

REINSTATEMENT

GREGORY D. D'ANTONIO

Bar No. 004689; File No. 02-6003

By Supreme Court Judgment and Order dated Oct. 27, 2003, Gregory D. D'Antonio, 70 W. Cushing, Tucson, AZ 85701, was reinstated after notice that Mr. D'Antonio had successfully passed the Arizona Bar Exam was filed after serving his disbarment ordered June 8, 1995.

RANDI S. SIRLIN

Bar No. 015303; File Nos. 01-1968, 02-0441, 02-0875, 02-1588 & 02-1616

By Supreme Court Judgment and Order dated Dec. 18, 2003, Randi S. Sirlin, 1075 N. Miller Rd., #12-260, Scottsdale, AZ 85257, was reinstated pursuant to Rule 64(c)(2) after completing her suspension ordered on Oct. 30, 2003.

INTERIM SUSPENSION

MICHAEL R. GRONDIN

Bar No. 020828; File No. SB-03-0130-D

By Supreme Court Judgment and Order dated Dec. 11, 2003, Michael R. Grondin, Kingman, AZ, was placed on interim suspension pursuant to Rule 53(h)(2)(B), ARIZ.R.S.C.T., until the final disposition of all pending proceedings.

GORDON McKENZIE WASSON

Bar No. 009884; File No. 03-1702

By Supreme Court Judgment and Order dated Oct. 20, 2003, Gordon McKenzie Wasson, Apache Junction, AZ, was placed on interim suspension pursuant to Rule 57(a)(2) and (b), ARIZ.R.S.C.T., until the final disposition of all pending proceedings.

SANCTIONED ATTORNEYS

BRADFORD T. BROWN

Bar No. 009034; File No. 02-1426

By Supreme Court judgment and order dated Dec. 9, 2003, Bradford T. Brown, 201 S. Second Ave., Yuma, AZ 85364, was censured by consent. Mr. Brown was placed on probation for one year including participating in the Law Office Member Assistance Program should Mr. Brown return to private practice. Mr. Brown must pay the State Bar's costs and expenses of \$426.06, together with interest at the legal rate.

Mr. Brown was summarily suspended on Feb. 8, 2000, for nonpayment of disciplinary costs in File No. 98-1674, and again summarily suspended on June 14, 2000, for failure to comply with MCLE requirements. Mr. Brown was reinstated effective Nov. 8, 2000, only as to the nonpayment of discipline costs in File No. 98-1674. Mr. Brown's MCLE suspension was still in effect. Mr. Brown failed to notify the State Bar of his new address so that he failed to receive the State Bar's request for additional proof as to his MCLE compliance. On Aug. 6, 2002, Mr. Brown received personal notice of his suspended status and on Aug. 8, 2002, was reinstated. From April 8, 2002, until he was reinstated, Mr. Brown was a Yuma public defender representing criminal defendants, thereby engaging in the unauthorized practice of law for four months. Mr. Brown also failed to timely respond or cooperate with the State Bar's inquiries in this matter and failed to comply with the State Bar's request for additional information.

Three aggravating factors were found: prior disciplinary offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency and substantial experience in the practice of law. Four mitigating factors were found: absence of dishonest or selfish motive, personal or emotional problems, character or reputation and imposition of other penalties or sanctions.

Mr. Brown violated ERs 5.5 and 8.4(c) and (d) (Rule 42, ARIZ.R.S.CT.) and Rule 51(b), (e), (f), (h) and (i), ARIZ.R.S.CT.

CARROLL A. CLARK

Bar No. 006563; File Nos. 00-1976, 01-1187 and 01-2308

By Supreme Court judgment and order dated Nov. 19, 2003, Carroll A. Clark, 1630 S. Stapley, #231, Mesa, AZ 85204, was suspended for 60 days effective Dec. 19, 2003. Mr. Clark must pay restitution of \$2,285 to a client. Mr. Clark must also the State Bar's costs and expenses of \$4,526.78, together with interest at the legal rate.

Mr. Clark's misconduct consisted of failing to diligently represent a client, failing to adequately communicate with a client, failing to promptly deliver funds to a client, failing to take steps reasonably necessary to protect the client's interest on termination of the representation, failing to cooperate with the State Bar in its inves-

tigation of the charges, violating the rules of professional conduct and willfully disobeying a court order.

Five aggravating factors were found: prior disciplinary offenses, multiple offenses, bad faith obstruction of the disciplinary process, substantial experience in the practice of law and indifference to making restitution. Five mitigating factors were found: absence of dishonest or selfish motive, personal or emotional problems, good character or reputation, imposition of other penalties or sanctions and remorse.

Mr. Clark violated ERs 1.3, 1.4, 1.15(b), 1.16(d), 8.1(b) and 8.4(a) (Rule 42, ARIZ.R.S.CT.) and Rule 51(e), (h), (i) and (k), ARIZ.R.S.CT.

RONALD W. FLATER

File Nos. 01-1377, 01-1378, 01-1379, 01-1380, 01-1381, 01-2009, 01-2446, 02-0275 and 02-0819

By Supreme Court judgment and order dated Nov. 17, 2003, Ronald W. Flater, 998 S. Citron, Anaheim, CA 92805, was censured. Mr. Flater was ordered to pay \$9,580 restitution to seven clients. Mr. Flater must also pay the State Bar's costs and expenses of \$1,938.25, together with interest at the legal rate.

Mr. Flater is not a member of the Arizona bar but practices law in Arizona, doing business as "Immigration Counselors USA." Mr. Flater had been a member of the Utah bar who was suspended from Sept. 1, 2000, through July 29, 2001, for nonpayment of dues. Mr. Flater requested inactive status for his Utah license in June 2002 and resigned his membership in the Utah Bar in December 2002. Mr. Flater was subject to the Arizona Supreme Court's disciplinary jurisdiction pursuant to Rule 46(b), ARIZ.R.S.CT. Mr. Flater's misconduct involved engaging in the unauthorized practice of law, not diligently pursuing his clients' cases, not adequately communicating with his clients, failing to return unused portions of his clients' fees, failing to abide by his clients' decisions concerning the scope of the representation, failing to properly supervise his office staff, engaging in conduct involving fraud, deceit, dishonesty or misrepresentation, engaging in conduct prejudicial to the administration of justice, falsely advertising that he was an Arizona attorney, failing to protect client funds and failing to respond to lawful demands for information from the State Bar. Both the hearing officer and Disciplinary Commission agreed that dis-

barment would have been the appropriate sanction if Mr. Flater had been a member of the State Bar.

Six aggravating factors were found: prior disciplinary offenses, dishonest or selfish motive, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency and substantial experience in the practice of law. No mitigating factors were found.

Mr. Flater violated ERs 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 5.3, 5.5, 7.1, 8.1(b) and 8.4(c) and (d) (Rule 42, ARIZ.R.S.CT.) and Rule 51(h) and (i), ARIZ.R.S.CT.

ROBERT C. FORQUER

Bar No. 000589; File No. 99-2173

By Supreme Court judgment and order dated Oct. 29, 2003, Robert C. Forquer, 714 N. Third Street, Suite 4, Phoenix, AZ 85004, was suspended for four months, effective 30 days from the date of the order, by consent. Mr. Forquer was placed on two years' probation. Mr. Forquer must pay the State Bar's costs and expenses of \$862.70, together with interest at the legal rate.

Mr. Forquer pled guilty to a Class 6 undesignated offense of attempted sexual abuse of a person 15 years old or older. In August 1999, Mr. Forquer hired a 16-year-old minor as a fill-in secretary while his secretary was on leave. Mr. Forquer acknowledged inappropriately touching the minor's breast on Aug. 4, 1999.

One aggravating factor was found: vulnerability of victim. Six mitigating factors were found: absence of prior disciplinary record, absence of dishonest motive, full and free disclosure to the Disciplinary Board and a cooperative attitude toward proceedings, character or reputation, imposition of other penalties or sanctions and remorse.

Mr. Forquer violated ER 8.4(b) (Rule 42, ARIZ.R.S.CT.) and admitted he was subject to discipline pursuant to Rule 57(a), ARIZ.R.S.CT.

STEPHEN M. JOHNSON

Bar No. 015831; File Nos. 00-1856, 00-2468, 00-2481, 01-0895, 01-1835, 01-1903, 01-2191, 02-0217, 02-0227, 02-0500, 02-0860, 03-0376, 03-0394 and 03-0472

By Supreme Court judgment and order dated Sept. 11, 2003, Stephen M. Johnson, 45 W. Jefferson, Suite 210, Phoenix, AZ 85003, was suspended for six months and one day, effective 30 days from

the date of the Order, by consent. Upon reinstatement, Mr. Johnson will be placed on two years' probation, which includes participating in the Law Office Member Assistance Program and Member Assistance Program and taking the State Bar's Trust Account Ethics Enhancement Program. Mr. Johnson will be assigned a practice monitor. Mr. Johnson must pay the State Bar's costs and expenses of \$2,111.05, together with interest at the legal rate.

Mr. Johnson was appointed as counsel in 12 of the 14 counts. Mr. Johnson failed to adequately communicate with his clients, failed to follow client directions concerning the scope of representation, failed to diligently represent the clients, failed to properly protect client property and, during the screening process, Mr. Johnson failed to cooperate with the State Bar. When Mr. Johnson filed responses, they were late. In another of the counts, Mr. Johnson was sanctioned by the Court of Appeals for misrepresenting why he needed extensions and for repeatedly violating orders regarding the filing of the opening brief. The court ordered Mr. Johnson to report his conduct to the State Bar, which Mr. Johnson did. In the final count, Mr. Johnson was retained for representation of possible criminal charges that were never filed. Mr. Johnson failed to return any unearned portion of the retainer and submitted an untimely response during the investigation of that charge.

Three aggravating factors were found: prior disciplinary offenses, pattern of misconduct and multiple offenses. Five mitigating factors were found: absence of dishonest or selfish motive, timely good faith effort to rectify the consequences of his mistake, cooperative attitude toward proceedings (after the formal complaint had been filed), character or reputation and remorse.

Mr. Johnson violated ERs 1.2, 1.3, 1.4, 1.15(b), 1.16(d), 8.1(b) and 8.4(c) and (d) (Rule 42, ARIZ.R.S.C.T.) and Rule 51(h) and (i), ARIZ.R.S.C.T.

LAURENCE B. STEVENS

Bar No. 006460; File Nos. 01-2377, 02-0605 and 02-0689

By Supreme Court judgment and order dated Dec. 29, 2003, Laurence B. Stevens, 1855 W. Baseline, Suite 250, Mesa, AZ 85202, was censured by consent. Mr. Stevens also was placed on probation for the purpose

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of participating in the Law Office Member Assistance Program for six months. Mr. Stevens must pay the State Bar's costs and expenses of \$703.80, together with interest at the legal rate.

Mr. Stevens failed to diligently represent his clients, failed to adequately communicate with his clients, engaged in conduct prejudicial to the administration of justice and failed to promptly respond to the State Bar's inquiries and requests in these files.

Four aggravating factors were found: prior disciplinary offenses, a pattern of misconduct, multiple offenses and substantial experience in the practice of law. One mitigating factor was found: the absence of dishonest or selfish motive.

Mr. Stevens violated ERs 1.3, 1.4 and 8.4(d), Rule 42, ARIZ.R.S.Ct., and Rule 51(h), ARIZ.R.S.Ct.

MARTIN S. TANNER

Bar No. 011120; File No. 032-4001

By Supreme Court judgment and order dated Dec. 5, 2003, Martin S. Tanner, 111 E. Broadway, Suite 340, Salt Lake City, UT 84111, was suspended for five years retroactive to Nov. 1, 2002. Mr. Tanner consented to resignation with discipline pending in Utah, resulting in the imposition of discipline in Arizona, pursuant to Rule 53(i), ARIZ.R.S.Ct. Mr. Tanner was ordered to pay the State Bar's costs and expenses of \$600, together with interest at the legal rate.

Mr. Tanner prepared and knowingly submitted a false return of service affidavit and certificate of completion containing material misrepresentations to the court in a dissolution proceeding, causing serious or potentially serious harm to the administration of justice and the opposing party.

Mr. Tanner violated ERs 3.3(a), 3.4(b) and 8.4(a), (c) and (d), Rule 42, ARIZ.R.S.Ct.

MICHAEL T. TARASKA

Bar No. 011330; File No. 95-1872

By Supreme Court judgment and order dated Sept. 11, 2003, Michael T. Taraska, One Jib Street #103, Marina del Rey, CA 90292, was disbarred. As a condition of reinstatement to the practice of law in Arizona, Mr. Taraska must pay a total of five sanctions ordered by state and federal courts totaling \$524,449.50.

The facts surrounding Mr. Taraska's case are complicated. Briefly, Mr. Taraska

Opinion 03-06

(September 2003)

Hybrid fee arrangements that combine aspects of contingent and hourly fee arrangements are permissible if the resulting fee is reasonable and all requirements of ER 1.5 are met. Such fee structure is likely to produce an "excessive fee" and be unreasonable, however, where it provides that the lawyer is entitled to the greater of a standard contingency percentage or the lawyer's standard time charges. [ER 1.5, 1.5(a), 1.5(c)]

Opinion 03-07

(December 2003)

A lawyer who engages solely in alternative dispute resolution does not represent clients and, therefore, is not required to maintain a trust account in accordance with ER 1.15 and Rule 43, Rules of the Supreme Court of Arizona (ARIZ.R.S.Ct.).

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agreed to represent a businessman and a limited liability company in return for a minority interest in the LLC, which had been established to operate an adult club. Shortly thereafter, he obtained a minority interest in the LLC. He also prepared and signed agreements between the LLC and a former client. In addition, Mr. Taraska filed lawsuits against four of his clients, three of whom were former clients. Mr. Taraska's misconduct included, among other violations, misleading clients, filing frivolous lawsuits or claims, disobeying court orders, threatening an attorney, contacting represented parties, providing false or misleading information to various courts and engaging in a conflict of interest that required his disqualification as attorney for the LLC. Mr. Taraska's conduct during litigation involving the LLC was the subject of state and federal court proceedings that resulted in findings of improper conduct and the imposition of sanctions. Mr. Taraska's failure to obey court orders also led to a state court conviction for criminal contempt.

Five aggravating factors were found: dishonest or selfish motive, pattern of misconduct, multiple offenses, refusal to acknowledge wrongful nature of conduct and substantial experience in the practice of law. In mitigation, four factors were found: absence of prior disciplinary record, cooperative attitude toward proceedings, delay in the disciplinary proceedings and

imposition of other penalties and sanctions.

Mr. Taraska violated ERs 1.6, 1.7, 1.7(b), 1.8, 1.9, 3.1, 3.3, 3.4(c), 4.1, 4.1(a), 4.2, 4.4 and 8.4(b), (c) and (d) (Rule 42, ARIZ.R.S.Ct.) and Rule 51(e) and (k), ARIZ.R.S.Ct.

GEORGE VICE, III

Bar No. 011753; File No. 01-2329

By Supreme Court judgment and order dated Dec. 23, 2003, George Vice, III, 3915 E. Camelback, # 219, Phoenix, AZ 85018, was censured. Mr. Vice must pay the State Bar's costs and expenses of \$2,767.15, together with interest at the legal rate.

Mr. Vice had been suspended for six months and one day effective Oct. 11, 2001, and has been continuously suspended since that time. After he was suspended, Mr. Vice maintained a Web site advertising the "Law Offices of George Vice, III." The Web site listed Mr. Vice's bar admissions and education but failed to disclose that Mr. Vice was suspended. The Web site contained certain legal forms downloadable from the site, which were copyright protected by Mr. Vice.

Three aggravating factors were found: prior disciplinary offenses, refusal to acknowledge wrongful nature of his conduct and substantial experience in the practice of law. No mitigating factors were found.

Mr. Vice violated ERs 5.5(a), 7.1(a), 7.5(a) and 8.4(c), Rule 42, ARIZ.R.S.Ct. ▀