

FILED

JAN 23 2018


DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

Notice of Reprimand

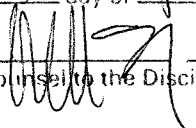
Lawyer Krista L. White, WSBA No. 8612, has been ordered Reprimanded by the following attached documents: Order on Stipulation to Reprimand and Stipulation to Reprimand.

WASHINGTON STATE BAR ASSOCIATION


Kevin Bank
Counsel to the Disciplinary Board

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Notice of Reprimand of
to be delivered to the Office of Disciplinary Counsel and to be mailed
to Krista White Respondent/Reprimandee's Counsel
at 710 Belmont St. E. Seattle, WA 98102 by Certified/first class mail,
postage prepaid on the 23rd day of Jan, 2018


Clerk/Counsel to the Disciplinary Board

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FILED
JAN 11 2018
DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

Krista L. White,

Lawyer (Bar No. 8612).

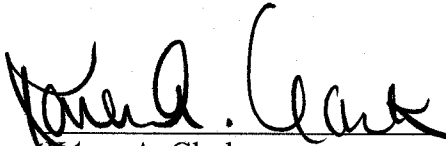
Proceeding No. 17#00012

ORDER ON STIPULATION TO
REPRIMAND

On review of the December 20, 2017 Stipulation to Reprimand and the documents on file in this matter,

IT IS ORDERED that the Stipulation to Reprimand is approved.

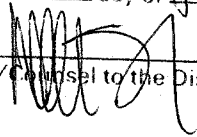
Dated this 8 day of January, 2018.



Karen A. Clark
Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Order on Stipulation to Reprimand
to be delivered to the Office of Disciplinary Counsel and to be mailed
to Krista L. White Respondent/Respondent's Counsel
at 1400 1st Avenue, Seattle, WA 98101 by Certified/first class mail
postage prepaid on the 11th day of Jan, 2018.



Clerk/Counsel to the Disciplinary Board

FILED
JAN 11 2018
DISCIPLINARY
BOARD

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

KRISTA L. WHITE,
Lawyer (Bar No. 8612).

Proceeding No. 17#00012
ODC File No(s). 14-01973, 14-02233
STIPULATION TO REPRIMAND
Following settlement conference conducted
under ELC 10.12(h)

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), and following a settlement conference conducted under ELC 10.12(h), the following Stipulation to reprimand is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through Disciplinary Counsel Francesca D'Angelo, Respondent's Counsel Kurt M. Bulmer and Respondent lawyer Krista L. White.

Respondent understands that she is entitled under the ELC to a hearing, to present exhibits and witnesses on her behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that she 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

mw

1 outcome more favorable or less favorable to her. Respondent chooses to resolve this proceeding
2 now by entering into the following stipulation to facts, misconduct and sanction to avoid the
3 risk, time, and expense attendant to further proceedings.

4 **I. ADMISSION TO PRACTICE**

5 1. Respondent was admitted to practice law in the State of Washington on October 25,
6 1978.

7 **II. STIPULATED FACTS**

8 2. During the period from February 1, 2014 through September 1, 2014, Respondent
9 maintained two pooled IOLTA accounts with Wells Fargo Bank (Account Nos. 9631 and 9607).


10 3. Respondent was the only authorized signatory on Account Nos. 9631 and 9607.

11 4. During the period from February 1, 2014 through September 1, 2014, Respondent
12 did not maintain trust account records for accounts 9631 and 9607 that complied with RPC
13 1.15B(a)(1).

14 5. Because Respondent did not maintain complete or accurate trust account records,
15 Respondent did not reconcile the check register balances to her bank statement balances or
16 reconcile her check register balances to the combined total of all client ledger records for
17 accounts 9631 and 9607.

18 6. Between February 1, 2014 and December 31, 2015, account No. 9631 had a shortage
19 of at least \$500.

20 7. Between February 1, 2014 and September 1, 2014, Respondent disbursed funds from
21 Account No. 9607 on behalf of clients that exceeded the funds those clients had on deposit.

22 8. Between February 1, 2014 and September 1, 2014, account No. 9607 had a shortage
23 of at least \$1,419.92. ^{\$ 1,412.92} 

1 9. As of September 1, 2014, \$511.17 of funds in account 9607 could not be identified
2 to a specific client.

3 III. STIPULATION TO MISCONDUCT

4 10. By failing to maintain trust account records that comply with RPC 1.15B,
5 Respondent violated RPC 1.15A(h)(2) and RPC 1.15B(a).

6 11. By failing to reconcile her check register balance to her bank statement balances and
7 by failing to reconcile her check register balance to the combined total of all of her client ledger
8 records on accounts 9631 and 9607, Respondent violated RPC 1.15A(h)(6).

9 12. By failing to maintain client funds in accounts 9631 and 9607 resulting in shortages
10 in each account, Respondent violated RPC 1.15A(c)(1).

11 13. By disbursing funds on behalf of clients that exceeded the funds those clients had on
12 deposit, Respondent violated RPC 1.15A(h)(8).

13 IV. PRIOR DISCIPLINE

14 14. Respondent has no prior discipline.

15 V. APPLICATION OF ABA STANDARDS

16 15. The following American Bar Association Standards for Imposing Lawyer Sanctions
17 (1991 ed. & Feb. 1992 Supp.) apply to this case:

18 *4.1 Failure to Preserve the Client's Property*

19 Absent aggravating or mitigating circumstances, upon application of the
20 factors set out in 3.0, the following sanctions are generally appropriate in cases
21 involving the failure to preserve client property:

22 4.11 Disbarment is generally appropriate when a lawyer knowingly converts
23 client property and causes injury or potential injury to a client.

24 4.12 Suspension is generally appropriate when a lawyer knows or should
know that he is dealing improperly with client property and causes injury
or potential injury to a client.

4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing
with client property and causes injury or potential injury to a client.

1 4.14 Admonition is generally appropriate when a lawyer is negligent in
2 dealing with client property and causes little or no actual or potential
injury to a client.

3 16. Respondent should have known that she was dealing improperly with client funds.

4 17. Respondent's clients were injured in that their funds have not been disbursed to them
5 because Respondent was not properly reconciling her records.

6 18. The presumptive sanction is suspension.


7 19. The following aggravating factor applies under ABA Standard 9.22:

8 (i) Substantial experience in the practice of law [Respondent was admitted to
9 practice in 1978].

10 20. The following mitigating factors apply under ABA Standard 9.32:

11 (a) Absence of prior disciplinary record;


(l) Remorse.

12 21. It is an additional mitigating factor that Respondent has agreed to resolve this matter
13 at an early stage of the proceedings. Further, Respondent took corrective measures to
14 reconstruct her trust account records for account 9006 (formerly account 9631) and has agreed
15 to disburse the funds during the probationary period. 

16 22. On balance, mitigating factors warrant a departure from the presumptive sanction to
17 reprimand.


18 VI. STIPULATED DISCIPLINE

19 23. The parties stipulate that Respondent shall receive a reprimand for her conduct.


20 24. ODC reserves the right to conduct additional investigation regarding Respondent's
21 handling of client trust account 8990 (formerly account 9607) for the period after August 31, 

22 2014. The investigation is a separate matter not covered by this stipulation and may result in
23 additional charges filed by ODC against Respondent.

1 25. As a condition precedent to disciplinary counsel's signature on this stipulation,
2 Respondent must complete the following steps by December 22, 2017:

- 3 a) Respondent must provide current compliant records for any and all trust accounts in
4 Respondent's name opened since June 1, 2016. If Respondent has not had a trust
5 account since June 1, 2016, Respondent shall provide a written statement to that
6 effect.
- 7 b) Respondent ^{8990 and 9006} must provide proof of her having deposited her own funds to trust
8 accounts 8990 and 9006 (formerly account 9631 and 9607) to cure any outstanding shortages
9 listed in ¶¶ 6 and 8. 

10 26. Respondent will be subject to probation for a period of two years commencing upon
11 final approval of this stipulation, with periodic reviews under ELC 13.8 of her trust account
12 practices, and must comply with the specific probation terms set forth below:

- 13 a) Within 30 days of commencing probation, Respondent must complete the WSBA
14 continuing legal education course entitled, "Managing Client Trust Accounts"
15 (October 2014), or an equivalent 1.5 credits on managing trust accounts in
16 Washington State, and provide the probation administrator with documentation
17 showing that he/she has done so.
- 18 b) For account 9006 (formerly account 9631) and any other trust account opened in her
19 name before June 1, 2016 with the exception of account 8990 (formerly 9607): 
20 Within 30 days of commencing probation, for each of the clients or third parties
21 with funds in these accounts, Respondent must provide ODC with complete
22 documentary evidence demonstrating either that the client or third party is not
23 entitled to a return of any of the amounts listed or that Respondent has provided the
24 client or third party with a complete accounting of funds and returned to the client
or third party any unearned amounts and/or any amounts to which Respondent
cannot establish entitlement. Respondent shall disburse any unidentified funds to
Washington State Unclaimed Property.
- c) Within 30 days of commencing probation, Respondent shall carefully review and
fully comply with RPC 1.15A and RPC 1.15B, and shall carefully review the
current version of the publication, Managing Client Trust Accounts: Rules,
Regulations, and Common Sense.
- d) For all client matters, Respondent shall have a written fee agreement signed by the
client, which agreements are to be maintained for least seven years (see RPC
1.15B(a)(3)).

- 1 e) On a monthly basis, using ODC's form report entitled "Monthly Reconciliation and
2 Review Report," Respondent shall review the trust-account records detailed on the
3 form report, review the completed report, and sign and date the completed report.
- 4 f) On a quarterly basis, Respondent shall provide ODC's audit staff with any and all
5 trust-account records for the time period to be reviewed by ODC's audit staff and
6 disciplinary counsel for compliance with the RPC:
- 7 i) Months 1 – 3. By no later than the 30th day of the fourth month after the
8 commencement of probation, Respondent shall provide the trust account
9 records from the date of commencement of probation to the end of the third
10 full month.
 - 11 ii) Months 4 – 6. By no later than the 30th day of the seventh month after the
12 commencement of probation, Respondent shall provide the trust account
13 records from the end of the previously provided quarter through the end of
14 month six.
 - 15 iii) Months 7 – 9. By no later than the 30th day of the tenth month after the
16 commencement of probation, Respondent shall provide the trust account
17 records from the end of the previously provided quarter through the end of
18 month nine.
 - 19 iv) Months 10 – 12. By no later than the 30th day of the thirteenth month after
20 the commencement of probation, Respondent shall provide the trust
21 account records from the end of the previously provided quarter through
22 the end of month twelve.
 - 23 v) Months 13– 15. By no later than the 30th day of the sixteenth month after
24 the commencement of probation, Respondent shall provide the trust
account records from the end of the previously provided quarter through
the end of month fifteen.
 - vi) Months 16 – 18. By no later than the 30th day of the nineteenth month after
the commencement of probation, Respondent shall provide the trust
account records from the end of the previously provided quarter through
the end of month eighteen.
 - vii) Months 19 – 21. By no later than the 30th day of the twenty-second month
after the commencement of probation, Respondent shall provide the trust
account records from the end of the previously provided quarter through
the end of month twenty-one.

The trust account records Respondent provides to ODC for each quarterly review of his trust account will include: (a) copies of each completed "Monthly Reconciliation and Review Report" referenced in sub-paragraph(c) above, (b) a complete checkbook register for his/her trust account covering the period being reviewed, (c) complete individual client ledger records for any client with funds in

1 Respondent's trust account during all or part of the period being reviewed, as well
2 as for Respondent's own funds in the account (if any), and (d) copies of all trust-
3 account bank statements, deposit slips, and cancelled checks covering the period
4 being reviewed. The ODC's Audit Manager or designee will review Respondent's
5 trust account records for each period.

- 6 g) On the same quarterly time schedule set forth in the preceding paragraph,
7 Respondent will provide ODC's Audit Manager or designee with copies of any and
8 all fee agreements entered into within the time period at issue.
- 9 h) The ODC's Audit Manager or designee may request additional financial or client
10 records if needed to verify Respondent's compliance with RPC 1.15A and/or 1.15B.
11 Within twenty days of a request from ODC's Audit Manager or designee for
12 additional records needed to verify Respondent's compliance with RPC 1.15A
13 and/or RPC 1.15B, Respondent will provide ODC's Audit Manager or designee the
14 additional records requested.
- 15 i) Respondent will reimburse the Association for time spent by ODC's Audit Manager
16 or designee in reviewing and reporting on Respondent's records to determine
17 his/her compliance with RPC 1.15A and RPC 1.15B, at the rate of \$85 per hour.
18 Respondent will make payment within thirty days of each written invoice setting
19 forth the auditor's time and payment due.

20 VII. RESTITUTION

21 27. Restitution is required as described in ¶ 25(b).

22 VIII. COSTS AND EXPENSES

23 28. In light of Respondent's willingness to resolve this matter by stipulation at an early
24 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$750 in
accordance with ELC 13.9(i). Respondent shall pay costs of \$1,000. The Association will seek
a money judgment under ELC 13.9(l) if these costs are not paid within 30 days of approval of
this stipulation. Reinstatement from suspension is conditioned on payment of costs.

IX. VOLUNTARY AGREEMENT

29. Respondent states that prior to entering into this Stipulation she has consulted
independent legal counsel regarding this Stipulation, that Respondent is entering into this
Stipulation voluntarily, and that no promises or threats have been made by ODC, the

1 Association, nor by any representative thereof, to induce the Respondent to enter into this
2 Stipulation except as provided herein.

3 30. Once fully executed, this stipulation is a contract governed by the legal principles
4 applicable to contracts, and may not be unilaterally revoked or modified by either party.

5 X. LIMITATIONS

6 31. This Stipulation is a compromise agreement intended to resolve this matter in
7 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
8 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer
9 and ODC acknowledge that the result after further proceedings in this matter might differ from
10 the result agreed to herein.

11 32. This Stipulation is not binding upon ODC or the respondent as a statement of all
12 existing facts relating to the professional conduct of the respondent lawyer, and any additional
13 existing facts may be proven in any subsequent disciplinary proceedings.


14 33. This Stipulation results from the consideration of various factors by both parties,
15 including the benefits to both by promptly resolving this matter without the time and expense of
16 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
17 such, approval of this Stipulation will not constitute precedent in determining the appropriate
18 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
19 subsequent proceedings against Respondent to the same extent as any other approved
20 Stipulation.

21 34. Under ELC 9.1(d)(3), the hearing officer reviews a stipulation disposing of a matter
22 pending before the officer, unless the stipulation requires the Respondent's suspension or
23 disbarment.


1 35. If this Stipulation is approved by the Hearing Officer, it will be followed by the
2 disciplinary action agreed to in this Stipulation. All notices required in the Rules for
3 Enforcement of Lawyer Conduct will be made.

4 36. If this Stipulation is not approved by the hearing officer, this Stipulation will have no
5 force or effect, and neither it nor the fact of its execution will be admissible as evidence in the
6 pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil or
7 criminal action.


8 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
9 to Discipline as set forth above.

10 
11 _____
12 Krista L. White, Bar No. 8612
13 Respondent

Dated: 12-13-17

14 
15 _____
16 Kurt M. Bulmer, Bar No. 5559
17 Counsel for Respondent

Dated: 12/13/17

18 
19 _____
20 Francesca D'Angelo, Bar No. 22979
21 Senior Disciplinary Counsel

Dated: 12/20/17