

FILED
APR 07 2015
DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re
PATRICK MICHAEL PASION,
Lawyer (Bar No. 28243).

Proceeding No. 14#00089
FINDINGS OF FACT, CONCLUSIONS OF
LAW AND HEARING OFFICER'S
RECOMMENDATION

The undersigned Hearing Officer held a default hearing on April 7, 2015, 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 Patrick Michael Pasion 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:
4. By failing to respond to Mr. Schreiber's repeated requests for information about

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1 his case, failing to reasonably consult with Mr. Schreiber about the means by which his
2 objectives were to be accomplished, failing to keep Mr. Schreiber reasonably informed about
3 the status of his dependency case, failing to promptly comply with Mr. Schreiber's reasonable
4 requests for information, and failing to explain the dependency matter to the extent reasonably
5 necessary to permit Mr. Schreiber to make informed decisions regarding the representation,
6 Respondent violated RPC 1.4

7 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**
8 **REGARDING RECOMMENDED SANCTION**

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

12 6. ABA Standard 4.4 is most applicable to the duty to communicate with a client:

13 4.42 Suspension is generally appropriate when:

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

18 7. Respondent acted knowingly in failing to communicate with Mr. Schreiber.

19 8. Respondent's lack of communication caused injury to Mr. Schreiber.

20 9. The presumptive sanction is suspension.

21 10. The following aggravating factor set forth in Section 9.22 of the ABA Standards
22 applies in this case:

23 (i) substantial experience in the practice of law.

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

12. The following mitigating factors set forth in Section 9.32 of the ABA Standards

1 apply to this case:

- 2 (a) absence of a prior disciplinary record;
- 3 (b) absence of a dishonest or selfish motive; and
- 4 (c) personal or emotional problems (as set forth in EX 1).

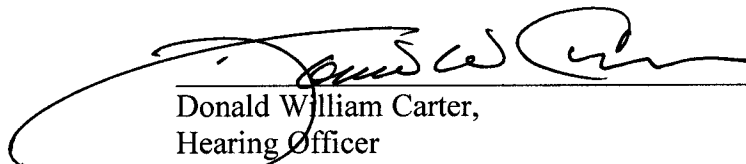
4 **RECOMMENDATION**

5 13. Considering the ABA Standards, the ethical violation, and the applicable
6 aggravating and mitigating factors, the Hearing Officer recommends that the presumptive
7 sanction of suspension be mitigated to a reprimand.

8 14. Upon the issuance of the reprimand, Respondent shall be subject to probation
9 under ELC 13.8 for a period of one year while on active status, during which he shall be
10 supervised by a practice monitor. Within 60 days of the commencement of probation,
11 Respondent shall identify the practice monitor, who shall be a lawyer licensed in Washington
12 and approved by ODC.

13 15. Respondent shall be required to meet with the practice monitor every month to
14 review all active files on his caseload to determine that the matters are being appropriately
15 handled, and to provide summary reports to ODC. Respondent shall be responsible for paying
16 any charges of the practice monitor.

17
18 DATED this 7 day of April, 2015.

19
20 
21 Donald William Carter,
Hearing Officer

22 **CERTIFICATE OF SERVICE**

23 I certify that I caused a copy of the FOF COL & HO's Recommendation
24 to be delivered to the Office of Disciplinary Counsel and to be mailed
to Practice Monitor Respondent/ Respondent's Counsel
at PO BOX 574 24 Bellevue WA 98005 by Certified/first class mail,
postage prepaid on the 7th day of April, 2015