

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

OCT 24 2014

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

RYAN SCOTT TAROSKI,

Lawyer (Bar No. 38412).

Proceeding No. 14#00055

STIPULATION TO REPRIMAND

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to reprimand is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Francesca D'Angelo and Respondent lawyer Ryan Scott Taroski.

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to him. Respondent chooses to resolve this proceeding now by entering into the following stipulation to facts, misconduct and sanction to

Stipulation to Discipline
Page 1

OFFICE OF DISCIPLINARY COUNSEL
OF THE WASHINGTON STATE BAR ASSOCIATION
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 727-8207

DM

1 avoid the risk, time, expense attendant to further proceedings.

2 **I. ADMISSION TO PRACTICE**

3 1. Respondent was admitted to practice law in the State of Washington on November
4 17, 2006.

5 **II. STIPULATED FACTS**

6 2. Connie and Bruce Samuelson ("The Samuelsons") operated a process serving
7 business, Pro-Serv Process Serving ("Pro-Serv").

8 3. In January 2009, the Samuelsons filed suit against Acct Corp International ("ACI"),
9 Accounts Receivable Inc. ("ARI") and other defendants in Clark County Superior Court,
10 alleging breach of contract.

11 4. The defendants counterclaimed, requesting damages and attorney's fees.

12 5. In November 2010, Respondent began representing Pro-Serv and Connie Samuelson.

13 6. At all relevant times, Mr. Samuelson represented himself, pro se.

14 7. In November and December 2011, Respondent, on behalf of pro-serve and Ms.
15 Samuelson, and Mr. Samuelson, on his own behalf, each made several motions to the court,
16 including motions for summary judgment, and a motion for leave to amend the complaint.

17 8. The motions were noted for January 27, 2012.

18 9. On January 18, 2012, Ms. Samuelson sent several text messages to Respondent
19 through his receptionist, making reasonable requests for information about the case.

20 10. Respondent did not respond to Ms. Samuelson's texts, or provide her copies of
21 documents he eventually filed.

22 11. As a result, Ms. Samuelson was not reasonably informed about the status of the case.

23 12. The hearing on the motions was continued to February 10, 2012.

1 13. On February 10, 2012, the court entered an order denying the Samuelsons' and Pro-
2 Serv's motions for leave to amend the complaint.

3 14. The court also ordered that \$3,000 in terms be paid to the defendants by Respondent
4 and Mr. Samuelson, jointly and severally.

5 15. Neither Respondent nor Mr. Samuelson paid the sanctions.

6 16. On March 15, 2012, the defendants filed a motion for contempt against Respondent
7 and the Samuelsons and Pro-Serv ["the plaintiffs"] for failing to pay the sanctions.

8 17. The motion requested, in addition to a contempt finding, that the plaintiffs' entire
9 case against ARI be dismissed, that attorney's fees be awarded against the plaintiffs and that
10 judgment be entered against the plaintiffs and Respondent for the amount of the terms.

11 18. The hearing on the motion was set for March 30, 2012.

12 19. Prior to the hearing, Ms. Samuelson attempted to contact Respondent multiple times.

13 20. Respondent did not respond to Ms. Samuelson.

14 21. Respondent failed to keep Ms. Samuelson reasonably informed about the status of
15 the case or comply with reasonable requests for information.

16 22. Ms. Samuelson was injured in that she was denied information about her case and
17 experienced much stress and aggravation.

18 23. On March 28, 2012, Ms. Samuelson prepared and filed a pro-se response to the
19 contempt motion.

20 24. Respondent did not file any response on behalf of himself, Ms. Samuelson, or Pro-
21 Serv.

22 25. Respondent did not appear for the contempt hearing on March 30, 2012.

23 26. The court denied the motion for contempt.

1 27. On April 3, 2012, Respondent filed a notice of withdrawal.

2 28. After he withdrew, Ms. Samuelson attempted to contact Respondent several times,
3 requesting the return of her original file.

4 29. Respondent did not timely return the file to Ms. Samuelson.

5 30. Respondent's conduct in failing to timely return Ms. Samuelson's original file was
6 knowing.

7 **III. STIPULATION TO MISCONDUCT**

8 31. By failing to communicate with Ms. Samuelson, and by failing to promptly comply
9 with Ms. Samuelson's reasonable requests for information, Respondent violated RPC 1.4(a).

10 32. By failing to appear at the contempt hearing on March 30, 2012, and ~~or~~ by failing to
11 file a response to the motion on behalf of Ms. Samuelson and/or Pro Serve, Respondent violated
12 RPC 1.3 and RPC 3.2. *See attached for Respondent's approval*

13 33. By failing to promptly return Ms. Samuelson's client file to her after his withdrawal,
14 Respondent violated RPC 1.16(d).

15 **IV. PRIOR DISCIPLINE**

16 34. Respondent has no prior discipline.

17 **V. APPLICATION OF ABA STANDARDS**

18 35. The following American Bar Association Standards for Imposing Lawyer Sanctions
19 (1991 ed. & Feb. 1992 Supp.) apply to this case:

20 ***4.4 Lack of Diligence***

21 Absent aggravating or mitigating circumstances, upon application of the
22 factors set out in Standard 3.0, the following sanctions are generally appropriate
23 in cases involving a failure to act with reasonable diligence and promptness in
24 representing a client:

4.41 Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially
serious injury to a client; or

1 (b) a lawyer knowingly fails to perform services for a client and
causes serious or potentially serious injury to a client; or

2 (c) a lawyer engages in a pattern of neglect with respect to client
matters and causes serious or potentially serious injury to a client.

3 4.42 Suspension is generally appropriate when:

4 (a) a lawyer knowingly fails to perform services for a client and
causes injury or potential injury to a client, or

5 (b) a lawyer engages in a pattern of neglect and causes injury or
potential injury to a client.

6 4.43 Reprimand is generally appropriate when a lawyer is negligent and does
not act with reasonable diligence in representing a client, and causes
injury or potential injury to a client.

7 4.44 Admonition is generally appropriate when a lawyer is negligent and does
not act with reasonable diligence in representing a client, and causes little
8 or no actual or potential injury to a client.

9 36. Respondent's conduct in failing to respond to Ms. Samuelson's reasonable requests
10 for information about the status of her case, failing to appear at the contempt hearing, failing to
11 file a response to the contempt motion and in failing to return her file in a timely manner was
12 knowing.

13 37. There was injury to Ms. Samuelson who was not reasonably informed about the
14 status of her case, was forced to appear at a contempt hearing without a lawyer, was denied
15 access to information needed to assist in the continuing litigation, and experienced much stress
16 and aggravation

17 38. The presumptive sanction is suspension.

18 39. The following aggravating factors apply under ABA Standard 9.22:

19 (d) multiple offenses.

20 40. The following mitigating factors apply under ABA Standard 9.32:

21 (a) absence of a prior disciplinary record;

22 (c) personal or emotional problems [see attachment to this Stipulation, which
is filed under seal].

23 41. It is an additional mitigating factor that Respondent has agreed to resolve this matter

1 at an early stage of the proceedings.

2 42. Based on the factors set forth above, the presumptive sanction should be mitigated to
3 reprimand.

4 VI. STIPULATED DISCIPLINE

5 43. The parties stipulate that Respondent shall receive a reprimand for his conduct.

6 44. Respondent will be subject to probation for a period of one year beginning when this
7 stipulation receives final approval and shall comply with the specific probation terms set forth
8 below:

9 45. Within 30 days of this stipulation, Respondent shall be in a therapeutic relationship
10 with a mental health professional (or coordinated team of such professionals). [See confidential
11 attachment to this Stipulation for additional probation term regarding the scope of the
12 therapeutic relationship].

13 46. The mental health professional will act independently of disciplinary counsel.

14 47. Respondent is required to maintain a therapeutic relationship with the mental health
15 professional during the period of probation, personally seeing the mental health professional as
16 often as required by the mental health professional.

17 48. Respondent shall submit quarterly reports to disciplinary counsel attesting to his
18 compliance with ¶¶ 45 and 46 of this Stipulation by reporting the names of the mental health
19 professionals seen, and the dates of the sessions. These reports shall be due within two weeks
20 of the end of each calendar quarter.

21 49. Respondent shall be solely responsible for the compensation of the mental health
22 professionals.

1 **VII. RESTITUTION**

2 50. Respondent shall comply with all court orders regarding sanctions and/or satisfy any
3 judgments imposed against him personally in the Pro-Serv litigation.

4 **VIII. COSTS AND EXPENSES**

5 51. In light of Respondent's willingness to resolve this matter by stipulation at an early
6 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$500 in
7 accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(1)
8 if these costs are not paid within 30 days of approval of this stipulation.

9 **IX. VOLUNTARY AGREEMENT**

10 52. Respondent states that prior to entering into this Stipulation he had an opportunity to
11 consult independent legal counsel regarding this Stipulation, that Respondent is entering into
12 this Stipulation voluntarily, and that no promises or threats have been made by ODC, the
13 Association, nor by any representative thereof, to induce the Respondent to enter into this
14 Stipulation except as provided herein.

15 53. Once fully executed, this stipulation is a contract governed by the legal principles
16 applicable to contracts, and may not be unilaterally revoked or modified by either party.

17 **X. LIMITATIONS**

18 54. This Stipulation is a compromise agreement intended to resolve this matter in
19 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
20 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer
21 and ODC acknowledge that the result after further proceedings in this matter might differ from
22 the result agreed to herein.

23 55. This Stipulation is not binding upon ODC or the respondent as a statement of all

1 existing facts relating to the professional conduct of the respondent lawyer, and any additional
2 existing facts may be proven in any subsequent disciplinary proceedings.

3 56. This Stipulation results from the consideration of various factors by both parties,
4 including the benefits to both by promptly resolving this matter without the time and expense of
5 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
6 such, approval of this Stipulation will not constitute precedent in determining the appropriate
7 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
8 subsequent proceedings against Respondent to the same extent as any other approved
9 Stipulation.

10 57. Under ELC 3.1(b), all documents that form the record before the Hearing Officer,
11 with the exception of the Confidential Attachment hereto, to be filed under seal, become public
12 information on approval of the Stipulation by the Hearing Officer, unless disclosure is restricted
13 by order or rule of law.

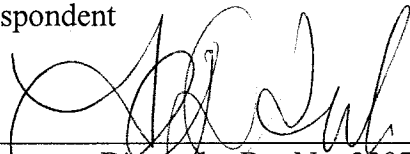
14 58. If this Stipulation is approved by the Hearing Officer, it will be followed by the
15 disciplinary action agreed to in this Stipulation. All notices required in the Rules for
16 Enforcement of Lawyer Conduct will be made.

17 59. If this Stipulation is not approved by the Hearing Officer, this Stipulation will have
18 no force or effect, and neither it nor the fact of its execution will be admissible as evidence in
19 the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil
20 or criminal action.

1 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
2 to Discipline as set forth above.

3 See attached
4 Ryan Scott Taroski, Bar No. 38412
Respondent

Dated: _____

5 
6 _____
7 Francesca D'Angelo, Bar No. 22979
Disciplinary Counsel

Dated: 10/21/14

27. On April 3, 2012, Respondent filed a notice of withdrawal.

28. After he withdrew, Ms. Samuelson attempted to contact Respondent several times, requesting the return of her original file.

29. Respondent did not timely return the file to Ms. Samuelson.

30. Respondent's conduct in failing to timely return Ms. Samuelson's original file was knowing.

III. STIPULATION TO MISCONDUCT

31. By failing to communicate with Ms. Samuelson, and by failing to promptly comply with Ms. Samuelson's reasonable requests for information, Respondent violated RPC 1.4(a).

32. By failing to appear at the contempt hearing on March 30, 2012, and/or by failing to file a response to the motion on behalf of Ms. Samuelson and/or Pro Serve, Respondent violated RPC 1.3 and RPC 3.2.

33. By failing to promptly return Ms. Samuelson's client file to her after his withdrawal, Respondent violated RPC 1.16(d).

IV. PRIOR DISCIPLINE

34. Respondent has no prior discipline.

V. APPLICATION OF ABA STANDARDS

35. The following American Bar Association Standards for Imposing Lawyer Sanctions (1991 ed. & Feb. 1992 Supp.) apply to this case:


4.4 Lack of Diligence

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving a failure to act with reasonable diligence and promptness in representing a client:

4.41 Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or

1 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
2 to Discipline as set forth above.

3 
4 _____
5 Ryan Scott Taroski, Bar No. 384 2
6 Respondent

Dated: 10/27/14

7 _____
8 Francesca D'Angelo, Bar No. 22679
9 Disciplinary Counsel

Dated: _____