

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

FILED

AUG 05 2013

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

MATTHEW R. AYLWORTH,

Lawyer (Bar No. 37892).

Proceeding No. 12#00119

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 representing a client in a collection action against a debtor you obtained a writ of garnishment on a debtor's bank account by stating in the application that the judgment debtor had made no payments on the debt, and that debtor's bank held non-exempt funds, despite having access to information that the debtor's funds were exempted from garnishment and that the debtor had made payments on the debt. The court issued a writ of garnishment and the debtor's funds were frozen.

You then mailed a proposed judgment and order to pay to the court to be considered ex parte. While the matter was pending before the court, you were contacted by the debtor's

1 lawyer who informed you that the debtor's funds were exempt from garnishment. The debtor's
2 lawyer sent you a notice of exemption and motion to quash the garnishment. You did not
3 inform the court that the debtor was represented by counsel or that the debtor had filed and
4 served a notice of exemption and motion to quash the garnishment a week earlier. The court
5 signed your proposed judgment. You later sent a release of garnishment to the debtor's bank,
6 which released the debtor's funds.

7 Your conduct in signing the application for writ of garnishment, despite having access to
8 information that would have shown that the information contained within the application was
9 false, violated RPC 1.3 and RPC 8.4(d).

10 Your conduct in failing to inform the court of material facts and in failing to correct
11 false statements of material facts before the court signed your ex parte order violated RPC 3.3©.

12 You have supervisory authority over a large number of non-lawyer assistants who
13 prepare documents on your behalf. Your conduct in failing to supervise non-lawyer assistants
14 to ensure that their conduct is compatible with the professional obligations of a lawyer violated
15 RPC 5.3.

16 These actions merit a Formal Reprimand. Your actions discredit you and the legal
17 profession and show a disregard for the high traditions of honor expected from a member of the
18 Association.

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

23 Your privilege to practice law in the State of Washington is based on the finding that
24

1 you are a person of good moral character, and on your commitment to abide by the rules
2 governing the conduct of members of the Association. The Association expects all your future
3 conduct as a lawyer to be consistent with that finding as to your character, and with a continuing
4 commitment on your part to the letter and spirit of those rules.

5 Dated this 20 day of August, 2013.

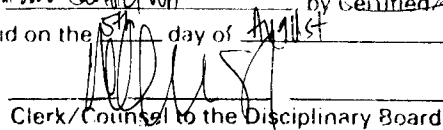
6 WASHINGTON STATE BAR ASSOCIATION

7 

8 Michele Radosevich, President

9
10
11
12 CERTIFICATE OF SERVICE

13 I certify that I caused a copy of the Reprimand
14 to be delivered to the Office of Disciplinary Counsel and to be mailed
to Phillip Goldberg, Respondent/Respondent's Counsel
at 1001 5th Ave. #2000 Seattle WA by Certified first class mail,
15 postage prepaid on the 20 day of August, 2013.

16 
17 Clerk/Counsel to the Disciplinary Board