

DEC 22 2014

FILED

STATE OF MINNESOTA
IN SUPREME COURT

A14-1894

In re Petition for Disciplinary Action against
Cameron James Tario, a Minnesota Attorney,
Registration No. 388997.

ORDER

The Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action alleging that respondent Cameron James Tario committed professional misconduct warranting public discipline, namely: failure to competently and diligently represent clients in multiple bankruptcy matters; non-communication and failure to inform clients of his change in address; failure to timely return a client file; making false statements to conceal neglect; failure to return unearned attorney fees and filing fees until after ethics complaints were filed against him; failure to notify clients of their right to terminate the representation and to receive a refund of any unearned filing fees in a written fee agreement charging a flat fee retainer that would not be held in trust; failure to keep filing fees received from clients in trust; and failure to pay a law-related judgment until after an ethics complaint was filed against him, in violation of Minn. R. Prof. Conduct 1.1, 1.3, 1.4, 1.5(b)(1)(iv), 1.5(b)(1)(v), 1.5(b)(3), 1.15(a), 1.16(d), 4.1, 8.4(c), and 8.4(d).

Respondent waives his procedural rights under Rule 14, Rules on Lawyers Professional Responsibility (RLPR), and unconditionally admits the allegations in the

petition. The parties jointly recommend that the appropriate discipline is a 60-day suspension and 2 years of supervised probation, with respondent's reinstatement conditioned on successful completion of out-patient treatment for alcoholism. In their stipulation, the parties indicate that respondent presented evidence of several mitigating factors to the Director.

The court has independently reviewed the file and approves the recommended disposition.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that:

1. Respondent Cameron James Tario is suspended from the practice of law for a minimum of 60 days;
2. Respondent shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals);
3. Respondent shall pay \$900 in costs and \$49.71 in disbursements pursuant to Rule 24, RLPR;
4. Respondent shall promptly enroll in and successfully complete out-patient treatment for alcoholism. Respondent must provide proof of his successful completion of out-patient treatment for alcoholism in order to be eligible for reinstatement;
5. Respondent shall be eligible for reinstatement to the practice of law following the expiration of the suspension period provided that, not less than 15 days before the end of the suspension period, respondent files with the Clerk of Appellate Courts and serves upon the Director an affidavit establishing that he is current in

continuing legal education requirements, has 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 complied with any other conditions for reinstatement imposed by the court;

6. Within 1 year of the date of reinstatement, respondent shall file with the Clerk of Appellate Courts and serve upon the Director proof of successful completion of the professional responsibility portion of the state bar examination. Failure to timely file the required documentation shall result in automatic re-suspension, as provided in Rule 18(e)(3), RLPR; and

7. Upon reinstatement to the practice of law, respondent shall be subject to probation for 2 years, subject to the following conditions:

(a) Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Respondent shall promptly respond to the Director's correspondence by its due date. Respondent shall provide the Director with 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 that may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify respondent's 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. Within 2 weeks from the date of the filing of this order, respondent shall provide the Director with the names of four attorneys who have agreed to be nominated as respondent's supervisor. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director shall seek to appoint a supervisor. Until a supervisor

has signed a consent to supervise, respondent shall, on the first day of each month, provide the Director with an inventory of client files as 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's 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 the Director may reasonably request;

(e) Respondent shall initiate and maintain office procedures that ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters that respondent is handling and that will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis;

(f) 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;

(g) Respondent shall comply with any aftercare that may be recommended or prescribed by the out-patient treatment facility;

(h) 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; and

(i) 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 6 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 tests. 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.

Dated: December 22, 2014

BY THE COURT:



Alan C. Page
Associate Justice