

FILED

Jul 27 2020

Disciplinary  
Board

Docket # 019

DISCIPLINARY BOARD

In re

**GERRI M. NEWELL,**

Lawyer (Bar No. 29316).

Proceeding No. 20#00003

ODC File No(s). 19-00646

Resignation Form of Gerri M. Newell (ELC 9.3(b))

I, Gerri M. Newell, declare as follows:

1. I am over the age of eighteen years and am competent. I make the statements in this declaration from personal knowledge.

2. I was admitted to practice law in the State of Washington on October 27, 1999.

3. I was served with a Formal Complaint and Notice to Answer in this matter on January 28, 2020.

4. After consulting with my counsel, Julie Twyford, I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Discipline under Rule 9.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

5. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to

1 permanently resign from membership in the Association.

2 6. I consent to entry of an order under ELC 13.9(e) assessing expenses of \$1,500 in  
3 this matter.

4 7. I agree to pay any additional costs or restitution that may be ordered by a Review  
5 Committee under ELC 9.3(g).

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

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

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

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

1 12. I understand that my resignation becomes effective on Disciplinary Counsel's  
2 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary  
3 Counsel must do so promptly following receipt of this document.

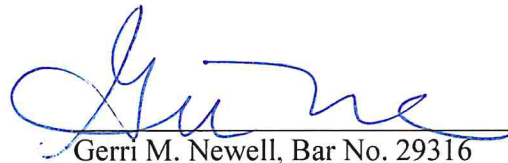
4 13. When my resignation becomes effective, I agree to be subject to all restrictions that  
5 apply to a disbarred lawyer.

6 14. Upon filing of my resignation, I agree to comply with the same duties as a disbarred  
7 lawyer under ELC 14.1 through ELC 14.4.

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

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

13  
14 7-22-2020 Spokane, WA  
Date and Place

  
Gerri M. Newell, Bar No. 29316

15  
16 ENDORSED BY:

17 KJBlake  
18 Kathy Jo Blake, Managing Disciplinary Counsel  
Bar No. 29235

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DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION

In re

**GERRI M. NEWELL,**  
Lawyer (Bar No. 29316).

Proceeding No. 20#00003

ODC File No(s). 19-00646

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

The attached formal complaint, filed on January 23, 2020 in Proceeding No. 20#00003, constitutes Disciplinary Counsel's statement of alleged misconduct under Rule 9.3(b)(1) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

DATED this 22nd day of July, 2020.



Kathy Jo Blake, Bar No. 29235  
Managing Disciplinary Counsel

FILED

Jan 23 2020

Disciplinary  
Board

Docket # 001

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7 BEFORE THE  
8 DISCIPLINARY BOARD  
9 OF THE  
10 WASHINGTON SUPREME COURT

11 In re

12 **GERRI M. NEWELL,**

13 Lawyer (Bar No. 29316).

Proceeding No. 20#00003

FORMAL COMPLAINT

14 Under Rule 10.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer  
15 Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar  
16 Association charges the above-named lawyer with acts of misconduct under the Washington  
17 Supreme Court's Rules of Professional Conduct (RPC) as set forth below.

18 **ADMISSION TO PRACTICE**

19 1. Respondent Gerri M. Newell was admitted to the practice of law in the State of  
20 Washington on October 27, 1999.

21 **FACTS REGARDING COUNT 1**

22 2. On December 4, 2018, the United States Attorney for the Eastern District of  
23 Washington filed an indictment charging Respondent with two counts of bank fraud in

1 violation of 18 U.S.C. § 1344(2) and two counts of filing a false tax return in violation of 26  
2 U.S.C. § 7206(1). United States v. Newell, U.S. District Court for the Eastern District of  
3 Washington No. 2:18-cr-00221-WFN

4 3. On January 15, 2020, Respondent pleaded guilty to one count of filing a false tax  
5 return for the charged tax year 2015.

6 4. The elements of the offense are: (1) making and signing a United States Income  
7 Tax Return for an S Corporation with knowledge that the return contained false information as  
8 to a material matter; (2) filing a return that contained a written declaration that it was being  
9 signed subject to the penalty of perjury; and (3) acting willfully.

10 5. This crime is a Class E felony and carries a maximum penalty of: not more than a  
11 three-year term of imprisonment; a fine not to exceed \$100,000; not more than a one-year term  
12 of supervised release; restitution; and a \$1,000 special penalty assessment.

13 6. Under the plea agreement, the government will dismiss the other three counts set  
14 forth in the indictment at the time of sentencing.

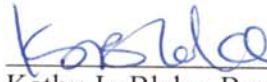
15 7. Sentencing has been set for April 29, 2020.

16 **COUNT 1**

17 8. By committing the crime of filing a false income tax return, Respondent violated  
18 RPC 8.4(b) and/or RPC 8.4(c).

19  
20 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for  
21 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,  
22 restitution, and assessment of the costs and expenses of these proceedings.  
23

1 Dated this 23<sup>rd</sup> day of Jan., 2020.

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4 Kathy Jo Blake, Bar No. 29235  
5 Managing Disciplinary Counsel  
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