

FILED

Mar 16, 2021

Disciplinary
Board

Docket # 004

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

CHARLES MICHAEL RAMSDELL,

Lawyer (Bar No. 26164).

Proceeding No. 20#00059

ODC File No(s). 19-01466

STIPULATION TO SUSPENSION

Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to suspension is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Chris Chang and Respondent lawyer Charles Michael Ramsdell.

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

1 time, 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 4,
4 1996.

5 **II. STIPULATED FACTS**

6 Failure to abide by terms of probation

7 2. On May 31, 2018, Respondent entered into a stipulation to a sixty-day suspension for
8 violating RPC 1.15A and RPC 1.15B by not maintaining an accurate and current check book
9 register and by failing to maintain complete client ledgers for Respondent's trust accounts.

10 3. Respondent's stipulation to suspension required Respondent to serve a two-year term
11 of probation where ODC would monitor Respondent's fee agreements and trust account once
12 Respondent was reinstated to the practice of law.

13 4. Respondent was reinstated in January 2019.

14 5. From December 2018 to present, Respondent has maintained a trust account through
15 Key Bank ending in 2981.

16 6. Respondent's probation required Respondent to submit trust account records and fee
17 agreements to ODC on a quarterly basis with a due date of no later than the 30th day of the month
18 following each quarter.

19 7. Respondent's first set of quarterly records was due on April 30, 2019.

20 8. Respondent did not provide any records until July 11, 2019.

21 9. The records Respondent provided were incomplete.

22 10. Respondent's second set of quarterly records was due on July 30, 2019.

23 11. Respondent did not provide the second set of quarterly records by the July 30, 2019

1 due date.

2 12. On August 27, 2019, ODC notified Respondent that Respondent's first set of quarterly
3 records was missing the required bank statements, cancelled checks, and fee agreements and that
4 the second set of quarterly records had not been received.

5 13. ODC requested Respondent submit all of the missing records by September 11, 2019.

6 14. Respondent did not provide any records by the September 11, 2019 due date.

7 15. In October 2019, ODC opened a grievance based on Respondent's failure to abide by
8 the terms of Respondent's probation.

9 16. Respondent's third set of quarterly records was due on October 30, 2019.

10 17. Respondent did not provide the third set of quarterly records by the October 30, 2019
11 due date.

12 18. Respondent's fourth set of quarterly records was due on January 30, 2020.

13 19. Respondent did not provide the fourth set of quarterly records by the January 30, 2020
14 due date.

15 20. Respondent's fifth set of quarterly records was due on April 30, 2020.

16 21. Respondent did not provide the fifth set of quarterly records by the April 30, 2020 due
17 date.

18 Non-cooperation with grievance investigation

19 22. On October 28, 2019, ODC sent Respondent a letter requesting that Respondent
20 provide a written response to the grievance within 30 days.

21 23. Respondent did not provide a written response.

22 24. On December 10, 2019, ODC sent Respondent a written notice under ELC 5.3(h)(1)
23 that Respondent must provide a written response within ten days or ODC would subpoena

1 Respondent for a deposition.

2 25. Respondent did not provide a written response.

3 26. On April 16, 2020, ODC sent Respondent an email requesting that Respondent
4 provide a written response to the grievance and a copy of any and all missing records that were
5 due under Respondent's stipulation to suspension within thirty days from the date of the email.

6 27. Respondent did not provide a written response or any records.

7 28. On June 1, 2020, ODC sent Respondent a written notice under ELC 5.3(h)(1) that
8 Respondent must provide a written response and records within ten days or ODC would subpoena
9 Respondent for a deposition.

10 29. Respondent did not provide a written response or any records.

11 30. On June 29, 2020, ODC served Respondent with a subpoena duces tecum for a
12 noncooperation video deposition on July 2, 2020.

13 31. On July 2, 2020, Respondent appeared at the video deposition with the records
14 required by the subpoena duces tecum.

15 32. The records showed that Respondent's trust account had very minimal activity
16 during the course of Respondent's probation.

17 33. During the deposition, Respondent exhibited remorse and accepted full
18 responsibility for his lack of cooperation with the grievance investigation and his failure to abide
19 by the terms of his probation.

20 III. STIPULATION TO MISCONDUCT

21 34. By failing to comply with a condition of probation, Respondent violated RPC
22 8.4(l) (by violating ELC 1.5 and ELC 13.8).

23 35. By failing to promptly provide a full and complete response to disciplinary

1 counsel's inquiries, Respondent violated RPC 8.4(l) (by violating ELC 1.5, ELC 5.3(f), and ELC
2 5.3(g)).

3 IV. PRIOR DISCIPLINE

4 36. Respondent received a 60-day suspension in 2018 for failing to maintain an
5 accurate and current check book register (RPC 1.15A(h)(2) and RPC 1.15B(a)(1)) and failing to
6 maintain complete client ledgers for your trust accounts (RPC 1.15(A) and RPC 1.15B(a)(2)).

7 V. APPLICATION OF ABA STANDARDS

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

10 *7.0 Violations of Duties Owed as a Professional*

11 Absent aggravating or mitigating circumstances, upon application of the factors set out in
12 Standard 3.0, the following sanctions are generally appropriate in cases involving false or
13 misleading communication about the lawyer or the lawyer's services, improper
14 communication of fields of practice, improper solicitation of professional employment
15 from a prospective client, unreasonable or improper fees, unauthorized practice of law,
16 improper withdrawal from representation, or failure to report professional misconduct.

14 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct
15 that is a violation of a duty owed as a professional with the intent to obtain a benefit
16 for the lawyer or another, and causes serious or potentially serious injury to a
17 client, the public, or the legal system.

16 7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct
17 that is a violation of a duty owed as a professional and causes injury or potential
18 injury to a client, the public, or the legal system.

18 7.3 Reprimand is generally appropriate when a lawyer negligently engages in conduct
19 that is a violation of a duty owed as a professional and causes injury or potential
20 injury to a client, the public, or the legal system.

19 7.4 Admonition is generally appropriate when a lawyer engages in an isolated instance
20 of negligence that is a violation of a duty owed as a professional, and causes little
21 or no actual or potential injury to a client, the public, or the legal system.

21 38. Respondent knowingly failed to comply with the terms of Respondent's probation and
22 knowingly failed to promptly provide a response to disciplinary counsel's inquiries.

23 39. The legal profession suffered injury because ODC was required to expend its limited

1 resources to enforce the terms of Respondent's disciplinary sanction, had to expend its limited
2 resources to investigate the resulting grievance, and because the disregard of the consequences of
3 Respondent's disciplinary violation undermines the system for lawyer discipline.

4 40. The presumptive sanction under ABA Standard 7.2 is suspension.

5 41. The following aggravating factors apply under ABA Standard 9.22:

- 6 (a) prior disciplinary offenses [2018 60-day suspension for failing to maintain
7 an accurate and current check book register (RPC 1.15A(h)(2) and RPC
8 1.15B(a)(1)) and failing to maintain complete client ledgers (RPC 1.15(A) and
9 RPC 1.15B(a)(2))];
- (d) multiple offenses; and
- (i) substantial experience in the practice of law [admitted in 1996].

10 42. The following mitigating factors apply under ABA Standard 9.32:

- 11 (b) absence of a dishonest or selfish motive;
- 12 (c) personal or emotional problems [during Respondent's probation,
13 Respondent was experiencing personal problems (divorce and custody issues and
14 volatility within Respondent's social support network)]; and
- (l) remorse.

15 43. It is an additional mitigating factor that Respondent has agreed to resolve this matter at
16 an early stage of the proceedings.

17 44. On balance the aggravating and mitigating factors do not require a departure from the
18 presumptive sanction but do justify a suspension of only 60 days.

19 **VI. STIPULATED DISCIPLINE**

20 45. The parties stipulate that Respondent shall receive a 60-day suspension.

21 **VII. CONDITIONS OF REINSTATEMENT**

22 46. Reinstatement from suspension is conditioned on payment of costs and expenses, as
23 provided below.

24 **VIII. RESTITUTION**

47. No restitution is required.

1 **IX. COSTS AND EXPENSES**

2 48. In light of Respondent's willingness to resolve this matter by stipulation at an early
3 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$1,393.19
4 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l)
5 if these costs are not paid within 30 days of approval of this stipulation.

6 49. Repeat that reinstatement from suspension is conditioned on payment of costs.

7 **X. VOLUNTARY AGREEMENT**

8 50. Respondent states that prior to entering into this Stipulation they had an opportunity to
9 consult independent legal counsel regarding this Stipulation, that Respondent is entering into this
10 Stipulation voluntarily, and that no promises or threats have been made by ODC, the Association,
11 nor by any representative thereof, to induce the Respondent to enter into this Stipulation except
12 as provided herein.

13 51. Once fully executed, this stipulation is a contract governed by the legal principles
14 applicable to contracts, and may not be unilaterally revoked or modified by either party.

15 **XI. LIMITATIONS**

16 52. This Stipulation is a compromise agreement intended to resolve this matter in
17 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
18 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer
19 and ODC acknowledge that the result after further proceedings in this matter might differ from
20 the result agreed to herein.

21 53. This Stipulation is not binding upon ODC or the respondent as a statement of all
22 existing facts relating to the professional conduct of the respondent lawyer, and any additional
23 existing facts may be proven in any subsequent disciplinary proceedings.

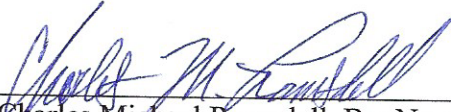
1 54. This Stipulation results from the consideration of various factors by both parties,
2 including the benefits to both by promptly resolving this matter without the time and expense of
3 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
4 such, approval of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

7 55. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely on the
8 record agreed to by the parties. Under ELC 3.1(b), all documents that form the record before the
9 Board for its review become public information on approval of the Stipulation by the Board,
10 unless disclosure is restricted by order or rule of law.

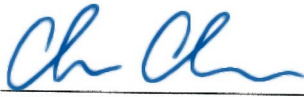
11 56. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will be
12 followed by the disciplinary action agreed to in this Stipulation. All notices required in the Rules
13 for Enforcement of Lawyer Conduct will be made. Respondent represents that, in addition to
14 Washington, Respondent also is admitted to practice law in the following jurisdictions, whether
15 current status is active, inactive, or suspended: Respondent is not admitted to practice in any
16 other jurisdiction.

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

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

3 
4 Charles Michael Ramsdell, Bar No. 26164
5 Respondent

Dated: 2/23/21

6 
7 Chris Chang, Bar No. 54808
8 Disciplinary Counsel

Dated: 2/24/2021