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FILED
MAR 09 2018
DISCIPLINARY
BOARD

**BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION**

In re
Robert Joseph La Rocco
Lawyer (WSBA No. 42536)

Public No. 16#00125
**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND HEARING OFFICER'S
RECOMMENDATION**

The undersigned Hearing Officer held the hearing on August 28, 2017 under Rule 10.13 of the Rules for Enforcement of Lawyer Conduct (ELC). Respondent Robert Joseph La Rocco appeared at the hearing. Disciplinary Counsel Benjamin J. Attanasio appeared for the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association.

I. FORMAL COMPLAINT FILED BY DISCIPLINARY COUNSEL

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

Count 1 - By failing to act diligently in representing Joseph Shahan, Respondent violated RPC 1.3.

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1 Count 2 - By failing to communicate adequately with Mr. Shahan, Respondent violated
2 RPC 1.4.

3 Count 3 - If Respondent's staff failed to forward messages from Mr. Shahan, then
4 Respondent's failure to adequately supervise his staff and/or instruct them to forward email or
5 telephone messages violated RPC 5.3.

6 Count 4 - By failing to respond to ODC's request for a response to the grievance,
7 Respondent violated RPC 8.4(l) by violating ELC 1.5 and/or ELC 5.3.

8 Count 5 - By advising Mr. Shahan that his bankruptcy case had been filed before it had
9 been filed, Respondent violated RPC 8.4(c).

10 Count 6 - By filing Mr. Shahan's bankruptcy petition and schedules without accurately
11 stating the factual basis, Respondent violated RPC 8.4(c), RPC 8.4(d), RPC 4.1, RPC 3.3(a),
12 and/or RPC 3.4(c).

13 Count 7 - By failing to act diligently in representing Tammie Beldin, Respondent
14 violated RPC 1.3.

15 Count 8 - By failing to keep his client informed and/or by failing to provide adequate
16 information about her matter so that she could make informed decisions, Respondent violated
17 RPC 1.4.

18 Count 9 - By failing to provide any services to Ms. Beldin and/or by failing to
19 communicate adequately about his fees, Respondent violated RPC 1.5(a) and/or RPC 1.5(b).

20 Count 10 - By failing to refund unearned fees, Respondent violated RPC 1.16(d).

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

23 II. FINDINGS OF FACT

24 1. Respondent was admitted to the practice of law in the State of Washington on June

1 7, 2010.

2 **Representation of Joseph Shahan**

3 2. In September 2015, Joseph Shahan met with Respondent and paid \$1,600 for a
4 Chapter 7 bankruptcy case.

5 3. On September 24, 2015, at Respondent's request, Mr. Shahan sent Respondent a
6 series of emails attaching six months' worth of pay stubs, six months' worth of bank
7 statements, and his 2012, 2013, and 2014 tax returns.

8 4. On September 25, 2015, Mr. Shahan completed a credit counseling course required
9 for the bankruptcy case.

10 5. A Chapter 7 bankruptcy petition must be filed within 180 days after completion of
11 the credit counseling course.

12 6. As of September 25, 2015, Respondent knew the credit counseling course had been
13 completed and Mr. Shahan had provided Respondent with the financial information that
14 Respondent had requested.

15 7. Respondent never communicated to Mr. Shahan that Respondent needed additional
16 information beyond that provided to Respondent in September 2015.

17 8. In November 2015, December 2015, and early January 2016, Mr. Shahan tried to
18 reach Respondent by telephone for information on his case. Respondent did not return Mr.
19 Shahan's calls or otherwise communicate with Mr. Shahan

20 9. On January 15, 2016, Mr. Shahan sent a certified letter to Respondent demanding
21 an immediate reply.

22 10. Subsequently, Respondent told Mr. Shahan that Respondent had filed Mr.
23 Shahan's bankruptcy petition. Respondent gave Mr. Shahan the case number of 16-10785
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1 and told Mr. Shahan his hearing date was April 11, 2016. That information was false. EX
2 A-20. At that time, Respondent had not filed any bankruptcy petition on behalf of Mr.
3 Shahan.

4 11. At hearing, Respondent testified that he erroneously filed case number 16-10785
5 under another client's name but with Mr. Shahan's financial information and that he did not
6 seek to mislead Mr. Shahan. However, Respondent's testimony was inconsistent with his
7 testimony at a deposition during the investigation of Mr. Shahan's grievance and was not
8 corroborated by any exhibits. Respondent's hearing testimony in this regard was not
9 credible.

10 12. Mr. Shahan received no additional information from Respondent regarding the
11 bankruptcy case Respondent claimed to have filed.

12 13. On April 6, 2016, believing that his bankruptcy hearing was imminent, Mr.
13 Shahan initiated an online chat with the U.S. Bankruptcy Court, provided the case number
14 and court date that Respondent had provided to him, and learned that the case number
15 belonged to someone else. The Bankruptcy Court searched for Mr. Shahan's social security
16 number and found a 2001 bankruptcy filing, but nothing more recent. EX A-20. Mr. Shahan
17 called Respondent and demanded a meeting, which occurred later that day.

18 14. Respondent filed Mr. Shahan's bankruptcy at approximately 5:30 p.m. on April
19 6, 2016, thirty minutes before his scheduled meeting with Mr. Shahan.

20 15. At approximately 6:00 p.m. on April 6, 2016, Mr. Shahan met with Respondent.
21 Respondent stated that he had worked on Mr. Shahan's case, and provided him with case
22 number 16-11856, which was the case number for the bankruptcy petition he had filed earlier
23 that day.
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1 16. On April 7, 2016, Mr. Shahan contacted the U.S. Bankruptcy Court again to
2 confirm the new case number was correct.

3 17. Later on April 7, 2016, Mr. Shahan met with Respondent and terminated the
4 representation. Mr. Shahan agreed to a \$1,500 refund, as Respondent had paid \$100 toward
5 the bankruptcy petition filing fee.

6 18. In May 2016, Respondent refunded \$1,500 to Mr. Shahan.

7 19. Mr. Shahan then retained new counsel, who told him to refile the bankruptcy, as
8 more than 180 days had elapsed between his September 25, 2015 credit counseling course
9 and the filing date.

10 20. On June 17, 2016, Mr. Shahan filed a new bankruptcy petition with his new
11 lawyer. EX A-13.

12 21. The petition prepared and filed by Respondent listed no vehicles and no
13 household goods, electronics, collectibles, sports equipment, clothing or jewelry, for a total
14 value of \$0. EX A-10 at 10-11. That information was inaccurate.

15 22. Mr. Shahan's subsequent filing accurately listed two vehicles and various other
16 assets with a value of \$7,400. EX A-13 at 10, 12.

17 23. On May 22, 2016, Mr. Shahan filed a grievance against Respondent.

18 24. On May 23, 2016, ODC mailed a letter to Respondent requesting a response
19 within thirty days. EX A-12. Respondent failed to respond.

20 25. On June 28, 2016, ODC mailed a letter to Respondent requiring a response
21 within ten days. EX A-14. Respondent failed to respond.

22 26. ODC served Respondent with a subpoena duces tecum for an August 3, 2016
23 deposition. EX A-15.

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1 27. At the deposition, Respondent testified that he did not file the petition in
2 September 2015, because Mr. Shahan "did not provide [him] with the tax returns or the other
3 documents that [he] needed in order to finish the bankruptcy petition." EX A-17 at 10. That
4 testimony was false. Mr. Shahan had provided the documents in September 2015.

5 **Representation of Tammie Beldin**

6 28. Tammie Beldin hired Respondent in the summer of 2015 to look into collecting
7 money her ex-husband owed her under their 2004 Skagit County dissolution decree and to
8 arrange postsecondary child support for her daughter.

9 29. In August 2015, she signed a fee agreement and paid Respondent \$800. EX A-
10 38; A-41.

11 30. The Beldins' 2004 Order of Child Support provided that the husband would pay
12 child support until the later of their child's 18th birthday or graduation from high school, but
13 that Ms. Beldin could petition for post-secondary support provided that that right was
14 exercised before support terminated. EX A-32 at 4.

15 31. Ms. Beldin's daughter graduated from high school in June 2016 and turned 18
16 years old on July 9, 2016.

17 32. Under the Beldins' 2004 dissolution decree, Ms. Beldin's ex-husband was
18 awarded the family home, subject to a lien for \$12,540 awarded to Ms. Beldin.

19 33. Ms. Beldin had a deed of trust giving her a \$12,540 interest in the home.

20 34. In 2012, the home went into foreclosure, eliminating Ms. Beldin's \$12,540
21 interest.

22 35. Respondent knew about the foreclosure and the fact that it eliminated Ms.
23 Beldin's interest in the home.

1 36. Between September 2015 and August 2016, Ms. Beldin emailed Respondent
2 multiple times seeking information regarding the money her ex-husband owed her and about
3 the post-secondary child support.

4 37. Respondent did not advise Ms. Beldin that the foreclosure eliminated her
5 interest in the home and did not provide her with any other information regarding the money
6 her ex-husband owed her.

7 38. In March 2016, Respondent advised Ms. Beldin he was working on the post-
8 secondary child support and promised documents the following day. EX A-46. He never
9 provided any documents.

10 39. In a telephone call in or around March 2016, Respondent advised Ms. Beldin
11 that he had filed a motion for post-secondary child support, thus holding her daughter's
12 "place" to be able to seek post-secondary support. That information was false. Respondent
13 had filed nothing related to post-secondary child support.

14 40. The deadline to file a motion for post-secondary child support passed in July
15 2016. Respondent never filed a motion and never advised Ms. Beldin that he had failed to do
16 so.

17 41. Respondent's misrepresentation to Ms. Beldin about having filed a motion for
18 post-secondary child support was reinforced by his August 4, 2016 email. EX A-50 at 2. In
19 that email, which was sent after the deadline to file a motion had passed, Respondent listed
20 special information that he needed "for a PSES child support order to be entered."

21 42. Ms. Beldin's belief that Respondent had filed a motion for post-secondary child
22 support, based on his earlier misrepresentation, is reflected in her August 24, 2016 email, in
23 which she stated, "I need to see all the paper documentation you have done for my daughters
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1 Post Secondary Support Order,” and then stated, “I believe you might of only complete the
2 Post Secondary Order I hope but I do not even know this.” EX A-52.

3 43. On August 23, 2016, Ms. Beldin fired Respondent and asked for a refund of her
4 \$800. EX A-51. As of that date, Ms. Beldin had received no benefit from Respondent’s
5 representation of her.

6 44. On August 24, 2016, Ms. Beldin emailed Respondent asking for a summary of
7 what he had done for her and documentation of that work. EX A-52. She also again
8 requested a refund of her \$800, noting that she had not seen any invoices for his work.

9 45. Respondent never sent Ms. Beldin a letter or email explaining what, if anything,
10 he had done for her.

11 46. Respondent never sent Ms. Beldin any documentation of work he had done for
12 her.

13 47. Respondent never sent Ms. Beldin an invoice or bill.

14 48. Respondent never refunded any money to Ms. Beldin.

15 **Findings With Respect to Sanction**

16 49. Respondent acted knowingly in failing to diligently represent Mr. Shahan and
17 Ms. Beldin.

18 50. Respondent’s conduct caused actual injury to his clients, whose cases were
19 needlessly delayed, who suffered stress and anxiety as a result of those delays, and who
20 ultimately received no meaningful legal services. In addition, Ms. Beldin lost any
21 opportunity to seek post-secondary child support for her daughter when the deadline passed.

22 51. Respondent acted knowingly in failing to adequately communicate with Mr.
23 Shahan and Ms. Beldin and in providing them with inaccurate information.

1 52. Respondent's conduct caused actual injury to his clients. Both Mr. Shahan and
2 Ms. Beldin received no information from Respondent for months following their initial
3 meetings, despite their multiple calls and emails. When they did hear from him, Respondent
4 falsely told them he had filed items – Mr. Shahan's bankruptcy petition and Ms. Beldin's
5 motion for post-secondary child support – when he had not. Additionally, Ms. Beldin never
6 received information from Respondent regarding the money owed by her ex-husband, despite
7 asking for that information for a year.

8 53. Respondent acted knowingly in failing to cooperate with ODC's investigation of
9 Mr. Shahan's grievance.

10 54. Respondent's failure to cooperate with the investigation of Mr. Shahan's
11 grievance caused actual injury to the legal system by delaying ODC's investigation and
12 requiring ODC to expend limited resources to obtain his response through a deposition.

13 55. Respondent acted knowingly in deceiving Mr. Shahan about the filing of his
14 case.

15 56. Respondent's conduct caused actual injury to Mr. Shahan, who was erroneously
16 led to believe his case had been filed when it had not, who was given a false sense of security
17 about the status of his case, and who ultimately suffered additional stress and anxiety when
18 he had heard nothing from Respondent as his purported hearing date approached.

19 57. Respondent acted knowingly in failing to accurately state the value of Mr.
20 Shahan's personal property in his bankruptcy petition.

21 58. Respondent's conduct caused at least potential interference with a legal
22 proceeding because Mr. Shahan's bankruptcy case was premised, in part, on inaccurate
23 information submitted by Respondent.

1 59. Respondent acted knowingly in keeping an \$800 payment from Ms. Beldin for
2 legal services when he had not provided her with the services she paid for.

3 60. Respondent's conduct caused actual injury to Ms. Beldin, who paid \$800 for
4 legal services she never received.

5 61. Respondent's false statements to his clients and his refusal to refund Ms.
6 Beldin's money benefitted him personally and financially.

7 62. Respondent engaged in similar conduct during the representation of Mr. Shahan
8 and Ms. Beldin and also during the representation of several clients before the U.S.
9 Bankruptcy Court for the Western District of Washington, where he has been enjoined from
10 practicing for at least one year.

11 63. Respondent has committed multiple RPC violations.

12 64. In addition to the charged failure to cooperate in the Shahan matter (Count 4),
13 Respondent failed to respond to multiple requests from ODC for Ms. Beldin's client file,
14 necessitating a subpoena and deposition during that investigation. EX A-53 - A-55.

15 65. Respondent testified repeatedly during a deposition with ODC that Mr. Shahan
16 never provided him with information necessary to file the bankruptcy petition, when Mr.
17 Shahan had in fact done so in September 2015. EX A-17.

18 66. Respondent has placed the blame for delays or incomplete work on Mr. Shahan
19 and Ms. Beldin.

20 67. Respondent has refused to refund Ms. Beldin's \$800.

21 68. Respondent has no prior disciplinary record in Washington. However,
22 Respondent has been enjoined from practicing in the U.S. Bankruptcy Court for the Western
23 District of Washington based on misconduct in the bankruptcy cases of several clients.

1 III. CONCLUSIONS OF LAW

2 Violations Analysis

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

5 69. Count 1: Respondent failed to diligently represent Mr. Shahan, in violation of
6 RPC 1.3.

7 70. Count 2: Respondent failed to communicate adequately with Mr. Shahan, in
8 violation of RPC 1.4.

9 71. Count 4: Respondent failed to respond to ODC's request for a response to Mr.
10 Shahan's grievance, in violation of RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3).

11 72. Count 5: Respondent falsely advised Mr. Shahan that his bankruptcy case had
12 been filed when it had not, in violation of RPC 8.4(c).

13 73. Count 6: Respondent filed Mr. Shahan's bankruptcy petition and schedules
14 without accurately stating the factual basis, in violation of RPC 8.4(c), RPC 8.4(d), RPC 4.1,
15 RPC 3.3(a), and RPC 3.4(c).

16 74. Count 7: Respondent failed to diligently represent Ms. Beldin, in violation of
17 RPC 1.3.

18 75. Count 8: Respondent failed to keep Ms. Beldin informed, failed to provide her
19 with adequate information about her matter so that she could make informed decisions, and
20 falsely told her a motion for post-secondary child support had been filed when it had not, in
21 violation of RPC 1.4.

22 76. Count 9: Respondent kept \$800 in fees despite providing no services to Ms.
23 Beldin and failed to communicate adequately with her about his fees, in violation of RPC
24 1.5(a) and RPC 1.5(b).

1 77. Count 10: Respondent failed to refund unearned fees to Ms. Beldin, in violation
2 of RPC 1.16(d).

3 78. There is insufficient evidence to establish a violation of Count 3, related to a
4 failure to adequately supervise staff. Count 3 is dismissed.

5
6 **Sanction Analysis**

7 79. A presumptive sanction must be determined for each ethical violation. In re
8 Anschell, 149 Wn.2d 484, 69 P.3d 844, 852 (2003). The following standards of the
9 American Bar Association's Standards for Imposing Lawyer Sanctions ("ABA Standards")
10 (1991 ed. & Feb. 1992 Supp.) are presumptively applicable in this case:

11 80. ABA Standard 4.4 is most applicable to the duty to act diligently and
12 communicate adequately. Respondent acted knowingly with respect to his lack of diligence
13 and communication with Mr. Shahan and Ms. Beldin and caused actual injury to his clients.
14 The presumptive sanction for Counts 1, 2, 7, and 8 is suspension under ABA Standard 4.42:

15 4.42 Suspension is generally appropriate when:

- 16 (a) a lawyer knowingly fails to perform services for a client and
17 causes injury or potential injury to a client, or
18 (b) a lawyer engages in a pattern of neglect and causes injury or
19 potential injury to a client.

20 81. ABA Standard 4.6 is most applicable to the duty to be candid with one's client.
21 Respondent acted knowingly in deceiving Mr. Shahan about the filing of his bankruptcy case
22 and caused actual injury to Mr. Shahan. The presumptive sanction for Count 5 is suspension
23 under ABA Standard 4.62:

24 4.62 Suspension is generally appropriate when a lawyer knowingly deceives a
client, and causes injury or potential injury to the client.

 82. ABA Standards 6.1 and 6.2 are most applicable to the duty to be candid with the

1 court and to follow court rules. Respondent acted knowingly in failing to accurately state the
2 value of Mr. Shahan's personal property in his bankruptcy petition. Respondent's conduct
3 caused at least potential interference with a legal proceeding. The presumptive sanction for
4 Count 6 is suspension under ABA Standards 6.12 and 6.22:

5 6.12 Suspension is generally appropriate when a lawyer knows that false
6 statements or documents are being submitted to the court or that material
7 information is improperly being withheld, and takes no remedial action,
and causes injury or potential injury to a party to the legal proceeding, or
causes an adverse or potentially adverse effect on the legal proceeding.

8 6.22 Suspension is generally appropriate when a lawyer knows that he or she
9 is violating a court order or rule, and causes injury or potential injury to a
client or a party, or causes interference or potential interference with a
10 legal proceeding.

11 83. ABA Standard 7.0 is most applicable to the duty to respond to requests for
12 information from ODC. Respondent acted knowingly in failing to cooperate with ODC's
13 investigation of Mr. Shahan's grievance and his conduct caused actual injury to the legal
14 system. The presumptive sanction for Count 4 is suspension under ABA Standard 7.2:

15 7.2 Suspension is generally appropriate when a lawyer knowingly engages in
16 conduct that is a violation of a duty owed as a professional and causes
injury or potential injury to a client, the public, or the legal system.

17 84. ABA Standard 7.0 is most applicable to the duty to charge reasonable fees and
18 the duty to refund unearned fees. Respondent acted knowingly in retaining the fees paid by
19 Ms. Beldin after he failed to provide her with the services she paid for. His conduct caused
20 actual injury to Ms. Beldin. The presumptive sanction for Counts 9 and 10 is suspension
21 under ABA Standard 7.2:

22 7.2 Suspension is generally appropriate when a lawyer knowingly engages in
23 conduct that is a violation of a duty owed as a professional and causes
injury or potential injury to a client, the public, or the legal system.

24 85. When multiple ethical violations are found, the "ultimate sanction imposed

1 should at least be consistent with the sanction for the most serious instance of misconduct
2 among a number of violations." In re Petersen, 120 Wn.2d 833, 854, 846 P.2d 1330 (1993).

3 86. Based on the Findings of Fact and Conclusions of Law and application of the
4 ABA Standards, the appropriate presumptive sanction is suspension.

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

- 7 (b) dishonest or selfish motive (as established by Respondent's willingness to
8 deceive his clients about the status of their cases in order to deflect their
9 dissatisfaction with his services);
- 10 (c) a pattern of misconduct (as established by Respondent's conduct in both
11 the Shahan and Beldin matters, and in other client matters before the U.S.
12 Bankruptcy Court);
- 13 (d) multiple offenses;
- 14 (e) bad faith obstruction of the disciplinary proceeding by intentionally
15 failing to comply with rules or orders of the disciplinary agency (as
16 established by Respondent's failure to cooperate during the investigation
17 of the Beldin grievance);
- 18 (f) submission of false evidence, false statements, or other deceptive
19 practices during the disciplinary process (as established by Respondent's
20 false testimony during his deposition during the investigation of the
21 Shahan grievance);
- 22 (g) refusal to acknowledge wrongful nature of conduct;
- 23 (j) indifference to making restitution (as established by Respondent's failure
24 to refund Ms. Beldin's fees, and his failure to provide her with an
accounting);

17 88. The following mitigating factor set forth in Section 9.32 of the ABA Standards
18 is applicable to this case:

- 19 (a) absence of a prior disciplinary record (this factor carries little weight
20 because, while Respondent has no prior disciplinary record in
21 Washington, he has been enjoined from practicing in the U.S. Bankruptcy
22 Court for the Western District of Washington).

21 Recommendation

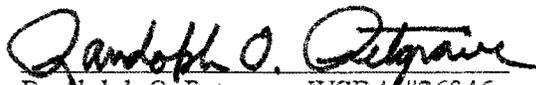
22 89. Based on the ABA Standards and the applicable aggravating and mitigating
23 factors, and given the number of false and deceptive statements made by Respondent to his
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clients and the Office of Disciplinary Counsel and the extensive nature of Respondent's lack of diligence on behalf of clients, the Hearing Officer recommends that Respondent Robert Joseph La Rocco be suspended from the practice of law for a period of two (2) years; with a two year period of probation following the Respondent's reinstatement to the practice of law. The terms of the probation are set forth and incorporated in Exhibit A to these amended findings of fact and conclusions of law.

90. The Hearing Officer further recommends that Respondent be ordered to pay \$100 in restitution to Mr. Shahan, and \$800 in restitution to Ms. Beldin. Restitution must be paid no later than 30 days after this order becomes final. ELC 13.7.

DATED this 9th day of March, 2018.


Randolph O. Petgrave, WSBA #26046
Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the amended EDC vol of HO's decision
to be delivered to the Office of Disciplinary Counsel and to be mailed
to Robert La Rocco / Respondent's Counsel
at 1255 Lakewood St. Bellingham WA 98229 by certified/first class mail
postage prepaid on the 12th day of March, 2018

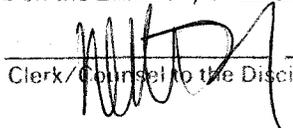

Clerk/Counsel to the Disciplinary Board

EXHIBIT A

EXHIBIT A

1. Respondent will be subject to probation for a period of two years beginning when Respondent is reinstated to the practice of law.

2. The conditions of probation are set forth below. Respondent's compliance with these conditions will be monitored by the Probation Administrator of the Office of Disciplinary Counsel ("Probation Administrator"). Failure to comply with a condition of probation listed herein may be grounds for further disciplinary action under ELC 13.8(b).

Practice Monitor

- a) During the period of probation, Respondent's practice will be supervised by a practice monitor. The practice monitor must be a WSBA member with no record of public discipline and who is not the subject of a pending public disciplinary proceeding.
- b) The role of the practice monitor is to consult with and provide guidance to Respondent regarding case management, office management, and avoiding violations of the Rules of Professional Conduct, and to provide reports and information to the Probation Administrator regarding Respondent's compliance with the terms of probation and the RPC. The practice monitor does not represent the Respondent.
- c) At the beginning of the probation period, the Probation Administrator will select a lawyer to serve as practice monitor for the period of Respondent's probation.
 - i) Initial Challenge: If, within 15 days of the written notice of the selection of a practice monitor, Respondent sends a written request to the Probation Administrator that another practice monitor be selected, the Probation Administrator will select another practice monitor. Respondent need not identify any basis for this initial request.
 - ii) Subsequent Challenges: If, after selection of a second (or subsequent) practice monitor, Respondent believes there is good cause why that individual should not serve as practice monitor, Respondent may, within 15 days of notice of the selected practice monitor, send a written request to the Probation Administrator asking that another practice monitor be selected. That request must articulate good cause to support the request. If the Probation Administrator agrees, another practice monitor will be selected. If the Probation Administrator disagrees, the Office of Disciplinary Counsel will submit its proposed selection for practice monitor to the Chair of the Disciplinary Board for appointment pursuant to ELC 13.8(a)(2), and will also provide the Chair with the Respondent's written request that another practice monitor be selected.

- d) In the event the practice monitor is no longer able to perform his or her duties, the Probation Administrator will select a new practice monitor at his or her discretion.
- e) During the period of probation, Respondent must cooperate with the named practice monitor. Respondent must meet with the practice monitor at least once per month. Respondent must communicate with the practice monitor to schedule all required meetings.
- f) The Respondent must bring to each meeting a current, complete written list of all pending client legal matters being handled by the Respondent. The list must identify the current status of each client matter and any problematic issues regarding each client matter. The list may identify clients by using the client's initials rather than the client's name.
- g) At each meeting, the practice monitor will discuss with Respondent practice issues that have arisen or are anticipated. In light of the conduct giving rise to the imposition of probation, ODC recommends that the practice monitor and Respondent discuss whether Respondent is diligently making progress on each client matter, whether Respondent is in communication with each client, whether Respondent has promptly billed each client, whether Respondent's fee agreements are consistent with the RPC and are understandable to the client, and/or whether Respondent needs to consider withdrawing from any client matters. Meetings may be in person or by telephone at the practice monitor's discretion. The practice monitor uses discretion in determining the length of each meeting.
- h) The practice monitor will provide the Probation Administrator with quarterly written reports regarding Respondent's compliance with probation terms and the RPC. Each report must include the date of each meeting with Respondent, a brief synopsis of the discussion topics, and a brief description of any concerns the practice monitor has regarding the Respondent's compliance with the RPC. The report must be signed by the practice monitor. Each report is due within 30 days of the completion of the quarter.
- i) If the practice monitor believes that Respondent is not complying with any of his ethical duties under the RPC or if Respondent fails to schedule or attend a monthly meeting, the practice monitor will promptly communicate that to the Probation Administrator.
- j) Respondent must make payments under ELC 13.9(b) totaling \$1,000 to the Washington State Bar Association to defray the costs and expenses of administering the probation, as follows:
 - i) \$250 due within 30 days of the start of the probation;
 - ii) \$250 due within 6 months of the start of the probation period;
 - iii) \$250 due within 12 months of the start of the probation period; and

iv) \$250 due within 18 months of the start of the probation period.

All payments should be provided to the Probation Administrator for processing.