

FILED

Dec 17 2018

Disciplinary
Board

Docket # 014

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

10 In re

11 **KENDRA NICOLE ALLEN-GRANT,**

12 Lawyer (Bar No. 44080).

Proceeding No. 18#00052

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND HEARING OFFICER'S
RECOMMENDATION

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14 The undersigned Hearing Officer held a default hearing by written submission
15 under Rule 10.6 of the Washington Supreme Court's Rules for Enforcement of Lawyer
16 Conduct (ELC).

17 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**
18 **REGARDING CHARGED VIOLATIONS**

19 1. The Formal Complaint (Bar File No.002) charged Kendra Nicole Allen-Grant
20 with misconduct as set forth therein. A copy of the Formal Complaint is attached to this
21 decision, and is incorporated by reference.

22 2. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the
23 violations charged in the Formal Complaint is admitted. They establish as follows:
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COUNT 1

By committing one or more criminal acts, Respondent violated RPC 8.4(b) and RPC 8.4(i).

COUNT 2

By engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, Respondent violated RPC 8.4(c).

COUNT 3

By violating court orders, Respondent violated RPC 8.4(d) and RPC 8.4(j).

COUNT 4

By engaging in conduct demonstrating unfitness to practice law, Respondent violated RPC 8.4(n).

COUNT 5

By failing to provide a prompt response to an inquiry or request relating to a grievance investigation, Respondent violated RPC 8.4(l) (through violation of ELC 1.5 and ELC 5.3(f)).

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING RECOMMENDED SANCTION**

3. The following standards of the American Bar Association's Standards for Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively apply in this case:

5.1 Failure to Maintain Personal Integrity

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 commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, or in cases with conduct involving dishonesty, fraud, deceit, or misrepresentation:

- 1 5.11 Disbarment is generally appropriate when:
2 (a) a lawyer engages in serious criminal conduct, a necessary element
3 of which includes intentional interference with the administration of justice,
4 false swearing, misrepresentation, fraud, extortion, misappropriation, or
5 theft; or the sale, distribution or importation of controlled substances; or the
6 intentional killing of another; or an attempt or conspiracy or solicitation of
7 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 adversely
10 reflects on the lawyer's fitness to practice.
- 11 5.12 Suspension is generally appropriate when a lawyer knowingly engages in
12 criminal conduct which does not contain the elements listed in Standard
13 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.
- 14 5.13 Reprimand is generally appropriate when a lawyer knowingly engages in
15 any other conduct that involves dishonesty, fraud, deceit, or
16 misrepresentation and that adversely reflects on the lawyer's fitness to
17 practice law.
- 18 5.14 Admonition is generally appropriate when a lawyer engages in any other
19 conduct that reflects adversely on the lawyer's fitness to practice law.

20 **6.2 Abuse of the Legal Process**

21 Absent aggravating or mitigating circumstances, upon application of the factors
22 set out in Standard 3.0, the following sanctions are generally appropriate in cases
23 involving failure to expedite litigation or bring a meritorious claim, or failure to obey
24 any obligation under the rules of a tribunal except for an open refusal based on
an assertion that no valid obligation exists:

- 25 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a
26 court order or rule with the intent to obtain a benefit for the lawyer or
27 another, and causes serious injury or potentially serious injury to a party or
28 causes serious or potentially serious interference with a legal proceeding.
- 29 6.22 Suspension is generally appropriate when a lawyer knows that he or she
30 is violating a court order or rule, and causes injury or potential injury to a
31 client or a party, or causes interference or potential interference with a legal
32 proceeding.
- 33 6.23 Reprimand is generally appropriate when a lawyer negligently fails to
34 comply with a court order or rule, and causes injury or potential injury to a
35 client or other party, or causes interference or potential interference with a
36 legal proceeding.

1 6.24 Admonition is generally appropriate when a lawyer engages in an isolated
2 instance of negligence in complying with a court order or rule, and causes
3 little or no actual or potential injury to a party, or causes little or no actual
4 or potential interference with a legal proceeding.

5 **7.0 Violations of Duties Owed as a Professional**

6 Absent aggravating or mitigating circumstances, upon application of the factors
7 set out in Standard 3.0, the following sanctions are generally appropriate in cases
8 involving false or misleading communication about the lawyer or the lawyer's
9 services, improper communication of fields of practice, improper solicitation of
10 professional employment from a prospective client, unreasonable or improper
11 fees, unauthorized practice of law, improper withdrawal from representation, or
12 failure to report professional misconduct.

13 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in
14 conduct that is a violation of a duty owed as a professional with the intent
15 to obtain a benefit for the lawyer or another, and causes serious or
16 potentially serious injury to a client, the public, or the legal system.

17 7.2 Suspension is generally appropriate when a lawyer knowingly engages in
18 conduct that is a violation of a duty owed as a professional and causes
19 injury or potential injury to a client, the public, or the legal system.

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

23 7.4 Admonition is generally appropriate when a lawyer engages in an isolated
24 instance of negligence that is a violation of a duty owed as a professional,
and causes little or no actual or potential injury to a client, the public, or the
legal system.

4. Respondent acted intentionally when she gave false information to police,
shoplifted, and obstructed her arrest.

5. Respondent's conduct caused actual harm to the legal system by diminishing
the public's confidence in lawyers.

6. The presumptive sanction for Counts 1 and 2 is disbarment under ABA
Standard 5.11.

7. Respondent acted knowingly when she failed to appear for her criminal court

1 | dates and failed to abide by the court's order establishing conditions for release.

2 | 8. Respondent's conduct caused actual injury to the State by preventing the
3 | State from proceeding with its prosecutions and also harmed the legal system by wasting
4 | court resources.

5 | 9. The presumptive sanction for Counts 3 and 4 is suspension under ABA
6 | Standard 6.22.

7 | 10. Respondent acted negligently when she failed to respond to ODC's request
8 | for a response to the grievance.

9 | 11. Respondent's conduct caused actual harm to the legal system by preventing
10 | ODC from fully investigating the grievance.

11 | 12. The presumptive sanction for Count 5 is reprimand under ABA Standard 7.3.

12 | 13. The following aggravating factors set forth in Section 9.22 of the ABA
13 | Standards apply in this case:

- 14 | (c) a pattern of misconduct; and
- 15 | (d) multiple offenses.

16 | 14. It is an additional aggravating factor that Respondent failed to file an answer
17 | to the Formal Complaint as required by ELC 10.5(a).

18 | 15. The following mitigating factors set forth in Section 9.32 of the ABA Standards
19 | apply to this case:

- 20 | (a) absence of a prior disciplinary record; and
- 21 | (c) personal or emotional problems [Respondent appears to be battling
22 | addiction].

23 | 16. The aggravating and mitigating factors do not provide cause to deviate from
24 | the presumptive sanction of disbarment.

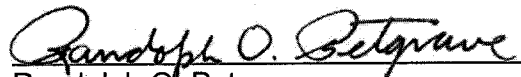
24 | 17. The "ultimate sanction imposed should at least be consistent with the sanction

1 for the most serious instance of misconduct among a number of violations." In re
2 Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854, 846 P.2d 1330 (1993).

3 **RECOMMENDATION**

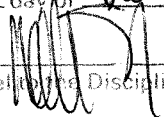
4 18. Based on the ABA Standards and the applicable aggravating and mitigating
5 factors, the Hearing Officer recommends that Respondent Kendra Nicole Allen-Grant be
6 disbarred.

7 DATED this 14th day of December, 2018.

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9 
10 Randolph O. Petgrave
11 Hearing Officer

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13 **CERTIFICATE OF SERVICE**

14 I certify that I caused a copy of the FOF, COL & HDU Recommendation
15 to be delivered to the Office of Disciplinary Counsel and to be mailed
16 to Kendra Allen-Grant Respondent/Respondent's Counsel
17 at 1333 Westlake Ave Spokane, WA 99201 by Certified/first class mail
18 postage prepaid on the 14th day of Dec, 2018

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Clerk/Counsel to the Disciplinary Board

FILED

Sep 20 2018

Disciplinary
Board

Docket # 002

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BEFORE THE
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In re

KENDRA NICOLE ALLEN-GRANT,

Lawyer (Bar No. 44080).

Proceeding No. 18#00052

FORMAL COMPLAINT

Under Rule 10.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association charges the above-named lawyer with acts of misconduct under the Washington Supreme Court's Rules of Professional Conduct (RPC) as set forth below.

ADMISSION TO PRACTICE

1. Respondent Kendra Nicole Allen-Grant was admitted to the practice of law in the State of Washington on November 7, 2011.

FACTS REGARDING COUNTS 1-4

2. On January 17, 2017, Spokane Police found Respondent asleep in the driver's seat of her car. When asked for her identification, Respondent presented her Spokane County picture

1 identification and told police that she was a public defender.

2 3. A drug recognition expert determined Respondent was exhibiting signs of
3 impairment consistent with drug and/or alcohol use.

4 4. On January 18, 2017, Respondent was charged in Spokane Municipal Court with
5 physical control of vehicle while under the influence (RCW 46.61.504). Spokane v. Allen-
6 Grant, Spokane Municipal Court No. 7Z020488.

7 5. The court entered an Order Setting Conditions of Release and Court Date, which
8 included, among others, the following conditions: (1) do not commit new criminal law
9 violations while this case is pending; and (2) do not use, possess or consume alcohol, marijuana,
10 or controlled substances unless prescribed by a physician and then only in the manner
11 prescribed.

12 6. On July 20, 2017, Respondent failed to appear at a pretrial conference and a warrant
13 was issued for her arrest.

14 7. Respondent's failure to appear at the pretrial conference was knowing.

15 8. On July 30, 2017, Spokane Police arrested Respondent on her outstanding warrant.

16 9. At the time of her arrest, Respondent was in possession of methamphetamine.

17 10. This conduct violated the conditions of release ordered in Case No. 7Z020488.

18 11. Respondent's violation of the conditions of release was knowing.

19 12. On August 4, 2017, Respondent was charged in Spokane County Superior Court
20 with possession of a controlled substance (RCW 69.50.4013). State v. Allen-Grant, Spokane
21 County Superior Court No. 17-1-02941-7.

22 13. On August 22, 2017, the court entered Release Conditions Pending Trial, which
23 included the following: (1) remain at [confidential residential address], Spokane, WA 99204;

1 (2) do not use or possess non-prescribed controlled substances, legend drugs, or drug
2 paraphernalia; and (3) obey any and all court orders in effect and, if under supervision, obey all
3 conditions of supervision.

4 14. On October 10, 2017, Spokane Police responded to a suspicious person report.
5 Respondent was identified as the subject of the report and arrested on an outstanding warrant.

6 15. At the time of her arrest, Respondent was in possession of methamphetamine.

7 16. This conduct violated the conditions of release ordered in Case Nos. 7Z020488 and
8 17-1-02941-7.

9 17. Respondent's violation of the conditions of release was knowing.

10 18. On October 11, 2017, Respondent appeared in Spokane Superior Court. The court
11 entered an Order Establishing Conditions for Release, which included the following: (1) appear
12 at all court dates; (2) regularly contact her/his attorney; (3) remain in Spokane County; (4) do
13 not use or possess non prescribed controlled substances, legend drugs, or drug paraphernalia;
14 and (5) commit no criminal law violations.

15 19. On October 12, 2017, Respondent was charged with possession of a controlled
16 substance (RCW 69.50.4013). State v. Allen-Grant, Spokane County Superior Court No. 17-1-
17 04087-9.

18 20. On October 24, 2017, the court entered a Scheduling Order Setting Trial and Other
19 Hearings for Case Nos. 17-1-02941-7 and 17-1-04087-9, which set pretrial conferences in both
20 cases on December 29, 2017.

21 21. Respondent did not appear at the pretrial conferences.

22 22. Respondent's failure to appear at the pretrial conferences was knowing.

23 23. On January 3, 2018, the court issued a warrant for Respondent's arrest, which

1 remains outstanding.

2 24. Sometime after October 24, 2018, Respondent traveled to California. This conduct
3 violated the conditions of release ordered in Case Nos. 17-1-02941-7 and 17-1-04087-9.

4 25. Respondent's violation of the conditions of release was knowing.

5 26. On January 27, 2018, Respondent was arrested in Ventura County, California, and
6 provided a false identity to a police officer.

7 27. This conduct violated the conditions of release ordered in Case Nos. 7Z020488, 17-
8 1-02941-7, and 17-1-04087-9.

9 28. Respondent's violation of the conditions of release was knowing.

10 29. On January 30, 2018, Respondent pleaded guilty in Ventura County Superior Court
11 to giving false information to a police officer (California Penal Code (CPC) § 148.9(a)). People
12 v. Allen-Grant, Ventura County Superior Court Case No. 2019003113.

13 30. On March 4, 2018, in Santa Barbara County, California, Respondent stole
14 merchandise belonging to Kmart and obstructed Santa Barbara County Sheriff's Office
15 deputies.

16 31. This conduct violated the conditions of release ordered in Case Nos. 7Z020488, 17-
17 1-02941-7, and 17-1-04087-9.

18 32. Respondent's violation of the conditions of release was knowing.

19 33. On March 6, 2018, Respondent was charged in Santa Barbara Superior Court with
20 shoplifting (CPC § 459.5(a)) (Count 1); battery upon an officer or emergency personnel
21 (CPC § 243(b)) (Count 2); and resist, obstruct, delay of a peace officer or EMT (obstruction)
22 (CPC § 148(a)(1)) (Count 3). People v. Allen-Grant, Santa Barbara County Superior Court Case
23 No. 18CR02034.

1 34. On March 9, 2018, Respondent pleaded guilty to shoplifting and obstruction.

2 35. Respondent acted knowingly when she violated the court ordered conditions of
3 release by leaving the State, failing to appear for court dates, possessing controlled substances
4 and committing new crimes.

5 36. Respondent's conduct caused actual injury to the State by preventing the State from
6 proceeding with its prosecution. Her conduct also injured the legal system by wasting court
7 resources.

8 37. Respondent acted intentionally when committing the crimes of providing false
9 information to a police officer, theft, and obstructing.

10 38. Respondent caused actual harm to legal system by diminishing the public's
11 confidence in lawyers.

12 39. Respondent's conduct, as described above, seriously adversely reflects on
13 Respondent's fitness to practice law.

14 **COUNT 1**

15 40. By committing one or more of the criminal acts described above, Respondent
16 violated RPC 8.4(b) and/or RPC 8.4(i).

17 **COUNT 2**

18 41. By engaging in the conduct described above involving dishonesty, fraud, deceit, or
19 misrepresentation, Respondent violated RPC 8.4(c).

20 **COUNT 3**

21 42. By violating court orders as described above, Respondent violated RPC 8.4(d) and/or
22 RPC 8.4(j).

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COUNT 4

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2 43. By engaging in conduct demonstrating unfitness to practice law as described above,
3 Respondent violated RPC 8.4(n).

4 **FACTS REGARDING COUNT 5**

5 44. On February 7, 2018, ODC opened a grievance against Respondent, File No. 18-
6 00188, based on a report of her conduct set forth above.

7 45. On February 27, 2018, Disciplinary Counsel mailed Respondent a request to respond
8 to this grievance within 30 days to her business address on file with the Washington State Bar
9 Association.

10 46. On March 16, 2018, the mail was returned to ODC as undeliverable/unable to
11 forward.

12 47. On March 20, 2018, Disciplinary Counsel re-sent the request to a new, confidential
13 address.

14 48. On March 30, 2018, the mail was returned to ODC as undeliverable/unable to
15 forward.

16 49. On April 27, 2018, Disciplinary Counsel emailed Respondent a copy of the request
17 using the email address the Washington State Bar Association had on file.

18 50. On April 30, 2018, the email was returned as undeliverable.

19 51. Also on April 30, 2018, Disciplinary Counsel mailed the request to other addresses
20 discovered through investigation.

21 52. All of the April 30 2018 letters were returned to ODC as undeliverable/unable to
22 forward.

23 53. On June 28, 2018, Disciplinary Counsel sent Respondent the analysis letter in this

1 matter.

2 54. Respondent did not respond.

3 55. Respondent's failure to respond to this grievance was negligent.

4 56. Respondent's conduct caused injury to ODC by preventing ODC from fully
5 investigating this grievance.

6 **COUNT 5**

7 57. By failing to provide a prompt response to an inquiry or request relating to a
8 grievance investigation, Respondent violated RPC 8.4(l) (through violation of ELC 1.5 and/or
9 5.3(f)).

10


11 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
12 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
13 restitution, and assessment of the costs and expenses of these proceedings.

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15 Dated this 20th day of September, 2018.

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Kathy Jo Blake, Bar No. 29235
Managing Disciplinary Counsel

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