

FILED

JUL 01 2014

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JAMES DEWITT MCBRIDE II,

Lawyer (Bar No. 1603).

Proceeding No. *W#00043*

ADMONITION

Pursuant to Rule 13.5 of the rules for Enforcement of Lawyer Conduct, the following Admonition was issued by the Chair of the Review Committee.

I. ADMISSION TO PRACTICE

At all times material to the complaint, you were licensed to practice in the state of Washington.

II. FACTS

1. You represented a client for about 25 years. When she terminated your representation, she owed you \$11,979.60 in fees.
2. You recorded a lien against the client's real property. *Ross v. Scannell*, 97 Wn.2d 598, 647 P.2d 1004 (1982) prohibits filing a lien against real property unless the unpaid fees have been reduced to judgment. You did not obtain a judgment.

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1 3. The client died and you agreed to represent the personal representative. You talked
2 to the personal representative about your lien, but you did not obtain a written conflict of
3 interest waiver.

4 4. Your lien was paid when the personal representative sold the real property.

5 **III. MISCONDUCT**

6 5. By representing the personal representative in an estate in which you were a creditor
7 without obtaining a written conflict of interest waiver, your conduct violated RPC 1.7 (conflict
8 of interest).

9 6. By recording a lien for unpaid attorney's fees against a client's real property, your
10 conduct violated RPC 8.4(d) (conduct prejudicial to the administration of justice).

11 **IV. ADMONITION**

12 YOU ARE HEREBY ADMONISHED FOR THIS MISCONDUCT. This admonition is
13 not a disciplinary sanction, but is a disciplinary action, and shall be admissible in evidence in
14 subsequent discipline or disability proceedings involving you.

15 You may protest the issuance of this Admonition by filing a written notice of protest
16 with the Association-Attention: Clerk to the Disciplinary Board, within 30 days of the service of
17 this Admonition upon you. Upon receipt of a timely protest, this Admonition shall be
18 rescinded, and the grievance by shall be deemed ordered to hearing.

19 Dated this 30th day of June, 2014.

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21 Barbara McInville, Chair
22 Review Committee IV
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CERTIFICATE OF SERVICE

I certify that I caused a copy of the Admonition
to be delivered to the Office of Disciplinary Counsel and to be mailed
to James McNamee, Respondent/Respondent's Counsel
at 11099 NW 93rd St - Redmond, WA 98052 by Certified ~~first class mail~~
postage prepaid on the 1st day of July, 2014

[Signature]
Clerk/Counsel to the Disciplinary Board