FILED
JUL 25 2017
DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re **DEAN BROWNING WEBB,** Lawyer (Bar No. 10735).	Proceeding No. 16#00023 ODC File No 14-01819 STIPULATION TO 18-MONTH SUSPENSION 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 Suspension is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Scott G. Busby and Respondent lawyer Dean Browning Webb.

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

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

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, expense and publicity attendant to further proceedings.

I. ADMISSION TO PRACTICE

1. Respondent was admitted to practice law in the State of Washington on May 12, 1980.

II. STIPULATED FACTS

Salstrom v. Citicorp Credit Services, No. 3:92-cv-01226-AS (D. Or. filed Oct. 7, 1992)

2. On July 27, 1994, in Salstrom v. Citicorp Credit Services, the United States District Court for the District of Oregon imposed sanctions against Respondent under 28 U.S.C. § 1927 (unreasonably and vexatiously multiplying proceedings) and the court's inherent power, because Respondent had shown bad faith in the number and length of his pleadings, the timing of the filings, and the substance of the claims he asserted.

3. On January 17, 1996, the Ninth Circuit Court of Appeals affirmed the District Court's decision to impose sanctions against Respondent.

Kochisarli v. Tenoso, No. 2:02-cv-04320-DRH (E.D.N.Y. filed Aug. 1, 2002)

4. On October 22, 2002, in Kochisarli v. Tenoso, Respondent filed an answer to the complaint on behalf of certain defendants.

5. At the time, Respondent was not admitted to practice in the United States District Court for the Eastern District of New York, and he had not applied for *pro hac vice* admission in Kochisarli v. Tenoso.

6. On October 22, 2002, the United States District Court for the Eastern District of New York ordered that Respondent be precluded from representing any party unless he filed a

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

1 *pro hac vice* application.

2 7. On October 30, 2002, Respondent applied for *pro hac vice* admission, and his
3 application was granted.

4 8. On December 6, 2002, Respondent filed an answer and counterclaims.

5 9. On March 11, 2004, the court ordered Respondent to amend his counterclaims
6 because they were "indecipherable."

7 10. On May 20, 2004, Respondent filed Amended Counterclaims.

8 11. On March 24, 2005, the court dismissed Respondent's Amended Counterclaims
9 without prejudice because they were still "indecipherable." The court ordered Respondent to
10 resubmit his counterclaims "in plain English." The court gave Respondent specific instructions
11 and warned him about "any further failure to abide by the court's orders, instructions, and
12 deadlines."

13 12. On May 13, 2005, as described in the court's March 21, 2006 order, Respondent
14 "completely disregarded the court's instructions," and submitted, for a third time, a "completely
15 unacceptable" and "indecipherable" set of counterclaims.

16 13. As described in the court's March 21, 2006 order, Respondent's strategy was a
17 "ruse" intended to "confuse and exhaust [his] adversary with rhetoric rather than confront any
18 issue directly."

19 14. On March 21, 2006, the court dismissed Respondent's Second Amended
20 Counterclaims with prejudice and imposed sanctions against Respondent under Rule 11 of the
21 Federal Rules of Civil Procedure (FRCP).

22 15. On March 30, 2006, the court denied Respondent's motion for relief from the March
23 21, 2006 order, and adhered to its decision to impose sanctions against Respondent.

24

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

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

Kauhi v. Countrywide Home Loans, No. 3:08-cv-05580-BHS (W.D. Wash. filed Sep. 26, 2008)

16. On November 10, 2008, in Kauhi v. Countrywide Home Loans, Respondent filed a 302-page Amended Complaint.

17. On December 10, 2008, the court ordered Respondent to amend his Amended Complaint, because it failed to comply with FRCP 8 and because it was so "repetitious and needlessly long" that "Defendants [could not] reasonably prepare a response."

18. The court noted that Respondent had recently filed similar complaints in two other cases in the Western District of Washington, and had similarly been ordered to refile. The court instructed Respondent to review FRCP 8 and put him on notice again, citing Salstrom v. Citicorp Credit Services, supra, that he might be subject to sanctions "for unreasonably and vexatiously multiplying proceedings."

19. On December 16, 2008, Respondent filed a 158-page Second Amended Complaint.

20. As described in the court's September 29, 2009 order, Respondent did not assert "anything in [his] 158-page complaint, other than conclusory allegations and legal conclusions."

21. On August 24, 2009, Respondent filed a response to the defendants' motion to dismiss.

22. As described in the court's September 29, 2009 order, Respondent's response was, "for the most part, non-responsive."

23. On September 29, 2009, the court dismissed all of Respondent's claims for fraud, RICO violations, and violations of the Washington Criminal Profiteering Act because Respondent had failed to comply with FRCP 8 and 9.

24. The court declined to permit Respondent a third chance to amend his complaint.

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

1 **Uribe v. Countrywide Financial Corp., No. 3:08-cv-01982-L-NLS (S.D. Cal. filed Oct. 27, 2008)**

2

3 25. On February 17, 2009, Respondent applied for *pro hac vice* status in Uribe v. Countrywide Financial Corp.

4

5 26. On February 17, 2009, when he was not authorized to appear or participate in the case, Respondent signed and filed a 318-page First Amended Complaint.

6

7 27. Respondent's *pro hac vice* application was denied on February 23, 2009.

8 28. On June 1, 2009, when he was not authorized to appear or participate in the case, Respondent signed and filed an opposition to the defendants' motion to dismiss.

9

10 29. On July 7, 2009, the court dismissed the First Amended Complaint with prejudice for, among other things, failure to comply with FRCP 8.

11

12 30. As described in the court's July 7, 2009 order, Respondent's "behemoth" First

13 Amended Complaint was "prolix [and] replete with redundancy." It "fail[ed] to perform the essential functions of a complaint," and it was "made in bad faith and with the intent to unduly

14 delay the litigation and to harass defendants."

15

16 31. The court admonished Respondent about his obligation to avoid frivolous filings and follow court rules, particularly FRCP 11.

17

18 **Presidio Group v. Juniper Lakes Development, No. 3:09-cv-05740-RJB, (W.D. Wash. filed Nov. 27, 2009)**

19 32. On November 27, 2009, in Presidio Group v. Juniper Lakes Development,

20 Respondent filed a 223-page Complaint and a request to file a RICO case statement.

21 33. As described in the court's December 8, 2009 order, the Complaint was "anything

22 but a short and plain statement showing that plaintiffs are entitled to relief," as required by

23 FRCP 8, and was "so full of legalese and confusing allegations that it took a considerable

24

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

1 amount of the court's time to determine what [the] case [was] about."

2 34. On December 8, 2009, the court *sua sponte* denied Respondent's request to file a
3 RICO case statement, saying that the court would not permit Respondent to "blanket the court
4 and opposing parties with yet more unnecessary verbiage."

5 35. On March 31, 2010, the court granted the defendants' motion to strike and for a
6 more definite statement, because the Complaint failed to comply with FRCP 8 and 9, and
7 because "the sheer quantity of redundant material . . . force[d] the court and the defendants to
8 engage in an unreasonable amount of filter." The court ordered Respondent to file an amended
9 complaint.

10 36. The court also reminded Respondent that other judges had "often been forced to
11 address the defects of [his] pleadings," and put him on notice again, citing Salstrom v. Citicorp
12 Credit Services, supra, that he might be subject to sanctions "for unreasonably and vexatiously
13 multiplying proceedings."

14 37. On April 21, 2010, Respondent filed a First Amended Complaint.

15 38. As described in the court's June 1, 2010 order, "[t]he First Amended Complaint
16 contain[ed] only conclusory statements, with insufficient factual allegations to state a claim for
17 relief."

18 39. On June 1, 2010, the court dismissed Respondent's First Amended Complaint for
19 failure to state a claim. The court declined to allow Respondent to amend his complaint yet
20 again, since Respondent had already been "given the opportunity to file an amended complaint
21 after the court [had] clearly informed [him] of the deficiencies in the original complaint."

22 40. The court also put Respondent on notice that he and his clients might be subject to
23 sanctions under FRCP 11 "if they continue[d] to pursue claims, by filing another case, that are

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

wholly without merit."

<u>Stephens v. Marino White O'Ferrell & Gonzalez</u>, No. 3:10-cv-05820-BHS (W.D. Wash. filed Nov. 10, 2010)

41. On November 10, 2010, in Stephens v. Marino White O'Ferrell & Gonzalez, Respondent filed a 319-page Complaint, followed on December 10, 2010 by a 330-page Amended Complaint.

42. As described in the court's April 15, 2011 order, the 330-page Amended Complaint was "unacceptable" under FRCP 8, and it left the Court "with little ability to comprehend what claims [we]re being made and on what facts those claims might be supported."

43. On November 15, 2010, Respondent filed a Motion for Entry of RICO Case Statement Order.

44. As described in the court's February 1, 2011, order:

> The Motion is 38 pages long, including ten pages alone for the title. Not the case caption; the title of the motion. The footer present on each page consists of eight full lines of all capital letters, replete with statutory and case law citations. The Plaintiff apparently seeks to incorporate every argument and every possible citation into not only the Motion itself, but also into the title, and into the footer. This is a waste of paper, kilobytes, and time.

45. On February 1, 2011, the court denied Respondent's motion with prejudice and admonished Respondent to "adhere to the Civil and Local Rules regarding the proper format and length of filings in this Court."

46. On January 3, 2011, Respondent moved for summary judgment.

47. On April 15, 2011, the court denied Respondent's motion because it was premature. As the court noted in its April 15, 2011 order, the only named defendants who had appeared in the case had been voluntarily dismissed by Respondent. In fact, as the court noted in a subsequent October 7, 2011 order, "[e]very time named Defendants filed an appearance in this

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

case, [Respondent] promptly filed for their dismissal." The court admonished Respondent that "[t]he proper vehicle for obtaining judgment when parties do not appear to defend in a suit is a motion for default," which Respondent had not filed.

48. Also on April 15, 2011, the court ordered Respondent to file another amended complaint of no more than 20 pages, because the 330-page Amended Complaint was "unacceptable" under FRCP 8. The court also gave Respondent a set of specific directives on how to "comply with all of the civil rules and the local rules" and warned him that "[f]ailure to comply with these directives could result in sanctions."

49. Later, as described in the court's October 7, 2011 order, "the court had to direct [Respondent] how to navigate the simple hurdles required to obtain default judgment and had to direct [Respondent] multiple times to proceed in accord with the applicable rules and etiquette expected in the federal court system. The Court also had to rein in [Respondent's] excessive, inefficient, redundant, and wholly obtuse method of proceeding toward default judgment."

50. In its October 7, 2011 order, the court warned Respondent again that his litigation practices were "improper and problematic," and noted that Respondent had "repeatedly been warned about such inappropriate filing practices" by many courts, but had "ignored such direction."

<u>MT & T Enterprise v. Sutton Koval and Woodall</u>, No. 2:11-cv-00502-JCC (W.D. Wash. filed Mar. 22, 2011)

51. On March 22, 2011, in <u>MT & T Enterprise v. Sutton Koval and Woodall</u>, Respondent filed a 332-page complaint.

52. On March 25, 2011, the court, *sua sponte*, entered an order striking the Complaint because it was "in clear violation" of FRCP 8(a), and because it created "an unacceptable burden on Defendants." Respondent was ordered to "rewrite the complaint in accordance with

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

FRCP 8(a)."

53. Following the court's March 25, 2011 order, Respondent left voice mail messages with court personnel discussing the interpretation of the FRCP and recent Supreme Court opinions.

54. On March 29, 2011, the court entered another order admonishing Respondent to refrain from such "improper *ex parte* communications."

Singleton v. Bank of America, No. 2:11-cv-01247-RAJ (W.D. Wash. filed July 28, 2011)

55. On July 28, 2011, in Singleton v. Bank of America, Respondent filed a 277-page Complaint, followed on November 10, 2011 by a 321-page Amended Complaint.

56. As described in the court's April 12, 2012 and November 19, 2012 orders, the Amended Complaint was "a monstrosity" and "a 321-page labyrinth of cumulative allegations, needless citation to a cornucopia of immaterial extraneous sources, improper requests for judicial notice, irrelevant assertions, unnecessary recitations of legal theories, and other defects" such that "[n]o attorney could reasonably be expected to formulate a response to it."

57. On April 12, 2012, the court granted the defendants' motion to strike the Amended Complaint because it "utterly failed to comply" with FRCP 8.

58. The court noted that in at least nine other cases in the Western District of Washington, Respondent had been "admonished" and "chastised" for the same improper practices but, "Nothing has worked. [Respondent] continues to file pleadings that are absurd not only in their length, but in their failure to communicate useful information to the reader."

59. The court ordered Respondent to file an amended complaint of no more than 30 pages, and ordered him to show cause why he should not be sanctioned for "unreasonably and vexatiously multiplying proceedings in violation of 28 U.S.C. § 1927."

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

60. On April 23, 2012, Respondent filed a 30-page Second Amended Complaint.

61. As described in the court's November 19, 2012 order, the Second Amended Complaint "utterly failed to state that any of the defendants before the court did anything unlawful."

62. On November 19, 2012, the court dismissed the Second Amended Complaint because, after three attempts, Respondent had failed to state a claim.

63. Noting Respondent's "repeated refusal to heed the admonishments" of multiple judges, the court ordered Respondent to pay sanctions for unreasonably and vexatiously multiplying the proceedings in violation of 28 U.S.C. § 1927.

Portfolio Investments v. First Savings Bank Northwest, No. 2:12-cv-00104-RAJ (W.D. Wash. filed Jan. 19, 2012)

64. On January 19, 2012, in Portfolio Investments v. First Savings Bank Northwest, Respondent filed a 429-page Complaint.

65. As described in the court's August 3, 2012 order, the Complaint was "a monstrosity."

66. On August 3, 2012, the court *sua sponte* ordered the Complaint stricken under FRCP 12(f)(1) (court on its own may strike any redundant, immaterial, impertinent, or scandalous matter).

67. The court ordered Respondent to file an amended complaint of no more than 30 pages, and to "take heed of the court's admonishment in Singleton," supra.

68. On August 8, 2012, Respondent filed a 31-page amended complaint.

69. On March 20, 2013, the court dismissed the Amended Complaint without leave to to amend because Respondent had failed to state a claim, because there was "no indication that [Respondent] would be able to cure the deficiencies in a second amended complaint," and

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

1 because "[a]llowing leave to amend would therefore be futile and prejudicial to Defendants."

2 70. On July 28, 2014, the Ninth Circuit Court of Appeals affirmed the decision because

3 of "[t]he great number of pleading deficiencies in [Respondent's] amended complaint,

4 combined with [Respondent's] complete failure to specify what, if anything, [he] could allege to

5 cure those deficiencies."

6 **California Coalition for Families and Children v. San Diego County Bar Association, No. 3:13-cv-01944-CAB-JLB (S.D. Cal. filed August 20, 2013)**

7

8 71. On January 9, 2014, in California Coalition for Families and Children v. San Diego

9 County Bar Association, Respondent filed a 251-page First Amended Complaint with 1397

10 pages of exhibits.

11 72. As described in the court's July 9, 2014 order, Respondent's First Amended

12 Complaint was "unmanageable, argumentative, confusing, and frequently incomprehensible."

13 73. As described in the court's July 9, 2014 order, some of the allegations in

14 Respondent's First Amended Complaint were "so implausible as to be offensive." It alleged,

15 for example, that over 50 defendants, including judges, lawyers, physicians, social workers, and

16 law-enforcement officers, conspired to commit racketeering activity, including enticement into

17 slavery, sale into involuntary servitude, transportation of slaves, and service on vessels in the

18 slave trade.

19 74. On July 9, 2014, the court dismissed the First Amended Complaint without leave to

20 amend "due to plaintiffs' inability—or unwillingness—to file a complaint that complies with

21 [FRCP] 8."

22 75. On August 8, 2016, the Ninth Circuit Court of Appeals affirmed the dismissal

23 because it was "clear" that the First Amended Complaint did not comply with FRCP 8.

24

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

1 **Cervantes Orchards & Vineyards v. Deere & Company, No. 1:14-cv-03125-RMP (E.D. Wash. filed Sep. 2, 2014)**

2

3 76. On September 2, 2014, in Cervantes Orchards & Vineyards v. Deere & Company (Cervantes I), Respondent filed a 337-page Complaint.

4

5 77. On September 18-19, 2014, some of the defendants ("the lawyer defendants") served motions on Respondent under FRCP 11(c)(2) (the "safe harbor rule") demanding that the

6 Complaint be withdrawn because it violated FRCP 8 and 11.

7

8 78. On September 30, 2014, Respondent filed a Notice of Voluntary Dismissal of the lawyer defendants. On October 6, 2014, Respondent's Complaint was dismissed as to the

9 lawyer defendants.

10

11 79. On October 17, 2014 Respondent filed a 143-page Amended Complaint to which he attached a 469-page RICO case statement to be "incorporated by reference," bringing the total

12 to 612 pages.

13

14 80. As described in the court's December 19, 2014 order, Respondent's pleadings were "difficult to comprehend," with "the basis of plaintiffs' allegations . . . lost in a quagmire of

15 wordy and repetitious verbiage," such that "[n]o party reasonably could respond" to them.

16

17 81. On December 19, 2014, the court struck the Complaint and the Amended Complaint because both violated FRPC 8(a).

18

19 82. The court ordered Respondent to file a second amended complaint of no more than 30 pages, including any RICO case statement, and warned Respondent yet again that he might

20 be subject to sanctions "for unreasonably and vexatiously multiplying the proceedings."

21

22 83. On January 5, 2015, Respondent filed a 31-page Second Amended Complaint and RICO Case Statement.

23

84. On July 10 and July 17, 2015, the court dismissed the Second Amended Complaint

24

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

Complaint with prejudice because Respondent had failed to state a claim and because allowing Respondent to amend yet again would be futile and would subject the defendants to undue prejudice.

85. On August 12, 2015, the court imposed sanctions against Respondent under FRCP 11 "to deter [him] from again filing such a baseless lawsuit."

Cervantes Orchards & Vineyards v. Johnston Lawyers, No. 1:15-cv-03153-RMP (E.D. Wash. filed Aug. 28, 2015)

86. On May 28, 2015, in Cervantes Orchards & Vineyards v. Johnston Lawyers (Cervantes II), Respondent filed a 59-page Complaint in the Yakima County Superior Court under cause number 15-2-01456-0. Respondent attached to the Complaint and "expressly and specifically incorporate[d] . . . by reference" the Second Amended Complaint in Cervantes I.

87. The named defendants in Cervantes II were among the same lawyer defendants who were dismissed from Cervantes I after they demanded that the Complaint in that case be withdrawn because it violated FRCP 8 and 11.

88. The claims asserted against the defendants in Cervantes II were substantially identical to the claims asserted in Cervantes I, which the court determined to be "a baseless lawsuit."

89. On August 29, 2015, the defendants removed the case to the United States District Court for the Eastern District of Washington.

90. On September 2, 2015, defense counsel notified Respondent that unless he promptly dismissed the case, the defendants would seek sanctions under FRCP 11.

91. On September 3, 2015, Respondent filed a Notice of Voluntary Dismissal as to all defendants. On September 21, 2015, the court dismissed Cervantes II.

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

III. STIPULATION TO MISCONDUCT

92. By asserting frivolous claims and/or issues in one or more of the cases referenced above, Respondent violated RPC 3.1.

93. By failing to make reasonable efforts to expedite litigation in one or more of the cases referenced above, Respondent violated RPC 3.2.

94. By knowingly disobeying the rules of a tribunal in one or more of the cases referenced above, Respondent violated RPC 3.4(c).

95. By using means that had no substantial purpose other than to embarrass, delay, or burden a third person in one or more of the cases referenced above, Respondent violated RPC 4.4(a).

96. By engaging in conduct prejudicial to the administration of justice in one or more of the cases referenced above, Respondent violated RPC 8.4(d).

97. By willfully disobeying or violating court orders in one or more of the cases referenced above, Respondent violated RPC 8.4(j).

IV. PRIOR DISCIPLINE

98. Respondent has no prior discipline.

V. APPLICATION OF ABA STANDARDS

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

100. ABA Standards std. 6.2 applies to Respondent's violations of RPC 3.1, 3.2, 3.4(c), 4.4(a), 8.4(d), and 8.4(j):

> 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

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

> 6.22 Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.
>
> 6.23 Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding.
>
> 6.24 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in complying with a court order or rule, and causes little or no actual or potential injury to a party, or causes little or no actual or potential interference with a legal proceeding.

101. In violating RPC 3.1, 3.2, 3.4(c), 4.4(a), 8.4(d), and 8.4(j), Respondent acted knowingly and caused injury to a party and interference with a legal proceeding.

102. The presumptive sanction for Respondent's violations of RPC 3.1, 3.2, 3.4(c), 4.4(a), 8.4(d), and 8.4(j) is suspension under ABA Standards std. 6.22.

103. The following aggravating factors apply under ABA Standard 9.22:

(d) multiple offenses;

(i) substantial experience in the practice of law.

104. The following mitigating factors apply under ABA Standard 9.32:

(a) absence of a prior disciplinary record.

105. It is an additional mitigating factor that Respondent has agreed to resolve this matter at an early stage of the proceedings.

106. It is an additional mitigating factor that Respondent serves an underrepresented client population, including racial and ethnic minorities, and does a significant amount of *pro bono* work.

107. On balance, the aggravating and mitigating factors do not require a departure from the presumptive sanction.

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

VI. STIPULATED DISCIPLINE

108. The parties stipulate that Respondent shall receive an **18-month suspension** for his conduct.

109. Reinstatement from suspension is conditioned on payment of costs, as provided below.

VII. PROBATION

110. Respondent will be subject to probation for a period of two years beginning when Respondent is reinstated to the practice of law. During the probationary period, Respondent must comply with the probationary terms set forth below. Respondent's compliance with these conditions will be monitored by the Probation Administrator of the Office of Disciplinary Counsel ("Probation Administrator"). Failure to comply with a condition of probation listed herein may be grounds for further disciplinary action under ELC 13.8(b).

111. Within 10 days of the occurrence of any of the following events, Respondent must report the event to the Probation Administrator and provide a copy of each relevant pleading or order, as requested by the Probation Administrator:

a) Any order imposing sanctions against Respondent or Respondent's client;

b) Any order precluding Respondent from representing any party;

c) Any order requiring Respondent to amend, revise, or resubmit any pleading;

d) Any order dismissing any claim asserted by Respondent on behalf of himself or a client;

e) Any order reminding, warning, or admonishing Respondent about any obligation under the rules of a tribunal;

f) Any application by Respondent for *pro hac vice* status;

g) Any order granting, denying, or revoking any application by Respondent for *pro hac vice* status;

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

h) Any order striking any pleading filed by Respondent;

i) Any motion served or filed under CR 11 or FRCP 11 concerning any pleading filed by Respondent;

j) Any notice to Respondent that a party might seek sanctions against him or his client.

112. During the period of probation, Respondent's practice will be supervised by a practice monitor. The practice monitor must be a WSBA member with no record of public discipline and who is not the subject of a pending public disciplinary proceeding.

113. The role of the practice monitor is to consult with and provide guidance to Respondent on avoiding violations of the Rules of Professional Conduct, and to provide reports and information to the Probation Administrator regarding Respondent's compliance with the terms of probation and the RPC. The practice monitor does not represent Respondent.

114. At the beginning of the probation period, the Probation Administrator will select a lawyer to serve as practice monitor for the period of Respondent's probation.

a) Initial Challenge: If, within 15 days of the written notice of the selection of a practice monitor, Respondent sends a written request to the Probation Administrator that another practice monitor be selected, the Probation Administrator will select another practice monitor. Respondent need not identify any basis for this initial request.

b) Subsequent Challenges: If, after selection of a second (or subsequent) practice monitor, Respondent believes there is good cause why that individual should not serve as practice monitor, Respondent may, within 15 days of notice of the selected practice monitor, send a written request to the Probation Administrator asking that another practice monitor be selected. That request must articulate good cause to support the request. If the Probation Administrator agrees, another practice monitor will be selected. If the Probation Administrator disagrees, the Office of Disciplinary Counsel will submit its proposed selection for practice monitor to the Chair of the Disciplinary Board for appointment pursuant to ELC 13.8(a)(2), and will also provide the Chair with the Respondent's written request that another practice monitor be selected.

115. In the event the practice monitor is no longer able to perform his or her duties,

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

the Probation Administrator will select a new practice monitor at his or her discretion.

116. During the period of probation, Respondent must cooperate with the named practice monitor. Respondent must meet with the practice monitor at least once per month. Respondent must communicate with the practice monitor to schedule all required meetings.

117. The Respondent must bring to each meeting a current, complete written list of all pending client legal matters being handled by the Respondent. The list must identify the current status of each client matter and any problematic issues regarding each client matter. The list may identify clients by using the client's initials rather than the client's name.

118. At each meeting, the practice monitor will discuss with Respondent practice issues that have arisen or are anticipated. In light of the conduct giving rise to the imposition of probation, the practice monitor will review any complaint drafted in whole or in part by Respondent before it is filed. Meetings may be in person or by telephone at the practice monitor's discretion. The practice monitor uses discretion in determining the length of each meeting.

119. The practice monitor will provide the Probation Administrator with quarterly written reports regarding Respondent's compliance with probation terms and the RPC. Each report must include the date of each meeting with Respondent, a brief synopsis of the discussion topics, and a brief description of any concerns the practice monitor has regarding the Respondent's compliance with the RPC. The report must be signed by the practice monitor. Each report is due within 30 days of the completion of the quarter.

120. If the practice monitor believes that Respondent is not complying with any of his ethical duties under the RPC or if Respondent fails to schedule or attend a monthly meeting, the practice monitor will promptly communicate that to the Probation Administrator.

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

121. Respondent must make payments totaling $1,000 to the Washington State Bar Association to defray the costs and expenses of administering the probation, as follows:

a) $250 due within 30 days of the start of the probation;

b) $250 due within 6 months of the start of the probation period;

c) $250 due within 12 months of the start of the probation period; and

d) $250 due within 18 months of the start of the probation period.

122. All payments should be provided to the Probation Administrator for processing.

VIII. COSTS AND EXPENSES

123. In light of Respondent's willingness to resolve this matter by stipulation at an early stage of the proceedings, Respondent shall pay attorney fees and administrative costs of $1,000 in accordance with ELC 13.9(i). 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.

124. Reinstatement from suspension is conditioned on payment of costs.

IX. VOLUNTARY AGREEMENT

125. Respondent states that prior to entering into this Stipulation he has consulted independent legal counsel regarding this Stipulation, that he is entering into this Stipulation voluntarily, and that no promises or threats have been made by ODC, the Association, nor by any representative thereof, to induce him to enter into this Stipulation except as provided herein.

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

X. LIMITATIONS

127. This Stipulation is a compromise agreement intended to resolve this matter in accordance with the purposes of lawyer discipline while avoiding further proceedings and the

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

1 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer
2 and ODC acknowledge that the result after further proceedings in this matter might differ from
3 the result agreed to herein.

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

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

14 130. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely
15 on the record agreed to by the parties. Under ELC 3.1(b), all documents that form the record
16 before the Board for its review become public information on approval of the Stipulation by the
17 Board, unless disclosure is restricted by order or rule of law.

18 131. If this Stipulation is approved by the Disciplinary Board and the Supreme Court,
19 it will be followed by the disciplinary action agreed to in this Stipulation. All notices required
20 in the Rules for Enforcement of Lawyer Conduct will be made.

21 132. If this Stipulation is not approved by the Disciplinary Board and the Supreme
22 Court, it will have no force or effect, and neither it nor the fact of its execution will be
23 admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary

24

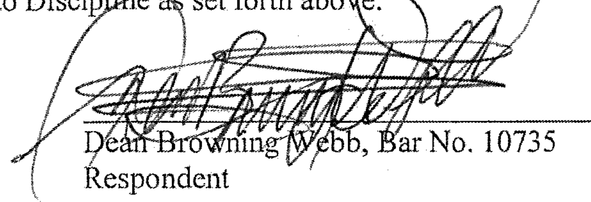
OFFICE OF DISCIPLINARY COUNSEL
OF THE WASHINGTON STATE BAR ASSOCIATION
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 727-8207

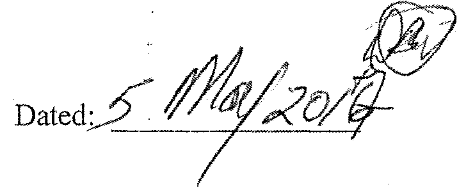
1 proceeding, or in any civil or criminal action.

2 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation

3 to Discipline as set forth above.

4

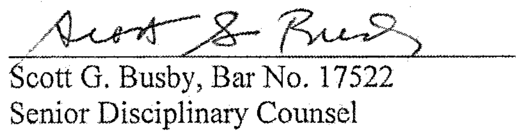




5 Dean Browning Webb, Bar No. 10735 Dated: 5 May 2017
Respondent

6

7



Dated: May 5, 2017

Scott G. Busby, Bar No. 17522
8 Senior Disciplinary Counsel

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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