

**FILED**  
FEB 07 2014  
**DISCIPLINARY BOARD**

BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re

**LORI J. GUEVARA,**  
Lawyer (Bar No. 28732).

Proceeding No. 14#00009

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 Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through Senior Disciplinary Counsel Joanne S. Abelson and Respondent Lori J. Guevara.

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

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 December  
4 21, 1998.

5 **II. STIPULATED FACTS**

6 2. On March 1, 2012, Respondent was charged with violating 47 O.S. 11-902(A)(2)  
7 (DUI Alcohol, Count 1), 47 O.S. 7-606 (failure to carry insurance verification, Count 2), and 47  
8 O.S. 11-301 (following too closely, Count 3), all misdemeanors, in Tulsa County (Oklahoma)  
9 District Court, No. CM-2012-1088.

10 3. On July 18, 2012, Respondent pleaded guilty to Counts 1 and 3. Count 2 was  
11 dismissed.

12 4. That day, the court sentenced Respondent to a jail term of one year for Count 1,  
13 which was suspended, and imposed only a fine for Court 3. The terms of Respondent's  
14 suspended sentence included that she would not violate any city, state, federal, or tribal law for  
15 two years.

16 5. On or about July 26, 2012, Respondent was convicted of violating Broken Arrow  
17 Municipal Code § 4-16 (public intoxication), an infraction, in Broken Arrow (Oklahoma)  
18 Municipal Court, No. NF-2012-5621.

19 6. On September 27, 2012, Respondent was charged with violating 47 O.S. 11-902  
20 (actual physical control of a vehicle while intoxicated), a felony, in Tulsa County (Oklahoma)  
21 District Court, No. CF-2012-4284.

22 7. On October 19, 2012, the Tulsa County (Oklahoma) Prosecutor moved to revoke  
23 Respondent's suspended sentence for matter No. CM-2012-1088 based on the allegations in

1 matter No. CF-2012-4284.

2 8. On December 27, 2012, Respondent pleaded guilty to the felony violation charged  
3 in matter No. CF-2012-4284.

4 9. That day, the court accepted the plea and, without entering a judgment of guilt,  
5 placed Respondent on a three-year deferred sentence.

6 10. By order entered February 22, 2013, the Tulsa County (Oklahoma) District Court  
7 revoked Respondent's suspended sentence for matter No. CM-2012-1088 and sentenced her to  
8 treatment in an in-patient treatment facility in lieu of jail.

9 **III. STIPULATION TO MISCONDUCT**

10 11. By repeatedly violating the criminal law and by violating the terms of her suspended  
11 sentences, Respondent violated RPC 8.4(i) (disregard for the rule of law).

12 **IV. PRIOR DISCIPLINE**

13 12. Respondent has no prior discipline.

14 **V. APPLICATION OF ABA STANDARDS**

15 13. The American Bar Association Standards for Imposing Lawyer Sanctions (1991 ed.  
16 & Feb. 1992 Supp.) do not apply to violations of RPC 8.4(i). In re Disciplinary Proceeding  
17 Against Curran, 115 Wn.2d 735, 770-71, 801 P.2d 962 (1990).

18 14. Under Curran, violations of RPC 8.4(i) (disregard for the rule of law) generally  
19 result in a reprimand. Id. at 772.

20 15. Respondent acted knowingly.

21 16. Respondent's conduct in driving while under the influence of alcohol caused damage  
22 to property but not personal injury. Nonetheless, the potential for serious personal injury  
23 existed.

1 17. The legal system suffered injury because the courts were required to address  
2 Respondent's misconduct in numerous proceedings. The legal profession also suffered injury  
3 because the spectacle of a lawyer repeatedly violating the criminal law brings disrespect to the  
4 profession.

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

- 6 (c) a pattern of misconduct; and
- 7 (i) substantial experience in the practice of law (admitted 1998).

8 19. The following mitigating factors apply under ABA Standard 9.32:<sup>1</sup>

- 9 (a) absence of a prior disciplinary record;
- 10 (b) absence of a dishonest or selfish motive;
- 11 (c) personal or emotional problems (grieving for deaths of family members; see ¶
- 12 20);
- 13 (d) remorse.

14 20. Respondent states that her addiction to alcohol arose from delayed grief reactions to  
15 the deaths of her husband and sister. Per the terms of her criminal sentences, since the time of  
16 the misconduct described in this stipulation she has successfully completed a 27-day in-patient  
17 residential treatment program for alcoholism, attended a victim's impact panel, received and  
18 followed the recommendations of her alcohol assessment, attended a 24-hour DUI class over six  
19 weeks, completed 96 hours of community service, and has an ignition interlock device on her  
20 car until January 2015. She also has attended grief counseling sessions and continues to attend  
21 AA meetings.

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

24 22. The aggravating and mitigating factors do not support deviating from the

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<sup>1</sup> Although Respondent's misconduct was arose from alcohol addiction, the mitigating factor set forth in ABA Standard 9.32(i) does not apply because, given the short time period involved, the evidence would not support subsections 9.32(i)(3) and (4).

1 presumptive sanction of reprimand.

2 **VI. STIPULATED DISCIPLINE**

3 23. Respondent shall receive a reprimand.

4 **VII. RESTITUTION**

5 24. No restitution is required by this stipulation.

6 **VIII. COSTS AND EXPENSES**

7 25. In light of Respondent's willingness to resolve this matter by stipulation at an early  
8 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$500 in  
9 accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l)  
10 if these costs are not paid within 30 days of approval of this stipulation.

11 **IX. VOLUNTARY AGREEMENT**

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

17 **X. LIMITATIONS**

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

23 28. This Stipulation is not binding upon ODC or the respondent as a statement of all

1 existing facts relating to the professional conduct of the respondent lawyer, and any additional  
2 existing facts may be proven in any subsequent disciplinary proceedings.

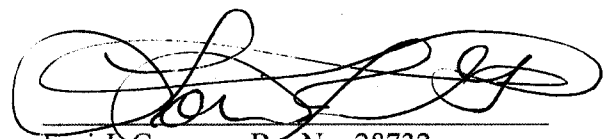
3 29. This Stipulation results from the consideration of various factors by both parties,  
4 including the benefits to both by promptly resolving this matter without the time and expense of  
5 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As  
6 such, approval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

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

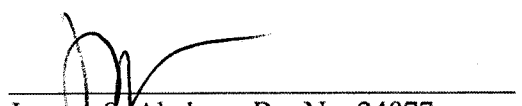
13 31. If this Stipulation is approved by the Hearing Officer, it will be followed by the  
14 disciplinary action agreed to in this Stipulation. All notices required in the Rules for  
15 Enforcement of Lawyer Conduct will be made.

16 32. If this Stipulation is not approved by the Hearing Officer, this Stipulation will have  
17 no force or effect, and neither it nor the fact of its execution will be admissible as evidence in  
18 the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil  
19 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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5 Lori J. Guevara, Bar No. 28732  
6 Respondent

Dated: 1-31-14

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

Dated: 1/31/14