

**FILED**  
APR 21 2015  
DISCIPLINARY  
BOARD

BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re  
**ALI FAYEZ NAKKOUR,**  
Lawyer (Bar No. 33547).

Proceeding No. 15#00011  
FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND HEARING OFFICER'S  
RECOMMENDATION

The undersigned Hearing Officer held a default hearing on April 21, 2015, under Rule 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC).

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

1. The Formal Complaint (Bar File No. 2) charged Ali FayeZ Nakkour 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 each of the violations charged in the Formal Complaint (Bar File No. 2) is admitted and established as follows:
4. Count 1: By abandoning his law practice and by failing to complete services he

1 had agreed to perform, Nakkour violated RPC 1.3.

2 5. Count 2: By failing to notify his clients that he was abandoning his practice and by  
3 failing to communicate with them thereafter, Nakkour violated RPC 1.4 and RPC 1.16(d).

4 6. Count 3: By missing court appearances and by failing to notify the courts that he  
5 was terminating representations, Nakkour violated RPC 1.16(c), RPC 3.2, and RPC 8.4(d).

6 7. Count 4: By failing to refund fees paid for services he had not completed, Nakkour  
7 violated RPC 1.15A(f) and RPC 1.16(d).

8 8. Count 5: By failing to surrender files to which his clients were entitled, Nakkour  
9 violated RPC 1.16(d).

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

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

15 **4.4 Lack of Diligence** [Counts 1, 2, and 3 – RPC 1.3, RPC 1.4, and RPC 3.2]

16 4.41 Disbarment is generally appropriate when:

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

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

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

23 **6.2 Abuse of the Legal Process** [Count 4 – RPC 8.4(d)]

24 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court  
order or rule with the intent to obtain a benefit for the lawyer or another, and  
causes serious injury or potentially serious injury to a party or causes serious or  
potentially serious interference with a legal proceeding.

**7.0 Violations of Duties Owed as a Professional** [Counts 2, 3, 4, and 5 – RPC 1.15A(f)  
and RPC 1.16(c) and (d)]

1 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in  
2 conduct that is a violation of a duty owed as a professional with the intent to  
3 obtain a benefit for the lawyer or another, and causes serious or potentially  
4 serious injury to a client, the public, or the legal system.

5 10. For knowingly failing to perform services for a client causing at least potentially  
6 serious injury as alleged in Counts 1, 2, and 3, the presumptive sanction is disbarment under  
7 ABA Standard 4.41(b). For knowingly abandoning his practice causing actual serious harm to  
8 multiple clients as alleged in Count 1, the presumptive sanction is disbarment under ABA  
9 Standard 4.41(a).

10 11. For knowingly failing to appear for court and failing to notify the courts that he  
11 was terminating representations as alleged in Count 3 causing at least potentially serious injury,  
12 the presumptive sanction is disbarment under ABA Standard 6.21.

13 12. For knowingly violating professional duties with the intent to benefit the lawyer  
14 causing at least potentially serious injury to the client, the public, or the legal system as alleged  
15 in Counts 4 and 5, the presumptive sanction is disbarment under ABA Standard 7.1.

16 13. Where, as in this case, the Hearing Officer finds multiple ethical violations, the  
17 "ultimate sanction imposed should at least be consistent with the sanction for the most serious  
18 instance of misconduct among a number of violations." In re Petersen, 120 Wn2d 833, 854  
19 (1993) (quoting ABA Standards at 6). In this case, the presumptive sanction for each count and  
20 for each charged violation is disbarment.

21 14. The following aggravating factors set forth in Section 9.22 of the ABA Standards  
22 apply in this case:

- 23 (c) a pattern of misconduct;
- 24 (d) multiple offenses;
- (g) refusal to acknowledge wrongful nature of conduct;
- (i) substantial experience in the practice of law [Nakkour was admitted in  
May 2003]; and

1 (j) indifference to making restitution.

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

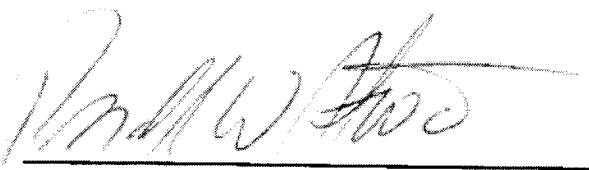
4 16. The one mitigating factor set forth in Section 9.32 of the ABA Standards is (a)  
5 absence of a prior disciplinary record.

6 17. Considering the aggravating factors and one mitigating factor, I find no basis to  
7 depart from the presumptive sanction of disbarment for each count as set forth above.

8  
9 **RECOMMENDATION**

10 18. Based on the ABA Standards and the applicable aggravating and mitigating  
11 factors, the Hearing Officer recommends that Respondent Ali Faye Nakkour be disbarred.  
12 Reinstatement should be conditioned on the payment of costs.

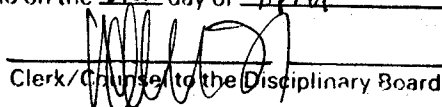
13  
14 DATED this 21st day of April, 2015.

15 

16 **Ronald Wayne Atwood**  
17 **Hearing Officer**

18  
19 **CERTIFICATE OF SERVICE**

20 I certify that I caused a copy of the PDF copy of HO's Recommendation  
21 to be delivered to the Office of Disciplinary Counsel and to be mailed  
22 to Ali Nakkour, ~~Respondent~~ Respondent's Counsel  
23 at PO BOX 11 WOODS, WA 98097, by Certified/first class mail,  
24 postage prepaid on the 21st day of April, 2015.

25   
26 Clerk/Counsel to the Disciplinary Board

**Allison Sato**

---

**From:** Kristine Gard <kklar@ronaldwatwood.com>  
**Sent:** Tuesday, April 21, 2015 4:00 PM  
**To:** Linda Eide; Allison Sato  
**Cc:** Ron Atwood  
**Subject:** Ali Fayez Nakkour FFCL For Filing  
**Attachments:** NAKKOUR.pdf

Hello Linda and Allison,

Attached for filing is the signed Findings of Fact, Conclusions of Law, and Hearing Officer's Recommendation.

Thank you,

--

**Kristine Klar**  
**Legal Assistant**  
**Ronald W. Atwood, P.C.**  
P: (503) 525-0963  
F: (503) 525-0966  
P.O. Box 40028  
Portland, OR 97204

This e-mail is intended for the designated recipient(s) only, and may be confidential, non-public, proprietary, protected by the attorney/client or other privilege. Unauthorized reading, distribution, copying or other use of this communication is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) should not be deemed a waiver of any privilege or protection. If you are not the intended recipient or if you believe that you have received this e-mail in error, please notify the sender immediately and delete all copies from your computer system without reading, saving or using it in any manner. Although it has been checked for viruses and other malicious software ("malware"), we do not warrant, represent or guarantee in any way that this communication is free of malware or potentially damaging defects. All liability for any actual or alleged loss, damage or injury arising out of or resulting in any way from the receipt, opening or use of this e-mail is expressly disclaimed.