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**FILED**

AUG 01 2013

**DISCIPLINARY BOARD**

BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re

DOUGLAS A. SAAR,  
Lawyer (Bar No. 28221).

Proceeding No. 17#00071  
STIPULATION TO DISBARMENT

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to disbarment is entered into by the Washington State Bar Association (Association), through disciplinary counsel Francesca D'Angelo, Respondent lawyer Douglas A. Saar, and Respondent's counsel, Kurt Bulmer.

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

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 20,  
4 1998.

5 **II. STIPULATED FACTS**

6 2. Respondent represented the personal representative of the Estate of Gwendolyn  
7 Carol Wilson in a pending probate proceeding.

8 3. During the period between November 9, 2012 and January 13, 2013, Respondent  
9 transferred a total of \$98,946 from the Estate into his personal checking account for his personal  
10 use.

11 4. On June 14, 2013, Respondent entered a guilty plea to the felony charge of Theft in  
12 the First Degree (RCW 9A.56.030(1)(a)).

13 5. The elements of the crime are: (1) that on or about the period between the 9<sup>th</sup> day of  
14 November, 2012, and the 25<sup>th</sup> day of January, 2013, the defendant wrongfully obtained or  
15 exerted unauthorized control over, by color or aid of deception obtained control over property of  
16 another or the value thereof; (2) that the property or services exceeded \$5,000 in value; (3) that  
17 the defendant intended to deprive the other person of the property; and (4) that the acts occurred  
18 in the State of Washington.

19 6. Respondent's plea agreement also contains the following statement:

20 *Between November 23, 2012 and January 25, 2013, I wrongfully*  
21 *obtained control over property of another exceeding \$5,000 in*  
22 *value with the intent to deprive the Estate of Gwen Wilson of the*  
23 *property within the State of Washington.*

1 **III. STIPULATION TO MISCONDUCT**

2 7. By committing the criminal act of Theft in the First Degree, Respondent violated  
3 RPC 8.4(b) (by violating RCW 9A56.030(1)).

4 **IV. PRIOR DISCIPLINE**

5 8. Respondent has no prior discipline.

6 **V. APPLICATION OF ABA STANDARDS**

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

9 ***4.1 Failure to Preserve the Client's Property***

10 Absent aggravating or mitigating circumstances, upon application of the  
11 factors set out in 3.0, the following sanctions are generally appropriate in cases  
12 involving the failure to preserve client property:

13 **4.11 Disbarment is generally appropriate when a lawyer knowingly  
14 converts client property and causes injury or potential injury to a  
15 client.**

16 **4.12 Suspension is generally appropriate when a lawyer knows or should  
17 know that he is dealing improperly with client property and causes injury  
18 or potential injury to a client.**

19 **4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing  
20 with client property and causes injury or potential injury to a client.**

21 **4.14 Admonition is generally appropriate when a lawyer is negligent in  
22 dealing with client property and causes little or no actual or potential  
23 injury to a client.**

24 10. Respondent acted knowingly.

11. The estate was injured because it was deprived of its property for a period of time.

12. The presumptive sanction is disbarment.

13. The following aggravating factors apply under ABA Standards Section 9.22:

- 21 (b) dishonest or selfish motive;
- 22 (i) substantial experience in the practice of law [Respondent was admitted to  
23 practice in 1998].

14. The following mitigating factors apply under ABA Standards Section 9.32:

1 (a) absence of a prior disciplinary record.

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

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

6 **VI. STIPULATED DISCIPLINE**

7 17. The parties stipulate that Respondent shall be disbarred for his conduct.

8 **VII. RESTITUTION**

9 18. Respondent has repaid the Estate of Gwendolyn Carol Wilson in full. Restitution is  
10 therefore not required by this Stipulation.

11 **VIII. COSTS AND EXPENSES**

12 19. In light of Respondent's willingness to resolve this matter by stipulation at an early  
13 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$1,000  
14 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC  
15 13.9(l) if these costs are not paid within 30 days of approval of this stipulation. Reinstatement  
16 from disbarment shall be conditioned on payment of costs.

17 **IX. VOLUNTARY AGREEMENT**

18 20. Respondent states that prior to entering into this Stipulation he has consulted  
19 independent legal counsel regarding this Stipulation, that Respondent is entering into this  
20 Stipulation voluntarily, and that no promises or threats have been made by the Association, nor  
21 by any representative thereof, to induce the Respondent to enter into this Stipulation except as  
22 provided herein.

1 X. LIMITATIONS

2 21. This Stipulation is a compromise agreement intended to resolve this matter in  
3 accordance with the purposes of lawyer discipline while avoiding further proceedings and the  
4 expenditure of additional resources by the Respondent and the Association. Both the  
5 Respondent lawyer and the Association acknowledge that the result after further proceedings in  
6 this matter might differ from the result agreed to herein.

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

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

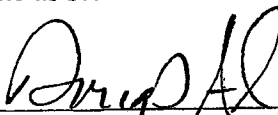
17 24. Under Disciplinary Board policy, in addition to the Stipulation, the Disciplinary  
18 Board shall have available to it for consideration all documents that the parties agree to submit  
19 to the Disciplinary Board, and all public documents. Under ELC 3.1(b), all documents that  
20 form the record before the Board for its review become public information on approval of the  
21 Stipulation by the Board, unless disclosure is restricted by order or rule of law.

22 25. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will  
23 be followed by the disciplinary action agreed to in this Stipulation. All notices required in the  
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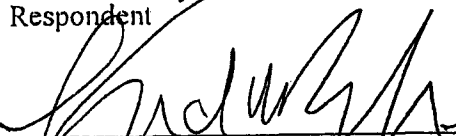
1 Rules for Enforcement of Lawyer Conduct will be made.

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

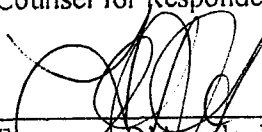
6 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation  
7 to Discipline as set forth above.

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9 \_\_\_\_\_  
10 Douglas Allen Saar, Bar No. 28221  
11 Respondent

Dated: 6/25/2013

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13 \_\_\_\_\_  
14 Kurt Bulmer, Bar No. 5559  
15 Counsel for Respondent

Dated: 6/25/2013

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17 \_\_\_\_\_  
18 Francesca D'Angelo, Bar No. 22979  
19 Disciplinary Counsel

Dated: 6/27/2013