

SUPREME COURT OF ALASKA

In re McGrath

259 P.3d 437 (Alaska 2011) · No. S-14382 · Decided July 29, 2011

SUMMARY

The Alaska Supreme Court approved a consent stipulation resolving two disciplinary grievance matters involving attorney Geoffrey J. McGrath. The court imposed a three-year suspension effective September 15, 2011, conditioned on compliance with reinstatement requirements. The misconduct included incompetence, failure to communicate, unreasonable fees, conflicts of interest, mishandling client funds, violation of a tribunal order, and false statements concerning a settlement.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Carpeneti, Chief Justice; Fabe, Justice; Winfree, Justice; Christen, Justice; Stowers, Justice
JURISDICTION	Alaska
DECIDED	July 29, 2011
DOCKET	S-14382
DISPOSITION	approved
PROCEDURAL POSTURE	Attorney disciplinary matter submitted to the Alaska Supreme Court for approval of a stipulated resolution reached by the respondent and Alaska Bar Association Bar Counsel and approved by the Alaska Bar Disciplinary Board.
STANDARD OF REVIEW	Independent review of stipulated facts and the appropriate level of attorney discipline.
PRECEDENTIAL VALUE	Published disciplinary order; precedential as to the court's approval and disposition of the stipulated discipline, but not a broad adjudication of a contested legal issue.

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Alaska Supreme Court should approve the parties' stipulated resolution of the attorney disciplinary grievances.
2. What level of discipline was appropriate for McGrath's multiple violations of the Alaska Rules of Professional Conduct, considering the ABA Standards for Imposing Lawyer Sanctions and aggravating and mitigating factors.
3. Whether a three-year suspension with specified reinstatement conditions was appropriate.

HOLDINGS

1. The court approved the stipulation resolving the disciplinary grievances without a formal hearing.
2. McGrath was suspended from the practice of law for three years, effective September 15, 2011, with reinstatement conditioned on satisfaction of the requirements in the stipulation.

KEY QUOTATIONS

"Having independently reviewed the stipulated facts and, taking into account the American Bar Association Standards for Imposing Lawyer Sanctions, considered the appropriate level of discipline, IT IS ORDERED: That the stipulation, attached as an appendix, is approved, and that McGrath is suspended from the practice of law for three years effective September 15, 2011." (259 P.3d at 437)

FACTUAL BACKGROUND

McGrath mishandled two client matters. In one workers' compensation matter, he failed to communicate, failed to attend or prepare for hearings, charged and collected fees exceeding statutory limits, and failed to timely comply with an order requiring reimbursement. In the other matter, he failed to communicate with the client, settled and cashed a settlement check without adequately informing or obtaining authorization from the client, failed to distribute or account for settlement funds, advanced litigation-related financial assistance, and failed to pay outstanding medical bills. He later made restitution to the affected clients.

PROCEDURAL HISTORY

Alaska Bar Counsel opened two grievance files concerning Geoffrey J. McGrath in 2007. In April 2011, McGrath and Bar Counsel stipulated to discipline without a formal hearing; the Alaska Bar Disciplinary Board approved the stipulation in May 2011 and recommended that the Supreme Court adopt it. The Supreme Court independently reviewed the stipulated facts and applicable disciplinary standards and approved the stipulation.

DISPOSITION

approved

CASES CITED

- In re Buckalew, 731 P.2d 48 (Alaska 1986)
- In re Schuler, 818 P.2d 138, 140 (Alaska 1991)
- In re Brion, 212 P.3d 748 (Alaska 2009)
- In re Cyrus, 241 P.3d 890 (Alaska 2010)
- In re Triem, 929 P.2d 634 (Alaska 1996)
- In re Morrill, 904 P.2d 395 (Alaska 1995)
- In re Simpson, 645 P.2d 1223 (Alaska 1982)
- Alaska Bar Association v. Martin, 537 P.2d 516 (Alaska 1975)
- In re McNabb, 395 P.2d 847 (Alaska 1964)
- In re Friedman, 23 P.3d 620 (Alaska 2001)
- In re Wiederholt, 877 P.2d 765 (Alaska 1994)
- In re Mann, 853 P.2d 1115 (Alaska 1993)
- In re West, 805 P.2d 351 (Alaska 1991)
- In re Buckalew, 731 P.2d 48 (Alaska 1986)
- In re Minor, 681 P.2d 1347 (Alaska 1983)
- In re Walton, 676 P.2d 1078 (Alaska 1983)
- In re Stump, 621 P.2d 263 (Alaska 1980)