

FILED

SEP 04 2014

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

ROGER JAY SHARP,
Lawyer (Bar No. 12211).

Proceeding No. 14#00028

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND HEARING OFFICER'S
RECOMMENDATION

The undersigned Hearing Officer held a default hearing on August 28, 2014 under Rule 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC).

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING CHARGED VIOLATIONS**

1. The Formal Complaint (Bar File No.2) charged Roger Jay Sharp with misconduct as set forth therein.
2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in the Formal Complaint is admitted and established.
3. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations charged in the Formal Complaint (Bar File No. 2) is admitted and established as follows:

1 **COUNT 1**

2 4. By failing to act with reasonable diligence and promptness in representing the
3 Barkers, Respondent violated RPC 1.3.

4 **COUNT 2**

5 5. By failing to keep the Barkers reasonably informed about the status of their legal
6 matters and/or by failing to promptly comply with their reasonable requests for information,
7 Respondent violated RPC 1.4(a).

8 **COUNT 3**

9 6. By failing to pursue the litigation he had initiated on the Barkers' behalf,
10 Respondent violated RPC 3.2.

11 **COUNT 4**

12 7. By failing to comply with court rules and a court order regarding document
13 production in the Clark County probate proceeding, and/or by abandoning litigation he had
14 initiated on the Barkers' behalf, Respondent violated RPC 3.4(c) and RPC 3.4(d) and RPC
15 8.4(d).

16 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING RECOMMENDED SANCTION**

17 8. Respondent acted negligently at first, but after he recommitted to completing the
18 Barkers' representation, and did not follow through despite frequent and pointed inquiries,
19 Respondent's failure to do so was knowing.

20 9. The Barkers were injured in that their claim against the Evans estate was rejected
21 and the delay in the resolution of the Pacific County litigation caused the Barkers emotional
22 distress. They were also injured by the court's award of attorney's fees against them in favor of
23 the Evans Estate. There was potential injury as the possible loss of evidence relevant to the
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1 litigation due to the delay placed the litigation at risk of dismissal.

2 10. The following standards of the American Bar Association's Standards for
3 Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively
4 apply in this case:

5 4.42 Suspension is generally appropriate when:
6 (a) a lawyer knowingly fails to perform services for a client and causes
injury or potential injury to a client.

7 6.22 Suspension is generally appropriate when a lawyer knows that he or she
8 is violating a court order or rule, and causes injury or potential injury to a
client or a party, or causes interference or potential interference with a
9 legal proceeding.

10 11. The following aggravating factors set forth in Section 9.22 of the ABA Standards
11 apply in this case:

- 12 (d) multiple offenses; and
13 (i) substantial experience in the practice of law: Respondent was admitted in
14 1981.

15 12. It is an additional aggravating factor that Respondent failed to file an answer to the
16 Formal Complaint as required by ELC 10.5(a).

17 13. The following mitigating factors set forth in Section 9.32 of the ABA Standards
18 apply to this case:

- 19 (a) absence of a prior disciplinary record; and
20 (b) absence of a dishonest or selfish motive.

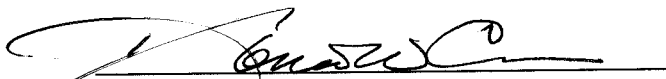
21 **RECOMMENDATION**

22 14. Based on the ABA Standards and the applicable aggravating and mitigating
23 factors, the Hearing Officer recommends that Respondent Roger Jay Sharp be suspended for a
24 period of six months, followed by two years of probation during which he shall be required to
meet on a bi-monthly basis with a practice monitor, who is approved by Disciplinary Counsel.

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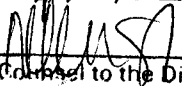
The practice monitor will ascertain that Respondent is attending to the legal matters entrusted to him. The practice monitor will provide semi-annual reports to Disciplinary Counsel regarding Respondent's progress. Respondent will be responsible for any compensation required by the practice monitor.

DATED this 28 day of August, 2014.


Donald William Carter,
Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the FOF COL in Ho's Recommendation
to be delivered to the Office of Disciplinary Counsel and to be mailed
to Legis (Sharp) Respondent/ Respondent's Counsel
at 4400 NE 7th Ave # 275 Vancouver, WA 98661, by Certified first class mail,
postage prepaid on the 28 day of August September, 2014


Clerk/Counsel to the Disciplinary Board