

FILED
JAN 15 2015
DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JAMES ARTHUR STURDEVANT,

Lawyer

WSBA No. 8016

ADMONITION

Proceeding No. 14#00042.

Pursuant to Rule 13.5 of the Rules for Enforcement of Lawyer Conduct, the following Admonition was issued by the Disciplinary Board Chair.

I. ADMISSION TO PRACTICE

At all times material to the complaint herein, you practiced law in the State of Washington.

II. FACTS

1. In 2010, you represented a client after her residence had been sold at a Trustee's Sale following a non-judicial foreclosure. After the residence sale occurred, the purchaser filed an unlawful detainer action to evict your client from her residence. In that unlawful detainer action, your client initially appeared *pro se*. After the court issued a Writ of Restitution evicting your client from the residence, she paid you a \$500.00 flat fee to "enter information into the record" in the unlawful detainer action. You filed a Motion for Reconsideration. Your motion sought to raise the issue of wrongful foreclosure voiding the purchaser's title to the subject property. You also prepared a Lis Pendens and advised your client to file it with the county auditor against her former residence. Following your advice, the client filed the Lis Pendens.

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2. The purchaser's counsel wrote you a letter to advise that the Motion to Reconsider was frivolous, and filed a pleading asking the court to deny it. You appeared before the court and argued the motion. The court struck the declarations supporting the motion and granted the relief sought by the purchaser.

3. Washington law, including RCW 61.24.127(2)(d), prohibits filing a Lis Pendens after a judicial foreclosure. After the purchaser's counsel wrote a separate letter to you to ask that the Lis Pendens be removed, it was not removed. Following that, the purchaser's counsel then filed a motion that asked the court to remove the Lis Pendens and order your client to pay the purchaser's attorney's fees. Two days later, you filed a notice of intent to withdraw, effective the day before the motion was to be heard. Your client appeared *pro se* at the motion hearing. The court granted the purchaser's motion, ordered the Lis Pendens removed and ordered your client to pay \$450.00 in attorney's fees.

4. A month after the court granted the purchaser's motion and awarded the purchaser's attorney's fees, you sent your client a bill for \$4,500. She stated she did not authorize some of your work and refused to pay for much of your work. You did not have a written fee agreement or any other record of your fee agreement. You sued your client for unpaid attorney's fees and later sought CR 11 sanctions against her. Following a trial, the court found that your client did not owe you any fees other than the \$500.00 she already paid. The court denied your request for CR 11 sanctions. The court also imposed close to \$6,000.00 in attorney's fees and costs against you.

III. MISCONDUCT

5. By advising and assisting your client to file a Lis Pendens following a non-judicial foreclosure when the Washington Deed of Trust Act (RCW 61.24) prohibits this filing, your conduct violated RPC 1.1 (competence) and RPC 4.4 (respect for rights of third persons).

6. By seeking to collect attorney's fees against your former client after you failed to adequately communicate the basis of your fee and scope of your representation and after your client claimed she did not authorize at least some of your work, your conduct violated RPC 1.2(a) (scope of representation) and RPC 1.5(b) (fees).

IV. ADMONITION

YOU ARE HEREBY ADMONISHED FOR THIS MISCONDUCT. This admonition is not a disciplinary sanction, but is a permanent discipline record admissible in subsequent discipline or disability proceedings involving you.

Dated this 15 day of January, 2015

Chairperson William A. Drematidis
Disciplinary Board

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Admonition
to be delivered to the Office of Disciplinary Counsel and to be mailed
to William Kradicem Respondent's Counsel
at 191 N. Commercial St - 1st floor Pulling Man, WA 98105 Certified/first class mail
postage prepaid on the 15th day of January, 2015

Clerk/Assistant to the Disciplinary Board
[Signature]