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FILED
AUG 16 2016
DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re
ARTIS C. GRANT JR,
Lawyer (Bar No. 26204).

Proceeding No. 16#00038
FINDINGS OF FACT, CONCLUSIONS OF
LAW AND HEARING OFFICER'S
RECOMMENDATION

The undersigned Hearing Officer held a default hearing on August 16, 2016 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.3) charged Artis C. Grant Jr. with misconduct as set forth therein. A copy of the Formal Complaint is attached to this decision.
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 Bar File No. 3 is admitted and established as follows:

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1 **COUNT 1**

2 4. By filing a lien in Federal Court for fees to which he was not entitled, Respondent
3 violated RPC 1.5(a), RPC 1.5(e)(1), RPC 3.2, and RPC 8.4(d).

4 **COUNT 2**

5 5. By making false statements in his affidavit filed with the Court of Appeals,
6 Respondent violated RPC 3.3(a)(1) and RPC 8.4(c).

7 **COUNT 3**

8 6. By charging Ms. Tisby an unreasonable fee, Respondent violated RPC 1.5(a).

9 **COUNT 4**

10 7. By providing Ms. Tisby with confusing and contradictory information about the
11 fee she owed, Respondent violated RPC 1.5(b).

12 **COUNT 5**

13 8. By failing to keep a record of the initial \$1,500 cash payment (an advance fee)
14 from Ms. Tisby in a client ledger, and failing to promptly deposit the unearned portion in trust,
15 Respondent violated RPC 1.15A(c) and RPC 1.15B(a).

16 **COUNT 6**

17 9. By withdrawing earned fees in September 2014, prior to giving Ms. Tisby
18 reasonable notice, through a billing statement or other document, Respondent violated RPC
19 1.15A(h)(3).

20 **COUNT 7**

21 10. By testifying that he had received a total of \$6,500 from Ms. Tisby, when his own
22 records showed that he had received \$8,000, Respondent violated RPC 8.4(c) and RPC 3.3(a).

23 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW
24 REGARDING RECOMMENDED SANCTION**

11. The following standards of the American Bar Association's Standards for

1 Imposing Lawyer Sanctions (“ABA Standards”) (1991 ed. & Feb. 1992 Supp.) presumptively
2 apply in this case:

3 12. Count 1- ABA Standard 7.0 is most applicable to cases involving unreasonable or
4 improper fees (violations of RPC 1.5(a)). ABA Standard 6.2 is most applicable to cases
5 involving a lawyer’s failure to expedite litigation (violations of RPC 3.2). ABA Standard 6.1 is
6 most applicable to cases involving conduct that is prejudicial to the administration of justice
7 (violations of RPC 8.4(d)).

8 13. Count 2- ABA Standard 6.1 is most applicable to cases involving conduct that
9 involves dishonesty, fraud, deceit, or misrepresentation to a court (violations of RPC 3.3 and
10 RPC 4.1). ABA Standard 5.1 is most applicable to cases involving conduct involving
11 dishonesty, fraud, deceit, or misrepresentation (violations of RPC 8.4(c)).

12 14. Counts 3, 4, and 5- ABA Standard 4.1 is most applicable to cases where a lawyer
13 knows or should know that he is dealing improperly with client property (violations of RPC
14 1.15A and 1.15B).

15 15. Count 6- ABA Standard 7.0 is most applicable to cases involving unreasonable or
16 improper fees (violations of RPC 1.5(a)).

17 16. Count 7- ABA Standard 6.1 is most applicable to cases involving conduct that
18 involves dishonesty, fraud, deceit, or misrepresentation to a court and cases involving conduct
19 that is prejudicial to the administration of justice (violations of RPC 3.3 and RPC 8.4(d)). ABA
20 Standard 5.1 is most applicable to cases involving conduct involving dishonesty, fraud, deceit,
21 or misrepresentation (violations of RPC 8.4(c)).

22 17. Respondent acted intentionally and knowingly in taking the actions charged in the
23 Formal Complaint.
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1 18. Respondent caused injury to J.G. by delaying settlement of the federal case.
2 Among other things, J.G. was anxious and frustrated because the settlement was for money he
3 needed to attend college. Respondent caused injury to Ms. Koehler. Among other things, she
4 did about 30 additional hours of work, for which she did not charge her client, relating to
5 removing the lien Respondent asserted. Respondent caused injury to the profession when he
6 filed a false affidavit with the court.

7 19. Respondent also caused injury to Ms. Tisby, her legal proceeding, and the legal
8 system.

9 20. Suspension is the presumptive sanction for every violation listed above, with the
10 exception of violations of RPC 8.4(c), where the presumptive sanction is reprimand.

11 21. Because there were multiple acts of misconduct, under In re Petersen, 120 Wn2d
12 833, 854 (1993), the lower sanctions standard are generally merged into the highest sanction
13 standard. The presumptive sanction is suspension.

14 22. The following aggravating factors set forth in Section 9.22 of the ABA Standards
15 apply in this case:

- 16 (a) prior disciplinary offenses [On July 16, 2015, Respondent was suspended
17 for one year by order of the Supreme Court. Respondent stipulated that
18 he had violated RPC 1.15A, RPC 1.15B, RPC 1.3, and RPC 1.5.]
19 (b) dishonest or selfish motive;
20 (c) a pattern of misconduct;
(d) multiple offenses;
(i) substantial experience in the practice of law [Respondent was admitted to
practice in Washington in 1996. Respondent was admitted to practice in
California in 1974].

21 23. ABA Standard 9.22(a) applies because Respondent's prior misconduct (though not
22 the sanction for such conduct), preceded the misconduct in this matter. As of June 2011,
23 Respondent was under investigation by ODC relating to his trust account records and handling
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1 of client funds, and he committed similar misconduct (Counts 3-5) in 2014. In re Disciplinary
2 Proceeding Against Lopez, 153 Wn.2d 570, 594, 106 P.3d 221 (2005).

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

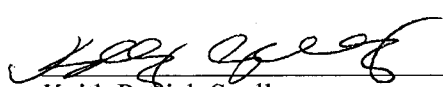
5 25. No mitigating factors set forth in Section 9.32 of the ABA Standards apply to this
6 case.

7 26. Considering the aggravating factors, the presumptive sanction of suspension
8 should be increased to disbarment.

9 **RECOMMENDATION**

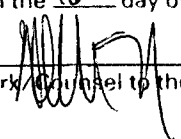
10 27. Based on the ABA Standards and the applicable aggravating and mitigating
11 factors, the Hearing Officer recommends that Respondent Artis C. Grant Jr. be disbarred.

12 DATED this 16th day of August, 2016.

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14 
15 Keith Patrick Scully,
16 Hearing Officer

17 **CERTIFICATE OF SERVICE**

18 I certify that I caused a copy of the FOF, COL & HO'S RECOMMENDATION
19 to be delivered to the Office of Disciplinary Counsel and to be mailed
20 to ARTIS GRANT Respondent/Respondent's Counsel
at 3022 S UPWIST - TACOMA, WA 98409 by Certified first class mail
postage prepaid on the 16th day of AUGUST, 2016

21 
22 Clerk/Counsel to the Disciplinary Board