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5
6 DISCIPLINARY BOARD

7 BEFORE THE
8 DISCIPLINARY BOARD
9 OF THE
WASHINGTON STATE BAR ASSOCIATION

10 In re

11 LACEY ADELL YOUNG,
12 Lawyer (Bar No. 35189).

Proceeding No. 12#00056

AFFIDAVIT OF LACEY ADELL YOUNG
RESIGNING FROM MEMBERSHIP IN
WASHINGTON STATE BAR
ASSOCIATION (new ELC 9.3(b) – effective
January 1, 2014)

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14
15 Lacey Adell Young, being duly sworn, hereby attests to the following:

- 16 1. I am over the age of eighteen years and am competent. I make the statements in
17 this affidavit from personal knowledge.
- 18 2. I was admitted to practice law in the State of Washington on June 29, 2004.
- 19 3. I was served with a Formal Complaint and Notice to Answer in this matter on June
20 20, 2012.
- 21 4. After consultation with my counsel, Stephen C. Smith, I have voluntarily decided
22 to resign from the Washington State Bar Association (the Association) in Lieu of Discipline
23 under the new Rule for Enforcement of Lawyer Conduct (ELC) 9.3, which will be effective
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042

1 January 1, 2014.

2 5. I am currently suspended from the practice of law. I agree to not seek
3 reinstatement from suspension.

4 6. Attached as Exhibit A is Disciplinary Counsel's statement of alleged misconduct
5 for purposes of ELC 9.3(b). While not admitting the misconduct in the Attached Statement of
6 Alleged Misconduct, attached as Exhibit A, I admit that the Association could prove, by a clear
7 preponderance of the evidence, the violations set forth in Exhibit A, and that the proof of such
8 violations would suffice to result in discipline.

9 7. I have agreed to the entry of a confession of judgment for \$1,000 to cover
10 expenses. I agree to pay any additional costs that may be ordered by a Review Committee
11 under ELC 9.3(g).

12 8. I understand that this Affidavit, will be held by disciplinary counsel and not filed
13 with the clerk of the Disciplinary Board until January 2, 2014, when new ELC 9.3(b) becomes
14 effective. I understand that my resignation becomes effective on disciplinary counsel's filing of
15 this document with the clerk of the Disciplinary Board, which will be on January 2, 2014.

16 9. I understand that when this affidavit is filed with the clerk for the Disciplinary
17 Board, my resignation is permanent and that any future application by me for reinstatement as a
18 member of the Association is currently barred. If the Supreme Court changes this rule or an
19 application is otherwise permitted in the future, it will be treated as an application by one who
20 has been disbarred for ethical misconduct, and that, if I file an application, I will not be entitled
21 to a reconsideration or reexamination of the facts, complaints, allegations, or instances of
22 alleged misconduct on which this resignation was based.

23 10. After this affidavit is filed, I agree to (a) notify all other jurisdictions in which I am
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1 or have been admitted to practice law of the resignation in lieu of discipline, (b) seek to resign
2 permanently from the practice of law in any other jurisdiction in which I am admitted, (c)
3 provide disciplinary counsel with copies of any of these notifications and any responses, and (d)
4 acknowledge that the resignation could be treated as a disbarment by all other jurisdictions.

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

10 12. After this affidavit is filed, I agree that when applying for any employment, I will
11 disclose the resignation in lieu of discipline in response to any question regarding disciplinary
12 action or the status of my license to practice law.

13 13. When my resignation becomes effective, I agree to be subject to all restrictions that
14 apply to a disbarred lawyer.

15 14. Upon filing of this affidavit, I agree to comply with the same duties as a disbarred
16 lawyer under ELC 14.1 through ELC 14.4.

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

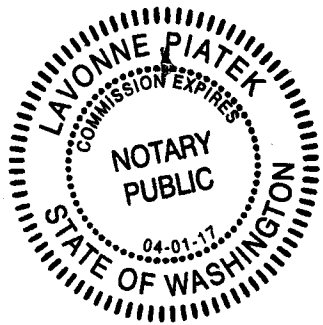
20 16. I certify under penalty of perjury under the laws of the State of Washington that
21 the foregoing is true and correct.

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9/30/13 Richland, WA
Date and Place

Lacey Adell Young
Lacey Adell Young, Bar No. 35189

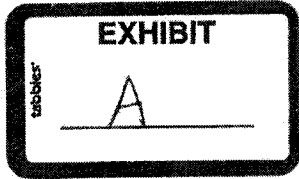
SUBSCRIBED AND SWORN to before me this 30th day of September, 2013.



Lavonne Piatek
NOTARY PUBLIC for the state of
Washington, residing at Richland, Wa.

My commission expires April, 2017.

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

LACEY ADELL YOUNG,
Lawyer (Bar No. 35189).

Proceeding No. 12#00056
STATEMENT OF ALLEGED
MISCONDUCT UNDER ELC 9.3(b)(1)

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

I. ADMISSION TO PRACTICE

1. Respondent Lacey Adell Young was admitted to the practice of law in the State of Washington on June 29, 2004.

II. ALLEGED FACTS

A. BUCK MATTER

2. From June 7, 2007 through September 24, 2010, Respondent represented Lauren Buck (Lauren) and Vicky Buck (Vicky), collectively referred to as the Bucks, in connection with water rights litigation. During this period, Respondent was employed as an associate at the

1 law firm Herrig & Vogt LLP (Herrig & Vogt).

2 3. At the time the Bucks hired Respondent, they had already sued Hilltop Water
3 Company (Hilltop) and/or Charles Michener (Michener). Hilltop was represented by lawyer
4 George Fearing (Fearing). Michener was represented by lawyer Robert McMillan (McMillan).

5 4. During the pendency of the lawsuit against Hilltop and Michener, Lauren reported
6 to Respondent about incidents between Lauren and two individuals, Dr. Margulies (Margulies)
7 and Mark Ufkes (Ufkes) on or about August 28, 2008 and September 11, 2008. Margulies and
8 Ufkes allegedly tampered with well equipment owned by the Bucks and threatened to shut off
9 the Bucks' water supply.

10 5. On September 26, 2008, Respondent obtained a stipulated preliminary injunction
11 for the Bucks restraining Margulies from tampering with the well. McMillan represented
12 Margulies in that matter.

13 6. Starting in the Fall of 2008, Lauren directed Respondent to pursue claims against
14 Margulies for trespass and attorney fees related to the incidents described above in paragraph 4.

15 7. Respondent did not want to pursue the Bucks' claims against Margulies because
16 she did not believe it was necessary, and repeatedly evaded Lauren's requests to pursue claims
17 against Margulies.

18 8. Respondent told Lauren that she would not pursue his claims against Margulies
19 until the lawsuit against Hilltop and Michener was resolved.

20 9. On January 9, 2009, the court entered findings of fact and conclusions of law in
21 favor of the Bucks against Hilltop and Michener.

22 10. The findings of fact and conclusions of law entered by the court on January 9,
23 2009 reflected that the Bucks were entitled to a judgment against Hilltop and Michener.
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1 11. Respondent failed to obtain a judgment for the Bucks against Hilltop and
2 Michener.

3 12. Six months later, on or about July 13, 2009, Respondent sent an email to Lauren
4 falsely stating that Judge Runge suggested that “we simply present the judgment during ex parte
5 hours next week”

6 13. On August 18, 2009, Lauren emailed Respondent drafts of two letters prepared by
7 Lauren that he wanted Respondent to send. One of the letters was a demand letter from
8 Respondent addressed to Margulies (or his lawyer McMillan) regarding Lauren’s claims against
9 Margulies (“McMillan Letter”). The other letter was a letter from Respondent addressed to
10 Fearing (“Fearing Letter”).

11 14. On August 18, 2009, Lauren directed Respondent to send the McMillan Letter and
12 the Fearing Letter after Respondent made the appropriate edits.

13 15. Respondent made some edits to the “Fearing Letter” and emailed the proposed
14 edited letter back to Lauren on or about August 24, 2009.

15 16. On August 26, 2009, Lauren sent Respondent an email directing her to send the
16 Fearing Letter and the McMillan Letter. Respondent never sent either letter.

17 17. In late August and early September 2009, Respondent misrepresented to Lauren
18 that she had obtained a judgment in his favor against Hilltop and Michener in connection with
19 the findings and conclusions entered on January 9, 2009.

20 18. Starting on or about September 10, 2009, Lauren sent a number of emails to
21 Respondent requesting information about the purported judgment and directing Respondent to
22 provide him with a copy of the judgment and to seek collection on the judgment.

23 19. In response, Respondent sent an email to Lauren stating that they needed to wait to
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1 see if a notice of appeal was filed on the judgment. But Respondent knew that no judgment had
2 been entered.

3 20. On September 24, 2009, Respondent sent an email to Lauren falsely stating that
4 Fearing had filed a notice of appeal on the "judgment." But Respondent knew that Fearing had
5 not filed a notice of appeal and that no judgment had been entered.

6 21. In October 2009, Respondent sent Lauren a copy of a letter addressed to Fearing,
7 dated October 5, 2009, reflecting that Respondent had complied with Lauren's previous
8 directions to send the "Fearing Letter." But Respondent knew that the letter was never actually
9 sent to Fearing.

10 22. During the period from October 11, 2009 through October 23, 2009, Respondent
11 provided Lauren with documents purporting to be copies of a judgment ("Judgment") entered
12 by Judge Runge on August 28, 2009, and a notice of appeal ("NOA") signed by Fearing on
13 September 25, 2009.

14 23. When Respondent provided the "Judgment" and "NOA" to Lauren, Respondent
15 knew that no judgment had been entered and no NOA had been filed.

16 24. Lauren continued to request a copy of the "McMillan Letter" that Respondent
17 falsely claimed she sent to McMillan on behalf of Lauren.

18 25. On November 4, 2009, Respondent provided Lauren with a copy of the "McMillan
19 Letter" that was purportedly sent to McMillan on October 29, 2009.

20 26. In fact, Respondent knew that she had never caused the "McMillan Letter" to be
21 sent to McMillan.

22 27. On February 24, 2010, Respondent sent an email to Lauren falsely reflecting she
23 scheduled an *ex parte* hearing in court for February 26, 2010 on the issue of attorney fees
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1 against Margulies and that the hearing was only for lawyers and that clients were not permitted
2 to attend.

3 **B. JACKSON CASE**

4 28. On September 7, 2008, Respondent was hired by Leon Jackson (Leon) and Noe'l
5 Jackson (Noe'l), collectively referred to as the Jacksons, to pursue claims against JLS Custom
6 Homes (JLS) (the contractor that built the Jacksons' residence) and the City of Pasco (City).

7 29. Respondent failed to diligently pursue the Jacksons' claims against JLS and the
8 City.

9 30. Respondent never contacted any owners or representatives of JLS for the Jacksons,
10 never contacted any representatives from the City for the Jacksons, and did not file any claims
11 or commence any lawsuits for the Jacksons.

12 31. During the time she represented the Jacksons, she repeatedly misrepresented the
13 status of the case to the Jacksons to cover up the lack of work she performed on their case.

14 **C. KLAGAS CASE**

15 32. On or about June 23, 2009, Chris Klagas (Chris) and Steve Klagas (Steve),
16 collectively referred to as the Klagases, hired Respondent to pursue claims regarding the
17 structural problems with the modular home they purchased in 2008.

18 33. The Klagases directed Respondent to file a lawsuit.

19 34. During 2009 and 2010, Respondent misrepresented to Chris that she had filed a
20 lawsuit for the Klagases when, in fact, she never filed a lawsuit.

21 **III. ALLEGED MISCONDUCT.**

22 35. By passing off the "Judgment" and the "NOA" authentic documents, Respondent
23 violated RPC 8.4(c).

1 36. By making false and deceptive statements to Lauren Buck regarding (1) the
2 "Judgment", (2) the "NOA", (3) the Fearing Letter, (4) the McMillan Letter, and (5) the email
3 regarding a hearing on February 26, 2010, Respondent violated RPC 8.4(c).

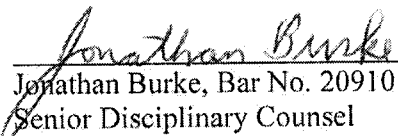
4 37. By failing to pursue entry of a judgment for the Bucks, and by failing to send the
5 Fearing Letter, Respondent violated RPC 1.3 (diligence) and RPC 3.2 (expediting litigation).

6 38. By failing to diligently represent the Jacksons, Respondent violated RPC 1.3 and
7 RPC 3.2.

8 39. By making deceptive statements to the Jacksons regarding the status of their
9 claims, Respondent violated RPC 8.4(c).

10 40. By failing to diligently represent the Klagases, Respondent violated RPC 1.3 and
11 RPC 3.2.

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13 DATED this 30th day of August, 2013.

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16 Jonathan Burke, Bar No. 20910
17 Senior Disciplinary Counsel
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