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FILED

OCT 09 2012

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

RONALD W. ANDERSON,

Lawyer (Bar No. 7418).

Proceeding No. 12# 00089

STIPULATION TO REPRIMAND

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to Reprimand is entered into by the Washington State Bar Association (Association), through disciplinary counsel Linda B. Eide and Respondent lawyer Ronald W. Anderson.

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to him. Respondent chooses to resolve this proceeding now by entering into the following stipulation to facts, misconduct and sanction to avoid the risk, time, and expense attendant to further proceedings.

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1 **I. ADMISSION TO PRACTICE**

2 1. Respondent was admitted to practice law in the State of Washington on
3 May 13, 1977.

4 **II. STIPULATED FACTS**

5 1. Respondent had to submit a compliance certification by February 1, 2012, to show
6 that he had earned 45 credit hours of approved Continuing Legal Education (CLE) courses
7 during the past three years. Half the credit hours must be earned as "live credits," half may be
8 obtained by "self-study," which includes audio only or audio-visual (A/V) courses, and six
9 credit hours must be in ethics. Failure to meet Mandatory CLE requirements may result in an
10 order from the Supreme Court suspending the lawyer's license to practice.

11 2. On January 30, 2012, Respondent signed a 2009-2011 Supplemental Mandatory
12 Continuing Legal Education (MCLE) Certification Form "under penalty of perjury" certifying
13 that Respondent claimed 53 hours of Continuing Legal Education (CLE) credit, all in audio only
14 or audio-visual (A/V) courses. The course sponsor for each course was Lawline.com.

15 3. Respondent attached a printout from Lawline.com showing an alphabetical course
16 list, the production date of the course, and the number of general or ethics credit hours one
17 could claim for that course in Washington State.

18 4. Respondent circled the courses for which he claimed credit, sub-totaled the credits
19 by page, and submitted that information as part of the CLE Certification Form to claim 53 credit
20 hours.

21 5. In a February 12, 2012 email message, the MCLE Department advised Respondent
22 that he had neither complied with the live CLE requirements, nor requested a waiver. A prior
23 waiver did not cover the current reporting period, but the MCLE Department manager included
24

1 a petition form to enable Respondent to again apply for a waiver of the live CLE requirement.
2 She also asked Respondent to clarify the dates he completed the CLEs because some dates were
3 missing or illegible.

4 6. The Association asked Lawline to verify that Respondent had watched the programs
5 as he claimed. Lawline could not do so because Respondent had not used a program feature
6 imbedding a code in each program that Lawline verifies to show that a lawyer completed its
7 course.

8 7. The MCLE Department does not require lawyers to report the imbedded code to
9 Lawline to earn the completed rating. Instead, it relied on Respondent's certification that he
10 "completed" the specified MCLE courses.

11 8. Respondent's January 30, 2012 certification form claimed credit for a course titled
12 "Litigation Issues in Mixed Martial Arts." But Lawline never produced that program, as the
13 presenter rescheduled and then could not be reached.

14 9. On February 13, 2012, the MCLE Department asked Respondent to verify his
15 completion on July 20, 2011, of the "Handling Business Valuation" course that appears on the
16 alphabetic list of Lawline course Respondent submitted.

17 10. Respondent did not reply specifically to that concern. Instead, Respondent wrote
18 back that "[t]o the best of my recollection I took all the courses that I sent to you."

19 11. Lawline did not originally broadcast the "Handling Business Valuation" course until
20 February 7, 2012, more than six months after the date Respondent reportedly watched it.

21 12. Respondent lives in a remote area in Canada. Since these problems came to light, he
22 has worked with the MCLE Department in an attempt to demonstrate that courses or other
23 experience in Canadian law may satisfy remaining MCLE requirements. The MCLE Board
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1 granted him an extension to September 30, 2012 to demonstrate compliance. In addition,
2 Respondent reports significant health problems and attributes any carelessness or lapse in
3 judgment in completing the MCLE certification to such issues and his resultant medications
4 regimen.

5 13. Respondent acted knowingly when he falsely claimed credit hours for programs he
6 did not watch.

7 III. STIPULATION TO MISCONDUCT

8 14. By submitting false information on his MCLE certification form, Respondent
9 violated RPC 8.4(c), which provides that it is professional misconduct for a lawyer to “engage
10 in conduct involving dishonesty, fraud, deceit or misrepresentation.”

11 IV. PRIOR DISCIPLINE

12 15. Respondent received a Censure in January 2002.

13 V. APPLICATION OF ABA STANDARDS

14 16. The following American Bar Association Standards for Imposing Lawyer Sanctions
15 (1991 ed. & Feb. 1992 Supp.) apply to this case:

16 ABA Standards 5.13 applies to Respondent’s violation of RPC 8.4(c)
17 (misrepresentations).

18 5.1 *Failure to Maintain Personal Integrity*

19 5.11 Disbarment is generally appropriate when:

- 20 (a) a lawyer engages in serious criminal conduct, a necessary element of
21 which includes intentional interference with the administration of justice,
22 false swearing, misrepresentation, fraud, extortion, misappropriation, or
23 theft; or the sale, distribution or importation of controlled substances; or
24 the intentional killing of another; or an attempt or conspiracy or
solicitation of another to commit any of these offenses; or
(b) a lawyer engages in any other intentional conduct involving dishonesty,
fraud, deceit, or misrepresentation that seriously adversely reflects on the
lawyer’s fitness to practice.

1 5.12 Suspension is generally appropriate when a lawyer knowingly engages in
2 criminal conduct which does not contain the elements listed in Standard 5.11 and
that seriously adversely reflects on the lawyer's fitness to practice.

3 **5.13 Reprimand is generally appropriate when a lawyer knowingly engages in**
4 **any other conduct that involves dishonesty, fraud, deceit, or**
5 **misrepresentation and that adversely reflects on the lawyer's fitness to**
6 **practice law.**

7 5.14 Admonition is generally appropriate when a lawyer engages in any other conduct
8 that reflects adversely on the lawyer's fitness to practice law.

9 17. Respondent acted knowingly.

10 18. Respondent caused potential injury when he attempted to claim credits for which he
11 was not eligible.

12 19. The following aggravating factors apply under ABA Standards Section 9.22:

- 13 (a) prior discipline [Respondent received a public censure on January 3, 2002, for
14 disclosing client confidences and secrets in court pleadings];
15 (b) dishonest or selfish motive;
16 (i) substantial experience in the practice of law [Respondent was admitted to
17 practice law in Washington State on May 13, 1977].

18 20. The following mitigating factors apply under ABA Standards Section 9.32:

- 19 (c) personal or emotional problems (Respondent has experienced significant health
20 problems);
21 (d) timely good faith effort to make restitution or to rectify consequences of
22 misconduct (Respondent obtained an extension and continues to work with the
23 MCLE Department to obtain necessary waivers or otherwise fully satisfy his
24 MCLE requirements);
(m) remoteness of prior offenses (Respondent's prior discipline became final ten
years ago).

25 21. Also, it is an additional mitigating factor that Respondent has agreed to resolve this
26 matter at an early stage of the proceedings.

27 22. On balance the aggravating and mitigating factors do not require a departure from
28 the presumptive sanction.

29 23. Based on the factors set forth above, the presumptive sanction should be a
30 reprimand.

1 **VI. STIPULATED DISCIPLINE**

2 24. Respondent agrees to a Stipulation to Reprimand.

3 **VII. RESTITUTION**

4 25. Respondent is not required to pay restitution.

5 **VIII. COSTS AND EXPENSES**

6 26. In light of Respondent's willingness to resolve this matter by stipulation at an early
7 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$750 in
8 accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l)
9 if these costs are not paid within 30 days of approval of this stipulation.

10 **IX. VOLUNTARY AGREEMENT**

11 27. Respondent states that prior to entering into this Stipulation he had an opportunity to
12 consult independent legal counsel regarding this Stipulation, that Respondent is entering into
13 this Stipulation voluntarily, and that no promises or threats have been made by the Association,
14 nor by any representative thereof, to induce the Respondent to enter into this Stipulation except
15 as provided herein.

16 **X. LIMITATIONS**

17 28. This Stipulation is a compromise agreement intended to resolve this matter in
18 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
19 expenditure of additional resources by the Respondent and the Association. Both the
20 Respondent lawyer and the Association acknowledge that the result after further proceedings in
21 this matter might differ from the result agreed to herein.

22 29. This Stipulation is not binding upon the Association or the respondent as a statement
23 of all existing facts relating to the professional conduct of the respondent lawyer, and any
24

1 additional existing facts may be proven in any subsequent disciplinary proceedings.

2 30. This Stipulation results from the consideration of various factors by both parties,
3 including the benefits to both by promptly resolving this matter without the time and expense of
4 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
5 such, approval of this Stipulation will not constitute precedent in determining the appropriate
6 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
7 subsequent proceedings against Respondent to the same extent as any other approved
8 Stipulation.

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10 including the benefits to both by promptly resolving this matter without the time and expense of
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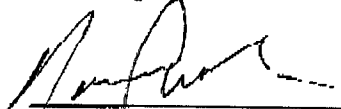
16 32. Under ELC 3.1(b), all documents that form the record before the Hearing Officer for
17 his or her review become public information on approval of the Stipulation by the Hearing
18 Officer, unless disclosure is restricted by order or rule of law.

19 33. If this Stipulation is approved by the Hearing Officer, it will be followed by the
20 disciplinary action agreed to in this Stipulation. All notices required in the Rules for
21 Enforcement of Lawyer Conduct will be made.

22 34. If this Stipulation is not approved by the Hearing Officer, this Stipulation will have
23 no force or effect, and neither it nor the fact of its execution will be admissible as evidence in
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1 the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil
2 or criminal action.

3 WHEREFORE the undersigned being fully advised, adopt, and agree to the facts and
4 terms of this Stipulation to Discipline as set forth above.

5 
6 _____
7 Ronald W. Anderson, Bar No. 7418
8 Respondent

Dated: 9-25-2012

9 _____
10 Linda B. Eide, Bar No. 10637
11 Senior Disciplinary Counsel

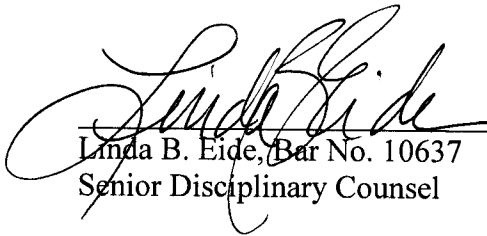
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6 _____
Ronald W. Anderson, Bar No. 7418
Respondent

Dated: _____

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8 
9 _____
Linda B. Eide, Bar No. 10637
Senior Disciplinary Counsel

Dated: September 25, 2012