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DISCIPLINARY
BOARD

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7 BEFORE THE
8 DISCIPLINARY BOARD
9 OF THE
10 WASHINGTON STATE BAR ASSOCIATION

11 In re

12 **PAUL HURLEY,**

13 Lawyer (Bar No. 38282).

Proceeding No. 16#00043

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

14 The undersigned Hearing Officer held a default hearing on August 30, 2016, under Rule
15 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC).

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

18 1. The Formal Complaint (Bar File (BF) 1) charged Paul Hurley with misconduct as
19 set forth therein. A copy of the Formal Complaint is attached to this decision.

20 2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in
21 the Formal Complaint is admitted and established.

22 3. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations
23 charged in the Formal Complaint is admitted and established.

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

4. Respondent engaged in serious criminal conduct, a necessary element of which includes fraud.

5. Respondent's conduct also involved dishonesty.

6. Respondent acted intentionally.

7. Respondent's conduct seriously adversely reflects on his fitness to practice.

8. There is injury to the profession when lawyers engage in criminal conduct, particularly in situations where the public expects a lawyer to exhibit high standards of honesty and integrity such as when acting on behalf of the government. There is injury to the image of the profession.

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

5.1 *Failure to Maintain Personal Integrity*

5.11 Disbarment is generally appropriate when:

(a) a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or

(b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

10. The following aggravating factor set forth in Section 9.22 of the ABA Standards applies in this case: (b) dishonest or selfish motive.

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

3 12. The following mitigating factor set forth in Section 9.32 of the ABA Standards
4 applies to this case: (a) absence of a prior disciplinary record.

5 **RECOMMENDATION**

6 13. Based on the ABA Standards and the applicable aggravating and mitigating
7 factors, the Hearing Officer recommends that Respondent Paul Hurley be disbarred.
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9 DATED this 30th day of August, 2016.

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11 MA Hrd
12 Octavia Y. Hathaway
13 Hearing Officer

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19 **CERTIFICATE OF SERVICE**

20 I certify that I caused a copy of the FOF, COL & HO'S Recommendation
21 to be delivered to the Office of Disciplinary Counsel and to be mailed
22 to Paul Hurley Respondent/Respondent's Counsel
23 at FRS W&K 11 Way S. Seattle WA 98104 by certified/first class mail
24 postage prepaid on the 1st day of September, 2016

[Signature]
Clerk/Counsel to the Disciplinary Board