

FILED

Aug 16, 2021

Disciplinary
Board

Docket # 136

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

GEORGE PAUL TREJO JR,

Lawyer (Bar No. 19758).

Proceeding No. 19#00037

ODC File No. 18-00643

STIPULATION TO REPRIMAND

Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to Reprimand is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through Disciplinary Counsel Henry Cruz and Respondent lawyer George Paul Trejo Jr.

Respondent understands that they are entitled under the ELC to a hearing, to present exhibits and witnesses on their behalf, and to have a hearing officer determine the facts, misconduct, and sanction in this case. Respondent further understands that they are 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 them. Respondent chooses to resolve this proceeding now by entering into the following stipulation to facts, misconduct, and sanction to avoid the risk,

1 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 1,
4 1990.

5 **II. STIPULATED FACTS**

6 2. In March 2017, Respondent began representing Juan Manuel Flores Arroyo in a
7 criminal matter in Chelan County Superior Court (Case No. 17-1-00123-7).

8 3. Flores Arroyo is a Mexican national who had overstayed their visitor status in the
9 United States.

10 4. In May 2017, Flores Arroyo pleaded guilty to one of the charges in the criminal matter,
11 and the other charges were dismissed.

12 5. As a result of the conviction, Flores Arroyo was placed in removal proceedings. Flores
13 Arroyo retained lawyer Bernice Funk for the removal proceedings. Flores Arroyo was later
14 removed from the United States.

15 6. In June 2018, lawyer Robert Gower appeared as counsel for Flores Arroyo in the
16 criminal matter and filed a motion to withdraw the guilty plea.

17 7. The motion alleged that Respondent provided Flores Arroyo with ineffective
18 assistance of counsel because Respondent allegedly failed to adequately advise Flores Arroyo of
19 the immigration consequences of the plea, rendering the plea invalid because it was not
20 knowingly, voluntarily, and intelligently made.

21 8. On June 25, June 28, and July 3, 2018, Respondent filed declarations in Flores
22 Arroyo's criminal proceeding in response to the ineffective assistance of counsel claim.

23 9. The motion to withdraw guilty plea was denied by the Honorable Robert McSeveney,

1 | who was a former Immigration Judge but was a Chelan County Superior Court Judge at the time
2 | and now has returned to the Immigration Court bench.

3 | 10. The Washington State Court of Appeals, Div. III affirmed Judge McSeveney's
4 | decision (COA No. 36392-III).

5 | 11. In the declarations in response to Flores Arroyo's allegations, Respondent disclosed
6 | information related to the representation of Flores Arroyo.

7 | 12. Flores Arroyo did not give Respondent informed consent to disclose the information.

8 | 13. The disclosure of the information was not impliedly authorized in order to carry out
9 | the representation.

10 | 14. The disclosure of the information was not permitted by RPC 1.6(b).

11 | 15. Respondent had a good faith but erroneous belief that Respondent's conduct fell
12 | within the exception at RPC 1.6(b)(5) and ABA formal opinion 10-456 at 4 (under Rule 1.6(b)(5),
13 | a lawyer may respond to allegations in a court proceeding only insofar as the lawyer reasonably
14 | believes it is *necessary* to do so).

15 | 16. The motive for Respondent's conduct was to defend against the ineffective assistance
16 | of counsel claim, which Respondent believed Respondent was permitted to do.

17 | 17. Respondent believes that nothing stated in this stipulation or pertaining to the
18 | representation of Flores Arroyo constituted legal malpractice.

19 | **III. STIPULATION TO MISCONDUCT**

20 | 18. By disclosing information relating to the representation of Flores Arroyo without
21 | Flores Arroyo's informed consent, Respondent violated RPC 1.6(a) and 1.9(c).

22 | **IV. PRIOR DISCIPLINE**

23 | 19. In 2003, Respondent received a reprimand based on conduct involving lack of

1 competence and diligence, unreasonable fees, and failure to protect a client's interests upon
2 withdrawal, in violation of RPC 1.1, 1.3, 1.5, and former RPC 1.15.

3 20. In 2008, Respondent received a three-month suspension based on conduct involving
4 trust-account irregularities and lack of supervision of a non-lawyer assistant, in violation of
5 former RPC 1.14 and RPC 5.3.

6 V. APPLICATION OF ABA STANDARDS

7 21. The following American Bar Association Standards for Imposing Lawyer Sanctions
8 (1991 ed. & Feb. 1992 Supp.) apply to this case:

9 4.2 *Failure to Preserve the Client's Confidences*

10 4.21 Disbarment is generally appropriate when a lawyer, with the intent to benefit the
11 lawyer or another, knowingly reveals information relating to representation of a
client not otherwise lawfully permitted to be disclosed, and this disclosure causes
injury or potential injury to a client.

12 4.22 Suspension is generally appropriate when a lawyer knowingly reveals information
relating to the representation of a client not otherwise lawfully permitted to be
disclosed, and this disclosure causes injury or potential injury to a client.

13 4.23 Reprimand is generally appropriate when a lawyer negligently reveals information
relating to representation of a client not otherwise lawfully permitted to be
disclosed and this disclosure causes injury or potential injury to a client.

14 4.24 Admonition is generally appropriate when a lawyer negligently reveals
15 information relating to representation of a client not otherwise lawfully permitted
to be disclosed and this disclosure causes little or no actual or potential injury to a
16 client.

17 22. Respondent's conduct was knowing.

18 23. Respondent's conduct caused potential injury to Flores Arroyo because confidential
19 and incriminating information was made part of the court's public record.

20 24. The presumptive sanction is suspension under ABA Standard 4.22.

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

22 (a) prior disciplinary offenses;

23 (i) substantial experience in the practice of law [Respondent was admitted in 1990].

1 26. The following mitigating factors apply under ABA Standard 9.32:

2 (b) absence of a dishonest or selfish motive;

3 (g) character or reputation;

4 (l) remorse.

5 27. A significant mitigating factor is the contribution this stipulation makes to the efficient
6 and effective operation of the lawyer discipline system considering the effect the COVID-19
7 public health emergency has had on disciplinary resources and the orderly processing of
8 disciplinary matters.

9 28. Based on the factors set forth above, the presumptive sanction should be mitigated to
10 a reprimand.

11 **VI. STIPULATED DISCIPLINE**

12 29. The parties stipulate that Respondent shall receive a reprimand.

13 **VII. COSTS AND EXPENSES**

14 30. Respondent shall pay attorney fees and administrative costs of \$750 in accordance
15 with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l) if these costs
16 are not paid within 30 days of approval of this stipulation.

17 **VIII. VOLUNTARY AGREEMENT**

18 31. Respondent states that, prior to entering into this Stipulation, they had an opportunity
19 to consult independent legal counsel regarding this Stipulation, that Respondent is entering into
20 this Stipulation voluntarily, and that no promises or threats have been made by ODC, the
21 Association, nor by any representative thereof, to induce the Respondent to enter into this
22 Stipulation except as provided herein.

23 32. Once fully executed, this stipulation is a contract governed by the legal principles

1 applicable to contracts, and may not be unilaterally revoked or modified by either party.

2 IX. LIMITATIONS

3 33. This Stipulation is a compromise agreement intended to resolve this matter in
4 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
5 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer
6 and ODC acknowledge that the result after further proceedings in this matter might differ from
7 the result agreed to herein.

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

11 35. This Stipulation results from the consideration of various factors by both parties,
12 including the benefits to both by promptly resolving this matter without the time and expense of
13 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
14 such, approval of this Stipulation will not constitute precedent in determining the appropriate
15 sanction to be imposed in other cases; but if approved, this Stipulation will be admissible in
16 subsequent proceedings against Respondent to the same extent as any other approved Stipulation.

17 36. Under ELC 3.1(b), all documents, including this Stipulation, that form the record
18 before the Hearing Officer for their review become public information on approval of the
19 Stipulation by the Hearing Officer, unless disclosure is restricted by order or rule of law.

20 37. If this Stipulation is approved by the Hearing Officer, it will be followed by the
21 disciplinary action agreed to in this Stipulation. All notices required in the Rules for Enforcement
22 of Lawyer Conduct will be made. Respondent represents that Respondent is admitted to practice
23 law in the following jurisdictions, whether active, inactive, or suspended: United States Courts of

1 Appeals for the Third, Fifth, Eighth, Ninth, and Tenth Circuits; United States District Courts for
2 the Eastern and Western Districts of Arkansas; United States District Court for the District of
3 Colorado; United States District Court for the Central District of Illinois; and the United States
4 District Court for the Northern District of Texas. Respondent represents that Respondent has
5 never been suspended from the practice of law in any jurisdiction except as stated in §20 herein.

6 38. If this Stipulation is not approved by the Hearing Officer, this Stipulation will have no
7 force or effect, and neither it nor the fact of its execution will be admissible as evidence in the
8 pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil or
9 criminal action.

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

12 
13 _____
George Paul Trejo Jr, Bar No. 19758
Respondent

Dated: _____

8/13/21

14 
15 _____
Henry Cruz, Bar No. 38799
16 Disciplinary Counsel

Dated: _____

08/13/2021