FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against CAMERON JAMES TARIO, a Minnesota Attorney, Registration No. 388997.	**STIPULATION FOR DISPENSING WITH PANEL PROCEEDINGS, FOR FILING PETITION FOR DISCIPLINARY ACTION, AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Martin A. Cole, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Cameron James Tario, attorney, hereinafter respondent.

WHEREAS, respondent has concluded it is in respondent's best interest to enter into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. It is understood that respondent has the right to have charges of unprofessional conduct heard by a Lawyers Professional Responsibility Board Panel prior to the filing of a petition for disciplinary action, as set forth in the Rules on Lawyers Professional Responsibility (RLPR). Pursuant to Rule 10(a), RLPR, the parties agree to dispense with Panel proceedings under Rule 9, RLPR, and respondent agrees to the immediate filing of a petition for disciplinary action, hereinafter petition, in the Minnesota Supreme Court.

2. Respondent understands that upon the filing of this stipulation and the petition, this matter will be of public record.

3. It is understood that respondent has certain rights pursuant to Rule 14, RLPR. Respondent waives these rights, which include the right to a hearing before a referee on the petition; to have the referee make findings and conclusions and a recommended disposition; to contest such findings and conclusions; and to a hearing before the Supreme Court upon the record, briefs and arguments. Respondent hereby admits service of the petition.

4. Respondent waives the right to answer and unconditionally admits the allegations of the petition.

5. Respondent understands that based upon these admissions, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), RLPR, including making any disposition it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the sanction the Court will impose.

6. The Director and respondent join in recommending that:

a. The appropriate discipline is a 60-day suspension and supervised probation pursuant to Rule 15, RLPR;

b. Respondent must provide proof of his successful completion of out-patient treatment for alcoholism in order to be eligible for reinstatement as set forth below in paragraphs (c) and (g);

c. The reinstatement hearing provided for in Rule 18(a) through (d), RLPR, be waived dependent upon compliance with paragraph (b) above;

d. Respondent be required to successfully complete the professional responsibility portion of the state bar examination within one year of the date of this Court's order;

e. Respondent comply with Rule 26, RLPR;

f. Respondent pay $900 in costs pursuant to Rule 24(a), RLPR, and $49.71 as disbursements pursuant to Rule 24(b), RLPR; and

g. Respondent be reinstated following the expiration of the suspension provided that at least 15 days before the expiration of the suspension period, respondent files an affidavit with the Clerk of Appellate Courts and the Director's Office establishing that respondent is current with Continuing Legal Education, has fully complied with Rules 24 and 26, RLPR, has provided the Director with acceptable proof of his successful completion of out-patient treatment for alcoholism, and has satisfactorily completed all other conditions imposed by the Court in its decision.

7. The term of respondent's supervised probation shall be two years and the conditions shall include:

a. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation and promptly respond to the Director's correspondence by the due date. Respondent shall provide to the Director a current mailing address and shall immediately notify the Director of any change of address. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct which may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation.

b. Respondent shall abide by the Minnesota Rules of Professional Conduct.

c. Respondent shall be supervised by a licensed Minnesota attorney, appointed by the Director to monitor compliance with the terms of this probation. Respondent shall provide to the Director the names of four attorneys who have agreed to be nominated as respondent's supervisor within two weeks from the date of the Court's order. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director will seek to appoint

a supervisor. Until a supervisor has signed a consent to supervise, the respondent shall on the first day of each month provide the Director with an inventory of active client files described in paragraph d. below. Respondent shall make active client files available to the Director upon request.

d. Respondent shall cooperate fully with the supervisor in his/her efforts to monitor compliance with this probation. Respondent shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Respondent shall submit to the supervisor an inventory of all active client files by the first day of each month during the probation. With respect to each active file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Respondent's supervisor shall file written reports with the Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director.

e. Respondent shall maintain total abstinence from alcohol and other mood-altering chemicals, except that respondent may use prescription drugs in accordance with the directions of a prescribing physician who is fully advised of respondent's chemical dependency before issuing the prescription.

f. Respondent shall comply with any aftercare that may be recommended or prescribed by the treating out-patient facility.

g. Respondent shall initiate or continue current treatment by a licensed consulting psychologist or other mental health professional acceptable to the Director, and shall complete all therapy programs recommended by the therapist.

h. Respondent shall, at his own expense, no more than four times per month, submit to random urinalysis for drug screening at a facility approved by the Director and shall direct the drug screening facility to provide the results of

all urinalysis testing to the Director's Office. If, after six months, all such tests have been negative, then the frequency of the random tests may be reduced. Respondent shall cooperate with the phone-in program established by the Director for the random test. Any failure to phone-in in accordance with the random test program shall be considered the same as receipt of a positive test result. Any positive test result will be grounds for revoking this probation.

8. The attached memorandum is made a part of this stipulation.

9. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

10. Respondent hereby acknowledges receipt of a copy of this stipulation.

11. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: Oct. 7, 2014.

MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
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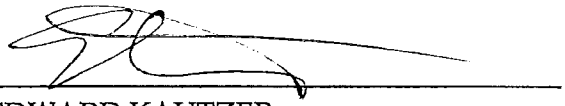
Dated: October 7, 2014.

CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 303422

Dated: 10/30/14, 2014.

CAMERON JAMES TARIO
RESPONDENT
Attorney No. 388997

Dated: 11/3, 2014.



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MEMORANDUM

There is no question that respondent committed serious client-related misconduct involving multiple clients. Respondent acknowledges that the misconduct was serious and could warrant discipline more severe than a 60-day suspension from the practice of law.

There are several mitigating factors that make a short suspension appropriate in this matter. On July 15, 2014, respondent met with the Director and acknowledged that he had failed to perform legal services on behalf of several clients, had failed to return unearned attorney fees and filing fees, and ignored communications from clients requesting refunds. Respondent disclosed at this meeting that he suffered from alcoholism, that he had a long-standing history of and treatment for depression and anxiety, and that over the course of the last few years his family had been dealing with their young son's serious medical problems. Respondent agreed to stop representing clients, to make restitution and to obtain a chemical dependency and mental health evaluation. Respondent notified clients of his withdrawal from representation on July 18, 2014, and shortly thereafter made full restitution of any attorney's fees and filing fees paid by the clients. Respondent has further agreed to complete out-patient treatment for alcoholism as recommended by his treating physician and that his reinstatement be conditioned upon successful completion thereof.

Respondent has demonstrated sincere remorse for his misconduct, which can be considered as mitigation under certain conditions. *See In re Fairbairn*, 802 N.W.2d 734, 746 (Minn. 2011) ("Whether an attorney is remorseful for [her] misconduct is an important issue in an attorney discipline case . . . because remorse can be a mitigating factor in certain circumstances"). Further, some of respondent's neglect and non-communication may be mitigated by his history of depression and anxiety for which respondent has been in consistent treatment for since his admission to the bar. *See In re Mayne*, 783 N.W.2d 153, 160-161 (Minn. 2012) (direct causation not necessary to

establish a psychological disorder as mitigation for passive misconduct, i.e., misconduct by omission). Similarly, respondent may be able to establish that his alcoholism contributed to his passive misconduct. *See In re Johnson*, 322 N.W.2d 616, 618 (Minn. 1982) ("for alcoholism to qualify as a mitigating factor, the attorney must prove by clear and convincing evidence that: (1) he is affected by alcoholism, (2) the alcoholism caused the misconduct, (3) he is recovering from alcoholism, (4) the recovery has arrested the misconduct, and (5) the misconduct is not apt to recur"). Finally, extraordinary stress in a lawyer's personal life, such as the illness of a loved one, can be a mitigating factor for the Court to consider. *In re Rooney*, 709 N.W.2d 263, 272 (Minn. 2006).

Based on the respondent's personal circumstances, there is likely sufficient mitigation present to make the stipulated 60-day suspension and supervised probation for a period of two years not an inappropriate disposition.