

FILED

AUG 21 2012

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

GARY C. HUGILL,
Lawyer (Bar No. 4713).

Proceeding No. 10#00104

REPRIMAND

Under the Rules for Enforcement of Lawyer Conduct promulgated by the Supreme Court of the State of Washington, you have been directed to receive this FORMAL REPRIMAND.

You represented Nation Credit Adjustment Association ("NCAA"). NCAA employed Mary Kay Jacobs as an in-house paralegal. Ms. Jacobs prepared all of the pleadings for NCAA, which you then signed. Ms. Jacobs filed the pleadings in either Benton or Franklin County District Court.

You signed the pleadings prepared by Ms. Jacobs, which were filed with the court, without reviewing them. You did not perform any investigation of the legal and/or factual basis for the claims alleged in the pleadings before they were filed with the court. You did not determine when or what legal action was appropriate to be filed by NCAA against debtors. You

1 | relied on Ms. Jacob to determine in which court to file legal actions.

2 | The pleadings Ms. Jacobs prepared and you then signed incorrectly stated that venue
3 | was proper based on the debtor's county of residence. Some lawsuits were filed in a county
4 | other than the debtor's county of residence, causing venue to be improper. The pleadings Ms.
5 | Jacobs prepared and you then signed also incorrectly added between \$3 and \$10 to the principal
6 | amount owed by the debtor, which resulted in increased interest, statutory damages, and other
7 | costs. Because you did not review the pleadings you signed that were filed with the court, you
8 | were not aware of Ms. Jacob's errors.

9 | Your conduct in allowing Ms. Jacobs to determine when and what legal action should
10 | be taken against the debtors violated RPC 2.1 and RPC 5.5(a).

11 | By bringing actions on behalf of NCAA against debtors without investigating whether
12 | there was a basis in law or in fact for the claims asserted in the pleadings, and by not
13 | investigating whether the amount being sought by NCAA was correct, you violated RPC 1.3.

14 | By failing to ensure that actions brought by NCAA were filed where venue was proper,
15 | you violated RPC 8.4(d).

16 | These actions merit a Formal Reprimand. Your actions discredit you and the legal
17 | profession and show a disregard for the high traditions of honor expected from a member of the
18 | Association.

19 | NOW, THEREFORE, YOU ARE HEREBY REPRIMANDED by the Washington State
20 | Bar Association for this misconduct. This Reprimand will be made a part of your permanent
21 | record with the Association, and will be considered along with other evidence regarding any
22 | future grievances against you.

23 | Your privilege to practice law in the State of Washington is based on the finding that
24 |

1 you are a person of good moral character, and on your commitment to abide by the rules
2 governing the conduct of members of the Association. The Association expects all your future
3 conduct as a lawyer to be consistent with that finding as to your character, and with a continuing
4 commitment on your part to the letter and spirit of those rules.

5
6 Dated this 10th day of August, 2012.

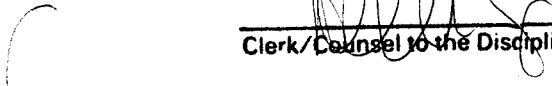
7 WASHINGTON STATE BAR ASSOCIATION

8 

9 Stephen Crossland, President

10
11
12
13 CERTIFICATE OF SERVICE

14 I certify that I caused a copy of the Reprimand
15 to be delivered to the Office of Disciplinary Counsel and to be mailed
16 to John Schultz, Respondent/Respondent's Counsel
17 at 2415 W. Falls Ave Kennewick WA 99336, by Certified/~~first class mail~~
18 postage prepaid on the 21st day of August, 2012

19 
20 Clerk/Counsel to the Disciplinary Board

21
22
23
24
25 Larry Stephenson
315 W. Fenwick Ave
Kennewick, WA 99336

Memorandum

To: Allison Sato, Clerk to Disciplinary Board

From: Debra Slater, Disciplinary Counsel



Date: August 21, 2012

Re: Service of Reprimand on Gary C. Hugill

I am attaching an original reprimand for service on Gary C. Hugill. I have filed the duplicate original in the public file.

Thank you.