

**FILED**

AUG - 9 2004

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA

**BEFORE THE DISCIPLINARY COMMISSION  
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A SUSPENDED MEMBER ) Nos. 02-2149, 02-2336, 03-0979  
OF THE STATE BAR OF ARIZONA, ) 03-0991, 03-1672

**MICHAEL R. GRONDIN,**  
**Bar No. 020828**

RESPONDENT.

**DISCIPLINARY COMMISSION  
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on July 10, 2004, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report, filed April 7, 2004, recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum) providing for a three year suspension with conditions of reinstatement, two years of probation upon reinstatement with a practice monitor (PM) and completion of the State Bar's Member Assistance Program (MAP), restitution, and costs of these disciplinary proceedings.

**Decision**

The Commission's standard of review is set forth in Rule 58(b), which states that the Commission reviews questions of law *de novo*. In reviewing findings of fact made by a hearing officer, the Commission applies a clearly erroneous standard.

Therefore, having found no findings of fact clearly erroneous, the nine members of the Commission recommend adopting and incorporating by reference the Hearing Officer's

1 findings of fact, conclusions of law, and recommendation for a three year suspension<sup>1</sup> with  
2 conditions of reinstatement, two years of probation upon reinstatement (PM and MAP),  
3 restitution, and costs of these disciplinary proceedings.

### 4 Conditions of Reinstatement

5 As a condition of reinstatement, Respondent shall:

6 a. Demonstrate that he has been sober and has abstained from the consumption  
7 of alcohol, any controlled substance, or any prescription medicine without proper medical  
8 authorization, for no less than one calendar year before the date of any application for  
9 reinstatement.

10 b. Demonstrate that he has made restitution of the fees paid to him by the  
11 Yavapai Public Defender's Office for the cases that he returned to that office.

12 c. Demonstrate that he has complied with all terms of his criminal probation,  
13 including paying restitution, pursuant to the Sentence of Probation in *State v. Michael R.*  
14 *Grondin*, Mohave County Superior Court, File No. CR-2003-0716, August 1, 2003.

15 d. Submit to fee arbitration in File No. 02-2336 and demonstrate compliance  
16 with the arbitration award.

17 e. Provide evidence of successful completion of MAP, including an evaluation  
18 by a licensed medical professional that Respondent is mentally and emotionally fit to  
19 resume the practice of law.

20 f. Demonstrate remorse by providing proof of substantial involvement with  
21 organized community service activities satisfactory to the ordering entity for a period of  
22 one year prior to filing his petition for reinstatement.  
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25  
26 <sup>1</sup> The agreement provided that the effective date of suspension would be the date of the final Judgment and Order. See Tender of Admissions p. 9:23. The Hearing Officer's Report did not specify the effective date of suspension. The Commission notes that, historically, the effective date of suspension would be retroactive to the date of the interim suspension.

1 g. Demonstrate responsibility by providing evidence of a continuous term of  
2 supervised employment by working at least twenty hours per week for a period of one  
3 year, without unexplained absences, prior to filing his petition for reinstatement, or similar  
4 evidence of continuous supervised participation in organized community service activities.

5 h. Pay all costs that are or will be due and owing to the State Bar as a result of  
6 these proceedings as provided by Rule 65(a)(1) Ariz. R. S. Ct.

7 **Terms of Probation**

8 Upon reinstatement, Respondent shall serve a two-year term of probation with the  
9 following conditions:

10 a. Respondent shall abstain from consuming alcohol, any controlled  
11 substance, or any prescription medicine without proper medical authorization.

12 b. Respondent shall submit to body fluid tests in compliance with the terms  
13 and conditions of any order of reinstatement.

14 c. Respondent shall have as a practice monitor an attorney who will agree in  
15 writing to supervise his law practice and monitor his case load, the quality of services  
16 rendered, and management of his trust account in compliance with the terms and  
17 conditions of any order of reinstatement.

18 d. Respondent shall also enter into a mutually agreeable contract with the  
19 Director of MAP to monitor Respondent's sobriety in compliance with the terms and  
20 conditions of any order of reinstatement.

21 e. Respondent shall pay all costs that are or will be due and owing to the State  
22 Bar as a result Respondent's probation prior to termination of probation.  
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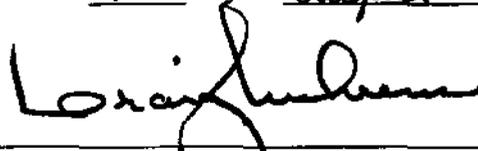
1 f. Respondent shall keep his books of account, ledger, trust account, books or  
2 files open for inspection by the State Bar of Arizona or its designated probation supervisor.  
3 Client files shall remain confidential to the extent provided by the Arizona Rules of  
4 Professional Conduct.

5 **Restitution**

6 Restitution shall be paid in the following amounts to the following individuals:

7 Yavapai Public Defender's Office	\$10,000.00
8 Mohave County Superior Court, File No. CR-2003-0716, <i>State v. Grondin</i>	<u>\$ 2,721.90</u>
9 <b>TOTAL:</b>	<b>\$12,721.90</b>

10 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of August, 2004.

11 

12  
13 Craig B. Mehrens, Chair  
Disciplinary Commission

14 Original filed with the Disciplinary Clerk  
15 this 9<sup>th</sup> day of August, 2004, to:

16 Copy of the foregoing mailed  
17 this 9<sup>th</sup> day of August, 2004, to:

18 Joseph J. Lodge  
19 Hearing Officer 9V  
123 N. San Francisco  
20 Flagstaff, AZ 86001

21 Michael R. Grondin  
22 Respondent  
806 Grandview  
23 Kingman, AZ 86401-0001

24 and

25 Michael R. Grondin  
26 Respondent  
3134 Jagerson Ave.  
Kingman, AZ 86401-1603

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