

FILED
OCT 17 2017
DISCIPLINARY
BOARD

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re
NICOLE B. CHAFETZ,
Lawyer (Bar No. 20761).

ODC File No(s). 17-01353, 17-01374, 17-01416, 17-01449, and 17-01481
Proceedings NO. IF# 00072
RESIGNATION FORM OF NICOLE B. CHAFETZ (ELC 9.3(b))

I, Nicole Chafetz, 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 October 24, 1991.
3. I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Discipline under Rule 9.3 of the Rules for Enforcement of Lawyer Conduct (ELC).
4. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in

Resignation Form of Chafetz
(ELC 9.3(b))
Page 1

OFFICE OF DISCIPLINARY COUNSEL
OF THE WASHINGTON STATE BAR ASSOCIATION
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 727-8207

001

1 disciplinary counsel's statement but, rather than defend against the allegations, I wish to
2 permanently resign from membership in the Association.

3 5. I consent to entry of an order under ELC 13.9(c) assessing expenses of \$1,500 in
4 this matter.

5 6. I agree to pay any additional costs that may be ordered by a Review Committee
6 under ELC 9.3(g). Disciplinary counsel has indicated that he is not aware of additional costs at
7 this time.

8 7. 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 Supreme Court
10 changes this rule or an application is otherwise permitted in the future, it will be treated as an
11 application by one who has been disbarred for ethical misconduct, and that, 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 8. 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 any
16 jurisdiction where I am admitted to practice; and (c) provide disciplinary counsel with copies of
17 this notification and any responses. I acknowledge that this resignation could be treated as a
18 disbarment by all other jurisdictions.

19 9. 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.

1 10. I agree that when applying for any employment, I will disclose the resignation in
2 lieu of discipline in response to any question regarding disciplinary action or the status of my
3 license to practice law.

4 11. I understand that my resignation becomes effective on disciplinary counsel's
5 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) disciplinary
6 counsel has agreed to file this resignation promptly after October 12, 2017.

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

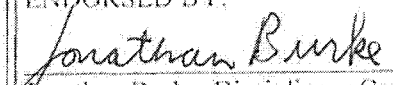
9 13. Upon filing of my resignation, I agree to comply with the same duties as a
10 disbarred lawyer under ELC 14.1 through ELC 14.4.

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

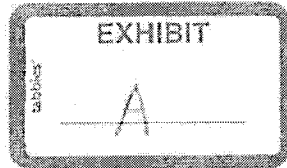
14 15. I certify under penalty of perjury under the laws of the State of Washington that
15 the foregoing is true and correct.

16 9-29-2017 Skokie, IL
17 Date and Place


Nicole B. Chafetz, Bar No. 20761

18 ENDORSED BY:
19 
20 Jonathan Burke, Disciplinary Counsel
Bar No. 20910

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BEFORE THE
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In re
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ODC File No(s), 17-01353, 17-01374, 17-01416, 17-01449, and 17-01481
STATEMENT OF ALLEGED
MISCONDUCT UNDER ELC 9.3(b)(1)

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 Nicole B. Chafetz (Respondent) was admitted to the practice of law in the State of Washington on October 24, 1991.

II. ALLEGED FACTS

2. During all material times, Respondent's law practice focused on representing clients in marital dissolutions, child custody matters, and other family law matters, and dependency actions.

1 3. In 2017 Respondent represented client CC,¹ a defendant in a dependency action.
2 Trial in the matter was scheduled to be held from August 9, 2017 through August 16, 2017.

3 4. On August 10, 2017, the state rested its case in CC's dependency proceeding.
4 Respondent was scheduled to present CC's defense starting on August 14, 2017.

5 5. Prior to presenting CC's defense, Respondent decided to immediately quit
6 practicing law and move to the Midwest to pursue a career in writing and/or another profession.

7 6. On Saturday, August 12, 2017, Respondent sent an email to a partner at her law
8 firm with the subject line "I'm done being a lawyer and yes I am in the middle of a trial." The
9 email asks the partner to have someone inform the court that she will not be returning to court to
10 finish CC's trial.

11 7. On Saturday, August 12, 2017, Respondent sent an email to Kathryn Kafka, the
12 assistant attorney general handling the dependency case for CC, stating:

13 I am running away from home. I will not be in court on Monday. You will
14 probably need to file a bar complaint against me. The law seems like a silly
15 pursuit while the world is falling apart. Tell [CC] that I am really sorry for
16 walking like this, but that I'm not walking out on her. I believe in her. She may
17 qualify for public defense at this time. I hope that she get everything she wants in
18 life. I have decided very late in life to look for what it is in my life that will make
19 me happy. I think it is in the center of the country.

20 8. Respondent never informed the court that she was not going to appear for trial.

21 9. Respondent drove to the Midwest and effectively abandoned her law practice
22 without notifying her clients.

23 10. Respondent's failure to show up at the trial on August 14, 2017 disrupted the
24 proceedings in the CC's dependency case and the administration of justice.

 11. In addition to CC, Respondent abandoned other clients, including Destiny Dutton.

¹ Initials are used for clients who did not file a grievance against Respondent.

1 Jason Cardis, Jay Leishman, Mikhail Malinovsky, SA, JB, AK, VL, JW, AI, PL, AD, HS, CV,
2 DD, KF, HA, SJ, TS, and TM.

3 12. Respondent failed to diligently represent Rick Catheart in a marital dissolution by
4 not appearing at a hearing on February 20, 2016, and by not submitting a response to a motion
5 for temporary orders by the opposing party. As a result, the court ordered Catheart to pay
6 \$7,500 in attorney fees and ordered him to pay monthly maintenance and child support.

7 13. Respondent failed to diligently represent Destiny Dutton by failing to appear at a
8 hearing on September 2, 2016 to extend a temporary restraining order against Lyn Vought
9 resulting in the lapse of the temporary restraining order.

10 14. In March 2017, Respondent failed to diligently represent Jason Cardis by failing to
11 attend a status conference in a parenting plan modification matter resulting in dismissal of the
12 case filed by Mr. Cardis.

13 15. Many of Respondent's client files were stored at her residence. After Respondent
14 left for the Midwest, her husband provided some but not all client files to Respondent's law
15 firm. Respondent failed to promptly return the client files to her clients.

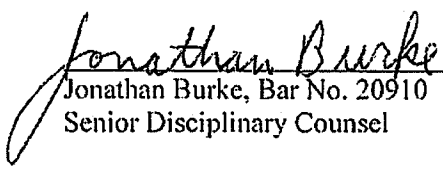
16 III. ALLEGED MISCONDUCT.

17 16. By abandoning CC during trial, abandoning her law practice and her clients
18 without reasonable notice, and by not returning client files and/or other property belonging to
19 clients after she abandoned her practice, Respondent violated RPC 1.3, RPC 1.4, RPC 1.16(d),
20 and RPC 8.4(d).

21 17. By failing to attend hearings for clients Rick Catheart, Destiny Dutton, and Jason
22 Cardis, Respondent violated RPC 1.3.

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DATED this 22nd day of September, 2017.


Jonathan Burke, Bar No. 20910
Senior Disciplinary Counsel