

**SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	)	Supreme Court No. SB-10-0118-D
	)	
	)	Disciplinary Commission Nos. 09-0716, 09-0826
<b>BERT L. ROOS,</b>	)	
<b>Bar No. 006960</b>	)	<b>FILED 11/16/2010</b>
	)	
RESPONDENT.	)	<b>JUDGMENT AND ORDER</b>

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 **BERT L. ROOS**, 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 **BERT L. ROOS** shall be placed on probation for a period of two (2) years. The terms of probation are as follows:

1. Respondent shall satisfy the civil judgment Mr. Klatt obtained in case number CV 2008-052504.
2. Respondent shall contact the Director of LOMAP within 30 days of the date of the final judgment and order. Respondent shall submit to a LOMAP examination of his office procedures, including, but not limited to compliance with ERs 1.3, 1.5, 1.16, 3.2, and 8.4(d). The Director of LOMAP shall develop “Terms and Conditions of Probation” and those terms shall be incorporated within this order by reference. The probation period will begin to run at the time of the judgment and order. Respondent shall be responsible for any costs associated with LOMAP.
3. Respondent shall refrain from engaging in any conduct that would violate the Rules of Professional Conduct or the rules of the Supreme Court of Arizona.
4. In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a Notice of Noncompliance 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 30 days after 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 of Arizona to prove noncompliance by a preponderance of the evidence.

5. In the event the Director of LOMAP recommends early termination from probation (conditional on Respondent fully reimbursing Mr. Klatt), Bar Counsel shall review the recommendation to ascertain whether early termination of probation is appropriate. If early termination of probation is appropriate, Bar Counsel shall file a Notice of Successful Completion of Probation.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **BERT L. ROOS** for costs and expenses of these proceedings in the amount of \$1,475.50, together with interest at the legal rate from the date of this judgment.

DATED this \_\_\_\_\_ day of November, 2010.

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Suzanne D. Bunnin  
Chief Deputy Clerk

TO:  
Bert L. Roos, Respondent  
Jason B. Easterday, Bar Counsel  
Hon. H. Jeffrey Coker, Hearing Officer 6R  
Nancy Swetnam, Acting 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  
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