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FILED
AUG 24 2017
DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JULIO MEDINA ZAPATA,
Lawyer (Bar No. 28185).

Proceeding No. *17A00052*

ODC File No. 17-00763

STIPULATION TO ADMONITION

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to admonition is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel M Craig Bray and Respondent lawyer Julio Medina Zapata.

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he 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 him. Respondent chooses to resolve this

proceeding now by entering into the following stipulation to facts, misconduct and sanction to

Stipulation to Admonition - Zapata
Page 1

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

002

1 | avoid the 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 October 13,
4 | 1998. He was admitted to practice law in the State of Arizona on May 19, 2000.

5 | **II. STIPULATED FACTS**

6 | 2. Beginning in 2013, Respondent represented a client in Arizona in a civil case
7 | between the client and the client's ex-fiancé.

8 | 3. As part of the representation, Respondent's client sought the return of an
9 | engagement ring that he had given his ex-fiancé.

10 | 4. The purchase price of the engagement ring was \$75,451.

11 | 5. Respondent's client owed a substantial sum of unpaid attorney fees.

12 | 6. On January 15, 2016, Respondent's client, "seeking to provide payment for
13 | [Respondent's] legal services," assigned and conveyed "all of his right, title, and interest in and
14 | to the engagement ring that is the subject of this litigation" to Respondent by written instrument.

15 | 7. Respondent accepted the assignment and thereby acquired a proprietary interest in
16 | the engagement ring.

17 | 8. On January 27, 2016, a jury awarded the engagement ring to Respondent's client.

18 | 9. On February 22, 2016, the trial court ordered Respondent to "hold the ring pending
19 | final judgment in this case."

20 | 10. In post-trial motions, Respondent argued that the ring became his effective upon
21 | entry of the jury's verdict or judgment.

22 | 11. After learning of the client's assignment of the ring to Respondent and Respondent's
23 | acceptance of the assignment, the trial court found that: 1) the engagement ring was the subject

1 matter of the litigation, 2) via the assignment, Respondent acquired a proprietary interest in the
2 subject matter of the litigation, and 3) by so doing, Respondent violated Arizona Ethical Rule
3 (AER) 1.8(i).

4 12. The trial court referred the issue to the State Bar of Arizona.

5 13. The court in final judgment gave possession of the engagement ring to the client.

6 14. Thereafter, the ring was returned to the client. Several months later the client used
7 the ring to reduce the amount owed to Mr. Zapata for attorneys' fees.

8 III. STIPULATION TO MISCONDUCT

9 15. By acquiring a proprietary interest in the engagement ring, which was the subject of
10 the litigation, Respondent violated AER 1.8(i), which is identical to Rule 1.8(i) of the
11 Washington Rules of Professional Conduct (RPC).

12 IV. PRIOR DISCIPLINE

13 16. Respondent received an admonition in Arizona for this same misconduct. He has no
14 prior discipline in Washington.

15 V. APPLICATION OF ABA STANDARDS

16 17. The following American Bar Association Standards for Imposing Lawyer Sanctions
17 (1991 ed. & Feb. 1992 Supp.) applies to this case: ABA Standard 4.3:

18 4.31 Disbarment is generally appropriate when a lawyer, without the informed
19 consent of client(s):

20 (a) engages in representation of a client knowing that the lawyer's
21 interests are adverse to the client's with the intent to benefit the
22 lawyer or another, and causes serious or potentially serious injury to
23 the client; or

24 (b) simultaneously represents clients that the lawyer knows have adverse
interests with the intent to benefit the lawyer or another, and causes
serious or potentially serious injury to a client; or

(c) represents a client in a matter substantially related to a matter in
which the interests of a present or former client are materially
adverse, and knowingly uses information relating to the

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representation of a client with the intent to benefit the lawyer or another and causes serious or potentially serious injury to a client.

4.32 Suspension is generally appropriate when a lawyer knows of a conflict of interest and does not fully disclose to a client the possible effect of that conflict, and causes injury or potential injury to a client.

4.33 Reprimand is generally appropriate when a lawyer is negligent in determining whether the representation of a client may be materially affected by the lawyer's own interests, or whether the representation will adversely affect another client, and causes injury or potential injury to a client.

4.34 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether the representation of a client may be materially affected by the lawyer's own interests, or whether the representation will adversely affect another client, and causes little or no actual or potential injury to a client.

18. Respondent acted negligently in failing to apprehend the nature of the conflict of interest created by accepting the assignment of a proprietary interest in the engagement ring.

19. There was little to no injury to the client.

20. The presumptive sanction is admonition.

21. The following aggravating factor under ABA Standard 9.22 applies:

(i) substantial experience in the practice of law.

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

(a) no prior disciplinary record (Respondent was previously admonished for this conduct in Arizona, but has no prior discipline in Washington);

(b) absence of a dishonest motive; and

(c) remorse.

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

24. On balance the aggravating and mitigating factors do not require a departure from the presumptive sanction.

1 **VI. STIPULATED DISCIPLINE**

2 25. The parties stipulate that Respondent shall receive an admonition for his conduct.

3 26. A copy of the proposed admonition is attached as Exhibit A. Respondent agrees to
4 the language of the admonition.

5 **VII. RESTITUTION**

6 27. An order of restitution is not necessary in this matter.

7 **VIII. COSTS AND EXPENSES**

8 28. In light of Respondent's willingness to resolve this matter by stipulation at an early
9 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$375.00
10 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC
11 13.9(l) if these costs are not paid within 30 days of approval of this stipulation.

12 **IX. VOLUNTARY AGREEMENT**

13 29. Respondent states that prior to entering into this Stipulation he had an opportunity to
14 consult independent legal counsel regarding this Stipulation, that Respondent is entering into
15 this Stipulation voluntarily, and that no promises or threats have been made by ODC, the
16 Association, nor by any representative thereof, to induce the Respondent to enter into this
17 Stipulation except as provided herein.

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

20 **X. LIMITATIONS**

21 31. This Stipulation is a compromise agreement intended to resolve this matter in
22 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
23 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer

1 and ODC acknowledge that the result after further proceedings in this matter might differ from
2 the result agreed to herein.

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

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


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

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

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

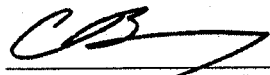
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WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
to Discipline as set forth above.



Julio Medina Zapata, Bar No. 28185
Respondent

Dated: 8-9-2017



M Craig Bray, Bar No. 20821
Disciplinary Counsel

Dated: 8/10/2017

EXHIBIT A

EXHIBIT A

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JULIO MEDINA ZAPATA,
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Proceeding No.
ODC File No. 17-00763
ADMONITION

Pursuant to Rule 13.5 of the Rules for Enforcement of Lawyer Conduct, the following Admonition was issued by the Disciplinary Board Chair.

I. ADMISSION TO PRACTICE

At all times material to the complaint, you were licensed to practice law in the state of Washington. You were also licensed to practice law in the state of Arizona.

II. FACTS

1. Beginning in 2013, you represented a client in Arizona in a civil case between the client and the client's ex-fiancé.
2. As part of the representation, your client sought the return of a valuable engagement ring that he had given his ex-fiancé.
3. The engagement ring was the subject of the litigation.
4. On January 15, 2016, your client, "seeking to provide payment for [your] legal

1 | services," assigned and conveyed "all of his right, title, and interest in and to the engagement
2 | ring that is the subject of this litigation" to you by written instrument.

3 | 5. You accepted the assignment and thereby acquired a proprietary interest in the
4 | engagement ring.

5 | **III. MISCONDUCT**

6 | 13. By acquiring a proprietary interest in the subject of the litigation, you violated
7 | Arizona Ethics Rule 1.8(i), which is identical to Rule 1.8(i) of the Washington Rules of
8 | Professional Conduct (RPC).

9 | **IV. ADMONITION**

10 | YOU ARE HEREBY ADMONISHED FOR THIS MISCONDUCT. This admonition is
11 | not a disciplinary sanction, but is a disciplinary action, and shall be admissible in evidence in
12 | subsequent discipline or disability proceedings involving you.

13 |
14 | Dated this ____ day of _____, 2017.

15 |
16 | _____
17 | Chair
18 | Disciplinary Board