

Argued on: January 13, 2014
February 11, 2014

IN THE COURT OF APPEALS OF

MARYLAND

Misc. Docket AG No. 55

September Term, 2012

IN THE MATTER OF THE PETITION
FOR REINSTATEMENT OF
LOUIS PETER TANKO, JR.
TO THE BAR OF MARYLAND

Barbera, C.J.
Harrell
Battaglia
Greene
Adkins
McDonald
Watts,

JJ.

PER CURIAM ORDER
Battaglia, J., dissents.

Filed: February 12, 2014

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PER CURIAM ORDER

This matter came before this Court most recently on a Petition for Reinstatement filed by Louis Peter Tanko, Jr. and the response of Bar Counsel. The Court denied the Petition for Reinstatement on December 14, 2012.

Petitioner filed thereafter an Amendment by Interlineation to the Petition for Reinstatement and Motion to Strike and Opposition to Bar Counsel's Response and for Reconsideration of Order Denying Reinstatement and Request for Hearing. Bar Counsel filed a response. The Court granted the motion for reconsideration and then denied the motion to strike, the request for hearing and request for reinstatement on May 16, 2013.

Petitioner filed a second Motion for Reconsideration and Request for Hearing on or about June 18, 2013. Bar Counsel responded seeking denial of the motion. The Court granted the Motion for Reconsideration and Request for Hearing. Oral arguments were heard before this Court during the January and February 2014 Sessions. In consideration of the papers and argument, it is this 12th day of February, 2014

ORDERED, by the Court of Appeals of Maryland, a majority of the Court concurring, that Louis Peter Tanko, Jr. be, and he is hereby, reinstated to the practice of law in this State,

subject to payment by Petitioner of \$2,500 to Mrs. Sharon Gosnell, mother of his former client, Howard G. Brown, as disgorgement of the unearned portion of the \$5,000 fee paid by Mrs. Gosnell, on behalf of her son, Mr. Brown; and it is further

ORDERED, that the Clerk of this Court, upon the condition having been met and certified by Bar Counsel that fact in writing to the Court, shall replace the name of Louis Peter Tanko, Jr. upon the register of attorneys entitled to practice law in this State and certify that fact to the Trustees of the Clients Protection Fund and to the Clerks of all judicial tribunals in this State.

/s/ Mary Ellen Barbera
Chief Judge

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JJ.

Dissenting Opinion by Battaglia, J.

Filed: February 12, 2014

I respectfully dissent from the order in this case, because I would not reinstate Louis Peter Tanko, Jr. until he disgorged the entire \$5,000 paid by Mrs. Sharon Gosnell. Mr. Tanko did not get the informed consent of Mrs. Gosnell for him to immediately access the \$5,000 retainer, which he deposited into his operating account, rather than in his trust account, in violation of Maryland Rules of Professional Conduct 1.15(a) and (c). *Attorney Grievance v. Tanko*, 427 Md. 15, 45 A.3d 281 (2012). In my view, regardless of the amount of work Mr. Tanko alleged that he performed, his unfettered access to the money requires disgorgement of the entire \$5,000 fee paid by Mrs. Gosnell.