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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

CRISTINA B. MEHLING,

Lawyer (Bar No. 38862).

Proceeding No. 16#00006
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 Cristina B. Mehling.

Respondent understands that she is entitled under the ELC to a hearing, to present exhibits and witnesses on her behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that she 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 her. Respondent chooses to resolve this proceeding now by entering into the following stipulation to facts, misconduct and sanction to avoid the

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

1 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 June 6,
4 2007.

5 **II. STIPULATED FACTS**

6 2. In or around February 2012, AK hired Respondent to file a lawsuit against his
7 former employer, Pacific International Bank (PIB), for wrongful termination and racial
8 discrimination.

9 3. On or about August 2012, Respondent filed AK's lawsuit in King County Superior
10 Court.

11 4. Trial was set for January 2014, with a discovery cut-off of November 25, 2013.

12 5. In or around November 2013, Respondent informed AK she could no longer
13 represent him.

14 6. On or about November 12, 2013, Respondent filed a notice of intent to withdraw as
15 AK's counsel.

16 7. AK objected to Respondent's withdrawal. AK hired an attorney to file his objection
17 with the court.

18 8. On or about November 27, 2013 Respondent filed a motion to withdraw as AK's
19 counsel in King County Superior Court.

20 9. Respondent included a supporting declaration with her motion.

21 10. Respondent's motion and supporting declaration contained one or more statements
22 relating to her representation of AK.

23 11. The declaration included the following statements:

- 1 • I strongly believed upon the evidence in the case that my client's
2 wrongful termination claim based on race discrimination has no merit and
no chance of success at trial...
 - 3 • In June of this year, more than 16 months after [AK] retained me as his
4 counsel, he disclosed to me, via email, vital information about his divorce
and the fact that he had a no-contact order and he was arrested and
5 charged with a misdemeanor.
 - 6 • [AK] also did not disclose to me that he took bank information before he
7 was terminated (or after, I am not sure of the timing); upon my inquiry to
him...he produced thumb drives and agreed to erase the information from
his computer.
 - 8 • Also earlier in June [AK] contacted me and we met twice regarding his
9 allegations that he is being followed and his email and phone are
monitored as well as being physically followed and his friends also being
10 followed and his emails hacked.
 - 11 • Around this time I started to doubt [AK]'s credibility and PIB's reason
12 for terminating [AK] also made sense and was connected with [AK]'s
hiding his arrest and no-contact order and detail around those...
 - 13 • I should not be forced to represent a client whom I do not trust and whose
14 credibility I question, and who does not listen to my advice...
- 15 12. Respondent also attached several emails to her declaration in which AK disclosed
information regarding his dissolution and perceived invasion of privacy.
- 16 13. Respondent did not obtain AK's informed consent to these disclosures.
- 17 14. These disclosures were not impliedly authorized in order to carry out the
18 representation.
- 19 15. Respondent did not attempt to obtain a protective order or otherwise limit the
20 disclosure of the information related to her representation of AK.
- 21 16. On or about December 6, 2013, Respondent filed another declaration containing
22 information related to her representation of AK.
- 23 17. Among the statements in the December 6, 2013 declaration was the following

1 statement:

2 ...I should not be forced to represent a client who lied to me, who has serious
3 credibility and emotional issues and whose concealed behavior and criminal acts
4 and arrest substantiate the reason that he was terminated from PIB. Based on my
5 15 years of legal experience... it is my legal opinion that [AK] has no likelihood
6 of success on his claims for wrongful termination and discrimination and I
7 should not be forced to represent him in this matter.

8 18. Respondent did not obtain AK's informed consent to this disclosure.

9 19. This disclosure was not impliedly authorized in order to carry out the representation.

10 20. Respondent did not attempt to obtain a protective order or otherwise limit the
11 disclosure of the information related to her representation of AK.

12 21. On or about December 12, 2013, the court granted Respondent's motion to
13 withdraw. The Trial was continued for 60 days to allow AK time to secure new counsel.

14 III. STIPULATION TO MISCONDUCT

15 22. By revealing information related to her representation of AK when the disclosure
16 was not impliedly authorized in order to carry out the representation and without obtaining
17 AK's informed consent or limiting disclosure of the information, Respondent violated RPC
18 1.6(a).

19 23. By failing to take steps to protect AK's interests upon withdrawal, Respondent
20 violated RPC 1.16(d).

21 IV. PRIOR DISCIPLINE

22 24. Respondent has no prior discipline.

23 V. APPLICATION OF ABA STANDARDS

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

4.2 Failure to Preserve the Client's Confidences

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1 Absent aggravating or mitigating circumstances, upon application of the factors
2 set out in 3.0, the following sanctions are generally appropriate in cases
involving improper revelation of information relating to representation of a
client:

3 4.21 Disbarment is generally appropriate when a lawyer, with the intent to
4 benefit the lawyer or another, knowingly reveals information relating to
representation of a client not otherwise lawfully permitted to be
disclosed, and this disclosure causes injury or potential injury to a client.

5 4.22 Suspension is generally appropriate when a lawyer knowingly reveals
6 information relating to the representation of a client not otherwise
lawfully permitted to be disclosed, and this disclosure causes injury or
potential injury to a client.

7 4.23 Reprimand is generally appropriate when a lawyer negligently reveals
8 information relating to representation of a client not otherwise lawfully
permitted to be disclosed and this disclosure causes injury or potential
injury to a client.

9 4.24 Admonition is generally appropriate when a lawyer negligently reveals
10 information relating to representation of a client not otherwise lawfully
permitted to be disclosed and this disclosure causes little or no actual or
potential injury to a client.

11 *7.0 Violations of Duties Owed as a Professional*

12 Absent aggravating or mitigating circumstances, upon application of the factors
13 set out in Standard 3.0, the following sanctions are generally appropriate in
cases involving false or misleading communication about the lawyer or the
14 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
15 representation, or failure to report professional misconduct.

16 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
17 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.

18 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.

19 7.3 Reprimand is generally appropriate when a lawyer negligently engages in
conduct that is a violation of a duty owed as a professional and causes
20 injury or potential injury to a client, the public, or the legal system.

21 7.4 Admonition is generally appropriate when a lawyer engages in an
isolated instance of negligence that is a violation of a duty owed as a
22 professional, and causes little or no actual or potential injury to a client,
the public, or the legal system.

23 26. Respondent acted knowingly in revealing AK's information in publicly filed court

1 documents. AK was injured in that his confidential communications and other information
2 were publicly revealed. The presumptive sanction under ABA Standard 4.22 is suspension.

3 27. Respondent acted knowingly in failing to protect AK's interests upon withdrawal.
4 Respondent's statements regarding AK's credibility and merits of the case either contributed or
5 potentially contribute to AK's failure to find new counsel. The presumptive sanction under
6 ABA Standard 7.2 is suspension.

7 28. The following aggravating factors apply under ABA Standard 9.22:

- 8 (i) Substantial experience in the practice of law [Respondent was admitted to
9 the California bar in 1998. She was admitted in Washington in 2007].

10 29. The following mitigating factors apply under ABA Standard 9.32:

- 11 (a) absence of a prior disciplinary record.
12 (c) personal or emotional problems [At the time of the misconduct, Ms.
13 Respondent was suffering from anxiety and stress, which impacted her
14 decision-making].
15 (d) remorse.

16 30. It is an additional mitigating factor that Respondent has agreed to resolve this matter
17 at an early stage of the proceedings.

18 31. Based on the factors set forth above, the presumptive sanction should be mitigated to
19 a reprimand.

20 VI. STIPULATED DISCIPLINE

21 32. The parties stipulate that Respondent shall receive a reprimand for her conduct.

22 VII. RESTITUTION

23 33. No restitution is required by his Stipulation. Respondent received no fee from AK
24 and has refunded the advanced costs that he had placed with her.

1 **VIII. COSTS AND EXPENSES**

2 34. In light of Respondent's willingness to resolve this matter by stipulation at an early
3 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$750 in
4 accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l)
5 if these costs are not paid within 30 days of approval of this stipulation.

6 **IX. VOLUNTARY AGREEMENT**

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

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

14 **X. LIMITATIONS**

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

20 38. This Stipulation is not binding upon ODC or the respondent as a statement of all
21 existing facts relating to the professional conduct of the respondent lawyer, and any additional
22 existing facts may be proven in any subsequent disciplinary proceedings.

23 39. This Stipulation results from the consideration of various factors by both parties,

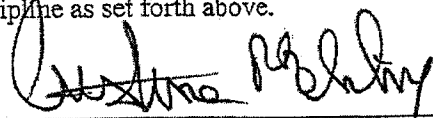
1 including the benefits to both by promptly resolving this matter without the time and expense of
2 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
3 such, approval of this Stipulation will not constitute precedent in determining the appropriate
4 sanction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

7 40. Under ELC 3.1(b), all documents that form the record before the Hearing Officer for
8 his or her review become public information on approval of the Stipulation by the Hearing
9 Officer, unless disclosure is restricted by order or rule of law.


10 41. If this Stipulation is approved by the Hearing Officer, it will be followed by the
11 disciplinary action agreed to in this Stipulation. All notices required in the Rules for
12 Enforcement of Lawyer Conduct will be made.

13 42. If this Stipulation is not approved by the Hearing Officer, this Stipulation will have
14 no force or effect, and neither it nor the fact of its execution will be admissible as evidence in
15 the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil
16 or criminal action.

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

19 
20 _____
21 Cristina B. Mehling, Bar No. 38862
22 Respondent

Dated: 3/30/16

21 
22 _____
23 Francesca DiAngelo, Bar No. 22979
24 Disciplinary Counsel

Dated: 4/5/16