

FILED

MAY 23 2014

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JOHN GIBSON,

Lawyer (Bar No. 19407).

ODC File No. 13-00022

PROCEEDING NO. W#00031
ADMONITION

Pursuant to Rule 13.5 of the rules for Enforcement of Lawyer Conduct, the following Admonition was issued by the Chair of the Review Committee.

I. ADMISSION TO PRACTICE

At all times material to the complaint, you were licensed to practice in the state of Washington.

II. FACTS

1. On December 24, 2012, the Bank of America issued an overdraft notice for your trust account ending in #2100. This notice, and your response, resulted in an audit of your trust account for the period April 30, 2012 to April 30, 2013 (audit period).

2. Your response and the audit establish that you did not maintain a complete check register or client ledgers, or perform bank or client ledger reconciliations of your trust account.

3. During the audit period, on one occasion you made a cash withdrawal from your

002

1 trust account and disbursed funds in cash to two clients.

2 4. For most or all of the audit period, you failed to deliver approximately \$100 to two
3 clients who were entitled to receive those funds, because you did not know how much to
4 disburse to each client.

5 5. You are making arrangements for your clients to directly receive payments to which
6 they are entitled and that previously passed through your trust account, and you are currently
7 employed in a position that does not require you to maintain a trust account. You are planning
8 to close your trust account.

9 III. MISCONDUCT

10 6. By failing to maintain a complete check register and client ledgers, you violated
11 RPC 1.15A(h)(2) and RPC 1.15B(a)(1)and (2).

12 7. By failing to reconcile your trust account, you violated RPC 1.15A(h)(6) and
13 RPC1.15B(a)(8).

14 8. By making a cash withdrawal from your trust account, you violated RPC
15 1.15A(h)(5).

16 9. By failing to promptly deliver all funds that your clients were entitled to received,
17 you violated RPC 1.15A(f).

18 IV. ADMONITION

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

22 You may protest the issuance of this Admonition by filing a written notice of protest with the
23 Association-Attention: Clerk to the Disciplinary Board, within 30 days of the service of this
24 Admonition upon you. Upon receipt of a timely protest, this Admonition shall be rescinded,

1 and the grievance by shall be deemed ordered to hearing.

2 Dated this 23rd day of May, 2014.

3 Barbara McInville
4 Barbara McInville
5 Review Committee Chairperson

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Admonition
to be delivered to the Office of Disciplinary Counsel and to be mailed
to John Burkett Respondent/ Respondent's Counsel
at 1701 5th Avenue, NW #1 Seattle, WA 98101 by Certified/ first class mail
postage prepaid on the 23rd day of May, 2014

[Signature]
Clerk, Counsel to the Disciplinary Board