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FILED

AUG 21 2014

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

HAROLD M. TURNER,
Lawyer (Bar No. 33341).

Proceeding No. 14#00015

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND HEARING OFFICER'S
RECOMMENDATION

The undersigned Hearing Officer held a default hearing by submission on August 18, 2014 under Rule 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC) after Respondent Harold M. Turner was personally served with a Formal Complaint and Notice to Answer, failed to file an answer to the formal complaint, and a default order was entered.

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING CHARGED VIOLATIONS**

1. The Formal Complaint charged Respondent Harold M. Turner with misconduct as set forth therein.

2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the factual allegations set forth in the Formal Complaint is admitted and established. The Formal Complaint is attached as Appendix A and incorporated herein by reference.

1 3. Under ELC 10.6(a)(4), the Hearing Officer concludes that the violation charged in
2 the Formal Complaint is admitted and established as follows:

3 Count 1 - By knowingly failing to pay the costs and expenses ordered in connection with
4 his 2008 admonition, Respondent violated RPC 8.4(l) (by violating ELC 13.9(i) and (j)).

5 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**
6 **REGARDING RECOMMENDED SANCTION**

7 4. The Respondent acted knowingly.

8 5. ODC was injured by loss of funds and the requirement that it expend resources to
9 pursue this matter. The lawyer discipline system was harmed by Respondent's disregard of the
10 consequences of ethics violations and the rules. Respondent is a lawyer on active status with
11 the Washington State Bar Association who was ordered to pay by the Disciplinary Board,
12 subject to a judgment entered by the Supreme Court, required to pay by the ELC, and yet
13 knowingly disregarded those orders and rules for years.

14 6. The following standards of the American Bar Association's Standards for
15 Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively
16 apply in this case:

17 6.22 Suspension is generally appropriate when a lawyer knows that he or she is
18 violating a court order or rule, and causes injury or potential injury to a client
19 or a party, or causes interference or potential interference with a legal
20 proceeding.

21 7.2 Suspension is generally appropriate when a lawyer knowingly engages in
22 conduct that is a violation of a duty owed as a professional and causes injury
23 or potential injury to a client, the public, or the legal system.

24 7. Based on the Findings of Fact and Conclusions of Law and application of ABA
25 Standards 6.22 and 7.2, the presumptive sanction is suspension.

 8. *The following aggravating factors set forth in Section 9.22 of the ABA Standards*
apply in this case:

- 1 (b) dishonest or selfish motive;
2 (i) substantial experience in the practice of law [Respondent was admitted to
3 practice in 2003].

4 9. It is an additional aggravating factor that Respondent failed to file an answer to the
5 Formal Complaint as required by ELC 10.5(a).

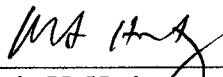
6 10. No mitigating factors, contained in ABA Standard 9.32, appear to apply.

7 **RECOMMENDATION**

8 11. Based on the ABA Standards and the applicable aggravating factors, the Hearing
9 Officer recommends that Respondent Harold M. Turner be suspended for a period of six
10 months, with reinstatement conditioned on payment of the outstanding costs and expenses
11 owing in the 2008 admonition proceeding, 08#00016, and in this proceeding, including interest.

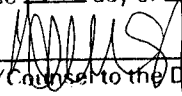
12 As of August 24, 2014 the total amount is \$1,337.85.

13 DATED this 18th day of August, 2014.

14 
15 _____
16 Octavia Y. Hathaway,
17 Hearing Officer

18 **CERTIFICATE OF SERVICE**

19 I certify that I caused a copy of the FOF, COL & HO's Recommendation
20 to be delivered to the Office of Disciplinary Counsel and to be mailed
21 to Harold Turner, Respondent/Respondent's Counsel
22 at P.O. Box 12345 Federal Way, WA 98003, by Certified/first class mail,
23 postage prepaid on the 21st day of August, 2014.

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Clerk/Counsel to the Disciplinary Board