

IN THE SUPREME COURT
OF THE STATE OF OREGON

In re:)
)
Complaint as to the Conduct of) Case No. 19-107
) SC S069005
WILLIAM CHIKA IGBOKWE,)
)
Respondent.)

Counsel for the Bar: Veronica R. Rodriguez

Counsel for the Respondent: None

Disciplinary Board: None

Disposition: Violation of RPC 1.16(c), RPC 1.16(d), RPC 3.3(a)(1),
RPC 8.4(a)(2), and RPC 8.4(a)(3). Stipulation for Discipline.
10-month suspension.

Effective Date of Order: December 4, 2021

ORDER ACCEPTING STIPULATION FOR DISCIPLINE

Upon consideration by the court.

The court accepts the Stipulation for Discipline. Respondent is suspended from the practice of law in the State of Oregon for a period of 10 months, effective 10 days from the date of this order.

/s/ Martha L. Walters
Martha L. Walters, Chief Justice
Supreme Court 11/24/2021 9:50 AM

STIPULATION FOR DISCIPLINE

William Chika Igbokwe, attorney at law (Respondent), and the Oregon State Bar (Bar) hereby stipulate to the following matters pursuant to Bar Rule of Procedure 3.6(c).

1.

The Bar was created and exists by virtue of the laws of the State of Oregon and is, and at all times mentioned herein was, authorized to carry out the provisions of ORS Chapter 9, relating to the discipline of attorneys.

2.

Respondent was admitted by the Oregon Supreme Court to the practice of law in Oregon on June 27, 2018, and has been a member of the Bar continuously since that time, having his office and place of business in Multnomah County, Oregon.

3.

Respondent enters into this Stipulation for Discipline freely, voluntarily, and with the opportunity to seek advice from counsel. This Stipulation for Discipline is made under the restrictions of Bar Rule of Procedure 3.6(h).

4.

On December 17, 2019, a formal complaint was filed against Respondent pursuant to the authorization of the State Professional Responsibility Board (SPRB), alleging violation of RPC 1.16(c) [failure to comply with the applicable law requiring notice to or permission of a tribunal when terminating a representation]; RPC 1.16(d) [upon termination of representation, failure to take steps to the extent reasonably practicable to protect client's interests]; RPC 3.3(a)(1) [knowingly making a false statement of fact to a tribunal]; RPC 8.4(a)(2) [committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects]; and RPC 8.4(a)(3) [engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness to practice law]. The parties intend that this Stipulation for Discipline set forth all relevant facts, violations and the agreed-upon sanction as a final disposition of the proceeding.

Facts

5.

In March 2018, Respondent was hired as a staff attorney for Legal Aid Services of Oregon (LASO).

6.

In July 2018, Laurie Giansante (Giansante) appeared *pro se* as the petitioner in a contested Family Abuse Prevention Act (FAPA) restraining order hearing (FAPA matter). Midway through the hearing, the court recessed the proceeding and continued the hearing to September 24, 2018.

7.

Immediately after the July 9, 2018 hearing, Giansante contacted LASO for legal services. On July 19, 2018, Respondent was assigned to represent Giansante in the FAPA matter.

8.

On September 24, 2018, Respondent appeared at the FAPA hearing with Giansante and requested that the court again setover the hearing to allow Respondent to review the evidence presented at the July 9, 2018 hearing. In support of his request, Respondent falsely represented to the court that he had only been retained by Giansante a week and a half prior to the September 24 hearing. Respondent knew this statement was false and material when he made it and did so with the intent that the court rely upon it to allow him his request for a setover. The court granted a two-day setover.

9.

Respondent and Giansante appeared at the September 26, 2018 hearing. Giansante's alleged abuser (FAPA respondent) did not appear and the court upheld the restraining order.

10.

Following the September 24, 2018 hearing, Respondent returned to the LASO office and falsely reported to his supervisor that the FAPA hearing had been contested. Respondent further falsely claimed that he had cross-examined the FAPA respondent, and made a closing argument. Respondent knew these statements were false and material when he made them and did so with the intent that this employer rely on his misrepresentations for his own personal benefit.

11.

On October 4, 2018, at the request of the FAPA respondent, the court set a new hearing date of October 11, 2018, with notice to Respondent. On October 9, 2018, Respondent notified Giansante of the hearing and further advised her that he would not be appearing for her at the October 11, 2018 hearing, stating he no longer represented her in the FAPA matter.

12.

Respondent did not file a motion to withdraw or otherwise notify the court of his withdrawal from the FAPA matter, as required by ORS 9.380 and UTCR 3.140. Respondent took no action to assist Giansante in finding other counsel, and did not appear at the October 11th hearing.

13.

In a separate matter, Respondent emailed a demand letter in January 2019 to a business entity (visa processing company) demanding payment of money and damages. The demand related to a personal matter, unrelated to Respondent's work with LASO. The demand purported to be from "Legal Aid Services of Oregon – Department of Justice Division," an entity that does not exist, and referenced the enforcement authority of the Oregon Department of Justice. Respondent assumed the identity of the Oregon Department of Justice with the intent to obtain a personal benefit in violation of ORS 162.365.

Violations

14.

Respondent admits that, by failing to comply with the applicable law requiring notice to or permission of a tribunal when terminating a representation he violated RPC 1.16(c). Respondent admits that by failing upon termination to take steps to the extent reasonably practicable to protect his client's interests, he violated RPC 1.16(d). Respondent admits that by knowingly making false statements of fact to a tribunal, he violated RPC 3.3(a)(1). Respondent admits that by impersonating an agent of the Oregon Department of Justice, he committed a criminal act reflecting adversely on his honesty, trustworthiness, or fitness to practice in violation of RPC 8.4(a)(2). Respondent further admits that by making false statements to his employer regarding the September 26, 2018 hearing, he engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on his fitness to practice law in violation of RPC 8.4(a)(3).

Sanction

15.

Respondent and the Bar agree that in fashioning an appropriate sanction in this case, the Disciplinary Board should consider the *ABA Standards for Imposing Lawyer Sanctions* (ABA Standards). The ABA Standards require that Respondent's conduct be analyzed by considering the following factors: (1) the ethical duty violated; (2) the attorney's mental state; (3) the actual or potential injury; and (4) the existence of aggravating and mitigating circumstances. ABA Standard 3.0.

- a. **Duty Violated.** Respondent violated his duty to refrain from committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects and to refrain from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. ABA Standard 5.1. Respondent violated his duty owed to the legal system to not engage in conduct that involves dishonesty, fraud, deceit, or misrepresentation to the court. ABA

Standard 6.1. Respondent also violated his duty owed as professional to refrain from improperly withdrawing from representation. ABA Standard 7.0.

- b. **Mental State.** The most culpable mental state is that of “intent,” when the lawyer acts with the conscious objective or purpose to accomplish a particular result. “Knowledge” is the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result. “Negligence” is the failure to be aware of a substantial risk that circumstances exist or that a result will follow and which deviates from the standard of care that a reasonable lawyer would exercise in the situation. ABA Standards at 9.

Respondent’s failure to properly withdraw from the FAPA matter was negligent; however, Respondent’s failure to protect Giansante’s interests was knowing when he notified her of the October 11, 2018 hearing date two days prior to the hearing date and told her he would not be appearing with her. Respondent knew or should have known that Giansante would likely be unable to obtain new representation.

Respondent knowingly misstated to the court when he had been retained in the FAPA matter. He knew he had been assigned the FAPA matter in July 2018 and filed his Notice of Representation in August 2018. Respondent made these statements knowing they were misleading and intended the court to rely on them. Similarly, Respondent knowingly misrepresented his conduct at the September 26, 2018 hearing to his supervisor and colleagues at LASO with the intent to mislead them to believe a contested hearing took place where he cross-examined a witness and gave a closing argument.

Finally, Respondent knowingly represented to the visa processing company that he was associated with, and acting on behalf of, a fabricated entity, “Legal Aid Services of Oregon – Department of Justice”, with the intent of appearing to have a greater authority to better threaten the company into complying with his demand for reimbursement and damages.

- c. **Injury.** For the purposes of determining an appropriate disciplinary sanction, the trial panel may take into account both actual and potential injury. ABA Standard at 6; *In re Williams*, 314 Or 530, 547, 840 P2d 1280 (1992). The ABA Standards define “injury” as harm to a client, the legal system, or the profession which results from a lawyer’s misconduct. “Potential injury” is the harm to a client, the public, the legal system or the profession that is reasonably foreseeable at the time of the lawyer’s misconduct, and which, but for some intervening factor or event, would probably have resulted from the lawyer’s misconduct. ABA Standards at 7.

Respondent's failure to properly withdraw from the FAPA matter injured Giansante because she was a vulnerable person left without representation at the October 11, 2018 hearing against her alleged abuser. Respondent's inaction after asserting to Giansante that he no longer represented her left her interests unprotected, further creating a potential injury.

Respondent's misrepresentations to the court injured the parties and the judicial system. The court relied on Respondent's misrepresentations in making its decision to continue the FAPA matter hearing. The setover required the parties to have to return to court two days later, potentially causing them to have to miss work or interfering with other commitments and delaying resolution in the matter, required the court to expend resources in the time it needed to hear Respondent's request, and to hold at least two subsequent hearings on the FAPA matter.

Respondent's falsified demand letter caused injury to the visa processing company by asserting that the demand letter was sent by the DOJ, and acting in reliance on the DOJ's enforcement authority.

d. **Aggravating Circumstances.** Aggravating circumstances include:

1. A dishonest or selfish motive. Respondent made intentional misrepresentations to the court, LASO and the visa processing company for this own personal benefit. ABA Standard 9.22(b).
2. A pattern of misconduct. Respondent's dishonesty was evident in three specific circumstances – in making false statements of fact to the court; in representations to his employer about what occurred at the September 26, 2018 hearing; and in his communications to the visa processing company wherein he represented himself as an agent for the DOJ. ABA Standard 9.22(b).
3. Multiple offenses. ABA Standard 9.22(d).
4. Vulnerability of victim. Giansante was a domestic violence survivor who qualified financially for legal services from LASO to represent her against her alleged abuser. ABA Standard 9.22(h).

e. **Mitigating Circumstances.** Mitigating circumstances include:

1. Absence of a prior record of discipline. ABA Standard 9.32(a).
2. Personal or emotional problems. Respondent lost both of his parents due to serious illnesses close in time to his conduct. ABA Standard 9.32(c).

3. Full and free disclosure to disciplinary board or cooperative attitude toward proceedings. ABA Standard 9.32(e).
4. Inexperience in the practice of law. Respondent had been practicing law for less than one year at the time of his conduct. ABA Standard 9.32(f).
5. Imposition of other penalties or sanctions. Respondent lost his job with LASO as a result of his conduct. ABA Standard 9.32(k).
6. Remorse. Respondent has expressed remorse for his conduct. ABA Standard 9.32(l).

16.

Under the ABA Standards, suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11¹ and that seriously reflects on the lawyer's fitness to practice law. ABA Standard 5.12.

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. ABA Standard 5.13.

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. ABA Standard 6.12.

Suspension is generally appropriate when a lawyer knowingly engages in 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. ABA Standard 7.2.

Reprimand is generally appropriate when a lawyer negligently engages in 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. ABA Standard 7.3.

Respondent knowingly engaged in multiple misrepresentations to the court and his employer with the intent to deceive. The presumptive sanction is a suspension.

¹ ABA Standard 5.11 includes the following elements: intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; of 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.

17.

Oregon cases demonstrate that some term of suspension is warranted:

In re James R. Kirchoff, 361 Or 712, 399 P3d 453 (2017) [2-year suspension] A lawyer knowingly falsified an email, which he then submitted to the court, in an attempt to convince the court to vacate a default judgment entered against his client. The lawyer knowingly misrepresented to the court that the purported email, which was never sent, had provided notice to opposing counsel of his intent to appear in a dissolution matter.

In re Jackson, 347 Or 426, 223 P3d 387 (2009) [120-day suspension] While representing a client in a dissolution of marriage proceeding, a lawyer falsely represented to the court that burglaries at his office were the reason he was unable to proceed with the case in a timely manner.

In re Linda Wilson, 342 Or 243, 149 P3d 1200 (2006) [6-month suspension] A lawyer falsely represented to opposing counsel that the court had postponed the trial of a domestic relations case set for trial the following day, and then falsely represented to the court, both orally and in a subsequent affidavit, that opposing counsel had withdrawn her objection to the reset.

18.

Consistent with the ABA Standards and Oregon case law, the parties agree that Respondent shall be suspended for 10 months for violation of RPC 1.16(c), RPC 1.16(d), RPC 3.3(a)(1), RPC 8.4(a)(2), and RPC 8.4(a)(3), the sanction to be effective ten (10) days after approval by the Supreme Court.

19.

In addition, on or before January 3, 2022, Respondent shall pay to the Bar its reasonable and necessary costs in the amount of \$337.30, incurred for attempted service of the Bar's formal complaint on Respondent, and Respondent's deposition in September 2020. Should Respondent fail to pay \$337.30 in full by January 3, 2022, the Bar may thereafter, without further notice to him, obtain a judgment against Respondent for the unpaid balance, plus interest thereon at the legal rate to accrue from the date the judgment is signed until paid in full.

20.

Respondent acknowledges that he has certain duties and responsibilities under the Rules of Professional Conduct and BR 6.3 to immediately take all reasonable steps to avoid foreseeable prejudice to his clients during the term of his suspension. In this regard, Respondent represents that he has no active client files, and no closed or inactive client files in his possession.

21.

Respondent acknowledges that reinstatement is not automatic on expiration of the period of suspension. He is required to comply with the applicable provisions of Title 8 of the Bar Rules of Procedure. Respondent also acknowledges that he cannot hold himself out as an active member of the Bar or provide legal services or advice until he is notified that his license to practice has been reinstated.

22.

Respondent acknowledges that he is subject to the Ethics School requirement set forth in BR 6.4 and that a failure to complete the requirement timely under that rule may result in his suspension or the denial of his reinstatement. This requirement is in addition to any other provision of this agreement that requires Respondent to attend continuing legal education (CLE) courses.

23.

Respondent represents that, in addition to Oregon, he also is admitted to practice law in the jurisdictions listed in this paragraph, whether his current status is active, inactive, or suspended, and he acknowledges that the Bar will be informing these jurisdictions of the final disposition of this proceeding. Other jurisdictions in which Respondent is admitted: New York.

24.

Approval of this Stipulation for Discipline as to substance was given by the SPRB on October 17, 2020. Approval as to form by Disciplinary Counsel is evidenced below. The parties agree the stipulation is to be submitted to the Supreme Court for consideration pursuant to the terms of BR 3.6.

EXECUTED this 1st day of November, 2021.

/s/ William Chika Igbokwe
William Chika Igbokwe, OSB No. 182334

EXECUTED this 1st day of November, 2021.

OREGON STATE BAR

By: /s/ Veronica R. Rodriguez
Veronica R. Rodriguez, OSB No. 181818
Assistant Disciplinary Counsel