

SUPREME COURT OF ARIZONA

FILED
OCT 29 2004
NOEL K. DESSAINT
CLERK SUPREME COURT

IN THE MATTER OF A SUSPENDED MEMBER)
OF THE STATE BAR OF ARIZONA,)

Supreme Court
No. SB-04-0122-D

MICHAEL R. GRONDIN,)
Bar No. 020828)

Disciplinary Commission
Nos. 02-2149, 02-2336, 03-0979
03-0991, 03-1672

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 timely petition for review having been filed,

IT IS ORDERED that Sua Sponte Review is declined.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that MICHAEL R. GRONDIN, a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of three (3) years, effective the date of this order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report. As a condition of reinstatement, Respondent shall:

- 1) Demonstrate that he has been sober and has abstained from the consumption of alcohol, any controlled substance, or any prescription medicine without proper medical authorization, for no less than one calendar year before the date of any application for reinstatement.
- 2) Demonstrate that he has made restitution of the fees paid to him by the Yavapai Public Defender's Office for the cases that he returned to that office.
- 3) Demonstrate that he has complied with all terms of his criminal probation, including paying restitution, pursuant to the Sentence of Probation in *State v. Michael R. Grondin*, Mohave County Superior Court, File No. CR-2003-0716, August 1, 2003.
- 4) Submit to fee arbitration in File No. 02-2336 and demonstrate compliance with the arbitration award.
- 5) Provide evidence of successful completion of MAP, including an evaluation by a licensed medical professional that Respondent is mentally and emotionally fit to resume the practice of law.
- 6) Demonstrate remorse by providing proof of substantial involvement with organized community service activities satisfactory to the ordering entity for a period of one year prior to filing his petition for reinstatement.
- 7) Demonstrate responsibility by providing evidence of a continuous term of supervised employment by working at least twenty hours per week for a period of one year, without unexplained absences, prior to filing his petition for reinstatement, or similar evidence of continuous supervised participation in organized community service activities.

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

IT IS FURTHER ORDERED that MICHAEL R. GRONDIN shall be placed on probation for a period of two (2) years, effective upon reinstatement. The terms of probation are as follows:

- 1) Respondent shall abstain from consuming alcohol, any controlled substance, or any prescription medicine without proper medical authorization.
- 2) Respondent shall submit to body fluid tests in compliance with the terms and conditions of any order of reinstatement.
- 3) Respondent shall have as a practice monitor an attorney who will agree in writing to supervise his law practice and monitor his case load, the quality of services rendered, and management of his trust account in compliance with the terms and conditions of any order of reinstatement.
- 4) Respondent shall also enter into a mutually agreeable contract with the Director of MAP to monitor Respondent's sobriety in compliance with the terms and conditions of any order of reinstatement.
- 5) Respondent shall pay all costs that are or will be due and owing to the State Bar as a result Respondent's probation prior to termination of probation.
- 6) Respondent shall keep his books of account, ledger, trust account, books or files open for inspection by the State Bar of Arizona or its designated probation supervisor. Client files shall remain confidential to the extent provided by the Arizona Rules of Professional Conduct.
- 7) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. S. Ct. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that MICHAEL R. GRONDIN shall pay restitution in the following amounts to the following individuals:

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

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 72(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 72(e).

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

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against MICHAEL R. GRONDIN for costs and expenses of these proceedings in the amount of \$656.24, together with interest at the legal rate from the date of this judgment.

DATED this 29th day of October, 2004.

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 William Behrens Deputy



CHARLES E. JONES
Chief Justice

TO:

Michael R. Grondin, Respondent (Certified Mail, Return Receipt)
Dana David, Bar Counsel
Joseph J. Lodge, Hearing Officer 9V
Douglas M. Brooks, Disciplinary Clerk (Cert. Copy)
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
William K. Suter, Clerk of the Supreme Court of the United States (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)
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