

FILED

Nov 16 2020

Disciplinary  
Board

Docket # 001

DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION

In re

**PAUL MICHAEL DONION,**

Lawyer (Bar No. 25053).

Proceeding No. 20#00061

ODC File No(s). 17-02056, 20-00043, 20-00912

Resignation Form of Paul Michael Donion  
(ELC 9.3(b))

I, Paul Michael Donion, declare as follows:

1. I am over the age of eighteen years and am competent. I make the statements in this declaration from personal knowledge.

2. I was admitted to practice law in the State of Washington on October 17, 1995.

3. After consulting with my counsel, Kevin Bank, I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Discipline under Rule 9.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

4. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to

1 permanently resign from membership in the Association.

2 5. I consent to entry of an order under ELC 13.9(e) assessing expenses of \$1,500 and  
3 costs of \$475, for a total of \$1,975, in this matter.

4 6. I agree to pay any additional costs or restitution that may be ordered by a Review  
5 Committee under ELC 9.3(g).

6 7. I understand that my resignation is permanent and that any future application by me  
7 for reinstatement as a member of the Association is currently barred. If the Washington Supreme  
8 Court changes this rule or an application is otherwise permitted in the future, it will be treated as  
9 an application by one who has been disbarred for ethical misconduct. If I file an application, I  
10 will not be entitled to a reconsideration or reexamination of the facts, complaints, allegations, or  
11 instances of alleged misconduct on which this resignation was based.

12 8. I agree to (a) notify all other states and jurisdictions in which I am admitted of this  
13 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in all  
14 other states and jurisdictions in which I am admitted; and (c) provide Disciplinary Counsel with  
15 copies of this notification and any response(s). I acknowledge that this resignation could be  
16 treated as a disbarment by all other jurisdictions.

17 9. I agree to (a) notify all other professional licensing agencies in any jurisdiction from  
18 which I have a professional license that is predicated on my admission to practice law of this  
19 resignation in lieu of discipline; (b) seek to resign permanently from any such license; and (c)  
20 provide disciplinary counsel with copies of any of these notifications and any responses.

21 10. I agree that when applying for any employment, I will disclose the resignation in  
22 lieu of discipline in response to any question regarding disciplinary action or the status of my  
23 license to practice law.

1 11. I understand that my resignation becomes effective on Disciplinary Counsel's  
2 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary  
3 Counsel must do so promptly following receipt of this document.

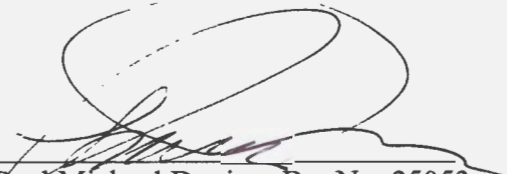
4 12. When my resignation becomes effective, I agree to be subject to all restrictions that  
5 apply to a disbarred lawyer.

6 13. Upon filing of my resignation, I agree to comply with the same duties as a disbarred  
7 lawyer under ELC 14.1 through ELC 14.4.

8 14. I understand that, after my resignation becomes effective, it is permanent. I will  
9 never be eligible to apply and will not be considered for admission or reinstatement to the practice  
10 of law nor will I be eligible for admission for any limited practice of law.

11 15. I certify under penalty of perjury under the laws of the State of Washington that the  
12 foregoing is true and correct.

13  
14 10/30/20 Tacoma, WA  
Date and Place

  
Paul Michael Donion, Bar No. 25053

15  
16 ENDORSED BY:

17 Marsha Matsumoto

18 Marsha Matsumoto, Disciplinary Counsel  
Bar No. 15831

# EXHIBIT A

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STATEMENT OF ALLEGED  
MISCONDUCT UNDER ELC 9.3(b)(1)

The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

**I. ADMISSION TO PRACTICE**

1. Respondent Paul Michael Donion was admitted to the practice of law in the State of Washington on October 17, 1995.

**II. ALLEGED FACTS**

**ODC File No. 17-02056**

2. On December 22, 2017, Thomas Glassman filed a grievance alleging that Respondent engaged in a conflict of interest by attempting to sell a client (Glassman's mother)

1 an interest in a marijuana-related company that was also represented by Respondent, and that  
2 Respondent failed to provide an accounting of funds received from Glassman's mother. At the  
3 time of the representation, Glassman's mother was undergoing medical treatment.

4 3. On January 28, 2018, Respondent provided a written response to the grievance. In  
5 his response, Respondent agreed to provide Glassman with an accounting, but did not.

6 4. On April 24, 2018, the Office of Disciplinary Counsel (ODC) sent Respondent a  
7 letter requesting records relating to his representation of Glassman's mother. The letter  
8 requested Respondent's response within thirty (30) days. Respondent did not respond.

9 5. On May 30, 2018, ODC sent Respondent a letter requiring him to produce the  
10 requested records within 10 days or ODC would subpoena Respondent for a non-cooperation  
11 deposition.

12 6. On June 21, 2018, Respondent produced some, but not all, of the requested  
13 records. Respondent agreed to provide the missing records, but did not.

14 7. On August 20, 2018, ODC issued a notice of intent to take deposition and a  
15 subpoena duces tecum for Respondent's September 19, 2018 deposition. Respondent was  
16 personally served with the notice and subpoena on August 21, 2018.

17 8. Brett Purtzer appeared as counsel for Respondent. At counsel's request,  
18 Respondent's deposition was continued to October 10, 2018, to October 31, 2018, and to  
19 November 13, 2018.

20 9. On October 26, 2018, Respondent provided additional records, but still did not  
21 provide all of the records requested or required by the subpoena.

22 10. Several days before Respondent's November 13, 2018 deposition, Respondent's  
23 counsel requested deferral of the grievance investigation because of a pending investigation by

1 another agency. The grievance investigation was deferred.

2 11. In 2019 and 2020, Respondent's counsel asserted that the grievance investigation  
3 should continue to be deferred because the investigation by the other agency was ongoing.

4 12. On June 22, 2020, ODC informed Respondent's counsel that the grievance  
5 investigation was being reopened and asked Respondent to produce the records sought by  
6 ODC's April 24, 2018 letter and August 20, 2018 subpoena duces tecum. Respondent did not  
7 produce the records.

8 13. On August 24, 2020, ODC sent Respondent's counsel a letter outlining the history  
9 of Respondent's failure to produce records.

10 14. On August 28, 2020, Kevin Bank substituted as counsel for Respondent.

11 15. On September 16, 2020, ODC sent Respondent's counsel an email requesting dates  
12 when Respondent would be available for his non-cooperation deposition.

13 16. On October 12, 2020, ODC issued a notice of intent to take deposition and  
14 subpoena duces tecum for Respondent's November 5, 2020 deposition. Respondent's counsel  
15 accepted service of the notice and subpoena for Respondent.

16 17. At the same time, Respondent's counsel informed ODC that Respondent would  
17 resign in lieu of discipline under ELC 9.3 rather than testify at his deposition or produce the  
18 subpoenaed records.

19 18. Respondent has not produced all of the records subpoenaed by ODC, including his  
20 fee agreement(s), complete billing statements, client ledgers, accountings, disbursal statements,  
21 cancelled checks, or other trust account records relating to his representation of Glassman's  
22 mother.

1 **ODC File No. 20-00043**

2 19. On January 7, 2020, a check for \$5,000 was presented against insufficient funds in  
3 Respondent's Interest on Lawyer's Trust Account, ending in 4581, at Wells Fargo Bank. The  
4 check was dishonored.

5 20. On January 15, 2020, ODC sent Respondent a letter requesting an explanation of  
6 the overdraft, how it was corrected, and copies of Respondent's trust account records for the  
7 month the overdraft occurred and the preceding month. The letter requested Respondent's  
8 response within 30 days. Respondent did not respond.

9 21. On March 3, 2020, ODC sent Respondent a letter requiring his written response  
10 and records within 10 days or ODC would subpoena Respondent for a non-cooperation  
11 deposition. Respondent did not respond.

12 22. On April 6, 2020, Respondent sent ODC an email stating that he would respond  
13 within three days. Respondent did not respond.

14 23. On April 22, 2020, ODC sent Respondent an email requesting an update on the  
15 status of his response. On April 22, 2020, Respondent sent ODC an email stating that he would  
16 respond by April 27, 2020.

17 24. On April 27, 2020, Respondent sent ODC an email stating that he was retaining  
18 counsel.

19 25. On May 5, 2020, Respondent sent ODC an email stating that he was still in the  
20 process of retaining counsel and that he would send the requested records, but he did not have  
21 access to his office.

22 26. On June 8, 2020, ODC sent Respondent an email stating that counsel had not  
23 appeared on Respondent's behalf and requesting an update on the status of his response.



1 27. On June 11, 2020, Respondent sent ODC an email stating that he had not yet  
2 retained counsel and that, if he did not secure counsel, he would reply within one week.

3 28. On June 23, 2020, Brett Purtzer appeared as counsel for Respondent.

4 29. Respondent still did not respond to ODC's January 15, 2020 or March 3, 2020  
5 letters.

6 30. On August 3, 2020, ODC sent Respondent's counsel an email requesting dates  
7 when Respondent would be available in September 2020 for his non-cooperation deposition.

8 31. On August 28, 2020, Kevin Bank substituted as counsel for Respondent.

9 32. On September 16, 2020, ODC sent Respondent's counsel an email requesting dates  
10 when Respondent would be available in October 2020 for his non-cooperation deposition.

11 33. On October 12, 2020, ODC issued a notice of intent to take deposition and  
12 subpoena duces tecum for Respondent's November 5, 2020 deposition. Respondent's counsel  
13 accepted service of the notice and subpoena for Respondent.

14 34. At the same time, Respondent's counsel informed ODC that Respondent would  
15 resign in lieu of discipline under ELC 9.3 rather than testify at his deposition or produce the  
16 subpoenaed records.

17 35. Respondent has not provided a complete explanation of the trust account overdraft  
18 or the requested records.

19 **ODC File No. 20-00912**

20 36. On January 30, 2014, in Proceeding File No. 11#00098, Respondent received a  
21 reprimand for failing to maintain complete and accurate trust account records, failing to  
22 maintain client funds in a trust account, failing to promptly deliver funds to clients entitled to  
23 receive them, and disbursing one client's funds on behalf of another client, among other

1 | violations. Respondent was placed on probation for two years, during which he was to undergo  
2 | periodic reviews of his trust account practices. On a quarterly basis, Respondent was required  
3 | to submit records for all of his trust accounts.

4 | 37. During his probation, Respondent did not disclose or provide records for his trust  
5 | account, ending in 3315, at Key Bank.

6 | 38. On August 5, 2020, ODC opened a grievance alleging that Respondent failed to  
7 | comply with the conditions of his probation.

8 | 39. On August 11, 2020, ODC sent Respondent a letter requesting his written response  
9 | to the grievance and related records. The letter requested Respondent's response within 30  
10 | days. Respondent did not respond.

11 | 40. On September 16, 2020, ODC sent Respondent a letter requiring his written  
12 | response and records within 10 days or ODC would subpoena Respondent for a non-cooperation  
13 | deposition.

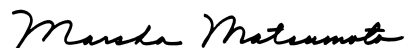
14 | 41. Respondent did not respond to the grievance or provide the requested records.

15 | **III. ALLEGED MISCONDUCT**

16 | 42. By failing to cooperate in three grievance investigations, Respondent violated RPC  
17 | 8.1(b), RPC 8.4(l) and RPC 8.4(d).

18 | 43. By failing to provide an accounting in the Glassman matter, Respondent violated  
19 | RPC 1.15A(e).

20 | DATED this 29<sup>th</sup> day of October, 2020.

21 | 

22 | \_\_\_\_\_  
23 | Marsha Matsumoto, Bar No. 15831  
24 | Managing Disciplinary Counsel