

FILED

Jan 17 2020

Disciplinary  
Board

Docket # 080

BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON SUPREME COURT

In re

**ALEXANDER YING-CHI CHAN,**

Lawyer (Bar No. 41709).

Proceeding No. 18#00002

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

The undersigned Hearing Officer held the hearing on September 23 and 24, 2019 under Rule 10.13 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC). Respondent Alexander Ying-Chi Chan appeared at the hearing. Disciplinary Counsel Francesca D'Angelo and Codee McDaniel appeared for the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association.

FORMAL COMPLAINT FILED BY DISCIPLINARY COUNSEL

The Formal Complaint filed by Disciplinary Counsel charged Respondent with the following counts of misconduct:

***Lopez Grievance***

Count 1: By failing to prepare and/or file the I-601A waiver on Lopez's behalf,

1 Respondent violated RPC 1.3.

2 Count 2: By failing to respond to Lopez's and/or Cervantes' reasonable requests for  
3 information and/or by failing to keep Lopez reasonably informed about the status of his case,

4 Respondent violated RPC 1.4.

5 Count 3: By failing to provide a copy of his client file for Lopez to ODC, Respondent  
6 violated 8.4(d) and/or RPC 8.4(l) (by violating ELC 5.3(f) and/or ELC 5.5(d)).

7 ***Edgmon Grievance***

8 Count 4: By failing to respond to the government's motion to dismiss and/or by failing  
9 to file a Complaint that adequately stated the legal basis for Edgmon's claim, Respondent  
10 violated RPC 1.3 and/or RPC 1.1.

11 Count 5: By failing to respond to Edgmon's reasonable requests for information and/or  
12 by failing to keep Edgmon reasonably informed about the status of her case and/or by failing to  
13 explain to Edgmon the effect of the United States' motion to dismiss and his decision not to  
14 respond to the motion, Respondent violated RPC 1.4(a) and/or RPC 1.4(b).

15 Count 6: By charging Edgmon \$3,500 for doing little or no work of value to her,  
16 Respondent violated RPC 1.5(a).

17 Count 7: By failing to provide a copy of his client file for Edgmon to ODC, Respondent  
18 violated 8.4(d) and/or RPC 8.4(l) (by violating ELC 5.3(f) and/or ELC 5.5(d)).

19 ***Vargas/Mendez Grievance***

20 Count 8: By failing to timely file I-589 asylum applications for Vargas and Mendez  
21 and/or by filing an error-filled asylum application for Mendez, Respondent violated RPC 1.3.

22 Count 9: By failing to respond to Vargas's reasonable requests for information and/or by  
23 failing to keep Vargas and Mendez reasonably informed about the status of their cases,

1 Respondent violated RPC 1.4(a) and/or RPC 1.4(b).

2 Count 10: By failing to provide a copy of Vargas's and Mendez's client files their new  
3 lawyer, Respondent violated RPC 1.16(d).

4 At the beginning of the hearing in this matter, ODC moved to dismiss Count 10 of the  
5 First Amended Formal Complaint. The Hearing Officer granted this motion.

6 Based on the pleadings in the case, the testimony and exhibits at the hearing, the Hearing  
7 Officer makes the following:

8 FINDINGS OF FACT

9 1. Respondent was admitted to the practice of law in the State of Washington on  
10 November 4, 2009.

11 2. Respondent has no discipline history.

12 3. At hearing, ODC presented the following witnesses: Jose Vargas Valencia (Vargas),  
13 Cristina Mendez Govea (Mendez), Alma Cervantes, Katherine Rich, Lydia Edgmon, and Elaine  
14 Fordyce. Vargas and Mendez's testimony was translated by interpreter Diana Meredith. The  
15 Hearing Officer found all of these witnesses credible.

16 4. At hearing, ODC also presented the testimony of Respondent Alexander Chan. The  
17 Hearing Officer found that Respondent's testimony was not credible, not trustworthy, and not  
18 accurate.

19 5. Respondent represented himself at hearing and called no witnesses.

20 *Findings Related to the Lopez Grievance*

21 6. On September 7, 2015, Victor Lopez Guevara (Lopez) and Alma Cervantes paid  
22 Respondent \$1,000 to prepare and file an Application for Provisional Unlawful Presence  
23 Waiver [I-601A] based on a Petition for Alien Relative [I-130] that had been filed by



1 Cervantes.

2 7. Lopez gave Respondent the approved I-130 and their file from a previous attorney.

3 8. In March 2016, Cervantes told Respondent that she was pregnant and wanted to get  
4 the waiver filed before the baby was born.

5 9. Respondent did not file the waiver.

6 10. Cervantes gave birth to a son on November 11, 2016.

7 11. In late November 2016, Lopez and Cervantes met with Respondent and provided  
8 him medical records, her son's birth certificate and other documents.

9 12. Lopez and Cervantes also provided Respondent a \$670 cashier's check for the  
10 waiver filing fee, which he never cashed.

11 13. Respondent told them he would file the waiver the next day.

12 14. Lopez and Cervantes never heard from Respondent after November 2016.

13 15. Lopez and Cervantes sent Respondent four emails, called him numerous times, sent  
14 texts, and went to his office.

15 16. Respondent never responded to any of Lopez's or Cervantes's messages.

16 17. Respondent never filed Lopez's I-601A waiver application.

17 18. Respondent did not inform Lopez or Cervantes that he had not filed the I-601A  
18 waiver application.

19 19. In failing to file Lopez's I-601A waiver application, Respondent failed to act with  
20 reasonable diligence or promptness.

21 20. Respondent's conduct in failing to file the I-601A waiver was knowing.

22 21. Respondent never provided Lopez or Cervantes with any work he had done.

23 22. Respondent failed to keep Lopez and Cervantes reasonably informed about the status

1 of their case and failed to comply with their reasonable requests for information.

2 23. Respondent acted knowingly in failing to keep Lopez and Cervantes reasonably  
3 informed about the status of their case and in failing to promptly comply with their reasonable  
4 requests for information.

5 24. There was injury to Lopez and Cervantes in that Respondent's lack of  
6 communication caused them emotional distress.

7 25. There was serious potential injury to Lopez because, due to Respondent's failure to  
8 file the waiver application, Lopez was subjected to or could have been subjected to removal by  
9 the United States Government.

10 26. There also was serious potential injury to Lopez because, as lawyer Katherine Rich  
11 credibly testified, during the timeframe that Respondent represented Lopez, a new  
12 administration in the American government came into play with a distinctly different take on  
13 immigration matters. Because Respondent failed to timely file Lopez's I-601A waiver  
14 application, the law changed and Lopez was subjected to the potential for additional sanctions  
15 and quicker deportation.

16 27. Respondent refunded \$1,000 to Lopez and Cervantes.

17 ***Non Cooperation related to the Lopez grievance***

18 28. On March 8, 2017, Lopez filed a grievance against Respondent.

19 29. On April 26, 2017, ODC requested that Respondent produce Lopez's client file.

20 30. Respondent did not produce Lopez's client file.

21 31. On June 12, 2017, ODC subpoenaed Lopez's client file.

22 32. Respondent produced some documents regarding Lopez, but did not produce his  
23 entire client file, particularly the I-601A application that he stated in his response to the  
24

1 grievance that he had drafted.

2 33. At a deposition taken by ODC on July 20, 2017, Respondent testified that he did not  
3 have the entire Lopez client file because the Seattle Police Department seized Respondent's  
4 files, including Lopez's file, in connection with criminal charges filed against him in King  
5 County Superior Court, No. 17-1-01105-0.

6 34. On September 15, 2017, the Seattle Police Department returned Respondent's files  
7 to him.

8 35. On October 12, 2017, ODC again requested that Respondent produce his entire  
9 client file for Lopez.

10 36. Respondent did not provide ODC with a copy of Lopez's client file.

11 37. Respondent's failure to produce his entire client file for Lopez was knowing.

12 38. Respondent's conduct caused harm to the disciplinary system, which depends on the  
13 cooperation of lawyers to function properly.

14 ***Facts Related to the Edgmon Grievance***

15 39. Edgmon was born in the United States in 1960 and was a U.S. citizen.

16 40. She was taken to Sweden as a young child and by the age of 13 was living on the  
17 streets of Stockholm.

18 41. Because she left the U.S. as a child, Edgmon spoke very limited English.

19 42. When Edgmon was 16 years old, she became pregnant by a Tunisian national.

20 43. The father of Edgmon's child was deported by the Swedish government and Edgmon  
21 followed him.

22 44. The father of Edgmon's child was verbally and physically abusive and threatened to  
23 kill Edgmon and her daughter.

24 45. In 1979, when her daughter was 15 months old, Edgmon returned to Sweden.



1 46. She went to the Swedish authorities for assistance and was told that since she was a  
2 U.S. citizen, she needed to seek help from the U.S. Embassy.

3 47. Edgmon went to the U.S. Embassy and was given papers to sign.

4 48. The papers Edgmon signed had the effect of renouncing her citizenship, which she  
5 did not fully understand due to her limited English.

6 49. Edgmon believed she had dual citizenship in both the United States and Sweden.

7 50. In 1985, Edgmon came to the U.S. on a visitor's visa.

8 51. Edgmon obtained a U.S. passport, which she renewed several times.

9 52. In November 2012, the U.S. Department of State denied Edgmon's passport renewal  
10 application because she had renounced her citizenship in 1979.

11 53. Edgmon met with Respondent in 2015 and told him about her background and the  
12 circumstances leading up to her renunciation of her U.S. citizenship.

13 54. Respondent agreed to file a lawsuit on Edgmon's behalf to help her get her U.S.  
14 passport back.

15 55. On March 23, 2016, Edgmon signed a fee agreement with Respondent for a flat fee  
16 of \$3,000.

17 56. The fee agreement stated in relevant part:

18 Scope of Service: Client is hiring Attorney to provide the following, specified  
19 legal service: representation with representation with [sic] her immigration case,  
20 Attorney will take reasonable steps to keep Client informed of progress and to  
21 respond to Client inquiries.

22 57. Between March 23, 2016 and May 16, 2016, Edgmon paid Respondent a total of  
23 \$3,500.

24 58. On April 23, 2016, Respondent filed a Complaint in the United States District Court  
in Seattle against John Kerry in his capacity as Secretary of State.

1 59. Respondent emailed Edgmon to inform her that the case had been filed.

2 60. Respondent later texted Edgmon the case number.

3 61. The Complaint alleged that Edgmon had signed the oath of renunciation under  
4 duress, but did not provide any other detail.

5 62. The Complaint requested that Edgmon be declared a United States citizen and that  
6 her U.S. passport be renewed.

7 63. The Complaint was legally insufficient because Respondent failed to specify any  
8 basis for Edgmon's claim that she had renounced her United States citizenship under duress,  
9 involuntarily, or without sufficient knowledge for what she was doing because of the language  
10 barrier.

11 64. The Complaint was also legally insufficient because it requested relief that could not  
12 be requested or granted by the court in that the Complaint requested that Edgmon's United  
13 States citizenship be reinstated and her passport renewed instead of challenging the renunciation  
14 of the citizenship.

15 65. After Respondent received payment of \$3,500 from Edgmon, he ceased  
16 communicating with her.

17 66. Edgmon attempted to call and text Respondent multiple times but was unsuccessful.

18 67. On August 22, 2016, the United States made a motion to dismiss, alleging that  
19 Edgmon had not stated a claim upon which relief could be granted.

20 68. The United States argued, among other things, that the single conclusory statement  
21 in Edgmon's complaint that she had renounced her United States citizenship under duress, with  
22 no supporting evidence or further explanation, was not sufficient to rebut the presumption that  
23 she had renounced her citizenship voluntarily.



1 69. Respondent never informed Edgmon that the government had made a motion to  
2 dismiss.

3 70. Respondent did not file a response to the motion.

4 71. Respondent's failure to file a response to the motion to dismiss was knowing.

5 72. On October 14, 2016, the court granted the motion to dismiss without prejudice.

6 73. The Court ruled that Edgmon had alleged no factual basis which would support a  
7 finding of duress or a showing of involuntariness and dismissed the matter without prejudice.

8 74. The Court found that Respondent's failure to file a response to the motion was an  
9 admission that the motion had merit.

10 75. Respondent did not inform Edgmon that her case had been dismissed.

11 76. Respondent did not discuss re-filing the Complaint with Edgmon with allegations or  
12 evidence that supported her claim of duress.

13 77. Respondent did not file an amended complaint.

14 78. Respondent failed to explain the outcome and the possible side-effects of the  
15 government's motion to dismiss and his decision not to respond to the government's motion.

16 79. Beginning in February 2017, Edgmon sent Respondent a series of texts requesting  
17 contact.

18 80. Respondent did not respond to Edgmon's messages.

19 81. Respondent failed to keep Edgmon reasonably informed about the status of her case  
20 and did not comply with her reasonable requests for information.

21 82. Respondent acted knowingly in failing to keep Edgmon reasonably informed about  
22 the status of her case and in failing to promptly comply with her reasonable requests for  
23 information.

1 83. The scope of Respondent's fee agreement with Edgmon encompassed the handling  
2 of her immigration case, which would have included filing a response to the motion to dismiss  
3 and filing an amended complaint.

4 84. Respondent charged Edgmon an unreasonable fee for doing very little or no work  
5 that was of value to her and in fact was possibly a detriment to her.

6 85. To date, Respondent has failed to return any part of Edgmon's fee.

7 86. Edgmon was injured because she paid for legal services that she did not receive.

8 87. Edgmon was potentially seriously injured because her case was dismissed due to  
9 Respondent's failure to file a legally sufficient complaint, which failure has put Edgmon in  
10 danger of possible removal.

11 ***Non Cooperation related to the Edgmon Grievance***

12 88. On April 3, 2017, Edgmon filed a grievance against Respondent.

13 89. On May 15, 2017, ODC requested that Respondent produce Edgmon's client file.

14 90. Respondent did not produce Edgmon's client file.

15 91. On June 15, 2017, ODC subpoenaed Edgmon's client file.

16 92. Respondent produced some emails and some deposit slips, but did not produce his  
17 entire client file.

18 93. At a deposition taken by ODC on July 20, 2017, Respondent testified that he did not  
19 have the entire client file because the Seattle Police Department seized Respondent's files,  
20 including Edgmon's file, in connection with criminal charges filed against him in King County  
21 Superior Court, No. 17-1-01105-0.

22 94. On September 15, 2017, the Seattle Police Department returned Respondent's files  
23 to him.

1 95. On October 12, 2017, ODC again requested that Respondent produce his entire  
2 client file for Edgmon.

3 96. Respondent did not produce his entire client file for Edgmon.

4 97. Respondent's failure to produce his entire client file for Edgmon was knowing.

5 98. Respondent's conduct caused harm to the disciplinary system, which depends on the  
6 cooperation of lawyers to function properly.

7 ***Facts Related to the Vargas Grievance***

8 99. Jose Vargas Valencia (Vargas) and Christina Mendez Govea (Mendez) were born in  
9 Mexico and are Mexican citizens.

10 100. Vargas and Mendez arrived in the United States on February 6, 2014.

11 101. Vargas and Mendez were detained at the border and then released in April 2014.

12 102. Approximately four months later, Vargas and Mendez hired Respondent and paid  
13 him \$3,000 to assist them with the process of obtaining asylum.

14 103. Vargas and Mendez have very little understanding of the English language and  
15 testified in this proceeding with the assistance of an interpreter.

16 104. Vargas gave Respondent all of the documents that he had in his possession,  
17 including copies of his and Mendez's immigration interviews.

18 105. Respondent was aware that Vargas and Mendez had entered the United States by  
19 lawful means by going through the border crossing on February 6, 2014 and that they had  
20 claimed asylum.

21 106. Immigration law requires that an asylum application be filed within one year  
22 after the date of the alien's arrival in the United States. 8 U.S.C. § 1158(a)(2)(B). For Vargas  
23 and Mendez, the one year deadline was set to expire on February 6, 2015.

24 107. Vargas and Mendez hired Respondent at least eight months before the one-year



1 deadline was due to expire.

2 108. Respondent did not inform Vargas or Mendez of the deadline for filing an  
3 asylum application.

4 109. Respondent did not file Vargas's or Mendez's I-589 Application for Asylum and  
5 for Withholding of Removal until September 2, 2015, after the one-year deadline had passed.

6 110. The asylum applications that Respondent filed for Vargas and Mendez contained  
7 substantive and serious errors.

8 111. The asylum applications that Respondent filed for Mendez and Vargas  
9 erroneously referenced Los Comunitarios as a criminal gang when it was in fact a political  
10 vigilante group. As lawyer Elaine Fordyce credibly testified, this error potentially foreclosed  
11 some bases for asylum.

12 112. The asylum application that Respondent filed for Mendez was identical to the  
13 application that he submitted for Vargas, except that Respondent replaced the first page of  
14 Vargas's application with a handwritten page containing Mendez's information. He did not  
15 include unique facts that were relevant to Mendez's application for asylum, but simply  
16 submitted Vargas's statement of facts with the pronouns that pertained to Mendez.

17 113. Because Mendez's application had multiple pages that were copied from  
18 Vargas's application, much of the information listed for Mendez was actually Vargas's  
19 information, not Mendez's.

20 114. The asylum application that Respondent filed for Ms. Mendez erroneously stated  
21 that she had entered without inspection, when in fact she was lawfully paroled into the United  
22 States.

23 115. Respondent did not review Mendez's asylum application with her before she  
24

1 signed the application under penalty of perjury.

2 116. Respondent's conduct in filing Mendez and Vargas' asylum applications after  
3 the one-year deadline had passed was knowing.

4 117. Respondent's conduct filing an error-filled asylum applications for Mendez was  
5 knowing.

6 118. The late and error-filled asylum applications that Respondent prepared and filed  
7 for Vargas and Mendez were of little or no value to them and were likely detrimental to their  
8 interests.

9 119. Respondent had very little contact with Vargas and Mendez and left them  
10 uninformed about the status of their case and other applicable deadlines.

11 120. Vargas repeatedly requested information about his case from Respondent but  
12 Respondent did not respond to Vargas's reasonable requests for information.

13 121. Respondent failed to provide Vargas and Mendez with accurate or adequate  
14 information about their case.

15 122. Respondent's failure to communicate with Vargas and Mendez was knowing.

16 123. In April 2018, Vargas and Mendez hired lawyer Elizabeth Hawkins to replace  
17 Respondent as their lawyer and to pursue their asylum claim.

18 124. Hawkins obtained the contents of Vargas's and Mendez's immigration files on  
19 September 10, 2018 after filing a Freedom of Information Act (FOIA) request with the  
20 Executive Office for Immigration Review.

21 125. Hawkins filed a new application for Mendez and made corrections to the  
22 application filed for Vargas.

23 126. Vargas and Mendez were injured because they incurred additional fees due to the  
24



1 necessity of having Hawkins prepare and file a new asylum application for Mendez.

2 127. Vargas and Mendez were potentially seriously injured. Lawyer Elaine Fordyce  
3 credibly testified that asylum applications are taken very seriously and inaccuracies could be  
4 held against Vargas and Mendez when they go to their final hearing.

5 ***Respondent's Failure to Comply with ODC's Demand under ELC 10.13(c) to Produce Client***  
6 ***Files for Lopez, Edgmon, Vargas and Mendez***

7 128. ELC 10.13(c) provides as follows:

8 **Respondent Must Bring Requested Materials.** Disciplinary counsel  
9 may request in writing, served on the respondent at least three days  
10 before the hearing, that the respondent bring to the hearing any  
11 documents, files, records, or other written materials or things previously  
12 requested in accordance with these rules. The respondent must comply  
13 with this request and failure to bring requested materials, without good  
14 cause, may be grounds for discipline.

15 129. On July 1, 2019, ODC issued a demand under ELC 10.13(c) that Respondent  
16 bring his complete client files for Lopez, Edgmon, Vargas and Mendez to the hearing.

17 130. During his testimony, Respondent denied that he received the ELC 10.13  
18 demand. This denial is not credible. Although there was a typographical error on the certificate  
19 of service, the cover letter accompanying the ELC 10.13 demand had the correct address. The  
20 Hearing Officer finds that Respondent was properly served with the request at 11004 NE 11<sup>th</sup>  
21 St. Apt 503, Bellevue WA 98004-4579 on July 1, 2019.

22 131. On July 1, 2019, ODC emailed the 10.13 demand to the Hearing Officer and  
23 Respondent in a single email. The Hearing Officer takes judicial notice that Respondent  
24 received the ODC's ELC 10.13 demand electronically on July 1, 2019 at [aycc98@gmail.com](mailto:aycc98@gmail.com).

132. Respondent failed to make any objection to the ELC 10.13 demand.

133. Respondent failed to bring the files that ODC requested to the hearing.

134. On the first day of hearing, Respondent testified that he would make a good faith



1 effort to locate the client files requested in the ELC 10.13 demand, with the understanding that  
2 he would provide those documents if he found them.

3 135. Respondent failed to bring any client files to the second day of the hearing.

4 136. Respondent testified that he had engaged in a good faith effort to locate his client  
5 files. When asked by ODC to describe the efforts that he made to locate the requested files,  
6 Respondent responded by asserting the Fifth Amendment. The Hearing Officer ordered  
7 Respondent to articulate his basis for asserting the Fifth Amendment. Respondent declined to  
8 do so, stating that he did not believe that the disciplinary forum was a "court."

9 137. By virtue of Respondent's assertion of the Fifth Amendment, the Hearing Officer  
10 draws an inference that Respondent did not make a good faith effort to locate and produce his  
11 client files.

12 138. Respondent knowingly and in bad faith failed to comply with the ELC 10.13(c)  
13 demand by failing to bring the requested documents to the first day of hearing and by failing to  
14 make a good faith effort to locate and bring them to the second day of hearing.

## 15 CONCLUSIONS OF LAW

### 16 Violations Analysis

17 The Hearing Officer finds that ODC proved the following by a clear preponderance of  
18 the evidence:

19 139. Count 1: By failing to prepare or file the I-601A waiver on Lopez's behalf,  
20 Respondent violated RPC 1.3.

21 140. Count 2: By failing to respond to Lopez's and Cervantes' reasonable requests for  
22 information and by failing to keep Lopez reasonably informed about the status of his case,  
23 Respondent violated RPC 1.4.

1 141. Count 3: By failing to provide a copy of his client file for Lopez to ODC,  
2 Respondent violated 8.4(d) and RPC 8.4(l) (by violating ELC 5.3(f) and ELC 5.5(d)).

3 142. Count 4: By failing to respond to the government's motion to dismiss and by  
4 failing to file a Complaint that adequately stated the legal basis for Edgmon's claim,  
5 Respondent violated RPC 1.3 and RPC 1.1.

6 143. Count 5: By failing to respond to Edgmon's reasonable requests for information  
7 and by failing to keep Edgmon reasonably informed about the status of her case and by failing  
8 to explain to Edgmon the effect of the United States' motion to dismiss and his decision not to  
9 respond to the motion, Respondent violated RPC 1.4(a) and RPC 1.4(b).

10 144. Count 6: By charging Edgmon \$3,500 for doing little or no work of value to her,  
11 Respondent violated RPC 1.5(a).

12 145. Count 7: By failing to provide a copy of his client file for Edgmon to ODC,  
13 Respondent violated 8.4(d) and RPC 8.4(l) (by violating ELC 5.3(f) and ELC 5.5(d)).

14 146. Count 8: By failing to timely file I-589 asylum applications for Vargas and  
15 Mendez and by filing an error-filled asylum application for Mendez, Respondent violated RPC  
16 1.3.

17 147. Count 9: By failing to respond to Vargas's reasonable requests for information  
18 and by failing to keep Vargas and Mendez reasonably informed about the status of their cases,  
19 Respondent violated RPC 1.4(a) and RPC 1.4(b).

20 Sanction Analysis

21 148. Respondent's conduct, taken as a whole, evinced a pattern of neglect.

22 149. Respondent's conduct caused serious and potentially serious injury to Lopez,  
23 Mendez, Vargas, and Edgmon.

1 150. A presumptive sanction must be determined for each ethical violation. In re  
2 Anschell, 149 Wn.2d 484, 69 P.3d 844, 852 (2003). The following standards of the American  
3 Bar Association's Standards for Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. &  
4 Feb. 1992 Supp.) are presumptively applicable in this case:

5 151. ABA Standard 4.4 applies to the duty to act diligently and communicate with  
6 clients and therefore applies to Counts 1, 2, 4 (the RPC 1.3 violation), 5, 8 and 9. Respondent's  
7 conduct was knowing. "Knowledge" is the conscious awareness of the attendant circumstances  
8 of the conduct but without the conscious objective or purpose to accomplish a particular result.  
9 ABA Standards, Black Letter Rules. The presumptive sanction for each of these counts is  
10 suspension under ABA Standards 4.42(a) and (b).

11 152. In addition, because Respondent's conduct evinced a pattern of neglect that  
12 caused serious and potentially serious injury to Lopez, Edgmon, Mendez, and Vargas, the  
13 presumptive sanction for counts 1, 4, and 8 under ABA Standard 4.41 is disbarment.

14 153. ABA Standard 7.0 applies to the duty to cooperate with a disciplinary  
15 investigation and a duty to charge a reasonable fee and therefore applies to Counts 3, 6 and 7.  
16 Respondent's conduct in failing to cooperate with the disciplinary investigation was knowing  
17 and caused injury to the disciplinary system. Respondent's conduct in charging an  
18 unreasonable fee to Edgmon was knowing and caused harm to Edgmon. The presumptive  
19 sanction for each of these counts under ABA Standard 7.2 is suspension.

20 154. ABA Standard 4.5 applies to the duty to competently represent clients and  
21 applies to Respondent's lack of competence charged in Count 4 (the RPC 1.1 violation).  
22 Respondent's conduct demonstrated a failure to understand relevant legal doctrines and caused  
23 injury to his client. The presumptive sanction under ABA Standard 4.53 is a reprimand.



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

4 156. Based on the Findings of Fact and Conclusions of Law and application of the  
5 ABA Standards, the appropriate presumptive sanction is disbarment.

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

- 8 (b) Dishonest or selfish motive. Respondent acted selfishly by failing to  
refund the fees that Edgmon, Vargas, and Mendez paid him.
- 9 (d) Multiple offenses. ODC has proven by a clear preponderance of the  
10 evidence that Respondent violated multiple provisions of the RPC in  
relation to multiple clients.
- 11 (e) Bad faith obstruction of the disciplinary proceeding by intentionally  
12 failing to comply with rules or orders of the disciplinary agency:  
Respondent failed to comply with ODC’s ELC 10.13(c) demand to bring  
13 his client files for Lopez, Edgmon, Vargas and Mendez to the hearing and  
failed to make a good faith effort to locate and produce the client files for  
14 the second day of the hearing. This failure is separate and distinct from  
his failure to cooperate with ODC as alleged and found with respect to  
Counts 3 and 7.
- 15 (g) Refusal to acknowledge the wrongful nature of the misconduct: This  
16 aggravating factor applies when an attorney denies the conduct was  
wrongful or rationalizes the misconduct as an error. During the hearing,  
17 Respondent generally did not contest the basic facts presented about his  
representation of his clients. Instead, he argued that he was not required  
18 to provide his clients “good legal representation” but only a baseline  
standard of competence. Whatever the legal merit of this argument, the  
19 Hearing Officer finds that Respondent did not come close to providing a  
baseline of diligent or competent representation for his clients. His  
20 refusal to acknowledge the gross deficiencies in his representation  
minimized his duty to his clients and evidences a refusal to acknowledge  
the wrongful nature of his actions and a failure to recognize the harm that  
flowed from his actions.
- 21 (j) Indifference to making restitution: Respondent has made no restitution to  
22 Edgmon, Vargas, or Mendez.

23 158. The following mitigating factor set forth in Section 9.32 of the ABA Standards  
24 is applicable to this case:

1 (a) absence of a prior disciplinary record.

2 159. On balance, the aggravating and mitigating factors outweigh the mitigating  
3 factors and support a sanction of disbarment.

4 Recommendation

5 160. Based on the ABA Standards and the applicable aggravating and mitigating  
6 factors, the Hearing Officer recommends that Respondent Alexander Ying-Chi Chan be  
7 disbarred. Respondent should be ordered to pay restitution in the amount of \$3,500 to Edgmon  
8 with interest at the rate of 12 percent per annum from April 3, 2017. Respondent should be  
9 ordered to pay \$3,000 to Vargas and Mendes with interest at the rate of 12 percent per annum  
10 from November 15, 2018.

11 Dated this 13<sup>th</sup> day of January, 2020.

*Rebecca Lynn Stewart*

13 Rebecca Lynn Stewart, Bar No. 30404  
14 Hearing Officer

15  
16  
17 CERTIFICATE OF SERVICE

18 I certify that I caused a copy of the FOF, COL & HD'S Decision  
to be delivered to the Office of Disciplinary Counsel and to be mailed  
to Alexander Chan Respondent's Counsel  
19 at 1100 4th Ave, Apt #1805, Bellevue, WA 98001 (first class mail)  
postage prepaid on the 17<sup>th</sup> day of Jan, 2020

20  
21 [Signature]  
22 Clerk/Counsel Disciplinary Board