

SUPREME COURT OF ARIZONA

IN THE MATTER OF A SUSPENDED MEMBER) OF THE STATE BAR OF ARIZONA,))) DAVID L. BJORGAARD,) Bar No. 012637)) <p style="text-align: right;">RESPONDENT.</p>) _____))	Supreme Court No. SB-07-0081-D Disciplinary Commission Nos. 05-0735, 06-0368, 06-0498, 06-0564, 06-0783, 06-0831, 06-0967 JUDGMENT AND ORDER
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This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, there having been no discretionary review and *sua sponte* review having been declined by the Court,

IT IS ORDERED, ADJUDGED AND DECREED that **DAVID L. BJORGAARD**, a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of two (2) years, effective as of the date of this 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 **DAVID L. BJORGAARD** shall be placed on probation for a period of two (2) years upon reinstatement and effective upon the signing of the probation contract. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation are as follows:

- 1) Respondent shall contact the Director of Law Office Management Assistance Program (LOMAP) within 30-days of the date of reinstatement and submit to a LOMAP audit of his calendaring and communication procedures. Respondent thereafter will enter into a LOMAP contract based upon the recommendations of the LOMAP director or designee and shall comply with the recommended terms which shall be incorporated herein by reference. The probation period will begin to run at the time of Respondent's reinstatement and will conclude two years from the date that all parties have signed the probation contract.
- 2) Respondent shall also contact the Member Assistance Program (MAP) director within 30-days of the date of reinstatement and undergo a MAP assessment. Any recommendations resulting from such assessment shall also be incorporated in the probation contract.
- 3) Respondent's probation shall also include any additional terms deemed appropriate by the hearing officer, Disciplinary Commission, or Supreme Court at the time of reinstatement.

- 4) 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.
- 5) Respondent shall pay the costs incurred in these disciplinary proceedings including costs incurred by the State Bar of Arizona, Disciplinary Clerk and Supreme Court of Arizona.
- 6) Respondent shall pay restitution to Robert Landis in the amount of \$1,200.00 and participate in fee arbitration with the clients in Counts Two, Five and Six.
- 7) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information to that effect, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that **DAVID L. BJORGAARD** shall pay restitution in the following amounts to the following individual:

Robert Landis	\$1,200.00
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IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 72(a), which requires that Respondent notify all of his clients, within ten (10) days from the date hereof, of his inability to represent them and that he should promptly inform this Court of his compliance with this Order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **DAVID L. BJORGAARD** for costs and expenses of these proceedings in the amount of \$1,495.00, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2007.

RACHELLE M. RESNICK
Clerk of the Court

TO:

David L. Bjorgaard, Respondent (Certified Mail, Return Receipt and Regular Mail)

Ralph E. Ellinwood, Respondent's Counsel

Amy K. Rehm, Bar Counsel

David H. Lieberthal, Hearing Officer

Lauren E. Eiler, Disciplinary Clerk (Cert. Copy)

Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)

Perry Thompson, Director of Admissions, Supreme Court of the United States (Cert. Copy)

Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)

Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)

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