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MAY 28 2014

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

ERIC A. JONES,

Lawyer (Bar No. 31048).

Proceeding No. 14#00005

STIPULATION TO DISBARMENT

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to Disbarment is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Jonathan Burke and Respondent lawyer Eric A. Jones.

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to him. Respondent chooses to resolve this proceeding now by entering into the following stipulation to facts, misconduct and sanction to

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avoid the risk, time, expense attendant to further proceedings.

Respondent wishes to stipulate to disbarment without affirmatively admitting the facts and misconduct in ¶¶ 71-75, 94, 111, 113, 128, 130, 135, 136, 159, and 170, rather than proceed to a public hearing. Respondent agrees that if this matter were to proceed to a public hearing, there is a substantial likelihood that ODC would be able to prove, by a clear preponderance of the evidence, the facts and misconduct in ¶¶ 71-75, 94, 111, 113, 128, 130, 135, 136, 159, and 170, and that the facts and misconduct will be deemed proved in any subsequent disciplinary proceeding in any jurisdiction.

I. ADMISSION TO PRACTICE AND PRACTICE STATUS

1. Respondent Eric A. Jones was admitted to the practice of law in the State of Washington on May 30, 2001.

2. On May 3, 2013, the Washington State Supreme Court entered an order suspending Respondent for nine months effective May 10, 2013 in connection with another disciplinary matter. As of the date of this Stipulation to Disbarment, Respondent remains suspended.

3. Respondent's law practice focused on representing clients in immigration matters.

4. On or about July 30, 2013, the Immigration Board of Appeals (Board) entered an interim order (Board's Interim Order) suspending Respondent from practice before the Board, United States Immigration Courts (IC), and the United States Department of Homeland Security (DHS) pending a final order.

5. The Board's Interim Order directed Respondent to (1) "promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that [he] has been suspended from practicing before these bodies," and (2) maintain records to

evidence compliance with this order.”

6. On September 3, 2013, the Board entered a final order (Board’s Final Order) suspending Jones from practicing before the Board, IC, and DHS for nine months retroactive to the Board’s Interim Order on July 30, 2013. The Board’s Final Order required Respondent to comply with the directives in the Board’s Interim Order regarding notifying clients of the suspension.

II. STIPULATED FACTS

FACTS REGARDING RICARDO ROSALES RUBIO

7. In or about October 2011, Respondent was hired to represent Ricardo Rosales-Rubio (Rubio) in seeking an adjustment of legal immigration status. Respondent initially performed some work on the Rubio matter but did not complete it.

8. After October 2012, Respondent did not perform any work on the matter.

9. Respondent negligently failed to pursue Rubio’s matter diligently causing unnecessary delay and resulting in actual and potential harm to Rubio.

10. During the period that he represented Rubio, Respondent negligently failed to keep Rubio reasonably informed about the status of his matter.

11. In February 2013, Rubio hired lawyer Maria Bocanegra (Bocanegra) to handle the matter. Bocanegra’s office sent letters and emails to Respondent requesting Rubio’s client file on or about February 21, 2013, March 19, 2013, and April 5, 2013.

12. Respondent received the letters and emails from Bocanegra’s office, and knowingly did not respond to them or provide Rubio’s client file.

13. In or about April 2013, staff from Bocanegra’s office left a telephone message for Respondent, but Respondent knowingly did not respond.

14. During the period from February 21, 2013 through July 22, 2013, Respondent knowingly did not provide Rubio's client file to Rubio or Bocanegra, causing unnecessary delay and resulting in actual and/or potential harm to Rubio.

15. On or about April 12, 2013, Rubio filed a grievance with ODC.

16. On April 17, 2013, ODC sent a letter to Respondent requesting a response to the grievance.

17. Respondent received the letter from ODC, but knowingly did not respond to it.

18. On May 21, 2013, ODC sent a 10-day letter to Respondent requiring him to file a written response by June 3, 2013. Respondent received the letter but knowingly did not respond to it.

19. On or about June 12, 2013, Celeste Fujii (Fujii), an investigator with ODC, attempted to personally serve Respondent at his residence with a subpoena for a deposition with respect to Rubio's grievance and other grievances.

20. Respondent answered the door and spoke with Fujii.

21. During the conversation with Respondent, Fujii identified herself as an investigator employed by ODC, and left her business card with Respondent.

22. Respondent, with intent to deceive Fujii, falsely identified himself as "Steve Johnson" and intentionally misrepresented to Fujii that Respondent was not at the residence and that he was an "acquaintance" of Respondent.

23. When Fujii inquired about Respondent's location, Respondent, with intent to deceive, misrepresented to Fujii that Respondent was currently in the hospital and had not been at his residence for a couple of weeks, that he did not know how to contact Respondent, and that he did not know Muna (Respondent's estranged spouse).

24. Due to Respondent's misrepresentations, Fujii was unable to personally serve Respondent with a subpoena at that time.

25. During the time he spoke with Fujii, Respondent was taking strong prescription medication that impacted his behavior. However, the medication did not cause Respondent to make the misstatements to Fujii.

26. On June 14, 2013, Respondent was personally served with a subpoena requiring him to appear at a deposition on July 11, 2013, and produce Rubio's client file at the deposition.

27. Respondent knowingly did not appear at the deposition on July 11, 2013.

28. Respondent knowingly did not produce Rubio's client file by July 11, 2013.

29. Respondent later produced Rubio's file on or about July 22, 2013.

30. Respondent's failure to cooperate with ODC's investigation of Rubio's grievance caused actual and/or potential harm to the discipline system.

FACTS REGARDING CATHERINE GUNARSO

31. On or about October 7, 2012, Catherine Gunarso (Gunarso) and Jason Green (Green) hired Respondent to pursue permanent residence status for Gunarso and to attend Gunarso's immigration interview.

32. Respondent was paid a flat fee of \$1,500 to complete the legal services for Gunarso. Respondent told to Gunarso and/or Green that the matter would be completed within "a minimal timeframe."

33. Over the next six months, Respondent negligently failed to pursue Gunarso's matter diligently, causing unnecessary delay and resulting in actual and/or potential harm to Gunarso.

34. During the time he represented Gunarso, Respondent did not complete the tasks he

was hired to do, and did not file any documents for Gunarso.

35. On or about April 4, 2013, Gunarso sent an email to Respondent notifying him that she hired other counsel to represent her and needed her client file and a refund of unearned fees.

36. Respondent owed unearned fees to Gunarso because he did not complete the tasks he was hired to complete for a flat fee.

37. On April 13, 2013, Respondent returned the client file to Gunarso.

38. Respondent knowingly did not return any unearned fees to Gunarso, causing her actual harm.

39. On May 21, 2013, Gunarso filed a grievance with ODC.

40. On May 24, 2013, ODC sent a letter asking Respondent to respond to the grievance within 30 days.

41. Respondent received the letter.

42. On July 10, 2013, ODC sent Respondent a 10-day letter requiring him to file a response by July 23, 2013.

43. Respondent received the letter.

44. Respondent knowingly failed to file a written response to the grievance.

45. On August 23, 2013, Respondent was personally served with a subpoena for a deposition scheduled for September 13, 2013.

46. Respondent knowingly failed to appear at the deposition on September 13, 2013.

47. Respondent's failure to cooperate with ODC's investigation of Gunarso's grievance caused actual and potential harm to the discipline system.

FACTS REGARDING JOSE TREJO

48. On or about July 2, 2010, Respondent was hired to represent Jose Trejo (Trejo) in

“filing all necessary documents relating to his application for Permanent Residency and Freedom of Information Act (FOIA).”

49. Trejo paid Respondent \$1,600 in advance fees, which was deposited into Respondent’s trust account on July 6, 2010.

50. During July 2010, Respondent knowingly withdrew \$800 of Trejo’s funds without Trejo’s knowledge or authorization.

51. During September 2010, Respondent withdrew the remaining \$800 of Trejo’s funds without Trejo’s knowledge or authorization.

52. Respondent’s unauthorized withdrawal of Trejo’s funds resulted in actual and potential harm to Trejo because Respondent did not fully earn those funds.

53. Respondent knowingly failed to diligently pursue and complete Trejo’s matter resulting in actual and/or potential harm to Trejo.

54. Due to Respondent’s lack of diligence, his services provided no tangible benefit to Trejo.

55. Due to Respondent’s lack of diligence, the medical exam that Trejo obtained for \$300 at Respondent’s direction was of no use because it was outdated.

56. On March 19, 2013, Trejo terminated Respondent and requested a refund and the return of his client file.

57. Respondent knowingly refused to return any unearned fees to Trejo and knowingly did not timely return Trejo’s client file causing unnecessary delay and resulting in actual harm to Trejo.

58. On or about June 17, 2013, Trejo filed a grievance with ODC.

59. On June 21, 2013, ODC sent a letter to Respondent asking him to respond to the

grievance within 30 days.

60. Respondent received the letter.

61. During June 2013 and July 2013, Respondent received three emails from ODC reminding him to return Trejo's client file.

62. On July 23, 2013, ODC sent Respondent a 10-day letter because he did not respond to Trejo's grievance.

63. Respondent received this letter.

64. On August 8, 2013, Respondent delivered Trejo's client file to ODC.

65. On August 23, 2013, Respondent was personally served with a subpoena for a deposition scheduled for September 13, 2013 because Respondent did not respond to the grievance.

66. Respondent knowingly did not appear at the deposition scheduled on September 13, 2013.

67. Respondent knowingly failed to cooperate with ODC's investigation of Trejo's grievance, causing actual and/or potential harm to the discipline system.

FACTS REGARDING AMORRITTA VARGAS GARFIAS

68. On or about March 14, 2012, Amorrिता Vargas Garfias (Amorrिता) and her husband Eduardo Garfias-Castro (Eduardo), collectively referred to as the Garfiases, hired Respondent to seek permanent residency for Eduardo.

69. Respondent charged the Garfiases a flat fee of \$7,000.

70. During the period from March 15, 2012 through December 24, 2012, the Garfiases paid \$6,900 in advance fees to Respondent, which was deposited into Respondent's trust account.

71. By January 2, 2013, Respondent, knowingly with intent to benefit himself, withdrew, converted, and used the advance fees paid by the Garfiases without notice or authorization from the Garfiases.

72. Respondent's conversion of the Garfiases' money resulted in serious actual harm to them.

73. At the time Respondent converted the Garfiases's funds, Respondent knew that he was not entitled to use those funds.

74. In the spring of 2013, the Garfiases paid \$100 in cash to Respondent as additional advance fees. Respondent did not deposit the funds into his trust account and knowingly converted these advance fees without the Garfiases' knowledge or authority.

75. Respondent never sent any written notice to the Garfiases that he had withdrawn the advance fees they paid to him or that he did not deposit the \$100 into his trust account.

76. Respondent never filed any documents on behalf of the Garfiases, never completed their matter, and provided no tangible benefit to the Garfiases.

77. Respondent negligently failed to diligently pursue the Garfiases' matter, resulting in serious actual and/or potential harm to the Garfiases.

78. On July 8, 2013, Amorrिता sent an email to Respondent informing him that she had discovered that he was suspended from practice in Washington State and demanded that he refund her money and return her client file.

79. On that same date, Amorrिता filed a grievance against Respondent.

80. Respondent knowingly failed to return the client file and unearned fees to the Garfiases resulting in serious actual and/or potential harm. He did not have sufficient funds to return the unearned fees to the Garfiases.

81. On July 9, 2013, ODC sent a letter to Respondent asking him to respond to the grievance within 30 days.

82. Respondent received this letter but knowingly did not respond to it.

83. On August 13, 2013, ODC sent a 10-day letter asking Respondent to file a written response to the grievance within 10 days.

84. Respondent received this letter but knowingly did not respond to it.

85. On August 23, 2013, Respondent was personally served with a subpoena and subpoena duces tecum to appear at a deposition scheduled for September 13, 2013.

86. Respondent knowingly failed to appear at the deposition on September 13, 2013, and knowingly failed to produce the documents requested in the subpoena duces tecum.

87. Respondent knowingly failed to cooperate with ODC's investigation of the Garfias' grievance causing actual and/or potential harm to the discipline system.

FACTS REGARDING THE FRANCO

88. On or about April 5, 2011, Shyanne Franco (Shyanne) and her husband Mariano Franco (Mariano), collectively referred to as the Francos, hired Respondent to seek permanent residency for Mariano.

89. In 2009, the Francos filed an I-130 application *pro se* that was pending at the time they hired Respondent to complete the process for gaining permanent residency.

90. Respondent charged the Francos an advance fee of \$4,000.

91. The terms of the fee agreement and the RPC required Respondent to deposit all advance fees paid by the Francos into his trust account until the fees were earned.

92. After hiring Respondent, the Francos paid him \$4,000 in advance fees.

93. Respondent did not deposit the advance fees paid by the Francos into his trust

account.

94. Respondent converted the advance fees paid by the Francos, resulting in serious actual harm to the Francos.

95. Respondent failed to file the necessary documents for the Francos and put their pending matter into jeopardy of being dismissed.

96. Respondent knowingly failed to diligently pursue the Francos' matter resulting in serious actual and/or potential harm to the Francos.

97. The Francos discovered the Board's Interim Order suspending Respondent from practicing immigration law.

98. On September 3, 2013, Shyanne sent an email to Respondent requesting that he return the client file. Respondent sent a reply that he would get the client file to her as soon as possible, but never returned it.

99. On September 4, 2013, Shyanne filed a grievance with ODC.

100. On September 11, 2013, ODC sent Respondent a request to file a written response to Shyanne's grievance within 30 days.

101. Respondent received this letter and knowingly failed to file a written response.

102. ODC sent a 10-day letter requesting Respondent to file a written response to the grievance by no later than November 2, 2013.

103. Respondent received this letter and knowingly failed to file a written response.

104. Respondent knowingly never filed a written response to Shyanne's grievance.

105. Respondent knowingly failed to cooperate with the investigation of Shyanne's grievance, causing actual and/or potential harm to the discipline system.

106. Respondent knowingly failed to return unearned fees to the Francos resulting in

serious actual harm to the Francos.

107. The Francos have been unable to pursue permanent residency because, after paying Respondent, they do not have sufficient funds to hire another lawyer.

FACTS REGARDING JOHN SEISER

108. On or about November 12, 2012, John Seiser (Seiser) hired Respondent to represent his wife, Shannon Lazzarotto (Lazzarotto), for immigration services. There was no written fee agreement.

109. On or about November 12, 2012, Seiser paid \$2,000 in advance fees to Respondent, which was deposited into Respondent's trust account on or about November 13, 2012.

110. Respondent never filed any documents on behalf of Lazzarotto and did nothing to advance her immigration case.

111. By January 3, 2013, Respondent converted substantially all of the advance fees paid by Seiser without Seiser's knowledge or authorization, and without completing any work in the case.

112. Respondent never sent any billing to Seiser.

113. Respondent's conversion of Seiser's money resulted in actual harm to Seiser.

114. Respondent negligently failed to diligently represent Lazzarotto.

115. During April 2013 and May 2013, Seiser sent Respondent at least three emails requesting the return of the \$2,000. Respondent received the emails.

116. Respondent knowingly failed to return Seiser's unearned advance fees resulting in actual harm to Seiser.

117. On September 13, 2013, Seiser filed a grievance with ODC.

118. On September 27, 2013, ODC sent a letter to Respondent requesting a written response to Seiser's grievance within thirty days.

119. Respondent received this letter and knowingly did not respond to it.

120. ODC sent Respondent ten-day letter asking Respondent to file a written response to Seiser's grievance by November 2, 2013.

121. Respondent received this letter and knowingly failed to respond to it.

122. Respondent knowingly failed to file a response to Seiser's grievance and failed to cooperate with ODC's investigation causing actual and/or potential harm to the discipline system.

FACTS REGARDING THE ZAVALAS

123. In or about November 2011, Respondent met with Theresita Zavala-Garcia (Theresita) and her husband Rosendo Torres Barajas (Rosendo), hereafter collectively referred to as the Zavalas, to discuss hiring him to pursue permanent residency for Rosendo.

124. Prior to employing Respondent, the Zavalas started the formal application process *pro se* with the United States Department of Homeland Security (DHS). Respondent was to be hired to complete the process.

125. Respondent required the Zavalas to pay \$7,000 in advance fees before he would agree to handle the case.

126. On or about December 3, 2011, the Zavalas paid Respondent \$3,500 in cash as a down payment.

127. The \$3,500 paid by the Zavalas was deposited into Respondent's trust account.

128. Respondent's trust account records reflect that by March 1, 2012, Respondent had converted and withdrawn at least \$2,593.77 of the \$3,500 deposit paid by the Zavalas without

entitlement and without the knowledge or authorization of the Zavalas.

129. Prior to March 1, 2012, Respondent had not been hired by the Zavalas and had not performed any work on the Zavalas case.

130. Respondent knowingly with intent to benefit himself, converted and used the funds paid by the Zavalas for other purposes causing serious actual harm to the Zavalas.

131. On March 6, 2012, Respondent agreed to represent the Zavalas, and they signed a fee agreement agreeing to pay a flat fee of \$7,000.

132. Respondent never filed any documentation for the Zavalas and put their pending matter in jeopardy of being dismissed.

133. Respondent knowingly failed to diligently work on the Zavalas matter resulting in serious actual and/or potential harm.

134. On April 10, 2012, the Zavalas paid Respondent \$3,500 in advance fees. This was in addition to the \$3,500 paid by the Zavalas before they hired him.

135. Respondent's trust account records reflect that by January 3, 2013, Respondent had converted and withdrawn substantially all of the \$7,000 in advance fees belonging to the Zavalas resulting in serious actual harm.

136. Respondent knowingly with intent to benefit himself, converted and/or used the unearned advance fees paid by the Zavalas without entitlement and without their knowledge or authorization.

137. After hiring Respondent, the Zavalas had difficulty contacting him.

138. Respondent knowingly failed to reasonably communicate with the Zavalas about the status of the matter and failed to promptly comply with reasonable requests for information about their case.

139. After Respondent was suspended from practicing immigration law pursuant to the Board's Interim Order, he knowingly failed to return unearned fees and the client file to the Zavalas or notify them of his suspension. At the time Respondent was suspended, he did not have sufficient funds to return unearned fees to the Zavalas.

140. After Respondent received the Board's Interim Order, Respondent knowingly contacted the Zavalas and requested that they send him money so that he could work on and file their immigration matter.

141. Respondent knew that working on the Zavalas case would violate the Board's Interim Order.

ADDITIONAL FACTS

142. During the period from 2011 through November 2013, Respondent suffered from a number of personal health and emotional problems. Some of these health and emotional problems impacted Respondent's representation of clients. These health and emotional issues did not impact other conduct, such as Respondent's conversion of client funds.

143. Shortly after the entry of the May 3, 2013 order suspending Respondent from practice in Washington State, Respondent received a letter from ODC informing him of his duties upon suspension under former ELC Title 4, including (1) the duty to provide each client or the client's substituted counsel upon request with the client's assets, files and other documents in the lawyer's possession, (2) the duty to notify every client of the suspension, the reason thereof, and the consequent inability to act during the suspension, and (3) the duty to file an affidavit of compliance within 25 days of the effective date of the lawyer's suspension.

144. Respondent knowingly failed to comply with his duties upon suspension, including (1) failing to provide clients with their client files, (2) notifying clients of his suspension, and

(3) failing to file an affidavit of compliance.

145. Respondent received the Board's Interim Order by no later than August 15, 2013, when it was personally served on him by Fujii.

146. Respondent knowingly failed to withdraw from representing clients in immigration matters after the Board's Interim Order and/or the Board's Final Order were entered.

147. Respondent knowingly failed to inform clients with pending matters before the Board, IC, and DHS that he was suspended, including the Francos and the Zavalas.

148. Respondent failure to comply with the Board's Interim Order and Board's Final Order caused serious actual and/or potential serious harm to clients and the immigration system.

149. During the summer of 2013, Respondent stored his clients' files at the apartment of a non-lawyer acquaintance without ensuring that there were adequate safeguards to protect and maintain the confidential client documents and information contained in the client files.

150. During the summer of 2013, Respondent's acquaintance vacated the apartment leaving Respondent's client files in the apartment.

151. Respondent occupied the apartment for a short time during the summer of 2013 without proper authority.

152. When the landlord discovered that Respondent was occupying the apartment, the landlord informed Respondent that he had no legal basis to occupy the apartment and had to leave it.

153. During August and/or September 2013, the landlord commenced eviction proceedings against Respondent and the prior tenant/acquaintance.

154. In August 2013 or September 2013, Respondent vacated the apartment leaving approximately 29 boxes of client files in the vacant apartment.

155. Respondent moved to the Philippines on or about September 23, 2013.

156. Respondent informed ODC about the location of his client files in a handwritten letter on or about September 23, 2013, one day before the landlord was scheduled to evict occupants of the apartment and take control of all personal property left in the apartment.

157. Respondent's actions necessitated the emergency appointment of a custodian to recover and safeguard his former clients' files.

158. The client files left by Respondent include the client files belonging to the Garfiases, the Francos, Seiser, and the Zavalas.

III. STIPULATION TO MISCONDUCT

159. By converting funds paid by clients Trejo, the Garfiases, the Francos, Seiser, and the Zavalas without entitlement and without knowledge or authorization, Respondent violated RPC 1.15A(b), RPC 1.15A(c), RPC 1.15A(h)(3), and RPC 8.4(c)

160. By failing to diligently represent clients Rubio, Gunarso, Trejo, the Garfiases, the Francos, Seiser, and the Zavalas, Respondent violated RPC 1.3.

161. By failing to return unearned fees and client files to clients Rubio, Gunarso, Trejo, the Garfiases, the Francos, Seiser, and the Zavalas, Respondent violated RPC 1.16(d), RPC 1.5(a), and RPC 8.4(l) (through former ELC 14.1¹).

162. By failing to cooperate with ODC's investigation of grievances filed by Rubio, Gunarso, Garfias, Franco, and Seiser, Respondent violated RPC 8.4(l) (through violation of former ELC 5.3).

163. By providing false information about his about his identity and other matters to

¹ The ELC were amended effective January 1, 2014. All references to the "former" ELC are to the ELC prior to the 2014 amendments.

Fujii to avoid service of the deposition subpoena, Respondent violated RPC 8.1(a) and RPC 8.4(c).

164. By failing to comply with the duties upon suspension, Respondent violated RPC 8.4(l) (including former ELC 1.5, former ELC 14.1, former ELC 14.2, and former ELC 14.3).

165. By failing to inform clients of his suspension, including the Francos and the Zavalas, and/or by failing comply with the Board's Interim Order and the Board's Final Order, Respondent violated RPC 8.4(d), and RPC 8.4(j).

166. By abandoning client files, including but not limited to the client files belonging to Garfiases, the Francos, Seiser, and the Zavalas, Respondent violated RPC 1.15A(c)(3).

IV. PRIOR DISCIPLINE

167. Respondent was suspended for nine months effective May 10, 2013 for (1) failing to deposit unearned fees into his trust account, (2) withdrawing client funds from his trust account before the funds were earned, (3) failing to return unearned fees to a client, and (4) sending an inappropriate threatening letter to an opposing party.

V. APPLICATION OF ABA STANDARDS

168. The following American Bar Association Standards for Imposing Lawyer Sanctions (1991 ed. & Feb. 1992 Supp.) (ABA Standards) apply to this case.

169. ABA Standard 4.1 applies to the failure to preserve the client's property, including Respondent's violations of RPC 1.15A(b) and RPC 1.15A(c):

4.1 Failure to Preserve the Client's Property

4.11 Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.

4.12 Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.

4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client.

4.14 Admonition is generally appropriate when a lawyer is negligent in dealing with client property and causes little or no actual or potential injury to a client.

170. Conversion of Advance Fees Paid by Trejo, the Garfiases, the Francos, Seiser, and the Zavalas. Respondent knowingly converted advance fees paid by clients Trejo the Garfiases, the Francos, Seiser, and the Zavalas causing injury to each of the clients. Disbarment is the presumptive sanction under ABA Standard 4.11.

171. Abandonment of Client Files. Respondent knew or should have known that he was not properly dealing with client files when he abandoned them resulting in injury or potential injury to clients. Suspension is the presumptive sanction under ABA Standard 4.12.

172. ABA Standard 4.4 applies to Respondent's failure to diligently represent clients, including Rubio, Gunarso, Trejo, the Garfiases, the Francos, Seiser, and the Zavalas:

4.4 Lack of Diligence

4.41 Disbarment is generally appropriate when:

(a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or

(b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or

(c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

4.42 Suspension is generally appropriate when:

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

(b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

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

4.44 Admonition is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes little or no actual or potential injury to a client.

173. Diligence: Garfiases, Francos, and Zavalas. Respondent engaged in a pattern of neglect in handling the client matters of the Garfiases, the Francos, Seiser, and the Zavalas resulting in . serious or potentially serious injury. Disbarment is the presumptive sanction under ABA Standard 4.41(c).

174. Diligence: Rubio, Gunarso, Trejo, and Seiser. Respondent engaged in a pattern of neglect in handling the client matters of Rubio, Gunarso, Trejo, and Seiser resulting in injury or potential injury to the clients. Suspension is the presumptive sanction under ABA Standard 4.42(b).

175. ABA Standard 7.0 applies to Respondent's violations of duties owed to the profession, including (1) the duty to charge reasonable fees and/or return unearned fees, (2) the duty return client files, (3) the duty to cooperate with investigations by ODC, (4) the duty to comply with the duties upon suspension, and (5) the duty to comply with the Board's Interim and Final Order.

176. ABA Standard 7.0 provides as follows:

7.0 Violations of Duties Owed as a Professional

7.1 Disbarment is generally appropriate when a lawyer knowingly engages in 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.

7.2 Suspension is generally appropriate when a lawyer knowingly engages in 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.

7.3 Reprimand is generally appropriate when a lawyer negligently engages in 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.

7.4 Admonition is generally appropriate when a lawyer engages in an 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.

177. Duty to Return Unearned Fees. Respondent knowingly failed to return unearned fees to clients Gunarso, Trejo, the Garfiases, the Francos, Seiser and the Zavalas causing injury or potentially injury harm to the clients and to the reputation of lawyers. Suspension is the presumptive sanction under ABA Standard 7.2.

178. Duty to Return Client Files. Respondent knowingly failed to promptly return client files to Rubio, Trejo, the Garfiases, the Francos, Seiser, and the Zavalas causing delay and other injury or potential injury to clients and to the reputation of lawyers. Suspension is the presumptive sanction under ABA Standard 7.2.

179. Duty to Cooperate with Investigation. Respondent knowingly failed to cooperate with ODC's investigations of grievance files by Rubio, Gunarso, Trejo, the Garfiases, the Francos, Seiser, and the Zavalas causing injury or potential injury to the lawyer discipline system. Respondent knowingly made misrepresentations to ODC's investigator with intent to conceal his identity resulting in potential harm to the lawyer discipline system. Suspension is the presumptive sanction under ABA Standard 7.2.

180. Duty to Comply with Duties Upon Suspension. Respondent knowingly failed to comply with the duties upon suspension, including informing clients of his suspension and returning their client files, resulting in harm or potential harm to clients and the lawyer discipline system. Suspension is the presumptive sanction under ABA Standard 7.2.

181. Duty to Comply with Board's Orders. Respondent knowingly failed to comply with the Board's Interim Order and the Board's Final Order to notify clients of his suspension resulting in harm or potential harm to clients. Suspension is the presumptive sanction under ABA Standard 7.2.

182. The Supreme Court has found that, where there are multiple ethical violations, the "ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations." In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854, 846 P.2d 1330 (1993) (quoting ABA Standards at 6).

183. Disbarment is the most serious sanction for Respondent's misconduct. Accordingly, disbarment is the presumptive sanction.

184. The following aggravating factor applies under ABA Standards Section 9.22:

- (a) Prior Disciplinary Offenses. [Respondent was suspended in May 2013 for (1) failing to deposit unearned fees into his trust account, (2) withdrawing client funds from his trust account before the funds were earned, (3) failing to return unearned fees to a client, and (4) sending an inappropriate threatening letter to an opposing party];
- (b) Dishonest or Selfish motive. [Respondent's misrepresentations to Fujii and his conversion of client funds were the result of dishonest or selfish motives];
- (c) A Pattern of Misconduct. [Respondent engaged in patterns of misconduct, including a pattern to not diligently representing clients, a pattern of converting client funds, a pattern of not cooperating with ODC's investigations, and a pattern of failing to return client files];
- (d) Multiple Offenses. [As described above, Respondent engaged in multiple offenses that violated many ethics rules]; and
- (e) Substantial Experience in the Practice of Law. [Respondent was admitted to practice in 2001].

185. The following mitigating factors apply under ABA Standards Section 9.32:

- (a) Personal or emotional problems [Throughout the period at issue, Respondent was experiencing a number personal and emotional problems. These

problems may have impacted his ability to diligently represent some clients, but did not impact other misconduct such the conversion of client funds].

186. On balance the aggravating factors outweigh the mitigating factors and further support a sanction of disbarment.

VI. STIPULATED DISCIPLINE

187. The parties stipulate that Respondent shall be disbarred.

VII. RESTITUTION

188. Respondent shall pay \$23,100 in restitution to the following former clients: (1) \$1,500 to Gunarso, (2) \$1,600 to Trejo, (3) \$7,000 to the Garfiases, (4) \$4,000 to the Francos, (5) \$2,000 to Seiser, and (6) \$7,000 to the Zavalas. Reinstatement from disbarment is conditioned on payment of restitution to the clients or any assignee (including the Lawyers' Fund for Client Protection).

VIII. COSTS AND EXPENSES

189. In light of Respondent's willingness to resolve this matter by stipulation at an early stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$500.00 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l) if these costs are not paid within 30 days of approval of this stipulation. Reinstatement from disbarment is conditioned on payment of costs.

IX. VOLUNTARY AGREEMENT

190. Respondent states that prior to entering into this Stipulation he had an opportunity to consult independent legal counsel regarding this Stipulation, that Respondent is entering into this Stipulation voluntarily, and that no promises or threats have been made by ODC, the Association, nor by any representative thereof, to induce the Respondent to enter into this Stipulation except as provided herein.

X. LIMITATIONS

191. This Stipulation is a compromise agreement intended to resolve this matter in accordance with the purposes of lawyer discipline while avoiding further proceedings and the expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer and ODC acknowledge that the result after further proceedings in this matter might differ from the result agreed to herein.

192. This Stipulation is not binding upon ODC or the respondent as a statement of all existing facts relating to the professional conduct of the respondent lawyer, and any additional existing facts may be proven in any subsequent disciplinary proceedings.

193. This Stipulation results from the consideration of various factors by both parties, including the benefits to both by promptly resolving this matter without the time and expense of hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As such, approval of this Stipulation will not constitute precedent in determining the appropriate sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in subsequent proceedings against Respondent to the same extent as any other approved Stipulation.

194. Under Disciplinary Board policy, in addition to the Stipulation, the Disciplinary Board shall have available to it for consideration all documents that the parties agree to submit to the Disciplinary Board, and all public documents. Under ELC 3.1(b), all documents that form the record before the Board for its review become public information on approval of the Stipulation by the Board, unless disclosure is restricted by order or rule of law.

195. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will be followed by the disciplinary action agreed to in this Stipulation. All notices required in

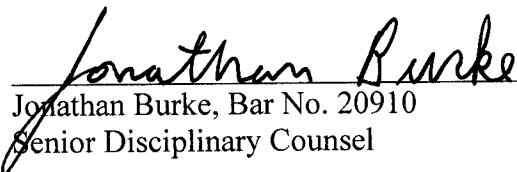
the Rules for Enforcement of Lawyer Conduct will be made.

196. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, this Stipulation will have no force or effect, and neither it nor the fact of its execution will be admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil or criminal action.

WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to Disbarment as set forth above.

Eric A. Jones, Bar No. 31048
Respondent

Dated: _____



Jonathan Burke, Bar No. 20910
Senior Disciplinary Counsel

Dated: 3/17/14

the ~~rules for~~ Enforcement of Lawyer Conduct will be made.

196. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, ~~the~~ Stipulation will have no force or effect, and neither it nor the fact of its execution will be ~~admissible~~ as evidence in the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil or criminal action.

WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to Disbarment as set forth above.



Eric A. Jones, Bar No. 31048
Respondent

Dated: 3-16-14

Jonathan Burke, Bar No. 20910
Senior Disciplinary Counsel

Dated: _____