

FILED

Jul 31, 2023

Disciplinary
Board

Docket # 001

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

JACOB D. LIPSCOMB,

Lawyer (Bar No. 42977).

Proceeding No. 23#00045

ODC File No(s). 21-00390, 22-00455

Resignation Form of Jacob D. Lipscomb (ELC
9.3(b))

I, Jacob D. Lipscomb, declare as follows:

1. I am over the age of eighteen years and am competent. I make the statements in this declaration from personal knowledge.

2. I was admitted to practice law in the State of Washington on November 5, 2010.

3. After consulting with my counsel, Kenneth S. Kagan, I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Discipline under Rule 9.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

4. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to

1 permanently resign from membership in the Association.

2 5. I consent to entry of an order under ELC 13.9(e) assessing costs of \$90 and expenses
3 of \$1,500, for a total of \$1,590, in this matter.

4 6. I agree to pay any additional costs or restitution that may be ordered by a Review
5 Committee under ELC 9.3(g).

6 7. I understand that my resignation is permanent and that any future application by me
7 for reinstatement as a member of the Association is currently barred. If the Washington Supreme
8 Court changes this rule or an application is otherwise permitted in the future, it will be treated as
9 an application by one who has been disbarred for ethical misconduct. If I file an application, I
10 will not be entitled to a reconsideration or reexamination of the facts, complaints, allegations, or
11 instances of alleged misconduct on which this resignation was based.

12 8. I agree to (a) notify all other states and jurisdictions in which I am admitted of this
13 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in all
14 other states and jurisdictions in which I am admitted, and (c) provide Disciplinary Counsel with
15 copies of this notification and any response(s). I acknowledge that this resignation could be
16 treated as a disbarment by all other jurisdictions.

17 9. I agree to (a) notify all other professional licensing agencies in any jurisdiction from
18 which I have a professional license that is predicated on my admission to practice law of this
19 resignation in lieu of discipline; (b) seek to resign permanently from any such license; and (c)
20 provide disciplinary counsel with copies of any of these notifications and any responses.

21 10. I agree that when applying for any employment, I will disclose the resignation in
22 lieu of discipline in response to any question regarding disciplinary action or the status of my
23 license to practice law.

1 11. I understand that my resignation becomes effective on Disciplinary Counsel's
2 endorsement and filing of this document with the Clerk.

3 12. I agree that, from June 12, 2023 to the date my resignation becomes effective, I will
4 not receive, deposit, transfer, disburse, or otherwise handle client or third person funds that were
5 not already in my possession or control prior to June 12, 2023.

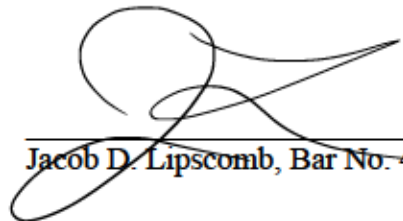
6 13. When my resignation becomes effective, I agree to be subject to all restrictions that
7 apply to a disbarred lawyer.

8 14. Upon filing of my resignation, I agree to comply with the same duties as a disbarred
9 lawyer under ELC 14.1 through ELC 14.4.

10 15. I understand that, after my resignation becomes effective, it is permanent. I will
11 never be eligible to apply and will not be considered for admission or reinstatement to the practice
12 of law nor will I be eligible for admission for any limited practice of law.

13 16. I certify under penalty of perjury under the laws of the State of Washington that the
14 foregoing is true and correct.

15 June 15, 2023 Tacoma, WA
16 Date and Place



Jacob D. Lipscomb, Bar No. 42977

17 ENDORSED BY:

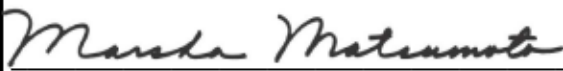
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19 Marsha Matsumoto, Disciplinary Counsel
20 Bar No. 15831

EXHIBIT A

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**STATEMENT OF ALLEGED
MISCONDUCT UNDER ELC 9.3(b)(1)**

The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

I. ADMISSION TO PRACTICE

1. Respondent Jacob D. Lipscomb was admitted to the practice of law in the State of Washington on November 5, 2010.

II. ALLEGED FACTS

2. At all times relevant to this matter, Respondent maintained an Interest on Lawyer's Trust Account (trust account), ending in 3350, at Key Bank for the deposit of client funds.

1 **Client Ana Alvarez**

2 3. Respondent represented Ana Alvarez in a personal injury claim arising out of a
3 December 2019 motor vehicle collision in which Alvarez was injured.

4 4. Alvarez received medical treatment for Alvarez's injuries from Chiropractic
5 Physicians of Tacoma. At the conclusion of treatment, Alvarez had an outstanding balance of
6 \$9,996.28 in chiropractic bills.

7 5. In October 2020, Respondent settled Alvarez's claim with the at-fault party's
8 insurance company for \$23,000.

9 6. Respondent informed Alvarez that Respondent would pay Chiropractic Physicians'
10 bill from Alvarez's settlement funds.

11 7. Respondent did not promptly pay Chiropractic Physicians.

12 8. In May 2021, Chiropractic Physicians contacted Respondent's office and was
13 informed that a check would be mailed. When Chiropractic Physicians did not receive a check,
14 it turned over Alvarez's account to a collection agency.

15 9. Respondent did not pay Chiropractic Physicians until October 5, 2022, when Check
16 5066 to Chiropractic Physicians in the amount of \$9,496.28 cleared Respondent's trust account.

17 **Failure to Preserve and Safeguard Client Funds**

18 10. During the period May 2020 through December 2022, Respondent failed to maintain
19 a complete and current check register for Respondent's trust account.

20 11. During the period May 2020 through December 2022, Respondent failed to maintain
21 complete and current client ledgers.

22 12. During the period May 2020 through December 2022, Respondent failed to
23 reconcile a trust account check register to the bank statements and failed to register a trust account

1 register to a combined total of client ledgers.

2 13. On more than 40 occasions, Respondent withdrew attorney fees from the trust
3 account before depositing the related settlement funds into the trust account. Respondent covered
4 these withdrawals by using the funds of other clients without entitlement.

5 14. On more than 50 occasions, Respondent disbursed funds from the trust account to
6 clients and third persons before depositing the related settlement funds into the trust account.
7 Respondent covered these disbursements by using the funds of other clients without entitlement.

8 15. In more than 10 client matters, after depositing clients' funds into the trust account,
9 Respondent disbursed more funds than the clients had on deposit.

10 16. In more than 30 client matters, Respondent failed to promptly pay or deliver funds
11 to clients and third persons entitled to receive them.

12 17. During the period May 2020 through December 2022, Respondent's trust account
13 had substantial shortages of client funds. The shortages ranged from \$2,600 to more than
14 \$195,000.

15 **III. ALLEGED MISCONDUCT.**

16 18. By failing to promptly pay or deliver funds to Chiropractic Physicians that it was
17 entitled to receive, Respondent violated RPC 1.15A(f).

18 19. By using and converting client and third person funds for Respondent's own use,
19 Respondent violated RPC 1.15A(b).

20 20. By failing to maintain client funds in a trust account, Respondent violated RPC
21 1.15A(c).

22 21. By using one client's funds on behalf of another, Respondent violated RPC
23 1.15A(h)(8).

