

FILED

OCT 07 2013

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JANY K. JACOB,
Lawyer (Bar No. 30722).

Proceeding No. 13#00044

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

In accordance with Rule 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC), the undersigned hearing officer conducted a disciplinary proceeding by written submissions.

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

1. The Formal Complaint (Bar File No. 3) charged Jany K. Jacob 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 violations charged in the Formal Complaint are admitted and established as follows:

COUNT 1: By failing to act with reasonable diligence and promptness in

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1 providing responses to the defendants' discovery requests, and/or by failing to
2 make reasonable efforts to expedite litigation consistent with the interests of Mr.
Burluson, Respondent violated RPC 1.3 and/or 3.2.

3 COUNT 2: By failing to promptly respond to requests for information relevant to
4 Mr. Burluson's grievance, and/or by failing to promptly respond to a discovery
5 request from Disciplinary Counsel, Respondent violated RPC 8.4(I) (by violating
6 ELC 5.3(e) and 5.5(c)).

7 COUNT 3: By failing to promptly respond to requests for information relevant to
8 Mr. Yanamandra's grievance, and/or by failing to promptly respond to a
9 discovery request from Disciplinary Counsel, Respondent violated RPC 8.4(I)
10 (by violating ELC 5.3(e) and 5.5(c)).

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

13 4. In her numerous and lengthy delays in providing responses to the defendants'
14 discovery requests, Respondent acted knowingly and caused injury or potential injury to her
15 client and another party.

16 5. In failing to promptly respond to requests for information, and in failing to
17 promptly respond to discovery requests from disciplinary counsel, Respondent acted knowingly
18 and caused injury to a client and the legal system.

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

22 7. ABA Standards stds. 4.4 and 6.2 apply to Respondent's violations of RPC 1.3 and
23 3.2, respectively. The presumptive sanction for Count 1 is suspension under ABA Standards
24 stds. 4.42 and 6.22.

8. ABA Standards std. 7.0 applies to Respondent's violations of RPC 8.4(I). The
presumptive sanction for Counts 2 and 3 is suspension under ABA Standards std. 7.2.

9. The following aggravating factors set forth in ABA Standards std. 9.22 apply in

1 this case:

- 2 (c) a pattern of misconduct;
- 3 (d) multiple offenses;
- 4 (f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
- 5 (i) substantial experience in the practice of law (admitted in 2000).

6 10. It is an additional aggravating factor that Respondent failed to file an answer to the Formal Complaint or otherwise participate in the disciplinary proceeding.

7 11. The following mitigating factor set forth in ABA Standards std 9.32 applies to this case:

- 8 (a) absence of a prior disciplinary record.

10 RECOMMENDATION


11 12. Based on the ABA Standards and the applicable aggravating and mitigating factors, the hearing officer recommends that Respondent Jany K. Jacob be suspended from the practice of law for eighteen months.

12 13. As a condition on Respondent's reinstatement, the hearing officer recommends that Respondent be required to fully comply with the two deposition subpoenas served on her (see Formal Complaint ¶¶ 46, 67) and that she be required to pay the costs of the depositions.

13 14. As an additional condition on reinstatement, the hearing officer recommends that Respondent be required to undergo, at her own expense, an independent examination by a licensed clinical psychologist or psychiatrist to be approved by disciplinary counsel. Respondent must execute all the necessary releases to permit the evaluator to obtain all necessary treatment records and to make a report to disciplinary counsel addressing whether Respondent is currently fit to practice law. If the evaluator concludes that Respondent is not currently fit to practice law, the report shall recommend a course of treatment necessary to

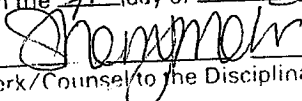
1 enable Respondent to return to the practice of law. Respondent (or Respondent's counsel, if
2 Respondent is represented) and disciplinary counsel shall meet to discuss the evaluator's report
3 and what steps can be taken to address the evaluator's concerns. If Respondent and disciplinary
4 counsel cannot reach an agreement, both parties shall present written materials and arguments to
5 the Disciplinary Board. The Board shall decide whether and the conditions under which
6 Respondent shall return to the active practice of law.

7 DATED this 7th day of October, 2013.

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10 Nadine D. Scott,
Hearing Officer

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17 CERTIFICATE OF SERVICE

18 I certify that I caused a copy of the findings of fact, conclusions of law
19 to be delivered to the Office of Disciplinary Counsel and to be mailed
to Vany Jacob, Respondent/Respondent's Counsel
20 at 5332 Fairview Way, Seattle, WA 98101, by certified/first class mail,
postage prepaid on the 7th day of October, 2013

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22 Clerk/Counsel to the Disciplinary Board