

FILED
SUPREME COURT
OF GUAM

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IN THE SUPREME COURT OF GUAM

In Re:)
)
MICHAEL F. PEREZ,)
)
Respondent.)

Special Proceedings No. ADC 98-002

ORDER

On March 31, 1998, the Guam Bar Ethics Committee, through prosecuting attorney David J. Highsmith, filed a Notice of a Proposed Order requesting this court to impose discipline on Michael F. Perez. The proposed order was also submitted on the same date. Respondent Perez, through attorney Cesar Cabot, objected to the proposed order on April 20, 1998.

After deciding motions filed in this matter, the court issued a briefing schedule on July 28, 1998. This schedule was first amended by stipulation and order permitting Perez to file his brief on or before September 11, 1998. The briefing schedule was subsequently amended again on September 15, 1998 to permit Perez to file his opening brief on September 18, 1998. However, Perez has failed to file his brief by this extended deadline.

Consequently, the court hereby accepts the following factual findings and conclusions of law:

The Guam Bar Ethics Committee filed a Specification of Charges in this matter. Respondent Michael F. Perez did not file an Answer to said Charges and the Committee conducted a default hearing after which the Committee issued Findings of Fact and Conclusion of Law.

The court hereby **ORDERS** the imposition of discipline as follows:

- 1. Respondent Michael F. Perez is indefinitely suspended from the practice of law, for a minimum period of sixty (60) days, and until such time as the 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.

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In Re: Michael F. Perez, Supreme Court Case No. ADC 98-002, Order

2. As a related condition to Item 1, 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

3. As a related condition to Item 1, 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

4. Respondent shall make restitution to Mr. Ronaldo Dalisay in the amount of Twenty-Five Hundred Dollars (\$2,500.00).


5. Respondent shall make a full accounting to Ms. Linda Valadez for Sixteen Thousand Dollars (\$16,000.00) lost through Respondent's negligence in negotiating and concluding a divorce settlement. Respondent shall also make a full accounting to Ms. Valadez for the sum of Seven Thousand Eight Hundred Five Dollars and Sixty-Three cents (\$7,805.63) not remitted by him to attorney George Butler when Mr. Butler took over representation of Ms. Valadez's case. Respondent shall file said accounting thirty days after entry of this order and prosecuting Counsel for the Guam Bar Ethics Committee shall file objections thereto, if any, within thirty (30) days thereafter. Full restitution thereon shall be made within six months after resolution of the restitution issue or Respondent shall remain suspended until it is made.

5. Respondent shall bear all costs of this litigation.

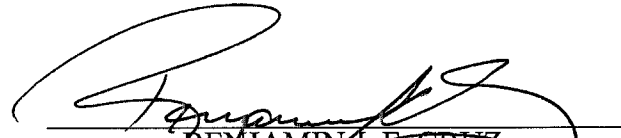
6. If reinstated, Respondent shall be on probation for two (2) years.

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


So **ORDERED** this 28 day of September 1998.



JANET HEALY WEEKS
Associate Justice



BENJAMIN J. CRUZ
Associate Justice



PETER C. SIGUENZA
Chief Justice