

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. BAR-06-4

BOARD OF OVERSEERS OF THE BAR

Plaintiff

v.

**DECISION and ORDER**

PATRICIA DANISINKA-WASHBURN, ESQ.

of Skowhegan, ME

Me. Bar # 1747

Defendant

This bar discipline matter was heard by the Court on June 27, 2007. On July 5, 2007, this Court issued “Findings and Conclusions” which are incorporated in this Order by reference. Throughout these proceedings Attorney Danisinka-Washburn has been represented by William Robitzek, Esq., and the Board of Overseers has been represented by Assistant Bar Counsel Aria eee.

Prior to the second phase of hearing, the parties notified the Court that they were in agreement as to sanctions and resolution of this matter. After discussion with the parties, further hearing has been waived. With approval of the Court, this Order is entered by agreement.

Based upon the Court’s findings of misconduct by Attorney Danisinka-Washburn, the potential disposition must be considered. In determining the

appropriate sanctions for the Code violations, the Court must consider Attorney Danisinka-Washburn's disciplinary history, including her previous suspended suspension in 2003. The Court notes that generally, when a lawyer has been sanctioned for the same or similar misconduct and engages in further acts of misconduct that cause injury to a client, the public, the legal system, or the profession, the appropriate sanction is suspension. *ABA Standards for Imposing Lawyer Sanctions* §8.2 (1986). See *Board of Overseers v. Bruce S. Billings*, BAR-90-16 (1991).

Furthermore, this Court found in its Order of July 5, 2007, that Attorney Danisinka-Washburn received payments from Hattie Burton and another member of Floyd Burton's family in the amount of approximately \$14,000 for legal fees on behalf of Floyd Burton. This Court also concluded that Attorney Danisinka-Washburn's professional services did not justify retention of that amount. The retention of the fees by Attorney Danisinka-Washburn constituted misconduct under the Code.

The Court understands that Hattie Burton has filed a claim seeking reimbursement for her loss from the Lawyers' Fund for Client Protection. The parties agree and the Court orders that if Ms. Burton's claim is approved and paid in whole or in part by the Lawyers' Fund for Client Protection, the Lawyers' Fund for Client Protection shall have a claim for restitution against Attorney Danisinka-

Washburn for the amount paid. This Order shall operate as a judgment in favor of the Lawyers' Fund for Client Protection against Attorney Danisinka-Washburn in an amount equal to what the Fund may pay Ms. Burton plus costs. However, if the Lawyer's Fund determines that the loss was greater than \$14,000 (the approximate amount Ms. Burton paid Attorney Danisinka-Washburn), the Fund may seek an amendment of this Order.

Accordingly, it is hereby ORDERED and ADJUDGED that Patricia Danisinka-Washburn, Esq. is suspended from the practice of law in the State of Maine for a period of five years, effective thirty (30) days after the date of entry of this Order. It is FURTHER ORDERED that on or before the effective date of this Order, Patricia Danisinka-Washburn shall comply with the provisions of M. Bar R. 7.3(i)(1)(A), (B) and (C).

After the period of suspension, Danisinka-Washburn shall then immediately file with the Board a notification of her discontinuance of the practice of law in Maine and will then register on inactive status under Maine Bar Rule 6(C). She shall not thereafter resume the active practice of law without first having complied with all the provisions and requirements of Maine Bar Rule 6(c) (2), (3) and 7.3(j).

Finally, Bar Counsel may file an information directly with the Court without any Grievance Commission review or hearing concerning any new complaints of

