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FILED
APR 11 2018
DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re
JEFFREY THOMAS PARKER,
Lawyer (Bar No. 22944).

Proceeding No. 17#00081
ODC File No(s). 16-01461, 16-00926
Resignation Form of Jeffrey Thomas Parker
(ELC 9.3(b))

I, Jeffrey Thomas Parker, 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 3, 1993.
3. I was served with a Formal Complaint and Notice to Answer in this matter on March 8, 2018.
4. After consulting with my counsel, Leland G. Ripley, 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

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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 in
5 this matter.

6 7. I agree to pay restitution of \$108,894.45 to Sandra Noreen. Interest will accrue at
7 a rate of 12% per annum beginning June 30, 2016.

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

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

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

21 11. I agree to (a) notify all other professional licensing agencies in any jurisdiction
22 from which I have a professional license that is predicated on my admission to practice law of
23 this resignation in lieu of discipline; (b) seek to resign permanently from any such license; and

1 (c) provide disciplinary counsel with copies of any of these notifications and any responses.

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

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

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

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

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

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

17 4/19/18 Kirkland, WA
Date and Place

Jeffrey Thomas Parker, Bar No. 22944

18
19 ENDORSED BY:

20 Marsha Matsumoto
Marsha Matsumoto, Managing Disciplinary Counsel
21 Bar No. 15831
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EXHIBIT A

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

JEFFREY THOMAS PARKER,

Lawyer (Bar No. 22944).


Proceeding No. 17#00081

ODC File No(s). 16-01461, 16-00926

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

The attached formal complaint, filed on February 22, 2018 in Proceeding No. 17#00081, 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 3rd day of April, 2018.


Marsha Matsumoto, Bar No. 15831
Managing Disciplinary Counsel

FILED
FEB 22 2018
DISCIPLINARY
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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re
JEFFREY THOMAS PARKER,
Lawyer (Bar No. 22944).

Proceeding No. 17#00081
FORMAL COMPLAINT

Under Rule 10.3 of the 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 Rules of Professional Conduct (RPC) as set forth below.

ADMISSION TO PRACTICE

1. Respondent Jeffrey Thomas Parker was admitted to the practice of law in the State of Washington on November 3, 1993.

FACTS REGARDING COUNTS 1 THROUGH 7 [Noreen Grievance]

Ms. Noreen's Settlement Funds

2. In or around April 2015, Sandra Noreen (Ms. Noreen) hired Respondent to represent

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1 her in a legal malpractice lawsuit against her dissolution lawyer.

2 3. In January 2016, the parties went to mediation and Ms. Noreen settled her claims for
3 \$200,000.

4 4. On or about March 7, 2016, Respondent deposited the settlement check into his US
5 Bank trust account ending in 0405 (trust account).

6 5. Before the deposit, Respondent's trust account balance was \$0.

7 6. After the deposit, all of the funds in Respondent's trust account were from Ms.
8 Noreen's settlement.

9 7. On or about March 29, 2016, Respondent issued a trust account check to
10 Brueggeman and Johnson Yeonoplos, PC (Brueggeman) for \$31,105.55 to pay expert costs
11 related to Ms. Noreen's case.

12 8. The check to Brueggeman cleared on April 1, 2016, leaving a trust account balance
13 of \$168,894.45.

14 9. On or about June 3, 2016, Respondent transferred \$60,000 from his trust account to
15 his law firm operating account ending in 5360 (operating account).

16 10. The \$60,000 represented Respondent's 30% contingency fee.

17 11. Respondent did not notify Ms. Noreen of his intent to withdraw earned fees before
18 transferring the \$60,000 to his operating account.

19 12. Respondent did not provide Ms. Noreen with a written accounting after disbursing
20 the \$60,000 from his trust account.

21 13. After the \$60,000 disbursement, the balance in Respondent's trust account was
22 \$108,894.45.

23 14. Of the \$108,894.45, \$1,250 was owed to Neil Beaton for costs related to Ms.

1 Noreen's case and \$107,644.45 was owed to Ms. Noreen.

2 15. In January 2017, Respondent transferred a total of \$22,722.27 from his trust account
3 to his operating account, leaving a trust account balance of \$86,172.18.

4 16. Respondent was not entitled to the \$22,722.27.

5 17. Respondent knew he was not entitled to the \$22,722.27 when he disbursed the funds
6 to himself.

7 18. On or about February 10, 2017, Respondent transferred \$10,000 from his trust
8 account to an account in his own name ending in 0217 (personal account).

9 19. Respondent was not entitled to the \$10,000.

10 20. Respondent knew he was not entitled to the \$10,000 when he disbursed the funds to
11 himself.

12 21. On or about February 17, 2017, Respondent transferred \$200 from his personal
13 account to his trust account, bringing the trust account balance to \$76,372.18.

14 22. On or about February 21, 2017, Respondent transferred \$10,000 from his trust
15 account to his operating account.

16 23. Respondent was not entitled to the \$10,000.

17 24. Respondent knew he was not entitled to the \$10,000 when he disbursed the funds to
18 himself.

19 25. In March 2017, Respondent transferred a total of \$8,000 from his trust account to his
20 personal account.

21 26. Respondent was not entitled to the \$8,000.

22 27. Respondent knew he was not entitled to the \$8,000 when he disbursed the funds to
23 himself.

1 28. In April 2017, Respondent transferred a total of \$10,000 from his trust account to his
2 personal account.

3 29. Respondent was not entitled to the \$10,000.

4 30. Respondent knew he was not entitled to the \$10,000 when he disbursed the funds to
5 himself.

6 31. On or about May 9, 2017, Respondent transferred \$5,000 from his trust account to
7 his personal account.

8 32. Respondent was not entitled to the \$5,000.

9 33. Respondent knew he was not entitled to the \$5,000 when he disbursed the funds to
10 himself.

11 34. Respondent continued to disburse Ms. Noreen's settlement funds until the balance in
12 his trust account fell to \$1.18 on or about January 2, 2018.

13 35. Respondent did not deliver any of the settlement funds to Ms. Noreen.

14 36. Respondent did not deliver any of the settlement funds to Mr. Beaton.

15 37. Respondent used the settlement funds for his own benefit and/or the benefit of
16 others, knowing he was not entitled to the funds.

17 38. Respondent used the settlement funds with the intent to deprive Ms. Noreen and/or
18 Mr. Beaton of funds they were entitled to receive.

19 39. Respondent did not provide Ms. Noreen with a settlement statement or other written
20 document showing the outcome of her matter or the distribution of her settlement funds.

21 40. Respondent did not provide Ms. Noreen with a written accounting after disbursing
22 the settlement funds from his trust account, or annually.

23 41. Respondent's conduct in using and converting the settlement funds caused actual

1 harm to Ms. Noreen and Mr. Beaton, and seriously adversely reflects on Respondent's fitness to
2 practice.

3 42. Respondent's failure to provide Ms. Noreen with a settlement statement, failure to
4 notify Ms. Noreen of his intent to withdraw earned fees, and failure to account for Ms. Noreen's
5 settlement funds caused actual and potential harm to Ms. Noreen.

6 *Refunds from Ms. Noreen's Experts*

7 43. On or about January 11, 2016, lawyer Robert Gould's office issued a check to
8 Respondent's law firm in the amount of \$1,010 to refund unearned expert fees that Ms. Noreen
9 had paid to Mr. Gould.

10 44. On or about January 27, 2016, lawyer Gerri Newell sent Respondent a check payable
11 to Ms. Noreen in the amount of \$1,820.82 to refund unearned expert fees that Ms. Noreen had
12 paid to Ms. Newell.

13 45. On or about February 5, 2016 and March 3, 2016, Ms. Noreen sent Respondent
14 emails asking him to send Mr. Gould's and Ms. Newell's checks to her or deposit the funds into
15 Ms. Noreen's bank account.

16 46. Respondent did not negotiate Mr. Gould's check, return the check to Mr. Gould,
17 endorse the check over to Ms. Noreen, or deliver the \$1,010 to Ms. Noreen.

18 47. Respondent did not deliver Ms. Newell's check to Ms. Noreen.

19 48. On or about February 10, 2016, Ms. Newell's office sent Respondent an email
20 inquiring whether he had received the check for Ms. Noreen because the check had not been
21 cashed.

22 49. On or about April 21, 2016 and May 2, 2016, Ms. Newell's office asked Respondent
23 whether Ms. Noreen would be negotiating the check.

1 50. Respondent did not respond to Ms. Newell's office.

2 51. In June 2016, Ms. Newell placed a stop payment order on the check she had given to
3 Respondent, and issued a new check directly to Ms. Noreen.

4 52. Respondent's conduct caused actual and potential harm to Ms. Noreen.

5 *Ms. Noreen's Contacts with Respondent*

6 53. In spring 2016, following the settlement of her case, Ms. Noreen travelled to
7 Colorado for medical care.

8 54. Ms. Noreen asked Respondent to deposit her share of the settlement funds into her
9 bank account or mail a check to her in Colorado.

10 55. Respondent did not deposit any funds into Ms. Noreen's bank account or mail a
11 check to her.

12 56. In June 2016, Ms. Noreen returned to Washington.

13 57. Ms. Noreen attempted to contact Respondent by telephone, but his number was
14 disconnected.

15 58. Ms. Noreen sent Respondent emails to arrange a time when she could pick up her
16 settlement proceeds and the refund from Mr. Gould.

17 59. Ms. Noreen and Respondent had some communication, but never agreed on a
18 meeting time.

19 60. Respondent stopped responding to Ms. Noreen's attempts to contact him.

20 61. Respondent's failure to respond to Ms. Noreen's communications was knowing.

21 62. Respondent's conduct caused actual and potential harm to Ms. Noreen.

22 **COUNT 1**

23 63. By using and/or converting Ms. Noreen's settlement funds for his own benefit and/or

1 the benefit of others without entitlement to the funds, Respondent violated RPC 1.15A(b), RPC
2 8.4(b) (by committing the crime of theft in violation of RCW 9A.56.020 et seq.), and/or RPC
3 8.4(c).

4 **COUNT 2**

5 64. By failing to maintain Ms. Noreen's settlement funds in a trust account, Respondent
6 violated RPC 1.15A(c).

7 **COUNT 3**

8 65. By failing to promptly pay Ms. Noreen and/or Mr. Bcaton the funds they were
9 entitled to receive and/or by failing to deliver Mr. Gould's and/or Ms. Newell's refunds to Ms.
10 Noreen, Respondent violated RPC 1.15A(f) and/or RPC 1.3.

11 **COUNT 4**

12 66. By failing to provide Ms. Noreen with a written statement showing the outcome of
13 her contingency fee matter and how the funds would be distributed, Respondent violated RPC
14 1.5(c)(3).

15 **COUNT 5**

16 67. By failing to notify Ms. Noreen of his intent to withdraw earned fees from trust,
17 Respondent violated RPC 1.15A(h)(3).

18 **COUNT 6**

19 68. By failing to provide Ms. Noreen with a written accounting after distributing her
20 settlement funds from trust or annually, Respondent violated RPC 1.15A(e) and/or RPC 1.4.

21 **COUNT 7**

22 69. By failing to comply with Ms. Noreen's reasonable requests for information,
23 Respondent violated RPC 1.4.

1 **FACTS REGARDING COUNTS 8 AND 9 [McAllister Grievance]**

2 70. On or about March 14, 2012, Divinia McAllister (Ms. McAllister) was involved in a
3 motor vehicle accident (first accident).

4 71. The apparent at-fault driver was NW.

5 72. In September 2013, Ms. McAllister hired Respondent to handle her personal injury
6 claim.

7 73. In 2013 and 2014, Ms. McAllister was involved in three additional motor vehicle
8 accidents, which exacerbated her injuries.

9 74. Respondent agreed to represent Ms. McAllister regarding all four claims.

10 75. On March 11, 2015, Respondent filed a lawsuit against NW in King County Superior
11 Court regarding the first accident.

12 76. Respondent was unsuccessful in personally serving NW with Ms. McAllister's
13 lawsuit.

14 77. Respondent did not arrange for NW to be served by publication.

15 78. The last communication Ms. McAllister received from Respondent was in or around
16 June 2015.

17 79. After June 2015, Ms. McAllister attempted to reach Respondent by telephone, but he
18 did not respond.

19 80. On February 17, 2016; the Honorable Johanna Bender entered an Order Re Non-
20 Compliance in Ms. McAllister's lawsuit against NW.

21 81. The Order provided that the case had to be brought into compliance with the case
22 scheduling order or sanctions may result, including dismissal of the lawsuit.

23 82. Respondent did not bring the case into compliance with the scheduling order.

1 83. Respondent did not serve NW, file a Confirmation of Joinder, file a Statement of
2 Arbitrability, or engage in Alternative Dispute Resolution.

3 84. On March 3, 2016, Judge Bender entered an Order to Show Cause requiring plaintiff
4 to appear in court on March 14, 2016 and show cause why the case should not be dismissed for
5 lack of prosecution.

6 85. Respondent did not inform Ms. McAllister of the court's Order to Show Cause.

7 86. Respondent did not appear for the show cause hearing.

8 87. On March 14, 2016, the court dismissed Ms. McAllister's lawsuit.

9 88. Respondent did not inform Ms. McAllister of the dismissal of her lawsuit.

10 89. Respondent's failure to diligently pursue Ms. McAllister's claims, failure to
11 communicate with Ms. McAllister, and failure to respond to the court's Order to Show Cause
12 was knowing.

13 90. Respondent's conduct caused actual and potential injury to Ms. McAllister, the legal
14 system, and the legal profession.

15 **COUNT 8**

16 91. By failing to diligently represent Ms. McAllister in her personal injury claims,
17 failing to serve the defendant in Ms. McAllister's lawsuit, failing to abide by the case
18 scheduling order, and/or failing to respond to Judge Bender's Order to Show Cause, Respondent
19 violated RPC 1.3, RPC 3.2, and/or RPC 8.4(d).

20 **COUNT 9**

21 92. By failing to keep Ms. McAllister reasonably informed about the status of her case,
22 failing to respond to her reasonable attempts to communicate with him, and/or failing to explain
23 matters to the extent reasonably necessary for Ms. McAllister to make informed decisions

1 regarding the representation, Respondent violated RPC 1.4.

2 **FACTS REGARDING COUNT 10 [Failure to Cooperate]**

3 *Noreen Grievance*

4 93. On June 14, 2016, Ms. Noreen filed a grievance against Respondent.

5 94. On June 16, 2016, ODC sent Respondent a copy of Ms. Noreen's grievance and
6 requested his written response within thirty (30) days.

7 95. Respondent did not respond.

8 96. Respondent's failure to respond was knowing.

9 97. On July 20, 2016, ODC sent Respondent a letter requiring his written response to
10 Ms. Noreen's grievance within ten (10) days or ODC would issue a subpoena for his deposition.

11 98. Respondent did not respond.

12 99. Respondent's failure to respond was knowing.

13 100. On August 5, 2016, ODC issued a deposition notice and subpoena duces tecum
14 requiring Respondent to appear for his deposition on September 8, 2016 and produce records.

15 101. Respondent was served with the deposition notice and subpoena duces tecum.

16 102. Respondent appeared for his September 8, 2016 deposition, but did not produce
17 all of the records required by the subpoena.

18 103. During his September 8, 2016 deposition, Respondent agreed to produce the
19 records within one week.

20 104. On September 9, 2016, ODC sent Respondent a letter confirming his agreement
21 to provide the records.

22 105. Respondent did not produce any additional records.

23 106. On September 19, 2016, ODC sent Respondent a letter informing him that his

1 failure to produce the records may result in ODC petitioning the Supreme Court for his
2 immediate suspension under ELC 7.2(a)(3).

3 107. Respondent did not respond to ODC's September 2016 letters or produce the
4 records.

5 108. Respondent's failure to produce the subpoenaed records was knowing.

6 109. Respondent's failure to cooperate in the investigation of Ms. Noreen's grievance
7 and failure to comply with the subpoena duces tecum caused actual and potential injury to Ms.
8 Noreen, the disciplinary system, and the legal profession.

9 *McAllister Grievance*

10 110. On September 26, 2016, Ms. McAllister filed a grievance against Respondent.

11 111. On September 29, 2016, ODC sent Respondent a copy of Ms. McAllister's
12 grievance and requested his written response within 30 days.

13 112. Respondent did not respond.

14 113. Respondent's failure to respond was knowing.

15 114. On November 2, 2016, ODC sent Respondent a letter requiring his written
16 response to Ms. McAllister's grievance within 10 days or ODC would issue a subpoena for his
17 deposition.

18 115. Respondent did not respond.

19 116. Respondent's failure to respond was knowing.

20 117. On November 8, 2016, ODC issued a notice of intent to take deposition and
21 subpoena duces tecum requiring Respondent to appear for his deposition on December 14, 2016
22 and produce records relating to Ms. McAllister's representation.

23 118. On November 28, 2016, Respondent was served with the deposition notice and

1 subpoena duces tecum.

2 119. On December 14, 2016, Respondent appeared for his deposition and testified, but
3 failed to produce any of the records required by the subpoena.

4 120. On December 14, 2016, during his deposition, Respondent agreed to return on
5 December 19, 2016, produce his records, and resume his testimony.

6 121. Respondent did not appear on December 19, 2016 or produce any of the
7 subpoenaed records.

8 122. Respondent's failure to appear for his deposition and failure to produce the
9 subpoenaed records were knowing.

10 123. Respondent's failure to cooperate in the investigation of Ms. McAllister's
11 grievance and failure to comply with the subpoena duces tecum caused actual and potential
12 injury to Ms. McAllister, the disciplinary system, and the legal profession.

13 *Interim Suspension*

14 124. On February 23, 2017, ODC filed a petition for Respondent's interim suspension
15 based on Respondent's failure to cooperate with the Noreen and McAllister grievance
16 investigations.

17 125. The Supreme Court entered an Order to Show Cause requiring Respondent to
18 appear on April 13, 2017 and show cause why ODC's petition should not be granted.

19 126. The Court's Order directed Respondent to file any response by March 30, 2017
20 and to notify the court by April 6, 2017 of his intent to appear at the show cause hearing.

21 127. Respondent did not respond to the Court's Order to Show Cause.

22 128. On April 13, 2017, the Supreme Court entered an Order suspending Respondent
23 from the practice of law pending his compliance with ODC's request or subpoena.

1 129. Respondent's failure to respond to the Court's Order to Show Cause was
2 knowing.


3 130. Respondent's failure to cooperate in the grievance investigations and failure to
4 respond to the Court's Order to Show Cause caused actual and potential injury to Ms. Noreen,
5 Ms. McAllister, the disciplinary system, and the legal profession.

6 **COUNT 10**

7 131. By failing to cooperate with the investigations of the Noreen and/or McAllister
8 grievances, failing to produce records in response to subpoenas duces tecum, failing to appear
9 for his deposition, and/or failing to respond to the Supreme Court's Order to Show Cause,
10 Respondent violated RPC 8.1(b) and/or RPC 8.4(l) (by violating ELC 1.5, ELC 5.3, and/or ELC
11 5.5).

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

15
16 Dated this 22nd day of February, 2018.

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19 Marsha Matsumoto, Bar No. 15831
20 Managing Disciplinary Counsel
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