


<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL ERIN MCKEOWN JOYCE, NO. 149946 1149 SOUTH HILL STREET LOS ANGELES, CALIFORNIA 90015-2299 TELEPHONE: 213.765.1000</p>	<p>Case number(s) 02-0-15910</p> <p>PUBLIC MATTER</p> <p>kwiktag® 035 115 235 </p>	<p>(for Court's use)</p> <p>ORIGINAL FILED</p> <p>OCT 10 2003 <i>[Signature]</i> STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>
<p>Counsel for Respondent MARTIN S. TANNER, NO. 129114 2834 E. 4135 SOUTH SALT LAKE CITY, UT 84124 3045 TELEPHONE: 801.557.0019</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>IN PROPRIA PERSONA</p> <p>In the Matter of MARTIN STANLEY TANNER</p> <p>Bar # 129114 A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted JUNE 26, 1987
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation, are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 18 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - ☒ costs to be paid in equal amounts prior to February 1 for the following membership years:
2004 and 2005
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth under "Partial Waiver of Costs"
 - ☐ costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B. Aggravating Circumstances (for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).) Facts supporting aggravating circumstances are required.

(1) ☐ Prior record of discipline [see standard 1.2(f)]

(a) ☐ State Bar Court case # of prior case _____

(b) ☐ date prior discipline effective _____

(c) ☐ Rules of Professional Conduct/ State Bar Act violations: _____

(d) ☐ degree of prior discipline _____

(e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

(2) ☒ Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) ☐ Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4) ☒ Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(5) ☐ Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(6) ☐ Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

(7) ☐ Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

(8) ☐ No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e).] Facts supporting mitigating circumstances are required.

- (1) ☒ No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ Restitution: Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ Good Faith: Respondent acted in good faith.
- (8) ☐ Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ No mitigating circumstances are involved.

Additional mitigating circumstances:

Respondent has no prior record discipline in California.. However, although admitted to the State Bar of California in June 1987, Respondent has never practiced law in California. He has practiced law in Utah and Arizona. Therefore, the absence of a prior record of discipline in California is not deemed a mitigating factor.

D. Discipline

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of three (3) years

- ☒ i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ☐ ii. and until Respondent pays restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- ☐ iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of four (4) years, which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of one (1) year

- ☐ i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ☐ ii. and until Respondent pays restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- ☐ iii. and until Respondent does the following: _____

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all

conditions of probation during the preceding calendar quarter. If the first report would cover less than 30 days, that report shall be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) ☐ Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, respondent shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) ☒ Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended.
- (8) ☐ Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |
- (10) ☒ Other conditions negotiated by the parties:
SEE STIPULATION ATTACHMENT
- ☒ Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel during the period of actual suspension or within one year, whichever period is longer. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (b), Rules of Procedure.
- ☐ No MPRE recommended.
- ☒ Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- ☐ Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- ☐ Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Martin Stanley Tanner

CASE NUMBER: 02-O-15910

FACTS AND CONCLUSIONS OF LAW

The parties further stipulate and agree to the following facts and conclusions of law:

1. Respondent was admitted to practice law in the State of California on June 26, 1987. He was also admitted to practice in the state of Utah.
2. On November 1, 2002, the Utah Supreme Court entered an order granting Respondent's verified petition for consent to resignation with discipline pending in case no. 20020803. A true and correct copy of the order is attached as Exhibit 1 and incorporated herein by reference.
3. The Utah Supreme Court's order was based on Respondent's verified petition for consent to resignation with discipline pending filed October 4, 2002. A true and correct copy of Respondent's petition is attached as Exhibit 2 and incorporated herein by reference.
4. The Utah State Bar's Office of Professional Conduct ("OPC") filed a formal consent to Respondent's petition for consent to resignation with discipline pending on October 15, 2002. A true and correct copy of the the OPC's consent is attached as Exhibit 3 and incorporated herein by reference.
5. Respondent's misconduct occurred during his representation of Robin Easter in a divorce action. "[I]n the course of [representing Easter Respondent] prepared and knowingly submitted papers containing material misrepresentations to the Third Judicial District Court." Exhibit 3.
6. The OPC concluded "Tanner's misconduct constitutes the violation of Rule 3.3(a) (Candor Toward the Tribunal), 3.4(b) (Fairness to Opposing Party and Counsel), and Rules 8.4(a), (c), and (d) (Misconduct)." Exhibit 3.
7. Respondent's violations of the Utah statutes and ethical rules constitute violations of the following California disciplinary statutes and Rules of Professional Conduct:

 Rule of Professional Conduct 3-110(A)

 Business and Professions Code section 6068(d)

 Business and Professions Code section 6106
8. Respondent's violations of the foregoing California Business and Professions Code sections and Rule of Professional Conduct support the imposition of a one (1) year actual suspension by the California Supreme Court, based on Respondent's

resignation with discipline pending in the State of Utah.

AUTHORITIES SUPPORTING DISCIPLINE

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the protection of public confidence in the legal profession.

Pursuant to Standard 2.3 of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person . . . shall result in actual suspension or disbarment depending on the extent to which the victim of the misconduct is harmed or misled and depending on the magnitude of the act of misconduct and the degree to which it related to the member's acts within the practice of law.

Rule of Professional Conduct 6068(d) provides:

It is the duty of an attorney to do all of the following:

(d) To employ, for the purpose of maintaining the causes confided in him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES

Respondent shall successfully complete six (6) hours of live instruction continuing legal education courses in attorney/client relations above those required for his license and provide proof of completion within one (1) year of the effective date of the order approving this stipulation re facts, conclusions of law and disposition to the Probation Unit of the State Bar of California.

NO PRIOR DISCIPLINE IN CALIFORNIA.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was August 26, 2003.

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KIPP AND CHRISTIAN, P.C.
Attorneys for Martin Tanner
10 Exchange Place
Fourth Floor
Salt Lake City, Utah 84111
Telephone: (801) 521-3773

FILED
UTAH SUPREME COURT
NOV 01 2002
PAT BARTHOLOMEW
CLERK OF THE COURT

IN THE UTAH SUPREME COURT

IN THE MATTER OF THE DISCIPLINE OF	:	ORDER GRANTING
MARTIN TANNER #4419	:	VERIFIED PETITION FOR
	:	CONSENT TO RESIGNATION
	:	WITH DISCIPLINE PENDING
	:	
	:	Case No. 20020803

The court, having reviewed Petitioner Martin Tanner's Verified Petition for Consent to Resignation with Discipline Pending in the above case pursuant to Rule 21 of the Rules of Lawyer Discipline and Disability, hereby orders the following:

1. Mr. Tanner's request for stipulated resignation is granted, with leave to apply for readmission to the Utah State Bar five years after entry of this order.
2. Mr. Tanner's discipline matter, Petition and sanction shall be available to the public.
3. A notice of Mr. Tanner's resignation shall be published in the Utah Bar Journal.
4. Mr. Tanner shall comply with applicable rules regarding notice to clients and return of clients' property. In that regard, Mr. Tanner has two pending cases for which he has requested leave to perform additional work.

5. Those cases are as follows:

(1) Glade Leon Parduhn v. Natalie Buchi, et al., Utah Supreme Court Case No. 2001-0926-SC, consolidated with: 2001-0811-SC; Third District Civil No. 97-090-7879-MI; and

(2) Julia Ann Galbraith, individually and as personal representative of the estate of Jeffrey Leo Galbraith, deceased v. Pacificorp., formerly Utah Power & Light Company, an Oregon Corporation, et al., Third District Court, Civil NO. 00-090-7121.

6. Mr. Tanner may participate in the Parduhn case in an attorney capacity through completion of the appellate process, provided Mr. Tanner discloses his status to his client, opposing counsel and any co-counsel and his client consents after full disclosure regarding this Petition.

7. Mr. Tanner may participate in the Galbraith case in an attorney capacity through the anticipated mediation, provided Mr. Tanner discloses his status to his client, opposing counsel and any co counsel and his clients consent after full disclosure regarding this Petition.

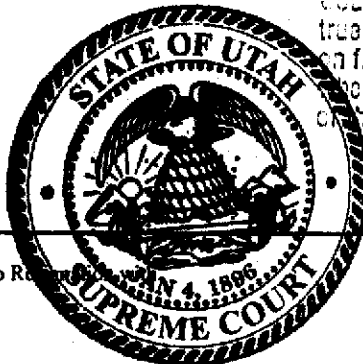
DATED this 1st day of November, 2002.

BY THE COURT:


UTAH SUPREME COURT

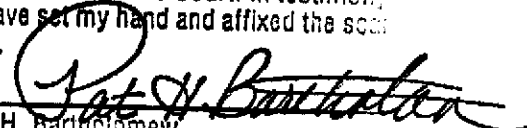
APPROVED AS TO FORM:


KATE A. TOOMEY



In the Matter of Martin Tanner
Order Granting Verified Petition for Consent to Represent
Discipline Pending

I, the undersigned, Clerk of the Utah Supreme Court, do hereby certify that the foregoing is a true and correct copy of an original document on file in the Utah Supreme Court. In testimony whereof, I have set my hand and affixed the seal of the Court.


Pat H. Bartholomew
Clerk of the Court

By 
Deputy Clerk

Date July 8, 2003

SW
RECEIVED
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OFFICE OF
PROFESSIONAL CONDUCT

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Salt Lake City, Utah 84111
Telephone: (801) 521-3773

IN THE UTAH SUPREME COURT

IN THE MATTER OF
MARTIN TANNER

: VERIFIED PETITION FOR
: CONSENT TO RESIGNATION
: WITH DISCIPLINE PENDING
:

Petitioner, Martin Tanner ("Tanner"), by and through counsel and pursuant to Rule 21 of the Utah Rules of Lawyer Discipline and Disability, petitions the Utah Supreme Court to resign from the Utah State Bar and states the following:

1. Tanner is the subject of a Complaint by his former client, Robin Easter ("Easter"), to the Utah State Bar's Office of Professional Conduct, OPC File No. 02-00067.
2. Tanner does not dispute the essential facts set out in Easter's statement of facts.
3. Tanner believes he has reimbursed all fees paid by Easter.
4. Based on the foregoing, Tanner proposes entering into a stipulated resignation with leave to apply for readmission to the Utah State Bar five years after entry of the Supreme Court's order granting this petition.

5. Tanner's request for resignation is tendered freely and voluntarily and is submitted without coercion or duress.

6. Tanner is fully aware of the implications of submitting the Petition for Consent to Resignation.

7. Tanner acknowledges that the discipline matter, Petition and sanction shall be available to the public and that a notice of the resignation shall be published in the Utah Bar Journal.

8. Tanner agrees to comply with rules regarding notice to clients and return of clients' property. In that regard, Tanner has two pending cases for which he requests leave to perform additional work.

9. Those cases are as follows:

(1) Glade Leon Parduhn v. Natalie Buchi, et al., Utah Supreme Court Case No. 2001-0926-SC, Consolidated with: 2001-0811-SC; Third District Civil No. 97-090-7879-MI; and

(2) Julia Ann Galbraith, individually and as personal representative of the estate of Jeffrey Leo Galbraith, deceased v. PacifiCorp., formerly Utah Power & Light Company, an Oregon Corporation, et al., Third District Court, Civil NO. 00-090-7121.

10. With respect to the Parduhn case, an appeal is currently pending before this court. The appeal has been fully briefed and argued and awaits the court's decision. Tanner requests leave to participate in the Parduhn case in an attorney capacity through completion of the appellate process, provided his client consents after full disclosure regarding this Petition.

11. With respect to the Galbraith case, Tanner is acting in a "second chair" role. The case involves wrongful death claims by Tanner's clients and is expected to proceed to mediation in the near future.

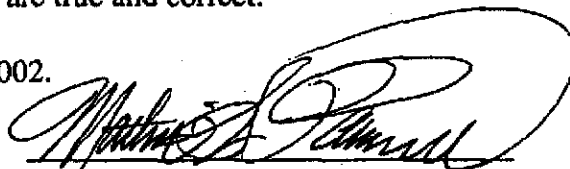
12. Tanner requests leave to participate in the Galbraith case in an attorney capacity through the anticipated mediation, provided his clients consent after full disclosure regarding this Petition.

13. Tanner agrees to comply with other orders of the court relating to this Petition.

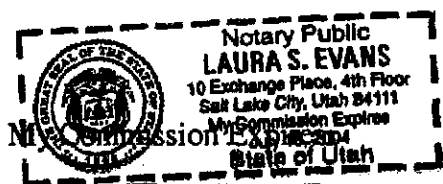
STATE OF UTAH)
) ss.
COUNTY OF UTAH)

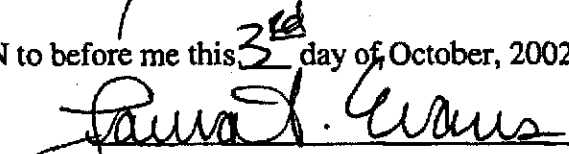
I, Martin Tanner, signer of the foregoing, under penalty of perjury, that I have read the foregoing document, I have personal knowledge of the matters set forth therein and that the document is truthful and the matters stated therein are true and correct.

DATED this 3rd day of October, 2002.


MARTIN TANNER

SUBSCRIBED AND SWORN to before me this 3rd day of October, 2002.




NOTARY PUBLIC

DATED this 4 day of October, 2002.

KIPP AND CHRISTIAN, P.C.


MICHAEL F. SKOLNICK
Attorney for Martin Tanner

CERTIFICATE OF SERVICE

I hereby certify that I caused to be mailed, postage prepaid, this 4th ^{Oct} day of ~~September~~,
2002, a true and correct copy of the foregoing VERIFIED PETITION FOR CONSENT TO
RESIGNATION WITH DISCIPLINE PENDING, to the following:

Katherine Toomey
UTAH STATE BAR
Office of Professional Conduct
645 South 200 East
Suite 205
Salt Lake City, Utah 84111-3834

Nancy Thomas

THE BANK OF AMERICA
NORTH CAROLINA

IN THE SUPREME COURT OF UTAH

Supreme Court No. 20020803

The OPC received an informal complaint from Robin Easter setting forth the following essential facts: Easter retained Tanner to represent her in a divorce action in the course of which he prepared and knowingly submitted papers containing material misrepresentations to the Third Judicial District Court. The

action is denominated Easter v. Easter, Case No. 01-4906933-DA, and is assigned to Judge L. A. Dever. The papers were a false Return of Service Affidavit, and a Certificate of Completion. Easter suffered injury in the form of delays in the proceedings, as well as inconvenience in investigating what had transpired in her case, and emotional distress from the knowledge that her attorney had been untruthful with her.

Tanner's misconduct constitutes the violation of Rule 3.3(a) (Candor Toward the Tribunal), 3.4(b) (Fairness to Opposing Party and Counsel), and Rules 8.4(a), (c), and (d) (Misconduct). The OPC further observes that Tanner's misconduct caused serious or potentially serious harm to the administration of justice and the practice of law, as well as to the opposing party in Easter's case.

Based upon the foregoing, the OPC considers disbarment the appropriate presumptive sanction for Tanner's misconduct. Nevertheless, the Standards for Imposing Lawyer Sanctions provide that "Resignation with discipline pending is a form of public discipline which allows a respondent to resign from the practice of law while either an informal or formal complaint is pending against the respondent. Resignation with discipline pending may be imposed as set forth in Rule 21 of the Rules of Lawyer Discipline and Disability." Inasmuch as the duration of a resignation with discipline pending is equivalent to that of a disbarment, and the safeguards for seeking readmission are the same, the OPC considers Tanner's resignation with discipline pending an appropriate resolution of the case.

As to Tanner's request for permission to continue to act as an attorney in the cases identified in his Petition, the OPC notes as follows. In the Parduhn matter pending before the Utah Supreme Court, there is little that remains to be completed, inasmuch as the case has been briefed and argued. Under these circumstances, there appears to be little chance of harm to Tanner's client or to the judicial system if he were permitted to bring the matter to a conclusion. In the Galbraith matter, the OPC's understanding is that Tanner is acting as second chair and would only participate in mediation; if the matter is not resolved through mediation, Tanner would withdraw from further participation. Again, there appears to be little chance of harm to Tanner's client or to the judicial system if he were permitted to participate in the limited capacity of the second attorney working under the direction of co-counsel in a matter resolved through mediation. The OPC therefore does not oppose these requests, although neither does it endorse them, provided that Tanner discloses his status to the clients, opposing counsel, and co-counsel, and secures the informed consent of the clients.

DATED: October 15, 2002.

OFFICE OF PROFESSIONAL CONDUCT

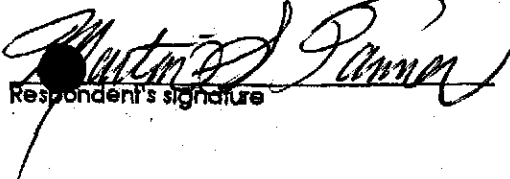
Kate A. Toomey
Kate A. Toomey
Deputy Counsel

CERTIFICATE OF MAILING

I hereby certify that on this 15th day of October 2002 I caused to be mailed a true and correct copy of the foregoing CONSENT TO PETITION FOR CONSENT TO RESIGNATION WITH DISCIPLINE PENDING to counsel for Respondent, Michael F. Skolnick, 10 Exchange Place, Fourth Floor, Salt Lake City, Utah 84111.

Kate A. Toomey
Kate A. Toomey

10-01-03
Date


Respondent's signature

MARTIN STANLEY TANNER
print name

Date

Respondent's Counsel's signature

none/none
print name

10-6-03
Date


Deputy Trial Counsel's signature

ERIN McKEOWN JOYCE
print name

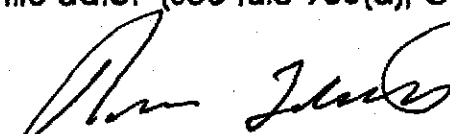
ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

10-9-03
Date


Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 10, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed October 10, 2003**

in a sealed envelope for collection and mailing on that date as follows:


- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MARTIN S. TANNER, ESQ.
2834 E 4135 S
SALT LAKE CITY UT 84124-3045

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

ERIN JOYCE, A/L, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **October 10, 2003**.



Rose M. Luthi
Case Administrator
State Bar Court