

**In the Matter of Robert R. Jung, Bar No.014198, File Nos. 09-1035, et. al., effective 02/10/2011. Attorney Suspended for Two Years, Two years of Probation, Restitution, Fee Arbitration, and Costs Ordered.**

Pursuant to Rule 57(a)(4)(A), Ariz.R.Sup.Ct., the PDJ approved the Agreement for Discipline by Consent submitted by the parties and suspended Robert R. Jung for a period of two years. Additionally, two years of probation upon reinstatement, restitution in the amount of \$2,5000, participation in fee arbitration, and the payment of costs were ordered.

In multiple counts, Respondent charged clients flat fees denominated earned on receipt, but then failed to simultaneously advise the clients that they could discharge Respondent at any time and may be entitled to a refund based upon the value of the representation. Additionally, after terminating the representation, Respondent initially agreed to refund the fee paid by the client paid but then failed to timely do so. In all counts, Respondent failed to cooperate with the State Bar's investigation.

In one matter, Respondent was retained for a mortgage-fraud search and mortgage-modification. Respondent failed to adequately communicate with the clients and an auction of the home was looming. New counsel was ultimately retained by the clients.

In a separate matter Respondent was retained to handle a home-foreclosure. During the representation, the bank attempted to change the locks on the home based on the pending auction. The clients were able to contact the bank directly and paid funds to the bank to cease the auction.

In another matter, Respondent was retained to handle a mortgage fraud. Respondent filed suit in the Maricopa County Superior Court which was moved to federal court. Respondent thereafter, failed to file a response to defendant's motion to dismiss, which the court granted. Upon terminating the representation, the clients requested a return of their file; Respondent failed to timely return the file.

Respondent's misconduct was both knowing and negligent and cause actual injury to the client. Respondent's misconduct constituted grounds for the imposition of discipline pursuant to the Rules of the Supreme Court of Arizona and violated Rule 42, ERs 1.2(a), 1.2, 1.4(a)(4) 1.5(d)(3), 1.16(d) and Rule 53(d).

In evaluating aggravating and mitigating factors, the following factors were found: in aggravation: 9.22(a) (prior disciplinary history), 9.22(c) (pattern of misconduct), 9.22(d) (multiple offenses), 9.22(e), and 9.22(i); in mitigation: 9.32(c) (personal or emotional problems).

The agreement is accepted and costs awarded in the amount of \$2,353.79. The proposed final judgment and order is reviewed, approved and signed.