

FILED
MAY 05 2017
DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re
ZENOVIA NICOLE LOVE,
Lawyer (WSBA No.45989)

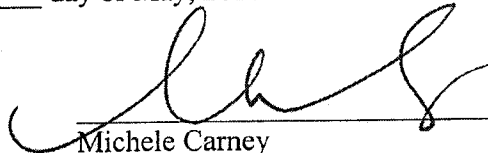
Proceeding No. 16#00122

DISCIPLINARY BOARD ORDER
DECLINING *SUA SPONTE* REVIEW AND
ADOPTING HEARING OFFICER'S
DECISION

This matter came before the Disciplinary Board for consideration of *sua sponte* review pursuant to ELC 11.3(a). On April 13, 2017, the Clerk distributed the attached decision to the Board.

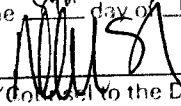
IT IS HEREBY ORDERED THAT the Board declines *sua sponte* review and adopts the Hearing Officer's decision¹.

Dated this 4th day of May, 2017.



Michele Carney
Disciplinary Board Chair
CERTIFICATE OF SERVICE

I certify that I caused a copy of the Db Order Declining Sua Sponte Review and Adopting the Decision to be delivered to the Office of Disciplinary Counsel and to be mailed to Zenovia Love at 2207 Tacoma Ave S Tacoma, WA 98402 by Certified/first class mail postage prepaid on the 5th day of May, 2017.


Clerk/Deputy to the Disciplinary Board

¹ The vote on this matter was 14-0. The following Board members voted: Carney, Silverman, Denton, Louvier, Andeen Startzel, Smith, Graber, Cottrell, Patneau, Myers, Cornelius and Rawlings.

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<p>In re</p> <p>ZENOVIA NICOLE LOVE,</p> <p>Lawyer (Bar No. 45989).</p>	<p>Proceeding No. 16#00122</p> <p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND HEARING OFFICER'S RECOMMENDATION</p>
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The undersigned Hearing Officer held a default hearing on March 3, 2017, 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. 3) charged Zenovia Nicole Love with misconduct as set forth therein. A copy of the Formal Complaint is attached to this decision.
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 is admitted and established as follows:

Count 1: By failing to adequately communicate with Ms. Hawkins about her case,

DW

1 including the interrogatories and opposing counsel's motion to compel, Respondent
2 violated RPC 1.4.

3 **Count 2:** By filing declarations purportedly signed under penalty of perjury, without
4 Ms. Hawkins's or Ms. Walkup's authorization or actual signature, Respondent violated
5 RPC 8.4(d), RPC 8.4(c), and RPC 3.3(a)(1) and (4).

6 **Count 3:** By failing to attend her depositions on June 17, 2016 and June 24, 2016,
7 Respondent violated RPC 8.4(f).

8 **Count 4:** By testifying, falsely, that she had failed to attend her deposition on June 24,
9 2016 because she was in a car accident, Respondent violated RPC 8.1(a), RPC 8.4(c),
10 and RPC 8.4(b) (by committing the crime of False Swearing, in violation of RCW
11 9A.60.020).

12 **Count 5:** By providing ODC with a repair shop invoice that was not genuine,
13 Respondent violated RPC 8.4(b) (by committing the crime of Forgery, in violation of
14 RCW 9A.60.020), RPC 8.4(c), and RPC 8.1(a).

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

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

20 5. Count 1: ABA Standard 4.4 is most applicable to cases involving a failure to act
21 with reasonable diligence and promptness in representing a client (violations of RPC 1.4):

22 4.42 Suspension is generally appropriate when:

- 23 (a) a lawyer knowingly fails to perform services for a client and
24 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.

- 1 6. Respondent acted knowingly.
- 2 7. Respondent caused potential injury to Ms. Hawkins, who could have been
3 sanctioned by the court for failing to provide discovery.
- 4 8. The presumptive sanction is suspension.
- 5 9. Count 2: ABA Standard 6.1 is most applicable to conduct prejudicial to the
6 administration of justice and conduct involving misrepresentation to a court (violations of RPC
7 8.4(d), RPC 8.4(c), and RPC 3.3(a)):
- 8 6.12 Suspension is generally appropriate when a lawyer knows that false
9 statements or documents are being submitted to the court or that material
10 information is improperly being withheld, and takes no remedial action,
11 and causes injury or potential injury to a party to the legal proceeding, or
12 causes an adverse or potentially adverse effect on the legal proceeding.
- 11 10. Respondent caused injury to Ms. Hawkins and Ms. Walkup, when their
12 "signatures" were placed on documents they had not reviewed or approved.
- 13 11. Respondent acted knowingly.
- 14 12. The presumptive sanction is suspension.
- 15 13. Count 3, Count 4 and Count 5: ABA Standard 7.0 is most applicable to the duty of
16 honesty in the context of a disciplinary investigation and duties owed as a professional
17 (violations of RPC 8.4(I) and RPC 8.1(a)):
- 18 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in
19 conduct that is a violation of a duty owed as a professional with the intent
20 to obtain a benefit for the lawyer or another, and causes serious or
21 potentially serious injury to a client, the public, or the legal system.
- 21 14. Respondent caused actual injury to the lawyer discipline system as a whole, which
22 depends on lawyer cooperation and honesty to function. See In re Disciplinary Proceeding
23 Against McMurray, 99 Wn.2d 920, 930, 655 P.2d 1352 (1983). "Falsifying information during
24 an attorney discipline proceeding is one of the most egregious charges that can be leveled

1 | against an attorney.” In re Disciplinary Proceeding Against Whitt, 149 Wn.2d 707, 720 (2003)
2 | (citation omitted).

3 | 15. Respondent acted knowingly in making false statements, under oath, to ODC.
4 | Respondent acted knowingly and with intent to defraud ODC when she offered a written
5 | instrument she knew to be forged.

6 | 16. The presumptive sanction is disbarment.

7 | 17. Count 4 and Count 5: ABA Standard 5.1 is most applicable to cases involving
8 | commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or
9 | fitness as a lawyer in other respects, or in cases with conduct involving dishonesty, fraud,
10 | deceit, or misrepresentation (violations of RPC 8.4(b) and RPC 8.4(c)):

11 | 5.11 Disbarment is generally appropriate when:

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

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

22 | 18. The presumptive sanction is disbarment.

23 | 19. In re Petersen, 120 Wn2d 833, 854 (1993), the lower sanctions standard are
24 | generally merged into the highest sanction standard.

25 | 20. The following aggravating factors set forth in Section 9.22 of the ABA Standards
26 | apply in this case:

- 27 | (b) dishonest or selfish motive;
- 28 | (d) multiple offenses;
- 29 | (g) refusal to acknowledge wrongful nature of conduct.

1 21. 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 22. The following mitigating factors set forth in Section 9.32 of the ABA Standards
4 apply to this case:

- 5 (a) absence of a prior disciplinary record;
- 6 (f) inexperience in the practice of law [Respondent was admitted to practice
in 2013].

7 **RECOMMENDATION**

8 23. Based on the ABA Standards and the applicable aggravating and mitigating
9 factors, the Hearing Officer recommends that Respondent Zenovia Nicole Love be disbarred.

10
11 DATED this 3rd day of March, 2017.

12
13 James E. Horne
14 James E. Horne, Bar No. 12166
15 Chief Hearing Officer

16
17 **CERTIFICATE OF SERVICE**

18 I certify that I caused a copy of the FOF COL & HO's Recommendation
19 to be delivered to the Office of Disciplinary Counsel and to be mailed
to Zenovia Love, Respondent's Counsel
20 at _____ by Certified/first class mail
postage prepaid on the 3rd day of March, 2017

21 [Signature]
22 Clerk/Counsel to the Disciplinary Board

23 2207 Tacoma Ave S
#C224
TACOMA, WA 98402

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**BEFORE THE
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ZENOVIA NICOLE LOVE,
Lawyer (Bar No. 45989).

Proceeding No. 16#00122

FORMAL COMPLAINT

Under Rule 10.3 of the Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association charges the above-named lawyer with acts of misconduct under the Rules of Professional Conduct (RPC) as set forth below.

ADMISSION TO PRACTICE

1. Respondent Zenovia Nicole Love was admitted to the practice of law in the State of Washington on May 23, 2013.

FACTS REGARDING COUNTS 1-5

2. On April 28, 2015, Respondent agreed to represent Bethany Hawkins in dissolution proceedings.

1 3. On May 13, 2015, Respondent filed a Petition for Dissolution of Marriage for Ms.
2 Hawkins in Pierce County Superior Court No. 15-3-01813-1.

3 4. Ms. Hawkins's husband at the time was Lando Hawkins.

4 Lack of Communication and Diligence

5 5. On October 13, 2015, Mr. Hawkins's lawyer served Respondent with
6 interrogatories and requests for production (interrogatories).

7 6. Respondent did not speak with Ms. Hawkins between the end of August 2015 and
8 November 2015. They set up a phone meeting to discuss the interrogatories for November 9,
9 2015, but Respondent did not answer her phone.

10 7. When Ms. Hawkins contacted Respondent, Respondent explained that she had lost
11 her cell phone. Respondent wrote that she would "answer the questions to the best of my
12 ability." Ms. Hawkins replied, "What are the questions?" Respondent did not respond.

13 8. On November 16, 2015, Mr. Hawkins's lawyer held a discovery conference with
14 Respondent and she "guaranteed delivery" of the answers to the interrogatories by November
15 20, 2015.

16 9. After the date passed and he had not received discovery, on November 23, 2015,
17 Mr. Hawkins's lawyer filed a motion to compel the answers (motion), and requested \$1,500 in
18 attorney's fees for having to bring the motion. The court set a hearing on December 4, 2015.

19 10. On November 28, 2015, Ms. Hawkins reviewed her case on the Pierce County
20 Superior Court website and learned about the motion. The next day, she terminated
21 Respondent's legal services.

22 11. Ms. Hawkins first received the interrogatories on November 30, 2015, when her
23 mother obtained a copy of the interrogatories from Respondent's staff.

1 12. Respondent caused potential injury to Ms. Hawkins, who could have been
2 sanctioned by the court for failing to provide discovery.

3 Declarations filed in Pierce County Superior Court

4 13. On June 25, 2015, July 14, 2015, July 29, 2015, and July 31, 2015, Respondent
5 filed declarations attributed to Ms. Hawkins in Pierce County Superior Court.

6 14. Respondent affixed Ms. Hawkins's typed electronic "signature," under penalty of
7 perjury, on each of these declarations.

8 15. Ms. Hawkins never reviewed or signed the declarations before they were filed.
9 Ms. Hawkins did not authorize Respondent to sign her name on the declarations. Respondent
10 did not tell Ms. Hawkins that she had signed her name under penalty of perjury.

11 16. Ms. Hawkins asked her mother Diane Walkup to write a statement of her
12 observations of Lando Hawkins and his parenting skills with their daughter. Ms. Walkup wrote
13 her statement and then emailed it to Ms. Hawkins. On August 21, 2015, Ms. Hawkins emailed
14 her mother's statement to Respondent.

15 17. Respondent copied Ms. Walkup's statement into pleading paperwork, entitled
16 Declaration of Dianne Walkup in Strict Reply (Declaration), then made several alterations to the
17 meaning of Ms. Walkup's original statement. Respondent never discussed any edits or content
18 changes with Ms. Walkup or Ms. Hawkins.

19 18. Respondent affixed Ms. Walkup's typed electronic "signature," under penalty of
20 perjury, on the Declaration. On August 24, 2015, Respondent filed the Declaration
21 electronically with the Pierce County Superior Court.

22 19. Ms. Walkup never saw the final version before Respondent filed it. Ms. Walkup
23 did not sign the Declaration or authorize anyone, including Respondent, to sign for her.

1 20. In February 2016, Ms. Hawkins and Ms. Walkup both filed grievances with ODC.

2 21. Respondent caused injury to Ms. Hawkins and Ms. Walkup, when their
3 "signatures" were placed on documents they had not reviewed or approved.

4 Respondent's Deposition and Subsequent Forgery

5 22. ODC served Respondent with a subpoena duces tecum for a deposition, which was
6 set by agreement of the parties for June 17, 2016 at 11:00 a.m.

7 23. Respondent did not appear on June 17, 2016.

8 24. Respondent later testified that she had not fully read the subpoena and thought that
9 the deposition was at 1:30. The deposition was rescheduled for June 24, 2016.

10 25. On June 24, 2016, Respondent did not appear. At approximately 2:00 p.m.,
11 Respondent informed ODC via telephone message that, on her way to the deposition, she was
12 involved in a car accident. The deposition was rescheduled to June 29, 2016.

13 26. At the deposition on June 29, 2016, Respondent testified, under oath, that on her
14 way to the June 24, 2016 deposition, she was in a car accident and she went to the hospital.

15 27. This was a false statement.

16 28. At the deposition, ODC requested that Respondent provide additional
17 documentation (such as towing records) for the car accident.

18 29. Via email to ODC dated July 29, 2016, Respondent wrote in part:

19 I was not able to get a print out from AAA of the towing on the date of my car
20 accident. However, even if I did not get in the car accident, I would have still
21 been late for the deposition.

22 30. By letter dated August 1, 2016, ODC again requested that Respondent provide the
23 name and address of the repair shop, and any documentation she had, including receipts,
relating to the accident.

1 31. By email dated August 18, 2016, Respondent provided ODC with a handwritten
2 invoice from "CARSTAR Auto Body Repair Experts," indicating that "Jeremy" had performed
3 work on her vehicle relating to the purported car accident on June 24, 2016.

4 32. The invoice was a forged document. Carstar did not perform work on
5 Respondent's vehicle, there was no employee at Carstar named Jeremy, the invoice number was
6 not the type Carstar uses, and Carstar does not use handwritten invoices such as the one
7 Respondent provided.

8 33. Respondent acted knowingly in taking the actions described above. Respondent
9 acted with intent to defraud ODC when she offered a written instrument she knew to be forged.

10 34. Respondent caused actual injury to ODC, and to the lawyer discipline system as a
11 whole, which depends on lawyer cooperation and honesty to function.

12 **COUNT 1**

13 35. By failing to adequately communicate with Ms. Hawkins about her case, including
14 the interrogatories and opposing counsel's motion to compel, Respondent violated RPC 1.4.

15 **COUNT 2**

16 36. By filing declarations purportedly signed under penalty of perjury, without Ms.
17 Hawkins's or Ms. Walkup's authorization or actual signature, Respondent violated RPC 8.4(d),
18 RPC 8.4(c) and/or RPC 3.3(a)(1) and/or (4).

19 **COUNT 3**

20 37. By failing to attend her depositions on June 17 and/or June 24, 2016, Respondent
21 violated RPC 8.4(f).

22 **COUNT 4**

23 38. By testifying, falsely, that she had failed to attend her deposition on June 24, 2016


1 because she was in a car accident, Respondent violated RPC 8.1(a) and/or RPC 8.4(c) and/or
2 RPC 8.4(b) (by committing the crime of False Swearing, in violation of RCW 9A.72.040).

3
4 **COUNT 5**

5 39. By providing ODC with a repair shop invoice that was not genuine, Respondent
6 violated RPC 8.4(b) (by committing the crime of Forgery, in violation of RCW 9A.60.020),
7 RPC 8.4(c), and/or RPC 8.1(a).

8 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
9 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
10 restitution, and assessment of the costs and expenses of these proceedings.

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12 Dated this 14 day of Dec, 2016.

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15 Erica Temple, Bar No. 28458
16 Disciplinary Counsel
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