

The hearing panel, proceeding on a default basis, determined that Wariner had committed all 114 alleged violations of the Rules of Professional Conduct, specifically: 18 violations of RPC 1.3 (diligence) and RPC 1.4 (communication), 16 violations of RPC 1.5 (fees), 17 violations of RPC 1.15 (safekeeping property), 5 violations of RPC 5.3 (responsibilities regarding nonlawyer assistants) and RPC 5.5 (unauthorized practice of law), 18 violations of RPC 8.1 (bar admission and disciplinary matters), and 17 violations of RPC 8.4 (misconduct). The panel found several aggravating circumstances: Wariner's prior discipline, dishonest or selfish motive, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary process by his intentional failure to comply with the rules, refusal to acknowledge the wrongful nature of his conduct, the vulnerability of his victims, his substantial experience in the practice of law, and his indifference to making restitution. The panel found no mitigating circumstances and recommended that Wariner be disbarred and ordered to pay restitution.

Having reviewed the record of the disciplinary proceedings in this matter, we conclude that clear and convincing evidence supports the panel's findings that Wariner committed the offenses charged. See SCR 105(2)(f). We further conclude that the panel's recommended discipline is appropriately tailored to Wariner's misconduct. Despite Wariner's failure to participate in the disciplinary proceedings, clear and convincing evidence supports a finding that Wariner was properly put on notice of the charges and proceedings against him. Wariner was aware of the charges and chose not to defend them. We therefore approve the panel's recommendation that Wariner be disbarred.