

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)	Supreme Court
OF THE STATE BAR OF ARIZONA,)	No. SB-09-0109-D
)	
)	Disciplinary Commission
)	Nos. 08-1801, 08-1842, 08-1966
ROBERT R. JUNG,)	
Bar No. 014198)	
)	
RESPONDENT.)	JUDGMENT AND ORDER
<hr style="width: 30%; margin-left: 0;"/>)	FILED 12/03/2009

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

IT IS ORDERED, ADJUDGED AND DECREED that **ROBERT R. JUNG**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of sixty days 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 **ROBERT R. JUNG** shall pay restitution within ninety days of the date of this Judgment and Order in the following amounts to the following individuals:

H. Andrew Rossi	\$ 5,000.00
Michael Morris	\$ 1,500.00
Suzanne Eder	<u>\$10,000.00</u>
TOTAL:	\$16,500.00

IT IS FURTHER ORDERED that **ROBERT R. JUNG** shall be placed on probation for a period of two years upon reinstatement. The terms of probation are as follows:

1. The probation period shall begin to run at the time of reinstatement, and will conclude two years from that date.

2. Respondent shall first contact the State Bar of Arizona’s Member Assistance Program (“MAP”) to participate in an evaluation and referral to services as needed. Respondent shall cooperate with any recommendations made by MAP, including but not limited to entering into a Memorandum of Understanding or Therapeutic Contract with MAP if deemed necessary by MAP. Respondent shall be responsible for the cost of the evaluation and any subsequent programs.

3. Respondent shall contact the director of LOMAP within thirty days 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 1.4, 1.15 and 1.16. The director of LOMAP shall develop Terms and Conditions of Probation, and those terms shall be incorporated herein by reference. Respondent shall be responsible for any costs associated with LOMAP.

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. 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 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 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 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 **ROBERT R. JUNG** for costs and expenses of these proceedings in the amount of \$1,216.00 together with interest at the legal rate from the date of this judgment. Costs and expenses shall be paid within thirty days of the date of this Judgment and Order.

DATED this _____ day of _____, 2009.

Rachelle M. Resnick
Clerk of the Court

TO:

Robert R. Jung, Respondent (Certified Mail, Return Receipt and Regular Mail)

David G. Derickson, Respondent's Counsel

Stephen P. Little, Bar Counsel

Hon. Jonathan Schwartz, Hearing Officer 6S

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: Beth Stephenson

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