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DISCIPLINARY
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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

PAUL D. EDMONDSON,
Lawyer (Bar No. 3634).

Proceeding No. *16-10007b*

ODC File No: 15-01592

STIPULATION TO SUSPENSION

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to suspension, is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Erica Temple, Respondent's Counsel John Schedler and Respondent lawyer Paul D. Edmondson.

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to him. Respondent chooses to resolve this

proceeding now by entering into the following stipulation to facts, misconduct and sanction to Stipulation to Discipline

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1 | avoid the risk, time, and expense attendant to further proceedings.

2 | **I. ADMISSION TO PRACTICE**

3 | 1. Respondent was admitted to practice law in the State of Washington on October 19,
4 | 1971.

5 | 2. Respondent was suspended from the practice of law for four months beginning on
6 | June 5, 2015 by order of the Supreme Court in Proceeding No. 14#00053.

7 | **II. STIPULATED FACTS**

8 | 3. Juan M. Lara Valadez (Mr. Lara) is a citizen of Mexico who entered the United
9 | States without inspection in 2004.

10 | 4. In October 2011, Mr. Lara was released on bond after being taken into
11 | Immigration and Customs Enforcement custody.

12 | 5. After Mr. Lara's release, Respondent agreed to represent Mr. Lara in his removal
13 | proceedings in immigration court.

14 | 6. On November 14, 2012, Mr. Lara appeared at his first master calendar hearing in
15 | Seattle, Washington.

16 | 7. Respondent appeared on behalf of Mr. Lara and represented to the court that he
17 | intended to submit a request for prosecutorial discretion (request) with the Chief Counsel's
18 | Office of the Department of Homeland Security to administratively close Mr. Lara's removal
19 | proceedings.

20 | 8. The court reset the matter to February 19, 2014, and told Respondent that if he had
21 | not submitted the request by the next master calendar proceeding, he should be prepared to
22 | proceed with a request for Mr. Lara's voluntary departure.

23 | 9. The matter was reset twice more by the court for administrative reasons.

1 10. On April 8, 2015, Mr. Lara and Respondent were present at his master calendar
2 hearing.

3 11. As of that date, Respondent still had not submitted the request.

4 12. The immigration judge denied Respondent's motion for a continuance, finding that
5 Respondent "had plenty of time to do it."

6 13. The immigration judge granted Mr. Lara voluntary departure within 120 days.
7 This was a final order.

8 14. After the hearing, on April 11, 2015, Respondent submitted the request to the
9 Chief Counsel's Office.

10 15. On August 6, 2015, Mr. Lara's subsequent lawyer filed a motion to reopen based
11 upon Respondent's failure to submit the request prior to Mr. Lara's last hearing.

12 16. On September 18, 2015, an immigration judge granted Mr. Lara's motion to
13 reopen, finding that a competent attorney could have filed the request and that Respondent's
14 ineffective assistance prejudiced Mr. Lara.

15 17. Respondent caused injury to Mr. Lara, who had to hire a new lawyer to reopen his
16 immigration case.

17 III. STIPULATION TO MISCONDUCT

18 18. By failing to submit the request on behalf of Mr. Lara, and otherwise adequately
19 represent him in his immigration proceedings, Respondent violated RPC 1.3.

20 IV. PRIOR DISCIPLINE

21 19. In 2000, Respondent was suspended for 21 days for violations of RPC 8.4(d), RPC
22 5.3 and RPC 5.5.

23 20. In 2015, Respondent was suspended for four months for violations of RPC 8.4(b),

1 RPC 8.4(d), RPC 8.4(i), and RPC 1.7(a)(2).

2 **V. APPLICATION OF ABA STANDARDS**

3 21. The following American Bar Association Standards for Imposing Lawyer Sanctions
4 (1991 ed. & Feb. 1992 Supp.) apply to this case:

5 4.41 Disbarment is generally appropriate when:

- 6 (a) a lawyer abandons the practice and causes serious or potentially serious
7 injury to a client; or
8 (b) a lawyer knowingly fails to perform services for a client and causes
9 serious or potentially serious injury to a client; or
10 (c) a lawyer engages in a pattern of neglect with respect to client matters and
11 causes serious or potentially serious injury to a client.

12 4.42 Suspension is generally appropriate when:

- 13 (a) a lawyer knowingly fails to perform services for a client and causes
14 injury or potential injury to a client, or
15 (b) a lawyer engages in a pattern of neglect and causes injury or potential
16 injury to a client.

17 4.43 Reprimand is generally appropriate when a lawyer is negligent and does not act
18 with reasonable diligence in representing a client, and causes injury or potential
19 injury to a client.

20 4.44 Admonition is generally appropriate when a lawyer is negligent and does not act
21 with reasonable diligence in representing a client, and causes little or no actual or
22 potential injury to a client.

23 22. Respondent acted knowingly in failing to perform services for Mr. Lara.

24 23. Respondent caused injury and potential injury to Mr. Lara.

25 24. The presumptive sanction is suspension.

26 25. The following aggravating factors apply under ABA Standard 9.22:

- 27 (a) prior disciplinary offenses;
28 (i) substantial experience in the practice of law.

29 26. It is a mitigating factor that Respondent has agreed to resolve this matter at an early
30 stage of the proceedings.

31 27. On balance the aggravating and mitigating factors do not require a departure from
32 the presumptive sanction.

1 **VI. STIPULATED DISCIPLINE**

2 28. The parties stipulate that Respondent shall receive a 60 day suspension for his
3 conduct.

4 29. The parties agree to jointly request that the Supreme Court of Washington order the
5 start date of the suspension to be June 15, 2016, which would allow the new suspension to run
6 concurrently with Respondent's current suspension in Proceeding No. 14#00053 (Supreme
7 Court No. 201,404-6). The parties note that Respondent started a four-month suspension in
8 Proceeding No. 14#00053 on June 5, 2015 and will not seek reinstatement prior to August 31,
9 2016. The parties understand that the Supreme Court of Washington may or may not agree to a
10 start date of June 15, 2016, and the Court's order will most likely be issued after June 15, 2016.

11 30. Respondent will be subject to probation for a period of 24 months beginning when
12 Respondent is reinstated to the practice of law and shall comply with the specific probation
13 terms set forth below.

14 31. Respondent's compliance with these conditions shall be monitored by the Probation
15 Administrator of the Office of Disciplinary Counsel ("Probation Administrator"). Failure to
16 comply with a condition of probation listed herein may be grounds for further disciplinary
17 action under ELC 13.8(b).

18 Practice Monitor

19 a) During the period of probation, Respondent's practice shall be supervised by a
20 practice monitor. The practice monitor must be a WSBA member with no record of
21 public discipline and who is not the subject of a pending public disciplinary
22 proceeding.

22 b) The practice monitor shall consult with and provide guidance to Respondent
23 regarding case management, office management, and avoiding violations of the
24 Rules of Professional Conduct. While appointed as practice monitor during the
probation period, the practice monitor does not represent the Respondent.

- 1 c) No later than 15 days after probation begins, Respondent may provide to the
2 Probation Administrator, in writing, the name and contact information of a proposed
3 practice monitor. The Probation Administrator may or may not approve the
4 proposed practice monitor. If Respondent fails to propose a practice monitor within
5 15 days, or if the Probation Administrator does not approve the proposed practice
6 monitor, the Probation Administrator will propose to Respondent a practice
7 monitor. If Respondent objects to the Probation Administrator's proposal, ODC
8 will submit a request that a practice monitor be appointed by the Chair of the
9 Disciplinary Board. See ELC 13.8(a)(2). Respondent shall cooperate with the
10 practice monitor agreed to by ODC and Respondent or appointed by the Chair of the
11 Disciplinary Board.
- 12 d) During the period of probation, Respondent shall meet with the practice monitor at
13 least once per month. At each meeting, the practice monitor will discuss with
14 Respondent each of Respondent's client matters, the status of each client matter,
15 Respondent's communication with each client, upcoming deadlines, and
16 Respondent's intended course of action. Meetings may be in person or by telephone
17 at the practice monitor's discretion.
- 18 e) The practice monitor will provide the Probation Administrator with quarterly
19 reports regarding Respondent's performance on probation. Each report must
20 include the date of each meeting with Respondent, a brief synopsis of the discussion
21 topics, and a brief description of any concerns the practice monitor has regarding
22 the Respondent's compliance with the RPC. The report must be signed by the
23 practice monitor. Each report is due within 30 days of the completion of the
24 quarter.
- f) If the practice monitor believes that Respondent is not complying with any of his
ethical duties under the RPC or if Respondent fails to attend a monthly meeting, the
practice monitor shall promptly report that to the Probation Administrator.
- g) Respondent shall be responsible for paying any and all fees, costs and/or expenses
charged by the practice monitor for supervision.

VII. RESTITUTION

32. Respondent agrees to disgorge the \$800 in fees he received from Mr. Lara.

VIII. COSTS AND EXPENSES

33. In light of Respondent's willingness to resolve this matter by stipulation at an early
stage of the proceedings Respondent shall pay attorney fees and administrative costs of \$750 in
accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l)

1 if these costs are not paid within 30 days of approval of this stipulation. Reinstatement from
2 suspension is conditioned upon payment of costs and restitution.

3 IX. VOLUNTARY AGREEMENT

4 34. Respondent states that prior to entering into this Stipulation he has consulted
5 independent legal counsel regarding this Stipulation, that Respondent is entering into this
6 Stipulation voluntarily, and that no promises or threats have been made by ODC, the
7 Association, nor by any representative thereof, to induce the Respondent to enter into this
8 Stipulation except as provided herein.

9 35. Once fully executed, this stipulation is a contract governed by the legal principles
10 applicable to contracts, and may not be unilaterally revoked or modified by either party.

11 X. LIMITATIONS

12 36. This Stipulation is a compromise agreement intended to resolve this matter in
13 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
14 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer
15 and ODC acknowledge that the result after further proceedings in this matter might differ from
16 the result agreed to herein.

17 37. This Stipulation is not binding upon ODC or the respondent as a statement of all
18 existing facts relating to the professional conduct of the respondent lawyer, and any additional
19 existing facts may be proven in any subsequent disciplinary proceedings.

20 38. This Stipulation results from the consideration of various factors by both parties,
21 including the benefits to both by promptly resolving this matter without the time and expense of
22 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
23 such, approval of this Stipulation will not constitute precedent in determining the appropriate

1 | sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
2 | subsequent proceedings against Respondent to the same extent as any other approved
3 | Stipulation.

4 | 39. Under Disciplinary Board policy; in addition to the Stipulation, the Disciplinary
5 | Board shall have available to it for consideration all documents that the parties agree to submit
6 | to the Disciplinary Board, and all public documents. Under ELC 3.1(b), all documents that
7 | form the record before the Board for its review become public information on approval of the
8 | Stipulation by the Board, unless disclosure is restricted by order or rule of law.

9 | 40. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will
10 | be followed by the disciplinary action agreed to in this Stipulation. All notices required in the
11 | Rules for Enforcement of Lawyer Conduct will be made.

12 | 41. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, this
13 | Stipulation will have no force or effect, and neither it nor the fact of its execution will be
14 | admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary
15 | proceeding, or in any civil or criminal action.

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WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
to Discipline as set forth above.



Paul D. Edmondson, Bar No. 3634
Respondent

Dated: 6-10-16



Digitally signed by John Schedler
DN: cn=John Schedler, o=SCHEDLER BOND
P.L.L.C., ou
email=John@SchedlerBond.com, c=US
Date: 2016.06.10 14:01:39 -0800

Dated: June 10, 2016

~~JOHN W. SCHEDLER~~
Counsel for Respondent

John W. Schedler, WSBA No. 8563



Erica Temple, Bar No. 28458
Disciplinary Counsel

Dated: 6/14/16