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DISCIPLINARY
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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

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

Proceeding No. 14#00019

ODC File Nos. 13-00144; 17-00964

Resignation Form of Gary C. Hugill (ELC
9.3(b))

I, Gary C. Hugill, 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 October 25, 1972.
3. I was served with a Formal Complaint and Notice to Answer in this matter on June 9, 2014. I was served with a Second Amended Formal Complaint on October 8, 2014.
4. After consultation with my counsel, Leland Ripley, I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Discipline under Rule 9.3 of the Rules for Enforcement of Lawyer Conduct (ELC).
5. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged

Resignation Form of Gary C. Hugill
(ELC 9.3(b))

Page 1.

OFFICE OF DISCIPLINARY COUNSEL
OF THE WASHINGTON STATE BAR ASSOCIATION
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 727-8207

054

1 misconduct for purposes of ELC 9.3(b), which includes a copy of the Second Amended Formal
2 Complaint (14#00019). I am aware of the alleged misconduct stated in Disciplinary Counsel's
3 statement but, rather than defend against the allegations, I wish to permanently resign from
4 membership in the Association.

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

7 7. I agree to pay restitution of all legal fees paid to me by any clients whom I
8 represented while suspended from the practice of law. I agree to make the payments within two
9 (2) weeks of the date of this resignation and to provide proof of all restitution payments to
10 disciplinary counsel within two (2) weeks of payment.

11 8. I agree to pay any additional costs or restitution that may be ordered by a Review
12 Committee under ELC 9.3(g).

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

19 10. I agree to (a) notify all other states and jurisdictions in which I am admitted of this
20 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in those
21 states or jurisdictions; and (c) provide disciplinary counsel with copies of this notification and
22 any response(s). I acknowledge that this resignation could be treated as a disbarment by all
23 other jurisdictions.

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

5 12. I agree that when applying for any employment, I will disclose the resignation in
6 lieu of discipline in response to any question regarding disciplinary action or the status of my
7 license to practice law.

8 13. I understand that my resignation becomes effective on disciplinary counsel's
9 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) disciplinary
10 counsel must do so promptly following receipt of this document.

11 14. When my resignation becomes effective, I agree to be subject to all restrictions that
12 apply to a disbarred lawyer.

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

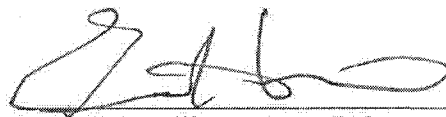
15 16. I understand that, after my resignation becomes effective, it is permanent. I will
16 never be eligible to apply and will not be considered for admission or reinstatement to the
17 practice of law nor will I be eligible for admission for any limited practice of law.

18 17. I certify under penalty of perjury under the laws of the State of Washington that
19 the foregoing is true and correct.

20 December 8, 2017


21 Date and Place

22 Kennewick, Washington

23 

24 Gary C. Hugill, Bar No. 4713

1 ENDORSED BY:

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3 Benjamin J. Attanasio, Disciplinary Counsel
4 Bar No. 43032

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Resignation Form of Gary C. Hugill
(ELC 9.3(b))
Page 4

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OF THE WASHINGTON STATE BAR ASSOCIATION
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(206) 727-8207

EXHIBIT A

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BEFORE THE
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In re

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

Proceeding No. 14#00019

ODC File No(s). 13-00144; 17-00964

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

The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of the Rules for Enforcement of Lawyer Conduct (ELC).

I. ADMISSION TO PRACTICE

1. Respondent Gary C. Hugill was admitted to the practice of law in the State of Washington on October 25, 1972.

II. ALLEGED FACTS

2. On September 18, 2015, Respondent was suspended on an interim basis under ELC 7.2(a)(1)(C).

3. Respondent has remained suspended since September 18, 2015.

4. In or around March 2017, H.P. hired Respondent to represent her in a dispute with

1 her neighbor, J.C.¹, over a tree on J.C.'s property that was encroaching on the H.P.'s property.

2 5. Respondent collected \$1,000 from H.P. for the representation.

3 6. Respondent did not advise H.P. that he was suspended and ineligible to practice
4 law.

5 7. On March 23, 2017, Respondent sent a letter to J.C. demanding that he remove the
6 tree and threatening legal action if he did not do so.

7 8. Respondent's letterhead read, in pertinent part: "Gary C. Hugill Attorney at Law."

8 9. Respondent was not eligible to practice law in March 2017.

9 10. After receiving the letter, J.C. hired a lawyer, Shea Meehan, to represent him in the
10 dispute.

11 11. By June 2017, the tree had been removed.

12 12. On June 7, 2017, Respondent sent another letter to J.C., who was then represented
13 by Mr. Meehan.

14 13. In his June 7, 2017 letter, Respondent demanded that J.C. take steps to repair
15 damage to H.P.'s property resulting from the removal of the tree and threatened further legal
16 action against J.C. if those steps were not taken.

17 14. Respondent twice referred to J.C.'s lawyer, Mr. Meehan, in the June 7, 2017 letter.

18 15. Respondent's letterhead was identical to his March 23, 2017 letter, including the
19 title "Attorney at Law."

20 16. Respondent was not eligible to practice law in June 2017.

21 17. The remaining alleged facts are included in the attached Second Amended Formal
22 Complaint, filed on October 8, 2014 in proceeding no. 14#00019 (attached as Exhibit B).

23 _____
24 ¹ The names of Respondent's clients and the opposing party have been redacted to protect their identities.

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III. ALLEGED MISCONDUCT.

18. By representing the H.P. while suspended from the practice of law, Respondent violated RPC 5.5, 5.8(a), and 8.4(l) (by violating ELC 1.5 and 14.2).

19. By communicating directly with J.C., a represented party, without consent or other authorization, Respondent violated RPC 4.2.

20. The remaining alleged misconduct is listed in the attached Second Amended Formal Complaint (Exhibit B).

DATED this 8th day of December, 2017.



Benjamin J. Attanasio, Bar No. 43032
Disciplinary Counsel

EXHIBIT B

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BEFORE THE
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OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

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

Proceeding No. 14#00019

SECOND AMENDED FORMAL
COMPLAINT

Under Rule 10.3 of the Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association charges the above-named lawyer with acts of misconduct under the Rules of Professional Conduct (RPC) as set forth below.

ADMISSION TO PRACTICE

1. Respondent Gary C. Hugill was admitted to the practice of law in the State of Washington on October 25, 1972.

FACTS REGARDING COUNT 1

2. On January 8, 2013, Respondent went to the Benton County District Court on behalf of a client, Juan Antonio Nino.

mb

1 3. Warrants for Mr. Nino's arrest had been issued under four different case numbers
2 because of his failure to make certain court-ordered payments.

3 4. Respondent had agreed to assist Mr. Nino in having his warrants quashed and in
4 setting up a new payment plan.

5 5. Before going to court, Respondent prepared a typewritten document entitled
6 "Motion/Order to Quash Warrant Not [*sic*] for Docket" on which two of the four case numbers
7 appeared.

8 6. Respondent was not aware that warrants had been issued in two other cases, as
9 well.

10 7. The "Motion/Order" prepared by Respondent began: "COMES NOW Gary C.
11 Hugill, attorney for defendant, and the City of Richland, plaintiff and stipulates as follows:"

12 8. The "Motion/Order" prepared by Respondent stated in part: "PURSUANT TO
13 THE ABOVE STIPULATION THE WARRANT IS HEREBY QUASHED and the is [*sic*]
14 Clerk is directed to set this case on the docket for _____."

15 9. Although the "Motion/Order" references a stipulation, it was never presented to a
16 prosecuting attorney.

17 10. None of the four cases in which warrants for Mr. Nino's arrest had been issued was
18 noted for hearing on January 8, 2013.

19 11. Respondent went to the courtroom of Judge Joseph M. Burrowes, who was
20 conducting proceedings in some other matters.

21 12. Respondent approached the bench, handed up one or more copies of the
22 "Motion/Order" he had prepared, and began discussing Mr. Nino's financial situation.

23 13. Judge Burrowes looked up Mr. Nino's cases on his computer and informed

1 Respondent that there were four warrants, not just two.

2 14. Judge Burrowes wrote the four case numbers on a note and handed it to
3 Respondent.

4 15. Judge Burrowes told Respondent to take the note to the court clerk, who would
5 schedule a warrant hearing for January 15, 2013.

6 16. Judge Burrowes did not sign the "Motion/Order" that Respondent had prepared.

7 17. Judge Burrowes did not tell Respondent that the "Motion/Order" would be or had
8 been signed.

9 18. Judge Burrowes did not tell Respondent that the warrants would be or had been
10 quashed.

11 19. Judge Burrowes handed one or more copies of the "Motion/Order" back to
12 Respondent.

13 20. Following his conversation with Judge Burrowes, Respondent made the following
14 additions to the "Motion/Order:"

15 a. Respondent filled in blanks with the date and time of the next hearing,
16 January 15, 2013.

17 b. Respondent wrote in the four case numbers that Judge Burrowes had
18 given him.

19 c. Respondent wrote "/s/ Judge Burrows" [*sic*] on the signature line directly
20 above the words "JUDGE/COURT COMMISSIONER."

21 21. Respondent caused a copy of the "Motion/Order" with the above-described
22 additions to be filed in the Benton County District Court.

23 22. Respondent caused a copy of the "Motion/Order" with the above-described

1 additions to be transmitted to the Richland Police Department.

2 23. Respondent caused a copy of the "Motion/Order" with the above-described
3 additions to be transmitted to the Kennewick Police Department.

4 24. After receiving a copy of the "Motion/Order" with the above-described additions,
5 an employee of the Richland Police Department contacted the Benton County District Court and
6 learned that the warrants had not in fact been quashed.


7 25. After receiving a copy of the "Motion/Order" with the above-described additions,
8 an employee of the Kennewick Police Department contacted the Benton County District Court
9 and learned that the warrants had not in fact been quashed.

10 **COUNT 1**

11 26. By representing the "Motion/Order" as a stipulation between the parties, by writing
12 "/s/ Judge Burrows" [sic] on the signature line of the "Motion/Order," and/or by transmitting the
13 "Motion/Order" with the above-described addition to the Richland Police Department and/or the
14 Kennewick Police Department, Respondent violated RPC 8.4(c) and/or 8.4(d).

15 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
16 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
17 restitution, and assessment of the costs and expenses of these proceedings.

18
19 Dated this 8th day of October, 2014.

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22 _____
23 Scott G. Busby, Bar No. 17522
Senior Disciplinary Counsel