

FILED

Sep 28 2018

Disciplinary
Board

Docket # 059

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

THOMAS HENRY OLDFIELD,

Lawyer (Bar No. 2651).

Proceeding No. 16#00099

ODC File Nos. 14-01463 and 14-01398

Resignation Form of Thomas Henry Oldfield
(ELC 9.3(b))

I, Thomas Henry Oldfield, declare as follows:

1. I am over the age of eighteen years and am competent. I make the statements in this declaration from personal knowledge.

2. I was admitted to practice law in the State of Washington on September 28, 1970.

3. I was served with a Formal Complaint and Notice to Answer in this matter on February 27, 2017.

4. After consulting with my counsel, Anne Seidel, I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Discipline under Rule 9.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

5. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged

1 misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in
2 Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to
3 permanently resign from membership in the Association. I do not agree with the allegations and
4 have answered the Formal Complaint in my Answer, which is of record.

5 6. Rather than defend against the allegations, at 72 years of age, I have chosen to
6 resign in lieu of discipline. I wish to permanently resign from membership in the Association.

7 7. I consent to entry of an order under ELC 13.9(e) assessing expenses of \$1,500 in
8 this matter.

9 8. I understand that my resignation is permanent and that any future application by
10 me for reinstatement as a member of the Association is currently barred. If the Washington
11 Supreme Court changes this rule or an application is otherwise permitted in the future, it will be
12 treated as an application by one who has been disbarred for ethical misconduct. If I file an
13 application, I will not be entitled to a reconsideration or reexamination of the facts, complaints,
14 allegations, or instances of alleged misconduct on which this resignation was based.

15 9. I agree to (a) notify all other states and jurisdictions in which I am admitted of this
16 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in any
17 other jurisdiction in which I am admitted; and (c) provide Disciplinary Counsel with copies of
18 this notification and any response(s). I acknowledge that this resignation could be treated as a
19 disbarment by all other jurisdictions.

20 10. I agree to (a) notify all other professional licensing agencies in any jurisdiction
21 from which I have a professional license that is predicated on my admission to practice law of
22 this resignation in lieu of discipline; (b) seek to resign permanently from any such license; and
23 (c) provide disciplinary counsel with copies of any of these notifications and any responses.

1 11. I agree that when applying for any employment, I will disclose the resignation in
2 lieu of discipline in response to any question regarding disciplinary action or the status of my
3 license to practice law.

4 12. I understand that my resignation becomes effective on Disciplinary Counsel's
5 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary
6 Counsel must do so promptly following receipt of this document.

7 13. When my resignation becomes effective, I agree to be subject to all restrictions that
8 apply to a disbarred lawyer.

9 14. Upon filing of my resignation, I agree to comply with the same duties as a
10 disbarred lawyer under ELC 14.1 through ELC 14.4.


11 15. I understand that, after my resignation becomes effective, it is permanent. I will
12 never be eligible to apply and will not be considered for admission or reinstatement to the
13 practice of law nor will I be eligible for admission for any limited practice of law.

14 16. I certify under penalty of perjury under the laws of the State of Washington that
15 the foregoing is true and correct.

16 5/14/18 Seattle, WA
Date and Place

Thomas H. Oldfield
Thomas Henry Oldfield,
Bar No. 2651

18 ENDORSED BY:

19 
20 Francesca D'Angelo, Senior Disciplinary Counsel
21 Bar No. 22979

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12 Lawyer (Bar No. 2651).

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13 STATEMENT OF ALLEGED
14 MISCONDUCT UNDER ELC 9.3(b)(1)

15 The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of
16 the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

17 **I. ADMISSION TO PRACTICE**

18 1. Respondent Thomas Henry Oldfield was admitted to the practice of law in the
19 State of Washington on September 28, 1970.

20 **II. ALLEGED FACTS**

21 2. Respondent is a lawyer who practices in the fields of real estate, business, estate
22 planning, and probate.

23 3. On July 24, 2006, Respondent's mother, Margaret Oldfield, died at the age of 99.
24 Margaret's will named Respondent the personal representative of her estate.

1 4. In her will, Margaret left fifteen monetary bequests to specific beneficiaries
2 totaling \$102,000.

3 5. Margaret bequeathed her personal effects to Respondent's children, Katherine
4 Oldfield Janssen and Shelley Oldfield Higgins. The bequest included clothing, jewelry, and
5 household furniture. Margaret also bequeathed real property to Katherine and Shelley.

6 6. Respondent was the remainder beneficiary under the terms of the will.

7 7. On December 1, 2006, Respondent, as attorney for the personal representative of
8 Margaret's estate, filed a verified petition for probate of Margaret's will.

9 8. In the petition, Respondent stated that Margaret's heirs, legatees and devisees were
10 himself, Katherine and Shelley, Susan Campbell, Kirsten Manger and Douglas Manger.

11 9. Margaret's will named other legatees and devisees, whom Respondent did not list
12 in the petition.

13 10. Respondent signed the petition as the personal representative, affirming under oath
14 that the statements in the petition were true and correct.

15 11. The petition was incorrect and incomplete.

16 12. Respondent failed to notify each heir, legatee, devisee, beneficiary, and transferee
17 of his appointment and the pendency of the proceedings as required by RCW 11.28.237.

18 13. On July 19, 2007, Respondent signed an executor's deed to the real property,
19 deeding it to Katherine and Shelley.

20 14. On the same day, Katherine and Shelley signed a statutory warranty deed deeding
21 the property to Respondent, personally. Although the statutory warranty deed required the
22 attestation of a notary, there was no notary present.

23 15. Respondent caused his legal assistant to notarize Katherine and Shelley's

1 signatures on the documents at a later date.

2 16. The legal assistant's notary affidavit improperly attested that Katherine and
3 Shelley had appeared personally before her to sign the documents.

4 17. Respondent caused the improperly notarized deeds to be recorded with the Pierce
5 County Auditor's office.

6 18. Respondent failed to inform Katherine and Shelley that Margaret's will bequeathed
7 them her household furniture and personal belongings and failed to distribute the property to
8 them.

9 19. Respondent did not timely distribute Margaret's jewelry to Katherine and Shelley
10 or provide them with an inventory of the jewelry.

11 20. Katherine and Shelley did not learn that Margaret's will devised all of her personal
12 property to them until they received a copy of the will in 2012.

13 21. Respondent subsequently distributed the jewelry and furnishings to Katherine and
14 Shelley.

15 22. By January 2014, Respondent had not informed at least four beneficiaries that they
16 were beneficiaries under Margaret's will, nor had he paid them their monetary bequests.

17 23. By January 2014, there were no funds left in Margaret's estate to pay the
18 beneficiaries.

19 24. In or around February and March 2014, Respondent paid the following bequests:

- 20 • Felice Davis - \$5,000 plus \$2,500 interest
- 21 • Kyu Sun Williams - \$1,000 plus \$850 interest
- 22 • First Church of Christ Scientist - \$5,000 plus \$4,250 interest
- 23 • Felice Davis - \$1,750 additional interest

