

FILED

MAR 28 2003

NOEL K. DESSAINT
CLERK SUPREME COURT
BY

SUPREME COURT OF ARIZONA

| | |
|---------------------------------------|---------------------------------|
| IN THE MATTER OF A SUSPENDED MEMBER) | Supreme Court |
| OF THE STATE BAR OF ARIZONA) | No. SB-03-0009-D |
|) | |
|) | Disciplinary Commission |
| MAXIMILIANO S. GARCIA,) | Nos. 99-0906, 99-1826, 99-2115, |
| Bar No. 014435) | 02-0400, 02-0547, 02-0555, |
|) | 02-0593, 02-0722 |
|) | |
| RESPONDENT.) | JUDGMENT AND ORDER |

This matter having come on for hearing 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 MAXIMILIANO S. GARCIA, a suspended member of the State Bar of Arizona, is hereby disbarred from the practice of law effective the date of this order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the commission report attached hereto as Exhibit A.

IT IS FURTHER ORDERED that MAXIMILIANO S. GARCIA shall pay restitution in the following amounts to the following individuals:

| | |
|--------------------|--------------------|
| Luis A. Vega | \$ 3,000.00 |
| Einar Sundstrom | \$10,000.00 |
| Manual Juarez | \$ 7,500.00 |
| Marianne Fischer | \$ 5,000.00 |
| Marcilina Landeros | \$20,000.00 |
| Maria Murillo | 1,000.00 |
| <u>Victor Wood</u> | <u>\$ 3,000.00</u> |
| Total | \$49,500.00 |

IT IS FURTHER ORDERED that Respondent shall pay in full any and all claims paid by the Client Protection Fund, not to exceed the maximum permissible payment of \$100,000.00.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 63, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 63(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 63(d).

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

IT IS FURTHER ORDERED that pursuant to Rule 52(a)8, the State Bar of Arizona is granted judgment against **MAXIMILIANO S. GARCIA** for costs and expenses of these proceedings in the amount of \$2,457.10, together with interest at the legal rate from the date of this judgment.

DATED this 28th day of March, 2003.



NOEL K. DESSAINT, Clerk

TO:

Maximiliano S. Garcia, Respondent (Certified Mail, Return Receipt)
John A Furlong, Senior Bar Counsel
Frederick C. Berry, Jr., Hearing Officer 9S
Bob Van Wyck, Chief Bar Counsel, State Bar of Arizona (Cert. Copy)
Douglas M. Brooks, Clerk, Disciplinary Commission (Cert. Copy)
Betty Flores, Director, Membership Records, State Bar of Arizona (Cert. Copy)
Marnie Leinberger, MCLE/BLS Administrator, State Bar of Arizona
Cynthia Zwick, Executive Director, State Bar of Arizona
Dee Steadman, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
William Suter, Clerk, United States Supreme Court (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)
Edward C. Voss, Chief Judge, Court of Appeals, Division One, Phoenix, Arizona
Philip G. Espinoza, Chief Judge, Court of Appeals, Division Two, Tucson, Arizona
Michael C. Nelson, Presiding Judge, Apache County, Arizona
Thomas Collins, Presiding Judge, Cochise County, Arizona
A. Fred Newton, Presiding Judge, Coconino County, Arizona
Robert Duber, II, Presiding Judge, Div. II, Gila County, Arizona
R. Douglas Holt, Presiding Judge, Graham County, Arizona
Monica L. Stauffer, Presiding Judge, Greenlee County, Arizona
Michael J. Burke, Presiding Judge, La Paz County, Arizona
Colin F. Campbell, Presiding Judge, Maricopa County, Arizona
Robert R. Moon, Presiding Judge, Mohave County, Arizona
Gloria J. Kindig, Presiding Judge, Navajo County, Arizona
John S. Leonardo, Presiding Judge, Pima County, Arizona
William J. O'Neil, Presiding Judge, Pinal County, Arizona
James A. Soto, Presiding Judge, Santa Cruz County, Arizona
Raymond W. Weaver, Jr., Presiding Judge, Yavapai County, Arizona
Tom C. Cole, Presiding Judge, Yuma County, Arizona
West Publishing Company (Ardis Lanz)
Lexis/Nexis

/kdl

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Noel K. Dessaint, Clerk of the Supreme Court
State of Arizona

By Karen Gabe Deputy