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DISCIPLINARY
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DISCIPLINARY
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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JANET A. IRONS,
Lawyer (Bar No. 12687).

Proceeding No. 17#00064

ODC File Nos. 16-01520, 16-01779, 17-00355, 17-00627

Resignation Form of Janet A. Irons (ELC 9.3(b))

I, Janet A. Irons, 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 November 2, 1982.
3. I was served with a Formal Complaint and Notice to Answer in this matter on November 29, 2017.
4. 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 Janet A. Irons
(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

908

1 misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in
2 disciplinary counsel's statement but, rather than defend against the allegations, I wish to
3 permanently resign from membership in the Association.

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

6 7. I agree to pay restitution of \$2,886.60 to Ralph Munson, \$1,000.00 to John Berry,
7 and \$500 to Lisa Cosgrove.

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

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

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

21 11. I agree to (a) notify all other professional licensing agencies in any jurisdiction
22 from which I have a professional license that is predicated on my admission to practice law of

1 this resignation in lieu of discipline; (b) seek to resign permanently from any such license; and
2 (c) provide disciplinary counsel with copies of any of these notifications and any responses.

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

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

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

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

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

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

18
19 Dec. 18, 2017
Date and Place

Janet A. Irons
Janet A. Irons, Bar No. 12687

20
21 ENDORSED BY:

M Craig Bray
M Craig Bray, Disciplinary Counsel
Bar No. 20821

22
23 Resignation Form of Janet A. Irons
(ELC 9.3(b))
24 Page 3

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JANET A. IRONS,

Lawyer (Bar No. 12687).

Proceeding No. 17#00064

ODC File Nos. 16-01520, 16-01779, 17-00355, 17-00627

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

The attached formal complaint, filed on November 21, 2017 in Proceeding No. 17#00064, constitutes Disciplinary Counsel's statement of alleged misconduct under Rule 9.3(b)(1) of the Rules for Enforcement of Lawyer Conduct.

DATED this 5th day of December, 2017.



M Craig Bray, Bar No. 20821
Disciplinary Counsel

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re JANET A. IRONS, Lawyer (Bar No. 12687).	Proceeding No. 17#00064 FORMAL COMPLAINT
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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 Janet A. Irons was admitted to the practice of law in the State of Washington on November 2, 1982.

FACTS RELATED TO PRIOR DISCIPLINE

2. On November 10, 2015, Respondent signed a stipulation to reprimand in Proceeding No. 15#00089.

- 1 3. The stipulation to reprimand was approved by order filed on November 18, 2015.
2 4. Respondent agreed to a one year period of probation beginning when the stipulation
3 to reprimand was approved.
4 5. The period of probation ended on November 17, 2016.
5 6. A condition of Respondent's probation was that she not violate the RPC.
6 7. A condition of Respondent's probation was that she be supervised by a practice
7 monitor.
8 8. A condition of Respondent's probation was that she meet with the practice monitor
9 monthly and discuss the status of each of her client matters, upcoming deadlines, and her
10 intended course of action.

11 **FACTS RELATED TO COUNTS 1-3**

- 12 9. Respondent is Betty Kennedy's niece.
13 10. Prior to the actions described below, Respondent acted as Ms. Kennedy's lawyer by
14 preparing testamentary documents for Ms. Kennedy and Ms. Kennedy's husband.
15 11. In May 2016, Ms. Kennedy provided Respondent with hospital records and a death
16 certificate for Ms. Kennedy's deceased husband.
17 12. Respondent agreed to review the records with a doctor and report back to Ms.
18 Kennedy their thoughts on filing a lawsuit against the hospital.
19 13. There was no fee agreement, and Respondent did not intend to charge Ms. Kennedy
20 for the legal advice.
21 14. Ms. Kennedy was Respondent's client.
22 15. In June 2016, Ms. Kennedy left several voicemails for Respondent, requesting that
23 Respondent return her paperwork. Respondent did not respond.

1 16. By letter dated July 12, 2016, Ms. Kennedy requested her records again, offering to
2 pick them up from Respondent's office. Respondent did not respond.

3 17. In July 2016, Ms. Kennedy's son (Respondent's cousin) died and there was a
4 memorial service for him on July 30, 2016.

5 18. Respondent called Ms. Kennedy and said she was coming to the memorial service
6 and would bring the hospital records.

7 19. Respondent did not appear at the memorial service, did not deliver the hospital
8 records to Ms. Kennedy, and did not return Ms. Kennedy's subsequent calls.

9 20. On October 5, 2016, Ms. Kennedy filed a grievance against Respondent and sought
10 assistance in obtaining her husband's medical records from Respondent.

11 21. On October 7, 2016, ODC sent a letter to Ms. Kennedy notifying her that ODC was
12 dismissing the grievance, but requesting that Respondent deliver the file to Ms. Kennedy.

13 22. ODC's letter was copied to Respondent.

14 23. Respondent received the letter.

15 24. Respondent emailed ODC on October 14, 2016, and said that she would hand-
16 deliver the file to Ms. Kennedy "over the weekend, and barring that (due to the storm) as early
17 next week as possible."

18 25. Respondent also sent Ms. Kennedy a text message stating that she would return the
19 files that week.

20 26. Respondent told an ODC consumer affairs assistant on October 17, 2016, that she
21 would return Ms. Kennedy's hospital records "today."

22 27. Respondent did not return Ms. Kennedy's records that day.

23 28. On October 28, 2016, Ms. Kennedy requested review of the dismissal, noting that

1 she had not received anything from Respondent.

2 29. On January 19, 2017, a Review Committee of the Disciplinary Board ordered
3 additional investigation into whether Respondent had returned Ms. Kennedy's records to her.

4 30. By letter dated January 24, 2017, ODC requested a response from Respondent within
5 thirty days.

6 31. Respondent received ODC's letter but did not respond.

7 32. On February 22, 2017, Disciplinary Counsel hand-delivered the January 24, 2017
8 request for response, a copy of Ms. Kennedy's grievance, and the Review Committee's order to
9 Respondent.

10 33. Respondent still did not respond.

11 34. On February 28, 2017, ODC sent Respondent another letter by certified mail,
12 requesting her response within ten days.

13 35. Respondent received ODC's 10-day letter but did not respond.

14 36. In late February or early March 2017, a package containing Ms. Kennedy's hospital
15 records was left on her doorstep.

16 37. On March 23, 2017, ODC served Respondent with a subpoena duces tecum
17 requiring her appearance at a deposition on April 11, 2017.

18 38. Respondent appeared at the deposition.

19 39. Respondent acted knowingly in taking the actions described above.

20 40. Respondent caused actual injury to Ms. Kennedy, who waited at least six months
21 before the hospital records were returned and whose ability to consult with other counsel and
22 medical professionals was adversely affected.

23 41. Respondent's failure to respond and cooperate with the disciplinary investigation

1 caused actual injury to ODC, and to the lawyer discipline system as a whole, which depends on
2 lawyers' cooperation in order to function.

3 **COUNT 1**

4 42. By failing to promptly return the hospital records to which Ms. Kennedy was
5 entitled, Respondent violated RPC 1.3, RPC 1.15A(f), and/or RPC 1.16(d).

6 **COUNT 2**

7 43. By failing to respond to ODC's requests for a response related to Ms. Kennedy's
8 grievance, Respondent violated RPC 8.1(b) and/or RPC 8.4(l) (by violating a duty imposed by
9 ELC 1.5 and/or ELC 5.3(f)).

10 **COUNT 3**

11 44. By failing to comply with a condition of her disciplinary probation during the
12 probationary period from November 18, 2015 through November 17, 2016, Respondent violated
13 RPC 8.4(l) (by violating a duty imposed by ELC 1.5 and/or ELC 13.8).

14 **FACTS RELATED TO COUNTS 4-12**

15 45. In October 2014, Renae Cerkan filed a lawsuit in Grays Harbor County Superior
16 Court No. 14-2-00690-6, seeking to evict Jeffrey Wang from a residence they had shared in
17 Aberdeen, Washington.

18 46. Lawyer Zachary Edwards appeared for Mr. Wang, who claimed that he had an
19 equitable interest in Ms. Cerkan's residence.

20 47. Ms. Cerkan was initially represented by lawyer Scott Campbell.

21 48. In April 2015, Mr. Campbell withdrew and Respondent appeared on behalf of Ms.
22 Cerkan.

23 49. On July 6, 2015, Mr. Edwards mailed to Respondent at her office address a Notice of

1 Deposition setting a deposition of Ms. Cerkan for July 21, 2015.

2 50. Respondent received the Notice of Deposition.

3 51. On July 16, 2015, Mr. Edwards sent an email to Respondent at her email address,
4 irons_law@hotmail.com, asking her to confirm receipt of the Notice of Deposition.

5 52. Mr. Edwards and Respondent had previously exchanged emails regarding the case
6 using that email address.

7 53. Respondent received Mr. Edwards's email.

8 54. Respondent did not notify Ms. Cerkan of the deposition.

9 55. On July 21, 2015, neither Respondent nor Ms. Cerkan appeared for the deposition or
10 contacted Mr. Edwards.

11 56. On July 28, 2015, Respondent and Mr. Edwards held a Civil Rule 26(i) telephone
12 conference.

13 57. Respondent admitted that it was her fault that Ms. Cerkan did not appear at the July
14 21, 2015 deposition.

15 58. Respondent agreed to pay the costs and fees associated with Ms. Cerkan's failure to
16 appear for the July 21, 2015 deposition.

17 59. From May 2015 until the end of August 2015, Respondent did not communicate
18 with Ms. Cerkan.

19 60. On August 31, 2015, following multiple emails between Mr. Edwards, Respondent,
20 and the court, using Respondent's hotmail.com email address, the parties agreed to continue the
21 trial date.

22 61. Respondent signed a Stipulation and Order Striking Trial Date and Setting New Trial
23 Date (Order Setting Trial Date), setting a bench trial for November 25, 2015, and sent it to Mr.

1 Edwards via email on September 1, 2015.

2 62. The Order Setting Trial Date was entered by the court on September 15, 2015.

3 63. The court administrator mailed a Notice of Trial Date Resetting to the parties on
4 September 16, 2015.

5 64. Respondent received the Notice of Trial Date Resetting.

6 65. Respondent knew the trial was continued to November 25, 2015.

7 66. On September 21, 2015, Mr. Edwards mailed and emailed Respondent
8 Interrogatories and Requests for Production. The deadline for responding to these discovery
9 requests was November 2, 2015.

10 67. Respondent received both the mail and the email.

11 68. Mr. Edwards served, via mail and email, a Motion for Relief for Plaintiff's Failure to
12 Attend Deposition and related pleadings.

13 69. Respondent received this mail and email.

14 70. Respondent did not respond to the interrogatories, requests for production, or the
15 motion for relief.

16 71. As of September 21, 2015, Respondent had not paid the costs for the missed
17 deposition in July.

18 72. At a hearing on October 12, 2015, the court entered a judgment against Ms. Cerkan
19 in the amount of \$2,830 and ordered Ms. Cerkan to attend a deposition.

20 73. Respondent knew of the October 12, 2015 hearing.

21 74. Respondent did not appear at the October 12, 2015 hearing.

22 75. Respondent did not notify Ms. Cerkan of this hearing.

23 76. Via mail and email on October 19, 2015, Mr. Edwards sent Respondent a copy of the

1 court's judgment and order, along with a Notice of Deposition scheduling a deposition of Ms.
2 Cerkan for November 3, 2015.

3 77. Respondent received this mail and email.

4 78. Respondent did not notify Ms. Cerkan of the November 3, 2015 deposition.

5 79. In October 2015, Ms. Cerkan received a message from her previous lawyer, Mr.
6 Campbell, expressing concern over Respondent's handling of Ms. Cerkan's case.

7 80. Ms. Cerkan contacted Respondent, who told Ms. Cerkan that there was nothing to be
8 concerned about and that there was nothing going on with her case.

9 81. Respondent's statements to Ms. Cerkan about her case were false.

10 82. On October 31, 2015, Respondent told Ms. Cerkan that Mr. Campbell was "confused
11 and wrong" and that neither attorney would return her calls. She said that notice had to be
12 served, that none had been served on her, and that she hadn't received anything from Mr.
13 Edwards.

14 83. Respondent's statements to Ms. Cerkan were false.

15 84. On November 3, 2015, Respondent told Ms. Cerkan that she had an appointment to
16 talk with Mr. Edwards the next day and would let her know what was said.

17 85. Respondent's statements were false.

18 86. On November 3, 2015, neither Respondent nor Ms. Cerkan appeared for the
19 deposition set by Mr. Edwards.

20 87. On the morning of November 3, 2015, Mr. Edwards called Respondent's office and
21 left a voicemail.

22 88. Respondent did not respond.

23 89. On November 4, 2015, Mr. Edwards filed a Motion for Relief under Civil Rule 37

1 and related pleadings and sent copies to Respondent via mail and email.

2 90. Respondent received the mail and email, but did not respond.

3 91. On November 17, 2015, the court entered a default judgment against Ms. Cerkan, an
4 order quieting title to the property that was the subject of the litigation, and a judgment against
5 Ms. Cerkan for \$7,717.50, representing a \$5,000 sanction, plus attorney's fees and costs.

6 92. On December 20, 2015, Ms. Cerkan began receiving texts from Mr. Wang about
7 coming to the residence in question.

8 93. Ms. Cerkan called and texted Respondent about Mr. Wang's texts.

9 94. Later that night, Mr. Wang came through her locked gate and showed up at her door.
10 Ms. Cerkan called police, and Mr. Wang showed the officer the court's order from November
11 17, 2015, indicating that he was legally allowed to be in the property.

12 95. Respondent met with Ms. Cerkan and told her that she had reviewed the court file
13 and that Mr. Edwards was lying about serving notices.

14 96. Respondent falsely claimed that Mr. Edwards was lying.

15 97. On February 3, 2016, Mr. Edwards filed an application for a writ of garnishment
16 against Ms. Cerkan.

17 98. The court entered a writ of garnishment for \$11,272.13 against Ms. Cerkan.

18 99. As noted above, in Proceeding No. 15#00089, Respondent stipulated to a one year
19 period of probation beginning on November 18, 2015 upon approval of the stipulation to
20 reprimand, and agreed to be supervised by a practice monitor.

21 100. On February 8, 2016, Respondent met with the practice monitor for the first
22 time.

23 101. Respondent did not tell the practice monitor that Ms. Cerkan was a client or

1 discuss the status of Ms. Cerkan's case.

2 102. On February 9, 2016, Respondent paid Mr. Edwards \$11,260.19 via wire
3 transfer.

4 103. On February 16, 2016, Respondent filed a Motion for Order to Show Cause to
5 Defendant Wang, seeking to reverse the court's previous orders of October 12, 2015 and
6 November 17, 2015.

7 104. On February 16, 17 and 26, 2016, Respondent filed related declarations, each
8 signed under penalty of perjury.

9 105. In the declarations, Respondent denied having received any of the pleadings Mr.
10 Edwards had served, denied that Mr. Edwards had contacted her in the fall of 2015 about
11 scheduling depositions, and denied that she had received notice of the trial date from the court.

12 106. These statements were false.

13 107. At a hearing on March 4, 2016, after hearing argument from Respondent and Mr.
14 Edwards, the court found that Respondent received all the appropriate notices and ignored them.

15 108. On March 23, 2016, the court entered a judgment of \$4,444.84 against
16 Respondent personally, representing Mr. Wang's expenses in opposing Respondent's motion
17 for order to show cause.

18 109. Respondent paid the judgment on October 13, 2016.

19 110. On October 17, 2016, Respondent paid Mr. Edwards \$10,000, representing Ms.
20 Cerkan's settlement of the litigation against Mr. Wang.

21 111. On November 18, 2016, Ms. Cerkan filed a grievance with ODC.

22 112. By letter dated November 21, 2016, ODC requested Respondent's response to
23 the grievance.

1 113. Respondent did not respond.

2 114. On December 28, 2016, ODC sent Respondent a letter requesting a response
3 within 10 days.

4 115. Respondent received the 10-day letter, but did not respond.

5 116. On January 24, 2017, ODC served Respondent with a subpoena duces tecum
6 requiring her appearance at a deposition on February 22, 2017.

7 117. Respondent appeared at the deposition.

8 118. In taking the actions described above, Respondent acted knowingly.

9 119. Respondent caused serious actual and potential injury to Ms. Cerkan.

10 120. Respondent caused actual injury to ODC, and to the lawyer discipline system as
11 a whole by failing to cooperate with the disciplinary investigation.

12 **COUNT 4**

13 121. By failing to act with reasonable diligence and promptness in representing Ms.
14 Cerkan, Respondent violated RPC 1.3.

15 **COUNT 5**

16 122. By failing to make reasonable efforts to expedite litigation consistent with the
17 interests of her client, Respondent violated RPC 3.2.

18 **COUNT 6**

19 123. By failing to make reasonably a diligent effort to comply with a legally proper
20 discovery request by an opposing party, Respondent violated RPC 3.4(d).

21 **COUNT 7**

22 124. By failing to keep Ms. Cerkan reasonably informed about the status of her case,
23 Respondent violated RPC 1.4(a).

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COUNT 8

125. By making one or more false statements to Ms. Cerkan about the litigation, Respondent violated 1.4(a) and/or RPC 8.4(c).

COUNT 9

126. By knowingly making one or more false statements to Mr. Edwards about the litigation, Respondent violated RPC 4.1(a) and/or 8.4(c).

COUNT 10

127. By knowingly making one or more false statements in sworn declaration[s] filed with the court, Respondent violated RPC 3.3(a), 8.4(b) (by committing the crime of False Swearing proscribed by RCW 9A.72.040), and/or RPC 8.4(c).

COUNT 11

128. By failing to cooperate fully and promptly as required by ELC 5.3, Respondent violated RPC 8.1(b) and/or 8.4(l).

COUNT 12

129. By failing to comply with a condition of her disciplinary probation during the probationary period from November 18, 2015 through November 17, 2016, Respondent violated RPC 8.4(l) (by violating a duty imposed by ELC 1.5 and/or ELC 13.8).

FACTS RELATED TO COUNTS 13-17

130. On April 27, 2016, Respondent, representing Ralph Munson, filed a lawsuit in Snohomish County Superior Court No. 16-2-03503-3. The case involved a claim by Mr. Munson against the previous owners of his home, their agent, his agent, and related real estate companies.

131. Counsel appeared for the defendants.

1 132. On September 30, 2016, after discovery was complete, the defendants filed
2 motions for summary judgment.

3 133. A summary judgment hearing was set for October 28, 2016.

4 134. Respondent received copies of the summary judgment motions and notice of the
5 hearing date.

6 135. Five days after the motions were filed, Respondent contacted opposing counsel
7 and claimed that she and her client had scheduling conflicts.

8 136. The defendants agreed to re-note the summary judgment motions for hearing on
9 December 13, 2016 in order to accommodate Respondent's unavailability.

10 137. Respondent knew that the motions were re-noted for hearing on December 13,
11 2016.

12 138. Respondent knew that Mr. Munson's responses to the summary judgment
13 motions were due on December 2, 2016.

14 139. Respondent did not file responses to the defendants' summary judgment motions.

15 140. Respondent did not appear at the summary judgment hearing on December 13,
16 2016.

17 141. Respondent did not notify Mr. Munson of the summary judgment motions or the
18 hearing.

19 142. The court granted the defendants' summary judgment motions and dismissed Mr.
20 Munson's claims.

21 143. Some of the defendants filed a motion for attorney's fees.

22 144. Respondent received the motion.

23 145. Respondent did not respond to the motion for attorney's fees.

1 146. On January 11, 2017, the court entered a judgment against Mr. Munson in the
2 amount of \$20,513.48.

3 147. While those events were happening, Respondent told Mr. Munson that his case
4 was "on track," and that she was moving forward with discovery.

5 148. These statements were false.

6 149. Respondent told Mr. Munson that she set a deposition of a witness in January
7 2017.

8 150. This statement was false.

9 151. Respondent told Mr. Munson that she took the witness's deposition on January 31,
10 2017, a date after the court dismissed Mr. Munson's case, and described the deposition to Mr.
11 Munson.

12 152. Respondent's statements to Mr. Munson about the January 31, 2017 deposition
13 were false.

14 153. Respondent did not set or conduct a witness deposition in Mr. Munson's case in
15 January 2017.

16 154. Respondent did not contact opposing counsel in the Munson case after October
17 2016.

18 155. Respondent sent Mr. Munson an invoice dated February 3, 2017, wherein she
19 charged Mr. Munson \$1,750 for seven hours of "All activities related to preparing, etc. re dep of
20 contractor" in January 2017.

21 156. Respondent's claims that she performed work related to the January 2017 witness
22 deposition were false.

23 157. By this invoice, Respondent knowingly billed Mr. Munson for work she never did

1 with intent to induce him to pay and deprive him of the funds.

2 158. Mr. Munson paid the invoice.

3 159. Another lawyer involved in the litigation sent Mr. Munson a letter notifying him
4 that his case was dismissed, that a judgment had been entered against him, and that the court
5 had ordered supplemental proceedings.

6 160. Mr. Munson contacted Respondent.

7 161. Respondent emailed Mr. Munson on March 6, 2017. In that email she apologized
8 for her conduct, said she "didn't see a note for the motion but can't swear it never came in,"
9 admitted failing to inform Mr. Munson of the summary judgment motions, and admitted she had
10 charged him for work she had not done.

11 162. Lawyer Bruce Galloway substituted into the case for Mr. Munson on March 24,
12 2017, and Respondent withdrew.

13 163. Mr. Galloway filed motions to vacate the summary judgments and judgment
14 against Mr. Munson.

15 164. Respondent provided a declaration for Mr. Munson, which was filed with the court
16 on May 10, 2017. In the declaration, Respondent admitted that she misled Mr. Munson about
17 the status of his case and was responsible for its dismissal.

18 165. The court denied Mr. Munson's motions to vacate.

19 166. On March 1, 2017, one of the opposing counsel in the Munson case filed a
20 grievance against Respondent.

21 167. By letter dated March 6, 2017, ODC requested Respondent's response to the
22 grievance.

23 168. Respondent received the letter but did not respond.

1 169. On April 11, 2017, Respondent appeared for her deposition related to the
2 Kennedy grievance.

3 170. During that deposition, Disciplinary Counsel hand-delivered to Respondent a
4 copy of the grievance arising out of the Munson litigation and a letter requesting that
5 Respondent respond within ten days, and told Respondent that her written response to the
6 grievance was due by April 24, 2017.

7 171. Respondent provided a letter on April 26, 2017 stating that she had health
8 problems, but not responding to the allegations of the grievance, and stating that her "full
9 response" was a "high priority" for her.

10 172. Respondent did not provide any further response to the grievance.

11 173. Respondent acted knowingly in taking the actions described above.

12 174. Respondent caused serious actual injury to Mr. Munson, who lost his day in
13 court, had a judgment entered against him for more than \$20,000, paid for a deposition that did
14 not take place, and had to hire another lawyer in attempt to remedy the damage caused by
15 Respondent.

16 175. Respondent caused actual injury to ODC, and to the lawyer discipline system as
17 a whole by failing to respond to the grievance.

18 **COUNT 13**

19 176. By failing to act with reasonable diligence and promptness in representing Mr.
20 Munson, Respondent violated RPC 1.3.

21 **COUNT 14**

22 177. By failing to keep Mr. Munson reasonably informed about the status of his case,
23 Respondent violated RPC 1.4(a).

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COUNT 15

178. By making one or more false statements to Mr. Munson about the his case, Respondent violated RPC 1.4(a) and/or RPC 8.4(c).

COUNT 16

179. By charging and/or collecting a fee for work not performed, and/or by committing the crime of theft as defined in RCW 9A.56.020, Respondent violated RPC 1.5(a), RPC 8.4(b), RPC 8.4(c), and/or RPC 8.4(i).

COUNT 17

180. By failing to cooperate fully and promptly as required by ELC 5.3 in the investigation of the grievance concerning the Munson case, Respondent violated RPC 8.1(b) and/or 8.4(l).

FACTS RELATED TO COUNTS 18-22

181. In July 2016, Respondent agreed to represent John Berry in a dispute involving Mr. Berry's commercial tenant who broke the lease after Mr. Berry spent a significant amount of money on requested improvements.

182. Mr. Berry provided Respondent with documentation to support his claim, including a list of improvements, receipts, and utility bills.

183. Respondent and Mr. Berry entered into a fee agreement that provided that Respondent would be paid \$300 per hour.

184. Respondent agreed to draft a letter to the tenant stating that Mr. Berry was willing to settle the matter for \$10,000 or else would file a lawsuit.

185. On August 30, 2016, Mr. Berry gave Respondent an advance fee deposit of \$1,000.

1 186. On August 30, 2016, Respondent gave Mr. Berry a copy of a one page letter that
2 she said she sent to his tenant regarding damages and settlement.

3 187. Mr. Berry did not hear from Respondent again until December 2016.

4 188. On December 1, 2016, Mr. Berry sent Respondent an email notifying her that he
5 had leased the space formally occupied by the tenant who broke the lease.

6 189. Respondent replied by email stating that she would "run up the numbers and
7 shoot you a draft demand within the next day or two."

8 190. Respondent did not send Mr. Berry a "draft demand."

9 191. Mr. Berry attempted to contact Respondent every two weeks after that, between
10 December 2016 and February 2017, to learn the status of the matter. He left messages with
11 Respondent's receptionist and on her voicemail and sent Respondent emails.

12 192. Mr. Berry's father also called and left messages for Respondent.

13 193. Mr. Berry's requests for information about his case were reasonable.

14 194. Respondent did not respond until February 10, 2017.

15 195. Respondent sent Mr. Berry an email on February 10, 2017, in which she
16 apologized for her delay and claimed that she had sent him a "proposed letter and a complaint
17 some time ago."

18 196. Respondent's claim that she had sent Mr. Berry a proposed letter and complaint
19 was false.

20 197. On March 23, 2017, Mr. Berry responded to Respondent's February 10, 2017
21 email, and noted that he still had not received any documents. He requested that Respondent
22 contact him again.

23 198. Respondent did not respond.

1 199. Mr. Berry sent Respondent an email on April 14, 2017, and requested a full
2 refund and his file.

3 200. Respondent received this email but did not respond.

4 201. Respondent did not refund any part of Mr. Berry's \$1,000 or turn over his file.

5 202. Mr. Berry filed a grievance with the ODC on April 20, 2017.

6 203. By letter dated April 25, 2017, ODC requested Respondent's response.

7 204. Respondent received the letter, but did not respond.

8 205. ODC sent Respondent another letter on May 30, 2017, by certified mail,
9 requesting that she respond to the grievance in writing within ten days.

10 206. Respondent received the 10-day letter.

11 207. Respondent did not respond to the grievance.

12 208. Respondent acted knowingly in taking the actions described above.

13 209. Respondent caused actual injury to Mr. Berry, who had his matter delayed, lost
14 \$1,000 in advance fees paid for legal services not rendered, and did not get his client file.

15 210. Respondent caused actual injury to ODC, and to the lawyer discipline system as
16 a whole by not cooperating with the disciplinary investigation.

17 **COUNT 18**

18 211. By failing to act with reasonable diligence and promptness in representing Mr.
19 Berry, Respondent violated RPC 1.3.

20 **COUNT 19**

21 212. By failing to keep Mr. Berry informed about the status of his case, and/or by
22 failing to respond to his reasonable requests for information about his case, Respondent violated
23 RPC 1.4(a).

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COUNT 20

213. By failing to refund an advance payment of fee that was not been earned, Respondent violated RPC 1.16(d).

COUNT 21

214. By failing to surrender Mr. Berry's client file, Respondent violated RPC 1.16(d).

COUNT 22

215. By failing to cooperate fully and promptly as required by ELC 5.3 in the investigation of the Berry grievance, Respondent violated RPC 8.1(b) and/or 8.4(l).

COUNT 23

216. By engaging in all of the conduct described above, Respondent has demonstrated unfitness to practice law in violation of RPC 8.4(n).

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

Dated this 21st day of November, 2017.



M Craig Bray
Disciplinary Counsel