

FILED

May 21 2020

Disciplinary
Board

Docket # 017

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

JESSE THOMAS ANDERSON,

Lawyer (Bar No. 46426).

Proceeding No. 20#00005

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

The undersigned Hearing Officer held a default proceeding on written submissions under Rule 10.6(b)(3) of the Washington Supreme Court's 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 Jesse Thomas Anderson with misconduct as set forth therein. A copy of the Formal Complaint is attached to this decision. 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.
2. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations

1 | charged in the Formal Complaint is admitted and established as follows:

2 | **Count 1:** By not timely filing the motion for temporary orders, Respondent violated
3 | RPC 1.3 and RPC 3.2.

4 | **Count 2:** By failing to communicate with Ms. Dillard about the status of her case,
5 | despite multiple requests for information, Respondent violated RPC 1.4.

6 | **Count 3:** By falsely stating to Ms. Dillard that he had filed the motion for temporary
7 | orders when he had not done so, Respondent violated RPC 8.4(c).

8 | **Count 4:** By charging Ms. Dillard \$2,128 for preparing the motion for temporary
9 | orders that were never filed, resulting in work that was of no benefit to Ms. Dillard,
10 | Respondent violated RPC 1.5(a).

11 | **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**
12 | **REGARDING RECOMMENDED SANCTION**

13 | **3. Count 1**

14 | ABA Standard 4.4 applies to violations of RPC 1.3. ABA Standard 6.2 applies to
15 | violation of RPC 3.2.

16 | Respondent acted knowingly in failing to diligently represent Ms. Dillard and failing to
17 | expedite her dissolution. Respondent represented Ms. Dillard from January 2017 until the end
18 | of February 2018 with little or no progress on the dissolution. During the representation,
19 | Respondent had not only not filed any temporary orders, he had not even filed a motion for
20 | temporary orders. There was actual injury to Ms. Dillard in that she suffered significant stress
21 | because of Respondent's lack of diligence and failure to move the dissolution to conclusion. She
22 | also incurred substantial attorney fees. Ms. Dillard was forced to defend herself in a contempt
23 | hearing and to hire new counsel because Respondent had not filed temporary orders. Plus, she
24 | had to pay \$2,500 in attorney fees.

1 The presumptive sanction is suspension. ABA Standards 4.42 and 6.22.

2 **4. Count 2**

3 ABA Standard 4.4 applies to violations of RPC 1.4.

4 Respondent acted knowingly in failing to communicate with Ms. Dillard about the status
5 of her case. There was injury to Ms. Dillard resulting from Respondent's failure to
6 communicate as she was unaware of what was going on in her dissolution and deprived of the
7 opportunity to participate and make decisions about the case.

8 The presumptive sanction is suspension. ABA Standard 4.42.

9 **5. Count 3**

10 ABA Standard 4.6 applies to violations of RPC 8.4(c).

11 Respondent acted knowingly in repeatedly lying to Ms. Dillard about the temporary
12 orders, telling Ms. Dillard he had filed temporary orders when he had not done so. Respondent
13 repeated engaged in conduct involving dishonesty, deceit, and misrepresentation. There was
14 injury to Ms. Dillard as she was misled by Respondent's false statements to her about the
15 temporary orders. She relied on his lies and as a result faced contempt charges. She had to hire
16 new counsel and defend herself in the contempt proceeding. And she was ordered to pay
17 \$2,500 in attorney fees as a result of Respondent's conduct.

18 The presumptive sanction is suspension. ABA Standard 4.62.

19 **6. Count 4**

20 ABA Standard 7.0 applies to violations of RPC 1.5(a). Respondent acted knowingly in
21 charging Ms. Dillard an unreasonable fee. There was injury to Ms. Dillard. As of August 31,
22 2017, Mr. Anderson had billed Ms. Dillard a total of 11.2 hours for the temporary orders. The
23 Motion for Temporary Family Law Order is a mandatory form available online and is basically
24

1 a "check the box form" that requires little more than checking the correct boxes and filling in
2 basic information. At Mr. Anderson's hourly rate of \$190, Ms. Dillard had paid \$2,128 for
3 preparation of the temporary orders that had not been filed and were of no benefit to her.

4 The presumptive sanction is suspension. ABA Standard 7.2.

5 7. Copies of the pertinent ABA Standards are attached.

6 8. Under In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854, 846
7 P.2d 1330 (1993), the "ultimate sanction imposed should at least be consistent with the
8 sanction for the most serious instance of misconduct among a number of violations."

9 9. The following aggravating factors set forth in Section 9.22 of the ABA Standards
10 apply in this case:

- 11 (b) dishonest or selfish motive;
- 12 (d) multiple offenses;
- 13 (g) refusal to acknowledge wrongful nature of conduct;
- 14 (i) substantial experience in the practice of law--Respondent was admitted to
15 practice law in Arizona in 2004 and Washington in 2013.

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

18 11. The following mitigating factor set forth in Section 9.32 of the ABA Standards
19 applies to this case:

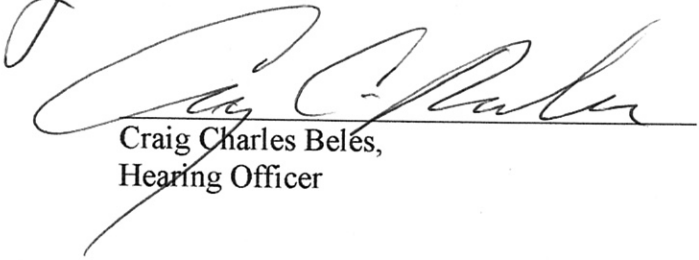
- 20 (a) absence of a prior disciplinary record.

21 **RECOMMENDATION**

22 12. Based on the ABA Standards and the applicable aggravating and mitigating factors,
23 the Hearing Officer recommends that Respondent Jesse Thomas Anderson be suspended for a
24 period of two years and be ordered to pay restitution to Ms. Dillard in the amount of \$4,628.00.

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2 DATED this 20th day of May, 2020.

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5 Craig Charles Belés,
6 Hearing Officer
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CERTIFICATE OF SERVICE

By order of Washington Supreme Court Order No. 25700-B-609, I certify that I caused a copy of the Findings of Fact, Conclusions of Law and Hearing Officer's Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent Jesse Thomas Anderson, at jandersontrii@yahoo.com, on the 21st day of May, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Clerk to the Disciplinary Board