

FILED

DEC 03 2012

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

TERRI D. SLOYER,
Lawyer (Bar No. 34571).

Proceeding No. 12#00121

WSBA FILE NOS. 12-01516, 12-01821, 12-01981

AFFIDAVIT OF TERRY D. SLOYER
RESIGNING FROM MEMBERSHIP IN
WASHINGTON STATE BAR
ASSOCIATION (ELC 9.3(b))

I, Terry D. Sloyer, being duly sworn, hereby attests to the following:

1. I am over the age of eighteen years and am competent. I make the statements in this affidavit from personal knowledge.

2. I was admitted to practice law in the State of Washington on December 16, 2003.

3. I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Disbarment under Rule for Enforcement of Lawyer Conduct (ELC) 9.3.

4. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged misconduct for purposes of ELC 9.3(b). While not admitting the misconduct in the Attached

1 Statement of Alleged Misconduct, attached hereto as Exhibit A, I admit that the Association
2 could prove, by a clear preponderance of the evidence, the violations set forth in Exhibit A, and
3 that the proof of such violations would suffice to result in my disbarment.

4 5. I agree to pay restitution of \$41,158.00 to client PS.

5 6. I agree to pay restitution of \$6,340.23 to Washington Trust Bank.

6 7. I agree to pay restitution of \$3,900 to Connie Powell.

7 8. I agree to pay restitution totaling \$5,686.71 to the following clients or former
8 clients of Craig Mason in the amounts indicated below:

<u>Client</u>	<u>Amount</u>
Sherry Ackerson ¹	\$1,063.50
GK	\$2,696.66
PS	\$ 925.00
RT	\$ 37.50
GW	\$ 54.25
JM	\$ 776.55
KH	\$ 102.50
AN	\$ 30.75
<u>Total</u>	<u>\$5,686.71</u>

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19 9. I am submitting with this affidavit an executed confession of judgment for
20 \$1,151.00 to cover costs and expenses pursuant to ELC 9.3(f)(A).

21 10. I understand that my resignation is permanent and that any future application by
22 me for reinstatement as a member of the Association is currently barred. If the Supreme Court

23 _____
¹ Sherry Ackerson's full name is listed because she filed a grievance with the Association.

1 | changes this rule or an application is otherwise permitted in the future, it will be treated as an
2 | application by one who has been disbarred for ethical misconduct, and that, if I file an
3 | application, I will not be entitled to a reconsideration or reexamination of the facts, complaints,
4 | allegations, or instances of alleged misconduct on which this resignation was based.

5 | 11. I agree to notify all other states and jurisdictions in which I am admitted of this
6 | resignation in lieu of disbarment.

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

11 | 13. I agree that when applying for any employment, I will disclose the resignation in
12 | lieu of disbarment in response to any question regarding disciplinary action or the status of my
13 | license to practice law.

14 | 14. I understand that my resignation becomes effective on disciplinary counsel's filing
15 | of this document with the clerk, and that under ELC 9.3(c) disciplinary counsel must do so
16 | promptly on receipt.

17 | 15. When my resignation becomes effective, I agree to be subject to all restrictions that
18 | apply to a disbarred lawyer.

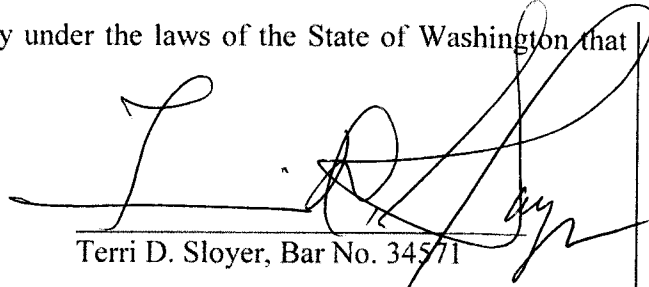
19 | 16. Upon filing of my resignation, I agree to comply with the same duties as a
20 | disbarred lawyer under ELC 14.1 through ELC 14.4.

21 | 17. I understand that after my resignation becomes effective, it is permanent. I will
22 | never be eligible to apply and will not be considered for admission or reinstatement to the
23 | practice of law nor will I be eligible for admission for any limited practice of law.

1 18. I certify under penalty of perjury under the laws of the State of Washington that
2 the foregoing is true and correct.

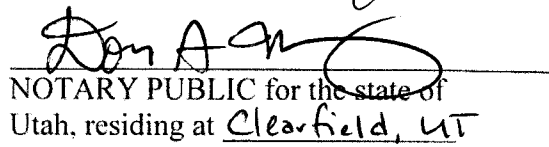
3 11/29/12 CLEARFIELD, UT

4 Date and Place

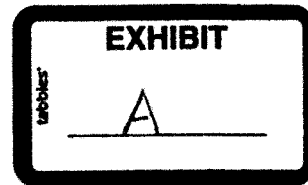

Terri D. Sloyer, Bar No. 34571

5 SUBSCRIBED AND SWORN to before me this 29th day of November, 2012.




NOTARY PUBLIC for the state of
Utah, residing at Clearfield, UT

My commission expires: Oct. 15, 2013



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10 In re

11 TERRI D. SLOYER,
12 Lawyer (Bar No. 34571).

WSBA File No. 12-01516, 12-01821, 12-01981

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

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14 The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of
15 the Rules for Enforcement of Lawyer Conduct (ELC).

16 **I. ADMISSION TO PRACTICE**

17 1. Respondent Terri D. Sloyer (Respondent) was admitted to the practice of law in
18 the State of Washington on December 16, 2003.

19 **II. ALLEGED FACTS**

20 2. During the past few years, Respondent experienced financial troubles. Prior to
21 February 11, 2011, Respondent used client funds that should have been maintained in her trust
22 account at Banner Bank. Respondent did not maintain sufficient records to determine the full
23 extent of her use of client funds.

1 3. On February 11, 2011, Respondent borrowed \$50,000 from another lawyer.
2 Respondent used \$41,517.93 of this loan to open a new trust account at Washington Trust Bank
3 (WTB). Based on these facts, it appears that Respondent used at least \$41,517.93 belonging to
4 other clients. Respondent used some of these funds to distribute funds to clients TO, CA, and
5 KH.

6 4. After February 11, 2011, Respondent continued to use funds from her trust account
7 at WTB for personal and business purposes.

8 5. On April 7, 2011, Respondent deposited \$49,500.00 into her trust account
9 belonging to client PS. Respondent withdrew \$7,658.00 of these funds to cover her fees. Bank
10 records for Respondent's trust account reflect that Respondent made other payments to or on
11 behalf of PS. After deducting these payments, Respondent's bank records reflect that
12 Respondent's trust account should contain \$41,158.00 belonging to PS.

13 6. After April 7, 2011, Respondent withdrew all of the \$41,158.00 belonging to PS
14 and used these funds for personal and business purposes.

15 7. During March 2012, Respondent hired associate lawyer Craig Mason (Mason).

16 8. When Mason started working from Respondent, he had two clients, RK and KV,
17 with pending personal injury claims. RK and KV were previously represented by lawyer
18 Connie Powell (Powell). Powell had a claim for services rendered. Respondent and Mason
19 agreed to pay Powell a share of the settlement proceeds for the claims of RK and KV.

20 9. In or about June 2012, the claims of RK and KV were settled and settlement
21 proceeds were disbursed to Respondent. Respondent did not deposit the settlement proceeds
22 into her trust account. She subsequently transferred some of the settlement proceeds into her
23 trust account.

1 10. Under the terms of the agreement with Respondent and Mason, Powell was
2 entitled to \$3,900 of the settlement proceeds for the claims of RK and KV.

3 11. Respondent kept and used Powell's \$3,900 share of the settlement proceeds.
4 Powell never received any proceeds from the settlement.

5 12. Starting in July 17, 2012, Respondent withdrew funds from her trust account at
6 WTB that exceeded the amount of funds in the account. As of September 12, 2012,
7 Respondent's trust account at WTB had a negative balance of \$6,340.23.

8 13. On September 17, 2012, WTB charged off the \$6,340.23 and closed Respondent's
9 trust account.

10 14. On July 15, 2012, Mason left Respondent's law firm. Mason's records reflect that
11 Respondent's trust account should contain the following advance fees that were paid by
12 Mason's clients:

<u>Client</u>	<u>Amount</u>
Sherry Ackerson ¹	\$1,063.50
GK	\$2,696.66
PS	\$ 925.00
RT	\$ 37.50
GW	\$ 54.25
JM	\$ 776.55
KH	\$ 102.50
AN	\$ 30.75
<u>Total</u>	<u>\$5,686.71</u>

23 ¹ Sherry Ackerson's full name is listed because she filed a grievance with the Association.
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1 15. The negative balance in Respondent's trust account at WTB reflects that
2 Respondent used and converted \$5,686.71 in advance fees belonging to Craig's clients.

3 16. Due to Respondent's lack of record keeping, the Association cannot ascertain the
4 total amount of client funds Respondent converted. At this time, the amount of client funds
5 missing is at least \$50,744.71 (PS: \$41,158.00, Mason's clients: \$5,686.71, Powell: \$3,900.00).


6 **ALLEGED MISCONDUCT**

7 17. By converting and using client funds for personal purposes without the authority of
8 clients, Respondent violated RPC 1.15A(b) (conversion and use of client funds), RPC 8.4(b) (by
9 committing the crime of theft in violation of RCW 9A.56.020(1), and RPC 8.4(c) (engaging in
10 conduct involving deceit).

11 18. By depositing client funds into Respondent's general account instead of into her
12 trust account and by using those funds for personal purposes, Respondent violated RPC
13 1.15A(b) and RPC 1.15A(c).

14 19. By overdrawing her trust account by \$6,340.23, Respondent violated RPC 8.4(c).

15 DATED this 28th day of November, 2012.

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18 Jonathan Burke, Bar No. 20910
19 Senior Disciplinary Counsel
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