

FILED

Jan 07 2020

Disciplinary
Board

Docket # 017

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

**CHRISTOPHER JOHN
DICKINSON,**

Lawyer (Bar No. 18269).

Proceeding No. 19#00047

ODC File No(s). 18-01868, 18-01135

STIPULATION TO THREE-MONTH
SUSPENSION

Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), 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 Marsha Matsumoto and Respondent lawyer Christopher John Dickinson.

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

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

3 I. ADMISSION TO PRACTICE

4 1. Respondent was admitted to practice law in the State of Washington on November 3,
5 1988.

6 2. At all times relevant to this matter, Respondent was employed as a deputy
7 prosecuting attorney by the Snohomish County Prosecuting Attorney's Office.

8 II. STIPULATED FACTS

9 3. In June 2018, Respondent attended a conference in Chelan sponsored by the
10 Washington Association of Prosecuting Attorneys.

11 4. On June 20, 2018, Respondent and some colleagues from the Snohomish County
12 Prosecuting Attorney's Office engaged in after-conference activities that included the
13 consumption of alcohol.

14 5. Later in the evening, Respondent and his colleagues went to another colleague's
15 hotel room, and continued to socialize.

16 6. At one point, NS asked FY, both Snohomish County deputy prosecuting attorneys,
17 if she would help him move an ottoman out to the deck.

18 7. As FY was backing out to the deck with the ottoman, Respondent reached around
19 FY from behind and squeezed her breast.

20 8. At the same time, Respondent reached around FY's waist and tried to pull her on to
21 his lap.

22 9. FY yelled and ran behind another person in the room.

23 10. On August 23, 2018, Respondent was charged in Chelan County District Court

1 with Assault in the Fourth Degree with sexual motivation.

2 11. Early in the morning on June 21, 2018, Chelan County Sheriff's deputies were
3 called to the scene of a possible theft in progress.

4 12. They observed Respondent in a kayak on Lake Chelan attempting to paddle the
5 vessel with his hands. He paddled to the dock and pulled himself up.

6 13. Respondent appeared intoxicated. He had the strong odor of intoxicants, his eyes
7 were watery and bloodshot, and he had difficulty maintaining his balance.

8 14. Meanwhile, the deputies observed a woman, who was Respondent's girlfriend,
9 attempting to secure a boat to the dock.

10 15. She also appeared intoxicated.

11 16. Respondent told one of the deputies that he and the woman had a few drinks earlier
12 in the evening and that they were staying in a condominium nearby.

13 17. Respondent's speech was slurred and he had difficulty talking.

14 18. One of the deputies started to administer field sobriety tests to the woman.

15 19. Respondent became agitated and started yelling at the woman "not to do a fucking
16 thing."

17 20. Respondent moved closer toward the deputies, and attempted to interfere with the
18 deputy administering the field sobriety tests.

19 21. Respondent was told several times to step back.

20 22. The deputy who was not administering the field sobriety tests placed himself
21 between Respondent and the other deputy.

22 23. Respondent informed the deputies that he was a lawyer, that he was representing
23 the woman, and that they had to listen to him.

1 24. The woman did not inform either deputy that Respondent was her lawyer.

2 25. The woman ignored Respondent and followed the deputy's instructions.

3 26. The woman was arrested for boating under the influence.

4 27. About two hours later, one of the deputies who had been at the dock was at the
5 Chelan SubStation.

6 28. As he approached his patrol car, the deputy observed Respondent in the driver's
7 seat of a vehicle parked in an area reserved for deputies. The keys were in the ignition.

8 29. Respondent informed the deputy that he was waiting for his girlfriend to be
9 released.

10 30. Respondent told the deputy that a friend had driven him to the substation and
11 walked back to his hotel.

12 31. Respondent refused to give the friend's name.

13 32. Respondent's statement that a friend had driven him was false, and Respondent
14 knew it was false at the time he made it.

15 33. Respondent drove himself to the Chelan SubStation.

16 34. Respondent's eyes were bloodshot and watery, and he smelled of intoxicants.

17 35. Respondent repeated to the deputy that he did not drive the vehicle.

18 36. Respondent's statement was false, and he knew it was false at the time he made it.

19 37. The deputy administered field sobriety tests to Respondent.

20 38. Respondent subsequently took a breath test. Respondent's blood alcohol content
21 was .15, nearly twice the legal limit of .08.

22 39. Respondent was charged with being in physical control of a vehicle while under
23 the influence.

1 40. On November 20, 2018, Respondent pleaded guilty to one count of Assault in the
2 Fourth Degree, in violation of RCW 9A.36.041, and one count of Reckless Driving, in violation
3 of RCW 46.61.500

4 41. Respondent was sentenced to 364 days in jail, with all but four days suspended,
5 two years' probation, and was ordered to complete an alcohol/drug assessment and a sexual
6 deviancy evaluation, among other terms and conditions.

7 42. As a result of these events, Respondent was terminated from his job as a deputy
8 prosecuting attorney, a position that Respondent states he held for 29 years.

9 III. STIPULATION TO MISCONDUCT

10 43. By committing the acts that resulted in Respondent's conviction of fourth degree
11 assault, in violation of RCW 9A.36.041, and by committing an unjustified act of assault on FY,
12 Respondent violated RPC 8.4(i).

13 44. By making false statements to a sheriff's deputy, Respondent violated RPC 8.4(c),
14 RPC 8.4(d), and RPC 8.4(i).

15 45. By interfering in the field sobriety tests being administered to his girlfriend,
16 Respondent violated RPC 8.4(d) and RPC 8.4(i).

17 46. By committing the acts that resulted in Respondent's conviction of reckless
18 driving, in violation of RCW 46.61.500, Respondent violated RPC 8.4(i).

19 IV. PRIOR DISCIPLINE

20 47. Respondent does not have a record of prior discipline in Washington.

21 V. APPLICATION OF ABA STANDARDS

22 48. The following Standard from the American Bar Association Standards for Imposing
23 Lawyer Sanctions (1991 ed. & Feb. 1992 Supp.) applies to Respondent's violations of RPC

1 8.4(c) and RPC 8.4(d):

2 **6.1 False Statements, Fraud, and Misrepresentation**

3 Absent aggravating or mitigating circumstances, upon application of the
4 factors set out in Standard 3.0, the following sanctions are generally appropriate
5 in cases involving conduct that is prejudicial to the administration of justice or
6 that involves dishonesty, fraud, deceit, or misrepresentation to a court:

7 6.11 Disbarment is generally appropriate when a lawyer, with the intent to
8 deceive the court, makes a false statement, submits a false document, or
9 improperly withholds material information, and causes serious or
10 potentially serious injury to a party, or causes a significant or potentially
11 significant adverse effect on the legal proceeding.

12 6.12 Suspension is generally appropriate when a lawyer knows that false
13 statements or documents are being submitted to the court or that material
14 information is improperly being withheld, and takes no remedial action,
15 and causes injury or potential injury to a party to the legal proceeding, or
16 causes an adverse or potentially adverse effect on the legal proceeding.

17 6.13 Reprimand is generally appropriate when a lawyer is negligent either in
18 determining whether statements or documents are false or in taking
19 remedial action when material information is being withheld, and causes
20 injury or potential injury to a party to the legal proceeding, or causes an
21 adverse or potentially adverse effect on the legal proceeding.

22 6.14 Admonition is generally appropriate when a lawyer engages in an
23 isolated instance of neglect in determining whether submitted statements
24 or documents are false or in failing to disclose material information upon
learning of its falsity, and causes little or no actual or potential injury to a
party, or causes little or no adverse or potentially adverse effect on the
legal proceeding.

49. Respondent's conduct was knowing and caused potential injury to the legal system
and the administration of justice.

50. The presumptive sanction is suspension under ABA Standard 6.12.

51. No ABA Standard applies directly to Respondent's violations of RPC 8.4(i). Based
on case law, reprimand is the presumptive sanction when the conduct is tangentially related to
the practice of law. In re Disciplinary Proceeding Against Curran, 115 Wn.2d 747, 764, 801
P.2d 962 (1990).

52. Respondent's conduct caused actual injury to FY and the profession, and potential
injury to the public and legal system.

1 53. The presumptive sanction for Respondent's violations of RPC 8.4(i) is reprimand.

2 54. The following aggravating factors apply under ABA Standard 9.22:

- 3 (d) multiple offenses;
4 (i) substantial experience in the practice of law (Respondent was admitted to
practice law in Washington in November 1988).

5 55. The following mitigating factors apply under ABA Standard 9.32:

- 6 (a) absence of a prior disciplinary record;
7 (l) remorse.

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

10 57. On balance, the aggravating and mitigating factors do not require a departure from
11 the presumptive sanction of suspension.

12 VI. STIPULATED DISCIPLINE

13 58. The parties stipulate that Respondent shall receive a three-month suspension for his
14 conduct.

15 VII. RESTITUTION

16 59. No restitution is required by this Stipulation.

17 VIII. COSTS AND EXPENSES

18 60. In light of Respondent's willingness to resolve this matter by stipulation at an early
19 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$1,160
20 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC
21 13.9(l) if these costs are not paid within 30 days of approval of this Stipulation.

22 61. Reinstatement from suspension is conditioned on payment of costs.

23 IX. VOLUNTARY AGREEMENT

24 Respondent states that prior to entering into this Stipulation he has had an opportunity to

1 consult independent legal counsel regarding this Stipulation, that Respondent is entering into
2 this Stipulation voluntarily, and that no promises or threats have been made by ODC, the
3 Association, nor by any representative thereof, to induce the Respondent to enter into this
4 Stipulation except as provided herein.

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

7 **X. LIMITATIONS**

8 63. This Stipulation is a compromise agreement intended to resolve this matter in
9 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
10 expenditure of additional resources by Respondent and ODC. Both Respondent and ODC
11 acknowledge that the result after further proceedings in this matter might differ from the result
12 agreed to herein.

13 64. This Stipulation is not binding upon ODC or Respondent as a statement of all
14 existing facts relating to the professional conduct of the respondent lawyer, and any additional
15 existing facts may be proven in any subsequent disciplinary proceedings.

16 65. This Stipulation results from the consideration of various factors by both parties,
17 including the benefits to both by promptly resolving this matter without the time and expense of
18 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
19 such, approval of this Stipulation will not constitute precedent in determining the appropriate
20 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
21 subsequent proceedings against Respondent to the same extent as any other approved
22 Stipulation.

23 66. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely on

1 the record agreed to by the parties. Under ELC 3.1(b), all documents that form the record
2 before the Board for its review become public information on approval of the stipulation by the
3 Board, unless disclosure is restricted by order or rule of law.


4 67. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will
5 be followed by the disciplinary action agreed to in this Stipulation. All notices required in the
6 Rules for Enforcement of Lawyer Conduct will be made. Respondent represents that he is not
7 admitted to practice law in any jurisdictions besides Washington.

8 68. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, this
9 Stipulation will have no force or effect, and neither it nor the fact of its execution will be
10 admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary
11 proceeding, or in any civil or criminal action.

12 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
13 to Three-Month Suspension, as set forth above.

14 
15 Christopher John Dickinson, Bar No. 18269
16 Respondent

Dated: 10/29/19

17 
18 Marsha Matsumoto, Bar No. 15831
19 Managing Disciplinary Counsel

Dated: 10/31/19