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DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

RONALD ANTHONY GOMES,

Lawyer (Bar No. 31074).

Proceeding No. 11#00107, 13#00058,
11#00077

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 Washington State Bar Association (Association), through disciplinary counsel Erica Temple, Respondent lawyer Ronald Anthony Gomes, and Respondent's counsel Leland G. Ripley.

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

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1 proceeding now by entering into the following stipulation to facts, misconduct and sanction to
2 avoid the risk, time, and expense attendant to further proceedings.

3 Respondent wishes to stipulate to disbarment without affirmatively admitting the facts
4 and misconduct in ¶¶ 2-130, rather than proceed to a public hearing. Respondent agrees that if
5 this matter were to proceed to a public hearing, there is a substantial likelihood that the
6 Association would be able to prove, by a clear preponderance of the evidence, the facts and
7 misconduct in ¶¶ 2-130.

8 I. ADMISSION TO PRACTICE

9 1. Respondent was admitted to practice law in the State of Washington on June 7,
10 2001. As provided in a Disciplinary Board approved stipulation, effective May 14, 2013,
11 Respondent is on disability inactive status. He has stipulated that he is capable of adequately
12 assisting defense counsel in disciplinary proceedings.

13 II. STIPULATED FACTS

14 11#00077

15 The Landsiedel case:

16 2. In January 2008, Nicholas Landsiedel was charged in State v. Landsiedel, King
17 County Superior Court Case No. 08-1-00638-3 with the crime of Attempted Rape of a Child in
18 the Second Degree.

19 3. Nicholas's crime involved an internet chat room encounter where he arranged to
20 meet an alleged 13-year old girl for a sexual encounter. Unbeknownst to Nicholas, he had
21 actually been communicating with police officers posing as the 13-year old girl.

22 4. On February 7, 2008, Respondent appeared for Nicholas.

23 5. Between February 2008 and April 2009, Respondent moved for numerous
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1 continuances of Nicholas's court dates.

2 6. Respondent did not consult with Nicholas before he requested these continuances.

3 7. The Landsiedel family had to renew Nicholas's bail bond because Respondent's
4 requests for continuances resulted in the trial being continued past the one-year term of their
5 original \$150,000 bail bond.

6 8. This cost Nicholas's family an additional \$15,000.

7 9. Respondent failed to tell Nicholas about the deputy prosecuting attorney's offers to
8 reduce the charge against Nicholas.

9 10. Instead, Respondent left a voicemail with the prosecutor declining the offer.

10 11. On March 30, 2009, the prosecutor filed an Amended Information, adding an
11 additional criminal charge.

12 12. This increased Nicholas's standard sentencing range.

13 13. Respondent failed to prepare adequately for trial.

14 14. A jury found Nicholas guilty of both charges on May 13, 2009. Sentencing was set
15 for July 2, 2009.

16 15. Dzedra Landsiedel was Nicholas's wife.

17 16. Respondent told Nicholas and Dzedra that he would represent Nicholas on appeal.

18 17. Between May 14, 2009 and the July 2, 2009 sentencing, Respondent failed to
19 respond to Dzedra's numerous inquiries on behalf of Nicholas regarding the appeal, the
20 upcoming sentencing, and the status of the case.

21 18. On August 3, 2009, Respondent filed Nicholas's Notice of Appeal.

22 19. Respondent received written notices from the Court of Appeals that he was required
23 to file a designation of clerk's papers and a statement of arrangements.

1 20. Respondent took no further action on the appeal and ceased to perform any work on
2 the case.

3 21. Respondent did not notify the Landsiedels, the Superior Court, the Court of Appeals,
4 or opposing counsel that he was no longer representing Nicholas.

5 22. Respondent did not respond to Dziedra's many attempts to contact him on
6 Nicholas's behalf.

7 23. On December 30, 2009, the Court of Appeals filed a Motion to Dismiss (Motion)
8 because Respondent had not perfected the appeal, setting the hearing for February 19, 2010.

9 24. Respondent did not inform Nicholas of the Motion.

10 25. On February 10, 2010, the Court of Appeals filed a Motion directing Respondent to
11 appear on February 19, 2010 to explain why Nicholas's appeal had not been perfected.

12 26. Respondent did not appear on February 19, 2010.

13 27. The Court of Appeals appointed Nicholas a new lawyer.

14 28. On January 27, 2012, the Court of Appeals denied Nicholas's appeal that the trial
15 court abused its discretion in refusing to consider a SOSA alternative to incarceration.
16 *State v. Landsiedel*, 165 Wn. App. 886, 269 P.3d 347, review denied, 174 Wn.2d 1003 (2012).

17 29. On March 4, 2010, the Association opened a grievance relating to the conduct
18 described above.

19 30. Respondent acted knowingly in failing to respond to the Court of Appeal's Order.

20 31. Respondent acted knowingly in failing to communicate with Nicholas and his family
21 about his case, and knowingly in failing to file a notice of withdrawal.

22 32. Because of Respondent's actions, Nicholas and his family suffered serious injury.

23 33. The Landsiedel family paid \$27,900 for an inadequate defense.
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1 34. The Landsiedel family paid \$15,000 to renew the bail bond because of Respondent's
2 lack of diligence.

3 35. Respondent denied Nicholas the opportunity to plead guilty to a lesser crime, which
4 would have resulted in a lesser prison sentence.

5 36. Nicholas suffered potential serious injury because Respondent failed to diligently
6 pursue his appeal.

7 37. The legal system was harmed when Respondent failed to respond to the court's order
8 to appear.

9 The Pelletier grievance:

10 38. In October 2007, Tammara Pelletier hired Respondent to represent her in a Parenting
11 Plan action in Pacific County Superior Court No. 07-3-14-9.

12 39. Ms. Pelletier's ex-husband, the father of her children, is Joseph Carter.

13 40. Lawyer Gary Morean represented Mr. Carter.

14 41. On October 8, 2007, Respondent filed his Notice of Appearance for Ms. Pelletier.

15 42. On November 5, 2007, Mr. Morean filed a motion relating to the custody of Ms.
16 Pelletier's children and financial obligations. He noted the motion for a November 29, 2007
17 hearing and served Respondent with a copy of the motion and supporting documents.

18 43. Respondent did not tell Ms. Pelletier about the November 29, 2007 hearing.

19 44. Respondent failed to respond to the motion. Neither Ms. Pelletier nor Respondent
20 appeared at the November 29, 2007 hearing.

21 45. As the motion was unopposed, the court entered an order granting the relief sought
22 by Mr. Morean. Part of the court's order granted an immediate change in primary residential
23 placement of Ms. Pelletier's children, affecting the parenting plan that had previously been in
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1 place between the parties.

2 46. Respondent received a copy of the court's November 29, 2007 order by mail from
3 Mr. Morean, but did not respond or advise Ms. Pelletier of the court's order.

4 47. Ms. Pelletier learned about the November 29, 2007 hearing and resulting order when
5 her ex-husband gave her a copy of the order after he arrived at her residence that afternoon to
6 take custody of the children.

7 48. She immediately asked Respondent for an explanation. Respondent told her, falsely,
8 that he had not been notified about the hearing. Respondent told Ms. Pelletier he would file a
9 motion to vacate the order, but he did not do so.

10 49. On December 29, 2007, Mr. Morean filed a motion and supporting documentation in
11 Ms. Pelletier's case, noting a hearing for January 31, 2008. He served Respondent with a copy
12 of his motion and supporting documents.

13 50. Respondent did not respond to the motion, inform Ms. Pelletier of the motion or the
14 hearing on January 31, 2008, or appear at the January 31, 2008 hearing.

15 51. The court entered an order granting Mr. Morean all the relief he had requested for
16 his client, and Mr. Morean immediately mailed Respondent a copy of the order.

17 52. Respondent assured Ms. Pelletier that he was actively working on her case, and had
18 set a hearing to revisit the child custody and support issues, on July 14, 2008 in Pacific County
19 Superior Court.

20 53. This was a false statement.

21 54. Respondent did not file anything on Ms. Pelletier's behalf, nor did he note any
22 motion in her case for a July 14, 2008 hearing.

23 55. As the July 14, 2008 hearing date approached, Respondent did not reply to Ms.
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1 Pelletier repeated attempts to contact him.

2 56. Ms. Pelletier went to the Pacific County Family Court on July 14, 2008. The court
3 advised Ms. Pelletier that Respondent had not filed anything, nor had he noted any motion in
4 her case for a July 14, 2008 hearing. Ms. Pelletier tried to contact Respondent from the court
5 house, but he did not respond.

6 57. In September 2008, Respondent met with Ms. Pelletier because she wanted her client
7 file back from him.

8 58. Respondent convinced Ms. Pelletier to let him continue as her lawyer and assured
9 her that he would actively represent her interests in the child custody and support matter.

10 59. On September 23, 2008, Respondent filed a Note for Motion Docket in Ms.
11 Pelletier's case, purporting to set a 9:00 a.m. October 13, 2008 hearing to consider
12 Respondent's Motion to Vacate the January 31, 2008 orders.

13 60. Respondent did not file any papers in support of his Note for Motion Docket.

14 61. Respondent did not serve Mr. Morean or the Guardian Ad Litem (GAL) involved in
15 Ms. Pelletier's case with a copy of his Note for Motion Docket.

16 62. Respondent did not tell Ms. Pelletier that he had noted a hearing in her case for
17 October 13, 2008.

18 63. Respondent failed to appear for the October 13, 2008 hearing. The court struck the
19 matter.

20 64. By March or April 2009, Respondent stopped responding to Ms. Pelletier's attempts
21 to contact him.

22 65. Respondent did not file any notice of withdrawal in Ms. Pelletier's case, nor did he
23 inform her, the Pacific County Superior Court, or opposing counsel that he no longer
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1 represented Ms. Pelletier.

2 66. Ms. Pelletier sent Respondent a letter on October 10, 2009, firing him, directing him
3 to send her file to another law firm, and to notify the Pacific County Court that he was
4 withdrawing as her lawyer.

5 67. Respondent received this letter, but did not return the client file to Ms. Pelletier or
6 anyone else, despite Ms. Pelletier's multiple requests to Respondent to get her client file back.

7 68. Respondent did not notify the court or Mr. Morean that he had withdrawn from Ms.
8 Pelletier's representation.

9 69. Ms. Pelletier's grievance was filed on October 12, 2010.

10 70. On October 21, 2010, the Association sent Respondent a copy of the grievance and
11 requested his written response. Respondent emailed his written response to the grievance on
12 February 17, 2011, nearly four months after the Association's initial request for response.

13 71. During the course of the Association's investigation into this matter, in February
14 2011, Respondent provided the Association with a letter he purportedly sent to Mr. Morean on
15 November 29, 2007.

16 72. Respondent never actually sent this letter to Mr. Morean.

17 73. Respondent acted knowingly in failing to reasonably and diligently represent Ms.
18 Pelletier.

19 74. Respondent acted knowingly in failing to reasonably consult with Ms. Pelletier about
20 her objectives, failing to keep her reasonably informed about the status of her case, and failing
21 to comply with her requests for information.

22 75. Respondent acted knowingly when he made false statements to Ms. Pelletier.

23 76. Respondent acted knowingly in failing to respond to, or communicate with, Mr.
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1 Morean.

2 77. Respondent acted knowingly in failing to appear at hearings and failing to file
3 adequate documentation for Ms. Pelletier.

4 78. Respondent acted knowingly in failing to protect Ms. Pelletier's interests after she
5 terminated his representation.

6 79. Respondent acted knowingly in failing to cooperate with the Association's
7 investigation.

8 80. Respondent's conduct caused serious injury to Ms. Pelletier. Respondent's failure
9 to represent her in the legal proceedings resulted in her ex-husband getting all of the relief he
10 had asked for, including being appointed the primary custodial parent, being awarded \$546 per
11 month child support, and two judgments against Ms. Pelletier exceeding \$10,000. She suffered
12 distress and uncertainty regarding her case, as well as the loss of much of her client file.

13 81. Respondent's conduct caused injury to the legal system by the waste of resources
14 expended by opposing counsel and the court in dealing with Respondent's failures to appear at
15 any of the hearings and/or give notice in a timely manner.

16 82. Respondent's conduct caused actual injury to the lawyer discipline system as a
17 whole, which depends on lawyer cooperation and honesty to function, and actual harm to the
18 Office of Disciplinary Counsel in the form of increased effort and costs.

19 **11#00107**

20 **The Engel grievance:**

21 83. In October 2008, Engel Law Group hired Respondent to begin work as a full-time
22 associate lawyer.

23 84. While employed by the Engel Law Group, Respondent worked for at least seven
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1 clients who were not clients of the Engel Law Group (the outside clients).

2 85. Respondent worked for the outside clients without the Engel Law Group's
3 authorization or knowledge.

4 86. Respondent worked on the outside client's cases during regular business hours and
5 used Engel Law Group resources to do so.

6 87. Respondent directed the outside clients to pay him, and not the Engel Law Group.

7 88. Respondent was obligated as a condition of his employment with the Engel Law
8 Group to perform legal work for clients of the Engel Law Group. He was not authorized to
9 accept fees he received from outside clients.

10 89. Respondent intentionally misappropriated at least \$7,000 of the outside client's fees
11 for his own personal use.

12 90. These fees belonged to the Engel Law Group.

13 The Brant grievance:

14 91. In June 2010, Joseph Brant hired Respondent to represent him in filing for
15 bankruptcy.

16 92. Respondent advised Mr. Brant that he charged a flat fee of \$420 to prepare and file a
17 Chapter 7 Bankruptcy Petition and appear at the Section 341 meeting of creditors.

18 93. Respondent did not have a written fee agreement.

19 94. Respondent received \$420 from Mr. Brant.

20 95. Respondent did not deposit this fee into an IOLTA trust account.

21 96. For approximately three months after that, Respondent did not return Mr. Brant's
22 telephone calls or emails asking about the status of his case.

23 97. On October 10, 2010, Mr. Brant terminated Mr. Gomes's employment.
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1 98. Respondent intentionally failed to refund any fees to Mr. Brant.

2 99. Respondent failed to perform the services for Mr. Brant that he agreed to in June
3 2010.

4 100. Respondent caused injury to Mr. Brant when he failed to return the money as
5 agreed and delayed his case.

6 **13#00058**

7 The Ninth Circuit grievance:

8 101. On November 4, 2010, the United States Court of Appeals for the Ninth Circuit
9 (Court) issued an order appointing Respondent as pro bono counsel for plaintiff Lance Conway
10 Wood in an appeal to the Court.

11 102. The Court directed that Respondent (1) register on the Court's website within 14
12 days, and (2) file an opening brief by February 20, 2011.

13 103. Respondent failed to do either.

14 104. On April 22, 2011, the Court issued an order, directing that, within 14 days,
15 Respondent must (1) complete an application form and move for admission, (2) register on the
16 court's website, and (3) file a response to Mr. Wood's pro se letter.

17 105. Respondent did not comply.

18 106. On May 19, 2011, the Court issued an order, directing Respondent to, within 14
19 days, show cause why Respondent should not be sanctioned for failure to comply with the
20 Court's previous Orders.

21 107. On July 7, 2011, the Court issued an Order imposing a \$500 sanction against
22 Respondent for failure to comply with the Court's Orders.

23 108. Respondent never paid this sanction.
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1 109. Respondent acted knowingly in failing to comply with the Court's Order. The
2 actual injury was that Mr. Wood's case was delayed and the Court had to appoint new counsel
3 for him.

4 Violation of Probation:

5 110. On August 26, 2010, Respondent signed a stipulation to two Reprimands in
6 Proceeding No. 09#00087.

7 111. The stipulation required that Respondent work with Pete Roberts, the advisor to
8 the Law Office Management Assistance Program (LOMAP). Respondent agreed to "take steps
9 to improve [Respondent's] law office management." Specifically, the stipulation stated that
10 Respondent would complete a LOMAP Self-Audit Checklist and meet with Mr. Roberts within
11 45 days of the start of Respondent's probation.

12 112. Respondent's probation began on September 7, 2010.

13 113. On April 25, 2011, Mr. Roberts sent an email to Respondent, thanking
14 Respondent for returning his call and requesting that Respondent complete the checklist and
15 return it to him by May 9, 2011.

16 114. Respondent never responded to Mr. Roberts.

17 115. Respondent acted knowingly in failing to comply with the terms of his probation.
18 There was potential injury to his clients, and actual harm to the Office of Disciplinary Counsel
19 in the form of increased effort and costs.

20 **III. STIPULATION TO MISCONDUCT**

21 The Landsiedel case:

22 116. By failing to keep Nicholas Landsiedel reasonably informed about the status of his
23 criminal proceedings (including Respondent's many requests for continuances), failing to
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1 communicate one or more plea offers to Nicholas, failing to adequately prepare for trial, failing
2 to promptly comply with reasonable requests for information, and failing to diligently proceed
3 with Nicholas's appeal, Respondent violated RPC 1.3, RPC 1.4, RPC 3.2 and 8.4(d).

4 117. By failing to respond to the Court of Appeals' order to appear on February 19,
5 2010 to explain why Nicholas's appeal had not been perfected, Respondent violated RPC 3.4(c)
6 and RPC 8.4(j).

7 118. By failing to advise Nicholas Landsiedel that he no longer represented him in the
8 appeal and failing to file a timely notice of withdrawal, Respondent violated RPC 1.16(b).

9 The Pelletier grievance:

10 119. By failing to reasonably and diligently represent Tammara Pelletier, Respondent
11 violated RPC 1.3.

12 120. By failing to reasonably consult with Ms. Pelletier about the means by which her
13 objectives were to be accomplished, failing to keep Ms. Pelletier reasonably informed about the
14 status of her matter, and failing to promptly respond to Ms. Pelletier's reasonable requests for
15 information, Respondent violated RPC 1.4(a).

16 121. By telling Ms. Pelletier, falsely, that he had set a July 2008 hearing in her case,
17 Respondent violated RPC 8.4(c).

18 122. By failing to respond to Mr. Morean's communications, failing to file pleadings
19 responsive to Mr. Morean's motions, failing to appear at the hearings noted in the case, failing
20 to file documents in support of the motion he had noted for an October 13, 2008 hearing, failing
21 to serve Mr. Morean or the GAL with a copy of his Note for the October 13, 2008 hearing, and
22 failing to advise opposing counsel, the GAL, and the court that he would not be appearing at the
23 October 13, 2008 hearing, Respondent violated RPC 8.4(d).

1 123. By failing to timely and completely return the client's papers, and failing to take
2 reasonable steps to protect Ms. Pelletier's interests after she terminated his representation,
3 Respondent violated RPC 1.16(d).

4 124. By making false statements in his February 2011 response to the Association,
5 Respondent violated RPC 8.1 and RPC 8.4(c).

6 The Engel grievance:

7 125. By collecting and retaining payments that belonged to the Engel Law Group
8 from outside clients, Respondent violated RPC 8.4(b) (through a violation RCW 9A.56.030,
9 Theft in the First Degree) and RPC 8.4(c).

10 The Brant grievance:

11 126. By failing to communicate with Mr. Brant regarding the status of his case, and
12 failing to promptly prepare Mr. Brant's bankruptcy petition for filing, Respondent violated RPC
13 1.3, RPC 1.4(a)(3) and RPC 1.4(a)(4).

14 127. By failing to deposit Mr. Brant's \$420 flat fee into his IOLTA account,
15 Respondent violated RPC 1.5(f)(2).

16 128. By failing to take reasonable and prompt action to resolve the dispute with Mr.
17 Brant regarding how much of the fee, if any, Respondent was entitled to retain after Mr. Brant
18 terminated him, Respondent violated RPC 1.5(f)(3).

19 129. By collecting from Mr. Brant a flat fee of \$420, but not doing the work and by
20 not returning unearned fees, Respondent violated RPC 1.5(a) and RPC 1.16(d).

21 The Ninth Circuit grievance:

22 130. By agreeing to represent Mr. Wood pro bono, and then failing to take any action
23 as ordered by the Court, Respondent violated RPC 3.4(c), RPC 8.4(d), and RPC 8.4(j).

1 138. The presumptive sanction is disbarment.

2 139. ABA Standard 6.21 applies to the violations of RPC 3.4(c) and RPC 8.4(j).

3 140. The presumptive sanction is disbarment for Respondent's knowing misconduct
4 and serious injury.

5 141. ABA Standard 7.1 applies to violations of RPC 1.16(d).

6 142. The presumptive sanction is disbarment for Respondent's knowing misconduct
7 and serious injury.

8 The Pelletier grievance:

9 143. ABA Standard 4.41 applies to violations of RPC 1.3, RPC 1.4(a).

10 144. Respondent acted knowingly in failing to reasonably and diligently represent Ms.
11 Pelletier, failing to appear at hearings and failing to file adequate documentation, failing to
12 reasonably consult with her about her objectives, failing to keep her reasonably informed about
13 the status of her case, and failing to comply with her requests for information. Respondent
14 acted knowingly when he made false statements to Ms. Pelletier. Respondent acted knowingly
15 in failing to protect Ms. Pelletier's interests after she terminated his representation. Respondent
16 acted knowingly in failing to respond to, or communicate with, Mr. Morean.

17 145. Respondent's conduct caused serious injury to Ms. Pelletier. Respondent's
18 failure to represent her in the legal proceedings resulted in her ex-husband getting all of the
19 relief he had asked for, including being appointed the primary custodial parent, being awarded
20 \$546 per month child support, and two judgments against Ms. Pelletier exceeding \$10,000. She
21 suffered distress and uncertainty regarding her case, as well as the loss of her client file.
22 Respondent's conduct caused injury to the legal system by the waste of resources expended by
23 opposing counsel and the court in dealing with Respondent's failures to appear at any of the
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1 hearings and/or give notice in a timely manner.

2 146. The presumptive sanction is disbarment.

3 147. ABA Standard 4.61 applies to the violation of RPC 8.4(c).

4 148. The presumptive sanction is disbarment for Respondent's knowing misconduct
5 and serious injury.

6 149. ABA Standard 6.11 applies to violations of RPC 8.4(d).

7 150. The presumptive sanction is disbarment for Respondent's knowing misconduct
8 and serious injury.

9 151. ABA Standard 7.1 applies to violations of RPC 1.16(d).

10 152. The presumptive sanction is disbarment for Respondent's knowing misconduct
11 and serious injury.

12 153. ABA Standard 5.11 applies to the violations of RPC 8.1 and RPC 8.4(c).

13 154. Respondent knowingly made false statements during the course of an
14 investigation, and engaged in intentional conduct involving dishonesty and misrepresentation.

15 155. There was injury to the Association.

16 156. The presumptive sanction is disbarment.

17 The Engel grievance:

18 157. ABA Standard 5.11 is most applicable to the violations of RPC 8.4(b) and RPC
19 8.4(c).

20 158. Respondent intentionally misappropriated at least \$7,000 for his own personal
21 use.

22 159. Respondent committed serious criminal conduct, RCW 9A.56.030, Theft in the
23 First Degree.

1 160. The presumptive sanction is disbarment.

2 The Brant grievance:

3 161. ABA Standard 4.42 is most applicable to the violations of RPC 1.3 and RPC 1.4.

4 162. Respondent engaged in a pattern of neglect and knowingly failed to return
5 money to Mr. Brant.

6 163. Respondent caused injury to Mr. Brant when he failed to return the money as
7 agreed and delayed his case.

8 164. The presumptive sanction is suspension.

9 165. ABA Standard 7.2 is most applicable to the violations of RPC 1.5 and RPC 1.16.

10 166. The presumptive sanction is suspension for Respondent's knowing misconduct
11 and injury to Mr. Brant.

12 The Ninth Circuit grievance:

13 167. ABA Standard 6.22 is most applicable to violations of RPC 3.4(c), RPC 8.4(d),
14 and RPC 8.4(j).

15 168. Respondent acted knowingly in failing to comply with the Court's Order. The
16 actual injury was that Mr. Wood's case was delayed and the Court had to appoint new counsel
17 for him.

18 169. The presumptive sanction is suspension.

19 The Probation violation:

20 170. ABA Standard 8.1 is most applicable to violations of RPC 8.4(l).

21 171. Respondent acted knowingly in failing to comply with the terms of a prior
22 disciplinary order. There was potential injury to his clients, and actual harm to the Office of
23 Disciplinary Counsel in the form of increased effort and costs.

1 172. The presumptive sanction is disbarment.

2 173. When multiple ethical violations are found, the "ultimate sanction imposed
3 should at least be consistent with the sanction for the most serious instance of misconduct
4 among a number of violations." In re Petersen, 120 Wn.2d 833, 854, 846 P.2d 1330 (1993).

5 174. The following aggravating factors set forth in Section 9.22 of the ABA Standards
6 are applicable in this case:

- 7 (a) prior disciplinary offenses [Respondent received two reprimands in 2010,
8 for violating RPC 1.3 and 1.4];
9 (b) dishonest or selfish motive;
(c) a pattern of misconduct;
(d) multiple offenses.

10 175. The following mitigating factor set forth in Section 9.32 of the ABA Standards is
11 applicable to this case:

- 12 (c) personal or emotional problems.

13 176. On balance the aggravating and mitigating factors do not require a departure
14 from the presumptive sanction.

15 VI. STIPULATED DISCIPLINE

16 177. The parties stipulate that Respondent shall be disbarred for his conduct.

17 VII. RESTITUTION

18 178. Respondent shall pay restitution in the amount of \$7,000 to the Engel Law
19 Group, and \$420 to Joseph Brant. Reinstatement from disbarment is conditioned upon payment
20 of restitution.

21 VIII. COSTS AND EXPENSES

22 179. Respondent shall pay attorney fees and administrative costs of \$1,500 in
23 accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l)
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1 if these costs are not paid within 30 days of approval of this stipulation. Reinstatement from
2 disbarment is conditioned on payment of costs.

3 **IX. VOLUNTARY AGREEMENT**

4 180. Respondent states that prior to entering into this Stipulation he has consulted
5 independent legal counsel regarding this Stipulation, that Respondent is entering into this
6 Stipulation voluntarily, and that no promises or threats have been made by the Association, nor
7 by any representative thereof, to induce the Respondent to enter into this Stipulation except as
8 provided herein.

9 **X. LIMITATIONS**

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

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

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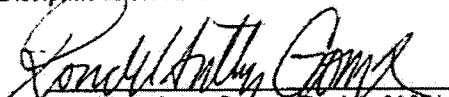
Stipulation.

184. 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.

185. 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.

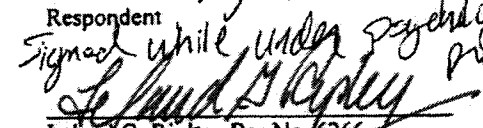
186. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, this Stipulation will have no force or effect, and neither it nor the fact of its execution will be admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any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

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




Ronald Anthony Gomes, Bar No. 31074
Respondent

Dated: 12/17/13

signed while under psychological disability precluding practice of Law


Leland G. Ripley, Bar No. 6266
Counsel for Respondent

Dated: 12/18/13



Erica Temple, Bar No. 28458
Disciplinary Counsel

Dated: 12/18/13