

FILED

Jul 18 2019

Disciplinary
Board

Docket # 013

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

RICHARD A. LAWS,
Lawyer (Bar No. 36654).

Proceeding No. 19#00021

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND HEARING OFFICER'S
RECOMMENDATION

The undersigned Hearing Officer held a default hearing by written submission under Rule 10.6 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING CHARGED VIOLATIONS**

1. The Formal Complaint (Bar File (BF) No. 2) charged Richard A. Laws with misconduct as set forth therein. A copy of the Formal Complaint is attached to this decision.

2. The Complaint was served on Respondent on April 17, 2019. Respondent neither appeared nor answered.

3. An Order of Default was issued May 24, 2019.

4. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in the Formal Complaint is admitted and established.

5. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations charged in the Formal Complaint is admitted and established as follows:

1 Count 1

2 By committing the crime of tampering with physical evidence in violation of RCW
3 9A.72.150, Respondent violated RPC 8.4(b), 8.4(c), and 8.4(i).

4 Count 2

5 By encouraging Ms. Goodson to leave the courthouse without testifying, and/or by
6 concealing Ms. Goodson's presence from the State and the court, Respondent violated RPC
7 8.4(c) and 8.4(d).

8 Count 3

9 By failing to promptly respond to a request for his response to the grievance,
10 Respondent violated RPC 8.1(b) and 8.4(l) (by violating ELC 1.5, 5.3(f), and 5.3(h)(3)).

11 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW
12 REGARDING RECOMMENDED SANCTION**

13 6. The following standards of the American Bar Association's Standards for
14 Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively
15 apply in this case:

16 ***5.1 Failure to Maintain Personal Integrity***

17 Absent aggravating or mitigating circumstances, upon application of the factors set out
18 in Standard 3.0, the following sanctions are generally appropriate in cases
19 involving commission of a criminal act that reflects adversely on the lawyer's
20 honesty, trustworthiness, or fitness as a lawyer in other respects, or in cases with
21 conduct involving dishonesty, fraud, deceit, or misrepresentation:

22 5.11 Disbarment is generally appropriate when:

- 23 (a) a lawyer engages in serious criminal conduct, a necessary element of which
24 includes intentional interference with the administration of justice, false
25 swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the
26 sale, distribution or importation of controlled substances; or the intentional
killing of another; or an attempt or conspiracy or solicitation of another to commit
any of these offenses; or
- (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud,
deceit, or misrepresentation that seriously adversely reflects on the lawyer's
fitness to practice.

5.12 Suspension is generally appropriate when a lawyer knowingly engages in
criminal conduct which does not contain the elements listed in Standard 5.11 and
that seriously adversely reflects on the lawyer's fitness to practice.

1 5.13 Reprimand is generally appropriate when a lawyer knowingly engages in any
2 other conduct that involves dishonesty, fraud, deceit, or misrepresentation and
3 that adversely reflects on the lawyer's fitness to practice law.

4 5.14 Admonition is generally appropriate when a lawyer engages in any other conduct
5 that reflects adversely on the lawyer's fitness to practice law.

6 **6.3 Improper Communications with Individuals in the Legal System**

7 Absent aggravating or mitigating circumstances, upon application of the factors set out
8 in Standard 3.0, the following sanctions are generally appropriate in cases
9 involving attempts to influence a judge, juror, prospective juror or other official
10 by means prohibited by law:

- 11 6.31 Disbarment is generally appropriate when a lawyer:
12 (a) intentionally tampers with a witness and causes serious or potentially serious
13 injury to a party, or causes significant or potentially significant interference with
14 the outcome of the legal proceeding; or
15 (b) makes an ex parte communication with a judge or juror with intent to affect the
16 outcome of the proceeding, and causes serious or potentially serious injury to a
17 party, or causes significant or potentially significant interference with the
18 outcome of the legal proceeding; or
19 (c) improperly communicates with someone in the legal system other than a witness,
20 judge, or juror with the intent to influence or affect the outcome of the
21 proceeding, and causes significant or potentially significant interference with the
22 outcome of the legal proceeding.

23 **7.0 Violations of Duties Owed as a Professional**

24 Absent aggravating or mitigating circumstances, upon application of the factors set out
25 in Standard 3.0, the following sanctions are generally appropriate in cases
26 involving false or misleading communication about the lawyer or the lawyer's
services, improper communication of fields of practice, improper solicitation of
professional employment from a prospective client, unreasonable or improper
fees, unauthorized practice of law, improper withdrawal from representation, or
failure to report professional misconduct.

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.

1 7.3 Reprimand is generally appropriate when a lawyer negligently engages in
2 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.

3 7.4 Admonition is generally appropriate when a lawyer engages in an isolated
4 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
5 system.

6 COUNT ONE

7 Respondent committed a criminal act that reflects adversely on his honesty,
8 trustworthiness, and fitness as a lawyer. He was convicted of tampering with physical evidence
9 in violation of RCW 9A.72.150.

10 7. Respondent engaged in serious criminal conduct, a necessary element of which
11 includes intentional interference with the administration of justice. This conduct caused
12 potentially serious injury to the State and caused actual injury to the justice system and to the
13 reputation of the legal profession.

14 8. The presumptive sanction for Count 1 is disbarment under ABA Standard
15 5.11(a).

16 COUNT TWO

17 9. Respondent acted intentionally when he interfered with the administration of
18 justice by imploring a material witness to leave the courthouse without testifying and by
19 concealing her appearance from the State and the court. This conduct caused potentially serious
20 injury to the State.

21 10. The presumptive sanction for Count 2 is disbarment under ABA Standard
22 6.31(a).

23 COUNT THREE

24 11. Respondent acted knowingly when he failed to respond to ODC's request for a
25 response to this grievance.

26 12. Respondent's conduct caused harm to the discipline system.

1 13. The presumptive sanction for Count 3 is suspension under ABA Standard 7.2.

2
3 **AGGRAVATING FACTORS**

4 14. The following aggravating factors set forth in Section 9.22 of the ABA
5 Standards apply in this case:

- 6 (d) multiple offenses;
- 7 (i) substantial experience in the practice of law [Respondent was admitted
8 to practice in 2005];

9 15. It is an additional aggravating factor that Respondent failed to file an answer to
10 the Formal Complaint as required by ELC 10.5(a).

11 16. The following mitigating factors set forth in Section 9.32 of the ABA Standards
12 apply to this case:

- 13 (a) absence of a prior disciplinary record.

14 17. Under In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854, 846
15 P.2d 1330 (1993), the “ultimate sanction imposed should at least be consistent with the sanction
16 for the most serious instance of misconduct among a number of violations.”

17 **RECOMMENDATION**

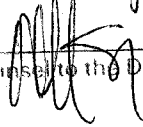
18 18. Based on the ABA Standards and the applicable aggravating and mitigating
19 factors, the Hearing Officer recommends that Respondent Richard A. Laws be disbarred.

20 DATED this 18th day of July, 2019.

21
22
23 /s/ Timothy J. Parker
24 Timothy James Parker
25 Hearing Officer
26

CERTIFICATE OF SERVICE

I certify that I caused a copy of the FDF, COL & RW's Recommendation
to be delivered to the Office of Disciplinary Counsel and to be mailed
to Richard Laws ~~Respondent/Respondent's Counsel~~
at 1241 Suncryst Ct - Clarkston, MA 01929 by Certified/first class mail
postage prepaid on the 16th day of July, 2019


Clerk/Counsel to the Disciplinary Board

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Mar 29 2019
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Docket # 002

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7 BEFORE THE
8 DISCIPLINARY BOARD
9 OF THE
10 WASHINGTON SUPREME COURT

11 In re

12 **RICHARD A. LAWS,**
13 Lawyer (Bar No. 36654).

Proceeding No. 19#00021
FORMAL COMPLAINT

14 Under Rule 10.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer
15 Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar
16 Association charges the above-named lawyer with acts of misconduct under the Washington
17 Supreme Court's Rules of Professional Conduct (RPC) as set forth below.

18 **ADMISSION TO PRACTICE**

19 1. Respondent Richard A. Laws was admitted to the practice of law in the State of
20 Washington on November 2, 2005.

21 **FACTS RELATED TO COUNTS 1-2**

22 2. On May 6, 2015, the Asotin County Prosecuting Attorney's Office (the "State")
23 charged Robert Goodson with felony assault and multiple counts of violation of a protection

1 order in State of Washington v. Robert Goodson, Asotin County Superior Court Cause No. 15-
2 1-00075-8 for conduct involving his wife, Nora Goodson.

3 3. On May 8, 2015, the court appointed Respondent to represent Mr. Goodson.

4 4. Ms. Goodson was not cooperative in the prosecution of the case against Mr.
5 Goodson.

6 5. The State obtained a material witness warrant to secure the presence and testimony
7 of Ms. Goodson at trial.

8 6. The court continued Mr. Goodson's case several times.

9 7. The State was unable to locate Ms. Goodson or serve her with the material witness
10 warrant.

11 8. Respondent knew that the State wanted Ms. Goodson to testify at trial.

12 9. Ms. Goodson's presence at trial, no matter what she testified to, would have been
13 harmful to Mr. Goodson.

14 10. On July 7, 2018, the State proceeded to trial without Ms. Goodson.

15 11. On July 8, 2018, the State rested.

16 12. Before the parties presented closing arguments, Ms. Goodson contacted Respondent
17 outside of the courtroom where the trial was being held.

18 13. Ms. Goodson told Respondent that she wanted to testify on behalf of Mr. Goodson.

19 14. Respondent told Ms. Goodson that she would be arrested if she went inside of the
20 courtroom.

21 15. Respondent implored Ms. Goodson to leave the courthouse without testifying.

22 16. Ms. Goodson immediately left the courthouse after speaking with Respondent.

23 17. Respondent did not tell the State or the court about Ms. Goodson's appearance or

1 willingness to testify.

2 18. The parties presented their closing arguments and the jury deliberated.

3 19. The jury convicted Mr. Goodson of second degree assault and several counts of
4 violation of a protection order.

5 20. Sometime after the verdict, the State discovered that Ms. Goodson stated that she
6 had appeared in court and was ready to testify, but she left because the Respondent “implored”
7 her to.

8 21. Law enforcement investigated Ms. Goodson’s claims.

9 22. The court appointed new counsel to represent Mr. Goodson.

10 23. Mr. Goodson’s counsel filed a motion for a new trial based on Respondent’s
11 conduct involving Ms. Goodson.

12 24. The court denied the motion for new trial.

13 25. The court sentenced Mr. Goodson and he appealed his conviction.

14 26. The Court of Appeals affirmed Mr. Goodson’s conviction.

15 27. On July 5, 2018, the State charged Respondent with one count of tampering with
16 physical evidence under RCW 9A.72.150 based on his conduct involving Ms. Goodson in State
17 v. Richard Laws, Asotin County District Court Case No. P00005232.

18 28. On July 7, 2018, *The Lewiston Tribune* published an article about Respondent’s
19 criminal charge.

20 29. On August 15, 2018, Respondent pleaded guilty as charged to tampering with
21 physical evidence.

22 30. Respondent committed the crime of tampering with physical evidence by interfering
23 with the State’s ability to take testimony from Ms. Goodson, a material witness.

1 31. The court sentenced Respondent to 364 days in jail with all but 349 days suspended,
2 based on the condition that he complete 120 hours of community service and remain crime-free
3 for 12 months.

4 32. On August 16, 2018, *The Lewiston Tribune* published an article about Respondent's
5 criminal conviction.

6 33. Respondent knowingly encouraged Ms. Goodson to leave without testifying.

7 34. Respondent intentionally interfered with the administration of justice.

8 35. Respondent's conduct caused potentially serious injury to the State.

9 36. Respondent's conduct caused injury to the justice system and to the reputation of the
10 legal profession.

11 **COUNT 1**

12 37. By committing the crime of tampering with physical evidence in violation of RCW
13 9A.72.150, Respondent violated RPC 8.4(b), 8.4(c), and/or 8.4(i).

14 **COUNT 2**

15 38. By encouraging Ms. Goodson to leave the courthouse without testifying, and/or by
16 concealing Ms. Goodson's presence from the State and the court, Respondent violated RPC
17 8.4(c) and/or 8.4(d).

18 **FACTS RELATED TO COUNT 3**

19 39. On July 11, 2018, ODC sent Respondent a letter notifying him that it had opened a
20 grievance against him and that the investigation would be deferred pending the outcome of State
21 v. Richard Laws, Asotin County District Court Case No. P00005232.

22 40. On September 11, 2018, ODC sent Respondent a letter requesting a written response
23 to the grievance.

1 41. Respondent did not respond.

2 42. On October 16, 2018, ODC sent Respondent a letter requesting his response to the
3 grievance and informing him that if ODC did not receive his response on or before October 29,
4 2018, ODC would subpoena him for a deposition.

5 43. Respondent did not respond.

6 44. Respondent was personally served with a subpoena requiring his presence for a
7 deposition at the Washington State Bar Association offices on November 20, 2018.

8 45. On November 20, 2018, Respondent provided ODC with his response to the
9 grievance and the deposition was cancelled.

10 46. Respondent knowingly failed to respond to this grievance.

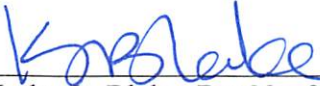
11 47. Respondent's conduct caused harm to the discipline system.

12 **COUNT 3**

13 48. By failing to promptly respond to a request for his response to the grievance,
14 Respondent violated RPC 8.1(b) and/or 8.4(l) (by violating ELC 1.5, 5.3(f), and/or 5.3(h)(3)).

15
16 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
17 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
18 restitution, and assessment of the costs and expenses of these proceedings.

19 Dated this 29th day of March, 2019.

20
21 
22 _____
Kathy Jo Blake, Bar No. 29235
23 Managing Disciplinary Counsel