

been breached and, if so, to recommend an appropriate sanction. In the event there is an allegation that any of these terms have been breached, the burden will be on the State Bar to prove non-compliance by a preponderance of evidence.

IT IS FURTHER ORDERED that Respondent JAMES DARRELL JENKINS shall participate in the State Bar's Fee Arbitration Program in regards to Count Two (State Bar File No. 07-1083). Respondent shall contact the Arbitration Program Coordinator at (602) 340-7379 within twenty days of the date of this judgment and order and submit the forms necessary to participate in fee arbitration. Respondent shall timely pay any award entered in the fee arbitration proceeding.

IT IS FURTHER ORDERED that Respondent JAMES DARRELL JENKINS shall be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b), Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that Respondent's "Motion for Order Allowing Respondent to Reply to State Bar of Arizona's 'Reply' to Petition for Review" is denied.

DATED this _____ day of December, 2009.

REBECCA WHITE BERCH
Chief Justice

TO:
James Darrell Jenkins, Kempton & Jenkins
Ralph W Adams
Mark S Sifferman
Leticia V D'Amore
Steve Little
Sandra Montoya
Don Lewis
Beth Stephenson
Jode Ottman
Lexis Nexis