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7 BEFORE THE  
LIMITED PRACTICE BOARD  
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9 In re  
10 JOANNA L. DERNBACH,  
11 Limited Practice Officer (LPO No.  
12 10112).

LFP No. 10#00001  
STIPULATION TO REVOCATION

13 Under Rule 9.1 of the Rules for Enforcement of Limited Practice Officer Conduct  
14 (ELPOC), the following Stipulation to Revocation is entered into by the Limited Practice Board  
15 (Board), through senior disciplinary counsel Jonathan Burke and respondent Joanna Dernbach  
16 (Respondent).

17 Respondent understands that she is entitled under the ELPOC to a hearing, to present  
18 exhibits and witnesses on her behalf, and to have a hearing officer determine the facts,  
19 misconduct and sanction in this case. Respondent further understands that she is entitled under  
20 the ELPOC to appeal the outcome of a hearing to the Board, and, in certain cases, the Supreme  
21 Court. Respondent further understands that a hearing and appeal could result in an outcome  
22 more favorable or less favorable to her. Respondent chooses to resolve this proceeding now by  
23 entering into the following stipulation to facts, misconduct, and sanction to avoid the risk, time,  
24 expense and publicity attendant to further proceedings.

1 **I. ADMISSION TO PRACTICE**

2 1. Respondent was admitted to engage in the limited practice of law in the State of  
3 Washington on June 2, 2005.

4 **II. STIPULATED FACTS**

5 2. Prior to December 5, 2008, Respondent had been employed as a limited practice  
6 officer (LPO) at Oak Harbor Stewart Title of Island County (Stewart Title) for approximately  
7 two and one-half (2 ½) years.

8 3. On December 5, 2008, Respondent was laid off work by Stewart Title due to a slow  
9 down in business.

10 4. Following Respondent's termination and during the period from December 5, 2008  
11 through December 6, 2008, Respondent without authority, intentionally gained access to a  
12 computer system or electronic database of Stewart Title.

13 5. During the period that Respondent gained access to Stewart Title's computer system  
14 without authority on December 5, 2008 and December 6, 2008, Respondent intentionally and  
15 maliciously caused physical damage to the property of Stewart Title in an amount exceeding  
16 \$250.

17 6. The damage caused by Respondent included altering and deleting files of Stewart  
18 Title customers.

19 7. On April 2, 2010, Respondent was found guilty after a jury trial of Second Degree  
20 Computer Trespass in violation of Revised Code of Washington (RCW) 9A.52.120, which is a  
21 gross misdemeanor.

22 8. On April 2, 2010, Respondent was found guilty after a jury trial of Second Degree  
23 Malicious Mischief in violation of RCW 9A.48.080, which is a Class C felony.

1 **III. STIPULATION TO MISCONDUCT**

2 9. By engaging in Computer Trespass in violation of RCW 9A.52.120 and by engaging  
3 in Second Degree Malicious Mischief, Respondent violated Rule 1.10(b) of the Limited Practice  
4 Officer Rules of Professional Conduct (LPORPC).

5 **IV. PRIOR DISCIPLINE**

6 10. Respondent has no prior discipline.

7 **V. SANCTION ANALYSIS**

8 11. In Washington, the rules and procedures governing LPO discipline (LPORPC and  
9 ELPOC) are modeled on the rules governing lawyer discipline (Rules for Professional Conduct  
10 and Rules for Enforcement of Lawyer Discipline). The Washington Supreme Court has held  
11 that the American Bar Association Standards for Imposing Lawyer Sanctions (1991 ed. & Feb.  
12 1992 Supp.) (“ABA Standards”) provide the appropriate framework to impose disciplinary  
13 sanctions in lawyer discipline cases. In re Disciplinary Proceeding Against Halverson, 140  
14 Wn.2d 475, 492, 998 P.2d 833 (2000).

15 12. The application of the ABA Standards by analogy in this case would result in a  
16 presumptive sanction of disbarment under ABA Standard 5.11(b).<sup>1</sup>

17 13. Respondent intentionally and deceitfully altered and deleted files belonging to  
18 Stewart Title.

19 14. Respondent’s deceitful conduct seriously adversely reflects on her fitness to practice  
20 as a LPO.

21 <sup>1</sup> Although the ABA Standards have been applied by analogy, there are significant differences between  
22 discipline for lawyers and LPOs. For example, a disbarred lawyer may not seek reinstatement from  
23 disbarment until after a period of five years. Rule 25.1(b) of the Admission to Practice Rules (APR).  
24 An LPO may seek reinstatement of a revoked license after two years. APR 12, Regulation 16.1(A). The  
maximum length of suspension for lawyers is three years. Rule 13.3(a) of the Rules for Enforcement of  
Lawyer Conduct. The maximum length of suspension for LPOs is one year. ELPOC 13.3(a).

1 15. The presumptive sanction for Respondent's misconduct is revocation of her LPO  
2 license.

3 16. The following mitigating factors apply to Respondent's conduct:

4 (a) Absence of a prior disciplinary record.

5 (b) Cooperative attitude toward proceedings.

6 17. These two mitigating factors do not warrant a less severe sanction than revocation.

7 **VI. STIPULATED DISCIPLINE**

8 18. The parties agree that Respondent's LPO license will be revoked. Reinstatement  
9 will be conditioned on repayment of costs.

10 **VII. RESTITUTION**

11 19. During the criminal proceedings, Respondent was ordered to pay restitution to  
12 Stewart Title (\$471.88) and to the court (\$817.00). Respondent has paid all court ordered  
13 restitution.

14 **VIII. COSTS AND EXPENSES**

15 20. In light of Respondent's willingness to resolve this matter by stipulation at an early  
16 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$500 in  
17 accordance with ELPOC 13.9(i). The Board through disciplinary counsel will seek a money  
18 judgment under ELPOC 13.9(l) if these costs are not paid within 30 days of approval of this  
19 stipulation.

20 **IX. VOLUNTARY AGREEMENT**

21 21. Respondent states that prior to entering into this Stipulation she had an opportunity  
22 to consult independent legal counsel regarding this Stipulation, that Respondent is entering into  
23 this Stipulation voluntarily, and that no promises or threats have been made by the Board, nor  
24

1 by any representative thereof, to induce the Respondent to enter into this Stipulation except as  
2 provided herein.

### 3 X. LIMITATIONS

4 22. This Stipulation is a compromise agreement intended to resolve this matter in  
5 accordance with the purposes of LPO discipline while avoiding further proceedings and the  
6 expenditure of additional resources by the Respondent and the Board. Both the Respondent  
7 lawyer and the Board acknowledge that the result after further proceedings in this matter might  
8 differ from the result agreed to herein.

9 23. This Stipulation is not binding upon the Board or Respondent as a statement of all  
10 existing facts relating to the professional conduct of the respondent lawyer, and any additional  
11 existing facts may be proven in any subsequent disciplinary proceedings.

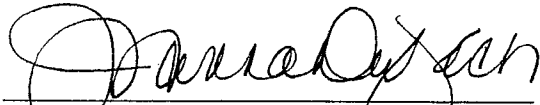
12 24. This Stipulation results from the consideration of various factors by both parties,  
13 including the benefits to both by promptly resolving this matter without the time and expense of  
14 hearings, Limited Practice Board appeals, and Supreme Court appeals or petitions for review.  
15 As such, approval of this Stipulation will not constitute precedent in determining the appropriate  
16 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in  
17 subsequent proceedings against Respondent to the same extent as any other approved  
18 Stipulation.

19 25. Under Limited Practice Board policy, in addition to the Stipulation, the Board shall  
20 have available to it for consideration all documents that the parties agree to submit to the Board,  
21 and all public documents. Under ELPOC 3.1(b), all documents that form the record before the  
22 Board for its review become public information on approval of the Stipulation by the Board,  
23 unless disclosure is restricted by order or rule of law.

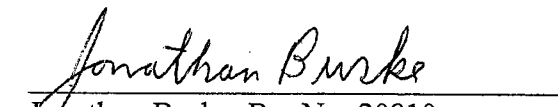
1           26. If this Stipulation is approved by the Board and Supreme Court, it will be followed  
2 by the disciplinary action agreed to in this Stipulation. All notices required in the Rules for  
3 Enforcement of Limited Practice Officer Conduct will be made.

4           27. If this Stipulation is not approved by the Board and Supreme Court, this Stipulation  
5 will have no force or effect, and neither it nor the fact of its execution will be admissible as  
6 evidence in the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or  
7 in any civil or criminal action.

8           WHEREFORE the undersigned being fully advised, adopt, and agree to the facts and  
9 terms of this Stipulation to Revocation as set forth above.

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11           \_\_\_\_\_  
12           Joanna Dernbach, LPO No. 10112  
13           Respondent

Dated: 8/10/10

14             
15           \_\_\_\_\_  
16           Jonathan Burke, Bar No. 20910  
17           Disciplinary Counsel

Dated: 8/13/10