

FILED

Dec 19 2019

Disciplinary
Board

Docket # 002

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

RAJIV NAGAICH,

Lawyer (Bar No. 32991).

ODC File No. 18-01980

ADMONITION

Pursuant to Rule 13.5 of the rules for Enforcement of Lawyer Conduct, the following Admonition was issued by the Chair of the Review Committee.

I. ADMISSION TO PRACTICE

At all times material to the complaint, you were licensed to practice in the state of Washington.

II. FACTS

1. On April 19, 2016, you signed a Stipulation to Reprimand, which was approved by order of the Chief Hearing Officer on April 26, 2016. The reprimand was based on your failure to make reasonable efforts to ensure that your nonlawyer assistant's conduct was compatible with your professional obligations, in violation of RPC 5.3(b). The stipulation included an agreement to participate in probation with a practice monitor. Probation concluded

on April 23, 2017.

2. In October 2018, your employee (employee) asked you to serve as his supervising lawyer in connection with the employee's application to become an APR 9 Licensed Legal Intern.

3. You told employee that he might want to find another supervising lawyer. You believed that employee knew of your reprimand and the probation that followed.

4. Employee told you that he wanted you to be his supervising lawyer, and that you could. Employee believed that your reprimand was more than three years old. Employee did not verify the date of your prior discipline.

5. You accepted employee's statement as determinative of your eligibility to be a supervising lawyer.

6. You completed a Declaration of Supervising Lawyer, certifying that:

I am an active member in good standing of the Washington State Bar Association and have not been subject to discipline as described in APR 9(c).

7. On October 9, 2018, you signed the Declaration under penalty of perjury, without reading APR 9(c).

8. Your Declaration was false in that you had received a disciplinary sanction of reprimand within the previous three years.

9. Employee submitted your Declaration to the Regulatory Services Department (RSD) of the Washington State Bar Association.

10. RSD returned the application because one section of the Declaration was incomplete.

11. Employee completed a second Declaration of Supervising Lawyer and you signed it on November 28, 2019, again falsely certifying under penalty of perjury that you had not been subject to discipline as described in APR 9(c).

12. Employee submitted the second Declaration to RSD.

13. On December 4, 2018, RSD sent you a letter stating that you did not meet the qualifications to be a supervising lawyer under APR 9(c) because you had received a disciplinary sanction of reprimand within the previous three years. The letter referenced the two Declarations that you had signed under penalty of perjury, and notified you that the matter was being referred to the Office of Disciplinary Counsel.

14. You relied on employee to determine your eligibility to serve as a supervising lawyer without reading the APR yourself, and without providing the date or a copy of your previous reprimand to employee.

15. It appears that your misconduct was negligent, not intentional. You cite your busy practice and the departure of multiple staff members as a reason for the misconduct.

16. Employee was able to find another supervising lawyer, thus it appears that the extent of injury was minimal.

17. It appears that you are remorseful for your negligent conduct.

III. MISCONDUCT

18. By negligently signing two declarations containing false statements regarding your disciplinary history and qualifications to serve as a supervising lawyer, your conduct violated RPC 8.4(c).

19. By negligently certifying under penalty of perjury that you were in compliance

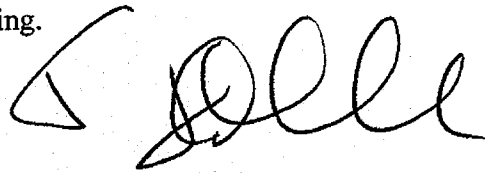
with a court rule without reading the rule and/or determining your compliance, your conduct violated RPC 8.4(d).

IV. ADMONITION

YOU ARE HEREBY ADMONISHED FOR THIS MISCONDUCT. This admonition is not a disciplinary sanction, but is a disciplinary action, and shall be admissible in evidence in subsequent discipline or disability proceedings involving you.

You may protest the issuance of this Admonition by filing a written notice of protest with the Association-Attention: Clerk to the Disciplinary Board, within 30 days of the service of this Admonition upon you. Upon receipt of a timely protest, this Admonition shall be rescinded, and the grievance shall be deemed ordered to hearing.

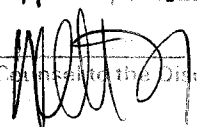
Dated this 19th day of December, 2019.



Felicia Value, Chair
Review Committee IV

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Admonition
to be delivered to the Office of Disciplinary Counsel and to be mailed
to Beth Purtee 1009 Yakima Ave #301 Tacoma WA 98403 12/19/19
at 1009 Yakima Ave #301 Tacoma WA 98403, Certified/Registered Mail,
postage prepaid on the 19th day of Dec, 2019


Clerk/Counsel to the Disciplinary Board