

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

10 In re
11 **STEVEN WITCHLEY,**
12 Lawyer (Bar No. 20106).

Proceeding No. 15# 00057
RESIGNATION FORM OF STEVEN
WITCHLEY (ELC 9.3(b))

13
14 Steven Witchley, being duly sworn, hereby attests to the following:

- 15 1. I am over the age of eighteen years and am competent. I make the statements in
16 this affidavit from personal knowledge.
- 17 2. I was admitted to practice law in the State of Washington on November 13, 1990.
- 18 3. I have voluntarily decided to resign from the Washington State Bar Association
19 (the Association) in Lieu of Discipline under Rule 9.3 of the Rules for Enforcement of Lawyer
20 Conduct (ELC).
- 21 4. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged
22 misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in
23 disciplinary counsel's statement but, rather than defend against the allegations, I wish to

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1 permanently resign from membership in the Association.

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

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

10 7. I agree to (a) notify all other states and jurisdictions in which I am admitted,
11 including the Western District of Washington, Eastern District of Washington, and the Ninth
12 Circuit Court of Appeals, of this resignation in lieu of discipline; (b) seek to resign permanently
13 from the practice of law in those jurisdictions; and (c) provide disciplinary counsel with copies
14 of this notification and any response(s). I acknowledge that this resignation could be treated as
15 a disbarment by all other jurisdictions.

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

20 9. I agree that when applying for any employment, I will disclose the resignation in
21 lieu of discipline in response to any question regarding disciplinary action or the status of my
22 license to practice law.

23 10. I understand that my resignation becomes effective on disciplinary counsel's

1 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) disciplinary
2 counsel must do so promptly following receipt of this document and payment of costs and
3 expenses.

4 11. When my resignation becomes effective, I agree to be subject to all restrictions that
5 apply to a disbarred lawyer.

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

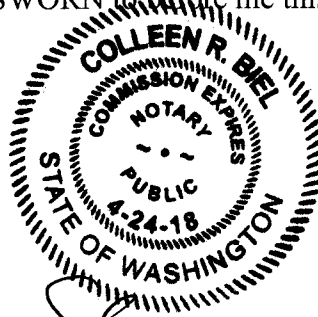
8 13. I understand that, after my resignation becomes effective, it is permanent. I will
9 never be eligible to apply and will not be considered for admission or reinstatement to the
10 practice of law nor will I be eligible for admission for any limited practice of law.

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

13 5/13/15 SEATTLE WA
Date and Place

[Signature]
Steven Witchley, Bar No. 20106

14 SUBSCRIBED AND SWORN to before me this 13th day of May, 2015.



15 Colleen R. Beil
16 NOTARY PUBLIC for the state of
17 Washington, residing at King
County
18 My commission expires: 4-24-2018

19 ENDORSED BY:

[Signature]
20 Debra Slater, Disciplinary Counsel
21 Bar No. 18346

EXHIBIT A

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

STEVEN WITCHLEY,
Lawyer (Bar No. 20106).

Proceeding No. _____

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

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The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of the Rules for Enforcement of Lawyer Conduct (ELC).

I. ADMISSION TO PRACTICE

1. Respondent Steven Witchley was admitted to the practice of law in the State of Washington on November 13, 1990.

II. ALLEGED FACTS

Facts Regarding Trust Account

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2. Respondent was formerly a partner in the law firm Holmes and Witchley. The law firm maintained a trust account at Wells Fargo Bank ending in 2657. Respondent was solely responsible for all aspects of the trust account.

1 3. Between April 2014 and November 2014, Respondent transferred \$9,225 from the
2 firm's trust account to the firm's operating account. Respondent then withdrew funds from the
3 operating account for his own use without authorization or entitlement to the funds. Some of
4 the funds were used for Respondent's personal expenses and some were used to pay expenses of
5 the firm.

6 4. Respondent transferred a total of \$9,225 to the operating account to which he was
7 not entitled and repaid \$2,739.96, leaving a shortage of \$6,485.04 in the trust account.

8 **Facts Regarding Representation of Tony Monroe**

9 5. Respondent represented Tony Monroe in appealing his conviction for promoting
10 prostitution.

11 6. Respondent filed a Notice of Appearance and reviewed the transcript and discovery
12 in Mr. Monroe's case.

13 7. Respondent requested and received several extension of time to file his brief, but did
14 not timely do so.

15 8. Respondent did not communicate directly with Mr. Monroe and relied on his staff to
16 communicate with Mr. Monroe.

17 9. Respondent did not diligently represent Mr. Monroe and failed to communicate with
18 him.

19 **Facts Regarding Representation of Michael Justice**

20 10. Michael Justice hired Respondent to file a direct appeal of his criminal conviction
21 and a Personal Restraint Petition.

22 11. Respondent was paid \$10,000 for the representation.

23 12. Because Respondent's fee agreement for the representation did not comply with

1 RPC 1.5(f), the funds should have been placed in a trust account.

2 13. Respondent did not deposit the \$10,000 into his IOLTA account.

3 14. Respondent requested and was granted numerous extensions of time to file his brief
4 in the appeal.

5 15. Respondent did not file the brief and was removed from the case by the court.

6 16. Respondent did not prepare the Personal Restraint Petition.

7 17. Respondent failed to communicate with Mr. Justice about the status of his case,
8 despite Mr. Justice's repeated requests for information.

9 18. Respondent has not refunded any of the \$10,000 he was paid.

10 **Facts Regarding Representation of Michael Rideaux**

11 19. Michael Rideaux hired Respondent to conduct a post-conviction review of his case.

12 20. Respondent was paid \$2,500 to conduct the review.

13 21. Because Respondent's fee agreement for the representation did not comply with
14 RPC 1.5(f), the fee should have been deposited into a trust account.

15 22. Respondent did not deposit the \$2,500 into his IOLTA account.

16 23. Mr. Rideaux had previously filed a Personal Restraint Petition *pro se*.

17 24. Respondent conducted the review of Mr. Rideaux's case and determined there might
18 be a basis for the filing of a Personal Restraint Petition based on newly discovered evidence.

19 25. Mr. Rideaux agreed to pay Respondent \$5,000 to prepare and file a Personal
20 Restraint Petition.

21 26. Mr. Rideaux did not pay the entire \$5,000 he had agreed to pay Respondent.

22 27. Respondent did not file the Personal Restraint Petition.

1 **Facts Regarding Representation of Dokdinh Sayasack**

2 28. Dokdinh Sayasack hired Respondent to file a Personal Restraint Petition.

3 29. Respondent was paid \$7,500 for the representation.

4 30. Because Respondent's fee agreement for the representation did not comply with
5 RPC 1.5(f), the funds should have been deposited into a trust account.

6 31. Respondent did not deposit the \$7,500 into his IOLTA account.

7 32. Although Respondent never filed the Personal Restraint Petition, he has made
8 arrangements for another lawyer to complete the Personal Restraint Petition for no additional
9 fee.

10 33. Respondent has not refunded any of the \$7,500 he was paid.

11 **Facts Regarding Representation of James Connor**

12 34. Respondent was hired to file a Personal Restraint Petition, and if necessary, a
13 Petition for Discretionary Review, on behalf of James Conner, Judith Anderson's husband.

14 35. Respondent was paid \$10,000 for the representation.

15 36. Because Respondent's fee agreement for the representation did not comply with
16 RPC 1.5(f), the funds should have been deposited into a trust account.

17 37. Respondent did not deposit the \$10,000 into his IOLTA account.

18 38. Respondent filed the Personal Restraint Petition, which was denied.

19 39. Although Respondent did not file the Petition for Discretionary Review as he had
20 agreed to do, he has made arrangements for another lawyer to complete the Petition for
21 Discretionary Review for no additional fee.

22 40. Respondent has not refunded any of the \$10,000 he was paid.

1 **Facts Regarding Representation of Carl Ford**

2 41. Carl Ford hired Respondent to do a post-conviction review of his case.

3 42. Respondent was paid \$1,500 for the representation.

4 43. Because Respondent's fee agreement for the representation did not comply with
5 RPC 1.5(f), the fee should have been deposited into a trust account.

6 44. Respondent did not deposit the \$1,500 into his IOLTA account.

7 45. Respondent reviewed Mr. Ford's case and concluded there was a basis for filing a
8 Personal Restraint Petition.

9 46. Respondent was paid an additional \$5,000 to prepare and file the Personal Restraint
10 Petition.

11 47. Because Respondent's fee agreement for the representation did not comply with
12 RPC 1.5(f), the funds should have been deposited into a trust account.

13 48. Respondent did not deposit the \$5,000 into his IOLTA account.

14 49. Although Respondent did not file the Personal Restraint Petition as he had agreed to
15 do, he has made arrangements with another lawyer to prepare the Personal Restraint Petition at
16 no additional fee.

17 50. Respondent has not refunded any of the \$5,000 he was paid.

18 **III. ALLEGED MISCONDUCT**

19 **Trust Account Matter**

20 51. By taking client funds totaling \$9,225, without client authorization and without
21 entitlement to the funds, Respondent violated RPC 8.4(b) by committing the crime of theft in
22 the first degree, in violation of RCW 9A.56.030.

1 **Tony Monroe Matter**

2 52. By failing to communicate with Mr. Monroe and failing to diligently represent him,
3 Respondent violated RPC 1.3 and RPC 1.4

4 **Michael Justice Matter**

5 53. By failing to diligently represent Michael Justice, Respondent violated RPC 1.3.

6 54. By failing to communicate with Michael Justice, Respondent violated RPC 1.4.

7 55. By charging Michael Justice an unreasonable fee Respondent, violated RPC 1.5.

8 56. By failing to deposit into trust the fees that had been paid in advance, Respondent
9 violated RPC 1.15A(c)(2).

10 **Michael Rideaux Matter**

11 57. By failing to diligently represent Michael Rideaux, Respondent violated RPC 1.3.

12 58. By failing to communicate with Michael Rideaux, Respondent violated RPC 1.4.

13 59. By charging Michael Rideaux an unreasonable fee, Respondent violated RPC 1.5.

14 60. By failing to deposit into trust the fees that had been paid in advance Respondent
15 violated RPC 1.15A(c)(2).

16 **Dokdinh Sayasack Matter**

17 61. By failing to diligently represent Dokdinh Sayasack, Respondent violated RPC 1.3.

18 62. By failing to communicate with Dokdinh Sayasack, Respondent violated RPC 1.4.

19 63. By charging Dokdinh Sayasack an unreasonable fee, Respondent violated RPC 1.5.

20 64. By failing to deposit into trust the fees that had been paid in advance, Respondent
21 violated RPC 1.15A(c)(2).

22 **James Connor Matter**

23 65. Respondent violated RPC 1.3 by failing to diligently represent James Connor.

1 66. Respondent violated RPC 1.4 by failing to communicate with James Connor.

2 67. Respondent violated RPC 1.5 by charging James Connor an unreasonable fee.

3 68. Respondent violated RPC 1.15A(c)(2) by failing to deposit into trust the fees that
4 had been paid in advance.

5 **Carl Ford Matter**

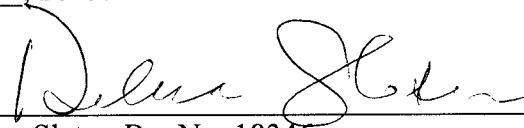
6 69. Respondent violated RPC 1.3 by failing to diligently represent Carl Ford.

7 70. Respondent violated RPC 1.4 by failing to communicate with Carl Ford.

8 71. Respondent violated RPC 1.5 by charging Carl Ford an unreasonable fee.

9 72. Respondent violated RPC 1.15A(c)(2) by failing to deposit into trust the fees that
10 had been paid in advance.

11
12 DATED this 13th day of May, 2015.

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14 
15 Debra Slater, Bar No. 18346
16 Disciplinary Counsel
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