

FILED

Oct 28, 2022

Disciplinary
Board

Docket # 020

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

HENRY A. WARREN,
Lawyer (Bar No. 30360).

Proceeding No. 22#00011

ODC File No. 21-00466

Resignation Form of Henry A. Warren (ELC
9.3(b))

I, Henry A. Warren, 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 31, 2000.
3. I was served with a Formal Complaint and Notice to Answer in this matter on March 23, 2022.
4. 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

1 Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to
2 permanently resign from membership in the Association.

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

5 7. I agree to pay restitution of \$61,575.08 to Michael Schluetz.

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

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

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

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

23 12. I agree that when applying for any employment, I will disclose the resignation in

1 lieu of discipline in response to any question regarding disciplinary action or the status of my
2 license to practice law.

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

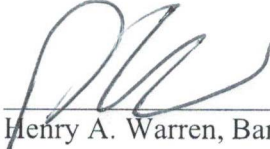
6 14. When my resignation becomes effective, I agree to be subject to all restrictions that
7 apply to a disbarred lawyer.

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

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

13 17. I certify under penalty of perjury under the laws of the State of Washington that the
14 foregoing is true and correct.

15 10-22-22 at Seattle, Wa.
Date and Place


Henry A. Warren, Bar No. 30360

17 ENDORSED BY: 

18 _____
Henry Cruz, Disciplinary Counsel
19 Bar No. 38799

EXHIBIT A

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DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

HENRY A. WARREN,
Lawyer (Bar No. 30360).

Proceeding No. 22#00011

ODC File No. 21-00466

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

The attached formal complaint, filed on March 22, 2022, in Proceeding No. 22#00011, 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 28th day of October, 2022.



Henry Cruz, Bar No. 38799
Disciplinary Counsel

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6 DISCIPLINARY BOARD
7 WASHINGTON STATE BAR ASSOCIATION

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9 In re

10 **HENRY A. WARREN,**

11 Lawyer (Bar No. 30360).

Proceeding No. 22#00011

12 FORMAL COMPLAINT

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

17 **ADMISSION TO PRACTICE**

18 1. Respondent Henry A. Warren was admitted to the practice of law in the State of
19 Washington on October 31, 2000.

20 **FACTS**

21 2. Respondent represented Michael Schluetz in a dissolution matter.

22 3. Respondent agreed that Respondent's legal fees and costs would be paid out of
23 Schluetz's share of the proceeds from the pending sale of Schluetz's marital residence.

1 4. While the dissolution matter was pending, Schluetz began serving an 89-month
2 prison sentence for an unrelated matter.

3 5. Schluetz remains incarcerated.

4 6. On June 7, 2019, the court in the dissolution matter ordered the proceeds from the
5 sale of the marital residence to be deposited into the trust account of opposing counsel David
6 Gates.

7 7. On or about July 1, 2019, Respondent received a check from Gates's law firm for
8 \$5,000 made out to "Henry A. Warren, Trust Account" (hereinafter "check no. 4953").

9 8. Check no. 4953 was a partial distribution of Schluetz's share of the home sale
10 proceeds.

11 9. In a letter dated July 26, 2019, Respondent told Schluetz that check no. 4953
12 would be "put in trust and held until we/you decide how it is to be distributed. Just as any
13 money you receive will be put into a trust account."

14 10. Respondent never deposited check no. 4953 into a trust account.

15 11. Respondent requested Gates's law firm to re-issue check no. 4953 to Respondent.

16 12. On or about September 10, 2019, Gates's law firm provided a check to Respondent
17 for \$5,000 made out to "Henry A. Warren" (hereinafter "check no. 4996") and voided check no.
18 4953.

19 13. The memo line of check no. 4996 stated "Schluetz, Linda Partial Distribution
20 (Michael Schluetz)."

21 14. Check no. 4996 was the re-issuance of the partial distribution of Schluetz's share
22 of the home sale proceeds.

23 15. Respondent never deposited check no. 4996 into a trust account.

1 16. Respondent cashed check no. 4996.

2 17. Respondent used the funds from check no. 4996 for Respondent's own benefit.

3 18. On or about October 24, 2019, Respondent received a check from Gates's law firm
4 for \$67,666.34 made out to "Michael Schluetz" (hereinafter "check no. 5038").

5 19. Check no. 5038 was the final distribution of Schluetz's share of the home sale
6 proceeds.

7 20. In a letter dated October 25, 2019, Respondent told Schluetz the funds "can go in a
8 trust account."

9 21. Respondent never deposited check no. 5038 into a trust account.

10 22. In an invoice dated October 25, 2019, Respondent charged Schluetz \$9,250 in
11 legal fees and \$659.50 in costs incurred in the dissolution matter.

12 23. In that same invoice, Respondent deducted the \$5,000 from check no. 4996, so that
13 the invoice indicated that Schluetz owed Respondent a balance of \$4,909.50.

14 24. Respondent later agreed to provide Schluetz a 15% discount on Respondent's legal
15 fees.

16 25. Respondent agreed to deposit check no. 5038 into a bank account under Schluetz's
17 name and make expenditures of those funds on behalf of Schluetz due to Schluetz's
18 incarceration.

19 26. Respondent never deposited check no. 5038 into a bank account under Schluetz's
20 name.

21 27. Respondent received letters dated January 23, 2020, February 26, 2020, and June
22 1, 2020, from Schluetz that requested Respondent to provide Schluetz an accounting of
23 expenditures of Schluetz's funds along with a copy of bank statements from the account into

1 which Schluetz's funds were to be deposited.

2 28. Respondent never provided Schluetz with an accounting of expenditures or a copy
3 of bank statements.

4 29. On or about February 7, 2020, Respondent requested Gates's firm to re-issue check
5 no. 5038 to Respondent.

6 30. Also on or about February 7, 2020, Gates's law firm provided a check to
7 Respondent for \$67,666.34 made out to "Henry Warren" (hereinafter "check no. 5097") and
8 voided check no. 5038.

9 31. The memo line of check no. 5097 stated "As Attorney for Michael Schluetz."

10 32. Check no. 5097 was the re-issuance of the final distribution of Schluetz's share of
11 the home sale proceeds.

12 33. On February 7, 2020, Respondent opened a checking account at Kitsap Bank in
13 Respondent's name (account no. 0811).

14 34. Respondent deposited check no. 5097 into account no. 0811.

15 35. Between February 2020 and February 2021, Respondent withdrew all of
16 Schluetz's funds from account no. 0811.

17 36. Respondent used over \$61,000 of Schluetz's funds from account no. 0811 for
18 Respondent's own benefit, knowing that Respondent was not entitled to those funds.

19 37. On February 12, 2021, Respondent closed account no. 0811.

20 38. From March 2020 to March 2021, Respondent received multiple communications
21 from Schluetz requesting information relating to the location of Schluetz's funds.

22 39. Respondent did not inform Schluetz that Respondent was unable to open a bank
23 account in Schluetz's name prior to opening account no. 0811.

1 40. Respondent did not inform Schluetz that a check for Schluetz's funds was made
2 payable to Respondent.

3 41. Respondent did not inform Schluetz that Respondent deposited Schluetz's funds
4 into a bank account under Respondent's name.

5 42. Respondent did not inform Schluetz that Respondent had used Schluetz's funds for
6 Respondent's own benefit.

7 43. In April 2021, Schluetz filed a grievance against Respondent (ODC File No. 21-
8 00466).

9 44. In a letter dated June 11, 2021, in response to the grievance, Respondent told ODC
10 that Respondent was holding Schluetz's funds in cash.

11 45. Respondent's statement about holding Schluetz's funds in cash was false.

12 46. Respondent knew that this statement was false.

13 47. At a deposition under oath on November 4, 2021, Respondent testified that
14 Respondent was holding Schluetz's funds in cash.

15 48. Respondent's testimony about holding Schluetz's funds in cash was false.

16 49. Respondent knew that this testimony was false.

17 50. During a Zoom interview on December 10, 2021, Respondent told ODC that
18 Respondent placed Schluetz's funds in cash at the home of JME.

19 51. Respondent's statement that Respondent placed Schluetz's funds in cash at the
20 home of JME was false.

21 52. Respondent knew that this statement was false.

22 **COUNT 1**

23 53. By using and/or converting client funds, Respondent violated RPC 8.4(b) (by

1 committing the crime of theft in violation of RCW 9A.56.020(1)(a), 9A.56.010(23)(b)), RPC
2 8.4(c), RPC 8.4(i), and/or RPC 1.15A(b).

3 **COUNT 2**

4 54. By knowingly making one or more false statements to ODC during a grievance
5 investigation and/or knowingly testifying falsely at Respondent's deposition, Respondent
6 violated RPC 8.4(b) (by committing the crime of false swearing in violation of RCW
7 9A.72.040), RPC 8.1(a), RPC 8.4(c), and/or RPC 8.4(d).

8 **COUNT 3**

9 55. By failing to deposit and hold client funds in a trust account, Respondent violated
10 RPC 1.15A(c)(1).

11 **COUNT 4**

12 56. By failing to provide a written accounting to Schluetz upon Schluetz's request,
13 Respondent violated RPC 1.15A(e).

14 **COUNT 5**

15 57. By failing to respond to Schluetz's reasonable requests for information about client
16 funds, and/or by failing to advise Schluetz about the location of client funds, Respondent
17 violated RPC 1.4.

18
19 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
20 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
21 restitution, and assessment of the costs and expenses of these proceedings.
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23

1 Dated this 22nd day of March, 2022.



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4 Henry Cruz, Bar No. 38799
Disciplinary Counsel

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