

FILED
FEB 18 2015
DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

WENDI WEISS,
Lawyer (Bar No. 6012).

Proceeding No. 15#00012

RESIGNATION FORM OF WENDI WEISS
(ELC 9.3(b))

Wendi Weiss, being duly sworn, hereby attests to the following:

1. I am over the age of eighteen years and am competent. I make the statements in this affidavit from personal knowledge.
2. I was admitted to practice law in the State of Oregon on April 23, 1992.
3. I was admitted to practice law in the State of Washington on November 13, 1995.
4. I resigned from the Oregon State Bar by executing a "Form B Resignation" under the rules applicable to the practice of law in Oregon.
5. 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).

001

1 6. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged mis-
2 conduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in disciplinary
3 counsel's statement but, rather than defend against the allegations, I wish to permanently resign
4 from membership in the Association.

5 7. I have paid costs and expenses for ODC grievance investigation 01-01149 in the
6 amount of \$1,000 to the Washington State Bar Association.

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

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

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

22 11. I agree that when applying for any employment, I will disclose the resignation in
23 lieu of discipline in response to any question regarding disciplinary action or the status of my

1 license to practice law.

2 12. I understand that my resignation becomes effective on disciplinary counsel's en-
3 dorsement and filing of this document with the Clerk, and that under ELC 9.3(c) disciplinary
4 counsel must do so promptly following receipt of this document and payment of costs and ex-
5 penses.

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

8 14. Upon filing of my resignation, I agree to comply with the same duties as a dis-
9 barred lawyer under ELC 14.1 through ELC 14.4.

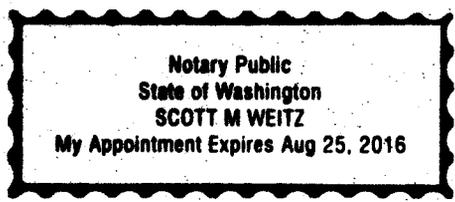
10 15. I understand that, after my resignation becomes effective, it is permanent. I will
11 never be eligible to apply and will not be considered for admission or reinstatement to the prac-
12 tice of law nor will I be eligible for admission for any limited practice of law.

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

15 2. 11. 2015 Kirkland WA
Date and Place

Wendi Weiss
Wendi Weiss, Bar No. 25268

16 SUBSCRIBED AND SWORN to before me this 11th day of February, 2015.



17 Scott Weitz
18 NOTARY PUBLIC for the State of
19 Washington, residing at Bellevue, WA
20 My commission expires: Aug 25, 2016

21 ENDORSED BY:

Marsha Matsumoto
22 Marsha Matsumoto, Bar No. 15831
23 Senior Disciplinary Counsel

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10 OF THE
11 WASHINGTON STATE BAR ASSOCIATION

11 In re

12 **WENDI WEISS,**
13 Lawyer (Bar No. 25268).

Proceeding No. 15 #00012

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

14
15 The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of
16 the Rules for Enforcement of Lawyer Conduct (ELC).

17 **I. ADMISSION TO PRACTICE**

18 1. Respondent Wendi Weiss was admitted to the practice of law in the State of
19 Washington on November 13, 1995.

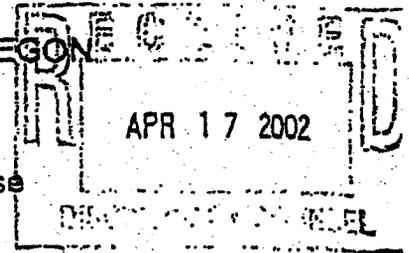
20 2. Respondent was admitted to practice law in the State of Oregon on April 23, 1992.

21 **II. ALLEGED MISCONDUCT**

22 3. On April 16, 2002, the Oregon Supreme Court entered an Order Accepting
23 Resignation From Practice of Law of Wendi Weiss, a copy of which is attached as Exhibit A.

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF OREGON



In the Matter of the Form B
Resignation of:

WENDI WEISS.

)
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)
)
)
)

Oregon State Bar Case
No. 01-154

SC S49378

**ORDER ACCEPTING RESIGNATION
FROM PRACTICE OF LAW**

Upon consideration by the court.

Wendi Weiss, pursuant to BR 9.2 and in accordance with BR 12.7, has tendered her resignation from the practice of law.

IT IS ORDERED that the resignation is accepted. The name of Wendi Weiss shall be stricken from the roll of attorneys, and she shall not be entitled to the rights or privileges of an attorney effective April 16, 2002.

DATED this 16th day of April 2002.

/s/ WALLACE P. CARSON, JR.
WALLACE P. CARSON, JR.
CHIEF JUSTICE

c: Susan D. Isaacs
Chris L. Mullmann ✓

EXHIBIT B

1 legal matters; I participated in conduct to prevent discovery of the alleged misconduct;
2 and I failed to inform the firm of the alleged misconduct.

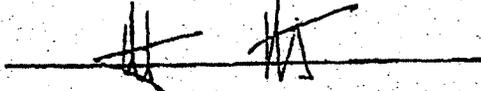
3 I do not wish to engage a formal defense against the above-described allegations
4 of misconduct, and I lack resources necessary for such a defense. I am aware of the rules
5 of the Supreme Court and of the bylaws and rules of procedure of the Oregon State Bar
6 with respect to admission, discipline, resignation and reinstatement of members of the
7 Oregon State Bar. I understand that any future application by me for reinstatement as a
8 member of the Oregon State Bar is currently barred by BR 9.4, but that should such an
9 application ever be permitted in the future, it will be treated as an application by one who
10 has been disbarred for misconduct, and that, on such application, I shall not be entitled to
11 a reconsideration or reexamination of the facts, complaints, allegations or instances of
12 alleged misconduct. I understand that, on its filing in this court, this resignation and any
13 supporting documents, including those containing the complaints, allegations or instances
14 of alleged misconduct, will become public records of this court, open for inspection by
15 anyone requesting to see them.

16 This resignation is freely and voluntarily made, being my own decision in light of
17 the legal advice I have been provided. Although the above referenced allegations and the
18 disciplinary process are intimidating, I am not being, and have not been, subjected to
19 coercion or duress. I am fully aware of all the foregoing and any other implications of my
20 resignation.

21 I hereby certify that all client files and client records in my possession have been
22 placed in the custody of John Ostrander, a resident Oregon attorney, whose principal

1 office address is 707 SW Washington Street, Suite 1500, Portland, Oregon 97205, and
2 that all such clients have been notified accordingly.

3 DATED this 29th day of March, 2002.

4 

5 Wendi Weiss

6 Subscribed and sworn to before me this 25 day of March, 2002.

7 Notary Public for Oregon 

8 My Commission Expires Oct 22, 2004



IN THE SUPREME COURT
OF THE STATE OF OREGON

In re:)
)
Complaint as to the Conduct of) Case No. 01-154
)
WENDI K. WEISS,) FORMAL COMPLAINT
)
Accused.)
_____)

For its FIRST CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

1.

The Oregon State Bar was created and exists by virtue of the laws of the State of Oregon and is, and at all times mentioned herein was, authorized to carry out the provisions of ORS Chapter 9, relating to the discipline of attorneys.

2.

The Accused, Wendi K. Weiss, is, and at all times mentioned herein was, an attorney at law, duly admitted by the Supreme Court of the State of Oregon to practice law in this state and a member of the Oregon State Bar, having her office and place of business in the County of Multnomah, State of Oregon.

3.

At all material times, the Accused was a partner in the law firm of Cosgrave, Vergeer & Kester ("the firm"). On or about August 9, 2000, February 6, 2001, and May 17, 2001, at the Accused's request, the firm's bookkeeper issued checks payable to three physicians. Although the Accused did not inform the bookkeeper, the payments were for personal medical services rendered

to the Accused's sister posing as the Accused. These expenses were subsequently billed to firm clients by the Accused falsely representing that the charges were part of the firm's legal services to the clients. The Accused also falsely represented to the firm that the checks were for expert medical services to be provided on behalf of the clients. The Accused caused the checks to be delivered to her by falsely representing that she wanted to prepare cover letters to the payees. None of the requested checks were for legitimate business purposes.

4.

On August 22, 1999, and August 30, 1999, the Accused submitted check requests to the firm for "investigative services" that had not been incurred, and the Accused appropriated the money for her own use. On August 23, 1999, the Accused submitted a check request to the firm for payment of witness fees and mileage reimbursement to two witnesses she falsely represented were to be subpoenaed. The Accused appropriated the proceeds of the checks to her own use.

5.

On March 29, 2000, the Accused submitted a check request to the firm for \$1,000 purportedly for expert witness services rendered by Rod Dillman ("Dillman"). Dillman was not a qualified expert but was a friend of the Accused's boyfriend. When Dillman negotiated the check, he gave a portion of the proceeds to the Accused's boyfriend. The Accused was aware that her boyfriend had received a portion of the funds paid to Dillman but did not advise the firm. The Accused knew that the reasonable value of any services allegedly rendered to her by Dillman was substantially less than \$1,000.

6.

The Accused, or a third party acting with her consent and knowledge, prepared a June 18, 2001 letter to the firm on fabricated letterhead of Dr. Bryce Potter. This letter falsely acknowledged

receipt of \$987.00 in satisfaction of expert witness fees for a firm client. The letter had not been prepared by Dr. Potter or any one associated with his office, and no expert witness services had ever been performed by the doctor for the firm.

7.

In an effort to conceal her deception and theft from the firm, the Accused prepared various misleading and false documents. When the Accused was initially confronted regarding the misappropriations, she attempted to mislead the firm into believing only one client had been involved in the deception, when she knew that was untrue.

8.

The Accused's conduct as described above violated ORS 164.055, a Class C felony.

9.

By engaging in the aforementioned conduct, the Accused committed a criminal act adversely reflecting on her honesty, trustworthiness and fitness to practice law; engaged in intentional conduct involving dishonesty, fraud, deceit or misrepresentation; knowingly engaged in illegal conduct; committed an act that would preclude her; and engaged in wilful deceit or misconduct in the legal profession.

10.

The aforesaid conduct of the Accused violated the following standards of professional conduct established by law and by the Oregon State Bar:

1. DR 1-102(A)(2) of the Code of Professional Responsibility;
2. DR 1-102(A)(3) of the Code of Professional Responsibility;
3. DR 7-102(A)(8) of the Code of Professional Responsibility;
4. ORS 9.527(1); and

5. ORS 9.527(4).

WHEREFORE, the Oregon State Bar demands that the Accused make answer to this complaint; that a hearing be set concerning the charges made herein; that the matters alleged herein be fully, properly and legally determined; and pursuant thereto, such action be taken as may be just and proper under the circumstances.

EXECUTED this 26th day of September, 2001.

OREGON STATE BAR

By: 

JEFFREY D. SAPIRO
Disciplinary Counsel