

FILED

Apr 10 2019

Disciplinary
Board

Docket # 014

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

ROBERT GRANT MEYERS,

Lawyer (Bar No. 15199).

Proceeding No. 18#00061

ODC File No(s). 16-00847

Resignation Form of Robert Grant Meyers
(ELC 9.3(b))

I, Robert Grant Meyers, 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 4, 1985.

3. I was served with a Formal Complaint and Notice to Answer in this matter on December 3, 2018.

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 Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

5. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged

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 and
5 costs of \$1,574.44, for a total of \$3,074.44 in this matter.

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

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

14 9. I agree to (a) notify all other states and jurisdictions in which I am admitted of this
15 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in all
16 such states and jurisdictions; and (c) provide Disciplinary Counsel with copies of this
17 notification and any response(s). I acknowledge that this resignation could be treated as a
18 disbarment by all other jurisdictions.

19 10. I agree to (a) notify all other professional licensing agencies in any jurisdiction
20 from which I have a professional license that is predicated on my admission to practice law of
21 this resignation in lieu of discipline; (b) seek to resign permanently from any such license; and
22 (c) provide disciplinary counsel with copies of any of these notifications and any responses.

23 11. I agree that when applying for any employment, I will disclose the resignation in

1 lieu of discipline in response to any question regarding disciplinary action or the status of my
2 license to practice law.

3 12. I understand that my resignation becomes effective on Disciplinary Counsel's
4 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary
5 Counsel must do so promptly following receipt of this document.

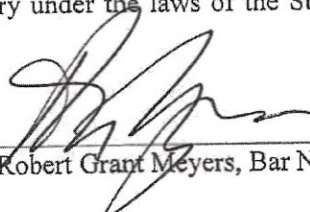
6 13. When my resignation becomes effective, I agree to be subject to all restrictions that
7 apply to a disbarred lawyer.

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

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

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

15 4/9/19 WAUNA, WA
16 Date and Place


Robert Grant Meyers, Bar No. 15199

17 ENDORSED BY:
18 Marsha Matsumoto
19 Marsha Matsumoto, Managing Disciplinary Counsel
20 Bar No. 15831

EXHIBIT A

EXHIBIT A

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

ROBERT GRANT MEYERS,

Lawyer (Bar No. 15199).


Proceeding No. 18#00061

ODC File No(s). 16-00847

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

The attached formal complaint, filed on November 21, 2018 in Proceeding No. 18#00061, constitutes Disciplinary Counsel's statement of alleged misconduct under Rule 9.3(b)(1) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

DATED this 28th day of March, 2019.


Marsha Matsumoto, Bar No. 15831
Managing Disciplinary Counsel

FILED

Nov 21 2018

Disciplinary
Board

Docket # 002

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

ROBERT GRANT MEYERS,
Lawyer (Bar No. 15199).

Proceeding No. 18#00061
FORMAL COMPLAINT

Under Rule 10.3 of the Washington Supreme Court's 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 Washington Supreme Court's Rules of Professional Conduct (RPC) as set forth below.

ADMISSION TO PRACTICE

1. Respondent Robert Grant Meyers (Respondent) was admitted to the practice of law in the State of Washington on November 4, 1985.

FACTS REGARDING COUNTS 1 THROUGH 5

Hernandez-Cervantes Matter

2. Perla Hernandez (Perla) was struck by a car and died on October 10, 2013. Perla

1 was 14 years old.

2 3. Two at-fault drivers were involved in Perla's accident. One was insured by
3 Farmers Insurance Company of Washington (Farmers). The other was insured by Amica
4 Mutual Insurance Company (Amica).

5 4. Perla's mother, Celina Hernandez-Cervantes, hired James Newton, Attorney at
6 Law, PLLC, (Newton firm) to represent Perla's estate, Perla's siblings, and Ms. Hernandez-
7 Cervantes individually.

8 5. Ms. Hernandez-Cervantes and the Newton firm entered into a contingency fee
9 agreement that provided for a 33-1/3% fee of any amounts received via settlement.

10 6. The Newton firm assigned Respondent to handle Ms. Hernandez-Cervantes's case
11 (the Cervantes case).

12 7. Respondent was of counsel to the Newton firm, but maintained his own trust
13 account, ending in 2150, at Union Bank for the deposit of client funds.

14 8. On or about April 23, 2014, Farmers issued a settlement check in the amount of
15 \$50,000, payable to the Newton firm in trust for the Estate of Perla Hernandez.

16 9. On or about May 16, 2014, Respondent deposited the \$50,000 check to his Union
17 Bank trust account.

18 10. On or about May 30, 2014, Respondent disbursed \$8,333.33 to the Newton firm
19 and \$8,333.34 to himself for the 33-1/3% contingency fee.

20 11. Prior to disbursing the funds, Respondent did not provide Ms. Hernandez-
21 Cervantes with a settlement statement or written notice of his intent to withdraw earned fees.

22 12. After disbursing the funds, Respondent did not provide Ms. Hernandez-Cervantes
23 with a written accounting.

1 13. On or about June 19, 2014, Amica issued a settlement check in the amount of
2 \$25,000, payable to Respondent and Ms. Hernandez-Cervantes as Personal Representative.

3 14. On or about June 25, 2014, Respondent deposited the \$25,000 check to his Union
4 Bank trust account.

5 15. On or about June 30, 2014, Respondent disbursed \$4,166.66 to the Newton firm
6 and \$4,166.67 to himself for the 33-1/3% contingency fee.

7 16. Prior to disbursing the funds, Respondent did not provide Ms. Hernandez-
8 Cervantes with a settlement statement or written notice of his intent to withdraw earned fees.

9 17. After disbursing the funds, Respondent did not provide Ms. Hernandez-Cervantes
10 with a written accounting.

11 18. In July 2014, Respondent left the Newton firm, but continued to represent Ms.
12 Hernandez-Cervantes.

13 19. On or about November 7, 2014, Respondent sent Ms. Hernandez-Cervantes a trust
14 account check in the amount of \$30,000 with a letter indicating the check was a "partial
15 distribution."

16 20. Respondent's November 7, 2014 letter further stated, "we are still involved in the
17 process of investigating the accident to determine whether any other liability exists for recovery
18 to Perrla's [sic] estate. Upon completion, I will advise you of the results and provide you with a
19 complete itemization of the distribution of all monies received."

20 21. Respondent did not provide Ms. Hernandez-Cervantes with the results of her case
21 or an itemization.

22 22. Ms. Hernandez-Cervantes left several telephone messages for Respondent, but
23 Respondent did not return her calls.

- 1 23. Ms. Hernandez-Cervantes hired lawyer Daniel McCormick to assist her.
- 2 24. On or about July 20, 2015, Mr. McCormick sent Respondent a letter requesting his
3 complete client file.
- 4 25. Respondent did not respond to Mr. McCormick's July 20, 2015 letter.
- 5 26. On or about August 17, 2015, Mr. McCormick sent Respondent another letter
6 requesting his complete client file.
- 7 27. Respondent did not respond to Mr. McCormick's August 17, 2015 letter.
- 8 28. Mr. McCormick referred Ms. Hernandez-Cervantes to lawyer Joseph Moore.
- 9 29. On or about October 13, 2015, Mr. Moore sent Respondent a letter requesting his
10 file and "the balance of any funds held in trust in this matter."
- 11 30. Respondent did not respond to Mr. Moore's October 13, 2015 letter.
- 12 31. On or about November 3, 2015, Mr. Moore sent Respondent another letter
13 requesting his file and any funds held on behalf of Ms. Hernandez-Cervantes.
- 14 32. On or about November 13, 2015, Respondent sent Mr. Moore a letter, his client
15 file, and a check in the amount of \$3,333.33.
- 16 33. Respondent's November 13, 2015 letter stated, "you will find my trust account
17 check in the amount of \$3,333.33 which reflects the balance of the account."
- 18 34. Respondent's statement was incorrect in that \$3,333.33 did not reflect the balance
19 of funds that Respondent was holding for the Cervantes case.
- 20 35. After disbursing the \$3,333.33, Respondent was still holding \$16,666.67 in client
21 funds for the Cervantes case.
- 22 36. On or about December 31, 2015, Mr. Moore sent Respondent a letter requesting
23 copies of any disbursement authorizations signed by Ms. Hernandez-Cervantes and an

1 | accounting of the settlement proceeds.

2 | 37. On or about February 1, 2016, Respondent sent Mr. Moore a letter, a check in the
3 | amount of \$16,666.67, and a handwritten ledger.

4 | 38. Respondent's February 1, 2016 letter stated, "\$16,666.67 . . . reflects the corrected
5 | and accurate balance of the funds which I have held in trust."

6 | 39. During the period that Respondent held funds for the Cervantes case, he did not
7 | provide Ms. Hernandez-Cervantes with an annual written accounting.

8 | **FACTS REGARDING COUNTS 6 THROUGH 12**

9 | *Trust Account Records*

10 | 40. Respondent prepared and signed all of the checks drawn on his Union Bank trust
11 | account, made all of the electronic transfers, and personally maintained the trust account
12 | records.

13 | 41. During the period April 1, 2014 through March 31, 2018, Respondent did not
14 | maintain a complete, accurate, and/or current check register for his trust account.

15 | 42. Respondent maintained handwritten check stubs, but the check stubs did not
16 | include deposits made to the trust account, electronic transfers from the trust account, and a
17 | running balance after every transaction.

18 | 43. During the period April 1, 2014 through March 31, 2018, Respondent did not
19 | maintain complete, accurate, and/or current client ledgers.

20 | 44. Respondent maintained handwritten client ledgers, but did not make all entries
21 | contemporaneously with the transactions they recorded and did not enter all deposits and
22 | disbursements.

23 | 45. During the period April 1, 2014 through March 31, 2018, Respondent did not

1 reconcile his trust account check register to the bank statements.

2 46. During the period April 1, 2014 through March 31, 2018, Respondent did not
3 reconcile his trust account check register to the combined total of his client ledgers.

4 47. As of April 1, 2014, Respondent's trust account held \$150,799.84 that was not
5 identified by client matter.

6 ***Failure to Properly Handle Client Funds***

7 48. Respondent failed to promptly disburse at least \$23,565.99 in seven client matters.

8 49. Respondent disbursed more funds from his trust account for three clients than the
9 clients had on deposit.

10 50. On or about October 6, 2014, Respondent disbursed \$25,000 from his trust account
11 to himself without entitlement to the funds.

12 ***Failure to Cooperate with Grievance Investigation***

13 51. On or about June 2, 2016, ODC sent Respondent a letter requesting a response to
14 Ms. Hernandez-Cervantes's grievance within 30 days.

15 52. Respondent did not respond to ODC's June 2, 2016 letter.

16 53. On or about July 6, 2016, ODC sent Respondent a letter requiring his response to
17 the grievance within 10 days or ODC would issue a subpoena for his deposition.

18 54. On or about July 19, 2016, Respondent submitted a response.

19 55. On or about August 12, 2016, ODC sent Respondent a letter requesting his
20 complete trust account records for the period April 1, 2014 through March 31, 2016 and
21 financial records relating to his representation of Ms. Hernandez-Cervantes.

22 56. Respondent requested and was granted an extension to September 15, 2016, and
23 then to September 19, 2016.

1 57. On September 19, 2016, Respondent submitted a response, but did not include
2 bank reconciliations or client ledger reconciliations.

3 58. In his September 19, 2016 response, Respondent wrote, "at present, I've been
4 unable to locate reconciliations between the bank statements and the check register and
5 reconciliations between the check register and the client ledger's [*sic*] which I believe to be in
6 my storage unit. I will continue to look for those and provide them at my earliest convenience."

7 59. Respondent did not provide the bank statement or client ledger reconciliations.

8 60. On May 12, 2017, ODC sent Respondent a letter requesting additional information
9 relating to his handling of client funds and requesting his trust account records, including the
10 reconciliations.

11 61. Respondent did not respond to ODC's May 12, 2017 letter.

12 62. On June 19, 2017, ODC sent Respondent a letter requiring his response within 10
13 days or ODC would issue a subpoena for his deposition.

14 63. On or about June 30, 2017, Respondent requested an additional 45 days to respond.

15 64. Respondent did not respond within the 45 days.

16 65. On or about August 19, 2017, Respondent was personally served with a subpoena
17 duces tecum requiring him to appear for his deposition on August 30, 2017 and to produce
18 records.

19 66. During his August 30, 2017 deposition, Respondent informed ODC for the first
20 time that he did not have bank statement or client ledger reconciliations because he did not
21 perform reconciliations.

22 67. During his August 30, 2017 deposition, Respondent testified that he had
23 reconstructed reconciliations for 2010 to mid-2013.

1 68. Respondent agreed to provide the reconstructed reconciliations, but never did.
2 69. During his August 30, 2017 deposition, Respondent did not respond to all requests
3 from ODC's May 12, 2017 letter. Respondent testified, "I'm going through at this point to
4 reconcile everything to make certain that I'm aware of what's going on."
5 70. Respondent did not provide further information after his August 30, 2017
6 deposition.
7 71. On January 9, 2018, ODC sent Respondent a letter requesting additional
8 information relating to his handling of client funds and requesting records.
9 72. Respondent agreed to submit a response by February 8, 2018.
10 73. Respondent did not respond by February 8, 2018.
11 74. On February 16, 2018, ODC issued a subpoena duces tecum requiring Respondent
12 to appear for his deposition on March 22, 2018 and to produce records.
13 75. Respondent was personally served with the subpoena duces tecum on February 18,
14 2018.
15 76. The morning of March 22, 2018, Respondent telephoned ODC to request a one
16 week continuance of his deposition because his mother-in-law, Kathy Mikita, was in "St. Joe's"
17 hospital in Tacoma.
18 77. Respondent agreed to deliver the subpoenaed records by March 26, 2018 if the
19 deposition was continued.
20 78. ODC continued Respondent's deposition to April 5, 2018.
21 79. Respondent did not deliver any records by March 26, 2018.
22 80. No patient under the name Mikita was admitted to St. Joseph Medical Center in
23 Tacoma or was present in the emergency room between March 16, 2018 and March 24, 2018.

1 81. Respondent appeared for his deposition on April 5, 2018 and provided additional
2 information on April 10, 2018, but did not respond to all requests from ODC's January 9, 2018
3 letter.

4 **COUNT 1**

5 82. By failing to promptly deliver funds that Ms. Hernandez-Cervantes was entitled to
6 receive, Respondent violated RPC 1.15A(f) and/or RPC 1.16(d).

7 **COUNT 2**

8 83. By failing to provide Ms. Hernandez-Cervantes with a written statement showing
9 the outcome of her matter, the remittance she was due, and the method of its determination,
10 Respondent violated RPC 1.5(c)(3).

11 **COUNT 3**

12 84. By failing to provide Ms. Hernandez-Cervantes with notice of his intent to
13 withdraw earned fees through a billing statement or other document, Respondent violated RPC
14 1.15A(h)(3) and/or RPC 1.4.

15 **COUNT 4**

16 85. By failing to provide Ms. Hernandez-Cervantes with a written accounting after
17 distributing funds from trust and/or by failing to provide an annual written accounting,
18 Respondent violated RPC 1.15A(e) and/or RPC 1.4.

19 **COUNT 5**

20 86. By failing to keep Ms. Hernandez-Cervantes reasonably informed regarding the
21 status of her case and/or by failing to promptly comply with reasonable requests for
22 information, Respondent violated RPC 1.4.

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COUNT 6

87. By failing to maintain a complete, accurate, and/or current trust account check register, Respondent violated RPC 1.15A(h)(2) and/or RPC 1.15B(a)(1).

COUNT 7

88. By failing to maintain complete, accurate, and/or current client ledgers, Respondent violated RPC 1.15A(h)(2) and/or RPC 1.15(B)(a)(2).

COUNT 8

89. By failing to reconcile his trust account check register to the bank statements and/or by failing to reconcile his trust account check register to the combined total of his client ledgers, Respondent violated RPC 1.15A(h)(6) and/or RPC 1.15B(a)(8).

COUNT 9

90. By disbursing more funds than clients had on deposit and/or by using one client's funds on behalf of another, Respondent violated RPC 1.15A(h)(8).

COUNT 10

91. By failing to promptly deliver funds that clients and/or third parties were entitled to receive, Respondent violated RPC 1.15A(f).

COUNT 11

92. By failing to promptly and fully respond to ODC's requests for information and/or subpoenas, Respondent violated RPC 8.4(d) and/or RPC 8.4(l) (by violating ELC 1.5, ELC 5.3, and/or ELC 5.5(d)).


COUNT 12

93. By providing false and/or misleading information during a grievance investigation, Respondent violated RPC 8.1, RPC 8.4(c), and/or RPC 8.4(d).

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

Dated this 21st day of November, 2018.


Marsha Matsumoto, Bar No. 15831
Managing Disciplinary Counsel