

DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION

In re  
Geoffrey Colburn Cross,  
Lawyer (WSBA No.3089)

Proceeding No. 19#00035

DISCIPLINARY BOARD ORDER  
ADOPTING IN PART, REVERSING IN  
PART, AND MODIFYING IN PART,  
HEARING OFFICER’S DECISION

This matter came before the Disciplinary Board (Board) at its December 4, 2020 meeting, on the Office of Disciplinary Counsel’s appeal of Hearing Officer John A. Bender’s Findings of Fact and Conclusions of Law and Recommendation, recommending reprimand following a hearing.

The Board reviews the hearing officer’s finding of fact for substantial evidence. The Board reviews conclusions of law and sanction recommendations de novo. Evidence not presented to the hearing officer or panel cannot be considered by the Board. ELC 11.12(b).

Having reviewed the materials submitted, and considered the applicable case law and rules;

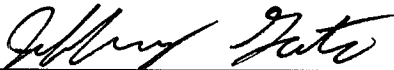
**IT IS HEREBY ORDERED THAT** the Hearing Officer’s decision is adopted in part, reversed in part, and modified in part, as follows:<sup>1</sup>

<sup>1</sup> The vote on this matter was 12-0. Those voting were: Gates, Rene, Hurl, Kroon, Doyle, Marsh, Kraski, Hermes, Pratter, Koch, Wolfe, and Devenport. Valdez and Singleton did not participate.

1. Hearing Officer's findings of fact are adopted.
2. Hearing Officer's conclusion of law as to Respondent acting negligently is reversed. Findings of Fact, Conclusions of Law and Hearing Officer's Recommendation (FFCLR) ¶ 34. The Board concludes that Respondent acted knowingly.
3. Hearing Officer's finding that the sanction be reprimand is modified. FFCLR ¶ 37. Based on the Findings of Fact and Conclusions of Law and the application of the *ABA Standards*, the appropriate presumptive sanction is suspension under standard 4.22.
4. The Board adopts Hearing Officer's aggravating factors. FFCLR ¶ 38.
5. The Board modifies Hearing Officer's mitigating factors as follows:
  - a. FFCLR ¶ 39 is modified, striking subparagraph (a), absence of a dishonest or selfish motive.
  - b. Mitigating factor of no dishonest or selfish motive is stricken in its entirety. FFCLR ¶ 40.
  - c. Mitigating factor of cooperation is adopted. FFCLR ¶ 41.
  - d. Mitigating factor regarding remoteness of prior discipline is modified to state: "One of the two stipulated reprimands . . .," replacing, "The older of the two stipulated reprimands..." FFCLR ¶ 42.
6. Hearing officer's recommendation of reprimand is modified. FFCLR ¶ 43. Based on the *ABA Standards*, the applicable aggravating factors, and mitigating factors as modified herein, the Board recommends that Respondent Geoffrey Colburn Cross be suspended for a period of nine months.


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Dated this 11<sup>th</sup> day of January, 2021.

  
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Jeffrey R. Gates, WSBA #45422  
Disciplinary Board Chair

**CERTIFICATE OF SERVICE**

By order of Washington Supreme Court Order No. 25700-B-609, I certify that I caused a copy of the Disciplinary Board Order Granting In Part, Reversing In Part and Modifying In Part, Hearing Officer's Decision to be emailed to the Office of Disciplinary Counsel and to Respondent's Counsel Pamela Jo DeVet, at [pjd@leesmart.com](mailto:pjd@leesmart.com), on the 11<sup>th</sup> day of January, 2021.

A handwritten signature in black ink, consisting of several loops and a final flourish.

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Clerk to the Disciplinary Board