

IN THE SUPREME COURT
OF THE STATE OF OREGON

In re:)
)
Complaint as to the Conduct of) Case No. 06-01
)
KASIA QUILLINAN,)
)
Accused.)

Counsel for the Bar: Amber Bevacqua-Lynott
Counsel for the Accused: Christopher R. Hardman
Disciplinary Board: None
Disposition: Violation of RPC 1.6(a), RPC 1.9(c)(1), and
RPC 1.9(c)(2). Stipulation for Discipline. 90-day
suspension.
Effective Date of Order: December 27, 2006

ORDER APPROVING STIPULATION FOR DISCIPLINE

This matter having been heard upon the Stipulation for Discipline entered into by the Accused and the Oregon State Bar, and good cause appearing,

IT IS HEREBY ORDERED that the stipulation between the parties is approved and the Accused is suspended for 90 days, effective December 15, 2006, or 30 days after approval by the Disciplinary Board, whichever is later, for violation of RPC 1.6(a), RPC 1.9(c)(1), and RPC 1.9(c)(2).

DATED this 27th day of November 2006.

/s/ John A. Berge
John A. Berge, Esq.
State Disciplinary Board Chairperson

/s/ Jill A. Tanner
Jill A. Tanner, Esq., Region 6
Disciplinary Board Chairperson

STIPULATION FOR DISCIPLINE

Kasia Quillinan, attorney at law (hereinafter “Accused”), and the Oregon State Bar (hereinafter “Bar”) hereby stipulate to the following matters pursuant to Oregon State 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.

The Accused was admitted by the Oregon Supreme Court to the practice of law in Oregon on April 18, 1980, and has been a member of the Oregon State Bar continuously since that time, having her office and place of business in Marion County, Oregon.

3.

The Accused enters into this Stipulation for Discipline freely and voluntarily. This Stipulation for Discipline is made under the restrictions of Bar Rule of Procedure 3.6(h).

4.

On March 15, 2006, a Formal Complaint was filed against the Accused pursuant to the authorization of the State Professional Responsibility Board (hereinafter “SPRB”), alleging violation of RPC 1.6(a) (revealing information relating to the representation of a client); RPC 1.9(c)(1) (using information relating to the representation of a former client to the disadvantage of the former client); and RPC 1.9(c)(2) (revealing information relating to the representation of a former client). 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.

On October 27, 2005, the Accused sent an email message to members of the Oregon State Bar Workers Compensation Section listserv (consisting of 275 bar members) regarding a former client. This email disclosed personal and medical information that the Accused had learned during the course of her representation of the client. The Accused’s email also characterized the Accused’s former client as “difficult” and suggested that she was now “attorney shopping” because she was unwilling to accept a “very fair” offer from a workers compensation insurer.

6.

The Accused stated in her email that the reason she was sending this information to the listserv attorneys was to “provide some background on (the client’s) case, in the event you are contacted by her.” The Accused’s disclosures in her email were or were likely to be disadvantageous to the Accused’s former client’s efforts to find another qualified attorney to represent her.

Violations

7.

The Accused admits that, by drafting and transmitting the email disclosing information regarding her former client’s representation, she violated RPC 1.6(a), RPC 1.9(c)(1), and RPC 1.9(c)(2).

Sanction

8.

The Accused 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* (hereinafter “*Standards*”). The *Standards* require that the Accused’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.

a. *Duty Violated.* The Accused violated her duty to preserve client confidences. *Standards*, § 4.2. The most important ethical duties are those obligations which a lawyer owes to clients. *Standards*, p. 5.

b. *Mental State.* The Accused knowingly disclosed information related to her former client’s representation. “Knowledge” is the conscious awareness of the nature or attendant circumstances of the conduct, but without the conscious object or purpose to accomplish a particular result. *Standards*, p. 7.

c. *Injury.* Injury can be actual or potential. In this case, the Accused’s client was caused potential injury insofar as the Accused’s disclosures potentially inhibited her client’s ability to obtain replacement counsel through the Accused’s unfavorable characterization of her former client’s demeanor and participation in her case.

d. *Aggravating Factors.* Aggravating factors include:

1. The Accused drafted and transmitted the email, referencing an attorney lien in the case. *Standards*, § 9.22(b).

2. There are multiple offenses, insofar as more than one violation of the Rules of Professional Conduct occurred. *Standards*, § 9.22(d).

3. The Accused has substantial experience in the practice of law. She was admitted in Oregon in 1980. *Standards*, § 9.22(i).

e. *Mitigating Factors*. Mitigating factors include:

1. The Accused has no prior record of discipline. *Standards*, § 9.32(a).
2. The Accused made a full and free disclosure of her conduct in connection with the disciplinary investigation and has demonstrated a cooperative attitude toward the proceedings.
3. The Accused has expressed remorse for her conduct.

9.

Taking into account all of the factors, the *Standards* provided that a suspension is generally appropriate where a lawyer knowingly reveals information relating to the representation of a client not otherwise lawfully permitted to be disclosed, and this disclosure causes injury or potential injury to a client. *Standards*, § 4.22.

10.

Oregon cases also support the imposition of a term of suspension. For example, in *In re Lackey*, 333 Or 215, 37 P3d 172 (2001), the attorney was suspended for one year for disclosing confidences and secrets of his former client (and employer) to the press. The court in *Lackey* found that, after being forced to resign, the attorney divulged his client's information in an effort to embarrass or injure and thereby "exact revenge" on his former client and employer. 333 Or at 229. While the Accused's disclosure in this matter was not favorable to her client and could be viewed as detrimental, the aim and effect of the Accused's conduct was not nearly as serious as that in *Lackey*. Accordingly, while the Accused's conduct is deserving of a suspension, it does not merit the length or severity of that imposed in *Lackey*. See also *In re Paulson*, 341 Or 542, 145 P3d 171 (2006) (four-month suspension for disclosure and use of former-client information on behalf of current client, among other violations); *In re Jennings*, 18 DB Rptr 49 (2004) (30-day suspension for conflicts and confidential disclosures in an estate-planning matter).

11.

Consistent with the *Standards* and Oregon case law, the parties agree that the Accused shall be suspended for 90 days for violations of RPC 1.6(a), RPC 1.9(c)(1), and RPC 1.9(c)(2), the sanction to be effective December 15, 2006, or 30 days after approval by the Disciplinary Board, whichever is later.

12.

This Stipulation for Discipline is subject to review by Disciplinary Counsel of the Oregon State Bar and to approval by the State Professional Responsibility Board (SPRB). If approved by the SPRB, the parties agree the stipulation is to be submitted to the Disciplinary Board for consideration pursuant to the terms of BR 3.6.

Cite as *In re Quillinan*, 20 DB Rptr 288 (2006)

EXECUTED this 14th day of November 2006.

/s/ Kasia Quillinan

Kasia Quillinan

OSB No. 80098

EXECUTED this 16th day of November 2006.

OREGON STATE BAR

By: /s/ Amber Bevacqua-Lynott

Amber Bevacqua-Lynott

OSB No. 99028

Assistant Disciplinary Counsel