

FILED

DEC 06 2010

ORIGINAL

DISCIPLINARY BOARD BEFORE THE DISCIPLINARY BOARD OF THE WASHINGTON STATE BAR ASSOCIATION

In re

ROSA DEL CARMEN RODRIGUEZ

Lawyer (WSBA No. 34334).

PUBLIC FILE NO. 09#00101

ORDER AMENDING FINDINGS OF FACT NO. 58 AND NO. 59

This matter came before the undersigned hearing officer on Respondent Rosa Del Carmen Rodriguez's Motion to Amend, Modify and Correct the Hearing Officer's Decision. Having reviewed the motion and the Association's response, the hearing officer GRANTS the motion as set forth herein.

Findings of Fact Nos. 58 and 59 in the Findings of Fact, Conclusions of Law and Recommendation dated November 8, 2010, were based upon the following testimony by Mr. Sadler, which appears at page 229 of the transcript:

Q Okay. Now, unless -- The information that we have in Exhibits 114, 115 and 116, unless somebody that Ms. Rodriguez was seeing was in this particular pod, we don't have the information; correct? We only have this one pod.

A So if an inmate was in another pod, there would be another log; correct?

Handwritten initials/signature

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

20 A The same inmate?

21 Q No, no, no. I'm saying let's say that Mr. Jones is
22 in pod B-3, but she also wants to see Mr. Smith, who is
23 in pod B-1. The pod B-1 information is not in front of
24 us; right? This is just B-3?

25 A This is just B-3.

However, in briefing this motion, the parties agreed that the attorney visit log (Exhibit A-115) is **not** limited to pod B-3, and the fact that Mr. Victor Chavez Ramirez, for whom the Respondent signed in, resided in pod B-1, not pod B-3, corroborates this agreement. Accordingly, Findings of Fact Nos. 58 and 59 are hereby **AMENDED** to read as follows:

58. The clients noted in the firm's initial consultation log for November 20 do not appear on Respondent's sign-in to the Detention Center that day. One of those clients, (Francisco), is shown on Exhibit A-114 as returning to B-3 from an attorney visit on November 20. ~~But if those clients were not held in area B-3, Respondent would not have signed in for them there. In other words, attorney sign in logs for other areas, which are not in evidence, might show that Respondent signed in for those clients. Since Respondent signed in for a court appearance for the client in B-3, it is reasonable to infer that this was not an initial consultation that would have appeared on the firm's initial consultation log.~~

1 59. A firm mileage expense reimbursement record for Respondent shows "11/20/06
2 Intakes Salvador Rivas Velasquez [Velasco]." Exhibit 152, p. 3. Rios Cantor, P.S.'s
3 informal policy was to split the mileage cost between all clients visited. This record
4 attributes all mileage for a November 20 trip to the Tacoma Detention Center to Mr.
5 Velasco. This record cannot be satisfactorily reconciled with the firm's initial
6 consultation log and Detention Center's ~~sign-in sheet~~ records, which together show that
7 Respondent visited multiple clients that day, none of whom was Mr. Velasco. The
8 Detention Center ~~attorney sign-in~~ B-3 detainee movement log and the firm's initial
9 consultation log are more reliable records.
10

11 DATED: December 6, 2010

12 
13

14 Kimberly A. Boyce
15 WSBA No. 13902
16 Hearing Officer

17 CERTIFICATE OF SERVICE

18 I certify that I caused a copy of the Order Amending PDF No 58 & NO 59
19 to be delivered to the Office of Disciplinary Counsel and to be mailed
20 to Kimberly A. Boyce Respondent/Respondent's Counsel
21 at 1717 1/2 Pike Street, Tacoma, WA 98401 by Certified first class mail
22 postage prepaid on the 6th day of December, 2010

23 
24 Clerk/Counsel to the Disciplinary Board
25
26