

FILED

Sep 20 2018

Disciplinary
Board

Docket # 001

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

MICHAEL JOHN SIEFKES,

Lawyer (Bar No. 31057).

Proceeding No. _____

ODC File No(s). 17-01853, 17-01854,
17-01915

Resignation Form of Michael John Siefkes
(ELC 9.3(b))

I, Michael John Siefkes, 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 May 30, 2001

3. 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).

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

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

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

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

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

23 10. I understand that my resignation becomes effective on Disciplinary Counsel's

1 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary
2 Counsel must do so promptly following receipt of this document.

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

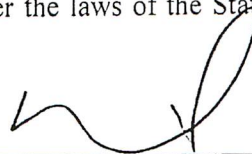
5 12. Upon filing of my resignation, I agree to comply with the same duties as a
6 disbarred lawyer under ELC 14.1 through ELC 14.4.

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

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

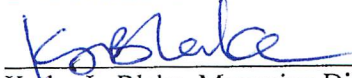
12 9-20-18

13 Date and Place



14 Michael John Siefkes,
15 Bar No. 31057

16 ENDORSED BY:



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

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12 MICHAEL JOHN SIEFKES,

13 Lawyer (Bar No. 31057).

14 Proceeding No. _____

15 ODC File No(s). 17-01853, 17-01854,
16 17-01915

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

19 The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of
20 the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

21 I. ADMISSION TO PRACTICE

22 1. Respondent Michael John Siefkes was admitted to the practice of law in the State of
23 Washington on May 30, 2001.

24 II. ALLEGED FACTS

1. Respondent began representing Averill Reno (Averill) and James Reno (James) on
or about January 5, 2009.

2. Respondent represented Averill until her death in August 2013.

1 4. Throughout the time of the representation, Averill suffered from dementia.

2 5. Respondent represented James until at least March 13, 2015.

3 6. James suffers from an autistic disorder, deficits of his frontal lobe and executive
4 function, and social phobia.

5 7. Although Respondent was unaware of any specific diagnosis for James, during the
6 time that he represented him Respondent told police in February 2017 that he knew that James
7 suffered from some type of social anxiety/mental difficulties and assumed that he had
8 Asperger's syndrome.

9 8. Respondent was deposed by disciplinary counsel on May 2, 2018.

10 9. When asked questions about James cognitive or social abilities during the May 2,
11 2018 deposition, Respondent invoked his 5th Amendment rights.

12 10. When asked if he ever took out a loan from a client at his May 2, 2018 deposition,
13 Respondent testified he had never taken out a loan from a client.

14 11. Respondent's testimony was not true.

15 12. On or about September 21, 2009, Respondent took out a loan from Averill and
16 James for \$3,600. The loan was memorialized in a promissory note prepared by the
17 Respondent.

18 13. When confronted with the promissory note at his May 2, 2018 deposition,
19 Respondent claimed he did not remember taking out the loan. Respondent's testimony does not
20 appear credible.

21 14. Respondent did not advise Averill and James in writing of the desirability of seeking
22 the advice of an independent lawyer.

23 15. Respondent did not obtain written informed consent from Averill or James to the

1 essential terms of the transaction and the lawyer's role in the transaction, including whether the
2 lawyer is representing the client in the transaction before entering into this business transaction.

3 16. Respondent never repaid the \$3,600 loan.

4 17. In 2009, James gifted Respondent his 2007 Ford Explorer.

5 18. At the time, the estimated value of the 2007 Ford Explorer was \$9,000.

6 19. At the May 2, 2018 deposition, Respondent denied that the Ford Explorer was a gift
7 and testified that the vehicle was given to him to compensate him for services rendered.
8 Respondent's testimony does not appear credible.

9 20. Between January 2009 and September 3, 2013, Respondent received \$125,109.50 in
10 checks and/or cashier's checks from the BECU account of Averill, which later became the joint
11 BECU account of Averill and James.

12 21. Between January 11, 2011 and February 9, 2015, Respondent received \$65,600 in
13 checks from the BECU account of James.

14 22. On or about December 14, 2012, James purchased a new vehicle for Respondent
15 from Acura of Bellevue for \$31,003.00.

16 23. Sometime in 2013, James purchased a new Toyota Tundra for Respondent. The
17 Toyota Tundra cost approximately \$40,000.00.

18 24. On or about October 31, 2014, James purchased a third new vehicle for Respondent
19 from Renton Honda. The purchase price, after trading in the first new vehicle purchased less
20 than two years earlier, was \$26,601.70.

21 25. In response to two grievances filed with the Office of Disciplinary Counsel
22 Respondent claimed that all the funds he received from James were for services rendered. He
23 also claimed that James never gave him gifts other than token Christmas and birthday presents.

1 26. At his May 2, 2018 deposition, Respondent testified that all the new vehicles
2 purchased for him by James were payment for services rendered. Respondent's testimony does
3 not appear credible.

4 27. Contrary to his deposition testimony, Respondent told a police detective and a
5 forensic accountant in February 2017 that James bought the new vehicles for him as gifts.

6 28. Respondent did not perform \$297,313.50 worth of work for James and Averill.

7 29. At the very most, Respondent actually provided \$206,575 in legal and/or other
8 services to James and Averill.

9 30. Respondent's claim in his written response to ODC that James never gave him gifts
10 other than token Christmas and birthday presents was untrue.

11 31. On February 3, 2013, Respondent accepted a birthday present in the form of a \$700
12 check from James.

13 32. Respondent testified at his May 2, 2018 deposition that the \$700 check, which was
14 issued to him on his actual birthday and indicated "Happy Birthday" on the memo line, was not
15 a birthday present. Respondent testimony does not appear credible.

16 33. In both his written response to the grievances and during his deposition testimony,
17 Respondent provided false information to ODC that he only received token gifts from James.

18 34. On or about March 24, 2015, Respondent executed a settlement agreement with
19 James that purportedly settled all claims relating to any money or property that passed between
20 the parties for any reason.

21 35. The settlement agreement, which James entered into pro se, resolved all his potential
22 claims against respondent for only \$1,000.

1 **III. ALLEGED MISCONDUCT.**

2 36. By collecting cash and/or vehicles totaling approximately \$297,313.50 from Averill
3 and James when at most Respondent provided services totaling \$206,575, Respondent violated
4 RPC 1.5 and RPC 8.4(c).

5 37. By taking a \$3,600 loan from Averill and James without advising them in writing of
6 the desirability of seeking the advice of an independent lawyer and without obtaining written
7 informed consent from them with respect to the essential terms of the transaction or his role in
8 the transaction, Respondent violated RPC 1.8(a).

9 38. By providing false information to ODC in response to a grievance, Respondent
10 violated RPC 8.1(a) and RPC 8.4(c).

11
12 DATED this 20th day of September, 2018.

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14 _____
Kathy Jo Blake, Bar No. 29235
15 Managing Disciplinary Counsel