

FILED

Dec 18, 2023

**Disciplinary
Board**

Docket # 030

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**DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION**

In re

JAMES DEWITT MCBRIDE II,
Lawyer (Bar No. 1603).

Proceeding No. 23#00030

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND HEARING OFFICER'S
RECOMMENDATION**

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The undersigned Hearing Officer on December 18, 2023, held a disciplinary proceeding conducted on the written submissions of the Office of Disciplinary Counsel under Rule 10.6(b)(3) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING CHARGED VIOLATIONS**

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1. The Formal Complaint (Bar File 2) charged James Dewitt McBride II with misconduct as set forth therein.

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2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in the Formal Complaint is admitted and established.

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3. The Hearing Officer finds that Respondent received an admonition in 2014 for violations of RPC 1.7 and RPC 8.4(d).

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4. The Hearing Officer finds that Respondent was admitted to practice law in the State

1 of Washington in 1967.

2 5. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations
3 charged in the Formal Complaint is admitted and established as follows:

4 6. By recording a lis pendens against personal property, Respondent violated RPC 3.1
5 and RPC 8.4(d).

6 7. By failing to abide by Jessica McCormick's (the client) request to release the lis
7 pendens, Respondent violated RPC 1.2(a) and RPC 1.4.

8 8. By failing to timely act to release the improper lis pendens, Respondent violated
9 RPC 1.3 and RPC 3.2.

10 9. By failing to respond to the client's request for information about the total fees owed,
11 Respondent violated RPC 1.4.

12 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**
13 **REGARDING RECOMMENDED SANCTION**

14 1. Respondent received an admonition in 2014 for violations of RPC 1.7 and RPC and
15 8.4(d).

16 2. Respondent acted knowingly by failing to perform services for McCormick, failing
17 to abide by the client's wishes, and failing to communicate with the client.

18 3. Respondent was at least negligent in failing to pursue only meritorious claims.

19 4. Respondent engaged in a pattern of neglect by ignoring McCormick's multiple
20 requests to release the lis pendens.

21 5. There was injury to McCormick because the sale of the mobile home was made more
22 difficult than necessary.

23 6. There was interference with a legal proceeding because Respondent's actions and
24 inactions prevented the parties from resolving the litigation.

1 7. The presumptive sanction for the violations of RPC 3.1 and RPC 8.4(d) charged in
2 Count 1 of the Formal Complaint is reprimand under ABA Standards 6.2:

3 6.23 **Reprimand** is generally appropriate when a lawyer negligently fails to comply
4 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.

5 8. The presumptive sanction for the violations of RPC 1.2, RPC 1.3, and RPC 1.4
6 charged in Counts 2-4 of the Formal Complaint is suspension under ABA Standards 4.4:

7 4.42 **Suspension** is generally appropriate when:

8 (a) a lawyer knowingly fails to perform services for a client and causes injury
or potential injury to a client, or

9 (b) a lawyer engages in a pattern of neglect and causes injury or potential
injury to a client.

10 9. Where there are multiple ethical violations, the "ultimate sanction imposed should
11 at least be consistent with the sanction for the most serious instance of misconduct among a
12 number of violations." In re Disciplinary Proceeding Against Petersen. 120 Wn.2d 833, 854, 11
13 846 P. 2d 1330 (1993) (quoting ABA Standards at 6).

14 10. The length of suspension is based on the aggravating and mitigating factors.
15 Halverson, 140 Wn.2d at 493. A six-month suspension is "the presumptive starting point when
16 suspending an attorney." In re Disciplinary Proceeding Against Conteh. 175 Wn.2d 134, 154, 15
17 284 P. 3d 724 (2012) (quotation omitted). On balance, the aggravating and mitigating factors do
18 not provide cause to deviate from the presumptive sanction of suspension or the presumptive
19 starting point of six months.

20 11. The following aggravating factors set forth in Section 9.22 of the ABA Standards
21 apply in this case:

22 (a) prior disciplinary offenses [2014 admonition for violations of RPC 1.7 and
8.4(d)];

23 (i) substantial experience in the practice of law [admitted to practice law in
24 Washington in 1967].

I certify that I caused a copy of the FOF, COL and HO's Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent James Dewitt McBride II, at mcbridelawyer@icloud.com, on the 18th day of November, 2023.



Clerk to the Disciplinary Board