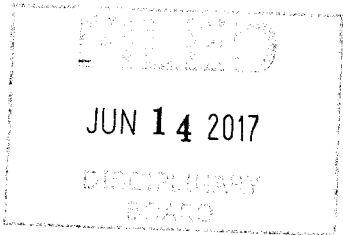


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Before the Disciplinary Board  
of the Washington State Bar Association

In re  
April Boutillette Brinkman  
Lawyer (Bar No. 36760).

NO. 14#00050  
AMENDED HEARING OFFICER'S  
DECISION

The Hearing Officer held the hearing on February 16, 17, and 22, 2017 under Rule 10.13 of the Rules for Enforcement of Lawyer Conduct. Respondent April Boutillette Brinkman appeared at the hearing with counsel, Timothy K. Ford. Special Disciplinary Counsel Colin Folawn appeared for the Office of Disciplinary Counsel (ODC) of the Washington State Bar with Joanne S. Abelson from ODC. Disciplinary Counsel has the burden of establishing acts of misconduct by a clear preponderance of the evidence ELC 10.14(b).

**I. FORMAL COMPLAINT**

The Formal Complaint filed by Disciplinary Counsel charged April Brinkman with the following counts of misconduct:

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**COUNTS 1 AND 2**

Engaging in disrespectful and/or disruptive behavior towards the tribunal during proceedings in Judge Nichols's and Commissioner Snider's courts, in violation of RPC 3.5(d), RPC 8.4(d), and/or RPC 8.4(k) (through APR 5(d)(4)).

Violations of RPC 8.2(a) and/or RPC 8.4(k) (through APR 5(d)(4)) by making statements in the Kearney matter impugning, disparaging, and/or questioning the integrity of the judge, which Respondent knew were false and/or with reckless disregard as to their truth or falsity.

**COUNT 3**

Engaging in disrespectful and/or disruptive behavior towards the tribunal during court proceedings in the McGrew matter, in violation of RPC 3.5(d), RPC 8.4(d), and/or RPC 8.4(k) (through APR 5(d)(4)).

Based on the pleadings filed in this proceeding; and the witness testimony and exhibits admitted during the hearing, and certain conduct during the hearing and thereafter, the Hearing Officer makes the following:

**II. FINDINGS OF FACT**

1. Respondent was admitted to the practice of law in the State of Washington on November 10, 2005.

2. She has for the most part been a sole practitioner in Clark County focusing in family law.

3. Ms. Brinkman represented family law clients in the Kearney, Record and McGrew matters in Clark County Superior Court, before Judge Nichols, Commissioner Snider and Judge Valjacic, respectively.

4. ODC has alleged the following as established facts supporting Respondent's violations of the RPC:

1 Ms. Brinkman's statements and conduct from September 14, 2012 Kearney  
2 hearing before Judge Nichols asserted as violations

- 3 a. "Your Honor, no. We're here for another matter as well, if you read the motion."  
4 [EX 12, 5:1-2];
- 5 b. "You're not allowing us to respond, and you're just kind of using that as the basis  
6 for how you're going to rule." [EX 12, 7:8-10]
- 7 c. "Our next issue has to do with, unfortunately, the opposing counsel has been  
8 telling her clients—and I don't know if the Court's going to think this is a big  
9 deal—but that they shouldn't follow valid court order" [EX 12, 11:2-6];
- 10 d. "In addition, number four—if you want to read my declaration, number four, in  
11 addition, petitioners have been telling Ms. Kearney—" [EX 12, 13:20-22];
- 12 e. "Your Honor, are we going to be able to respond at all? At all?" [EX 12, 16:14-  
13 15]
- 14 f. Brinkman's "connections" accusation [EX 12, 17:25-20:11]
- 15 g. Brinkman's continuing to argue motion after she had already won [EX 12, 20:12-  
16 21:24]
- 17 h. Interruptions and responses as follows:
- 18 i. EX 12, 7:13 – court says "stop"
- 19 j. EX 12, 7:15 – court says "stop stop stop. You win"
- 20 k. EX 12, 10:22-24 – Brinkman continues to argue
- 21 l. EX 12, 12:21 – court says "stop stop stop"
- 22 m. EX 12, 13:4-11 – Brinkman interrupts. Court says "stop stop." Brinkman  
23 continues. Court: "If you would please just give me a chance to talk. Just give me  
24 a little chance, that's all I'm asking."
- 25 n. EX 12, 14:14 – court says "stop" when Brinkman interrupts Snider
- 26 o. EX 12, 15:8 – court says "stop" when Brinkman interrupts Snider
- 27 p. EX 12, 15:10 – court: "do not ... "
- 28 q. EX 12, 15:12 – court: "stop stop stop. Do not interrupt. When I want you to speak,  
29 I'll ask you to speak."
- 30 r. EX 12, 16:14: – Brinkman interrupts Snider "Your Honor, are we going to be able  
31 to respond at all? At all?"
- 32 s. EX 12, 16:16-23: – court cautions Brinkman that he will give sanctions if she  
33 continues to interrupt
- 34 t. EX 12, 17:2-3 – Brinkman: "Are you going to allow us to . . ." Court tells  
35 Brinkman she is pushing it
- 36 u. EX 12, 22:7-12 – Brinkman interrupts while court giving ruling

1           5.       **Ms. Brinkman's statements and conduct from August 15, 2013 Record**  
2 **hearing before Commissioner Snider asserted as violations**

3           ODC asserts the following conduct from the Record hearing supports the violations of  
4 RPC 3.5(d), 8.4(d), and 8.4(k) (through APR 5(d)(4)):

- 5           a.       "But I don't know what we're supposed to do when they're lying on the record,  
6 giving false documents, not giving us documents, pretending they couldn't copy  
7 them legibly. That's the level we're at, Your Honor, and I don't know if that's how  
8 far the Couve wants to sink under . . . under your leadership." [EX 16, 4:2-5; TR  
9 375]
- 10          b.       "And if I have to go again and come back to court with that record because you're  
11 all not doing your job, I'm going to ask for attorney fees . . . from the opposing  
12 party and from the Court." [EX 16, 5:7-11]
- 13          c.       "I don't need a lecture about that, Your Honor. We've called her. I know how to  
14 do . . . 26(i)s." [EX 16, 6:16-17]
- 15          d.       "But we had to come and do all this work because they tried to lie and to obstruct  
16 justice, Your Honor. So if you care about that at all as a new commissioner here in  
17 the county, I encourage you to start acting like it." [EX 16, 8:2-4]. Commissioner  
18 Snider told Brinkman to "take it down a couple of notches." [EX 16, 8:12]
- 19          e.       "And we called her . . . Your Honor, but she will not acknowledge us, so I would  
20 ask you then today on the record to have a 26(i) conference, or else I'm going to  
21 another agency." [EX 16, 10:13]
- 22          f.       "And if you'd let me finish . . ." [EX 16, 10:22]
- 23          g.       "[I]n just counties, Your Honor, behavior like that is sanctioned." [EX 16, 11:10-  
24 12]
- 25          h.       "And you're not going to do anything about a—having a 26(i) conference when  
26 the other party will not respond with e-mail, will not respond with telephone?"  
[EX 16, 24:16-18]
- i.       "We'll do that . . . after we revise . . . this decision. . . . We'll do that second . . .  
and waste more of everyone's time . . ." [EX 16, 25:18-26:1]
- j.       "Oh, I just called not to ask about any documents. Okay, that sounds like that  
makes perfect sense." [EX 16, 27:6-7]
- k.       Interruptions and responses as follows:
- l.       EX 16, 4:4-6 – Brinkman interrupts as court trying to limit her comments to the  
question asked
- m.       EX 16, 5:10-11 – Brinkman interrupts as court trying to regain control [transcript  
erroneously attributes comment to Baran]
- n.       EX 16, 6:16-19 – Brinkman interrupts as court trying to regain control
- o.       EX 16, 8:5-18 – Brinkman interrupts as court trying to regain control
- p.       EX 16, 9:21-10:2 – Brinkman interrupts and court reminds her she was trying to  
speak

- 1 q. EX 16, 10:20–11:3 – Brinkman interrupts court saying, “if you’d let me finish,”  
2 and interrupts again as court tries to gain control  
3 r. EX 16, 25:17–26:5 – Brinkman interrupts while stating intent to revise decision

4 6. **Ms. Brinkman’s statements and conduct from March 2-4, 16-17, 2015**

5 **McGrew trial before Judge Veljacic asserted as violations**

6 ODC asserts the following conduct from the McGrew trial before Judge Veljacic  
7 supports Ms. Brinkman’s violations of RPC 3.5(d), 8.4(d), and/or 8.4(k) (through APR  
8 5(d)(4)) alleged in Count 3:

- 9 a. Brinkman raised her voice and launched into a speech about allegations brought  
10 against her by “this gentleman and people he’s associated with in the [Couve]” that  
11 have left her with a \$40,000 debt. [EX 24, 5:23–6:2]  
12 b. Brinkman told Judge Veljacic, “And I would like to not be interrupted.” [EX 24,  
13 6:8–9]  
14 c. Brinkman continued to speak about the “group of individuals I am dealing with”  
15 and other references to matters involving herself, stating, “[i]f anyone else wants  
16 to take up my behavior anywhere else—you know, at this point I’m opening a side  
17 business in that.” [EX 24, 6:15–16; 7:4–7]  
18 d. Judge Veljacic sustained an objection and advised Brinkman that she was  
19 bordering on badgering the witness. Brinkman interrupted Judge Veljacic and  
20 retorted, “It may be up for a court of appeal to decide. If you want to strike the  
21 questions, please do.” [EX 24, 11:21–12:3]  
22 e. Judge Veljacic ordered Brinkman to move on when questioning a witness but she  
23 disregarded order [EX 24, 18:20–20:15]  
24 f. Brinkman raised her voice and spoke in Spanish when asked to provide a page  
25 number for a reference [EX 24, 24:12–26:1]  
26 g. When Attorney Lee offered to rephrase a question asked by Brinkman, she raised  
her voice and stated, “[A]nd I don’t want opposing counsel putting words into my  
mouth, with all due respect, especially this opposing counsel. So I would like to  
rephrase my own question.” Judge Veljacic instructed her to “take it down a  
notch.” [EX 24, 41:21–42:1]  
h. During Lee’s cross-examination of a witness, Brinkman entered into a lengthy  
speaking objection. Judge Veljacic warned Brinkman that it was improper to coach  
the witness from counsel table. [EX 24, 44:3–13]  
i. When Judge Veljacic was reading from Tegland about ER 611 (assuming facts not  
in evidence and misleading a witness), Ms. Brinkman interrupted and stated that  
what Judge Veljacic was reading had “nothing to do with the question I just asked,  
and it was a fine question.” [EX 24, 57:24–58:1]  
j. While Judge Veljacic was speaking, Ms. Brinkman muttered, “this is a fucking  
clown show.” [TR 246, 464–67, 480, 483, 494, 510]

- 1 k. When Judge Veljacic sustained the objection, Brinkman asserted that opposing  
2 counsel had “misrepresented facts right and left” and interrupted Judge Veljacic as  
3 he was sustaining the objection. [EX 24, 59:1–5]
- 4 l. Brinkman interrupted Judge Veljacic and in a raised voice stated, “And if you’d let  
5 me finish, because I keep getting interrupted by the Court and opposing party and  
6 no one cares about that. And that’s a problem.” During this exchange she raised  
7 her voice and hit her fist on the table. [EX 24, 59:1–24; TR 344, 512]
- 8 m. Judge Veljacic responded, “Counsel, that’s not how it works.” Brinkman  
9 countered, “Are you saying, your Honor, that you get to interrupt me, is that what  
10 you’re saying?” [EX 24, 59:10–14]
- 11 n. Judge Veljacic warned Brinkman that her behavior was contemptuous and  
12 instructed that she ask her next question. Brinkman continued, “This is the  
13 question I asked and I’m going to ask it again . . .” [EX 24, 59:22–60:1]
- 14 o. Brinkman rolled her eyes at Judge Veljacic’s rulings. [TR 267]
- 15 p. Brinkman laughed at an answer to a question during Lee’s questioning of the  
16 parties’ adult daughter. [EX 24, 88:10–14]
- 17 q. When Judge Veljacic instructed Brinkman to cease laughing at the witness’s  
18 answers and to act in a dignified manner, she interrupted and inquired of the court,  
19 “Am I allowed to talk to my client?” [EX 24, 88:15–20]
- 20 r. Brinkman continued to interrupt Judge Veljacic and asked in the same vein, “So  
21 I’m taking notes, your Honor. And I want to take sufficient time of everyone to do  
22 this, because it sounds like it’s really important to the Court. So I can’t laugh. And  
23 then, concretely, what else can’t I do, just so I’m sure I’m following everything the  
24 Court’s saying. I can’t laugh. Can I talk to my client?” [EX 24, 89:13–19]
- 25 s. Following the next break, Brinkman did not stand when court was called to order  
26 until instructed to do so by the Judge Veljacic. [EX 24, 91:17–21]
- t. *See generally* EX 39 (Contempt Order)

ODC further asserts the following has been established:

At the start of the trial, Judge Veljacic advised counsel to act in a dignified manner and avoid interrupting each other. TR 556. He warned and admonished Brinkman about her behavior, *see* EX 24 at 11, 20, 33, 41–42, 44, 57–59, and 88–89 (slide 32), but she continued to argue with him and displayed a level of disrespect for the court and proceedings that was outside the norm. TR 217–19, 229–31, 249–52, 462, 464–65, 477, 491, 502–03, and 512–13.

The Hearing Officer finds facts asserted in Paragraphs 4-6 above have been established by the video testimony and record, by a clear preponderance of the evidence.

7. In addition, the Hearing Officer finds that Ms. Brinkman’s conduct in the McGrew matter deflected from the real issues, delayed the proceedings, caused additional

1 expense to all parties, and damaged the public perception of the judicial system. TR 224, 230–  
2 31, 251–53, 268, 462–63, 465, 471, 476–77, 513, and 519–20. Her conduct made Judge  
3 Veljacic’s job harder during the trial, TR 249–52, 269, and resulted in his holding her in  
4 contempt, at personal cost to him in time and stress. TR 268–69, 334. Furthermore, her  
5 recorded comment to her client that the proceeding was a “fucking clown show,” though  
6 apparently not heard by the Judge, was on video and audible to the Hearing Officer and  
7 showed obvious disrespect for the Court. TR 246:1-11. Judge Veljacic exercised leniency in  
8 his Contempt Order. TR 334 353, 362. Brinkman’s subsequent letter to him demonstrated  
9 that she had little contrition. EX 40; TR 349– 50, 352, 356.

10 8. During Judge Veljacic’s testimony in this proceeding, Ms. Brinkman’s “liar,  
11 liar pants on fire” comment was audible and disrupted this proceeding, requiring an  
12 admonition from the Hearing Officer. I find this reflected not only Ms. Brinkman’s disrespect  
13 in this proceeding; it also established her apparent disrespect for Judge Veljacic, a sitting  
14 Superior Court Judge.

15 9. **Facts about respondent’s mental state for each violation found.**

16 In regard to Counts 1 and 2, in Judge Nichol’s Kearney hearing, Ms. Brinkman’s  
17 conduct can best be described as defensive and reflected negligent disrespect of Judge  
18 Nichol’s desires. However, her conduct did not arise to a sanctionable level.

19 In regard to Commissioner Snider’s Record hearing, Ms. Brinkman’s conduct  
20 reflected a heightened level of disrespect, best exemplified by intentionally insulting the Court  
21 and counsel, as well as obstructing the proceeding by attempting to take control of the  
22 proceeding from Commissioner Snider. Further, Ms. Brinkman accused the Commissioner of  
23 being biased against her, without a factual basis. This was reckless and intentional conduct.

24 In regard to the McGrew trial before Judge Veljacic, Ms. Brinkman’s conduct was  
25 intentional and reckless and on many occasions showed disrespect and disdain for the Court,  
26 the proceeding, witnesses and counsel. Most specifically, Ms. Brinkman’s conduct set out at

1 Paragraph 6 a-c, f, p-r, and t, and Paragraphs 7 and 8 above reflected her disdain for the  
2 proceeding and departed from acceptable norms of attorney practice.

3 **10. Facts to support the extent of injury caused by each violation found.**

4 The injuries caused in the Snider hearing were to the Commissioner by way of  
5 intentional disrespect and insults to her, and insults to counsel, which elongated the  
6 proceeding and engendered in the public and all those attending (including clients and others  
7 in the courtroom) disrespect of the court and court proceedings. There was no factual basis  
8 for Ms. Brinkman's disparaging comments about/to the Commissioner. The injuries caused  
9 in the Veljacic trial were alike and more numerous, and are set out in the Court's Contempt  
10 Order at Paragraph 6t above, and as referenced in Paragraphs 7 and 8 above.

11 **11. Facts regarding any prior discipline.**

12 No prior public discipline by ODC.

13 **12. Facts to support the aggravating factor(s) found.**

14 See facts outlined in Sections 7 and 8 above, and Paragraph 18 hereafter.

15 **13. Facts to support the mitigating factor(s) found.**

16 See facts outlined at Paragraph 18, page 9, lines 25 and 26, and page 10, lines  
17 10-18 hereafter.

18 **III. CONCLUSIONS OF LAW**

19 **14.** The charges relating to Ms. Brinkman's conduct during the Kearney hearing  
20 before Judge Nichols as alleged in Count 1 and Count 2 are dismissed because ODC did not  
21 prove the asserted violations by a clear preponderance of the evidence.

22 **15.** In regard to Counts 1 and 3 relating to the Record and McGrew cases before  
23 Commissioner Snider and Judge Veljacic, respectively, the Hearing Officer finds that ODC  
24 has proven by a clear preponderance of the evidence Ms. Brinkman's conduct violated RPC  
25 3.5(d), RPC 8.4(d) and/or 8.4(k) (through APR 5(d)(4)), as itemized above.





- 1 (b) Multiple offenses in that Ms. Brinkman engaged in sanctioned conduct in the  
2 McGrew matter even after ODC initially filed this matter;
- 3 (c) Refusal to acknowledge wrongful nature of conduct;
- 4 (d) Substantial experience in the practice of law; 10 years at the time of the  
5 McGrew trial.
- 6 (e) Disrespect for proceedings in the instant hearing;
- 7 (f) Filing ethics charges against ODC's counsel mid-way during the hearing of  
8 this matter;
- 9 (g) Posting disparaging social media about ODC's counsel, before Respondent's  
10 final hearing brief in this matter was filed.

11 The following mitigating factors set forth in Section 9.32 of the ABA Standards are  
12 applicable to this case:

- 13 (a) Absence of a prior disciplinary record;
- 14 (b) Absence of a dishonest or selfish motive;
- 15 (c) Personal or emotional problems in that it appears Ms. Brinkman's conduct in  
16 the above-referenced proceedings and in this hearing showed extreme  
17 defensiveness and what the Hearing Officer would characterize as  
18 inappropriate and disrespectful attention getting behavior;
- 19 (d) Imposition of other penalties or sanctions by Judge Veljacic's Contempt Order;
- 20 (e) Only a small sampling of such incidents occurred when compared with so  
21 many more court appearances over the years.

#### 22 19. **Sanction Recommendation**

23 When multiple ethical violations are found, the "ultimate sanction imposed should at  
24 least be consistent with the sanction for the most serious instance of misconduct among a  
25 number of violations." *In re Petersen*, 120 Wn.2d 833, 854, 846 P.2d 1330 (1993). In  
26 suspension cases a period of six months is generally the accepted minimum term of  
suspension. *In re Cohen*, 149 Wn.2d 323, 67 P.3d 1086, 1094 (2003).

1 Based on the ABA Standards and the applicable aggravating and mitigating factors,  
2 and depending on successful completion of the conditions set out below, the Hearing Officer  
3 recommends that Respondent be suspended for a period of six months.

#### 4 **V. CONDITIONS AND PROBATION**

5 As set forth above, in the matters at issue and during the conduct of these legal  
6 proceedings, including the hearing of this matter, Ms. Brinkman's conduct was disrespectful  
7 to the court, counsel and parties. Her conduct can be described as full of angst, bitterness,  
8 aggressiveness and defensiveness during the conduct of these legal proceedings. This was  
9 unacceptable conduct for an attorney in the Courts of the State of Washington and in Clark  
10 County. The Hearing Officer, having reviewed the matters brought up in the hearing of the  
11 ODC's case against Ms. Brinkman, and evaluating her inappropriate conduct during and after  
12 the hearing of these matters against her, concludes that conditions to her suspension and  
13 continued practice of law should be imposed. The Hearing Officer imposes the following  
14 conditions:

##### 15 **Fitness to practice evaluation**

16 1. As a condition of reinstatement, Ms. Brinkman shall, at least 30 days prior to a  
17 request for reinstatement, undergo an independent examination by a licensed clinical  
18 psychologist or psychiatrist proposed by her and approved by disciplinary counsel (the mental  
19 health evaluator).

20 2. If the parties cannot agree on a mental health evaluator, the parties shall submit  
21 the matter to the Disciplinary Board Chair for resolution.

22 3. Ms. Brinkman shall execute all the necessary releases to permit the mental  
23 health evaluator to obtain all necessary treatment records and make a report to disciplinary  
24 counsel as to whether Ms. Brinkman is currently fit to practice law.

1           4.     If the mental health evaluator concludes that Ms. Brinkman is not currently fit  
2 to practice law, the report shall recommend a course of treatment necessary to enable  
3 Ms. Brinkman to return to the practice of law. Ms. Brinkman (or her counsel if she is  
4 represented) and disciplinary counsel shall discuss the evaluator's report and what steps can  
5 be taken to address the evaluator's concerns. If Ms. Brinkman and disciplinary counsel cannot  
6 reach an agreement, the parties shall present written materials to the Disciplinary Board. The  
7 Disciplinary Board shall decide whether and the conditions under which Ms. Brinkman shall  
8 return to the active practice of law.

9           5.     If the mental health evaluator concludes that Ms. Brinkman is fit to practice  
10 law but should enter therapy, the evaluator shall recommend what, if any, additional treatment  
11 should be undertaken once Ms. Brinkman resumes practice.

12          6.     If additional treatment is recommended, Ms. Brinkman shall be subject to  
13 probation for a period of no more than 24 months beginning on the date she is reinstated to  
14 the practice of law to monitor her compliance with the mental health evaluator's  
15 recommendations. Ms. Brinkman's probation will end when she has completed any  
16 recommended mental health treatment and the practice monitor requirements set forth below,  
17 at any point before the expiration of 24 months.

18          7.     Ms. Brinkman's compliance with these probation conditions shall be  
19 monitored by ODC's Probation Administrator. Failure to comply with a condition of  
20 probation listed herein may be grounds for further disciplinary action under ELC 13.8(b).

21          8.     Within 60 days after probation begins, Ms. Brinkman shall provide the  
22 Probation Administrator with the name and contact information of a proposed mental health  
23 provider. The proposed provider must be a licensed physician or psychologist. The Probation  
24 Administrator will either approve or reject the proposed provider and will notify  
25 Ms. Brinkman of that decision in writing. If the provider is not approved, Ms. Brinkman shall  
26 give the Probation Administrator the name and contact information of another proposed

1 provider within three weeks of the date of the Probation Administrator's letter. If  
2 Ms. Brinkman and the Probation Administrator still cannot agree on a mental health provider,  
3 the parties shall submit the matter to the Disciplinary Board Chair for resolution.

4 9. Ms. Brinkman shall comply with all requirements and recommendations of the  
5 mental health treatment provider.

6 10. Ms. Brinkman shall execute an authorization[s] allowing and directing the  
7 treatment provider to take the following actions:

8 a. on a monthly basis, send written reports to the Probation Administrator  
9 that include the dates of treatment, whether Ms. Brinkman has been cooperative with  
10 treatment, and whether continued treatment is recommended;

11 b. report immediately to the Probation Administrator if Ms. Brinkman  
12 fails to appear for treatment or stops treatment without the provider's agreement and consent  
13 prior to either termination of the treatment plan or expiration of the probation period set forth  
14 in this decision;

15 c. report immediately to the Probation Administrator if Ms. Brinkman  
16 fails to comply with any treatment recommendations of the treatment provider;

17 d. report immediately to the Probation Administrator if Ms. Brinkman  
18 otherwise violates any of the terms or conditions of treatment;

19 e. report immediately to the Probation Administrator if the provider will  
20 no longer serve as treatment provider to Ms. Brinkman prior to termination of the treatment  
21 plan or expiration of the probation period set forth in this decision, and

22 f. report to the Probation Administrator if Ms. Brinkman successfully  
23 completes treatment and is discharged from further treatment.

24 11. Ms. Brinkman shall provide a copy of the authorization to the Probation  
25 Administrator upon execution.

1           12. Ms. Brinkman is responsible for paying any and all fees, costs, and/or expenses  
2 of mental health evaluation and treatment.

3           Practice monitor

4           13. Ms. Brinkman shall be subject to probation for a period of at least 6 months  
5 and no more than 24 months beginning on the date she is reinstated to the practice of law to  
6 monitor her compliance with the requirements of a practice monitor

7           14. Ms. Brinkman's compliance with these probation conditions shall be  
8 monitored by ODC's Probation Administrator. Failure to comply with a condition of  
9 probation listed herein may be grounds for further disciplinary action under ELC 13.8(b).

10          15. During the period of probation, Ms. Brinkman's practice will be supervised by  
11 a practice monitor. The practice monitor must be a WSBA member with no record of public  
12 discipline and who is not the subject of a pending public disciplinary proceeding.

13          16. Ms. Brinkman may choose the practice monitor subject to approval by ODC's  
14 Probation Administrator. She must provide a proposal to the Probation Administrator within  
15 20 days of reinstatement. The Probation Administrator will either approve or reject the  
16 proposed practice monitor and will notify Ms. Brinkman of that decision in writing, within ten  
17 days of receipt. If the practice monitor is not approved, Ms. Brinkman shall provide the  
18 Probation Administrator with the name and contact information of another proposed practice  
19 monitor within ten days of the date of the Probation Administrator's letter. If the Probation  
20 Administrator and Ms. Brinkman still cannot agree on a practice monitor, the Office of  
21 Disciplinary Counsel will submit its proposed selection for practice monitor to the Chair of  
22 the Disciplinary Board for appointment pursuant to ELC 13.8(a)(2), within ten days of such  
23 lack of agreement.

24          17. The role of the practice monitor is to attend Ms. Brinkman's courtroom  
25 hearings or trials at least one per month for six months.

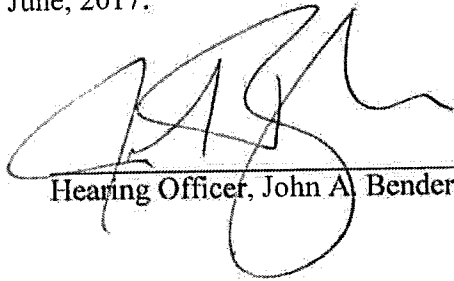
1 18. The practice monitor will provide monthly reports to the Probation  
2 Administrator as to Ms. Brinkman's courtroom conduct and whether, in the opinion of the  
3 practice monitor, it conforms to the RPC. Upon the practice monitor's monthly report finding  
4 Ms. Brinkman's conduct conforms with the RPC after six such reports, she will no longer be  
5 subject to practice monitoring, subject to reinstatement of probation in the event that later  
6 conduct violative of the RPC becomes apparent, to be determined by the Disciplinary Board  
7 Chair.

8 19. Ms. Brinkman must cooperate with the named practice monitor.

9 20. Ms. Brinkman is responsible for paying any and all fees, costs, and/or expenses  
10 of the practice monitor.

11 Respondent is responsible for the costs of these conditions.

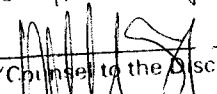
12 SO ORDERED this 14 day of June, 2017.

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Hearing Officer, John A. Bender

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Amended HO Decision  
to be delivered to the Office of Disciplinary Counsel and to be mailed  
to Timothy P. ... Respondent/Respondent's Counsel  
at 705 2nd Ave #300 Seattle WA 98104 by Certified/first class mail  
postage prepaid on the 14th day of June, 2017

  
Clerk/Counsel to the Disciplinary Board