

FILED

JAN 23 2018

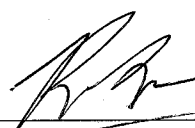
DISCIPLINARY
BOARD

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4 BEFORE THE
5 DISCIPLINARY BOARD
6 OF THE
7 WASHINGTON STATE BAR ASSOCIATION

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11 Notice of Reprimand

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Lawyer Matthew Ian Cooper, WSBA No. 13100, has been ordered Reprimanded by the following attached documents: Order on Stipulation to Reprimand and Stipulation to Reprimand.

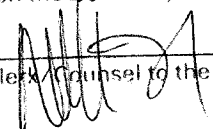
WASHINGTON STATE BAR ASSOCIATION



Kevin Bank
Counsel to the Disciplinary Board

CERTIFICATE OF SERVICE

I certify that I caused a copy of the notice of Reprimand
to be delivered to the Office of Disciplinary Counsel and to be mailed
to Stephen Smith Respondent/Respondent's Counsel
at 277 Main St #1000 Bellingham WA 98201 by Certified/first class mail
postage prepaid on the 23rd day of Jan, 2018.



Clerk/Counsel to the Disciplinary Board

FILED
JAN 16 2018
DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

Matthew Ian Cooper,

Lawyer (Bar No. 13100).

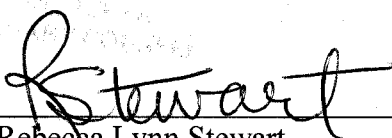
Proceeding No. 17#00024

ORDER ON STIPULATION TO
REPRIMAND

On review of the January 3, 2018 Stipulation to Reprimand and the documents on file in
this matter,

IT IS ORDERED that the Stipulation to Reprimand is approved.

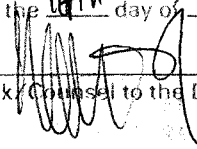
Dated this 5th day of January, 2018.



Rebecca Lynn Stewart
Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Order on Stip to Reprimand
to be delivered to the Office of Disciplinary Counsel and to be mailed
to Sharon Smith Respondent/Respondent's Counsel
OFFICE OF DISCIPLINARY COUNSEL by Certified/first class mail
postage prepaid on the 14th day of Jan 2018



Clerk/Counsel to the Disciplinary Board

DM

FILED

JAN 17 2018

DISCIPLINARY
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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

MATTHEW IAN COOPER,

Lawyer (Bar No. 13100).

Proceeding No. 17#00024

ODC File No(s): 15-01703

STIPULATION TO REPRIMAND

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to Reprimand is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Francesca D'Angelo, Respondent's Counsel Stephen Christopher Smith and Respondent lawyer Matthew Ian Cooper (Respondent).

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to him. Respondent chooses to resolve this

Stipulation to Discipline
Page 1

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

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1 proceeding now by entering into the following stipulation to facts, misconduct and sanction to
2 avoid the risk, time, and expense attendant to further proceedings.

3 **I. ADMISSION TO PRACTICE**

4 1. Respondent was admitted to the practice of law in the State of Washington on May
5 16, 1983.

6 **II. STIPULATED FACTS**

7 2. In September 2015, Respondent maintained IOLTA accounts with JP Morgan Chase
8 Bank ending in 0913 and 8509.

9 3. Respondent's IOLTA account ending in 8509 was a separate account that contained
10 only funds relating to the sale of client RW's marital home.

11 4. On September 14, 2015, Respondent mistakenly attempted to disburse RW's funds
12 by issuing a check for \$139,963 (Check #6665) from account 0913, rather than from account
13 8509.

14 5. At the time check #6665 was presented for payment, account 0913 did not contain
15 any funds of RW.

16 6. At the time check #6665 was presented for payment, the balance in account 0913
17 totaled \$28,655.82. Check #6665 was returned unpaid.

18 7. On September 15, 2015, Respondent transferred all of RW's funds from account
19 8509 into account 0913.

20 8. On September 15, 2015, Respondent issued check #6666 for \$145,353.53 from
21 account 0913 on behalf of RW.

22 9. Check #6666 was not presented for payment until on or about December 21, 2015.

23 10. At the time check #6666 was presented for payment there was only \$144,565.28 in
24

1 account 0913, which was insufficient to cover check #6666. The check was returned unpaid.

2 11. On December 29, 2015, Respondent deposited \$19,455.94 into his trust account,
3 offsetting most of the negative balances.

4 12. Between December 26, 2001 and December 31, 2015, Respondent did not maintain a
5 checkbook register for trust account 0913.

6 13. Between December 26, 2001 and December 31, 2015, Respondent did not maintain
7 individual client ledgers for the funds held in trust account 0913.

8 14. Between December 26, 2001 and December 31, 2015, Respondent did not perform
9 monthly reconciliations of a checkbook register balance to his bank statement balance.

10 15. Between December 26, 2001 and December 31, 2015, Respondent did not perform
11 monthly reconciliations of a checkbook register balance to a combined total of his client ledger
12 records.

13 16. Between December 26, 2001 and December 28, 2015, Respondent disbursed funds
14 on behalf of several clients in excess of the amount on deposit in trust for those clients, thereby
15 using funds that belonged to another client and/or third person.

16 17. As of December 28, 2015, Respondent had disbursed funds for 21 clients in excess
17 of the amounts the clients had on deposit, creating a shortage of client funds in his trust account
18 of at least <\$23,550.34>.

19 18. As of December 12, 2017, Respondent has cured the shortages in his trust account
20 by depositing his own funds to the account and has disbursed the funds to clients and third
21 parties entitled to receive funds.

22 III. STIPULATION TO MISCONDUCT

23 19. By failing to maintain check registers and by failing to maintain individual client

1 ledgers, Respondent violated RPC 1.15B and RPC 1.15A(h)(2).

2 20. By failing to reconcile his trust account records on a monthly basis, Respondent
3 violated RPC 1.15A(h)(6).

4 21. By disbursing funds on behalf of clients that exceeded the funds those clients had on
5 deposit and by using funds of one client or third person on behalf of another, Respondent
6 violated RPC 1.15A(h)(8) and RPC 1.15A(e).

7 **IV. PRIOR DISCIPLINE**

8 22. Respondent has no prior discipline.

9 **V. APPLICATION OF ABA STANDARDS**

10 23. The following American Bar Association Standards for Imposing Lawyer Sanctions
11 (1991 ed. & Feb. 1992 Supp.) apply to this case:

12 ***4.1 Failure to Preserve the Client's Property***

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

16 4.11 Disbarment is generally appropriate when a lawyer knowingly converts
17 client property and causes injury or potential injury to a client.

18 4.12 Suspension is generally appropriate when a lawyer knows or should
19 know that he is dealing improperly with client property and causes injury
20 or potential injury to a client.

21 4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing
22 with client property and causes injury or potential injury to a client.

23 4.14 Admonition is generally appropriate when a lawyer is negligent in
24 dealing with client property and causes little or no actual or potential
injury to a client.

20 24. Respondent knew or should have known he was dealing improperly with client
21 funds.

22 25. Respondent's conduct caused at least potential injury to clients due to Respondent's
23 inability to track client funds in his possession due to his failure to maintain trust account

1 records. Respondent's clients were also injured in that their funds were used for the benefit of
2 other clients.

3 26. The presumptive sanction is suspension.

4 27. The following aggravating factors apply under ABA Standard 9.22:

5 (i) substantial experience in the practice of law [Respondent was admitted to
6 practice in 1983].

7 28. The following mitigating factors apply under ABA Standard 9.32:

8 (a) absence of a prior discipline record;

9 (d) timely good faith effort to make restitution or to rectify the consequences
10 of his misconduct. [Respondent hired a bookkeeper to reconstruct his
11 trust account records and deposited personal funds to rectify shortages in
12 his accounts];

13 (j) remorse.

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

16 30. Based on the factors set forth above, the presumptive sanction should be mitigated to
17 Reprimand.

18 VI. STIPULATED DISCIPLINE

19 31. The parties stipulate that Respondent shall receive a Reprimand for his conduct.

20 32. Respondent will be subject to probation for a period of two years commencing upon
21 the date of approval of this Stipulation, with periodic reviews under ELC 13.8 of his trust
22 account practices, and must comply with the specific probation terms set forth below:

23 a) Respondent shall carefully review and fully comply with RPC 1.15A and RPC
24 1.15B, and shall carefully review the current version of the publication, Managing
Client Trust Accounts: Rules, Regulations, and Common Sense.

b) 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 c) 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 d) On a quarterly basis, Respondent shall provide ODC's audit staff with all trust-
5 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 e) 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 f) 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 g) 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 33. Restitution is not required under this stipulation.

22 VIII. COSTS AND EXPENSES

23 34. 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
and \$2,200, in costs in accordance with ELC 13.9(i). The Association will seek a money
judgment under ELC 13.9(i) if these costs are not paid within 30 days of approval of this
stipulation.

IX. VOLUNTARY AGREEMENT

35. Respondent states that prior to entering into this Stipulation he 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 36. 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 37. 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 38. 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 39. 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 40. Under ELC 3.1(b), all documents that form the record before the Hearing Officer for
22 his or her review become public information on approval of the Stipulation by the Hearing
23 Officer, unless disclosure is restricted by order or rule of law.

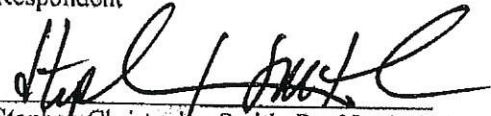
1 41. If this Stipulation is approved by the Hearing Officer, it will be followed by the
2 disciplinary action agreed to in this Stipulation. All notices required in the Rules for
3 Enforcement of Lawyer Conduct will be made.

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

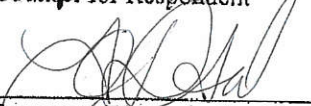
8 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
9 to Discipline as set forth above:

10 
11 _____
12 Matthew Ian Cooper, Bar No. 13100
13 Respondent

Dated: January 2, 2018

14 
15 _____
16 Stephen Christopher Smith, Bar No. 15414
17 Counsel for Respondent

Dated: 1/2/18

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

Dated: 1/31/18