**In the Matter of John Thomas Banta, Bar No. 010550, PDJ-2011-9032, effective October 3, 2011. *Attorney Suspended, Probation and Costs imposed.***

Pursuant to Rule 57(a)(4)(A), Ariz.R.Sup.Ct, the PDJ approved the Agreement for Discipline by Consent submitted by the parties and suspended John Banta for six months and one day to run concurrent with the six-month suspension in SB-11-0044-D. Upon reinstatement, Respondent will be placed on probation for two years.

Respondent charged an unreasonable fee; failed to communicate the scope of the representation and the basis of the fee to the client in writing; failed to notify his client in writing about the nonrefundable/earned-on-receipt nature of the fee; failed to provide the client an accounting; and failed to refund unearned fees at the termination of the representation.

Respondent’s conduct during a trial constituted conduct likely to disrupt a tribunal, his treatment of a witness during the court proceedings had no other purpose other than to embarrass or burden the witness, his behavior was prejudicial to the administration of justice and was disrespectful to the judge.

Aggravating factors: prior disciplinary offenses, pattern of misconduct, and substantial experience in the practice of law. There were no mitigating factors.

Respondent violated Rule 42, Ariz. R. Sup. Ct., Ct., specifically ERs 1.5(a), (b), and (d)(3), 1.15(d), 1.16(d), 3.5(d), 4.4(a), and 8.4(d), and Rule 41(c) and (g), Ariz.R.Sup.Ct.