

FILED
DEC 17 2013
DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

MOLLY M. MCPHERSON,
Lawyer (Bar No. 23027).

Proceeding No. 13#00103

STIPULATION TO REPRIMAND

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to Reprimand is entered into by the Washington State Bar Association (Association), through Senior Disciplinary Counsel Joanne S. Abelson, Respondent lawyer Molly M. McPherson, and Respondent's counsel Kurt M. Bulmer.

Respondent understands that she is entitled under the ELC to a hearing, to present exhibits and witnesses on her behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that she 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 her. Respondent chooses to resolve this proceeding now by entering into the following stipulation to facts, misconduct and sanction to avoid the

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1 risk, time, and expense attendant to further proceedings.

2 **I. ADMISSION TO PRACTICE**

3 1. Respondent was admitted to practice law in the State of Washington on November 5,
4 1993.

5 **II. STIPULATED FACTS**

6 2. Respondent represented Ryan Norris in a marital dissolution from November 2011
7 until November 2012.

8 3. At the outset of the representation, Respondent's staff had Mr. Norris sign his name
9 on a blank sheet of paper to be used on future pleadings in case he was unavailable or unable to
10 come to the office to sign.

11 4. Mr. Norris asserts that one of the staff members told him that they could use a
12 photocopy of his signature on court documents but that nothing would get filed with his
13 signature without his prior approval. Ms. McPherson does not have personal knowledge of this
14 but acknowledges that this may very well have happened.

15 5. During the representation, Respondent's office filed a number of legal pleadings,
16 including five declarations, that were not signed by Mr. Norris. Instead, Respondent's staff cut
17 and pasted his signature from the blank page that he had signed onto the pleading or declaration
18 before filing.

19 6. None of these documents contained any indication that the signatures were not
20 genuine signatures. Respondent did not advise the court that the signatures were photocopies
21 pasted to the document.

22 7. Generally, Mr. Norris spoke to someone at Respondent's office about these
23 documents before they were filed and was given an opportunity to provide input or review
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1 drafts. For the most part, he did not take issue with the contents.

2 8. He did, however, later object to one declaration, which was filed in response to his
3 wife's motion for contempt. On the date the declaration purportedly was signed, Mr. Norris
4 spoke telephonically to another lawyer at Respondent's firm and provided information to be
5 used in the declaration, but he was never given a draft to review and asserts that he did not even
6 know the declaration was filed until after he hired new counsel.

7 9. When he saw the declaration, he noticed that it contained information that gave him
8 concern. For example, it implied that he was getting severance pay but could not produce any
9 records, whereas in actuality it was his position that he never got severance pay at all so there
10 were no records to be produced. The declaration also indicated that he had an allotment for
11 credit card payments whereas the allotment was for house payments.

12 10. Mr. Norris was sensitive about the content of legal documents containing his name
13 filed in court and was distressed that Respondent filed this declaration without the opportunity
14 to review the written version before it was filed.

15 11. The conduct described in this stipulation was not limited to Mr. Norris' matter.
16 Many of the signatures filed by the office in family law matters handled by Respondent were
17 photocopies rather than genuine signatures. Respondent did not understand that this conduct
18 was inappropriate. Respondent and her office have taken steps to rectify this so that it does not
19 happen in the future.

20 III. STIPULATION TO MISCONDUCT

21 12. By filing one or more pleadings under penalty of perjury using a photocopy of her
22 client's signature without the client's authorization and without so advising the court, and by
23 authorizing and approving her staff to do the same, Respondent violated RPC 3.3(a)(1), 5.3(b),
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1 and 8.4(d).

2 **IV. PRIOR DISCIPLINE**

3 13. Respondent has no prior discipline.

4 **V. APPLICATION OF ABA STANDARDS**

5 14. The following American Bar Association Standards for Imposing Lawyer Sanctions
6 (1991 ed. & Feb. 1992 Supp.) apply to this case:

- 7 • ABA Standard 6.1 applies to conduct prejudicial to the administration of justice
8 and conduct involving a misrepresentation to a court;
9 • ABA Standard 7.0 applies to the failure to supervise non-lawyer assistants.¹

10 15. Respondent knowingly filed, or allowed to be filed, one or more documents for her
11 client, under penalty of perjury, with her client's cut and pasted signature without so advising
12 the court.

13 16. Respondent caused potential injury to the legal proceeding. In addition, Mr. Norris
14 was distressed when he saw the declaration filed in regards to his wife's contempt motion.

15 17. The presumptive sanction is suspension under ABA Standards 6.12 and 7.2.

16 18. The following aggravating factors apply under ABA Standard 9.22:

- 17 (c) pattern of misconduct;
18 (i) substantial experience in the practice of law [admitted 1993].

19 19. The following mitigating factors apply under ABA Standard 9.32:

- 20 (a) absence of a prior disciplinary record;
21 (b) absence of a dishonest or selfish motive.

22 20. It is an additional mitigating factor that Respondent has agreed to resolve this
23 matter at an early stage of the proceedings.

24 ¹ Copies of these ABA Standards are attached as Appendix A.

1 27. This Stipulation is not binding upon the Association or the respondent as a
2 statement of all existing facts relating to the professional conduct of the respondent lawyer, and
3 any additional existing facts may be proven in any subsequent disciplinary proceedings.


4 28. This Stipulation results from the consideration of various factors by both parties,
5 including the benefits to both by promptly resolving this matter without the time and expense of
6 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
7 such, approval of this Stipulation will not constitute precedent in determining the appropriate
8 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
9 subsequent proceedings against Respondent to the same extent as any other approved
10 Stipulation.

11 29. Under ELC 3.1(b), all documents that form the record before the Hearing Officer
12 for his or her review become public information on approval of the Stipulation by the Hearing
13 Officer, unless disclosure is restricted by order or rule of law.


14 30. If this Stipulation is approved by the Hearing Officer, it will be followed by the
15 disciplinary action agreed to in this Stipulation. All notices required in the Rules for
16 Enforcement of Lawyer Conduct will be made.

17 31. If this Stipulation is not approved by the Hearing Officer, this Stipulation will have
18 no force or effect, and neither it nor the fact of its execution will be admissible as evidence in
19 the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil
20 or criminal action.


1 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
2 to Discipline as set forth above.

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4 Molly M. McPherson, Bar No. 23027
5 Respondent

Dated: 12/12/13

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7 Kurt M. Bulmer, Bar No. 5559
8 Counsel for Respondent

Dated: 12/12/13

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10 Joanne S. Abelson, Bar No. 24877
11 Senior Disciplinary Counsel

Dated: 12/12/13

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Appendix A
SELECTED ABA STANDARDS

Standard 6.1 -- False Statements, Fraud, and Misrepresentation

- 6.11 Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.
- 6.12 Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.
- 6.13 Reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.
- 6.14 Admonition is generally appropriate when a lawyer engages in an isolated instance of neglect in determining whether submitted statements 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.

ABA Standard 7.0 -- Violations of Duties Owed as a Professional

- 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.
- 7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.
- 7.3 Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.
- 7.4 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence that is a violation of a duty owed as a professional, and causes little or no actual or potential injury to a client, the public, or the legal system.