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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,**

**MICHAEL JOHN HRNICEK,
Bar No. 022900,**

Respondent.

PDJ 2021 -9068

**State Bar File Nos. 20-1826 and 20-
2251**

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, and Respondent Michael John Hrnicek who is represented in this matter by counsel, James J. Belanger, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct. No Probable Cause Order has been entered in these matters. Respondent voluntarily

waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to Complainants by email on August 10, 2021. Complainants have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. Copies of Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct in State Bar File No. 20-1826, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 3.1, 4.4(a), and 8.4(d). In State Bar File No. 20-2251, Respondent's conduct violated ERs 1.7(a)(2), 8.4(d), and prior Rule 41(g)¹. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: **Reprimand with Probation** terms of which are set in Sanctions below. Respondent also agrees to pay the costs

¹ Effective January 1, 2021, Rule 41(g) was renumbered to 41(b)(7). Respondent's conduct occurred when Rule 41(g) was in effect, and this agreement refers to that rule.

and expenses of the disciplinary proceeding, within 30 days from the date of this order. If costs are not paid within the 30 days interest will begin to accrue at the legal rate.² The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on June 29, 2004.

COUNT ONE (File no. 20-1826/ Scheff)

2. In 2012, inmate Tyson McDaniel, who is Muslim, filed suit against Arizona Department Of Corrections (DOC) personnel, including several chaplains, stemming from their initial denial of his request for a religious diet. Complainant Stacey Scheff represented McDaniel. Respondent was the Assistant Attorney General who primarily handled the defendants' defense.
3. Respondent (1) filed a request for sanctions against McDaniel for pursuing his claims, (2) sought to quash a subpoena directed to DOC Director Charles Ryan, and

² Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

(3) made scurrilous allegations against McDaniel that insinuated he must be a terrorist because he is Muslim, forcing Scheff to file a motion in limine.

4. As part of a Motion for Summary Judgment, Respondent filed a Request for Sanctions against McDaniel for filing a frivolous suit, seeking \$1,000 against McDaniel.

5. The District Court denied Respondent's request for sanctions as follows:

Defendants assert that McDaniel "created his own dilemma by filing a grievance and a lawsuit while already on a religious diet and surreptitiously requesting a medical diet," and they request sanctions of \$1000 against McDaniel for "abusing the medical, grievance and litigation processes to pursue his dietary whimsy" (Doc. 69 at 18; Doc. 79 at 12).

Defendants' request for sanctions is wholly inappropriate. A motion for sanctions must be made separately from any other motion. Fed. R. Civ. P. 11(c)(2). But more importantly, there is no basis for Defendants' request. Indeed, McDaniel successfully pursued the grievance process, and upon the filing of his lawsuit, the Court found that he

sufficiently stated constitutional claims. Defendants' request for sanctions will be denied.

6. When Scheff subpoenaed Director Ryan for trial, Respondent moved to quash the subpoena, arguing that non-party Ryan had no memory of the event, and that his schedule was also problematic.

7. The District Court denied Respondent's motion as untimely. The Court noted that trial was set for September 22, 2015, at the final pretrial conference on August 31, Respondent reported no scheduling conflicts for any witnesses, and represented he would immediately inform the Court if one arose. Moreover, Respondent's argument that Ryan had no relevant testimony to provide was previously rejected. His motion was therefore denied as without merit as well.

8. In the parties' Joint Proposed Pretrial Order, the parties included as a contested issue whether defendants could reference terrorism or any negative aspects of the Muslim faith. Respondent expressed defendants' position on the issue as follows:

Defendant Contends:

1. Defendants reserve the right to inquire into the sincerity of Tyson McDaniel's religious beliefs. Their defense hinges on their belief that Tyson McDaniel was insincere when he first applied for a Kosher religious diet. Certainly there are many Muslims who claim to be practicing their sincere religious faith by attacking Jews and Israel, waging Jihad (holy war) through military action in Afghanistan, Iraq, Syria, through Islamic state-sponsored terrorism, suppression of women's rights to be educated, drive, vote, hold office, and travel, demanding Halal diets in prison, and filing lawsuits in western societies. Defendants reserve the right to inquire how his beliefs align with and diverge from these various manifestations of the Muslim religion.

9. When Scheff filed a motion in limine regarding references to terrorism, 9/11, and the like, Respondent did not oppose it. The Court granted the motion as unopposed, and all such references were removed from the final pretrial order.

10. Respondent used the phrase "Muslim murderer" to describe McDaniel in his confidential settlement conference memorandum submitted to a magistrate.

11. Respondent violated Rule 42, Ariz.R.Sup.Ct., ERs 3.1, 4.4(a), and 8.4(d).

COUNT TWO (File No. 20-2251/Roe)

12. Complainant Jason Roe (“Roe”) has a business called Best Roast Coffee (BRC). BRC was sued in 2017, and a judgment for \$128,940.94, based on a AAA arbitration award, was entered against BRC on March 25, 2020.

13. Roe consulted Respondent after the judgment was entered to determine what options were available at that time. He retained Respondent, and Respondent appeared in the case, filed motions, and completed various related services. However, Roe and Respondent disagreed on the scope of work called for under their agreement, as well as reasonable charges therefor.

14. Roe told Respondent he was going to contact the Bar. In response, Respondent threatened to tell other attorneys not to take Roe’s case. On October 10, 2020, Respondent emailed Roe:

From: Michael Hrnicek <mhrnicek@hrniceklaw.com>
Date: October 10, 2020 at 7:52:49 PM PDT
To: Jason Roe <Jason.Roe@Bestroast.coffee>
Subject: Re: Instructions regarding CV 2017-013906

Jason:

Preface attorney client advise content here redacted

If you insist on filing a bar complaint against me, I will caution everyone at the Arizona Association of Defense Counsel about your modus operandi, so that they can be properly cautioned against undertaking representation of you and your company. Because I sit on the BOD I intend to get an email out to the listserv post-haste. The topic will likely also come up at the next Harvard Club of Phoenix event, and I will do my best to warn my colleagues against your toxicity.

Ultimately, it just seems that the much easier course of action would have been for BRC to pay its bills. I certainly had every intention of continuing to represent BRC. Your behavior has made that all but impossible.

Michael J. Hrnicek
Hrnicek Law, P.L.L.C.
www.HrnicekLaw.com

15. Respondent violated Rule 42, Ariz.R.Sup.Ct, ERs 1.7(a)(2), 8.4(d), and Rule 41(g), Ariz.R.Sup.Ct.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result

of coercion or intimidation. Respondent conditionally admits that he violated Rule 42, Ariz. R. Sup. Ct., specifically ER 3.1, ER 4.4(a), ER 8.4(d), ER 1.7(a)(2), and Rule 41(g).

CONDITIONAL DISMISSALS

There are no conditional dismissals.

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Reprimand with Probation for one (1) year, **the terms of probation which will consist of:**

1. CLE: In addition to annual MCLE requirements, Respondent shall complete an additional six (6) hours of Continuing Legal Education ("CLE") program(s) with an emphasis on professionalism and ER 1.6 and client confidences within the term of probation. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of

completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

Respondent shall commit no further violations of the Rules of Professional Conduct.

NON-COMPLIANCE WITH PROBATION

If Respondent fails to comply with any of the foregoing probation terms and the State Bar of Arizona receives information thereof, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether Respondent breached a term of probation and, if so, to recommend an appropriate sanction. If the State Bar alleges that Respondent failed to comply with any of the foregoing terms the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter.

In determining an appropriate sanction the Court considers the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Standard* 3.0.

The parties agree that Standard 5.2 Failure to Maintain the Public Trust, and Standard 4.3 Failure to Avoid Conflict of Interest, are the appropriate standards given the facts and circumstances of this matter.

Standard 5.22 provides that suspension is generally appropriate when a lawyer in a governmental position knowingly fails to follow proper procedure or rules, and causes injury or potential injury to a party or the integrity of the legal process. In Count One, Respondent submitted a procedurally improper request for sanctions that

also lacked substantive merit, and a motion to quash that the Court determined was untimely and lacked merit. These actions resulted in needless expenditures of judicial and party resources. Additionally, Respondent's inflammatory references to the Muslim faith were unprofessional and unbecoming of a government lawyer.

Standard 4.32 applies to Respondent's conduct in Count Two, and provides that suspension is generally appropriate when a lawyer knows of a conflict of interest and does not fully disclose the conflict and potential consequences to the client, and causes injury or potential injury to the client. Here, in an attempt to avoid a Bar charge, Respondent threatened to reveal confidential client information by posting about the client on the AADC list serv, and with the Harvard Club. Respondent's self-interested threat to "poison the well" of other potential counsel for the client was in direct conflict with his representation of the client.

The duty violated

Respondent's conduct violated his duty to the client, the profession, the legal system and the public.

The lawyer's mental state

Respondent knowingly violated the Rules of Professional Conduct.

The extent of the actual or potential injury

There was actual harm to the client, the profession, the legal system and the public.

Aggravating and mitigating circumstances

The presumptive sanction is Suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation:

- a) 9.22(d) multiple offenses; Respondent's conduct occurred in two different matters: first when he was practicing for the government, and later when he was in private practice.
- b) 9.22(i) substantial experience in the practice of law. Respondent was admitted to practice in 2004.

In mitigation:

- a) 9.32(a) absence of a prior disciplinary record;
- b) 9.32(b) absence of a dishonest or selfish motive; As an Assistant Attorney General, Respondent routinely litigated many religious belief lawsuits without any claim or allegation of lawyer misconduct.

- c) 9.32(c) personal or emotional problems; During the McDaniel case, Respondent was confronted with and addressing medical issues that were significant in nature and extremely stressful. The second matter at issue here arose in the midst of the pandemic. At that time, Respondent was working at home taking care of four school-aged children, three of whom had special needs.
- d) 9.32(l) remorse and acceptance of responsibility; Respondent has conferred with ethics counsel regarding these matters, appreciates the nature of his conduct and how his response to these situations could and should have been different, and accepts responsibility for his conduct.
- e) 9.32(j) delay in disciplinary proceedings; One factor here to be considered is the delay in the disciplinary proceedings and the remoteness between them. Through no fault of Respondent's, the McDaniel bar charge was brought almost six years after the *McDaniel v. Fizer* litigation ended. Although the impact of a more timely bar charge is speculative, Respondent has been receptive to, and understanding of, counselling on the matters at issue in his bar charges. The benefit of that type of counselling if it would have happened

a few years earlier may well have had a material impact on how Respondent addressed the second matter.

- f) Other Personal and Professional Mitigation; The ABA Annotated Standards specifically note that it is mitigating that a lawyer engages in activities that benefit the community. Respondent and his wife have fostered over twenty children, many with special needs. Respondent has for years done prison and jail ministry.

Discussion

The presumptive sanction is mitigated to a Reprimand with Probation. Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. In re *Peasley*, 208 Ariz. 27 (2004). Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of

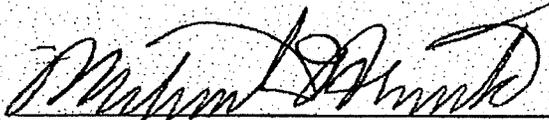
DATED this _____ day of 8/2/2021

STATE BAR OF ARIZONA

Kelly J. Flood
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

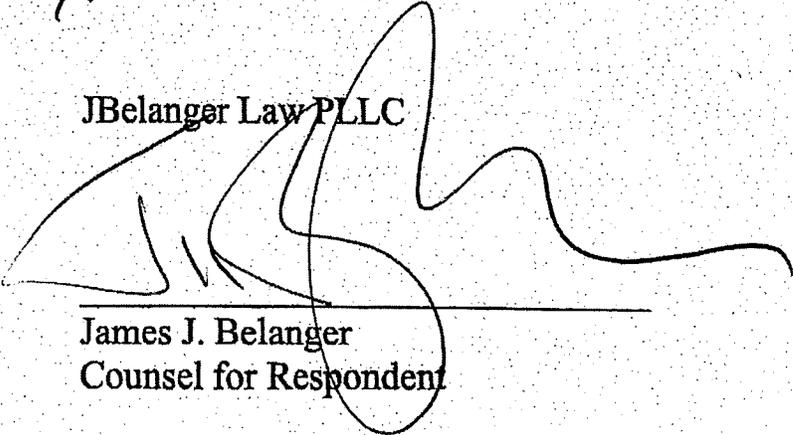
DATED this 9th day of 8/2/2021.



Michael John Hrnicek
Respondent

DATED this 10th day of 8/2/2021.

JBelanger Law PLLC

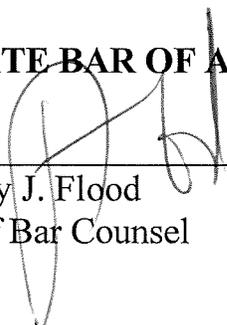


James J. Belanger
Counsel for Respondent

Reprimand with Probation and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

DATED this 10th day of August 2021

STATE BAR OF ARIZONA



Kelly J. Flood
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this _____ day of August, 2021.

Michael John Hrnicek
Respondent

DATED this _____ day of August, 2021.

JBelanger Law PLLC

James J. Belanger
Counsel for Respondent

Approved as to form and content

Maret Vessella

Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 10th day of August, 2021.

Copy of the foregoing emailed
this 10th day of August, 2021, to:

The Honorable Margaret H. Downie
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 10th day of August, 2021, to:

James J Belanger
JBelanger Law PLLC
1006 S ROOSEVELT ST
TEMPE, AZ 85281-5446
Email: jjb@jbelangerlaw.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 10th day of August, 2021, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

by: _____

KJF/js

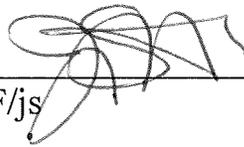
A handwritten signature in black ink, appearing to be "KJF", written over a horizontal line.

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Michael John. Hrnicek, Bar No. 022900, Respondent

File No(s). 20-1826 & 20-2251

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses
for above-numbered proceedings **\$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Additional Costs

Total for additional costs \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED **\$ 1,200.00**

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,**

**MICHAEL JOHN HRNICEK,
Bar No. 022900,**

PDJ

**FINAL JUDGMENT AND
ORDER**

State Bar Nos. 20-1826 and 20-2251

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement.

Accordingly:

IT IS ORDERED that Respondent, **Michael John Hrnicek**, is **Reprimanded** for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of one (1) year. The terms of probation are:

- a) CLE: In addition to annual MCLE requirements, Respondent shall complete six (6) additional hours of Continuing Legal Education ("CLE")

program(s) with an emphasis on professionalism and ER 1.6 and client confidences, within the period of probation. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

Respondent shall commit no further violations of the Rules of Professional Conduct.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of _____, within 30 days from the date of service of this Order.

DATED this _____ day of August, 2021.

**Margaret H. Downie, Presiding Disciplinary
Judge**

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of August, 2021.

Copies of the foregoing mailed/mailed
this _____ day of August, 2021, to:

JamesJ. Belanger
JBelanger Law PLLC
1006 S ROOSEVELT ST
TEMPE, AZ 85281-5446
Email: jjb@jbelangerlaw.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this ____ day of August, 2021, to:

Kelly J. Flood
Staff Bar Counsel
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this ____ day of August, 2021 to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: _____

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

MICHAEL JOHN HRNICEK,
Bar No. 022900

Respondent.

PDJ 2021-9068

**DECISION ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar Nos. 20-1826, 20-2251]

FILED August 31, 2021

On August 10, 2021, the parties filed a direct Agreement for Discipline by Consent (“Agreement”) pursuant to Rule 57(a), Ariz. R. Sup. Ct. The State Bar is represented by Kelly J. Flood, and Respondent Michael John Hrnicek is represented by James J. Belanger. No probable cause order has issued, and no formal complaint has been filed.

Contingent on approval of the proposed form of discipline, Mr. Hrnicek has voluntarily waived the right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. Pursuant to Rule 53(b)(3), notice of the Agreement was sent to the complainants, one of whom filed an objection. The complainant in Count One contends that Mr. Hrnicek has not

demonstrated remorse for his misconduct, which the parties have cited as a mitigating factor.¹

The Presiding Disciplinary Judge (PDJ) asked the parties to address the complainant's objections, which they did in a joint filing. They also provided a copy of Mr. Hrnicek's initial response to the bar charge, which they concede was "defensive." The parties maintain, though, that the underlying misconduct is "remediable through the proposed sanction" and state that Mr. Hrnicek has been receptive to and understanding of counseling by his attorney about "the importance of addressing controversial topics in a more professional and sensitive manner."

The Agreement details a factual basis to support the conditional admissions and is incorporated by reference. *See* Rule 57(a)(4). Mr. Hrnicek admits that he violated Rule 42, ERs 1.7(a)(2) (conflict of interest/current clients), 3.1 (meritorious claims and contentions), 4.4(a) (respect for rights of others), 8.4(d) (conduct prejudicial to the administration of justice), and former Rule 41(g) (engage in unprofessional conduct). As a sanction, the parties agree to a reprimand, one year of probation (6 hours of continuing legal education), and the payment of costs to the State Bar in the sum of \$1,200 within 30 days of the date of service of the final judgment and order.

¹ Complainant also requests that the sanction be made public, which occurs whenever a reprimand is imposed. *See* Rule 70, Ariz. R. Sup. Ct.

In Count One, Mr. Hrnicek represented Department of Corrections personnel in 2012 regarding an inmate's claim about an alleged failure to provide a religious diet. Mr. Hrnicek requested sanctions against the inmate, which the District Court denied as "wholly inappropriate." He also filed a motion to quash a subpoena that was untimely and without merit. Additionally, he made unprofessional and inflammatory references about the Muslim faith.

In Count Two, Mr. Hrnicek threatened to reveal information about his client to dissuade other lawyers from representing him if the client filed a bar charge.

Based on the conditional admissions, the presumptive sanction is a suspension under § 4.32 and 5.22 of the ABA Standards. The parties stipulate to the existence of aggravating factors 9.22(d) (multiple offenses) and 9.22(i) (substantial experience in the practice of law). They further stipulate to the existence of mitigating factors 9.32(a) (absence of a prior disciplinary record), 9.32(b) (absence of selfish or dishonest motive), 9.32(c) (personal or emotional problems), and 9.32(l) (remorse).

The parties stipulate that based on the mitigating factors, the presumptive sanction of suspension is mitigated to a reprimand and probation. The PDJ agrees – primarily because Mr. Hrnicek has admitted the wrongfulness of his conduct and has submitted evidence suggesting that his filings in the Count One litigation were aberrational.

IT IS THEREFORE ORDERED accepting the Agreement for Discipline by Consent. A final judgment and order is signed this date.

DATED this 31st day of August 2021.

Margaret H. Downie

Margaret H. Downie
Presiding Disciplinary Judge

COPY of the foregoing e-mailed
this 31st day of August 2021 to:

Kelly J. Flood
Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6288
Email: LRO@staff.azbar.org

James J. Belanger
JBelanger Law, PLLC
PO Box 447
Tempe, AZ 85280
Email: jjb@jbelangerlaw.com
Respondent's Counsel

by: MSmith

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

MICHAEL JOHN HRNICEK,
Bar No. 022900

Respondent.

PDJ 2021-9068

FINAL JUDGMENT AND ORDER

State Bar Nos. 20-1826 and 20-2251

FILED August 31, 2021

The Presiding Disciplinary Judge accepted the parties' Agreement for Discipline by Consent submitted pursuant to Rule 57(a), Ariz. R. Sup. Ct.

Accordingly:

IT IS ORDERED that Respondent, **MICHAEL JOHN HRNICEK, Bar No. 022900**, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of one year under the following terms and conditions:

- a) Continuing Legal Education (CLE): In addition to annual MCLE requirements, Respondent shall complete six (6) additional hours of CLE program(s) with an emphasis on professionalism and ER 1.6 and client confidences, within the period of probation. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the

program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

Respondent shall commit no further violations of the Rules of Professional Conduct.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within 30 days from the date of service of this order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

DATED this 31st day of August, 2021.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copies of the foregoing emailed
this 31st day of August, 2021, to:

James J. Belanger
PO Box 447
Tempe, Arizona 85280
Email: jjb@jbelangerlaw.com
Respondent's Counsel

Kelly J. Flood
Staff Bar Counsel
State Bar of Arizona
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Phoenix, Arizona 85016-6266
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by: MSmith