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MAY 15 2015

DISCIPLINARY
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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JAMES PATRICK HAGARTY,

Lawyer

WSBA No. 14034

ADMONITION

WSBA File No. 14-00948

Pursuant to Rule 13.5(a) of the Rules for Enforcement of Lawyer Conduct (ELC), a review committee of the Disciplinary Board issues the following admonition:

ADMISSION TO PRACTICE

1. At all times material to the complaint, you practiced law in the state of Washington.

FACTS

2. In May 2014, as the elected Prosecuting Attorney for Yakima County, you wrote a letter to Yakima County Superior Court Chief Judge Elofson complaining about Judge Reukauf's handling of several completed and pending criminal cases.

3. The letter alleged that Judge Reukauf had a "bias and prejudice against the Yakima County Prosecuting Attorney's Office" making it "impossible for the state to get a fair trial with her as Judge." Your letter asked that Judge Reukauf either recuse herself or be ordered removed from all homicide cases involving your office.

4. You did not send a copy of this letter to anyone else.

5. Judge Elofsen shared the letter with Judge Reukauf and with the lawyers on the pending cases. Defense Counsel in some pending cases filed Motions to Dismiss.

6. In denying the Motions to Dismiss, Judge Reukauf found that your letter constituted prosecutorial misconduct, but that it was premature to determine prejudice to the defendants.

1 7. You did not seek re-election to the Prosecuting Attorney position and are currently on
2 inactive status with the Washington State Bar Association.

3 MISCONDUCT

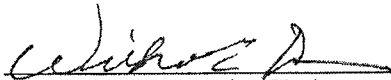
4 8. By engaging in ex parte communication with a judge during criminal trials, your
5 conduct violated RPC 3.5.

6 ADMONITION

7 YOU ARE HEREBY ADMONISHED FOR THIS MISCONDUCT. This admonition
8 is not a disciplinary sanction, but is a disciplinary action, and shall be admissible in
9 evidence in subsequent discipline or disability proceedings involving you.

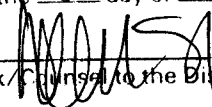
10 You may protest the issuance of this Admonition by filing a written notice of protest with
11 the Association-Attention: Clerk to the Disciplinary Board, within 30 days of the service
12 of this Admonition upon you. Upon receipt of a timely protest, this Admonition shall be
13 rescinded, and the grievance by shall be deemed ordered to hearing.

14 Dated this 14th day of May, 2015

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18 William E. Davis, Chair
19 Review Committee I

20 CERTIFICATE OF SERVICE

21 I certify that I caused a copy of the Admonition
22 to be delivered to the Office of Disciplinary Counsel and to be mailed
23 to James Hagarty, Respondent's Counsel
24 at 34142 PARKVIEW AVE SUITE 600, FL 32708 by Certified first class mail,
25 postage prepaid on the 13th day of May, 2015

26
27 
Clerk/Counsel to the Disciplinary Board