

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GREGORY T. TOROK,
Bar No. 017522

PDJ 2021-9089

FINAL JUDGMENT AND ORDER

State Bar File Nos. 21-1139, 21-1328, 21-1344, 21-1350, 21-1360, 21-1381, 21-1382, 21-1398, 21-1421, 21-1464, 21-1561, 21-1584, 21-1622, 21-1880, 21-1930, 21-2114

FILED DECEMBER 8, 2021

The Presiding Disciplinary Judge accepted the parties' Agreement for Discipline by Consent submitted pursuant to Rule 57(a), Ariz. R. Sup. Ct.

IT IS THEREFORE ORDERED that Respondent, **GREGORY T. TOROK**, is suspended from the practice of law in Arizona for four years, retroactive to September 20, 2021, for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that, if reinstated to the practice of law, Respondent shall be placed on probation for two years. The terms of probation will be determined at the time of reinstatement pursuant to Rules 64 and 65, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that Respondent shall pay restitution to the following individuals in the following amounts, subject to a credit for any refund(s) paid

as part of the State Bar's conservatorship in the Yuma County Superior Court case of *In the Matter of Gregory T. Torok*, CV2021-00451 (SB CON-21-0010):

Count 1 (SB21-1139): Christopher Bathrick, \$3000.00;

Count 2 (SB21-1328): David Parker, \$3300.00;

Count 3 (SB21-1344): Joachim Fack, \$1500.00;

Count 4 (SB21-1350): Anthony Busellato, \$6995.00;

Count 5 (SB21-1360): Melissa Gregory, \$5000.00;

Count 6 (SB21-1381): Annabil Garcia, \$5000.00;

Count 7 (SB21-1382): Joshua Reyes, \$11,600.00;

Count 8 (SB21-1398): Jon Arsaga, \$6000.00;

Count 9 (SB21-1421): Dennis Smarra, \$5000.00;

Count 10 (SB21-1464): Barry H. Latimer, \$3800.00;

Count 11 (SB21-1561): Majorie A. May, \$5000.00

Count 12 (SB21-1584): Aaliyah Gonzales, \$1000.00;

Count 13 (SB21-1622): Margot Delgado, \$2300.00;

Count 14 (SB21-1880): Yalvany Reta, 6500.00;

Count 15 (SB21-1930): Jose Antonio Larios-Ponce, \$10,000.00; and

Count 16 (SB21-2114): Matthew Danielson, \$6000.00.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$2,715.12, within 30 days from the date of service of this order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

DATED this 8th day of December, 2021.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copies of the foregoing emailed
this 8th day of December, 2021, to:

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Respondent's Counsel

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by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GREGORY T. TOROK,
Bar No. 017522

Respondent.

PDJ 2021-9089

**DECISION ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar Nos. 21-1139 et al.]

FILED DECEMBER 8, 2021

On December 7, 2021, the parties filed an Agreement for Discipline by Consent (“Agreement”) pursuant to Rule 57(a), Ariz. R. Sup. Ct. The State Bar is represented in this matter by Senior Bar Counsel Craig D. Henley. Respondent Gregory T. Torok is represented by David W. Williams. Mr. Torok has been on interim suspension since September 20, 2021 based on a stipulation by the parties.

The Agreement resolves the eleven-count formal complaint filed on October 25, 2021 (file nos. 21-1139, 21-1328, 21-1344, 21-1350, 21-1360, 21-1381, 21-1382, 21-1398, 21-1421, 21-1464 and 21-1584), as well as three cases wherein probable cause orders have been issued by the Attorney Discipline Probable Cause Committee (file nos. 21-1561, 21-1622, and 21-1880) and two cases that have not been presented to ADPCC (file nos. 21-1930 and 21-2114).

Contingent on approval of the proposed form of discipline, Mr. Torok has voluntarily waived the right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.,

notice of the Agreement has been provided to the complainants. One objection has been received. That objection is discussed *infra*.

The Agreement details a factual basis to support the conditional admissions and is incorporated by reference. *See* Rule 57(a)(4). Mr. Torok admits that he violated Rule 42, ERs 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5(a) (fees), 1.6 (confidentiality of information), 1.16(d) (declining or terminating representation), 8.1(b) (knowing failure to respond to demand for information by disciplinary authority) and Rule 54(d) (failure to cooperate or furnish information). As a sanction, the parties agree to a four-year suspension, restitution, payment of costs to the State Bar, and two years of probation if Mr. Torok is reinstated to the practice of law after serving his term of suspension.

This decision does not recount the underlying facts and misconduct in each case. That information is included in the Agreement, which will be part of the public record. The Presiding Disciplinary Judge (PDJ) has also reviewed Respondent's Confidential Memorandum in Support of the Parties' Consent Agreement. Because that memorandum includes significant personal and confidential medical and mental health information, that document (and accompanying exhibits) will be filed under seal.

As the Agreement discusses, Mr. Torok failed to adequately communicate with or diligently represent numerous clients in the 2020 - 2021 timeframe. He closed his law practice but failed to return a number of client files or provide refunds of unearned fees, causing the State Bar to initiate conservatorship proceedings in the Yuma County Superior Court. Mr. Torok also repeatedly failed to respond to the State Bar's requests for information.

The Agreement states that, during the relevant time frame, Mr. Torok “lapse[d] into substance abuse and attempted to transition his client files before completely abandoning his clients, his law firm, the profession and the court system.” The parties stipulate that he “cooperated with the State Bar in obtaining control of the client files and trust account” before the State Bar initiated conservatorship proceedings. Additionally, Mr. Torok attempted to mitigate the harm to some of his clients by seeking out successor counsel and advising the clients that he was closing his practice.

Mr. Torok knowingly violated duties owed to clients, the profession, the legal system and the public, resulting in actual harm. Based on the conditional admissions, the parties agree that the presumptive sanction under the ABA Standards for Imposing Lawyer Sanctions is disbarment under § 4.41, which states that disbarment is generally appropriate when a lawyer “abandons the practice and causes serious or potentially serious injury to a client” or “knowingly fails to perform services for a client and causes serious or potentially serious injury to a client.”

The parties stipulate to the existence of aggravating factors 9.22(c) (pattern of misconduct), 9.22(d) (multiple offenses), and 9.22(i) (substantial experience in the practice of law). They further stipulate to the existence of mitigating factors 9.32(a) (absence of prior disciplinary offenses), 9.32(c) (personal or emotional problems), 9.32(g) (character or reputation), and 9.32(l) (remorse).

After weighing the aggravating and mitigating factors, the parties agree that a reduction in the presumptive sanction from disbarment to a four-year suspension is appropriate. The PDJ concurs. Mr. Torok has no prior disciplinary record. And although

the conduct at issue is exceedingly serious, there is relatively substantial mitigation – most particularly, personal and emotional problems. Mr. Torok has also expressed sincere remorse for his conduct. Under the circumstances, the PDJ agrees that a four-year suspension is sufficient to protect the public and deter Mr. Torok and other lawyers from engaging in similar misconduct. *See In re Zawada*, 208 Ariz. 232, 236 (2004).

Finally, Mr. Torok has agreed to make restitution to 16 clients in the aggregate sum of \$81,995. The specific restitution awards are set forth in the final judgment and order filed contemporaneously with this decision. As mentioned *supra*, one objection to the Agreement has been received from the complainant in file no. 21-1930. The complainant in that matter believes Mr. Torok should pay \$17,243.00 in restitution, rather than the agreed-upon sum of \$10,000. In responding to that complainant’s objection, bar counsel noted that Mr. Torok completed substantial work for the client and stated that financial injury must be proven by a preponderance of the evidence under Rule 60(a)(6). Bar counsel further advised the complainant that any claim for additional sums may be pursued in a civil suit for damages. *See, e.g., In re Murphy*, 188 Ariz. 375, 380 (1997) (consequences such as monetary damages “are best left to the civil courts.”).

IT IS ORDERED accepting the Agreement for Discipline by Consent. A final judgment and order is signed this date.

IT IS FURTHER ORDERED sealing Respondent’s Confidential Memorandum in Support of the Parties’ Consent Agreement filed December 7, 2021, as well as exhibits

attached thereto, pursuant to Rule 70(g), Ariz. R. Sup. Ct.

DATED this 8th day of December, 2021.

Margaret H. Downie

Margaret H. Downie
Presiding Disciplinary Judge

COPY of the foregoing e-mailed
this 8th day of December, 2021 to:

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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GREGORY T. TOROK,
Bar No. 017522,**

Respondent.

PDJ 2021-9089

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar File Nos. 21-1139, 21-1328,
21-1344, 21-1350, 21-1360, 21-1381,
21-1382, 21-1398, 21-1421, 21-1464,
21-1561, 21-1584, 21-1622 and 21-
1880

(Pre-ADPCC: 21-1930 and 21-2114)

The State Bar of Arizona, and Respondent, Gregory T. Torok, through counsel, David W. Williams, hereby submit this Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.

On October 25, 2021, the State Bar filed an eleven count formal complaint containing files SB21-1139, 21-1328, 21-1344, 21-1350, 21-1360, 21-1381, 21-1382, 21-1398, 21-1421, 21-1464 and 21-1584. On November 15, 2021, the Attorney Discipline Probable Cause Committee (ADPCC) issued probable cause orders in SB21-1561, 21-1622, and 21-1880, attached hereto.

While SB21-1930 and 21-2114 have not been presented to the ADPCC, the parties agree to include those cases as part of this Consent Agreement. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainants by email on November 2, 2021. Complainants have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. Copies of

Complainants' objections, if any, will be provided to the Presiding Disciplinary Judge upon receipt.

Respondent conditionally admits that his conduct, as set forth below in Counts 1 - 14, violated the following ethical rules:

1. Rule 42, Ariz. R. Sup. Ct.:
 - a. ER 1.2 by failing to abide by the client's authority and requests;
 - b. ER 1.3 by failing to act diligently during the representation;
 - c. ER 1.4 by failing to reasonably communicate with the client;
 - d. ER 1.5(a) by charging and collecting an unreasonable fee;
 - e. ER 1.6 by revealing information relating to the representation to third parties without the client's informed consent;
 - f. ER 1.16(d) by failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation;
 - g. ER 8.1(b) by knowingly failing to respond to the State Bar's request for information; and
2. Rule 54(d), Ariz. R. Sup. Ct. by failing to respond promptly to the inquiry and requests of the State Bar.

Respondent conditionally admits that his conduct, as set forth below in Counts 15 - 16, violated the following ethical rules:

1. Rule 42, Ariz. R. Sup. Ct.:

- a. ER 1.2 by failing to abide by the client's authority and requests;
- b. ER 1.3 by failing to act diligently during the representation;
- c. ER 1.4 by failing to reasonably communicate with the client;
- d. ER 1.5(a) by charging and collecting an unreasonable fee;
- e. ER 1.6 by revealing information relating to the representation to third parties without the client's informed consent; and
- f. ER 1.16(d) by failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline:

A four-year suspension from the practice of law, effective September 20, 2021. If reinstated to the practice of law, Respondent shall be placed on two (2) years of probation, the terms of which will be determined at the reinstatement hearing pursuant to Rules 64 and 65, Ariz. R. Sup. Ct.

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. If costs are not paid within

the 30 days interest will begin to accrue at the legal rate.¹

The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit

A.

FACTS

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the State of Arizona since May 17, 1997.
2. Between late 2020 and May 2021, Respondent received funds from individuals to represent their legal interests in unrelated matters.
3. Beginning in January 2021, Respondent failed to promptly respond to clients' request(s) for information and failed to diligently act on their behalf.
4. In or around May 2021, Respondent abandoned his clients and vacated his law office.
5. In or around May 2021, Respondent sent a letter to four attorneys in the Yuma area stating, in pertinent part:

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

“I am retiring due to a second major health event in two years. These events become more frequent and dangerous as you collect the merit badges. I am done at least for a year, and likely more. No more practicing law.

* * *

Second, I need your help placing my cases.

There are some criminal, family law, and a civil case here and there. As far as the DR work, there is trust money for some, but not all cases. If you could take one or two unfunded cases with the concept of getting paid later I would be very grateful.

6. In or around May 2021, Respondent also sent some of his clients a letter stating, in pertinent part:

“Unfortunately, last week I suffered a second severe health event within the last two years. I cannot continue to practice law as the same lawyer you hired. Please do not panic, the Court knows of the situation, and other than (perhaps) delay, you will not suffer adverse effects with your case.

* * *

Money, Fees, Trust Account:

- a. You will be refunded any unearned trust account money, every nickel.
- b. If you owe my office any money, please pay what you can now to assist my departure. I will accept 50% of any outstanding bill and consider it satisfied. In the past, I very, very rarely sue Clients for fees owed. Please do what you can.

Flat Fees:

You will be refunded money for work not completed pursuant to our fee agreement. No one will have a penny wrongfully taken, I assure you.

1. Please call me next week with any questions or problems. I am sorry for this situation, I did not want this predicament. It has been damaging to both you and I, I recognize. I will do the best I can in the next week or two to make sure you are well accommodated, if that is your wish.”

7. The Arizona Bar Foundation records identify two active IOLTA bank accounts for Respondent’s law firm. As of March 2021, the average monthly balance in the IOLTA account ending 3320 was approximately \$70,000.00 and the average monthly balance in the IOLTA account ending 9737 was approximately \$3190.18.

8. As of June 2021, the average monthly balance in the IOLTA account ending 3320 was approximately \$58,231.66 and the average monthly balance in the IOLTA account ending 9737 was approximately \$3190.18.

9. On July 23, 2021, the State Bar initiated a conservatorship of Respondent’s law firm in the Yuma County Superior Court case of *In the Matter of Gregory T. Torok*, CV2021-00451 (SB CON-21-0010).

10. On August 16, 2021, Yuma County Presiding Judge David Haws issued an order appointing the State Bar Legal Services Manager Patricia Seguin as the Conservator over Respondent's law firm and Respondent's IOLTA bank accounts.

11. On August 19, 2021, Seguin traveled to Respondent's law firm and inventoried the active client files.

12. Shortly thereafter, the State Bar returned the client files to fifteen clients including, but not limited to, Christopher Bathrick (Count One), Joshua Reyes (Count Seven) and Jon Arsaga (Count Eight). The State Bar has also prepared and/or certified mailed the client files to eight different clients including, but not limited to, David Parker (Count Two) and Anthony Busellato (Count Four).

13. Currently, the State Bar is maintaining certain active and closed files at the State Bar offices pending contact with the clients.

14. On September 20, 2021, Respondent was Interim Suspended from the practice of law, effective immediately, pursuant to stipulation in *In re: Gregory T. Torok*, PDJ2021-9081 (SB21-1904).

COUNT ONE (File No. 21-1139/Bathrick)

15. The State Bar incorporates paragraphs 1 - 14.

16. In or around November 2020, Bathrick paid Respondent \$6,000.00 to represent him regarding a family law dispute.

17. Over the course of the next two months, Respondent failed to respond to Bathrick's telephonic requests for information regarding the representation.

18. In February 2021, Bathrick confronted Respondent at his office and was told that "(Bathrick's case) slipped through the cracks...However, (Respondent) was going to work diligently to make up for lost time and get (Bathrick's case) back on track."

19. The February 2021 conversation was the last time Bathrick spoke to Respondent.

20. In April 2021, Bathrick fired Respondent through his assistant and demanded the return of the unearned fees.

21. Later that day, Bathrick went to Respondent's office and his assistant provided Bathrick with an envelope containing \$3,000.00 in cash. The envelope also contained a note from Respondent promising the balance by the end of April.

22. Bathrick obtained successor counsel, but both were unable to contact Respondent, obtain the client file, or obtain the balance of the unearned fees.

23. On June 4, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

24. On June 28, 2021, the State Bar e-mailed a second screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response to the allegations and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

25. Respondent failed to provide the State Bar with a written response as requested.

COUNT TWO (File No. 21-1328/Parker)

26. The State Bar incorporates paragraphs 1 - 14.

27. On or about January 6, 2021, Parker paid Respondent \$3,300.00 to represent him regarding a family law dispute.

28. Over the course of the next month, Respondent failed to respond to Parker's requests for information regarding the representation.

29. A review of court records reflect that Respondent did not perform any legal services in the case and has not provided Parker with a client file or refunded any of the unearned legal fees.

30. Between May and June 2021, Parker and a friend went to Respondent's office to obtain the client file and a refund of the unearned fees, but the office was closed each time.

31. To date, Parker has not received his client file or a refund/accounting of the unearned fees.

32. On June 28, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

33. Respondent failed to provide the State Bar with a written response as requested.

COUNT THREE (File No. 21-1344/Fack)

34. The State Bar incorporates paragraphs 1 - 14.

35. On or about March 30, 2021, Fack paid Respondent \$1,500.00 to represent him regarding a post-decree satisfaction of a QDRO order in a family law case.

36. Over the course of the next two months, Respondent failed to respond to Fack's telephonic requests for information regarding the representation.

37. On June 9, 2021, Fack fired Respondent through his assistant and demanded the return of the unearned fees.

38. On June 23, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

39. Respondent failed to provide the State Bar with a written response as requested.

COUNT FOUR (File No. 21-1350/Busellato)

40. The State Bar incorporates paragraphs 1 - 14.

41. On or about October 19, 2020, Busellato paid Respondent \$6,995.00 to represent him regarding a family law case.

42. Over the course of the next four months, Respondent failed to respond to Busellato's requests for information regarding the representation.

43. In or around June 2021, Busellato fired Respondent through his assistant and demanded the client file and the return of the unearned fees. The assistant informed Busellato that he could pick up the file and a check for \$3,400.00 tomorrow.

44. That was the last time that Busellato was able to contact anyone at Respondent's firm.

45. On June 23, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

46. Respondent failed to provide the State Bar with a written response as requested.

COUNT FIVE (File No. 21-1360/Gregory)

47. The State Bar incorporates paragraphs 1 - 14.

48. On or about April 1, 2021, Gregory paid Respondent \$5,000.00 to represent her regarding a family law case.

49. Over the course of the next month, Respondent failed to respond to Gregory's requests for information regarding the representation.

50. In or around late May 2021, Gregory was unable to contact anyone at Respondent's firm.

51. On June 23, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

52. Respondent failed to provide the State Bar with a written response as requested.

COUNT SIX (File No. 21-1381/Garcia)

53. The State Bar incorporates paragraphs 1 - 14.

54. On or about September 8, 2020, Garcia paid Respondent \$5,000.00 to represent her regarding a family law case.

55. Over the course of the next month, Respondent failed to respond to Garcia's requests for information regarding the representation.

56. On May 28, 2021, Garcia went to a court-ordered mediation without Respondent.

57. To date, Garcia has not received her client file or a refund/accounting of the unearned fees.

58. On June 28, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

59. Respondent failed to provide the State Bar with a written response as requested.

COUNT SEVEN (File No. 21-1382/Reyes)

60. The State Bar incorporates paragraphs 1 - 14.

61. On or about August 11, 2020, Reyes paid Respondent \$11,600.00 to represent him regarding a criminal law case.

62. Over the course of the next several months, Respondent failed to respond to Reyes's requests for information regarding the representation and later abandoned his client. As of the date of this report, the criminal case is still pending.

63. On July 21, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

64. Respondent failed to provide the State Bar with a written response as requested.

COUNT EIGHT (File No. 21-1398/Arsaga)

65. The State Bar incorporates paragraphs 1 - 14.

66. On or about December 11, 2020, Arsaga paid Respondent \$6,000.00 to represent him regarding a family law case.

67. Over the course of the next month, Respondent failed to respond to Arsaga's requests for information regarding the representation.

68. Arsaga contacted Respondent's assistant and was informed that he could pick up his file on May 24, 2021.

69. On May 24, 2021, Arsaga went to Respondent's office but it was closed.

70. On June 28, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

71. Respondent failed to provide the State Bar with a written response as requested.

COUNT NINE (File No. 21-1421/Smarra)

72. The State Bar incorporates paragraphs 1 - 14.

73. On or about February 21, 2021, Smarra paid Respondent \$5,000.00 to represent him regarding a family law case.

74. Over the course of the next month, Respondent failed to respond to Smarra's requests for information regarding the representation.

75. Between April and June 2021, Smarra went to Respondent's office to obtain the client file and a refund of the unearned fees but the office was closed each time.

76. To date, Smarra has not received his client file or a refund/accounting of the unearned fees.

77. On June 28, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

78. Respondent failed to provide the State Bar with a written response as requested.

COUNT TEN (File No. 21-1464/Latimer)

79. The State Bar incorporates paragraphs 1 - 14.

80. On or about April 23, 2020, Latimer paid Respondent \$3,800.00 to represent him regarding a family law case.

81. Over the course of the next several months, Respondent failed to respond to Latimer's requests for information regarding the representation and later abandoned his client. As of the date of this report, the family law case is still pending.

82. On July 13, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

83. Respondent failed to provide the State Bar with a written response as requested.

COUNT ELEVEN (File No. 21-1561/May)

84. The State Bar incorporates paragraphs 1 - 14.

85. In 2020, Complainant paid Respondent \$5000.00 to represent her in the Yuma County Superior Court family law case of *May v. Mackinen*, DO2020-00809. Complainant provided Respondent with certain tax and banking records.

86. Complainant states that when she received a letter from Respondent's office indicating that he was shutting down his firm, she attempted to contact Respondent to obtain the client file and prepaid fees.

87. Despite her repeated attempts to contact Respondent, Complainant was unsuccessful in contacting Respondent or obtaining the client file and an accounting/refund of the prepaid fees.

88. On August 5, 2021, the State Bar e-mailed an initial screening letter to Respondent at his e-mail address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is a ground for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

89. Respondent failed to provide the State Bar with a written response as requested.

COUNT TWELVE (File No. 21-1584/Gonzalez)

90. The State Bar incorporates paragraphs 1 - 14.

91. On or about September 23, 2020, Gonzalez paid Respondent \$1,000.00 to represent her regarding a family law case. Gonzalez was also required to pay Respondent \$200.00 per week beginning October 3, 2020.

92. Over the course of the next month, Respondent failed to respond to Gonzalez's requests for information regarding the representation.

93. Respondent abandoned the client and failed to attend a scheduled hearing/mediation requiring Gonzalez to appear at court and request successor counsel, Vida Flores.

94. On July 26, 2021, the State Bar e-mailed an initial screening letter to Respondent through his then counsel. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation is, in and of itself, grounds for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

95. Respondent failed to provide the State Bar with a written response as requested.

COUNT THIRTEEN (File No. 21-1622/Delgado)

96. The State Bar incorporates paragraphs 1 - 14.

97. On or about March 23, 2021, Complainant paid Respondent \$300.00 for a consultation regarding representation in a family law matter.

98. On April 7, 2021, Complainant entered into an hourly written fee agreement with Respondent for representation in a family law matter. Pursuant to the terms of the fee agreement, Complainant paid Respondent \$2000.00.

99. Respondent did not perform any legal services of value and Complainant was unsuccessful in obtaining her file or the prepaid fees.

100. On August 9, 2021, the State Bar e-mailed an initial screening letter to Respondent at his address of record with the State Bar. The letter requested a written

response and stated that a failure to cooperate with the State Bar investigation is a ground for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

101. Respondent failed to provide the State Bar with a written response addressing this bar charge.

102. On September 8, 2021, Respondent informed the State Bar that he has voluntarily entered an unspecified detoxification program.

COUNT FOURTEEN (File No. 21-1880/Reta)

103. The State Bar incorporates paragraphs 1 - 14.

104. Complainant hired Respondent to represent her in a family law matter. Over the course of the representation, Complainant paid Respondent approximately \$6500.00 for the representation.

105. Despite her attempts, Complainant was unsuccessful in obtaining her file or an accounting/refund of the prepaid fees.

106. On August 19, 2021, the State Bar e-mailed an initial screening letter to Respondent at his address of record with the State Bar. The letter requested a written response and stated that a failure to cooperate with the State Bar investigation

is a ground for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

107. Respondent failed to provide the State Bar with a written response addressing this bar charge.

108. On September 8, 2021, Respondent informed the State Bar that he has voluntarily entered an unspecified detoxification program.

COUNT FIFTEEN (File No. 21-1930/Larios-Ponce)

109. The State Bar incorporates paragraphs 1 - 14.

110. Respondent had a contract with the Program of Legal Assistance to Mexicans through External Legal Assistance (PALE) from 2018-2021. The contract concluded on or about May 31, 2021 and Respondent was scheduled to account for and return any unearned funds paid to Respondent.

111. Despite several attempts, Complainant has been unsuccessful in obtaining an accounting/refund of the unearned fees.

COUNT SIXTEEN (File No. 21-2114/Danielson)

112. The State Bar incorporates paragraphs 1 - 14.

113. In November 2020, Complainant paid Respondent \$6000.00 to represent him in the Yuma County Superior Court case of *State v. Danielson*, CR2020-01147.

114. While Respondent filed a notice of appearance and appeared on behalf of Complainant at the December 7, 2020 arraignment, Respondent failed to appear at any future hearings. Respondent's friend, Arizona attorney Robert Bleich, appeared as coverage counsel with Complainant at a January 5, 2021 case management conference.

115. Despite several attempts, Complainant has been unsuccessful in contacting Respondent or obtaining an accounting/refund of the unearned fees.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation. Respondent conditionally admits that his conduct, as set forth below in Counts 1 - 14, violated the following ethical rules:

1. Rule 42, Ariz. R. Sup. Ct.:
 - a. ER 1.2 by failing to abide by the client's authority and requests;
 - b. ER 1.3 by failing to act diligently during the representation;

- c. ER 1.4 by failing to reasonably communicate with the client;
 - d. ER 1.5(a) by charging and collecting an unreasonable fee;
 - e. ER 1.6 by revealing information relating to the representation to third parties without the client's informed consent;
 - f. ER 1.16(d) by failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation;
 - g. ER 8.1(b) by knowingly failing to respond to the State Bar's request for information; and
2. Rule 54(d), Ariz. R. Sup. Ct. by failing to respond promptly to the inquiry and requests of the State Bar.

Respondent conditionally admits that his conduct, as set forth below in Counts 15 - 16, violated the following ethical rules:

- 1. Rule 42, Ariz. R. Sup. Ct.:
 - a. ER 1.2 by failing to abide by the client's authority and requests;
 - b. ER 1.3 by failing to act diligently during the representation;
 - c. ER 1.4 by failing to reasonably communicate with the client;
 - d. ER 1.5(a) by charging and collecting an unreasonable fee;

- e. ER 1.6 by revealing information relating to the representation to third parties without the client's informed consent; and
- f. ER 1.16(d) by failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation.

CONDITIONAL DISMISSALS

There are no conditional dismissals.

RESTITUTION

As any legal services performed by Respondent were incomplete and had no value, Respondent will pay restitution to the following individuals subject to a credit for any refund(s) paid as part of the State Bar's conservatorship in the Yuma County Superior Court case of *In the Matter of Gregory T. Torok*, CV2021-00451 (SB CON-21-0010):

Count 1 (SB21-1139): Christopher Bathrick, \$3000.00;

Count 2 (SB21-1328): David Parker, \$3300.00;

Count 3 (SB21-1344): Joachim Fack, \$1500.00;

Count 4 (SB21-1350): Anthony Busellato, \$6995.00;

Count 5 (SB21-1360): Melissa Gregory, \$5000.00;

Count 6 (SB21-1381): Annabil Garcia, \$5000.00;

Count 7 (SB21-1382): Joshua Reyes, \$11,600.00;

Count 8 (SB21-1398): Jon Arsaga, \$6000.00;

Count 9 (SB21-1421): Dennis Smarra, \$5000.00;

Count 10 (SB21-1464): Barry H. Latimer, \$3800.00;

Count 11 (SB21-1561): Majorie A. May, \$5000.00

Count 12 (SB21-1584): Aaliyah Gonzales, \$1000.00;

Count 13 (SB21-1622): Margot Delgado, \$2300.00;

Count 14 (SB21-1880): Yalvany Reta, 6500.00;

Count 15 (SB21-1930): Jose Antonio Larios-Ponce, \$10,000.00; and

Count 16 (SB21-2114): Matthew Danielson, \$6000.00.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate:

A four-year suspension from the practice of law, effective September 20, 2021. If reinstated to the practice of law, Respondent shall be placed on two (2) years of probation, the terms of which will be determined at the reinstatement hearing pursuant to Rules 64 and 65, Ariz. R. Sup. Ct.

Respondent shall commit no further violations of the Rules of Professional Conduct. If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter.

In determining an appropriate sanction, the Court considers the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Standard* 3.0.

While the Standards do not account for multiple charges of misconduct, the ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations.

Accordingly, the parties agree that the following *Standards* are the appropriate *Standards* given the facts and circumstances of this matter:

Rule 42, Ariz. R. Sup. Ct., ERs 1.2, 1.3, 1.4, 1.16(d), 8.1(b) and Rule 54(d), Ariz. R. Sup. Ct.:

Standard 4.41

Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client;

Rule 42, Ariz. R. Sup. Ct., ERs 1.5(a):

Standard 7.2

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public or the legal system;

Rule 42, Ariz. R. Sup. Ct., ER 1.6:

Standard 4.22

Suspension is generally appropriate when a lawyer knowingly reveals information relating to representation of a client not otherwise lawfully permitted to be disclosed, and this disclosure causes injury or potential injury to a client.

The duty violated

Respondent's conduct violated his duty to the client, the profession, the legal system and the public.

The lawyer's mental state

Respondent knowingly abandoned his clients, his law firm, the profession and the court system, all of which, are violations of the Rules of Professional Conduct.

The extent of the actual or potential injury

There was actual harm to the client, the profession, the legal system and the public.

Aggravating and mitigating circumstances

The presumptive sanction is Disbarment.

However, the parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation:

- a) 9.22(c) a pattern of misconduct;
- b) 9.22(d) multiple offenses; and
- c) 9.22(i) substantial experience in the practice of law (over 24 years).

In mitigation: (supported by Respondent's Mitigation Memorandum filed separately *under seal*)

- a) 9.32(a) absence of a prior disciplinary record [*stipulated by parties*];
- b) 9.32(c) personal or emotional problems;

- c) 9.32(g) character or reputation; and
- d) 9.32(l) remorse.

Discussion

The parties conditionally agree that upon application of the aggravating and mitigating factors a mitigated sanction is appropriate.

The parties conditionally agree that a mitigated sanction is appropriate based upon the foregoing:

As outlined in greater detail in Respondent's Mitigation Memorandum, filed separately under seal, Respondent identified his lapse into substance abuse and attempted to transition his client files before completely abandoning his clients, his law firm, the profession and the court system. Respondent also cooperated with the State Bar in obtaining control of the client files and trust account prior to the State Bar initiating the Yuma County Superior Court conservatorship of *In the Matter of Gregory T. Torok*, CV2021-00451 (SB CON-21-0010).

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

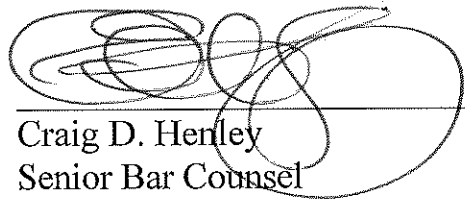
CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. In re *Peasley*, 208 Ariz. 27 (2004). Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Suspension with Probation and the imposition of costs and expenses.

A proposed form of order is attached hereto as Exhibit B.

DATED this 7th day of December 2021.

STATE BAR OF ARIZONA

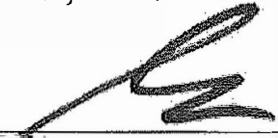


Craig D. Henley
Senior Bar Counsel

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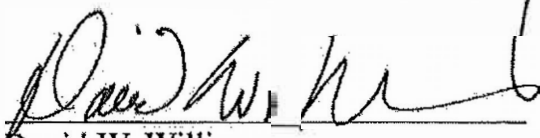
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this 30th day of November, 2021.



Gregory T. Torok
Respondent

DATED this 3rd day of ~~November~~ December, 2021.

Davis Miles McGuire Gardner PLLC,


David W. Williams
Counsel for Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 7th day of December, 2021

Copy of the foregoing emailed
this 7th day of December, 2021, to:

The Honorable Margaret H. Downie
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing emailed
this 7th day of December, 2021, to:

David W. Williams
Davis Miles McGuire Gardner PLLC
40 E. Rio Salado Pkwy, Suite 425
Tempe, AZ 85281-9102
Email: dwilliams@davismiles.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 7th day of December, 2021, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

by: /s/Jackie Brokaw
CDH/jlb

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Suspended Member of the State Bar of Arizona
Gregory T. Torok, Bar No. 017522, Respondent

File No(s). 21-1139 et al

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings

\$1,200.00

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Additional Costs

06/02/21	Computer investigation reports, Accurint	\$	18.82
08/02/21	Investigator mileage, to serve subpoena	\$	16.80
08/19/21	Wells Fargo bank records	\$	39.50

Total for additional costs		\$	<u>75.12</u>
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Total Costs and Expenses for each matter over 5 cases where a violation is admitted or proven. (6 over 5 x (20% x Gen. Admin cost)):		\$	1,440.00
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<u>TOTAL COSTS AND EXPENSES INCURRED</u>			<u>\$ 2,715.12</u>
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EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GREGORY T. TOROK,
Bar No. 017522,**

PDJ 2021-9089

**FINAL JUDGMENT AND
ORDER**

State Bar File Nos. 21-1139, 21-1328,
21-1344, 21-1350, 21-1360, 21-1381,
21-1382, 21-1398, 21-1421, 21-1464,
21-1561, 21-1584, 21-1622, 21-1880,

(Pre-ADPCC: 21-1930, 21-2114)

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement.

Accordingly:

IT IS ORDERED that Respondent, **Gregory T. Torok**, is suspended from the practice of law for four (4) years for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective September 20, 2021.

IT IS FURTHER ORDERED that, if reinstated to the practice of law, Respondent shall be placed on two (2) years of probation, the terms of which will be

determined by the Presiding Disciplinary Judge at a reinstatement hearing pursuant to Rules 64 and 65, Ariz. R. Sup. Ct.

Respondent shall commit no further violations of the Rules of Professional Conduct.

IT IS FURTHER ORDERED that, Respondent shall pay restitution to the individuals as outlined in the “RESTITUTION” section of the consent documents (pages 25-26), subject to a credit for any refund(s) paid as part of the State Bar’s conservatorship in the Yuma County Superior Court case of *In the Matter of Gregory T. Torok*, CV2021-00451 (SB CON-21-0010).

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge’s

Office in connection with these disciplinary proceedings in the amount of _____, within 30 days from the date of service of this Order.

DATED this _____ day of December, 2021.

**Margaret H. Downie, Presiding Disciplinary
Judge**

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of December, 2021.

Copies of the foregoing mailed/emailed
this _____ day of December, 2021, to:

David W. Williams
Davis Miles McGuire Gardner PLLC
40 E. Rio Salado Pkwy, Suite 425
Tempe, AZ 85281-9102
Email: dwilliams@davismiles.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this _____ day of December, 2021, to:

Craig D. Henley
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this ____ day of December, 2021 to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: _____