

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER	)	Supreme Court
OF THE STATE BAR OF ARIZONA,	)	No. SB-09-0085-D
	)	
	)	Disciplinary Commission
	)	No. 08-1081
<b>WILLIAM M. LABUDA,</b>	)	
<b>Bar No. 022216</b>	)	<b>FILED 09/02/2009</b>
	)	
RESPONDENT.	)	<b>JUDGMENT AND ORDER</b>

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This matter having come before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, and there having been no discretionary or *sua sponte* review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **WILLIAM M. LABUDA**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **WILLIAM M. LABUDA** shall be placed on probation for a period of two(2) years. The terms of probation are as follows:

1. Respondent shall contact the Director of LOMAP at 602-340-7313 within 30 days of the date of the final Judgment and Order. Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to, compliance with ERs 3.4(c), 8.1, 8.4(d), and Rule 53(d) and 53(f), Ariz.R.Sup.Ct. The Director of LOMAP shall develop "Terms and Conditions of Probation," and those terms shall be incorporated herein by reference. The probation period will begin to run at the time of Judgment and Order and will conclude two years from the date on which Respondent signs the "Terms and Conditions of Probation." Respondent shall be responsible for any costs associated with LOMAP.
2. Respondent shall contact the Director of MAP at 602-340-7334 within 30 days of the date of the final Judgment and Order. Respondent shall submit to a MAP assessment. The Director of MAP shall develop "Terms and Conditions of Probation" if he determines that the results of the assessment so indicate, and the terms shall be incorporated herein by reference. The probation period will begin to run at the time of the final Judgment and Order, and will conclude two years from the date that Respondent has signed the "Terms and Conditions of Probation." Should the director of MAP conclude that no MAP probation terms are necessary, probation shall conclude two years from the entry of the final Judgment and Order. Respondent shall be responsible for any costs associated with MAP.

3. 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.
4. In the event that Respondent fails to comply with any of the foregoing probation terms, and the State Bar receives information thereof, Bar Counsel shall file a Notice of Non-Compliance with the imposing entity pursuant to Rule (60)(a)(5), Ariz.R.Sup.Ct. The imposing entity may refer the matter to a Hearing Officer to conduct a hearing at the earliest practicable date, but in no event later than thirty (30) days following receipt of notice, to determine whether a term of probation has been breached and, if so, to recommend 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 to prove non-compliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against WILLIAM M. LABUDA for costs and expenses of these proceedings in the amount of \$894.00, together with interest at the legal rate from the date of this judgment.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Rachelle M. Resnick  
Clerk of the Court

TO:

William M. Labuda Respondent (Certified Mail, Return Receipt and Regular Mail)

Jason B. Easterday, Bar Counsel

Neal C. Taylor, Hearing Officer 8I

Leticia V. D'Amore, Disciplinary Clerk

Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona

Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit

Attn: Don Lewis

Richard Weare, Clerk, United States District Court, District of Arizona

Attn: Don Lewis

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