

FILED

Apr 23, 2021

Disciplinary
Board

Docket # 002

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

GROVER MATTHEW LOFTIN,

Lawyer (Bar No. 44942).

Proceeding No. 21#00009

ODC File No. 20-00247

Resignation Form of Grover Matthew Loftin
(ELC 9.3(b))

I, Grover Matthew Loftin, 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 June 18, 2012.

3. 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 expenses of \$1,500 in
3 | 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,
13 | including Texas, of this resignation in lieu of discipline; (b) seek to resign permanently from the
14 | practice of law in all other states and jurisdictions in which I am admitted, including Texas; and
15 | (c) provide Disciplinary Counsel with copies of this notification and any response(s). I
16 | acknowledge that this resignation could be 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, and that under ELC 9.3(c) Disciplinary
3 Counsel must do so promptly following receipt of this document.

4 12. When my resignation becomes effective, I agree to be subject to all restrictions that
5 apply to a disbarred lawyer.

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

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

11 15. I certify under penalty of perjury under the laws of the State of Washington that the
12 foregoing is true and correct.

13 April 22, 2021 Seattle WA
14 Date and Place


15 Grover Matthew Loftin
16 Bar No. 44942

17 ENDORSED BY:



18 _____
19 Henry Cruz, Disciplinary Counsel
20 Bar No. 38799

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 Grover Matthew Loftin was admitted to the practice of law in the State of Washington on June 18, 2012.

II. ALLEGED FACTS

2. On February 9, 2019, the law firm of Carney, Badley, Spellman (“CBS”) hired Respondent as a Principal of the firm.

3. Respondent primarily practiced estate planning and estate administration while employed at CBS.

1 4. Respondent's salary at CBS was based on annual goals set by the firm. A bonus at
2 the end of the calendar year was dependent on Respondent achieving the annual goals.

3 5. Client billings at CBS were based on logged hours in the firm's time management
4 system, RIPPE.

5 6. According to the CBS policy manual, the firm's policy was that time should be
6 logged in RIPPE "when a task has been completed." On June 28, 2019, Respondent signed
7 CBS's policy manual containing this language.

8 7. Starting as early as March 2019, at least for estate planning matters, Respondent
9 included in RIPPE estimated time for documents on which Respondent had not yet worked.

10 8. Respondent did not indicate in the description of service or anywhere else in
11 RIPPE that any of the logged time was an estimate, so that it appeared that all hours logged
12 represented time for work actually completed and billable.

13 9. Respondent's logged hours, including the estimated time, were viewed by CBS
14 supervisors in monthly reports.

15 10. Respondent did not otherwise inform accounting or Respondent's CBS supervisors
16 of this practice of logging estimated, unbillable time.

17 11. In approximately the fall of 2019, Respondent was told that Respondent's billing
18 collection numbers for the year were significantly low and that Respondent needed to
19 significantly increase billings and collections by the end of the year.

20 12. Starting as early as September 2019, Respondent authorized or, at a minimum,
21 allowed the estimated time logged in RIPPE to be billed to clients as work performed when in
22 fact Respondent had not performed the work on multiple occasions while employed by CBS.

23 13. As a result of one of these billings, client RR/RC paid for work that was never

1 done.

2 14. On multiple occasions while employed by CBS, Respondent presented clients with
3 invoices that falsely represented to clients the date on which a completed task was performed.

4 15. At the beginning of January 2020, after receiving client complaints about
5 Respondent's failure to complete work in a timely manner, CBS conducted an audit of
6 Respondent's logged time and respective billings from the last quarter of 2019.

7 16. On or about January 6, 2020, CBS took a snapshot of the hard drive of
8 Respondent's firm-issued laptop and found that Respondent had logged hours, and in some
9 cases billed clients, for document preparation where the documents could not be located.

10 17. During the course of CBS's investigation into the missing documents, Respondent
11 made it appear in Respondent's laptop that documents had been drafted when in fact they had
12 not.

13 18. On January 22, 2020, CBS terminated Respondent's employment.

14 **III. ALLEGED MISCONDUCT.**

15 19. By falsely communicating to clients about the services performed and hours billed
16 and by recording a false date on which the work was completed in client invoices, Respondent
17 violated RPC 1.4, RPC 7.1, and RPC 8.4(c).

18 20. By charging a fee for work not performed, Respondent violated RPC 1.5(a) and
19 RPC 8.4(c).

20 21. By logging hours in RIPPE for time not actually spent and by making it appear in
21 RIPPE and in Respondent's laptop that documents had been drafted when they had not,
22 Respondent violated RPC 8.4(c).

1 DATED this 22nd day of April, 2021.



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3 Henry Cruz, Bar No. 38799
4 Disciplinary Counsel

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