

- 1 (a) a lawyer engages in serious criminal conduct, a necessary
2 element of which includes intentional interference with the
3 administration of justice, false swearing, misrepresentation,
4 fraud, extortion, misappropriation, or theft; or the sale,
5 distribution or importation of controlled substances; or the
6 intentional killing of another; or an attempt or conspiracy or
7 solicitation of another to commit any of these offenses; or
- 8 (b) a lawyer engages in any other intentional conduct involving
9 dishonesty, fraud, deceit, or misrepresentation that seriously
10 adversely reflects on the lawyer's fitness to practice.

11 **Count 2**

12 10. Respondent acted intentionally when he made materially false statements
13 under oath in violation of RCW 9A.72.020 (Perjury in the First Degree) during his appeal of
14 the denial of his unemployment benefits.

15 11. His false statements harmed the legal system because judicial resources were
16 wasted, and Respondent's conduct caused a potentially significant adverse effect on the legal
17 proceeding.

18 12. The following ABA Standards presumptively apply in this case:

19 5.11 Disbarment is generally appropriate when:

- 20 (a) a lawyer engages in serious criminal conduct, a necessary
21 element of which includes intentional interference with the
22 administration of justice, false swearing, misrepresentation,
23 fraud, extortion, misappropriation, or theft; or the sale,
24 distribution or importation of controlled substances; or the
25 intentional killing of another; or an attempt or conspiracy or
26 solicitation of another to commit any of these offenses; or
- 27 (b) a lawyer engages in any other intentional conduct involving
28 dishonesty, fraud, deceit, or misrepresentation that seriously
adversely reflects on the lawyer's fitness to practice.

1 13. Where the Hearing Officer finds multiple ethical violations, the "ultimate
2 sanction imposed should at least be consistent with the sanction for the most serious instance
3 of misconduct among a number of violations. In re Disciplinary Proceeding Against Petersen,
4 120 Wn2d 833, 854, 846 P.2d 1330 (1993) (quoting ABA Standards at 6).

5 14. The presumptive sanction for each count in this matter is disbarment.

6 15. The following aggravating factors set forth in Section 9.22 of the ABA
7 Standards apply in this case:

8 (b) dishonest or selfish motive;

9 (d) multiple offenses.

10 16. The following mitigating factors set forth in Section 9.32 of the ABA
11 Standards apply to this case:

12 (a) absence of a prior disciplinary record;

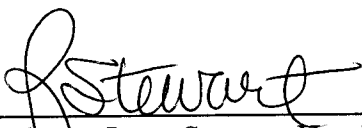
13 (f) inexperience in the practice of law (admitted 2008).

14 The mitigating factors do not provide cause to deviate from the sanction of disbarment.

15 **RECOMMENDATION**

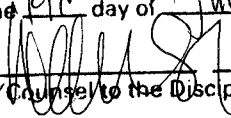
16 17. Based on the ABA Standards and the applicable aggravating and mitigating
17 factors, the Hearing Officer recommends that Respondent Adam Corey Guenther be
18 disbarred.

19 DATED this 16th day of June, 2014.

20 
21 _____
22 Rebecca Lynn Stewart, Hearing Officer

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24 FOF COL Recommendation CERTIFICATE OF SERVICE WASHINGTON STATE BAR ASSOCIATION
25 Page - 4 I certify that I caused a copy of the FOF COL & this Recommendation to be delivered to the Office of Disciplinary Counsel and to be mailed to Adam Guenther Respondent/Respondent's Counsel (206) 727-8207
26 1325 4TH Avenue, Suite 600
27 Seattle, WA 98101-2539
28 at _____ by Certified/first class mail,
postage prepaid on the 19th day of June, 2014


Clerk/Counsel to the Disciplinary Board