

FILED

SEP 17 2013

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

MARLENE K. WENGER,

Lawyer (Bar No. 35478).

Proceeding No. 11#00033

REPRIMAND

Under the Rules for Enforcement of Lawyer Conduct promulgated by the Supreme Court of the State of Washington, you have been directed to receive this FORMAL REPRIMAND.

In 2009, you represented a client in dissolution proceedings. Under the dissolution decree, your client was to receive a \$35,250 equalization payment from her ex-husband within a week after she vacated the family home. You received the payment on September 14, 2009 and deposited it into your trust account. You did not release the payment to your client as the decree provided, however, because the opposing counsel claimed your client had damaged certain fixtures and should pay for them. Rather than attempting to ascertain the amount at issue and paying your client the undisputed balance until you resolved the matter, you withheld the entire sum for approximately two months, until opposing counsel authorized its release. Meanwhile,

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1 | you billed your client for your services and withdrew your claimed fee from trust before she had
2 | a reasonable opportunity to review the bill and question it.

3 | In 2009, you also held in your trust account funds paid by another client for your firm's
4 | representation in a mortgage-related matter. You withdrew fees from trust before issuing a bill,
5 | without giving your client an opportunity to review it and question the charges.

6 | Your conduct in failing to promptly pay your dissolution client the undisputed funds due
7 | her and failing to take prompt action to resolve the dispute over the remaining funds violated
8 | RPC 1.3 and RPC 1.15A(g). Your withdrawal of funds from your trust account for claimed
9 | legal fees before your clients were afforded an opportunity to review and question your billing
10 | violated RPC 1.15A(h)(3).

11 | These actions merit a Formal Reprimand. Your actions discredit you and the legal
12 | profession and show a disregard for the high traditions of honor expected from a member of the
13 | Association.

14 | NOW, THEREFORE, YOU ARE HEREBY REPRIMANDED by the Washington State
15 | Bar Association for this misconduct. This Reprimand will be made a part of your permanent
16 | record with the Association, and will be considered along with other evidence regarding any
17 | future grievances against you.

18 | Your privilege to practice law in the State of Washington is based on the finding that
19 | you are a person of good moral character, and on your commitment to abide by the rules
20 | governing the conduct of members of the Association. The Association expects all your future
21 | conduct as a lawyer to be consistent with that finding as to your character, and with a continuing
22 | commitment on your part to the letter and spirit of those rules.

1 Dated this 11th day of September, 2013.

2 WASHINGTON STATE BAR ASSOCIATION

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4 Michele Radosevich
5 Michele Radosevich, President

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14 CERTIFICATE OF SERVICE

15 I certify that I caused a copy of the Reprimand
16 to be delivered to the Office of Disciplinary Counsel and to be mailed
17 to Wanda Riden Respondent/Respondent's Counsel
18 at PO Box 130 Duvall, WA 98028 by Certified/first class mail,
19 postage prepaid on the 11th day of September, 2013

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[Signature]
Clerk/Counsel to the Disciplinary Board

Memorandum

To: Allison Sato, Clerk to Disciplinary Board
From: Natalea Skvir, Disciplinary Counsel *NS*
Date: September 17, 2013
Re: Service of Reprimand on Marlene K. Wenger

I am attaching an original reprimand for service on Marlene K. Wenger. I have filed the duplicate original in the public file.

Thank you.