FILED

Sep 3, 2025

Disciplinary Board

Docket # 022

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re **PATRICK FRANCIS SHEARER,** Lawyer (Bar No. 52831).	Proceeding No. 24#00061 ODC File No(s). 23-00551 STIPULATION TO 90-day SUSPENSION Following settlement conference conducted under ELC 10.12(h)

Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), and following a settlement conference conducted under ELC 10.12(h), the following Stipulation to a 90-day Suspension is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Sachia Stonefeld Powell, Respondent's Counsel Jeffrey T Kestle, and Respondent lawyer Patrick Francis Shearer.

Respondent understands that Respondent is entitled under the ELC to a hearing, to present exhibits and witnesses on Respondent's behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that Respondent is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases,

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the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to Respondent. Respondent chooses to resolve this proceeding now by entering into the following stipulation to facts, misconduct and sanction to avoid the risk, time, and expense attendant to further proceedings.

I. ADMISSION TO PRACTICE

1. Respondent was admitted to practice law in the State of Washington on October 17, 2017.

II. STIPULATED FACTS

2. In 2021, Respondent was an associate with the Goldberg & Jones (GJ) law firm.

3. In late 2021, Joseph Hopkins hired GJ to represent Hopkins in a dissolution filed by L.F. in King County Superior Court.

4. GJ assigned Respondent to represent Hopkins in the dissolution.

5. In April 2022, L.F. served discovery requests, which Hopkins answered.

6. Subsequently, Respondent emailed L.F.'s Counsel to confirm receipt of all documents. L.F's counsel claimed that some were missing and stated that a deficiency letter for the First set of Interrogatories would follow. Respondent did not communicate the possible deficiencies to Hopkins.

7. Respondent did not notify Hopkins of the request for additional information.

8. Respondent did not respond to the request for additional information.

9. In July 2022, L.F.'s counsel issued a second set of discovery requests.

10. Respondent did not provide Hopkins with the July 2022 discovery requests.

11. Respondent did not respond to the July 2022 discovery requests.

12. On August 17, 2022, L.F.'s counsel sent a deficiency letter, and a subsequent letter

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two days later, notifying Respondent that they would file a motion to compel.

13. Respondent did not notify Hopkins of these letters or their contents.

14. On August 17, 2022, Respondent sent an email to L.F.'s counsel in which Respondent stated that Hopkins had "requested stock grants and further stock details" from Hopkins's employer.

15. Hopkins had not requested stock grants and further stock details from Hopkins's employer because Hopkins reports that he was unaware that such information was needed.

16. Although Respondent's statement to opposing counsel was not true, Respondent believed that Hopkins had said something about stock details from Hopkins's employer.

17. On August 22, 2022, L.F.'s counsel filed a Motion to Compel Discovery and for Attorney's Fees (Motion).

18. Respondent did not notify Hopkins of the Motion.

19. Respondent did not respond to the Motion.

20. On September 2, 2022, the court issued an Order Compelling Discovery (Order), and awarded attorney's fees against Hopkins in the amount of $1,275 plus 12% interest.

21. Respondent did not notify Hopkins of the Order.

22. Following the entry of the Order, Respondent informed L.F.'s counsel that they would provide discovery by September 16, 2022.

23. Respondent did not provide the discovery.

24. On September 28, 2022, the court entered an Order Granting Petitioner's Motion for Sanctions and for Attorney's Fees, ordering Hopkins to pay $500/week in fees "retroactive to the date the motion was filed, until such time as full discovery responses are provided" as well as $850 for the costs of the motion.

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25. Respondent did not notify Hopkins of the Order.

26. Respondent did not provide the requested discovery.

27. On October 3 and 21, 2022, L.F.'s counsel sent letters to Respondent demanding that Hopkins comply with the order compelling discovery and provide supplemental responses.

28. Respondent did not notify Hopkins of the letters or their contents.

29. Respondent did not provide the requested discovery.

30. On November 10, 2022, L.F.'s counsel filed a Motion for Contempt.

31. On November 14, 2022, the Show Cause hearing was set for December 5, 2022.

32. On December 5, 2022, the court held a hearing on the Motion for Contempt and Sanctions.

33. Respondent signed an acceptance of service for the Motion.

34. Respondent did not file a response to the Motion.

35. Respondent did not notify Hopkins of the Motion or of the hearing.

36. Hopkins did not attend the hearing.

37. During the December 5, 2022 hearing, Respondent informed the court that Hopkins was working on obtaining discovery relevant to Amazon stock.

38. Hopkins was not working on obtaining discovery relevant to Amazon stock because Hopkins was unaware that such information was needed.

39. Although Respondent's statement to opposing counsel was not true, Respondent believed that Hopkins had said something about discovery relevant to Amazon stock.

40. On December 5, 2022, the court entered a Contempt Hearing Order, imposing an additional $2,500 in fees.

41. In December 2022, Hopkins emailed Respondent a number of times requesting

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information.

42. Respondent did not respond to all of these emails.

43. On January 9, 2023, the court entered an Order on Motion for Default for Failure to Comply with Discovery Orders, and imposed an additional sanction of $5,000 against Hopkins, with interest.

44. Per the January 9, 2023 order, Hopkins had until January 30, 2023 to pay the full amount of sanctioned fees and fully respond to the discovery.

45. If Hopkins did not do so, the default judgment would be entered on January 30, 2023.

46. Respondent did not inform Hopkins of the December 5, 2022 and January 9, 2023 Orders.

47. In January 2023, Respondent notified Hopkins that Respondent would be leaving GJ, and the practice of family law, due to personal challenges.

48. Respondent filed a notice of intent to withdraw on January 20, 2023, just 10 days prior to the scheduled entry of the default judgment.

49. Throughout the representation, Respondent sent Hopkins billing statements.

50. However, the statements omitted references to the motion for contempt, as well as the resulting sanctions and contempt hearing.

51. By the end of January 2023, Hopkins' fees totaled $22,125.

52. On January 29, 2023, Hopkins hired new counsel.

53. It was only after Hopkins hired new counsel that Hopkins learned about the issues with the case as described above.

54. Once Hopkins learned of the issues, Hopkins was able to pay the $22,125 in fees/sanctions, finalize the outstanding discovery, and prevent the default judgment from being

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entered.

55. On February 17, 2023, Respondent signed a Declaration in support of a Motion to vacate several orders entered against Hopkins in an effort to take accountability and help Hopkins.

56. In the Declaration, Respondent acknowledged that Respondent suffered from "bouts of paralysis where [Respondent] would simply freeze up, unable to function" while representing Hopkins. This was caused by an overwhelming caseload, including clients who were challenging and threatening violence and/or physical harm to Respondent.

57. Respondent attributed this to an excessive caseload, including several violent clients who were making threats of personal attack against Respondent, which overwhelmed Respondent, made Respondent afraid to go into work, "and took an immense toll on all facets of [Respondent's] life."

58. Respondent acknowledged that Respondent may not have communicated everything to Hopkins and admitted to being unprepared for the contempt hearing. Respondent attributes this negligence in part to an event that had just occurred with a violent and erratic client.

59. GJ later reached a monetary settlement with Hopkins that included reimbursement for all fees Hopkins paid GJ.

III. STIPULATION TO MISCONDUCT

60. By failing to keep Hopkins reasonably informed about the status of the dissolution, failing to promptly comply with Hopkins's reasonable requests for information, and failing to explain the matter to Hopkins to the extent reasonably necessary to allow Hopkins to make informed decisions regarding the representation, Respondent violated RPC 1.4.

61. By failing to respond to discovery requests and other reasonable inquiries of L.F.'s counsel, and failing to respond to motions, Respondent violated RPC 1.3 and RPC 3.2.

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62. By failing to produce information responsive to L.F.'s counsel's discovery requests, Respondent violated RPC 3.4(d), RPC 3.4(a), and RPC 3.4(c).

63. By informing L.F.'s counsel and the court that Hopkins was fully informed and was seeking information regarding stocks from Hopkins's employer, when that was not true, Respondent violated RPC 3.3(a)(1), RPC 8.4(c) and RPC 8.4(d).

IV. PRIOR DISCIPLINE

64. Respondent has no prior discipline.

V. APPLICATION OF ABA STANDARDS

65. The following American Bar Association Standards for Imposing Lawyer Sanctions (1991 ed. & Feb. 1992 Supp.) apply to this case:

> 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.
>
> 5.13 **Reprimand** is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice law.
>
> 6.13 **Reprimand** is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, 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.
>
> 6.22 **Suspension** is generally appropriate when a lawyer knows that he or she 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 legal proceeding.

The complete Standards are included at the end of this Stipulation.

66. Respondent knowingly failed to perform services for Hopkins.

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67. Respondent engaged in a pattern of neglect of Hopkins's legal matter.

68. By failing to produce information responsive to L.F.'s counsel's discovery requests, Respondent knowingly violated a court order.

69. By relying on Respondent's incorrect recollection alone, Respondent falsely informed the court and opposing counsel that Hopkins was pursuing the requested discovery. In so doing, Respondent was negligent in determining whether the statements were false.

70. Respondent caused injury to Hopkins, who was sanctioned for failure to comply with the court's orders, whose matter was delayed, and who had to act quickly to prevent the entry of a default order.

71. Respondent caused injury or potential injury to L.F. by delaying L.F.'s rightful access to the requested discovery and by delaying the proceedings.

72. Respondent caused interference with a legal proceeding, by delaying the proceeding and causing numerous motions and hearings that were otherwise unnecessary.

73. The presumptive sanction is suspension for the violations of RPC 1.3, RPC 1.4, RPC 3.2, and RPC 3.4(a), (c) and (d)and reprimand for the violations of RPC 3.3(a)(1), RPC 8.4(c) and RPC 8.4(d).

74. The following aggravating factor applies under ABA Standard 9.22:

(d) multiple offenses.

75. The following mitigating factors apply under ABA Standard 9.32:

(a) absence of a prior disciplinary record;
(c) personal or emotional problems [CPTSD stemming from threats of violence and threatening behavior from clients other than Hopkins. See confidential attachment];
(f) inexperience in the practice of law [admitted in October 2017]; and
(l) remorse.

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76. It is an additional mitigating factor that Respondent has agreed to resolve this matter at an early stage of the proceedings.

77. Based on the factors set forth above, with significance placed on the information contained in the confidential attachment, the presumptive sanction should be mitigated to a suspension of less than the presumptive minimum of six months.

VI. STIPULATED DISCIPLINE

78. The parties stipulate that Respondent shall receive a 90-day suspension.

VII. CONDITIONS OF REINSTATEMENT

79. Reinstatement from suspension is conditioned on payment of costs and expenses, as provided below.

VIII. CONDITIONS OF PROBATION

80. Respondent will be subject to probation for a period of two years beginning when Respondent is reinstated to the practice of law and shall comply with the specific probation terms set forth below.

81. 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).

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

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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 the practice monitor's duties, the Probation Administrator will select a new practice monitor at the Probation Administrator's 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

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and are understandable to the client, 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 Respondent's 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 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.

IX. RESTITUTION

82. Restitution is not appropriate as Hopkins has already received a settlement from GJ.

X. COSTS AND EXPENSES

83. In light of Respondent's willingness to resolve this matter by stipulation at an early stage of the proceedings, Respondent shall pay attorney fees and administrative costs of $1,000 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(*l*) if these costs are not paid within 30 days of approval of this stipulation. Reinstatement from

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suspension or disbarment is conditioned on payment of costs.

XI. VOLUNTARY AGREEMENT

84. Respondent states that prior to entering into this Stipulation Respondent has consulted independent legal counsel regarding this Stipulation, that Respondent is entering into this Stipulation voluntarily, and that no promises or threats have been made by ODC, the Association, nor by any representative thereof, to induce the Respondent to enter into this Stipulation except as provided herein.

85. Once fully executed, this stipulation is a contract governed by the legal principles applicable to contracts, and may not be unilaterally revoked or modified by either party.

XII. LIMITATIONS

86. This Stipulation is a compromise agreement intended to resolve this matter in accordance with the purposes of lawyer discipline while avoiding further proceedings and the expenditure of additional resources by the Respondent and ODC. Both the Respondent and ODC acknowledge that the result after further proceedings in this matter might differ from the result agreed to herein.

87. This Stipulation is not binding upon ODC or the respondent as a statement of all existing facts relating to the professional conduct of the Respondent, and any additional existing facts may be proven in any subsequent disciplinary proceedings.

88. This Stipulation results from the consideration of various factors by both parties, including the benefits to both by promptly resolving this matter without the time and expense of hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As such, approval of this Stipulation will not constitute precedent in determining the appropriate sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in

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subsequent proceedings against Respondent to the same extent as any other approved Stipulation.

89. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely on the record agreed to by the parties. Under ELC 3.1(b), all documents that form the record before the Board for its review become public information on approval of the Stipulation by the Board, unless disclosure is restricted by order or rule of law.

90. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will be followed by the disciplinary action agreed to in this Stipulation. All notices required in the Rules for Enforcement of Lawyer Conduct will be made. Respondent represents that, in addition to Washington, Respondent is not admitted to practice law in any other jurisdiction.

91. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, this Stipulation will have no force or effect, and neither it nor the fact of its execution will be admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil or criminal action.

WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to 90-day Suspension as set forth above.

Patrick F. Shearer
Patrick Francis Shearer, Bar No. 52831
Respondent

Dated: 05/29/2025

Jeffrey T. Kestle, Bar No. 29648
Counsel for Respondent

Dated: 5/29/25

Sachia Stonefeld Powell, Bar No. 21166
Disciplinary Counsel

Dated: 6/3/2025

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4.4 *Lack of Diligence*

4.41 **Disbarment** is generally appropriate when:

(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.

5.1 *Failure to Maintain Personal Integrity*

5.11 **Disbarment** is generally appropriate when:

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

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

5.12 **Suspension** is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

5.13 **Reprimand** is generally appropri[illegible] when a lawyer knowingly engages in any other conduct that involves dis[illegible], fraud, deceit, or misrepresentation and that adversely reflects on the law[illegible]ess to practice law.

5.14 **Admonition** is generally a[illegible] when a lawyer engages in any other conduct that reflects adversely on [illegible]s fitness to practice law.

6.1 *False Statements, Fraud, an[illegible]on*

6.11 **Disbarment** is ge[illegible] when a lawyer, with the intent to deceive the court, makes a fal[illegible]its a false document, or improperly withholds material informat[illegible]rious or potentially serious injury to a party, or

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causes a significant or potentially significant adverse effect on the legal proceeding.

6.12 **Suspension** is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material 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.

6.13 **Reprimand** is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, 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.

6.14 **Admonition** is generally appropriate when a lawyer engages in an isolated instance of neglect in determining whether submitted statements or documents are false or in failing to disclose material information upon learning of its falsity, and causes little or no actual or potential injury to a party, or causes little or no adverse or potentially adverse effect on the legal proceeding.

6.2 ***Abuse of the Legal Process***

6.21 **Disbarment** is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

6.22 **Suspension** is generally appropriate when a lawyer knows that he or she 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 legal proceeding.

6.23 **Reprimand** is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding.

6.24 **Admonition** is generally appropriate when a lawyer engages in an isolated instance of negligence in complying with a court order or rule, and causes little or no actual or potential injury to a party, or causes little or no actual or potential interference with a legal proceeding.

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