

DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION

In re

**James T. Hendry,**

Lawyer (WSBA No.37411).

Proceeding No. 22#00056

**ORDER CONDITIONALLY APPROVING  
STIPULATION (ELC 9.1(e))**

**ACTION REQUIRED**

This matter came before the Disciplinary Board at its July 7, 2023 meeting.

On review of the May 11, 2023 Stipulation to 30-Day Suspension, the Board finds that the stipulation, as submitted, would result in a manifest injustice given that though the Respondent refunded client's payments, he did not pay interest on those unearned payments.

IT IS ORDERED that the stipulation is approved<sup>1</sup> on the parties' agreement to add the following condition:

Page 6, lines 21-23 of the May 11, 2023 Stipulation are modified as follows:

**VII. RESTITUTION**

44. On April 19, 2023, Respondent refunded Malphrus \$5,500. This amount did not include interest. Respondent shall pay restitution to Malphrus in the amount of interest on his payments, from the date of Malphrus' payments, to April 19, 2023. This interest is calculated at a

<sup>1</sup> The vote was 11-0. Those voting were: Sanders, Hayes, Atreya, Devenport, Tindell, Koch, Marsh, Brangwin, Wolfe, Severson, and Overby. Pratter, Jones, and Ildbaatar did not participate.

1 12 percent per year interest rate. Including interest, Respondent owed  
2 Malphrus \$8,202.14 on April 19, 2023. Respondent shall pay  
3 Malphrus \$2,702.14 in restitution.

4 This stipulation, as conditioned, will be deemed approved if both parties serve  
5 written consent to the conditional term. The written consent must be served  
6 on the Clerk within 14 days of service of this order.

7 The Board will reconsider this decision if the parties file a joint motion  
8 requesting reconsideration. This motion should be in writing and filed with the  
9 Clerk within 14 days of service of this order. The parties may ask to address  
10 the Board.

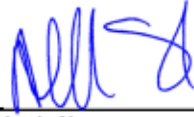
11 If either party fails to respond to this order in writing within 14 days, the Board  
12 will enter a final order rejecting the stipulation.

13 Dated this 19<sup>th</sup> day of July, 2023.

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16 Christopher M. Sanders, WSBA #47518  
17 Disciplinary Board Vice Chair,  
18 on behalf of the Chair  
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I certify that I caused a copy of the Order Conditionally Approving Stipulation to be emailed to the Office of Disciplinary Counsel and to Respondent James T. Hendry, at [james@jameshendrylaw.com](mailto:james@jameshendrylaw.com), on the 19<sup>th</sup> day of July, 2023.

A handwritten signature in blue ink, appearing to be 'M. S.', positioned above a horizontal line.

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Clerk to the Disciplinary Board