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MAY 05 2017
DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

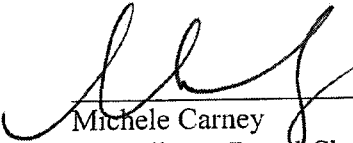
In re
PATRICK MICHAEL PASION,
Lawyer (WSBA No.28243)

Proceeding No. 16#00020
DISCIPLINARY BOARD ORDER
DECLINING *SUA SPONTE* REVIEW AND
ADOPTING HEARING OFFICER'S
DECISION

This matter came before the Disciplinary Board for consideration of *sua sponte* review pursuant to ELC 11.3(a). On April 13, 2017, the Clerk distributed the attached decision to the Board.

IT IS HEREBY ORDERED THAT the Board declines *sua sponte* review and adopts the Hearing Officer's decision¹.

Dated this 4th day of May, 2017.


Michele Carney
Disciplinary Board Chair
CERTIFICATE OF SERVICE

I certify that I caused a copy of the DB Order Declining Sua Sponte Review and Adopting the Decision to be delivered to the Office of Disciplinary Counsel and to be mailed to Patrick Pasion, Respondent's Counsel at PO BOX 50401 Bellingham WA 98205, by Certified/~~first class mail~~ postage prepaid on the 5th day of MAY, 2017

DB Order Declining Sua Sponte Review and Adopting the Decision

¹ The vote on this matter was 14-0. The following Board members voted: Carney, Silverman, Denton, Louvier, Andeen, Startzel, Byerly, Smith, Graber, Cottrell, Patneau, Myers, Cornelius and Rawlings.

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

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

Proceeding No. 16#00020
FINDINGS OF FACT, CONCLUSIONS OF
LAW AND HEARING OFFICER'S
RECOMMENDATION

The undersigned Hearing Officer held a default hearing on March 3, 2017 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 First Amended Formal Complaint (Bar File No. 13) charged Respondent Patrick Michael Pasion with misconduct as set forth therein. A copy of the First Amended Formal Complaint is attached to this decision.
2. The Office of Disciplinary Counsel (ODC) moved to dismiss Counts 1 and 2 of the First Amended Formal Complaint. The Hearing Officer granted the motion. Counts 1 and 2 of the First Amended Formal Complaint are dismissed.
3. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in the

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1 Amended Formal Complaint (Bar File No. 13) is admitted and established.

2 4. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations
3 charged in counts 3 and 4 of the Amended Formal Complaint (Bar File No. 13) is admitted and
4 established as follows:

5 5. Respondent violated RPC 8.4(l) (by violating ELC 1.5 and 13.8) by failing to
6 satisfy the condition of probation regarding the practice monitor.

7 6. Respondent violated 8.4(l) (by violating ELC 1.5, 5.3(f), and 5.3(g)) by failing to
8 respond to a request for information relevant to a grievance.

9 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**
10 **REGARDING RECOMMENDED SANCTION**

11 7. ABA Standard 7.0 presumptively applies in this case:

12 ABA Standard 7.0 Violations of Duties Owed as a Professional

13 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in
14 conduct that is a violation of a duty owed as a professional with the intent to
obtain a benefit for the lawyer or another, and causes serious or potentially
serious injury to a client, the public, or the legal system.

15 7.2 Suspension is generally appropriate when a lawyer knowingly engages in
16 conduct that is a violation of a duty owed as a professional and causes injury or
potential injury to a client, the public, or the legal system.

17 7.3 Reprimand is generally appropriate when a lawyer negligently engages in
18 conduct that is a violation of a duty owed as a professional and causes injury or
potential injury to a client, the public, or the legal system.

19 7.4 Admonition is generally appropriate when a lawyer engages in an
20 isolated instance of negligence that is a violation of a duty owed as a
professional, and causes little or no actual or potential injury to a client, the
public, or the legal system.

21 8. Respondent acted knowingly by failing to satisfy the condition of probation
22 regarding the practice monitor.

23 9. Respondent acted knowingly by failing to respond to a request for information
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1 relevant to a grievance.

2 10. Respondent caused injury to the public and the legal system.

3 11. The presumptive sanction is suspension under ABA Standard 7.2.

4 12. The following aggravating factors set forth in Section 9.22 of the ABA Standards
5 apply in this case:

6 (a) prior disciplinary offenses (Respondent received a reprimand in 2015 for
violating RPC 1.4);

7 (i) substantial experience in the practice of law (Respondent was admitted in
8 1998).

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

11 14. No mitigating factors under ABA Standard 9.32 apply.

12 15. The aggravating and mitigating factors do not provide cause to deviate from the
13 presumptive sanction.

14 RECOMMENDATION

15 16. Based on the ABA Standards and the applicable aggravating and mitigating factors,
16 the Hearing Officer recommends that Respondent Patrick Michael Pasion be suspended for a
17 period of one year.

18 17. Respondent shall be subject to probation for a period of 24 months beginning on the
19 date Respondent is reinstated to the practice of law.

20 18. The recommended conditions of probation are set forth below. Respondent's
21 compliance with these conditions will be monitored by the Probation Administrator of the
22 Office of Disciplinary Counsel ("Probation Administrator"). Failure to comply with a condition
23 of probation listed herein may be grounds for further disciplinary action under ELC 13.8(b).
24

1 Practice Monitor

2 19. During the period of probation, Respondent's practice will be supervised by a
3 practice monitor. The practice monitor must be a WSBA member with no record of public
4 discipline and who is not the subject of a pending public disciplinary proceeding.

5 20. The role of the practice monitor is to consult with and provide guidance to
6 Respondent regarding case management, office management, and avoiding violations of the
7 Rules of Professional Conduct, and to provide reports and information to the Probation
8 Administrator regarding Respondent's compliance with the terms of probation and the RPC.
9 The practice monitor does not represent Respondent.

10 21. At the beginning of the probation period, the Probation Administrator will select a
11 lawyer to serve as practice monitor for the period of Respondent's probation.

12 22. Initial Challenge: If, within 15 days of the written notice of the selection of a
13 practice monitor, Respondent sends a written request to the Probation Administrator that
14 another practice monitor be selected, the Probation Administrator will select another practice
15 monitor. Respondent need not identify any basis for this initial request.

16 23. Subsequent Challenges: If, after selection of a second (or subsequent) practice
17 monitor, Respondent believes there is good cause why that individual should not serve as
18 practice monitor, Respondent may, within 15 days of notice of the selected practice monitor,
19 send a written request to the Probation Administrator asking that another practice monitor be
20 selected. That request must articulate good cause to support the request. If the Probation
21 Administrator agrees, another practice monitor will be selected. If the Probation Administrator
22 disagrees, the Office of Disciplinary Counsel will submit the proposed selection for practice
23 monitor to the Chair of the Disciplinary Board for appointment pursuant to ELC 13.8(a)(2), and
24

1 will also provide the Chair with Respondent's written request that another practice monitor be
2 selected.

3 24. In the event the practice monitor is no longer able to perform his or her duties, the
4 Probation Administrator will select a new practice monitor at his or her discretion.

5 25. During the period of probation, Respondent must cooperate with the named practice
6 monitor. Respondent must meet with the practice monitor at least once per month. Respondent
7 must communicate with the practice monitor to schedule all required meetings.

8 26. Respondent must bring to each meeting a current, complete written list of all
9 pending client legal matters being handled by Respondent. The list must identify the current
10 status of each client matter and any problematic issues regarding each client matter. The list
11 may identify clients by using the client's initials rather than the client's name.

12 27. At each meeting, the practice monitor will discuss with Respondent practice issues
13 that have arisen or are anticipated. In light of the conduct giving rise to the imposition of
14 probation, the practice monitor and Respondent should discuss whether Respondent is diligently
15 making progress on each client matter, whether Respondent is in communication with each
16 client, whether Respondent needs to consider withdrawing from any client matters. Meetings
17 may be in person or by telephone at the practice monitor's discretion. The practice monitor uses
18 discretion in determining the length of each meeting.

19 28. The practice monitor will provide the Probation Administrator with quarterly written
20 reports regarding Respondent's compliance with probation terms and the RPC. Each report
21 must include the date of each meeting with Respondent, a brief synopsis of the discussion
22 topics, and a brief description of any concerns the practice monitor has regarding Respondent's
23 compliance with the RPC. The report must be signed by the practice monitor. Each report is
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1 due within 30 days of the completion of the quarter.

2 29. If the practice monitor believes that Respondent is not complying with any of his
3 ethical duties under the RPC or if Respondent fails to schedule or attend a monthly meeting, the
4 practice monitor will promptly communicate that to the Probation Administrator.

5 30. Respondent must make payments totaling \$1,000 to the Washington State Bar
6 Association to defray the costs and expenses of administering the probation, as follows:

- 7 a. \$250 due within 30 days of the start of the probation;
- 8 b. \$250 due within 6 months of the start of the probation period;
- 9 c. \$250 due within 12 months of the start of the probation period; and
- 10 d. \$250 due within 18 months of the start of the probation period.
- 11 e. All payments should be provided to the Probation Administrator for processing.

12 Ethics School

13 31. Respondent shall attend Ethics School in person or by webinar (approximately six
14 hours), or by obtaining the recorded product, and shall pay registration costs of \$150.
15 Respondent will receive all applicable approved CLE credits for time in attendance at Ethics
16 School. Ethics School will be held at the Association's office.

17 32. Respondent shall not disclose the names of or other identifying information about
18 other Ethics School attendees outside of Ethics School.

19 33. Respondent shall contact the Ethics School Administrator, currently Thea Jennings,
20 at (206) 733-5985 or theaj@wsba.org, within 30 days after reinstatement to confirm enrollment
21 in Ethics School and related logistics.

22 34. The Ethics School administrator may respond to inquiries from the Probation
23 Administrator regarding Respondent's compliance with these conditions.

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DATED this 3rd day of March, 2017.

James E. Horne
James E. Horne,
Chief Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the PDF, WL & HD's Recommendation
to be delivered to the Office of Disciplinary Counsel and to be mailed
to PATRICK PIGSON, ~~Respondent's~~ Respondent's Counsel
at PO BOX 53124 BERTON WA 98015, by Certified first class mail,
postage prepaid on the 3 day of MARCH, 2017

[Signature]
Clerk/Counsel to the Disciplinary Board

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re	Proceeding No. 16#00020
PATRICK MICHAEL PASION,	FIRST AMENDED FORMAL COMPLAINT
Lawyer (Bar No. 28243).	

Under Rule 10.3 of the Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) charges the above-named lawyer with acts of misconduct under the Rules of Professional Conduct (RPC) as set forth below.

ADMISSION TO PRACTICE

1. Respondent Patrick Michael Pasion was admitted to the practice of law in the State of Washington on October 28, 1998.

FACTS REGARDING COUNTS 1-2

2. On April 7, 2015, the hearing officer entered a decision in Proceeding No. 14#00089. The hearing officer recommended that Respondent receive a reprimand. The hearing officer's decision was served on Respondent at this address on file with the Association.

3. Respondent did not appeal from the hearing officer's decision.

4. On May 15, 2015, the Disciplinary Board Chair entered an Order Assessing Costs

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1 and Expenses against Respondent in the amount of \$2,074.20. The order was served on
2 Respondent at his address on file with the Association.

3 5. Respondent did not request review of the Order Assessing Costs and Expenses.

4 6. On May 29, 2015, the hearing officer's decision became final.

5 7. On July 28, 2015, ODC sent a letter to Respondent at his address on file with the
6 Association notifying him that the costs and expenses ordered were to have been paid on or
7 before June 13, 2015.

8 8. Respondent did not respond.

9 9. On October 1, 2015, ODC sent a letter to Respondent at his address on file with the
10 Association notifying him that unless he took steps to pay the costs and expenses ordered, ODC
11 might open a grievance against him.

12 10. Respondent did not respond.

13 11. On November 6, 2015, ODC opened a grievance against Respondent for failing to
14 pay the costs and expenses ordered in Proceeding No. 14#00089. On the same date, ODC sent a
15 request for a written response under ELC 5.3 to Respondent at his address on file with the
16 Association.

17 12. Respondent did not respond.

18 13. To date, Respondent has not paid any of the costs and expenses ordered in
19 Proceeding No. 14#00089.

20 14. Respondent acted knowingly in failing to pay the costs and expenses ordered in
21 Proceeding No. 14#00089.

22 15. Respondent acted knowingly in failing to respond to ODC's request for a written
23 response to a grievance.

1 16. Respondent's conduct caused harm, including the WSBA's loss of funds, the
2 necessity for ODC to expend resources in enforcing the terms of Respondent's disciplinary
3 sanction, and the undermining of the system for lawyer discipline resulting from Respondent's
4 disregard of the consequences of disciplinary violations.

5 **COUNT 1**

6 17. By failing to pay the costs and expenses ordered in Proceeding No. 14#00089,
7 Respondent violated RPC 8.4(l) (by violating ELC 1.5, 13.9(i) and/or 13.9(j)).

8 **COUNT 2**

9 18. By failing to respond to a request for information relevant to a grievance,
10 Respondent violated RPC 8.4(l) (by violating ELC 1.5, 5.3(f), and/or 5.3(g)).

11 **FACTS REGARDING COUNT 3-4**

12 19. The hearing officer's decision in Proceeding No. 14#0089 also recommended
13 Respondent receive a one year probation term, during which time Respondent was to be
14 supervised by a practice monitor.

15 20. The decision also required Respondent to obtain a practice monitor within 60 days
16 of the beginning of probation, and to meet with the monitor each month.

17 21. The hearing officer's decision was served on Respondent at his address on file
18 with the Association.

19 22. On May 29, 2015, the hearing officer's decision became final.

20 23. On August 3, 2015, the ODC sent Respondent a letter at his address on file with
21 the Association notifying him that he was required to provide the name and contact information
22 of the proposed practice monitor to ODC by August 17, 2015.

23 24. Respondent did not respond.

1 25. On October 9, 2015, ODC moved the Disciplinary Board Chair to appoint Ramina
2 Dehkhoda-Steele to serve as Respondent's practice monitor.

3 26. The motion was granted on November 6, 2015.

4 27. Respondent met with Ms. Dehkhoda-Steele for the first time on January 26, 2016.

5 28. Respondent has not met with Ms. Dehkhoda-Steele since January 26, 2016.

6 29. Since January 26, 2016, Ms. Dehkhoda-Steele has attempted to contact
7 Respondent by phone, email, and letter.

8 30. Respondent has not responded to any of Ms. Dehkhoda-Steele's communications.

9 31. Respondent acted knowingly in failing to meet his obligation to propose a practice
10 monitor and to meet with the monitor monthly.

11 32. On April 1, 2016, Disciplinary Administrator Thea Jennings sent Respondent a
12 letter expressing the ODC's concern about Respondent's failure to comply with his obligations
13 regarding his probation monitor.

14 33. Ms. Jennings notified Respondent that failure to resolve the practice monitor issue
15 by April 15, 2016 could result in ODC opening a grievance against Respondent.

16 34. Respondent neither resolved the issue nor responded.

17 35. On May 6, 2016, ODC sent a letter to Respondent's address of record on file with
18 the Association advising him that a grievance had been opened against him and requesting that
19 he respond to specific questions within 30 days.

20 36. Respondent did not respond.

21 37. On June 6, 2016, disciplinary counsel sent a follow-up notice under ELC 5.3(h)(1)
22 advising Respondent that if a response was not provided within 10 days he would be subject to a
23 subpoena for deposition.

1 38. The notice also advised that failure to respond is in itself grounds for discipline and
2 may result in interim suspension under ELC 7.2(a)(3).

3 39. Respondent did not respond.

4 40. Respondent acted knowingly in failing to respond to ODC's request for a written
5 response to a grievance.

6 41. Respondent's conduct caused harm, including the necessity for ODC to expend
7 resources in enforcing the terms of Respondent's disciplinary sanction and the undermining of
8 the system for lawyer discipline resulting from Respondent's disregard of the consequences of
9 disciplinary violations.

10 **COUNT 3**

11 42. By failing to satisfy the condition of probation regarding the practice monitor,
12 Respondent violated RPC 8.4(l) (by violating ELC 1.5 and 13.8).

13 **COUNT 4**

14 43. By failing to respond to a request for information relevant to a grievance.
15 Respondent violated RPC 8.4(l) (by violating ELC 1.5, 5.3(f), and/or 5.3(g)).

16 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
17 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
18 restitution, and assessment of the costs and expenses of these proceedings.

19 Dated this 23rd day of August, 2016.

20 

21 Kathy Jo Blake, Bar No. 29235
22 Disciplinary Counsel
23