

FILED

Jun 26 2019

Disciplinary Board

BEFORE THE DISCIPLINARY BOARD OF THE WASHINGTON STATE BAR ASSOCIATION

Docket # 025

In re CREDO ENRIQUEZ, Lawyer (WSBA No.28921)

Proceeding No. 18#00053

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 June 5, 2019, 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 24 day of June, 2019.

Handwritten note: PD order declining sua sponte review and adopting HO's decision

Signature of Frank Cornelius

CERTIFICATE OF SERVICE

Frank Cornelius Disciplinary Board Chair

I certify that I caused a copy of the [redacted] to be delivered to the Office of Disciplinary Counsel and to be mailed to [redacted] Respondent/Respondent's Counsel at [redacted] by Certified/first class mail postage prepaid on the 24th day of June, 2019.

Signature of Clerk/Counsel to the Disciplinary Board

¹ The vote on this matter was 9-0. The following Board members voted: Cornelius, Wang, Byerly, Vovos, Gates, Halwe, Value, Hurl, and Sattler.

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

CREDO ENRIQUEZ,
Lawyer (Bar No. 28921).

Proceeding No. 18#00053

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND HEARING OFFICER'S
RECOMMENDATION

The undersigned Hearing Officer held a default hearing on March 15, 2019 under Rule 10.6 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING CHARGED VIOLATIONS**

1. The Formal Complaint (Bar File (BF) 4) charged Credo Enriquez 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 Formal Complaint is admitted and established as follows:

Count 1: By charging Mr. Rivera an unreasonable fee and by failing to refund unearned

1 fees, Respondent violated RPC 1.5(a) and RPC 1.16(d).

2 **Count 2:** By failing to provide Mr. Rivera with competent representation, Respondent
3 violated RPC 1.1.

4 **Count 3:** By failing to provide Mr. Rivera with diligent and prompt representation,
5 Respondent violated RPC 1.3.

6 **Count 4:** By failing to keep Mr. Rivera reasonably informed about the status of his case,
7 by failing to promptly comply with reasonable requests for information, and by failing to
8 explain the matter to the extent reasonably necessary for Mr. Rivera to make informed
9 decisions, Respondent violated RPC 1.4(a) and RPC 1.4(b).

10 **Count 5:** By making misrepresentations to Mr. Rivera regarding his case, Respondent
11 violated RPC 8.4(c) and RPC 1.4.

12 **Count 6:** By knowingly making a false statement that he was unable to timely respond
13 to the grievance filed by Mr. Rivera because he had not received a copy of the
14 grievance, Respondent violated RPC 8.4(l), RPC 8.4(c), and RPC 8.1(a).

15 **Count 7:** By failing to fully and promptly cooperate with the investigation of Mr.
16 Rivera's grievance, Respondent violated RPC 8.1(b) and RPC 8.4(l) by violating ELC
17 1.5 and ELC 5.3(f).

18 **Count 8:** By revealing information relating to Ms. Cruz Martinez's representation to
19 opposing counsel without Ms. Cruz Martinez's informed consent and authorization,
20 Respondent violated RPC 1.6(a).

21 **Count 9:** By failing to fully and promptly cooperate with the investigation of Ms. Cruz
22 Martinez's grievance, Respondent violated RPC 8.1(b) and/or RPC 8.4(l) by violating
23 ELC 1.5 and ELC 5.3(f).

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

4. Respondent acted knowingly in charging an unreasonable fee to Mr. Rivera and in
failing to refund his fee after determining that he was unable to perform the work that Mr.
Rivera had hired him to perform. Mr. Rivera was denied access to his funds as a result of
Respondent's misconduct and had to pay another immigration lawyer to perform the work for
which he hired Respondent.

5. Respondent demonstrated a failure to understand relevant legal doctrines or

1 | procedures by failing to determine that Mr. Rivera was ineligible for I-485 relief when he was
2 | hired, by informing Mr. Rivera that his uncle could sponsor his I-485 application, by pursuing
3 | an I-485 application that had no chance of success, and by failing to file an I-130 application
4 | after the dissolution of Mr. Rivera's marriage. Mr. Rivera's matter was significantly delayed
5 | (by two years) as a result of Respondent's failure to understand relevant legal doctrines and
6 | procedures, and Mr. Rivera had to pay another immigration lawyer to perform the work for
7 | which he hired Respondent.

8 | 6. Respondent negligently failed to determine that Mr. Rivera was ineligible to file an
9 | I-485 application when he was hired and negligently failed to file an I-130 petition upon the
10 | dissolution of Mr. Rivera's marriage in May 2015. Mr. Rivera's matter was significantly
11 | delayed (by two years) as a result of Respondent's negligence, and Mr. Rivera had to pay
12 | another immigration lawyer to perform the work for which he hired Respondent.

13 | 7. Respondent knowingly failed to consult with Mr. Rivera about the means by which
14 | his objectives were to be accomplished, knowingly failed to keep Mr. Rivera reasonably
15 | informed about the status of his I-485 application, knowingly failed to promptly comply with
16 | reasonable requests for information, and knowingly failed to explain the matter to the extent
17 | reasonably necessary to permit Mr. Rivera to make informed decisions regarding the
18 | representation. Mr. Rivera's eligibility to file an I-485 application was significantly delayed (by
19 | two years) as a result of Respondent's failure to communicate with him. Additionally, Mr.
20 | Rivera suffered anxiety and stress as a result of being left in the dark regarding the status of his
21 | I-485 application.

22 | 8. Respondent knowingly deceived Mr. Rivera about the status of his application.
23 | Respondent knowingly deceived Mr. Rivera by informing him that he would check on the status
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1 of an application that he never filed and by falsely telling Mr. Rivera that he did not file an I-
2 485 application because his uncle would not sponsor him. Mr. Rivera's matter was significantly
3 delayed (by two years) as a result of Respondent's misconduct, and Mr. Rivera had to pay
4 another immigration lawyer to perform the work for which he hired Respondent. Respondent's
5 conduct also reflects poorly on the profession and diminishes public confidence in the legal
6 system.

7 9. Respondent knowingly made a false statement to ODC with the intent to benefit
8 himself. Respondent's actions caused serious or potentially serious injury to the public and the
9 legal system.

10 10. Respondent knowingly failed to respond to ODC's request for a response to both
11 Ms. Cruz Martinez's grievance and Mr. Rivera's grievance. Respondent did not file a written
12 response for either grievance until after he was subpoenaed for non-cooperation depositions.
13 Respondent's conduct caused actual harm by forcing ODC to expend additional time and
14 resources in attempting to obtain Respondent's cooperation. Respondent's failure to cooperate
15 also reflects poorly on the profession and diminishes public confidence in the legal system.

16 11. Respondent knowingly disclosed confidential client information with the intent to
17 benefit himself. Respondent did not obtain informed consent from his client and the disclosures
18 were not impliedly authorized in order to carry out the representation. Respondent's disclosures
19 had no purpose other than to benefit himself. Respondent's actions caused injury and potential
20 injury to Ms. Cruz Martinez by revealing unfavorable information to the government lawyer
21 prosecuting his client's/former client's immigration matter.

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

2 13. ABA Standard 4.2 is most applicable to Respondent's violation of RPC 1.6(a).

3 **4.2 Failure to Preserve the Client's Confidences**

4 4.21 Disbarment is generally appropriate when a lawyer, with the intent to benefit the
5 lawyer or another, knowingly reveals information relating to representation of a
6 client not otherwise lawfully permitted to be disclosed, and this disclosure causes
7 injury or potential injury to a client.

8 14. The presumptive sanction for Respondent's misconduct for Count 8 is disbarment
9 under ABA Standard 4.21.

10 15. ABA Standard 7.0 is most applicable to Respondent's violations of RPC 1.5(a),
11 RPC 1.16(d), RPC 8.1(a), RPC 8.1(b), RPC 8.4(c), RPC 8.4(l), ELC 1.5, and ELC 5.3(f).

12 **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
15 obtain a benefit for the lawyer or another, and causes serious or potentially
16 serious injury to a client, the public, or the legal system.

17 7.2 Suspension is generally appropriate when a lawyer knowingly engages in
18 conduct that is a violation of a duty owed as a professional and causes injury or
19 potential injury to a client, the public, or the legal system.

20 16. The presumptive sanction for Respondent's misconduct for Count 6 is disbarment
21 under ABA Standard 7.1.

22 17. The presumptive sanction for Respondent's misconduct for Counts 1, 7, and 9 is
23 suspension under ABA Standard 7.2.

24 18. ABA Standard 4.6 is most applicable to Respondent's violation of RPC 8.4(c).

4.6 Lack of Candor

4.62 Suspension is generally appropriate when a lawyer knowingly deceives a client,
and causes injury or potential injury to the client.

19. The presumptive sanction for Respondent's misconduct for Count 5 is suspension
under ABA Standard 4.62.

20. ABA Standard 4.4 is most applicable to Respondent's violations of RPC 1.3, RPC

1 1.4(a), and RPC 1.4(b).

2 **4.4 Lack of Diligence**

3 4.42 Suspension is generally appropriate when:

4 (a) a lawyer knowingly fails to perform services for a client and causes
5 injury or potential injury to a client.

6 4.43 Reprimand is generally appropriate when a lawyer is negligent and does not act
7 with reasonable diligence in representing a client, and causes injury or potential
8 injury to a client.

9 21. The presumptive sanction for Respondent's misconduct for Count 4 is suspension
10 under ABA Standard 4.42(a).

11 22. The presumptive sanction for Respondent's misconduct for Count 3 is reprimand
12 under ABA Standard 4.43.

13 23. ABA Standard 4.5 is most applicable to Respondent's violation of RPC 1.1.

14 **4.5 Lack of Competence**

15 4.53 Reprimand is generally appropriate when a lawyer:

16 (a) demonstrates failure to understand relevant legal doctrines or procedures
17 and causes injury or potential injury to a client.

18 24. The presumptive sanction for Respondent's misconduct for Count 2 is reprimand
19 under ABA Standard 4.53(a).

20 25. Under In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854, 846
21 P.2d 1330 (1993), the "ultimate sanction imposed should at least be consistent with the sanction
22 for the most serious instance of misconduct among a number of violations."

23 26. The presumptive sanction for the most serious instances of misconduct in this case
24 is disbarment.

25 27. The following aggravating factors set forth in Section 9.22 of the ABA Standards
26 apply in this case:

27 (d) multiple offenses;

28 (g) refusal to acknowledge wrongful nature of conduct;

29 (i) substantial experience in the practice of law (admitted in 1999); and

1 (j) indifference to making restitution.

2 28. It is an additional aggravating factor that Respondent failed to file an answer to the
3 Formal Complaint as required by ELC 1.5 and ELC 10.5(a).¹

4 29. The following mitigating factor set forth in Section 9.32 of the ABA Standards
5 applies to this case:

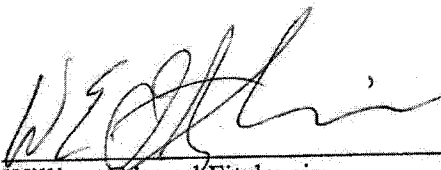
6 (a) absence of a prior disciplinary record.

7 30. On balance, the aggravating and mitigating factors do not warrant deviation from
8 the presumptive sanction of disbarment.

9 **RECOMMENDATION**

10 31. Based on the ABA Standards and the applicable aggravating and mitigating
11 factors, the Hearing Officer recommends that Respondent Credo Enriquez be disbarred and
12 ordered to pay restitution under ELC 13.7 of \$2,500 to Roberto Rivera.

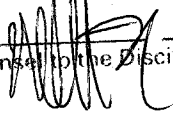
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14 DATED this 8 day of April, 2019.

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16 William Edward Fitzharris,
17 Hearing Officer

18 CERTIFICATE OF SERVICE

19 I certify that I caused a copy of the ELC 10.5(a) HO'S recommendation
20 to be delivered to the Office of Disciplinary Counsel and to be mailed
21 to Credo Enriquez Respondent/Respondent's Counsel
22 at 1705 NW 40th St, Suite 111, Miami, FL 33149 by Certified/first class mail
23 postage prepaid on the 8th day of April, 2019

24 
Clerk/Counsel to the Disciplinary Board

¹ ELC 10.5(a) provides: "Failure to file an answer as required may be grounds for discipline and for an order of default under rule 10.6."



FILED

Nov 06 2018

Disciplinary
Board

Docket # 004

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

CREDO ENRIQUEZ,

Lawyer (Bar No. 28921).

Proceeding No. 18#00053

FORMAL COMPLAINT

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

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ADMISSION TO PRACTICE

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1. Respondent Credo Enriquez was admitted to the practice of law in the State of Washington on June 10, 1999.

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FACTS REGARDING COUNTS 1 THROUGH 7

2. Roberto Rivera, a native and citizen of El Salvador, was granted Temporary Protected Status, which allowed him to remain and work in the United States, but did not provide him with lawful permanent resident status.

1 3. On or about September 17, 2014, Mr. Rivera hired Respondent to file an
2 Application to Register Permanent Residence or Adjust Status (I-485 application).

3 4. Mr. Rivera signed a fee agreement, which stated that Respondent was to “represent
4 [him] in the following matter(s): I-485 (except Supplement A, if necessary).”

5 5. Mr. Rivera paid Respondent a flat fee of \$2,500 for his services.

6 6. Respondent never informed Mr. Rivera that he first needed to determine whether
7 Mr. Rivera was eligible to file an I-485 application.

8 7. Respondent told Mr. Rivera that Mr. Rivera’s uncle could sponsor his application.

9 8. Respondent’s advice was inaccurate because USCIS does not permit uncles to
10 sponsor nieces or nephews.

11 9. Respondent filled out the I-485 application, which Mr. Rivera signed.

12 10. Respondent told Mr. Rivera that he would file the application, and informed him
13 that once the application was filed, there would be a lengthy waiting process.

14 11. Respondent never filed Mr. Rivera’s I-485 application.

15 12. From early 2015 to mid-2017, Mr. Rivera contacted Respondent several times to
16 obtain information regarding the status of his I-485 application.

17 13. When Respondent responded, he informed Mr. Rivera that he needed to check on
18 the status of the application and would call Mr. Rivera back.

19 14. Respondent did not provide the information Mr. Rivera requested regarding the
20 status of his I-485 application.

21 15. In mid-2017, Mr. Rivera called U.S. Citizenship and Immigration Services
22 (USCIS) to check on his I-485 application. USCIS informed Mr. Rivera that his I-485
23 application had never been filed.

1 16. Upon discovering that Respondent did not file his I-485 application, Mr. Rivera
2 terminated Respondent's representation.

3 17. In or around June 2017, Mr. Rivera obtained his client file from Respondent and
4 saw the word "DISQUALIFIED" written on his I-485 application.

5 18. Respondent knew by September 2015 at the latest that Mr. Rivera was ineligible
6 for permanent resident status and that filing an I-485 application had no chance of success.

7 19. Mr. Rivera was ineligible to file an I-485 application because he was over 21 years
8 old and married.

9 20. Respondent never informed Mr. Rivera that he was ineligible for permanent
10 resident status or that he had no chance of obtaining permanent resident status by filing an I-
11 485 application.

12 21. When Mr. Rivera terminated the representation, Respondent told Mr. Rivera that
13 he did not file the I-485 application because Mr. Rivera's uncle told Respondent that he would
14 not sponsor Mr. Rivera.

15 22. This statement was false.

16 23. Respondent never had a conversation with Mr. Rivera's uncle regarding his
17 sponsorship of Mr. Rivera's I-485 application.

18 24. Respondent continued his representation of Mr. Rivera despite recognizing that he
19 had no viable method of performing the services for which Mr. Rivera hired him.

20 25. Respondent did not refund any fees to Mr. Rivera.

21 26. Respondent did not return the check for the application filing fee until Mr. Rivera
22 terminated the representation.

23 27. Mr. Rivera would have been eligible to file an I-485 application after an

1 approximate seven-year waiting period from the filing of a valid I-130 petition.

2 28. Mr. Rivera got divorced in May 2015.

3 29. After Mr. Rivera's divorce, Mr. Rivera was eligible to file an I-130 petition in May
4 2015.

5 30. Respondent did not file an I-130 petition on Mr. Rivera's behalf.

6 31. On January 19, 2018, ODC mailed Respondent a copy of Mr. Rivera's grievance
7 along with a letter requesting a written response to the grievance within thirty (30) days.

8 32. Respondent did not provide a response.

9 33. On February 22, 2018, ODC mailed Respondent a letter informing him that, if he
10 failed to provide a written response to the grievance within ten (10) days, he would be
11 subpoenaed for a deposition, and that his failure to respond might subject him to interim
12 suspension.

13 34. Respondent did not provide a response within 10 days of ODC's February 22,
14 2018 letter.

15 35. On March 14, 2018, Disciplinary Counsel issued a subpoena duces tecum
16 commanding Respondent to appear for a deposition on April 19, 2018, and to produce
17 records.

18 36. On April 8, 2018, Respondent told Disciplinary Counsel that he was unable to
19 submit a timely response to the grievance because he never received a copy of the grievance.

20 37. Respondent made a false statement to ODC with the intent to benefit himself when
21 he informed Disciplinary Counsel that he was unable to timely respond to the grievance
22 because he had not received a copy of the grievance.

23 38. On April 16, 2018, Respondent provided a written response to the grievance and

1 produced the requested documents.

2 39. On April 19, 2018, a non-cooperation deposition was held.

3 **FACTS REGARDING COUNTS 8 AND 9**

4 40. In or around October 2015, Maria Cruz Martinez and her daughter, natives and
5 citizens of El Salvador, were detained by Immigration and Customs Enforcement officials in
6 Texas. They were released from immigration detention and their matter was transferred to
7 Seattle.

8 41. In or around May 2016, Ms. Cruz Martinez hired Respondent to represent her and
9 her daughter in immigration proceedings and file applications for asylum and withholding of
10 removal.

11 42. Ms. Cruz Martinez signed a fee agreement, which stated that Respondent was hired
12 to file an I-589 asylum application.

13 43. Ms. Cruz Martinez does not speak, read, or write in English.

14 44. Respondent hired a Spanish interpreter to assist him in interviewing Ms. Cruz
15 Martinez and prepared an asylum application and declaration.

16 45. On or about June 29, 2016, a master calendar hearing was held.

17 46. At the master calendar hearing, Respondent informed the government lawyer and
18 the immigration court that Ms. Cruz Martinez and her daughter were seeking asylum,
19 withholding of removal, and convention against torture relief.

20 47. In or around May 2017, Respondent lodged Ms. Cruz Martinez's asylum
21 application with the U.S. Citizenship and Immigration Services (USCIS) Nebraska Service
22 Center. Respondent filed the application with the immigration court in June 2017.

23 48. The application, which was written in English and signed by Ms. Cruz Martinez,

1 stated that Ms. Cruz Martinez fled from El Salvador because her husband was a gang member,
2 and her husband beat her and threatened to kill her.

3 49. The application further stated that Ms. Cruz Martinez was "deathly afraid" of
4 returning to El Salvador because she would be "tortured and sexually brutalized" by gang
5 members and her husband, who previously held a gun to her head.

6 50. With the application, Respondent filed a declaration written in English signed by
7 Ms. Cruz Martinez. The declaration stated that Ms. Cruz Martinez's husband repeatedly
8 assaulted her and that she suffered years of physical abuse.

9 51. Assistant Chief Counsel Xiao Yan Huang prosecuted Ms. Cruz Martinez's
10 immigration matter on behalf of the Department of Homeland Security.

11 52. On July 20, 2017, Respondent called Ms. Huang and requested that DHS agree to
12 voluntary departure for Ms. Cruz Martinez and her daughter.

13 53. During this telephone call, Respondent told Ms. Huang that he was no longer
14 seeking asylum for Ms. Cruz Martinez because her asylum claim was "meritless" and she
15 "could not meet her burden of proof."

16 54. During this telephone call, Respondent told Ms. Huang that the information in Ms.
17 Cruz Martinez's declaration was false.

18 55. During this telephone call, Respondent informed Ms. Huang that he asked Ms.
19 Cruz Martinez whether her husband ever physically hurt her and she said no. This was
20 inconsistent with the information in Ms. Cruz Martinez's application and declaration that
21 Respondent filed in May and June 2017.

22 56. During this conversation, Ms. Huang interrupted Respondent to stop Respondent
23 from revealing information relating to his client's representation, but Respondent continued to

1 state that Ms. Cruz Martinez lied in her declaration.

2 57. A merits hearing was held in Ms. Cruz Martinez's immigration matter on August
3 1, 2017.

4 58. On the morning of the merits hearing, Respondent left Ms. Huang a voicemail
5 stating that Ms. Cruz Martinez's declaration was actually true and accurate. This message
6 directly contradicted Respondent's statements to Ms. Huang during their July 20, 2017
7 telephone conversation.

8 59. At the merits hearing, Respondent informed the immigration court that Ms. Cruz
9 Martinez was no longer seeking asylum and was instead requesting pre-hearing voluntary
10 departure.

11 60. At the merits hearing, Ms. Cruz Martinez informed the immigration court that she
12 did not agree to voluntary departure and that she did not want to withdraw her asylum claim
13 and leave the U.S.

14 61. At the merits hearing, Respondent withdrew from Ms. Cruz Martinez's
15 representation.

16 62. Shortly after Respondent withdrew from the representation, Respondent left a
17 voicemail for Ms. Huang stating that Ms. Cruz Martinez filed a grievance against him with the
18 bar association, that Ms. Cruz Martinez is a liar and a terrible person, and that he wants her to
19 be deported.

20 63. Respondent did not obtain authorization and/or informed consent from Ms. Cruz
21 Martinez to disclose information about her representation to Ms. Huang.

22 64. Respondent's disclosures were not impliedly authorized in order to carry out the
23 representation.

1 65. Respondent's disclosures were not necessary to accomplish any of the following:
2 prevent reasonably certain death or substantial bodily harm; prevent his client from
3 committing a crime; prevent, mitigate or rectify substantial injury to the financial interests or
4 property of another; secure legal advice about his compliance with the RPC; establish a claim
5 or defense on his behalf; comply with a court order; detect and resolve conflicts of interest; or
6 address his client's breach of a fiduciary responsibility.

7 66. On October 25, 2017, ODC mailed Respondent a copy of Ms. Cruz Martinez's
8 grievance along with a letter requesting he provide a written response to the grievance within
9 30 days. Respondent did not provide a response within 30 days.

10 67. On November 28, 2017, ODC mailed Respondent a letter informing him that, if he
11 failed to provide a written response to the grievance within 10 days, he would be subpoenaed
12 for a deposition, and that his failure to respond might subject him to interim suspension.
13 Respondent did not provide a response within 10 days.

14 68. Respondent did not respond to Ms. Cruz Martinez's grievance within 10 days.

15 69. On December 18, 2017, Disciplinary Counsel issued a subpoena duces tecum
16 commanding Respondent to appear for a deposition on January 18, 2018, and to produce
17 specified records.

18 70. On December 18, 2017, Respondent was personally served with the subpoena.

19 71. On December 28, 2017, Respondent provided a written response to the grievance
20 and produced the requested documents.

21 72. On July 10, 2018, a non-cooperation deposition was held.
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1 **COUNT 1**

2 73. By charging Mr. Rivera an unreasonable fee and/or by failing to refund unearned
3 fees, Respondent violated RPC 1.5(a) and/or RPC 1.16(d).

4 **COUNT 2**

5 74. By failing to provide Mr. Rivera with competent representation, Respondent
6 violated RPC 1.1.

7 **COUNT 3**

8 75. By failing to provide Mr. Rivera with diligent and/or prompt representation,
9 Respondent violated RPC 1.3.

10 **COUNT 4**

11 76. By failing to keep Mr. Rivera reasonably informed about the status of his case, by
12 failing to promptly comply with reasonable requests for information, and/or by failing to
13 explain the matter to the extent reasonably necessary for Mr. Rivera to make informed
14 decisions, Respondent violated RPC 1.4(a) and/or RPC 1.4(b).

15 **COUNT 5**

16 77. By making misrepresentations to Mr. Rivera regarding his case, Respondent
17 violated RPC 8.4(c) and/or RPC 1.4.

18 **COUNT 6**

19 78. By knowingly making a false statement that he was unable to timely respond to the
20 grievance filed by Mr. Rivera because he had not received a copy of the grievance,
21 Respondent violated RPC 8.4(l), and/or RPC 8.4(c), and/or RPC 8.1(a).

22 **COUNT 7**

23 79. By failing to fully and promptly cooperate with the investigation of Mr. Rivera's

1 grievance, Respondent violated RPC 8.1(b) and/or RPC 8.4(l) by violating ELC 1.5 and/or
2 ELC 5.3(f).

3 **COUNT 8**


4 80. By revealing information relating to Ms. Cruz Martinez's representation to
5 opposing counsel without Ms. Cruz Martinez's informed consent and/or authorization,
6 Respondent violated RPC 1.6(a).

7 **COUNT 9**

8 81. By failing to fully and promptly cooperate with the investigation of Ms. Cruz
9 Martinez's grievance, Respondent violated RPC 8.1(b) and/or RPC 8.4(l) by violating ELC
10 1.5 and/or ELC 5.3(f).

11
12 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
13 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
14 restitution, and assessment of the costs and expenses of these proceedings.

15 Dated this 10th day of November, 2018.

16 
17 Emily Krueger, Bar No. 53186
18 Disciplinary Counsel