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FILED

Jul 20 2020

Disciplinary
Board

Docket # 002

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

ABRAHAM J. RITTER,

Lawyer (Bar No. 42153).

Proceeding No. 20#00033

ODC File No. 19-00046

STIPULATION TO REPRIMAND

Under Rule 9.1 of the Washington Supreme Court’s 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 Benjamin J. Attanasio, Respondent’s Counsel Anne Seidel, and Respondent lawyer Abraham J. Ritter.

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 matter

1 now by entering into the following stipulation to facts, misconduct, and sanction to avoid the
2 risk, time, and expense attendant to further proceedings.

3 **I. ADMISSION TO PRACTICE**

4 1. Respondent was admitted to practice law in the State of Washington on December 9,
5 2009.

6 **II. STIPULATED FACTS**

7 2. In or around July 2017, D.J. hired Respondent to pursue an anti-harassment order
8 against her next-door neighbor, W.M. D.J. had previously sought an anti-harassment order
9 against W.M. but was unsuccessful.

10 3. Respondent charged D.J. a \$1,500 flat fee, which covered representation through a
11 January 2018 hearing on a petition for the anti-harassment order.

12 4. D.J. paid the fee in two installments of \$750: one on July 25, 2017 and one on
13 December 11, 2017.

14 5. Respondent deposited the fees in his general business account and not in a trust
15 account.

16 6. Most, if not all, of the fees were unearned at the time Respondent deposited them
17 into his general business account, although Respondent did ultimately earn the fees.

18 7. In September 2017, D.J. filed a petition for an anti-harassment order and later had it
19 served on W.M.

20 8. After much effort trying to resolve the issue with W.M.'s attorney, on January 24,
21 2018, Respondent appeared on behalf of D.J. at a hearing on the petition.

22 9. At the hearing, the court denied the petition for an anti-harassment order.

23 10. Following the hearing, Respondent agreed to continue representing D.J. in her
24

1 | dispute with W.M. on a pro bono basis.

2 | 11. Between January and July 2018, Respondent and D.J. exchanged several emails and
3 | Respondent did some work on the matter, including texting and calling W.M. to try to get him
4 | to stop the behavior that D.J. viewed as harassing. W.M. blocked Respondent's number so
5 | Respondent could no longer contact W.M. by phone or text.

6 | 12. Despite Respondent's efforts, D.J. continued to report that W.M. was engaging in
7 | harassing behavior toward her.

8 | 13. On July 20, 2018, D.J. and Respondent exchanged emails regarding W.M.'s conduct.

9 | 14. The exchange concluded with D.J. emailing Respondent a list of W.M.'s recent
10 | actions to allow Respondent to follow up on the matter. The recent actions were identical to or
11 | less serious than the conduct she alleged in her unsuccessful petition for an anti-harassment
12 | order.

13 | 15. Respondent did not respond to that email or perform further work on the matter.

14 | 16. On November 2, 2018, D.J. emailed Respondent asking him "Where'd you go?" and
15 | noting that she had not heard from him since July.

16 | 17. Respondent did not respond to that email.

17 | 18. D.J. then attempted to contact Respondent through Facebook Messenger.

18 | 19. On November 9 and 10, 2018, D.J. sent Respondent five messages through
19 | Facebook Messenger.

20 | 20. Among other things, D.J. requested that Respondent provide her with documentation
21 | from the anti-harassment case.

22 | 21. On December 4, 2018, Respondent responded to D.J.'s November Facebook
23 | messages.

1 22. Regarding D.J.'s request for documentation from the anti-harassment case,
2 Respondent responded that he was "happy to pass along what I have."

3 23. Respondent never sent any documents to D.J. After D.J. filed her grievance,
4 Respondent's counsel sent D.J. the documents she had requested. Respondent maintains he
5 believed D.J. already had all relevant documents. However, he did not communicate that belief
6 to D.J.

7 24. Also on December 4, 2018, Respondent told D.J. he would contact the City of
8 Covington prosecutor about the matter.

9 25. Respondent never contacted the prosecutor.

10 26. Also on December 4, 2018, Respondent told D.J. he would send a letter to W.M.
11 with D.J.'s demands that W.M. stop his harassing behavior.

12 27. Respondent never drafted or sent any letter to W.M.

13 28. Respondent states he did not send a letter because he believed doing so would make
14 the situation between W.M. and D.J. worse and he did not know how to convey that to D.J.
15 without furthering her emotional distress from that situation. Respondent instead tried to come
16 up with something he could say in a letter to W.M. that would both satisfy D.J. and not cause
17 W.M. to be more hostile towards her. He found the task impossible and due to his anxiety,
18 became immobilized.

19 29. On January 6, 2019, D.J. and Respondent exchanged Facebook messages in which
20 Respondent told D.J. he had sent the letter and agreed to come to D.J.'s home on January 10,
21 2019 to speak directly with W.M.

22 30. On January 10, 2019, Respondent stated that he could not make it that night and
23 asked if he could come the following week.

1 31. D.J. advised Respondent that the following Monday would work and again asked
2 him for a copy of the letter to W.M. and for proof of delivery.

3 32. Respondent did not respond or communicate further with D.J. and did no further
4 work on her case.

5 III. STIPULATION TO MISCONDUCT

6 33. By depositing D.J.'s fees into his general business account before they were earned,
7 Respondent violated RPC 1.15A(c)(2).

8 34. By failing to complete the work he had agreed to do on D.J.'s behalf, Respondent
9 violated RPC 1.3.

10 35. By failing to provide information reasonably necessary to permit D.J. to make
11 informed decisions regarding the representation and by failing to promptly comply with
12 reasonable requests for information, Respondent violated RPC 1.4.

13 36. By failing to provide D.J. with her client file or any other documentation from the
14 case when she requested that he do so, Respondent violated RPC 1.16(d).

15 IV. PRIOR DISCIPLINE

16 37. Respondent has no record of prior discipline.

17 V. APPLICATION OF ABA STANDARDS

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

20 ***4.1 Failure to Preserve the Client's Property***

21 Absent aggravating or mitigating circumstances, upon application of the
22 factors set out in 3.0, the following sanctions are generally appropriate in cases
23 involving the failure to preserve client property:

24 4.11 Disbarment is generally appropriate when a lawyer knowingly converts
client property and causes injury or potential injury to a client.

1 4.12 Suspension is generally appropriate when a lawyer knows or should
2 know that he is dealing improperly with client property and causes injury
or potential injury to a client.

3 4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing
with client property and causes injury or potential injury to a client.

4 4.14 Admonition is generally appropriate when a lawyer is negligent in
dealing with client property and causes little or no actual or potential
injury to a client.

5 **4.4 Lack of Diligence**

6 Absent aggravating or mitigating circumstances, upon application of the
7 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:

8 4.41 Disbarment is generally appropriate when:

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

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

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

12 4.42 Suspension is generally appropriate when:

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

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

15 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.

16 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
or no actual or potential injury to a client.

17 39. Respondent acted knowingly in failing to provide information reasonably necessary
18 to permit D.J. to make informed decisions regarding the representation, failing to promptly
19 comply with reasonable requests for information, and failing to do work he had agreed to do.

20 40. Respondent acted negligently in depositing D.J.'s fees in his general business
21 account before they were earned.

22 41. Respondent's conduct caused injury or potential injury to D.J.

23 42. The presumptive sanctions are suspension under ABA Standard 4.42(a) and
24

1 reprimand under ABA Standard 4.13.

2 43. The following aggravating factor applies under ABA Standard 9.22:

3 (d) multiple offenses.

4 44. The following mitigating factors apply under ABA Standard 9.32:

5 (a) absence of a prior disciplinary record;

6 (c) personal or emotional problems (see confidential Appendix A);

7 (g) character or reputation; and

8 (l) remorse.

9 45. It is an additional mitigating factor that Respondent has agreed to resolve this matter
10 at an early stage of the proceedings.

11 46. On balance, based on the aggravating and mitigating factors set forth above, the
12 presumptive sanction should be mitigated to a reprimand.

13 VI. STIPULATED DISCIPLINE

14 47. The parties stipulate that Respondent shall receive a reprimand for his conduct.

15 48. Respondent shall be subject to probation for a period of 24 months beginning when
16 this stipulation receives final approval.

17 49. The conditions of probation are set forth below. Respondent's compliance with
18 these conditions will be monitored by the Probation Administrator of the Office of Disciplinary
19 Counsel ("Probation Administrator"). Failure to comply with a condition of probation listed
20 herein may be grounds for further disciplinary action under ELC 13.8(b).

21 Practice Monitor

22 a) At the time of the execution of this stipulation, Respondent is employed in the
23 public sector and is supervised by another lawyer. During the period of probation,
24 Respondent must notify the Probation Administrator immediately if he returns to

1 the solo practice of law. Respondent must also inform the Probation Administrator
2 of his employment status in writing on a quarterly basis.

- 3 b) For any period during which Respondent is engaged in the solo practice of law
4 during the period of probation, Respondent's practice must be supervised by a
5 practice monitor. If Respondent remains in his current position or obtains another
6 position in which he is supervised by another lawyer, he will not be subject to
7 practice monitoring but must provide his supervisor with a copy of this stipulation.
- 8 c) The practice monitor must be a WSBA member with no record of public discipline
9 and who is not the subject of a pending public disciplinary proceeding.
- 10 d) The role of the practice monitor is to consult with and provide guidance to
11 Respondent regarding case management, office management, and avoiding
12 violations of the Rules of Professional Conduct, and to provide reports and
13 information to the Probation Administrator regarding Respondent's compliance
14 with the terms of probation and the RPC. The practice monitor does not represent
15 the Respondent.
- 16 e) At the beginning of the period of practice monitoring, the Probation Administrator
17 will select a lawyer to serve as practice monitor.
- 18 i) Initial Challenge: If, within 15 days of the written notice of the selection of a
19 practice monitor, Respondent sends a written request to the Probation
20 Administrator that another practice monitor be selected, the Probation
21 Administrator will select another practice monitor. Respondent need not
22 identify any basis for this initial request.
- 23 ii) Subsequent Challenges: If, after selection of a second (or subsequent)
24 practice monitor, Respondent believes there is good cause why that
individual should not serve as practice monitor, Respondent may, within 15
days of notice of the selected practice monitor, send a written request to the
Probation Administrator asking that another practice monitor be selected.
That request must articulate good cause to support the request. If the
Probation Administrator agrees, another practice monitor will be selected. If
the Probation Administrator disagrees, the Office of Disciplinary Counsel
will submit its proposed selection for practice monitor to the Chair of the
Disciplinary Board for appointment pursuant to ELC 13.8(a)(2), and will also
provide the Chair with the Respondent's written request that another practice
monitor be selected.
- f) In the event the practice monitor is no longer able to perform his or her duties, the
Probation Administrator will select a new practice monitor at his or her discretion.
- g) During the period of practice monitoring, Respondent must cooperate with the
named practice monitor. Respondent must meet with the practice monitor at least
once per month. Respondent must communicate with the practice monitor to
schedule all required meetings.

- 1 h) The Respondent must bring to each meeting a current, complete written list of all
2 pending client legal matters being handled by the Respondent. The list must
3 identify the current status of each client matter and any problematic issues regarding
4 each client matter. The list may identify clients by using the client's initials rather
5 than the client's name.
- 6 i) At each meeting, the practice monitor will discuss with Respondent practice issues
7 that have arisen or are anticipated. In light of the conduct giving rise to the
8 imposition of probation, ODC recommends that the practice monitor and
9 Respondent discuss whether Respondent is diligently making progress on each
10 client matter, whether Respondent is in communication with each client, whether
11 Respondent's fee agreements are consistent with the RPC and are understandable to
12 the client, and whether Respondent needs to consider withdrawing from any client
13 matters. Meetings may be in person or by telephone at the practice monitor's
14 discretion. The practice monitor uses discretion in determining the length of each
15 meeting.
- 16 j) The practice monitor will provide the Probation Administrator with quarterly
17 written reports regarding Respondent's compliance with probation terms and the
18 RPC. Each report must include the date of each meeting with Respondent, a brief
19 synopsis of the discussion topics, and a brief description of any concerns the
20 practice monitor has regarding the Respondent's compliance with the RPC. The
21 report must be signed by the practice monitor. Each report is due within 30 days of
22 the completion of the quarter.
- 23 k) If the practice monitor believes that Respondent is not complying with any of his
24 ethical duties under the RPC or if Respondent fails to schedule or attend a monthly
meeting, the practice monitor will promptly communicate that to the Probation
Administrator.
- l) If Respondent returns to solo practice and is subject to practice monitoring,
Respondent must make payments up to \$1,000 to the Washington State Bar
Association to defray the costs and expenses of the practice monitoring, as follows:
- i) \$250 due within 30 days of the start of the period of practice monitoring or
the end of the probation period, whichever is sooner;
 - ii) \$250 due within 6 months of the start of the period of practice monitoring or
the end of the probation period, whichever is sooner;
 - iii) \$250 due within 12 months of the start of the period of practice monitoring
or the end of the probation period, whichever is sooner; and
 - iv) \$250 due within 18 months of the start of the period of practice monitoring
or the end of the probation period, whichever is sooner.

All payments should be provided to the Probation Administrator for processing.

1
2 Continuing Legal Education

- 3 a) During the probation period, Respondent shall complete a minimum of four (4)
4 credit hours of continuing legal education courses, at Respondent's own expense, in
5 the areas of diligence, client communication, and practice management.
6 b) Respondent shall provide evidence of attendance at such courses to the Probation
7 Administrator no later than 30 days after the conclusion of the course. Proof of
8 attendance shall include the program brochure, evidence of payment, and a written
9 statement that includes the date and time of attendance.

10 Mental Health Treatment

- 11 a) As of the date execution of this stipulation, Respondent is undergoing treatment
12 with Heidi Seligman, LMHC. During the period of probation, Respondent shall
13 continue with any treatment recommended by Ms. Seligman. If Ms. Seligman
14 recommends continued treatment during the period of probation but is unable to
15 provide that treatment, Respondent shall undergo treatment with another provider
16 approved by the Probation Administrator.
17 b) Respondent shall comply with all requirements and recommendations of the
18 treatment provider, including but not limited to the completion of any period of in-
19 or out-patient treatment and aftercare and the taking of all prescribed medications.
20 c) Respondent shall execute an authorization allowing and directing the treatment
21 provider to take the following actions:
22 i) on a quarterly basis, send written reports to the Probation Administrator that
23 include the dates of treatment, whether Respondent has been cooperative
24 with treatment, and whether continued treatment is recommended;
25 ii) report immediately to the Probation Administrator if Respondent fails to
26 appear for treatment or stops treatment without the provider's agreement
27 and consent prior to either termination of the treatment plan or expiration of
28 the probation period set forth in this stipulation;
29 iii) report immediately to the Probation Administrator if Respondent fails to
30 comply with any treatment recommendations of the treatment provider;
31 iv) report immediately to the Probation Administrator if Respondent otherwise
32 violates any of the terms or conditions of treatment;
33 v) report immediately to the Probation Administrator if the provider will no
34 longer serve as treatment provider to Respondent prior to termination of the
35 treatment plan or expiration of the probation period set forth in this
36 stipulation; and

1 vi) report to the Probation Administrator if Respondent successfully completes
2 treatment and is discharged from further treatment.

3 Respondent shall provide a copy of the authorization to the Probation Administrator
4 upon execution.

5 d) Respondent is responsible for paying any and all fees, costs, and/or expenses of
6 mental health evaluation and treatment.

7 **VII. RESTITUTION**

8 50. No restitution is required by this stipulation.

9 **VIII. COSTS AND EXPENSES**

10 51. In light of Respondent's willingness to resolve this matter by stipulation at an early
11 stage of the proceedings, Respondent shall pay reduced attorney fees and administrative costs of
12 \$865 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC
13 13.9(1) if these costs are not paid within 30 days of approval of this stipulation.

14 **IX. VOLUNTARY AGREEMENT**

15 52. Respondent states that prior to entering into this stipulation he has consulted
16 independent legal counsel regarding this stipulation, that Respondent is entering into this
17 stipulation voluntarily, and that no promises or threats have been made by ODC, the
18 Association, nor by any representative thereof, to induce Respondent to enter into this
19 stipulation except as provided herein.

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

22 **X. LIMITATIONS**

23 54. This stipulation is a compromise agreement intended to resolve this matter in
24 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
expenditure of additional resources by Respondent and ODC. Both Respondent and ODC

1 acknowledge that the result after further proceedings in this matter might differ from the result
2 agreed to herein.

3 55. This stipulation is not binding upon ODC or Respondent as a statement of all
4 existing facts relating to the professional conduct of Respondent, and any additional existing
5 facts may be proven in any subsequent disciplinary proceedings.

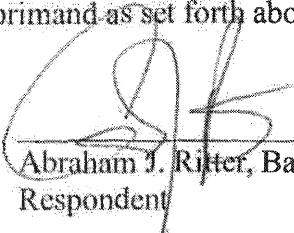
6 56. This stipulation results from the consideration of various factors by both parties,
7 including the benefits to both by promptly resolving this matter without the time and expense of
8 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
9 such, approval of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

13 57. Under ELC 3.1(b), all documents that form the record before the Hearing Officer for
14 his or her review become public information on approval of the stipulation by the Hearing
15 Officer, unless disclosure is restricted by order or rule of law.

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

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

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

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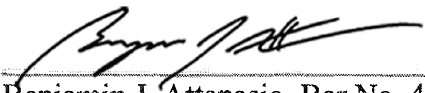
4 Abraham J. Ritter, Bar No. 42153
5 Respondent

Dated: 7/17/20

6 

7 Anne I. Seidel, Bar No. 22742
8 Counsel for Respondent

Dated: 7/17/20

9 

10 Benjamin J. Attanasio, Bar No. 43032
11 Disciplinary Counsel

Dated: 7/20/20