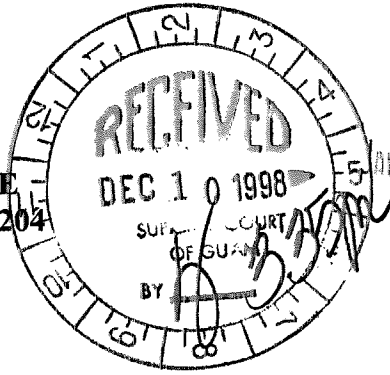


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IN THE SUPREME COURT OF GUAM

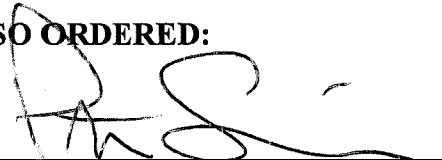
IN RE:)
)
MICHAEL F. PEREZ,)
)
Respondent.)
)
_____)

Special Proceedings No. ADC 98-007

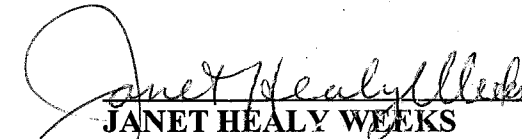
JUDGMENT

In accordance with Rule 17 of the Supreme Court's Rules Regarding Attorney Discipline, Judgment is hereby entered in accordance with the attached stipulation for Discipline by Consent.


SO ORDERED:



PETER C. SIGUENZA, JR.
Chief Justice




JANET HEALY WEEKS
Associate Justice



BENJAMIN J. F. CRUZ, JR.
Associate Justice

SUBMITTED BY:



DAVID J. HIGHSMITH
Prosecuting Counsel
Guam Bar Ethics Committee
ETHICS/PEREZ.JMT

ORIGINAL

GUAM BAR ETHICS COMMITTEE

FILED
SUPREME COURT
OF GUAM

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AOC 98-027

<p>In Re:</p> <p>MICHAEL F. PEREZ,</p> <p>Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>COMPLAINTS NO. EC 96 045; EC 96 049</p> <p>EC 96 055; EC 97 009</p> <p>DISCIPLINE BY CONSENT</p>
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A. Introduction

Respondent Michael F. Perez ("Respondent") was named in a Specification of Charges ("Specification") filed by the Guam Bar Ethics Committee ("Committee"). The Committee met on Saturday, October 3, 1998 for the purpose of conducting a formal disciplinary hearing pursuant to Rule 28, Guam Rules Governing Disciplinary Proceedings ("Rules"). Respondent was represented by the law firm of Cesar C. Cabot, Esq. Hearing counsel for the Guam Bar Association was David J. Highsmith, Esq. Members of the Committee sitting on this matter were Thomas J. Lannen, Ana Maria G. Gabriel, Mitchell F. Thompson and Sandra E. Cruz.

Prior to taking evidence, Hearing Counsel and counsel for Respondent indicated that an agreement had been reached regarding an admission by Respondent to certain violations of the Guam Rules of Professional Conduct as to each of the complaints set forth in the Specification. After further dialogue between the attorneys and members of the Committee, it was agreed that pursuant to Rule 17, there would be discipline by consent pursuant to stipulated facts, as further set forth in this Discipline by Consent.

B. Stipulated Facts; Admissions

1. EC 96 045: Respondent admits to the factual recitations contained in the Specification of Charges regarding EC 96 045. Respondent agrees that Respondent's conduct in connection with the factual admissions violates Rule 1.3 (¶ 6 of the Specification of Charges), Rule 1.4(a)(¶ 7 of the Specification of Charges), and Rule 8.1 (¶ 9 of the Specification of Charges).

2. EC 96 049: Respondent admits to the factual recitations contained in the Specification of Charges regarding EC 96 049. Respondent agrees that Respondent's conduct in connection with the factual admissions violates Rule 1.3 (¶ 18 of the Specification of Charges), Rule 1.4(a)(¶ 19 of the Specification of Charges), and Rule 8.1 (¶ 21 of the Specification of Charges).

ORIGINAL

3. EC 96 055: Respondent admits to the factual recitations contained in the Specification of Charges regarding EC 96 055. Respondent agrees that Respondent's conduct in connection with the factual admissions violates Rule 1.3 (§ 29 of the Specification of Charges), Rule 1.4(a)(§ 30 of the Specification of Charges), and Rule 8.1 (§ 31 of the Specification of Charges).

4. EC 97 009: Respondent admits to the factual recitations contained in the Specification of Charges regarding EC 97 009. Respondent agrees that Respondent's conduct in connection with the factual admissions violates Rule 1.3 (§ 38 of the Specification of Charges), Rule 1.4(a)(§ 39 of the Specification of Charges), and Rule 8.1 (§ 41 of the Specification of Charges).

C. Inquiry of Respondent

Pursuant to Rule 17(d), the Committee personally inquired of Respondent as to whether he (i) understood the charges against him; (ii) understood the proposed disposition agreed to by the Committee, counsel and Respondent; (iii) understood that the stipulated discipline would require that he waive his right to a hearing and to his right to appeal; and (iv) that the admissions and consent to discipline were voluntary and not the result of force, threats or promises. The Committee concluded, after personal inquiry of Respondent, that Respondent fully understood the nature of the proceedings, his rights at the proceedings and the effect of the proposed discipline.

D. Discipline

The Committee, pursuant to stipulation of the parties, imposes the following discipline:

1. The discipline imposed in this matter shall run concurrently with the discipline imposed by the Supreme Court of Guam in Special Proceedings No. ADC 98-002 as set forth in the Supreme Court's Order of September 18, 1998, and Respondent agrees that the discipline imposed in ADC 98-002 is a final order, and Respondent waives any right to challenge, appeal or disturb the discipline order imposed by the Supreme court of Guam in ADC 98-002.

2. Respondent is indefinitely suspended from the practice of law, but for a minimum period of six (6) months, commencing on the effective date of this Discipline by Consent, and until such time as the Supreme Court determines, after a hearing with Prosecuting Counsel present, that based upon the recommendation of a licensed psychiatrist, Respondent can adequately practice law, fulfill the fiduciary duties inherent in the practice of law and that Respondent is free of substance abuse.

Order of Discipline
Re: EC 96 045; EC 96 049
EC 055 AND EC 97 009
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3. As a related condition to Item D2, Respondent shall undergo immediate counseling with a psychiatrist who is also a licensed medical doctor and who shall be approved by order of this court.

4. As a related condition to Item D2, said psychiatrist shall evaluate Respondent, counsel him in an appropriate fashion and conduct drug screening. Written reports shall be filed with this court every six months. Respondent shall bear the costs of all psychiatrist's fees.

5. Respondent shall return the attorneys fees paid by Mr. Mesa in connection with EC 96 049 in the amount of Nine Hundred Sixty Dollars (\$960.00). Respondent shall return the attorneys fees paid by Mr. Paulino in EC 97 009 in the amount of Three Thousand Three Hundred Dollars (\$3,300.00). These amounts shall be paid within six (6) months of the effective date of this Discipline by Consent or Respondent shall remain suspended until such amounts are paid.

6. Respondent shall bear all costs of this litigation. Hearing Counsel shall submit an itemized breakdown of costs incurred by the Committee in prosecuting this matter.

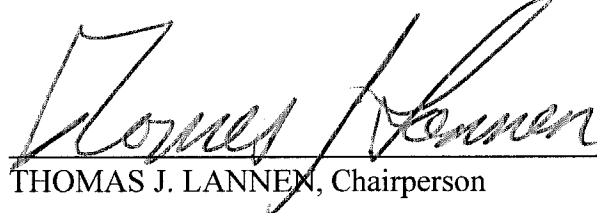
7. If reinstated, Respondent shall be on probation for two (2) years.

8. Respondent shall comply with all applicable provisions of Rule 18 of the Guam Rules for the Discipline of Attorneys (Revised, March 11, 1998).

This Discipline by Consent shall be effective upon the entry of Judgment of the Supreme Court pursuant to Rule 17(b)(1)(i).

GUAM BAR ETHICS COMMITTEE

Dated: 10-16-98


THOMAS J. LANNAN, Chairperson

Dated: 10-16-98


ANA MARIA G. GABRIEL, Member

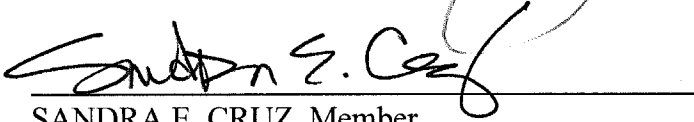
Order of Discipline
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EC 055 AND EC 97 009
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Dated: 10/21/98



MITCHELL F. THOMPSON, Member

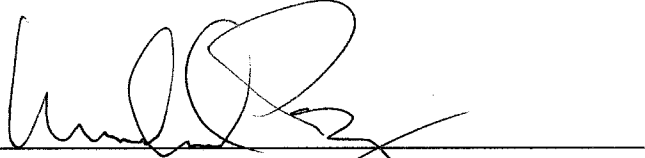
Dated: Oct. 19, 1998



SANDRA E. CRUZ, Member


Respondent, Counsel for Respondent and Counsel for the Guam Bar Association hereby stipulate and agree to this Discipline by Consent.

Dated: 10-26-98




MICHAEL F. PEREZ, Respondent

Dated: 10-26-98



CESAR C. CABOT, Attorney for Respondent

Dated: 10/19/98



DAVID J. HIGHSMITH, Hearing Counsel