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BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re  
**ROBERT JEFFERY WADE,**  
Lawyer (Bar No. 33679).

Proceeding No. 14#00082  
ODC File Nos. 11-00941, 13-02144, 14-00589, 14-00695  
**STIPULATION TO THREE-MONTH  
SUSPENSION**

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to suspension is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through Disciplinary Counsel M Craig Bray and Respondent lawyer Robert Jeffery Wade, who is represented by lawyer Leland G. Ripley.

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to him. Respondent chooses to resolve this Stipulation to Three-Month Suspension

*RM*

1 proceeding now by entering into the following stipulation to facts, misconduct and sanction to  
2 avoid the risk, time, expense and publicity attendant to further proceedings.

3 **I. ADMISSION TO PRACTICE**

4 1. Respondent was admitted to practice law in the State of Washington on June 18,  
5 2003.

6 2. Respondent was automatically interim suspended from the practice of law under  
7 ELC 7.3 on April 16, 2015.

8 **II. STIPULATED FACTS**

9 **A. Facts Regarding File No. 11-00941**

10 3. From May 2010 until May 2011, Respondent represented Marvin Namet in his  
11 dissolution from Jirinka Fausett.

12 4. During Respondent's representation of Mr. Namet, Ms. Fausett and her counsel made  
13 discovery requests that Respondent failed to answer without reasonable excuse.

14 5. On September 20, 2010, the court found Mr. Namet in contempt for failing to  
15 produce financial information in response to discovery.

16 6. On December 3, 2010, the court found both Mr. Namet and Respondent in contempt  
17 because Mr. Namet still failed to produce some information and information that he did produce  
18 was repetitive and nonresponsive. The court imposed sanctions against Mr. Namet only.

19 7. Respondent did not provide Mr. Namet with complete information about the  
20 contempt orders and what information Mr. Namet was required to produce.

21 8. Mr. Namet eventually fired Respondent and the matter settled through mediation.

22 **B. Facts Regarding Respondent's Failure to Cooperate in File No. 13-02144**

23 9. On November 19, 2013, Raul Villalobos filed a grievance against Respondent

1 | alleging that Respondent neglected his case.

2 |       10. On November 21, 2013, disciplinary counsel sent Respondent a letter asking him to  
3 | respond to Mr. Villalobos's grievance within 30 days.

4 |       11. Respondent did not submit a response.

5 |       12. On December 26, 2013, disciplinary counsel sent Respondent a certified letter asking  
6 | him to respond to the grievance by January 8, 2014.

7 |       13. Respondent did not submit a response. That letter eventually was returned as  
8 | unclaimed.

9 |       14. On January 13, 2014, disciplinary counsel issued a subpoena duces tecum requiring  
10 | Respondent to appear for a deposition on January 31, 2014 with his file for Mr. Villalobos.

11 |       15. Respondent was personally served with the subpoena on January 14, 2014.

12 |       16. On January 15, 2014, Respondent telephoned disciplinary counsel and stated that he  
13 | never received a copy of the grievance. Disciplinary counsel sent him another copy of the  
14 | grievance, gave him an additional 30 days to respond (until February 14, 2014), and cancelled  
15 | the deposition set for January 31, 2014.

16 |       17. On February 19, 2014, Respondent telephoned disciplinary counsel to advise that he  
17 | would submit his response "today or tomorrow," and that he was waiting to obtain the  
18 | declaration of a co-worker who was on vacation.

19 |       18. Respondent did not submit a response.

20 |       19. On February 25, 2014, disciplinary counsel sent Respondent a letter asking him to  
21 | respond to the grievance by March 10, 2014.

22 |       20. Respondent did not submit a response.

23 |       21. On May 2, 2014, disciplinary counsel issued a subpoena duces tecum requiring

1 Respondent to appear for a deposition on May 27, 2014 with his file for Mr. Villalobos.

2 22. Respondent was personally served with the subpoena on May 5, 2014.

3 23. Respondent did not appear for the May 27, 2014 deposition.

4 24. On May 27, 2014, in the afternoon, Respondent called disciplinary counsel to talk  
5 about "tomorrow's" deposition. Disciplinary counsel told him that the deposition had been set  
6 for 9:00 a.m. that morning and that she would be filing a petition for interim suspension.

7 25. Disciplinary counsel filed a petition for interim suspension on June 2, 2014.

8 26. Respondent filed his response to the grievance that day.

9 **C. Facts Regarding Respondent's Failure to Cooperate in File No. 14-00589**

10 27. On April 3, 2014, Marvin Namet filed a grievance against Respondent based on  
11 Respondent's handling of his dissolution case.

12 28. On April 9, 2014, disciplinary counsel sent Respondent a letter asking him to  
13 respond within 30 days.

14 29. Respondent did not submit a response.

15 30. On May 13, 2014, disciplinary counsel sent Respondent a letter asking him to  
16 respond to the grievance by May 27, 2014.

17 31. Respondent did not submit a response.

18 32. On May 30, 2014, following a telephone call from Respondent, disciplinary counsel  
19 sent Respondent a copy of the grievance at a different address and gave him until June 27, 2014  
20 to respond.

21 33. Respondent did not submit a response.

22 34. On August 1, 2014, disciplinary counsel issued a subpoena duces tecum requiring  
23 Respondent to appear for a deposition on August 29, 2014 with his file for Mr. Namet.

1 35. Respondent was personally served with the subpoena on August 7, 2014.

2 36. Respondent did not appear at the August 29, 2014 deposition.

3 37. On September 3, 2014, Respondent called disciplinary counsel about the deposition  
4 set for "next week." Disciplinary counsel told Respondent that the deposition had been set for  
5 the previous week.

6 38. Respondent did not submit a response.

7 **D. Facts Regarding Failure to Cooperate in File No. 14-00695**

8 39. On April 21, 2014, Kevin Moore filed a grievance alleging that Respondent was  
9 neglecting his case.

10 40. On April 28, 2014, disciplinary counsel sent Respondent a letter asking him to  
11 respond to Mr. Moore's grievance within 30 days.

12 41. Respondent did not submit a response.

13 42. On June 3, 2014, disciplinary counsel sent Respondent a letter asking him to respond  
14 to the grievance by June 16, 2014.

15 43. Respondent did not submit a response.

16 44. On June 23, 2014, disciplinary counsel wrote Respondent at a different address  
17 advising him that his response to the grievance was overdue and giving him another two weeks  
18 to respond (until July 7, 2013).

19 45. Respondent did not submit a response.

20 46. On August 1, 2014, disciplinary counsel issued a subpoena duces tecum requiring  
21 Respondent to appear for a deposition on August 29, 2014 with his client file.

22 47. Respondent was personally served with the subpoena on August 7, 2014.

23 48. Respondent did not appear at the August 29, 2014 deposition.

1 49. Respondent did not submit a response.

2 **III. STIPULATION TO MISCONDUCT**

3 50. By failing to comply with discovery on behalf of his client Namet in the Fausett-  
4 Namet dissolution, Respondent violated RPC 1.3 and RPC 3.4(d).

5 51. By failing to keep his client informed about the discovery requests and contempt  
6 orders in the Fausett-Namet dissolution, Respondent violated RPC 1.4.

7 52. By failing to respond promptly to disciplinary counsel's requests for information in  
8 ODC File Nos. 13-02144, 14-00589, and 14-00695, and by failing to respond to the subpoenas,  
9 Respondent violated RPC 8.4(l) (through former ELC 5.3(e), ELC 5.3(f), and ELC 5.5(d)).

10 **IV. PRIOR DISCIPLINE**

11 53. Respondent has no prior public discipline.

12 **V. APPLICATION OF ABA STANDARDS**

13 54. The following American Bar Association Standards for Imposing Lawyer Sanctions  
14 (1991 ed. & Feb. 1992 Supp.) apply to this case:

15 ABA Standard 4.4 applies to Respondent's violations of RPC 1.3 and 1.4.

16 ABA Standard 6.2 applies to Respondent's violation of RPC 3.4(d).

17 ABA Standard 7.0 applies to Respondent's violations of RPC 8.4(l).

18 The applicable ABA Standards are set out in their entirety in Appendix A, attached.

19 55. As to the violations of RPC 1.3, 1.4, and 3.4(d) in the Fausett-Namet dissolution,  
20 Respondent acted negligently.

21 56. As to the failures to cooperate with the disciplinary investigations, Respondent acted  
22 knowingly.

23 57. In the dissolution matter, Ms. Fausett, Mr. Namet, and the judicial system suffered

1 injury from additional time, expense, and court proceedings.

2 58. In the failures to cooperate with disciplinary investigations, the grievants suffered  
3 injury because the resolution of their grievances was delayed, and the discipline system, which  
4 depends on lawyer cooperation and honesty to function, also suffered injury.

5 59. The presumptive sanction for the violations of RPC 1.3, 1.4, and 3.4(d) is reprimand.

6 60. The presumptive sanction for the violations of RPC 8.4(I) is suspension.

7 61. The following aggravating factors apply under ABA Standard 9.22:

- 8 (d) multiple offenses; and  
9 (i) substantial experience in the practice of law [admitted in 2003].

10 62. The following mitigating factors apply under ABA Standard 9.32:

- 11 (a) absence of a prior disciplinary record;  
12 (b) absence of a dishonest or selfish motive; and  
13 (c) personal or emotional problems. During the time of the misconduct in ¶¶ 50-52,  
14 Respondent was suffering problems created by his long history of substance  
15 dependency. Because he currently cannot demonstrate a sustained period of  
16 recovery, the mitigating factor of mental disability or chemical dependency set  
17 out in ABA Standard 9.32(i) is inapplicable. However, the parties agree that  
18 Respondent's substance dependency negatively impacted his conduct.

19 63. It is an additional mitigating factor that Respondent has agreed to resolve this matter  
20 at an early stage of the proceedings.

21 64. On balance the aggravating and mitigating factors do not require a departure from  
22 the presumptive sanction of suspension, but support a sanction at the lower end of the available  
23 suspension range.

## 24 VI. STIPULATED DISCIPLINE

25 65. The parties stipulate that Respondent shall receive a three-month suspension for his  
26 conduct. The suspension may run during the time that Respondent is on disability inactive  
27 status.

1 66. Respondent will be subject to probation for a period of two years beginning when he  
2 is reinstated to the active practice of law.

3 67. The conditions of probation are set forth below. Respondent's compliance with these  
4 conditions will be monitored by the Probation Administrator of the Office of Disciplinary  
5 Counsel ("Probation Administrator"). Failure to comply with a condition of probation listed  
6 herein may be grounds for further disciplinary action under ELC 13.8(b).

7 Practice Monitor

- 8 a) During the period of probation, Respondent's practice will be supervised by a  
9 practice monitor. The practice monitor must be a WSBA member with no record of  
10 public discipline and who is not the subject of a pending public disciplinary  
11 proceeding.  
12 b) The role of the practice monitor is to consult with and provide guidance to  
13 Respondent regarding case management, office management, and avoiding  
14 violations of the Rules of Professional Conduct, and to provide reports and  
15 information to the Probation Administrator regarding Respondent's compliance  
16 with the terms of probation and the RPC. The practice monitor does not represent  
17 the Respondent.  
18 c) At the beginning of the probation period, the Probation Administrator will select a  
19 lawyer to serve as practice monitor for the period of Respondent's probation.  
20 i) Initial Challenge: If, within 15 days of the written notice of the selection of  
21 a practice monitor, Respondent sends a written request to the Probation  
22 Administrator that another practice monitor be selected, the Probation  
23 Administrator will select another practice monitor. Respondent need not  
24 identify any basis for this initial request.  
ii) Subsequent Challenges: If, after selection of a second (or subsequent)  
practice monitor, Respondent believes there is good cause why that  
individual should not serve as practice monitor, Respondent may, within 15  
days of notice of the selected practice monitor, send a written request to the  
Probation Administrator asking that another practice monitor be selected.  
That request must articulate good cause to support the request. If the  
Probation Administrator agrees, another practice monitor will be selected. If  
the Probation Administrator disagrees, the Office of Disciplinary Counsel  
will submit its proposed selection for practice monitor to the Chair of the  
Disciplinary Board for appointment pursuant to ELC 13.8(a)(2), and will



1 also provide the Chair with the Respondent's written request that another  
2 practice monitor be selected.

3 d) In the event the practice monitor is no longer able to perform his or her duties, the  
4 Probation Administrator will select a new practice monitor at his or her discretion.  
The process for challenging the selection of a practice monitor set out in paragraph  
5 67(c) shall apply to the selection of a new practice monitor under this section.

6 e) During the period of probation, Respondent must cooperate with the named practice  
7 monitor. Respondent must meet with the practice monitor at least once per month.  
8 Respondent is responsible for contacting the practice monitor to schedule all  
9 required meetings.

10 f) The Respondent must bring to each meeting a current, complete written list of all  
11 pending client legal matters being handled by the Respondent. The list must identify  
12 the current status of each client matter and any problematic issues regarding each  
13 client matter. The list may identify clients by using the client's initials rather than  
14 the client's name.

15 g) At each meeting, the practice monitor will discuss with Respondent practice issues  
16 that have arisen or are anticipated. In light of the conduct giving rise to the  
17 imposition of probation, ODC recommends that the practice monitor and  
18 Respondent discuss whether Respondent is diligently making progress on each  
19 client matter, whether Respondent is in communication with each client, whether  
20 Respondent needs to consider withdrawing from any client matters. Meetings may  
21 be in person or by telephone at the practice monitor's discretion. The practice  
22 monitor uses discretion in determining the length of each meeting.

23 h) The practice monitor will provide the Probation Administrator with quarterly  
24 written reports regarding Respondent's compliance with probation terms and the  
RPC. Each report must include the date of each meeting with Respondent, a brief  
synopsis of the discussion topics, and a brief description of any concerns the  
practice monitor has regarding the Respondent's compliance with the RPC. The  
report must be signed by the practice monitor. Each report is due within 30 days of  
the completion of the quarter.

i) If the practice monitor believes that Respondent is not complying with any of his  
ethical duties under the RPC or if Respondent fails to schedule or attend a monthly  
meeting, the practice monitor will promptly communicate that to the Probation  
Administrator.

j) Respondent must make payments totaling \$1,000 to the Washington State Bar  
Association to defray the costs and expenses of administering the probation, as  
follows:

i) \$250 due within 30 days of the start of the probation;

- 1 ii) \$250 due within 6 months of the start of the probation period;  
2 iii) \$250 due within 12 months of the start of the probation period; and  
3 iv) \$250 due within 18 months of the start of the probation period.  
4 k) All payments should be provided to the Probation Administrator for processing.

#### 5 **VII. RESTITUTION**

6 68. There is no restitution owing in this matter.

#### 7 **VIII. COSTS AND EXPENSES**

8 69. In light of Respondent's willingness to resolve this matter by stipulation at an early  
9 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$750 in  
10 accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l) if  
11 these costs are not paid within 30 days of approval of this stipulation and Respondent has not  
12 entered into a payment plan under ELC 13.9(i)(3) within that same time period. Reinstatement  
13 from suspension is conditioned on full payment of the attorney fees and costs or Respondent's  
14 entry into a payment plan under ELC 13.9(i) and making of required plan payments.

#### 15 **IX. VOLUNTARY AGREEMENT**

16 70. Respondent states that prior to entering into this Stipulation he has consulted  
17 independent legal counsel regarding this Stipulation, that he is entering into this Stipulation  
18 voluntarily, and that no promises or threats have been made by ODC, the Association, nor by  
19 any representative thereof, to induce him to enter into this Stipulation except as provided herein.

20 71. Once fully executed, this stipulation is a contract governed by the legal principles  
21 applicable to contracts, and may not be unilaterally revoked or modified by either party.

#### 22 **X. LIMITATIONS**

23 72. This Stipulation is a compromise agreement intended to resolve this matter in

1 | accordance with the purposes of lawyer discipline while avoiding further proceedings and the  
2 | expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer  
3 | and ODC acknowledge that the result after further proceedings in this matter might differ from  
4 | the result agreed to herein.

5 |         73. This Stipulation is not binding upon ODC or the respondent as a statement of all  
6 | existing facts relating to the professional conduct of the respondent lawyer, and any additional  
7 | existing facts may be proven in any subsequent disciplinary proceedings.

8 |         74. This Stipulation results from the consideration of various factors by both parties,  
9 | including the benefits to both by promptly resolving this matter without the time and expense of  
10 | hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As  
11 | such, approval of this Stipulation will not constitute precedent in determining the appropriate  
12 | sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in  
13 | subsequent proceedings against Respondent to the same extent as any other approved  
14 | Stipulation.

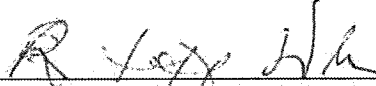
15 |         75. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely on  
16 | the record agreed to by the parties. Under ELC 3.1(b), all documents that form the record before  
17 | the Board for its review become public information on approval of the Stipulation by the Board,  
18 | unless disclosure is restricted by order or rule of law.

19 |         76. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will  
20 | be followed by the disciplinary action agreed to in this Stipulation. All notices required in the  
21 | Rules for Enforcement of Lawyer Conduct will be made.

22 |         77. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, this  
23 | Stipulation will have no force or effect, and neither it nor the fact of its execution will be

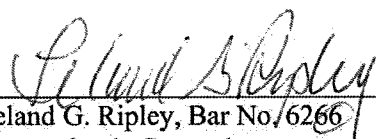
1 | admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary  
2 | proceeding, or in any civil or criminal action.

3 | WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation  
4 | to Discipline as set forth above.


5 |   
6 | \_\_\_\_\_  
7 | Robert Jeffery Wade, Bar No. 33679  
8 | Respondent

Dated: 6/6/17

*corrected per  
email authorization  
6/12/2017*

8 |   
9 | \_\_\_\_\_  
10 | Leland G. Ripley, Bar No. 6266  
11 | Respondent's Counsel

Dated: 6/6/17

11 |   
12 | \_\_\_\_\_  
13 | M Craig Bray, Bar No. 20821  
14 | Disciplinary Counsel

Dated: 6/12/2017

# APPENDIX A

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**American Bar Association's Standards for Imposing Lawyer Sanctions (1991 ed. & Feb. 1992  
Supp.) (ABA Standards)**

***4.4 Lack of Diligence***

- 4.41 Disbarment is generally appropriate when:
- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or
  - (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
  - (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.
- 4.42 Suspension is generally appropriate when:
- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or
  - (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.
- 4.43 Reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.
- 4.44 Admonition is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes little or no actual or potential injury to a client.

***6.2 Abuse of the Legal Process***

- 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.
- 6.22 Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.
- 6.23 Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding.
- 6.24 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in complying with a court order or rule, and causes little or no actual or potential injury to a party, or causes little or no actual or potential interference with a legal proceeding.

***7.0 Violations of Duties Owed as a Professional***

- 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

- 7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.
- 7.3 Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.
- 7.4 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence that is a violation of a duty owed as a professional, and causes little or no actual or potential injury to a client, the public, or the legal system.