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DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

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

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3 IN THE MATTER OF A NON- MEMBER)
4 OF THE STATE BAR OF ARIZONA,)
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6 **L. MARK STEINBERG,**)
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RESPONDENT.

Nos. 02-1743, 02-2036, 02-2092

**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 14, 2004, recommending censure, restitution and costs.

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.

Upon review, the Commission determined that the Hearing Officer's finding that Richard and Dian Rounds paid Respondent \$1,080.00 in legal fees was clearly erroneous. See Hearing Officer's Report and Recommendation, p. 22: 23. The Hearing Officer's findings of fact #14 however, supports that Respondent was paid a total of \$1,200.00 for his legal services. See Report, p. 4, Finding of Fact #14. Therefore, the Commission modifies the recommended amount of restitution to reflect a total of \$3,200.00 to the Rounds.

1 Therefore, having found no other findings of fact clearly erroneous, the eight¹
2 members of the Commission recommend adopting and incorporating by reference the
3 Hearing Officer's remaining findings of fact, conclusions of law, and recommendation for
4 censure, restitution in the following amounts, and costs of these proceedings.

5 Restitution

6 Dian and Richard Rounds	\$ 3,200.00
7 Angel Hernandez	\$ 4,500.00
8 Jaime Carrera	\$ 3,000.00
<u>TOTAL</u>	<u>\$ 10,700.00</u>

9 The Commission determined that as a non-member, Respondent should not receive
10 compensation for legal work he was not authorized to perform, and thus, recommended that
11 the client receive full restitution for fees paid. In addition, there was no evidence that
12 attorney Arthur Frost or his firm ever received any portion of the fees paid by the client.

13 As with Respondent's previous misconduct involving the unauthorized practice of
14 law, the Commission concluded that disbarment would have been an appropriate sanction in
15 this instant matter if Respondent were a member of the State Bar of Arizona; however,
16 because Respondent is a non-member, censure is the most severe sanction that can be
17 imposed. See *Matter of Olsen*, 180 Ariz. 5, 881 P.2d 337 (1994).

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19 RESPECTFULLY SUBMITTED this 9th day of August, 2004.

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22 _____
23 Craig B. Mehrens, Chair
24 Disciplinary Commission

25
26 ¹ Commissioner Funkhouser recused.

1 Original filed with the Disciplinary Clerk
2 this 9th day of August, 2004.

3 Copy of the foregoing mailed
4 this 9th day of August, 2004, to:

5 Neal C. Taylor
6 Hearing Officer 8I
7 111 West Monroe, Suite 1500
8 Phoenix, AZ 85003-1742

9 L. Mark Steinberg
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18 by: Ke Weigand

19 /mps
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