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BEFORE A HEARING OFFICER

IN THE MATTER OF A NON-MEMBER
OF THE STATE BAR OF ARIZONA,

RONALD W. FLATER,

RESPONDENT.

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

**HEARING OFFICER'S REPORT
AND RECOMMENDATION**

Procedural History

The State Bar filed a nineteen-count Complaint against Respondent on December 16, 2002. That Complaint was served on Respondent by certified, restricted mail and regular first class mail as provided for in the Rules of the Supreme Court. It appears that the Notice of Service was facially inaccurate in one regard: Because Respondent is a non-member of the State Bar of Arizona, he had not provided an "address of record to the membership Records Department." Nonetheless, the address upon which the Complaint was served was the address of the office that Respondent established and advertised to the public as: "Immigration Counselors USA Ronald W. Flater, Attorney." The certified, restricted letter was not returned, and Respondent has not denied receiving the Probable Cause Order or Complaint -- rather, he has affirmatively stated in his March 17, 2003, written submission that those documents did not advise him of a duty to respond.

Respondent failed to file an Answer, or otherwise defend. Accordingly, a default was entered in this matter on January 16, 2003. Respondent never sought to vacate the default or offer argument that the default was improperly entered. The allegations in the

1 Complaint therefore are deemed admitted, and are accepted except as indicated below. The
2 State Bar filed an Aggravation/Mitigation Memorandum on March 14, 2003. Respondent
3 sought and was granted an extended time, until April 17, 2003, to file a response. That
4 response was filed on April 15, 2003. The case was set for an Aggravation/Mitigation Hearing
5 on the appropriate sanction for May 2, 2003. Respondent did not appear for the hearing.

6 **Findings of Fact**

7 Respondent is not, and never has been, a licensed member of the State Bar of
8 Arizona. Respondent owned and/or managed a service entitled "Immigration Counselors
9 USA" in Arizona. Respondent was admitted to the Utah State Bar on May 17, 1994.
10 Respondent's status in Utah was inactive from July 15, 1996 through August 15, 1997. On
11 September 1, 2000, the Utah State Bar placed Respondent on suspension for non-payment of
12 dues. On July 29, 2001, Respondent reinstated his license in Utah. Based upon the
13 uncontested representations of Respondent in his April 15, 2003, submission, Respondent paid
14 for and requested inactive status in Utah in June 2002, and resigned his membership in the
15 Utah Bar in December 2002.

16 **COUNTS ONE AND TWO (File No. 01-1377)**

17 Attorney Scott Richardson represented James Bonner. In November 2000, Mr.
18 Bonner phoned Mr. Richardson and learned that Respondent had taken over Richardson's
19 practice and all client files. On or about November 29, 2000, Mr. Bonner paid Respondent
20 \$1,800 to continue the representation of Mr. Bonner in an immigration matter. The necessary
21 paperwork in Mr. Bonner's case had to be filed by April 6, 2001. Mr. Bonner delivered
22 information requested by Respondent's office to that office in mid-December 2000. A meeting
23 was scheduled between Mr. Bonner and a member of Respondent's office, Doreen Miller, for
24 January 19, 2001. Ms. Miller forgot about the meeting.

25 Mr. Bonner was told the paperwork would be ready for his signature on
26 March 23, 2001. Ms. Miller called Mr. Bonner several times to reschedule Mr. Bonner coming
27 to the office to sign the paperwork. Respondent's office failed to contact Mr. Bonner again.
28 Mr. Bonner contacted his previous attorney, Scott Richardson. Richardson informed Mr.

1 Bonner that Respondent indicated he was getting out of the legal business. Mr. Bonner went to
2 Respondent's office and requested the return of his file. Mr. Bonner was told Ms. Miller was
3 still working on the file and that she would call him when they were complete. Ms. Miller
4 never called Mr. Bonner. Mr. Bonner called Respondent's office on May 23, 2001 and
5 May 24, 2001. The calls were not returned.

6 Respondent gave Mr. Bonner a business card. The business card reads in part,

7 **Ronald W. Flater, Attorney**

8 **Immigration Legal Professional, P.C.**

9 The business card does not note any jurisdictional limitations on Respondent's ability to
10 practice law.

11 Respondent had an advertisement in the yellow pages phone book directory.

12 The advertisement reads in part,

13 **Immigration Counselors USA**

14 **Ronald W. Flater, Attorney**

15 The advertisement does not note any jurisdictional limitations on Respondent's ability to
16 practice law.

17 Respondent is not licensed to practice law in Arizona. Respondent was
18 suspended from the practice of law in Utah when he accepted Mr. Bonner's case. Respondent
19 did not advise Mr. Bonner that he is not licensed in Arizona. Respondent did not advise Mr.
20 Bonner he was suspended from the practice of law in Utah. Neither Respondent nor his office
21 staff performed work for Mr. Bonner. Neither Respondent nor his office staff returned Mr.
22 Bonner's calls. Neither Respondent nor his office staff returned Mr. Bonner's file. Neither
23 Respondent nor his office staff returned Mr. Bonner's money.

24 In connection with the foregoing, on or about November 5, 2001, the State Bar
25 of Arizona sent a letter to Respondent. The letter advised Respondent of the allegations against
26 him and of his duty to respond to the State Bar of Arizona. Respondent did not respond.

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1 contract exists. Thereafter, Miller did not take the Goodwins phone calls, nor did she return
2 the calls.

3 Several weeks later, Miller informed Mr. Goodwin the necessary paperwork had
4 been filed. Within the two months after that, Miller still did not take nor return the Goodwins'
5 phone calls. Mr. Goodwin went to Miller's office. At that time, Miller stated she would
6 contact INS to ascertain the status of the case. Miller did not communicate with the Goodwins
7 after that date.

8 Mr. Goodwin went back to Miller's office and was told the paperwork was not
9 filed until January (previously, Mr. Goodwin was told the paperwork was filed the preceding
10 November). After six months passed and Ms. Miller did not produce any results, Mr. Goodwin
11 attempted to contact Respondent as the owner of the business. The Goodwins have been
12 unable to contact Respondent.

13 Mr. Goodwin met with Miller in June and was told that the paperwork had not
14 been filed until March (he had previously been told it was filed in November and then that date
15 was modified to January). At the June meeting, Miller told Mr. Goodwin that if he did not pay
16 her towards the \$2,800, then she would withdraw his wife's paperwork from INS. Mr.
17 Goodwin asked for proof that Miller filed the paperwork and for proof of the contract wherein
18 he allegedly agreed to pay \$2,800 for services. Miller failed to provide either.

19 Mr. Goodwin tried to meet with Respondent but was told Respondent was
20 unavailable. Miller told Mr. Goodwin the file and money would be returned, but they were
21 not.

22 In connection with the foregoing, on or about November 6, 2002, the State Bar
23 of Arizona sent a letter to Respondent. The letter advised Respondent of the allegations against
24 him and of his duty to respond to the State Bar of Arizona. Respondent did not respond.

25 **COUNT ELEVEN (File No. 01-2009)**

26 On February 5, 2001, Raul and Brenda Sanchez entered into a contract with
27 Respondent for legal services. The contract is entitled, "LEGAL SERVICES CONTRACT."
28 The heading of the contract reads,

1 **Immigration Counselors USA**
2 **A Professional Limited Liability Company**
3 **Ronald W. Flater, Attorney**

4 The contract states, "I, do hereby employ and designate, the LAW OFFICE OF RONALD W.
5 FLATER as my attorney to represent..." Raul and Brenda Sanchez agreed to pay Respondent
6 \$3,000 as attorney fees.

7 The contract further indicates, "I understand that some or all of this fee may be
8 reserved for expenses, including co-counsel, in an interest bearing account, the interest from
9 which accrues to the State Bar of Arizona for public purposes." The State Bar of Arizona does
10 not have a record of an IOLTA account in Respondent's name. The contract does not indicate
11 that Respondent is not licensed in Arizona.

12 **COUNTS TWELVE AND THIRTEEN (File No. 01-2009)**

13 The Sanchezes had a hearing date of October 15, 2001, in Immigration Court.
14 Raul and Brenda Sanchez received a document from the Department of Justice in May 2001.
15 The Sanchezes called Respondent several times regarding the document. Respondent did not
16 return the calls. The Sanchezes went to see Respondent in person regarding the document.
17 Respondent admitted he did not receive a copy of the document because he had not entered his
18 appearance as the attorney of record.

19 The Sanchezes received another document from the Department of Justice on or
20 about September 8, 2001. The Sanchezes went to Respondent's office on September 13, 2001,
21 to discuss the recently received document. At the September 13, 2001, meeting, the Sanchezes
22 learned: Respondent would not be representing them at the October 15, 2001, hearing,
23 Respondent never entered his appearance with the Immigration Court, and Respondent never
24 advised the Department of Justice of his appearance.

25 Respondent told the Sanchezes that since he was no longer handling their type
26 of case, he would return some of their money and help find the Sanchezes a new attorney.
27 Respondent did not do so. The Sanchezes called Respondent several times regarding a return
28 of their money and a new attorney. Respondent did not return their calls.

1 In connection with the foregoing, on or about November 5, 2001, the State Bar
2 of Arizona sent a letter to Respondent. The letter advised Respondent of the allegations against
3 him and of his duty to respond to the State Bar of Arizona. Respondent did not respond. The
4 letter sent was not returned. Respondent failed to respond to the letter. On or about
5 February 5, 2002, the State Bar of Arizona sent a second letter to Respondent at his address of
6 record. The letter advised Respondent that the State Bar of Arizona had not received a
7 response to the earlier letter and of his duty to respond. The letter was not returned to the State
8 Bar of Arizona. Respondent did not respond to the February 5, 2002 letter.

9 **COUNTS FOURTEEN AND FIFTEEN (File No. 01-2446)**

10 Lorena Guzman hired Respondent to perform immigration legal services to help
11 get Ms. Guzman a green card. Ms. Guzman's application for a green card was denied because
12 Respondent did not ensure the affidavit of support was properly filled out. After the green card
13 was denied, Ms. Guzman paid Respondent to appeal that issue. Respondent filed the appeal
14 late and it was, therefore, rejected. Respondent was then to file a motion with the Board of
15 Immigration Appeals (BIA), but failed to do so. As a result, Ms. Guzman faces deportation.

16 In connection with the foregoing, on or about February 4, 2002, the State Bar of
17 Arizona sent a letter to Respondent. The letter advised Respondent of the allegations against
18 him and of his duty to respond to the State Bar of Arizona.

19 **COUNTS SIXTEEN AND SEVENTEEN (File No. 02-0275)**

20 Aimee Monahan and her husband hired Respondent in January or February of
21 2001, to obtain a green card for the husband. The Monahans paid Respondent \$1,800. In May
22 2001, Mr. Monahan wanted to travel to Ireland to attend his brother's funeral. Respondent
23 advised this was not possible. Ms. Monahan and her husband hired another attorney who, in
24 three days, was able to get the travel request approved by the Court.

25 Respondent did not return Ms. Monahan's phone calls. Respondent missed
26 appointments with Ms. Monahan and her husband. Ms. Monahan told Respondent she
27 expected a full refund because he did not perform the work he was hired to perform.
28 Respondent told Ms. Monahan he would refund \$600. Respondent only refunded \$200.

1 At the time Respondent entered into the contract with the Monahans, he was
2 suspended in Utah. Respondent held himself out as a lawyer who could practice law.

3 In connection with the foregoing, on or about February 19, 2002, the State Bar
4 of Arizona sent a letter to Respondent. The letter advised Respondent of the allegations made
5 against him and his duty to respond to such within twenty days. Respondent did not respond.

6 **COUNTS EIGHTEEN AND NINETEEN (File No. 02-0819)**

7 Respondent represented Rajaa El Hafidi in an immigration matter. Over the
8 course of the representation, Ms. El Hafidi paid Respondent \$900. On or about April 24, 2001,
9 the Respondent paid INS \$110 as a filing fee on Ms. El Hafidi's case. Respondent was
10 suspended from the practice of law in Utah at that time.

11 INS requires Ms. El Hafidi to keep it advised of her current address. In October
12 2001, Ms. El Hafidi moved. She paid Respondent \$75 to write a letter to INS advising them of
13 her current address. On or about November 13, 2001, Respondent cashed Ms. El Hafidi's
14 check. Respondent did not perform the work for which he was paid.

15 Ms. El Hafidi left Respondent several phone messages. Respondent did not
16 return these calls. Ms. El Hafidi wrote to Respondent in January 2002. The letter requested an
17 update as to the status of the case and an invoice for the \$75 payment. Respondent did not
18 respond to the letter. Ms. El Hafidi and her husband went to Respondent's office. The office
19 was closed. There was a note on the door indicating the office would be closed for a week.

20 In connection with the foregoing, on or about May 10, 2002, the State Bar of
21 Arizona sent a letter to Respondent. The letter advised Respondent of the allegations made
22 against him and his duty to respond to such within twenty days. Respondent did not respond.
23 On or about October 21, 2002, the State Bar of Arizona sent Respondent a second letter. This
24 letter referred to the May 10, 2002, letter. The October 2002 letter advised Respondent of his
25 obligation to respond to the State Bar of Arizona. Respondent did not respond to the
26 October 21, 2002, letter.

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1 CONCLUSIONS OF LAW

2 The facts as deemed admitted above establish that Respondent violated the
3 Rules of Professional Conduct as follows:

4 As a non-member of the State Bar of Arizona practicing law in Arizona,
5 Respondent subjected himself to the disciplinary jurisdiction of the Arizona Supreme Court
6 pursuant to Rule 46, Ariz. R. S. Ct.

7 In each substantive count, the question arises whether Respondent violated ER
8 5.5, Ariz. R. S. Ct.. After default was entered, in his April 15 submission, Respondent asserted
9 without citation to authority that he was legally able to practice law in Arizona without
10 becoming a member of the State Bar of Arizona because his practice was confined to federal
11 immigration law. At the aggravation/mitigation hearing, the State Bar offered Rule 46 as
12 authority for the proposition that Respondent's conduct constituted the unauthorized practice of
13 law. Though Rule 46 subjects Respondent to disciplinary jurisdiction, it does not resolve the
14 substantive question whether Respondent's conduct constituted the unauthorized practice of
15 law.

16 In Kennedy v. Bar Association of Montgomery County, Inc., 561 A.2d 200,
17 208-09 (Md. 1989), the Maryland Court of Appeals held: "[A]dvising clients by applying legal
18 principles to the client's problem is practicing law. When Kennedy, who is unadmitted in
19 Maryland, set up his principal office for the practice of law in Maryland and began advising
20 clients and preparing legal documents for them from that office, he engaged in the
21 unauthorized practice of law. This is so whether the legal principles he was applying were
22 established by the law of Montgomery County, the State of Maryland, some other state of the
23 United States, *the United States of America*, or a foreign nation." (emphasis added). These
24 principles apply here. Respondent held himself out to the public in Arizona as an "Attorney,"
25 ran a law office and accepted payment for various legal services that included communications
26 with government agencies -- not merely appearing in federal immigration courts. Moreover, he
27 falsely represented to at least one client that he maintained an IOLTA account with the State
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1 Bar of Arizona. In these circumstances, Respondent engaged in the unauthorized practice of
2 law in Arizona and violated ER 5.5 in each of the substantive counts of the Complaint.

3 **COUNT ONE (File No. 01-1377)**

4 Respondent engaged in the unauthorized practice of law. Respondent's business
5 and yellow pages advertisements were misleading. Neither Respondent nor his office staff
6 performed work for Mr. Bonner. Neither Respondent nor his office staff returned the client's
7 calls. Neither Respondent nor his office staff returned the client's file. Neither Respondent
8 nor his office staff returned the client's money despite the fact that they did not perform the
9 work for which they were paid. Respondent did not properly supervise his office staff.
10 Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.
11 Respondent's conduct violated Rule 42, Ariz. R. S. Ct., specifically: ERs 1.3, 1.4, 1.5, 1.15,
12 1.16, 5.3, 5.5, 7.1 and 8.4(c).

13 **COUNT THREE (File No. 01-1378)**

14 Respondent accepted representation of a client while he was suspended from the
15 practice of law in Utah. Respondent did not have a valid Arizona license to practice law.
16 Respondent did not communicate with his client. Respondent did not diligently pursue his
17 client's case.

18 Respondent's conduct violated Rule 42, specifically: ER 1.3, 1.4 and 5.5.

19 **COUNT FIVE (File No. 01-1379)**

20 Respondent did not refund unused client funds. Respondent represented a client
21 during the time he was suspended from the practice of law in Utah. Respondent did not have a
22 valid Arizona license to practice law.

23 Respondent's conduct violated Rule 42, specifically: ER 1.15 and 5.5.

24 **COUNT SEVEN (File No. 01-1380)**

25 Respondent did not abide by his clients' wishes concerning the objectives of the
26 representation. Respondent did not effectively communicate with his clients. Respondent did
27 not return all of his clients' unused funds. Respondent was not licensed to practice law in
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1 Arizona. Respondent represented clients while he was suspended from the practice of law in
2 Utah.

3 Respondent's conduct violated Rule 42, specifically: ER 1.2, 1.4, 1.15 and 5.5.

4 **COUNT NINE (File No. 01-1381)**

5 Respondent's office did not diligently pursue the client's case. Respondent's
6 office did not abide by the client's wishes regarding the scope of representation. Respondent's
7 office did not communicate with the client and failed to return phone calls. Respondent's
8 office did not perform work for which it was paid. Respondent's office refused to provide a
9 refund of unearned fees and failed to return the client file. Respondent's office attempted to
10 secure fees greater than initially quoted, by threatening to engage in conduct which could not
11 ethically be taken. Respondent failed to supervise his staff. Respondent engaged in conduct
12 involving dishonesty, fraud, deceit or misrepresentation.

13 Respondent's conduct violated Rule 42, specifically: ER 1.2, 1.3, 1.4, 1.5, 1.15,
14 1.16 (d), 5.3, 8.4 (c) and 8.4 (d) .

15 **COUNT ELEVEN (File No. 01-2009)**

16 Respondent misled a client by entering into a written contract that
17 misrepresented Respondent as an attorney with an Arizona IOLTA account. Respondent is not
18 licensed to practice in Arizona. At the time Respondent entered into the contract with the
19 client, he was suspended in Utah. Respondent does not have a trust account in Arizona.
20 Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

21 Respondent's conduct violated Rule 42, specifically: ER 5.5, 7.1, 8.4(c) and
22 8.4(d).

23 **COUNT TWELVE (File No. 01-2009)**

24 Respondent did not abide by his clients' decisions regarding the scope of his
25 representation. Respondent did not diligently represent his clients. Respondent did not
26 communicate with his clients. Respondent did not safeguard the funds of his clients.
27 Respondent did not help his clients obtain a new attorney despite his assurance that he would
28 do so.

1 Respondent's conduct violated Rule 42, specifically: ER 1.2, 1.3, 1.4, 1.5 , 1.15
2 and 1.16.

3 **COUNT FOURTEEN (File No. 01-2446)**

4 Respondent did not abide by his clients' decisions regarding the scope of his
5 representation. Respondent did not diligently represent his clients. Respondent did not
6 communicate with his clients.

7 Respondent's conduct violated Rule 42, specifically: ER 1.2, 1.3, and 1.4.

8 **COUNT SIXTEEN (File No. 02-0275)**

9 At the time Respondent entered into the contract with the Monahans, he was
10 suspended in Utah and was not licensed to practice in Arizona. Respondent held himself out as
11 a lawyer who could practice law in Arizona. Respondent did not abide by his clients' decisions
12 regarding the scope of his representation. Respondent did not diligently represent his clients.
13 Respondent did not communicate with his clients. Respondent did not refund money owed to
14 the Monahans. Respondent engaged in conduct involving dishonesty, fraud, deceit or
15 misrepresentation.

16 Respondent's conduct violated Rule 42, specifically: ER 1.2, 1.3, 1.4, 1.5, 1.16,
17 5.5 and 8.4.

18 **COUNT EIGHTEEN (File No. 02-0819)**

19 Respondent failed to abide by his client's decisions regarding the scope of
20 representation. Respondent failed to diligently pursue his client's case. Respondent failed to
21 communicate with his client by failing to return her phone calls or respond to her letter.
22 Respondent failed to perform the work for which he was paid. Respondent did not return
23 unearned funds to his client. Respondent engaged in conduct involving dishonesty, fraud,
24 deceit or misrepresentation.

25 Respondent's conduct violated Rule 42, specifically: ER 1.2, 1.3, 1.4, 1.5, 1.15,
26 5.5 and 8.4.

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**COUNTS TWO, FOUR, SIX, EIGHT, TEN,
THIRTEEN, FIFTEEN, SEVENTEEN AND NINETEEN**

Respondent failed to respond to lawful demands for information. Respondent failed to furnish information and refused to cooperate with the State Bar of Arizona.

Respondent's conduct violated Rule 42, specifically: ER 8.1(b) and Rule 51 (h) and (i).

ABA STANDARDS

The Standards provide guidance with respect to an appropriate sanction in this matter. The Supreme Court and the Disciplinary Commission are consistent in utilizing the Standards to determine appropriate sanctions for attorney discipline. In re Kaplan, 179 Ariz. 175, 877 P.2d 274 (1994). The Standards provide that four factors should be considered in determining the sanction: the duty violated; the lawyer's mental state; the actual or potential injury; and aggravating and mitigating factors. Also, according to the Standards and In re Cassalia, 173 Ariz. 372, 843 P.2d 654 (1992), where there are multiple acts of misconduct, the Respondent should receive one sanction that is consistent with the most serious instance of misconduct, and the other acts should be considered as aggravating factors.

Here, the most serious violation is compound -- Respondent dealt improperly with clients' property by accepting funds from clients when he could not legally perform legal services for them because he was not licensed to practice law in Arizona. And when Respondent did not perform services for clients, his repeated lack of diligence placed them at grave risk of losing both their right to remain in the United States and their livelihoods. Finally, Respondent did not refund client funds after conceding the need to do so.

ABA Standards 4.4 sets forth the appropriate sanction when a lawyer abuses the legal process. ABA Standards 4.41(c) states,

Disbarment is generally appropriate when: . . . a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

That Standards applies to the pattern of misconduct in this case.

1 In addition, ABA Standards 4.6 sets forth the appropriate sanction when a
2 lawyer violates a duty owed to the profession. ABA Standards 4.62 states:

3 Suspension is generally appropriate when a lawyer knowingly
4 deceives a client, and causes injury or potential injury to a client.

5 In this case, Respondent deceived several clients by misrepresenting that he was an attorney
6 with an Arizona IOLTA account who was lawfully able to perform the legal services he was
7 retained to perform.

8 ABA Standards 9.0 sets forth aggravating and mitigating factors to be
9 considered in deciding upon the appropriate sanction to impose.

10 In the present case, the following aggravations factors are present:

11 **9.22 (a) prior disciplinary offenses.**

12 Here, Respondent was previously suspended from the practice of law in Utah.

13 **9.22 (b) dishonest or selfish motive.**

14 Here, Respondent accepted money for work he could not legally perform.
15 Logic leads one to conclude Respondent's motivation for accepting the cases was for the
16 monetary compensation associated with the work.

17 **9.22 (c) pattern of misconduct.**

18 Here, Respondent repeatedly represented to potential clients his ability to
19 represent them in Arizona when he was not authorized to do so.

20 **9.22 (d) multiple offenses.**

21 This case involves nine separate files.

22 **9.22 (e) Bad faith obstruction of the disciplinary proceedings by**
23 **intentionally failing to comply with the rules or orders of the disciplinary agency.**

24 Here, Respondent has failed to respond to the State Bar of Arizona's
25 investigation in all nine files. In addition, Respondent failed to file an Answer in this formal
26 proceeding.

27 **9.22 (i) substantial experience in the practice of law.**

28 Here, Respondent was admitted to practice law in Utah in 1994.

1 identifying himself as the attorney for one of the parties without having sought *pro hac vice*
2 approval first. The Commission imposed only a censure, because Mothershed was not a
3 member of the State Bar of Arizona.

4 Because Respondent is not a member of the State Bar of Arizona, he cannot be
5 suspended or disbarred.

6 **(2) Non-Response**

7 In the Matter of Fuller Disciplinary Commission, No. 95-1188, Fuller was censured for
8 not responding to the State Bar of Arizona, in violation of ER 8.1 and Rules 51 (h) and (i).
9 Despite the fact that none of the underlying allegations were proven by clear and convincing
10 evidence, the attorney was censured because of his history of failing to cooperating with the
11 State Bar of Arizona.

12 Here, Respondent has failed to respond to the State Bar of Arizona in nine
13 investigations and failed to file an Answer. As such, the sanction of a censure is appropriate.

14 **(3) Lack of Diligence, Lack of Communication, Failure to Return Client Property and**
15 **Funds**

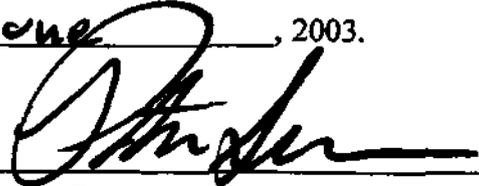
16 In Matter of Engan, 170 Ariz. 409, 825 P.2d 468 (1992), an attorney was
17 disbarred for violations of ER 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 1.16(d), 8.1(b), 8.4 and Rules 51 (h)
18 and (i). As in this case, the lawyer demonstrated a pattern of failing to communicate with his
19 clients, failing to respond to reasonable requests for information, failing to return client files,
20 failing to appear at hearings, and failing to cooperate with the State Bar of Arizona.

21 In Matter of Kobashi, 177 Ariz. 584, 870 P.2d 402 (1994), an attorney was
22 suspended for six months and one day. The attorney failed to diligently handle one client's
23 case and failed to participate in the disciplinary proceedings. The Court deemed it important
24 that Respondent go through the reinstatement process and prove rehabilitation due to not only
25 the underlying misconduct but also based on the fact that he "violated his duty to uphold the
26 self-regulation that is vital to the success of the disciplinary system." Here, Respondent's
27 violations involved numerous clients and numerous requests for information.

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1 4. Respondent shall also pay the costs and expenses incurred in these
2 disciplinary proceedings.

3 DATED this 25th day of June, 2003.

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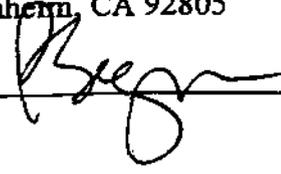
5 _____
6 Peter B. Swann
7 Hearing Officer 8Y

8 ORIGINAL filed with the Disciplinary Clerk
9 this 25th day of June, 2003.

10 COPY of the foregoing mailed
11 this 25th day of June, 2003, to:

12 Robert A. Clancy, Jr.
13 Bar Counsel
14 State Bar of Arizona
15 111 West Monroe, Suite 1800
16 Phoenix, AZ 85003-1742

17 Ronald W. Flater
18 Respondent
19 998 South Citron
20 Anaheim, CA 92805

21 by:  _____