

DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION

In re

**MIKE MOCERI JD,**

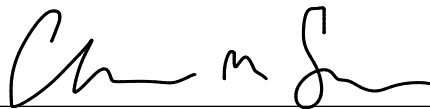
Lawyer (WSBA No.47787)

Proceeding No. 23#00039

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

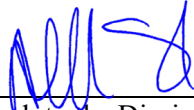
This matter came before the Disciplinary Board for consideration of *sua sponte* review pursuant to ELC 11.3(a). On May 22, 2024, the Clerk distributed the attached decision to the Board.

**IT IS HEREBY ORDERED THAT** the Board declines *sua sponte* review and adopts the Hearing Officer's decision<sup>1</sup>.

Dated this 21 day of July, 2024.Christopher M. Sanders, WSBA #47518  
Disciplinary Board Chair

<sup>1</sup> The vote on this matter was 9:0. Those voting were: Sanders, Severson, Zeidel, Cohon, Devenport, Endter, Overby, Hayes and Brangwin. Jones, Ashby, Atreya, and Tindell did not participate.

I certify that I caused a copy of the DB Order Declining Sua Sponte Review and Adopting HO's Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent Mike Mocerì JD, at [mikel.moceri@gmail.com](mailto:mikel.moceri@gmail.com), on the 22<sup>nd</sup> day of July, 2024.

A handwritten signature in blue ink, appearing to be 'M. Mocerì', is written above a horizontal line.

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Clerk to the Disciplinary Board

FILED

Apr 11, 2024

Disciplinary  
Board

Docket # 027

DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION

In re

**MIKE MOCERI,**

Lawyer (Bar No. 47787).

Proceeding No. 23#00039

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

The undersigned Hearing Officer conducted a disciplinary proceeding by written submission pursuant to ELC 10.6 (b)(3).

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

1. The Amended Formal Complaint (Bar File No.23#00039) charged Mike Mocerri with misconduct as set forth therein. A copy of the Amended Formal Complaint is attached to this decision.

2. Under ELC 10.6(a)(4), the Hearing Officer finds and concludes the allegations, violations and facts set forth in the Amended Formal Complaint is admitted and established as follows:

**COUNT 1**

By failing to diligently represent Collesides, Respondent violated RPC 1.3.

**COUNT 2**

By failing to keep Collesides informed about the case and/or by failing to provide Collesides with an invoice or other information about how Respondent's fee was earned, Respondent violated RPC 1.4 and RPC 1.5(b).

**COUNT 3**

By failing to deposit Colleside's \$5,000 into Respondent's trust account, Respondent violated RPC 1.15A(c) and (h).

**COUNT 4**

By charging for work that was of no use to Collesides and/or failing to refund unearned fees, Respondent violated RPC 1.5(a) and RPC 1.16(d).

**COUNT 5**

By attempting to induce Collesides to withdraw the grievance, Respondent violated RPC 8.4(d).

**COUNT 6**

By failing to promptly respond to Collesides's grievance, Respondent violated RPC 8.1(b) and RPC 8.4(l).

**COUNT 7**

By failing to diligently represent Smith, Respondent violated RPC 1.3.

**COUNT 8**

By charging for work that Respondent never performed and/or by failing to refund unearned fees, Respondent violated RPC 1.5(a) and RPC 1.16(d).

1 **COUNT 9**

2 By failing to diligently represent Nicholson, Respondent violated RPC 1.3.

3 **COUNT 10**

4 By charging for work that Respondent never performed, Respondent violated RPC 1.5(a).

5 **COUNT 11**

6 By failing to have any contact with Nicholson after being hired, Respondent violated RPC  
7 1.4.

8 **COUNT 12**

9 By failing to promptly respond to Nicholson's grievance, Respondent violated RPC  
10 8.1(b) and RPC 8.4(1).

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

14 3. Respondent acted knowingly in Counts 1-12.

15 4. Respondent caused Jessica Collesides actual harm because Collesides paid for  
16 services Collesides did not receive, Collesides was uninformed about the status of the case, and  
17 Collesides's funds were not protected or preserved in trust.

18 5. Respondent caused Doris Smith actual harm because Smith paid for services Smith  
19 did not receive.

20 6. Respondent caused Nichelle Nicholson actual harm because Nicholson paid for  
21 services Nicholson did not receive, Nicholson was uninformed about the status of Nicholson's  
22 case, and Nicholson was forced to proceed pro se at a contempt hearing.

23 7. Respondent caused ODC actual harm by preventing ODC from fully investigating the  
24 Nicholson grievances.

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

4        ***4.1 Failure to Preserve the Client's Property***

5        Absent aggravating or mitigating circumstances, upon application of the  
6 factors set out in 3.0, the following sanctions are generally appropriate in cases  
7 involving the failure to preserve client property:

8        4.11 Disbarment is generally appropriate when a lawyer knowingly converts  
9 client property and causes injury or potential injury to a client.

10       4.12 Suspension is generally appropriate when a lawyer knows or should  
11 know that he is dealing improperly with client property and causes injury or  
12 potential injury to a client.

13       4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing  
14 with client property and causes injury or potential injury to a client.

15       4.14 Admonition is generally appropriate when a lawyer is negligent in  
16 dealing with client property and causes little or no actual potential injury to a  
17 client.

18       ***4.4 Lack of Diligence***

19       Absent aggravating or mitigating circumstances, upon application of the  
20 factors set out in Standard 3.0, the following sanctions are generally appropriate  
21 in cases involving a to act with reasonable diligence and promptness in  
22 representing a client:

23       4.41 Disbarment is generally appropriate: when:

24       (a) a lawyer abandons the practice and causes serious or potentially serious  
injury to a client; or

(b) a lawyer knowingly fails to perform services for a client and causes  
serious or potentially serious injury to a client; or

(c) a lawyer engages in a pattern of neglect with respect to client matters  
and causes serious or potentially serious injury to a client.

4.42 Suspension is generally appropriate when:

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

4.43 Reprimand is generally appropriate when a lawyer is negligent and  
does not act with reasonable diligence in representing a client, and causes  
injury or potential injury to a client.

4.44 Admonition is generally appropriate when a lawyer is negligent and does  
not act with reasonable diligence in representing a client, and causes little  
or no actual or potential injury to a client.

1       **7.0 Violations of Duties Owed as Professional**

2       Absent aggravating or mitigating circumstances, upon application of the  
3       factors set out in Standard 3.0, the following sanctions are generally appropriate  
4       in cases involving false or misleading communication about the lawyer or the  
5       lawyer's services, improper communication of fields of practice, improper  
6       solicitation of professional employment from the prospective client, unreasonable  
7       or improper fees, unauthorized practice of law, improper withdrawal from  
8       representation, or failure to report professional misconduct.

9       7.1 Disbarment is generally appropriate when a lawyer knowingly engages  
10      in conduct that is a violation of a duty owed as a professional with the  
11      intent to obtain a benefit for the lawyer or another and causes serious  
12      or potentially serious injury to a client, the public or the legal system.

13      7.2 Suspension is generally appropriate when a lawyer knowingly engages  
14      in conduct that is a violation of a duty owed as a professional and causes  
15      injury or potential injury to a client, the public, or the legal system.

16      7.3 Reprimand is generally appropriate when a lawyer negligently engages  
17      in conduct that is a violation of a duty owed as a professional and causes  
18      injury or potential injury to a client, the public, or the legal system.

19      7.4 Admonition is generally appropriate when a lawyer engages in an isolated  
20      instance of negligence that is a violation of a duty owed as a professional,  
21      and causes little or no actual or potential injury to a client, the public, or  
22      the legal system.

23      9. The presumptive sanction for Counts 1-12 is suspension.

24      10. Under In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833,854,846, P2d  
1330 (1993), the "ultimate sanction imposed should at least be consistent with the sanction for  
the most serious instance of misconduct among a number of violations."

11. The following aggravated factors set forth in Section 9.22 of the ABA Standards  
apply in this case:

- (c) a pattern of misconduct
- (d) multiple offenses, and
- (g) refusal to acknowledge wrongful nature of conduct

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

13. The following mitigating factors set forth in Section 9.32 of the ABA Standards apply

1 to this case.

- 2 (a) absence of a prior disciplinary record
- 3 (c) personal or emotional problems

4 14. There is no reason to depart from the presumptive sanction of suspension.


### 5 **RECOMMENDATION**

6 15. Based on the ABA Standards and the applicable aggravating and mitigating factors,  
7 the Hearing Officer recommends that Respondent Mike Mocerri be suspended for 18 months, pay  
8 restitution to Collesides (\$5000 plus interest of 12 percent per annum from September 28, 2021),  
9 Smith (\$1500 plus interest of 12 percent per annum from August 3, 2021), probation for two  
10 years with the conditions set forth in Appendix A, Reinstatement from suspension should be  
11 conditioned on a fitness to practice evaluation showing Respondent is fit to practice law and  
12 payment of all costs and restitution.

13 In making my recommendation as to the disciplinary action to be taken as a result of Mr.  
14 Mocerri's conduct, I gave great weight to the recommendation made by ODC, particularly with  
15 respect to the probation terms and process that Mr. Mocerri will be required to undergo in order  
16 to be reinstated should he apply to do so. I reviewed the deposition taken by ODC of Mr. Mocerri  
17 on July 19<sup>th</sup>, 2022. It is clear from that deposition that Mr. Mocerri suffers from personal and  
18 emotional problems at least in part aggravated by alcoholism. Mr. Mocerri indicated that at the  
19 time of the deposition his mindset was that he no longer was capable of handling the stress  
20 associated with being a Washington state lawyer. Although Mr. Mocerri indicated that he is  
21 willing to make some restitution, his offer of restitution did not include all of the restitution which  
22 is due to his victims in these cases and also to my knowledge, has not yet been paid. I differed  
23 with ODC only with respect to the length of suspension and I cannot say that ODC's  
24

1 recommendation of two years is unreasonable, but in my opinion, does not take into account the  
2 emotional and mental health problems experienced by the Respondent.

3  
4  
5 DATED this 11<sup>th</sup> day of April, 2024.

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8 Joseph M. Mano Jr.,  
Hearing Officer  
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## APPENDIX A: PROBATION TERMS

1. Respondent shall be subject to probation for a period of 24 months beginning on the date Respondent is reinstated to the practice of law.

2. The conditions of probation are set forth below. Respondent's compliance with these conditions shall 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).

### 1. Mental Health

- a) Within 60 days after probation begins, Respondent shall provide the Probation Administrator with the name and contact information of a proposed mental-health evaluator. The proposed evaluator must be a licensed physician or psychologist. The Probation Administrator will either approve or reject the proposed evaluator and will notify Respondent of that decision in writing. If the evaluator is not approved, Respondent shall provide the Probation Administrator with the name and contact information of another proposed evaluator within three weeks of the date of the Probation Administrator's letter.
- b) Within 60 days of the date of the Probation Administrator's written approval of an evaluator, Respondent shall undergo a mental-health evaluation.
- c) Respondent shall execute an authorization allowing the evaluator to release information regarding the evaluation to the Probation Administrator, to include a written report of the evaluator's findings, diagnosis, and recommended treatment plan, if any. Respondent shall provide the Probation Administrator with a copy of the authorization.
- d) If the mental-health evaluator recommends treatment, Respondent shall undergo treatment with the evaluator or with another treatment provider approved by the Probation Administrator. Respondent will not be required to undergo mental-health treatment if not recommended by a mental-health evaluator approved by the Probation Administrator.
- e) Respondent shall comply with all requirements and recommendations of the treatment provider, including but not limited to the completion of any period of in- or out-patient treatment and aftercare and the taking of all prescribed medications.
- f) Respondent shall execute an authorization[s] allowing and directing the treatment provider to take the following actions:

- i) on a quarterly basis, send written reports to the Probation Administrator that include the dates of treatment, whether Respondent has been cooperative with treatment, and whether continued treatment is recommended;
- ii) report immediately to the Probation Administrator if Respondent fails to appear for treatment or stops treatment without the provider's agreement and consent prior to either termination of the treatment plan or expiration of the probation period set forth in this order;
- iii) report immediately to the Probation Administrator if Respondent fails to comply with any treatment recommendations of the treatment provider;
- iv) report immediately to the Probation Administrator if Respondent otherwise violates any of the terms or conditions of treatment;
- v) report immediately to the Probation Administrator if the provider will no longer serve as treatment provider to Respondent prior to termination of the treatment plan or expiration of the probation period set forth in this order; and
- vi) report to the Probation Administrator if Respondent successfully completes treatment and is discharged from further treatment.

Respondent shall provide a copy of the authorization to the Probation Administrator upon execution.

- g) Respondent is responsible for paying any and all fees, costs, and/or expenses of mental health evaluation and treatment.

## 2. Chemical Dependency

- a) Within 60 days after probation begins, Respondent shall provide the Probation Administrator with the name and contact information of a proposed chemical-dependency evaluator. The proposed evaluator must be a licensed chemical-dependency treatment provider. The Probation Administrator will either approve or reject the proposed evaluator and will notify Respondent of that decision in writing. If the evaluator is rejected, Respondent shall provide the Probation Administrator with the name and contact information of another proposed evaluator within three weeks of the date of the Probation Administrator's letter.
- b) Within 60 days of the date of the Probation Administrator's written approval of an evaluator, Respondent shall undergo a chemical-dependency evaluation.
- c) Respondent shall execute an authorization allowing the evaluator to release information regarding the evaluation to the Probation Administrator, to include a written report of the evaluator's findings, diagnosis, and recommended treatment plan, if any. Respondent shall provide the Probation Administrator with a copy of the authorization.

- 1 d) Any program of continued treatment shall include random toxicology monitoring.
- 2 e) If the chemical-dependency evaluator recommends treatment, Respondent shall
- 3 undergo treatment with the evaluator or with another treatment provider approved by
- 4 the Probation Administrator. Respondent will not be required to undergo chemical-
- 5 dependency treatment if not recommended by a chemical-dependency evaluator
- 6 approved by the Probation Administrator.
- 7 f) Respondent shall comply with all requirements and recommendations of the
- 8 treatment provider, including but not limited to the completion of any period of in- or
- 9 out-patient treatment and aftercare, the taking of any prescribed medications,
- 10 abstinence/sobriety as required, and compliance with any toxicology monitoring.
- 11 g) Respondent shall continue to participate in the recommended treatment program
- 12 throughout the period of probation or until such time as the treatment provider
- 13 determines that further participation is not needed.
- 14 h) Respondent shall maintain sobriety.
- 15 i) Respondent shall participate in a support group, such as Alcoholics Anonymous or
- 16 Narcotics Anonymous, if participation in such a group is recommended or required
- 17 by the treatment provider. Respondent shall provide the Probation Administrator
- 18 with documentation of participation.
- 19 j) Respondent shall execute an authorization[s] allowing and directing the treatment
- 20 provider to take the following actions:
- 21 i) on a quarterly basis, send written reports to the Probation Administrator that
- 22 include the dates of treatment, whether Respondent has been cooperative with
- 23 treatment, whether continued treatment is recommended, and results of
- 24 random toxicology reports;
- ii) report immediately to the Probation Administrator incidences of relapse or if Respondent fails to appear for treatment or stops treatment without the provider's agreement and consent prior to either termination of the treatment plan or expiration of the probation period set forth in this order;
- iii) report immediately to the Probation Administrator if Respondent fails to comply with any treatment recommendations of the treatment provider;
- iv) report immediately to the Probation Administrator if Respondent otherwise violates any of the terms or conditions of probation;
- v) report immediately to the Probation Administrator if the provider will no longer serve as treatment provider to Respondent prior to termination of the treatment plan or expiration of the probation period set forth in this order; and

vi) report to the Probation Administrator if Respondent successfully completes treatment and is discharged from further treatment.

Respondent shall provide a copy of the authorization[s] to the Probation Administrator upon execution.

k) Respondent is responsible for paying any and all fees, costs and/or expenses of chemical dependency evaluation and treatment.

### 3. Ethics School

a) Respondent shall attend Ethics School by webinar (approximately 7.5 hours), or by obtaining the recorded product, and to pay registration costs of \$150 plus applicable sales tax. Respondent will receive all applicable approved CLE credits for time in attendance at the Ethics School.

b) Attendance at Ethics School is in addition to and shall not fulfill any continuing legal education (CLE) requirements set out in this order.


c) Respondent shall contact the Ethics School Administrator, currently Chris Chang, at (206) 727-8328 or [chrisc@wsba.org](mailto:chrisc@wsba.org), within 60 days of reinstatement to confirm enrollment in Ethics School and related logistics.

d) Respondent shall complete the ethics school requirement within 6 months of reinstatement.

e) Respondent shall provide evidence of completion of ethics school to the Probation Administrator no later than 30 days after the conclusion of the course. Proof of attendance shall include the program brochure, evidence of payment, and a written statement that includes the date and time of attendance.

f) The Ethics School administrator may respond to inquiries from the Probation Administrator regarding Respondent's compliance with these conditions.

I certify that I caused a copy of the Findings of Fact, Conclusions of Law and HO's Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent Mike Mocerì JD, at [mikel.moceri@gmail.com](mailto:mikel.moceri@gmail.com), on the 11<sup>th</sup> day of April, 2024.

A handwritten signature in blue ink, appearing to be 'M. Mocerì', is written above a horizontal line.

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Clerk to the Disciplinary Board

**FILED**

Nov 2, 2023

Disciplinary  
Board

Docket # 004

**DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION**

In re

**MIKE MOCERI,**

Lawyer (Bar No. 47787).

Proceeding No. 23#00027

**FORMAL COMPLAINT**

Under Rule 10.3 of the Washington Supreme Court's 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 Washington Supreme Court's Rules of Professional Conduct (RPC) as set forth below.

**ADMISSION TO PRACTICE**

1. Respondent Mike Mocerri was admitted to the practice of law in the State of Washington on September 25, 2014.

**FACTS REGARDING COUNTS 1 – 6 (GRIEVANT COLLESIDES)**

2. On September 29, 2021, Jessica Collesides hired Respondent to assist Collesides with terminating parental rights in *Collesides v. Boyd*, Pierce County Superior Court No. 21-5-00535-0.

1           3. On September 29, 2021, Respondent electronically signed a "General Flat Fee  
2 Agreement" with Collesides.

3           4. The fee agreement stated that \$5,000 "[c]overs 20 hours of attorney time."

4           5. The fee agreement also stated that "[t]he Attorney shall send the Client an itemized  
5 invoice setting forth services rendered."

6           6. Respondent's fee agreement did not comply with RPC 1.5(f)(2).

7           7. On September 29, 2021, Respondent received \$5,000 from Collesides.

8           8. Respondent did not deposit the \$5,000 into Respondent's trust account.

9           9. On September 29, 2021, Respondent received the information necessary to begin  
10 working on Collesides's case.

11           10. On September 29, 2021, Respondent emailed Collesides that Respondent was  
12 reviewing everything and researching should take no longer than a week or so.

13           11. Respondent knew that the matter was time sensitive.

14           12. By December 21, 2021, Respondent still had not completed the research.

15           13. On January 18, 2022, Respondent received an email from Collesides requesting a  
16 copy of Collesides's client file and an itemized billing statement.

17           14. Respondent responded that Respondent would enter a notice of appearance and  
18 arrange a time to talk.

19           15. Respondent did not provide Collesides with Collesides's client file.

20           16. Respondent did not provide Collesides with an itemized billing statement.

21           17. Respondent did not file a notice of appearance.

22           18. On January 25, 2022, Respondent received an email from Collesides again  
23 requesting a copy of Collesides's client file and an itemized billing statement.

1 19. Respondent responded that Respondent would send the requested documents the  
2 next day.

3 20. Respondent did not provide Collesides with Collesides's client file.

4 21. Respondent did not provide Collesides with an itemized billing statement.

5 22. On February 1, 2022, Collesides filed this grievance.

6 23. On March 2, 2022, ODC sent a copy of the grievance to Respondent at Respondent's  
7 email address of record with a request that Respondent respond to the grievance.

8 24. Respondent did not timely respond to ODC's March 2, 2022 request for a response  
9 to the grievance.

10 25. On March 2, 2022, Respondent sent Collesides an email which read in part: "If  
11 you'd like me to continue working on this, we need to have a conversation and you need to  
12 dismiss your grievance. Alternatively, I can refund the unused portion of your retainer."

13 26. On March 3, 2022, Respondent received an email from Collesides which read: "I  
14 absolutely want a refund of the 'unused portion' of my retainer. I am not willing to dismiss my  
15 grievance. I also would like a detailed invoice(showing [sic] all the time/research you have put  
16 into my case), as I previously requested on 01/18/2022 and 01/25/2022, and never received."

17 27. Respondent did not refund any money to Collesides.

18 28. Respondent did not provide Collesides with a detailed invoice.

19 29. On April 11, 2022, ODC sent a letter to Respondent at Respondent's email address  
20 of record requesting that Respondent respond to the grievance within ten days.

21 30. Respondent did not respond within ten days.

22 31. On June 13, 2022, Respondent was personally served with a subpoena duces tecum  
23 to appear at a deposition via Zoom on July 19, 2022.

1 32. The subpoena also required Respondent to provide ODC with whatever documents  
2 were in Respondent's possession or control related to Collesides.

3 33. On June 21, 2022, Respondent submitted a written response to Collesides's  
4 grievance.

5 34. On July 19, 2022, Respondent appeared and testified at the deposition.

6 35. Respondent did not provide any of the subpoenaed documents to ODC.

7 36. On September 14, 2022, Collesides sent another email to Respondent requesting a  
8 refund.

9 37. Respondent did not respond.

10 38. To date, Respondent has not refunded Collesides any portion of the \$5,000  
11 Collesides paid.

12 39. To date, Respondent has not provided Collesides with any of the research  
13 Respondent claimed that Respondent performed.

14 40. Respondent's conduct in paragraphs 2-39 was knowing.

15 41. Respondent's conduct caused actual injury to Collesides, who paid for services  
16 Collesides did not receive.

17 42. Respondent's conduct also caused harm to the discipline system by impeding ODC's  
18 ability to fully investigate the grievance.

19 **COUNT 1**

20 43. By failing to diligently represent Collesides, Respondent violated RPC 1.3.

21 **COUNT 2**

22 44. By failing to keep Collesides informed about the case and/or by failing to provide  
23 Collesides with an invoice or other information about how Respondent's fee was earned,

Respondent violated RPC 1.4 and/or RPC 1.5(b).

**COUNT 3**

45. By failing to deposit Collesides's \$5,000 into Respondent's trust account, Respondent violated RPC 1.15A(c) and/or (h).

**COUNT 4**

46. By charging for work that was of no use to Collesides and/or failing to refund unearned fees, Respondent violated RPC 1.5(a) and/or RPC 1.16(d).

**COUNT 5**

47. By attempting to induce Collesides to withdraw the grievance, Respondent violated RPC 8.4(d).

**COUNT 6**

48. By failing to promptly respond to Collesides's grievance, Respondent violated RPC 8.1(b) and/or RPC 8.4(l).

**FACTS REGARDING COUNTS 7 AND 8 (SMITH GRIEVANCE)**

49. On December 31, 2020, Respondent spoke with Doris Smith about Smith's parenting plan case, *Kinniebrew v. Smith*, King County Superior Court No. 12-5-02082-6.

50. Respondent told Smith that Respondent charged \$1,500 for filing documents and attending mediation.

51. Respondent knew that trial was scheduled for June 21, 2021.

52. On January 11, 2021, Respondent signed a "General Flat Fee Agreement" with Smith.

53. Respondent agreed to represent Smith at mediation for a \$1,500 flat fee.

54. On January 15, 2021, Respondent received \$1,500 from Smith.

55. On February 23, 2021, Respondent filed a Notice of Limited Appearance.

56. Respondent did not serve the Notice of Limited Appearance on the opposing party's lawyer.

57. On April 27, 2021, Respondent told Smith that Respondent would try to negotiate the matter with opposing counsel.

58. Respondent did not speak to Smith again.

59. Respondent did not contact opposing counsel.

60. Respondent did not make any attempts to negotiate Smith's case.

61. On May 26, 2021, Respondent sent Smith a letter notifying Smith that Mocerri Law Group was closing.

62. Respondent did not send Smith a Notice of Intent to Withdraw.

63. On May 28, 2021, Respondent did not appear at the scheduled pretrial hearing.

64. Respondent did not refund Smith any money.

65. Smith proceeded to trial pro se.

66. Respondent's conduct in paragraphs 49-64 was knowing.

67. Respondent's conduct caused actual injury to Smith, who paid for services Smith did not receive.

**COUNT 7**

68. By failing to diligently represent Smith, Respondent violated RPC 1.3.

**COUNT 8**

69. By charging for work that Respondent never performed and/or by failing to refund unearned fees, Respondent violated RPC 1.5(a) and/or RPC 1.16(d).

**FACTS REGARDING COUNTS 9, 10, 11, AND 12 (NICHELSON GRIEVANCE))**

70. On August 3, 2021, Nichelle Nicholson hired Respondent to modify a parenting plan and defend a contempt motion brought against Nicholson in *Nichelson v. Cooper*, King County Superior Court No. 16-3-01120-2.

71. Respondent agreed to charge a fee of \$1,000.

72. Respondent knew that there was a hearing set for August 20, 2021.

73. On August 3, 2021, Respondent received the relevant court pleadings.

74. Nicholson asked Respondent what Nicholson should do about the August 20, 2021 court date.

75. Respondent responded: "It will take me a few hours to review everything. In the meanwhile, just try to relax and keep on top of your game."

76. On August 3, 2021, Respondent received \$1,000 from Nicholson.

77. After Respondent received the money, Respondent never contacted Nicholson again.

78. Nicholson called Respondent's office numerous times.

79. Respondent never answered the phone.

80. Nicholson emailed Respondent numerous times seeking information about Nicholson's case.

81. Respondent did not respond to any of Nicholson's emails after receiving payment.

82. Respondent never filed a notice of appearance.

83. Respondent did no work on Nicholson's case.

84. Respondent did not appear at the August 20, 2021 hearing.

85. Nicholson appeared pro se at the August 20, 2021 hearing.

86. Respondent's conduct in paragraphs 70-85 was knowing.

1 87. Respondent's conduct caused actual injury to Nicholson, who paid for services  
2 Nicholson did not receive and was forced to proceed pro se at the August 20, 2021 contempt  
3 hearing.

4 88. On March 28, 2023, Nicholson filed this grievance.

5 89. On March 29, 2023, ODC sent a copy of the grievance to Respondent at  
6 Respondent's email address of record with a request that Respondent respond to the grievance.

7 90. The email was not returned as undeliverable.

8 91. Respondent did not respond.

9 92. On May 1, 2023, ODC sent a letter to Respondent at Respondent's email address of  
10 record requesting that Respondents respond to the grievance within ten days.

11 93. The email was not returned as undeliverable.

12 94. To date, Respondent has not responded.

13 95. Respondent's conduct in paragraphs 88-94 was at least negligent.

14 96. Respondent's conduct caused harm to the discipline system by impeding ODC's  
15 ability to fully investigate the grievance.

16 **COUNT 9**

17 97. By failing to diligently represent Nicholson, Respondent violated RPC 1.3.

18 **COUNT 10**

19 98. By charging for work that Respondent never performed, Respondent violated  
20 RPC 1.5(a).

21 **COUNT 11**

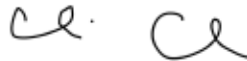
22 99. By failing to have any contact with Nicholson after being hired, Respondent violated  
23 RPC 1.4.

COUNT 12

100. By failing to promptly respond to Nicholson's grievance, Respondent violated RPC 8.1(b) and/or RPC 8.4(l).

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

Dated this 2<sup>nd</sup> day of November, 2023.



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Claire Carden, Bar No. 50590  
Disciplinary Counsel