

FILED

Feb 3, 2025

Disciplinary
Board

Docket # 033

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

THOMAS MICHAEL GEIGER,
Lawyer (Bar No. 6885).

Proceeding No. 24#00024

ODC File No. 23-00771

STIPULATION TO 30-DAY SUSPENSION

Following settlement conference conducted
under ELC 10.12(h)

Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), and following a settlement conference conducted under ELC 10.12(h), the following Stipulation to 30-Day Suspension is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Henry Cruz and Respondent lawyer Thomas Michael Geiger.

Respondent understands that Respondent is entitled under the ELC to a hearing, to present exhibits and witnesses on Respondent's behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that Respondent 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 Respondent. Respondent chooses to resolve this

1 proceeding now by entering into the following stipulation to facts, misconduct, and sanction to
2 avoid the 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 October 27,
5 1976.

6 **II. STIPULATED FACTS**

7 2. Respondent represented Bertha Vlachos in various legal matters.

8 3. On April 24, 2001, Vlachos died intestate.

9 4. Vlachos's sole heir was Vlachos's sister, Effie Larrick (Effie).

10 Probate Matter

11 5. Respondent communicated with Effie's two sons, Kenneth Larrick (Ken) and Allen
12 Larrick (Allen), about administering Vlachos's estate (hereinafter "the estate").

13 6. In June 2001, Respondent informed the Department of Social and Health Services of
14 the State of Washington (DSHS) of Vlachos's death because Vlachos had been receiving state
15 medical assistance.

16 7. On or about August 6, 2001, DSHS filed three liens against Vlachos's real property in
17 Grand Coulee, Washington (hereinafter "the Grand Coulee property") for medical bills in the
18 amount of \$26,462.22 (hereinafter "DSHS lien").

19 8. DSHS informed Respondent that the advantage to probating the estate was that all
20 probate fees would be paid prior to the state receiving any funds from the estate and that the DSHS
21 lien was "only against the [estate's] real property (land and structures)."

22 9. Respondent informed Ken and Allen that the estate was insolvent because of the
23 DSHS lien.

1 10. On April 12, 2002, Allen passed away.

2 11. Respondent agreed to represent Ken in administering the estate in probate and in
3 selling the Grand Coulee property on a pro bono basis.

4 12. Respondent had no prior experience handling a probate matter with an insolvent estate
5 or handling a probate matter with real property subject to a DSHS lien.

6 13. Respondent did not know how to handle a DSHS lien.

7 14. On September 18, 2002, Respondent filed a petition for letters of administration on
8 behalf of Ken (Matter of Estate of Vlachos, Grant County Superior Court Case No. 02-4-00145-
9 2).

10 15. On September 20, 2002, the court appointed Ken as personal representative of the
11 estate and declared the estate insolvent, which meant the court would supervise the probate.

12 16. RCW 11.76.010 requires the personal representative to file annual reports with the
13 court in a court-supervised probate matter.

14 17. Respondent never filed any annual reports under RCW 11.76.010 in the probate matter
15 until September 27, 2024.

16 18. On November 18, 2002, the State of Washington filed a creditor's claim for the DSHS
17 lien amount.

18 19. On July 10, 2003, Respondent filed a notice to creditors providing that the statute of
19 limitations would run in November 2003.

20 20. No other creditor claims were filed in the probate matter.

21 21. Respondent made no other filings in the probate matter until September 27, 2024.

22 22. On or about April 22, 2003, Respondent provided an inventory of the estate's assets
23 to DSHS which listed the Grand Coulee property's market value at \$10,000 and an additional

1 \$1,950 in bank account funds and \$500 in other personal property.

2 23. Respondent did not inform Ken about the possibility of requesting the court's
3 permission to distribute the estate's bank account funds under RCW 11.72.002 or RCW
4 11.72.006.

5 24. To date, the bank account funds, now totaling approximately \$2,300, have not been
6 distributed.

7 25. On or about December 3, 2003, Respondent told Ken that Respondent would obtain a
8 market analysis to determine the Grand Coulee property's value.

9 26. Respondent never obtained the market analysis.

10 27. In a letter dated August 17, 2004, Respondent was informed by DSHS of the
11 following:

12 The Department of Social and Health Services does work with the Personal
13 representative and attorneys to settle estates. If the property sells for less than our
14 claim we go by net value of Estate minus funeral cost, attorney fees and
administrative cost, plus we try to offer a pr fee [a]nd also 10% to heirs so they
can realize a little money.

15 28. On October 25, 2004, Effie passed away.

16 29. On or about August 12, 2005, Respondent told Ken that Respondent was "getting
17 close" to selling the Grand Coulee property.

18 30. Respondent never listed or sold the Grand Coulee property.

19 31. In a letter dated August 10, 2010, Respondent told Ken that Respondent got "side
20 tracked" [sic] on the probate matter but that Respondent would now try to sell the Grand Coulee
21 property to close the case.

22 32. Thereafter, Respondent made no effort to sell the Grand Coulee property.

23 33. On June 6, 2014, Respondent received a cash offer to purchase the Grand Coulee

1 property along with a proposed purchase and sale agreement from Merle Kennedy, a real estate
2 broker, on behalf of Solveig Chaffee.

3 34. Respondent never informed Ken of Chaffee's offer.

4 35. On October 24, 2014, Respondent received an email from Chaffee following-up on
5 Chaffee's offer, expressing a willingness to help remove and securely store the estate's personal
6 property, and stating that Chaffee would be out of the country for a year starting in December
7 2014.

8 36. Respondent did not respond to Chaffee's October 24, 2014 email.

9 37. On April 17, 2016, Respondent received an email from Chaffee stating that Chaffee
10 was still interested in buying the Grand Coulee property.

11 38. Respondent did not respond to Chaffee's April 17, 2016 email or inform Ken of the
12 contents of Chaffee's April 17, 2016 email.

13 39. On November 13, 2018, Ken passed away.

14 40. Respondent was not aware of Ken's death until July 2023.

15 41. Despite the probate matter being court-supervised, the court has not once inquired
16 about the status of the matter since the matter was filed in 2002.

17 42. No potential heirs or family of Vlachos has taken any action in or inquired about the
18 probate matter. The estate remains insolvent.

19 43. DSHS has "zeroed-out" its account balance and closed its file on the lien. Since filing
20 a request for the estate's inventory in 2003, DSHS has not taken any action in the probate matter
21 to resolve its creditor's claim.

22 44. No other interested parties have taken any action in the probate matter since the notice
23 to creditors was filed in 2003.

1 45. On September 27, 2024, Respondent filed a status report in the probate matter, along
2 with an inventory and appraisal of estate assets and an affidavit of publication of notice to
3 creditors, informing the court of Ken's death and the remaining necessary steps to complete the
4 administration of the estate. The court now has the information it needs to ensure the matter is
5 resolved.

6 46. On September 27, 2024, Respondent filed a notice of intent to withdraw as attorney
7 for Ken in the probate matter. No objection was filed. Respondent is no longer the attorney of
8 record in the probate matter.

9 Abatement Matter

10 47. In a letter dated November 21, 2017, Respondent was notified by Gary Lampella,
11 Building Official for the City of Grand Coulee, of a nuisance complaint by the City regarding a
12 building on the Grand Coulee property deemed dangerous by Lampella, that the City Council
13 would vote on a nuisance declaration on December 19, 2017, and that failure to abate the
14 conditions of the Grand Coulee property would result in the City removing or demolishing the
15 building and issuing a lien on the property for any fines, fees, and costs of removal.

16 48. After discussing the nuisance complaint with Ken, Respondent requested the City give
17 Respondent more time to sell the Grand Coulee property and have the new owner assume
18 responsibility for abating the property conditions.

19 49. Respondent received an extension until June 21, 2018, to achieve these goals, after
20 which time a resolution declaring the property dangerous would be presented to the City Council.

21 50. On June 20, 2018, Respondent requested another extension from the City.

22 51. On July 6, 2018, Respondent was informed that the City placed Respondent's
23 extension request on the City Council's agenda for consideration on July 17, 2018.

1 52. Respondent told Ken that Respondent would try to get DSHS to release its lien on the
2 parcel of land that contained the dangerous building (front parcel) on the Grand Coulee property
3 so that the owner of adjoining property could purchase the front parcel.

4 53. Respondent never communicated with DSHS about removing its lien on the front
5 parcel of the Grand Coulee property.

6 54. On July 24, 2018, the City issued a notice and order to abate unsafe condition,
7 declaring the building on the Grand Coulee property dangerous and requiring the building be
8 demolished by October 25, 2018.

9 55. Respondent did not inform Ken about the City's July 24, 2018 order.

10 56. On April 26, 2019, due to a failure to comply with the order to abate, the City filed a
11 complaint for abatement of the dangerous building against the estate (City of Grand Coulee v.
12 Vlachos, et al., Grant County Superior Court Case No. 19-2-00562-13) (abatement matter).

13 57. Respondent received courtesy copies of the summons and complaint in the abatement
14 matter.

15 58. Respondent told Julie Norton, the City's lawyer in the abatement matter, that
16 Respondent would not be representing the estate in the abatement matter but would contact the
17 personal representative of the estate about authorizing Respondent to accept service in the
18 abatement matter.

19 59. Respondent did not attempt to contact Ken about accepting service in the abatement
20 matter or attempt to inform Ken of the abatement matter.

21 60. On November 10, 2020, the court issued a default order authorizing the City to remove
22 the dangerous building from the Grand Coulee property, granting the City money damages for
23 costs associated with the abatement, reasonable attorney fees and costs, and civil penalties in the

1 amount of \$500 per day from July 24, 2018, to April 26, 2019, and stating that the City is entitled
2 to place a lien on the Grand Coulee property for the money damages.

3 61. Respondent did not attempt to find out the disposition of the abatement matter for
4 purposes of the estate's interests in the probate matter.

5 62. The City has not commenced the abatement work or requested entry of a monetary
6 judgment against the estate.

7 63. Respondent is in the process of winding down Respondent's law practice and retiring.
8 See Attachment A.

9 **III. STIPULATION TO MISCONDUCT**

10 64. By providing legal representation in the probate matter where Respondent had no
11 experience handling material aspects of the matter and/or no legal knowledge of material aspects
12 of the matter, Respondent violated RPC 1.1.

13 65. By failing to promptly withdraw from the probate matter where Respondent was
14 unable to provide competent representation in violation of the RPC, Respondent violated RPC
15 1.16(a)(1).

16 66. By failing to take the necessary steps to promptly resolve the probate matter,
17 Respondent violated RPC 1.3 and RPC 3.2.

18 67. By failing to keep the client reasonably informed about the status of the probate matter,
19 by failing to inform the client of an offer to purchase the Grand Coulee property, and by failing
20 to inform the client of the City's notice and order to abate, Respondent violated RPC 1.4(a) and
21 RPC 1.4(b).

22 **IV. PRIOR DISCIPLINE**

23 68. Respondent has no prior discipline.

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69. The following American Bar Association Standards for Imposing Lawyer Sanctions

ABA Standard 4.4 - Lack of Diligence

4.41 Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

4.42 Suspension is generally appropriate when:

- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or
- (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

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.

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.

ABA Standard 4.5 - Lack of Competence

4.51 Disbarment is generally appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures, and the lawyer's conduct causes injury or potential injury to a client.

4.52 Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client.

4.53 Reprimand is generally appropriate when a lawyer:

- (a) demonstrates failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or
- (b) is negligent in determining whether he or she is competent to handle a legal matter and causes injury or potential injury to a client.

4.54 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether he or she is competent to handle a legal matter, and causes little or no actual or potential injury to a client.

70. Respondent acted knowingly in all misconduct.

71. Respondent's misconduct caused injury to the client by delaying the completion of

1 administration of the estate and potential injury to the client where the estate faces possible fines,
2 interest on the DSHS lien, and additional liens from the abatement matter.

3 72. The presumptive sanction is suspension.

4 73. The following aggravating factors apply under ABA Standard 9.22:

5 (d) multiple offenses; and

6 (i) substantial experience in the practice of law (admitted in 1976).

7 74. The following mitigating factors apply under ABA Standard 9.32:

8 (a) absence of a prior disciplinary record;

9 (b) absence of a dishonest or selfish motive;

10 (c) personal or emotional problems (see Confidential Attachment B); and

11 (l) remorse.

12 75. It is an additional mitigating factor that Respondent has agreed to resolve this matter
13 at an early stage of the proceedings.

14 76. On balance, the aggravating and mitigating factors do not require a departure from the
15 presumptive sanction of suspension but do warrant a shorter suspension than the presumptive
16 length of suspension (six months).

17 77. ODC recognizes Respondent's long-term neglect of the probate matter that typically
18 would warrant a longer suspension. However, under the unique circumstances of this case, ODC
19 believes a shorter suspension will serve the purposes of lawyer discipline.

20 VI. STIPULATED DISCIPLINE

21 78. The parties stipulate that Respondent shall receive a 30-day suspension.

22 VII. RESTITUTION

23 79. No restitution is required by this stipulation.

1 **VIII. COSTS AND EXPENSES**

2 80. In light of Respondent's willingness to resolve this matter by stipulation at an early
3 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$750 in
4 accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l) if
5 these costs are not paid within 30 days of approval of this stipulation.

6 **IX. VOLUNTARY AGREEMENT**

7 81. Respondent states that prior to entering into this Stipulation Respondent had an
8 opportunity to consult independent legal counsel regarding this Stipulation, that Respondent is
9 entering into this Stipulation voluntarily, and that no promises or threats have been made by ODC,
10 the Association, nor by any representative thereof, to induce the Respondent to enter into this
11 Stipulation except as provided herein.

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

14 **X. LIMITATIONS**

15 83. This Stipulation is a compromise agreement intended to resolve this matter in
16 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
17 expenditure of additional resources by the Respondent and ODC. Both the Respondent and ODC
18 acknowledge that the result after further proceedings in this matter might differ from the result
19 agreed to herein.

20 84. This Stipulation is not binding upon ODC or the respondent as a statement of all
21 existing facts relating to the professional conduct of the Respondent, and any additional existing
22 facts may be proven in any subsequent disciplinary proceedings.

23 85. This Stipulation results from the consideration of various factors by both parties,

1 including the benefits to both by promptly resolving this matter without the time and expense of
2 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
3 such, approval of this Stipulation will not constitute precedent in determining the appropriate
4 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
5 subsequent proceedings against Respondent to the same extent as any other approved Stipulation.

6 86. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely on the
7 record agreed to by the parties. Under ELC 3.1(b), all documents that form the record before the
8 Board for its review become public information on approval of the Stipulation by the Board,
9 unless disclosure is restricted by order or rule of law.


10 87. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will
11 be followed by the disciplinary action agreed to in this Stipulation. All notices required in the
12 Rules for Enforcement of Lawyer Conduct will be made. Respondent represents that, in addition
13 to Washington, Respondent also is admitted to practice law in the following jurisdictions, whether
14 current status is active, inactive, or suspended: United States Supreme Court; United States
15 District Court for Eastern Washington; and United States Tax Court.

16 88. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, this
17 Stipulation will have no force or effect, and neither it nor the fact of its execution will be
18 admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary
19 proceeding, or in any civil or criminal action.

1 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to
2 30-Day Suspension as set forth above.

3 
4 Thomas Michael Geiger, Bar No. 6885
5 Respondent

Dated: 12/12/2024

6 
7 Henry Cruz, Bar No. 38799
8 Senior Disciplinary Counsel

Dated: 12/12/2024

ATTACHMENT A

INFORMATION ON WINDING UP AND CLOSING DOWN MY LAW PRACTICE

For the past couple of years, my wife and I have been reducing our work time and caseload because of certain health issues. We are both over 70 years old. Our plan is to wind up the law practice and retire in the next 6 to 8 months or sooner if possible.

We have been in contact with an attorney who I have previously worked with and we have been discussing having his office take over new cases and our office making referrals of new clients to their office. We have already started referring some new client inquiries to this other law office.

We have not been accepting new clients in our practice for several months. We have still been dealing with some of our existing clients if they have issues. Once we have a succession plan in place, we plan to stop taking any new cases.

I am making it a priority to get an agreement in place to facilitate this transition.

DATED this 10th day of December, 2024.



THOMAS M. GEIGER