FILED
Apr 17, 2026
Disciplinary Board
Docket # 014

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

TIMOTHY W. DURKOP,

Lawyer (Bar No. 22985).

Proceeding No. 26#00001

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

The undersigned Hearing Officer held a default hearing on the pleadings under Rule 10.6 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

FINDINGS OF FACTS AND CONCLUSIONS OF LAW REGARDING CHARGED VIOLATIONS

1. The Formal Complaint (Bar File No. 2) charged Timothy W. Durkop with misconduct as set forth therein. A copy of the Formal Complaint is attached to this decision.

2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in the Formal Complaint is admitted and established.

3. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations charged in the Formal Complaint is admitted and established as follows:

COUNT 1

By stipulating to the January 9, 2023 order compelling discovery responses without

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Rudeen's consent, and by stipulating to the August 18, 2023 default order agreeing to liability without Rudeen's consent, Respondent violated RPC 1.2(a).

COUNT 2

By failing to respond to or by providing non-substantive responses to Silver's (1) November 14, 2022 motion to compel discovery responses, (2) April 10, 2023 second motion to compel discovery responses, (3) May 5, 2023 motion to certify class, (4) June 30, 2023 and July 17, 2023 motions for order of default and discovery sanctions, Respondent violated RPC 1.3, RPC 3.2, and RPC 3.4(d).

COUNT 3

By failing to make any objection to class inclusion following the August 18, 2023 default order, Respondent violated RPC 1.3 and RPC 3.2.

COUNT 4

By failing to inform Rudeen of and failing to keep Rudeen reasonably informed about (1) Silver's November 14, 2022 motion to compel discovery responses, (2) the January 9, 2023 stipulated order compelling discovery responses, (3) Silver's April 10, 2023 second motion to compel discovery responses, (4) the May 26, 2023 order granting attorney fees and ordering sanctions, (5) the June 9, 2023 order granting class certification, (6) Silver's June 30, 2023 and July 17, 2023 motions for order of default and discovery sanctions, and (7) the August 18, 2023 proposed default order, Respondent violated RPC 1.4(a) and RPC 1.4(b).

COUNT 5

By misrepresenting to Rudeen that Silver's lawyers would visit Rudeen's office to view documents responsive to Silver's discovery requests, by assuring Rudeen in September 2023 that the case was going well, and by omitting the last page from the copy of the June 9, 2023 order

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granting class certification that Respondent provided to Rudeen on November 15, 2023, Respondent violated RPC 8.4(c).

COUNT 6

By failing to promptly respond to disciplinary counsel's written requests for responses to Emmal's grievance, failing to produce Rudeen's client file, and/or failing to appear as commanded at the deposition, Respondent violated RPC 8.4(l) (by violating ELC 1.5, 5.3(f), 5.3(g), and 5.5(d)) and RPC 8.1(b).

FINDINGS OF FACTS AND CONCLUSIONS OF LAW REGARDING RECOMMENDED SANCTION

4. As to Counts 1-4, Respondent acted knowingly. Respondent caused serious injury to Rudeen.

5. As to Count 5, Respondent knowingly deceived Rudeen with an intent to benefit Respondent by concealing Respondent's failures from Rudeen. Respondent caused serious injury to Rudeen.

6. As to Count 6, Respondent acted knowingly. Respondent caused injury to the lawyer discipline system.

7. 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:

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:

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(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.

4.6 ***Lack of Candor***

4.61 Disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potential serious injury to a client.

4.62 Suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.

4.63 Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to the client.

4.64 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in failing to provide a client with accurate or complete information, and causes little or no actual or potential injury to the client.

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

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

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

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

7.4 Admonition is generally appropriate when a lawyer engages in an isolated 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.

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8. The presumptive sanction for each count is as follows:

Count	Applicable ABA Standard	Presumptive Sanction
1	ABA Standard 4.41(b) applies to RPC 1.2(a).	Disbarment.
2	ABA Standard 4.41(b) applies to RPC 1.3, 3.2, and 3.4(d).	Disbarment.
3	ABA Standard 4.41(b) applies to RPC 1.3 and 3.2.	Disbarment.
4	ABA Standard 4.41(b) applies to RPC 1.4(a) and 1.4(b).	Disbarment.
5	ABA Standard 4.61 applies to RPC 8.4(c).	Disbarment.
6	ABA Standard 7.2 applies to RPC 8.4(*l*) and 8.1(b).	Suspension.

9. Under In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854, 846 P.2d 1330 (1993), the "ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations."

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

(b) dishonest or selfish motive;
(d) multiple offenses; and
(i) substantial experience in the practice of law (admitted on November 5, 1993).

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

12. The following mitigating factors set forth in Section 9.32 of the ABA Standards apply to this case:

(a) absence of a prior disciplinary record; and
(c) personal or emotional problems (Durkop suffered from depression and alcohol abuse from 2021 to 2023).

13. On balance, the aggravating and mitigating factors do not provide cause to deviate

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from the presumptive sanction of disbarment.

RECOMMENDATION

14. Based on the ABA Standards and the applicable aggravating and mitigating factors, the Hearing Officer recommends that Respondent Timothy W. Durkop be disbarred.

DATED this 9th day of April, 2026.

Deborah Wechselblatt
Hearing Officer

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CERTIFICATE OF SERVICE

I certify that I caused a copy of the FOF, COL and HO's Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent, Timothy W. Durkop, at tim@ewacollect.com, on the 17th day of April, 2026.

Clerk to the Disciplinary Board

FILED
Jan 15, 2026
Disciplinary Board
Docket # 002

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re **TIMOTHY W. DURKOP,** Lawyer (Bar No. 22985).	Proceeding No. 26#00001 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 Timothy W. Durkop was admitted to the practice of law in the State of Washington on November 5, 1993.

FACTS REGARDING COUNTS 1-6

2. On August 10, 2017, Thomas Silver filed a lawsuit on behalf of Silver and other similarly situated persons against Rudeen Management Company, Inc. (Rudeen) to recover rent deposits that Silver alleged were improperly withheld by Rudeen.

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3. Rudeen hired Respondent to defend Rudeen.

4. On October 25, 2017, Respondent filed a notice of substitution to appear for Rudeen.

5. On June 29, 2021, Respondent received interrogatories and requests for production from Silver.

6. Respondent did not inform Rudeen of the June 29, 2021 discovery requests.

7. Rudeen's responses were due by July 29, 2021.

8. Respondent repeatedly assured Silver's lawyer that responses would be provided.

9. Respondent did not provide Silver any responses on Rudeen's behalf.

10. On November 14, 2022, Silver filed a motion to compel Rudeen's response to outstanding discovery requests.

11. Respondent did not respond to the motion.

12. Respondent did not inform Rudeen of the motion.

13. On January 9, 2023, without the consent of Rudeen, Respondent stipulated to an order compelling discovery and further ordering Rudeen to respond within 30 days.

14. Respondent did not inform Rudeen of the stipulated order.

15. Respondent did not inform Rudeen about the overdue discovery requests.

16. In March 2023, Respondent explained to representatives for Rudeen that Rudeen needed to produce documents regarding potential class members from August 10, 2014, to August 10, 2017.

17. Respondent did not explain to Rudeen that the documents were overdue.

18. On September 13, 2023, Respondent stated to representatives for Rudeen that Silver's lawyers sought to go to Rudeen's office to review the documents.

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19. Respondent's statement was false and/or misleading.

20. On April 10, 2023, Silver filed a second motion to compel Rudeen's discovery responses.

21. Respondent did not respond to Silver's April 10, 2023 second motion to compel.

22. Respondent did not inform Rudeen of the April 10, 2023 second motion to compel.

23. On May 5, 2023, Silver filed a motion to grant class certification.

24. On May 19, 2023, the court held a hearing on the second motion to compel.

25. The court granted Respondent a continuance to June 9, 2023 to respond to Silver's motion to grant class certification.

26. On May 26, 2023, the court granted Silver's April 10, 2023 second motion to compel and further granted Silver's requests for attorney fees and costs incurred in bringing the motion.

27. The order sanctioned Rudeen $200 per day for each day after May 19, 2023, that Rudeen failed to provide complete answers to discovery.

28. Respondent did not inform Rudeen of the order.

29. On June 2, 2023, Respondent filed a memorandum opposing class certification.

30. The memorandum attached documents that had not been provided to Silver but were responsive to Silver's discovery requests.

31. At a hearing on June 9, 2023, the court granted Silver's motion for class certification and ordered Rudeen to provide Silver's lawyer with contact information of the potential class members within 30 days and pay the costs associated with providing class notice.

32. Respondent was not present at the June 9, 2023 hearing.

33. Respondent did not inform Rudeen of the June 9, 2023 order until November 15,

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2023.

34. On June 30, 2023, Silver filed a motion for order of default and discovery sanctions against Rudeen for failing to respond to the previous orders.

35. Respondent did not respond to Silver's June 30, 2023 motion.

36. Respondent did not inform Rudeen of Silver's June 30, 2023 motion.

37. On July 14, 2023, the court held a hearing on Silver's motion for order of default and discovery sanctions.

38. At the hearing, Respondent admitted that Respondent became "complacent" in discovery.

39. The court declined to rule on Silver's June 30, 2023 motion without a supporting affidavit for the motion for default.

40. After the hearing on July 14, 2023, Respondent filed a declaration and memorandum repeating that Respondent had become complacent in discovery.

41. On July 17, 2023, Silver filed a renewed motion for default and discovery sanctions.

42. Respondent did not respond to the July 17, 2023 renewed motion.

43. Respondent did not inform Rudeen of the July 17, 2023 renewed motion.

44. On August 18, 2023, the court held a hearing on Silver's motion for default and discovery sanctions.

45. On August 18, 2023, Respondent signed a default order agreeing to Rudeen's liability as to all former tenants, a $2,000 per day sanction from that day forward for failure to engage in discovery, and waiving Rudeen's right to a jury trial.

46. The August 18, 2023 agreed default order allowed Rudeen to object to class

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inclusion.

47. Respondent did not make any objections on Rudeen's behalf to class inclusion under the August 18, 2023 agreed default order.

48. Respondent did not timely inform Rudeen of the August 18, 2023 hearing.

49. Respondent did not timely inform Rudeen of the August 18, 2023 agreed default order.

50. Respondent did not receive consent from Rudeen to agree to the August 18, 2023 agreed default order.

51. On September 13, 2023, Respondent met with representatives for Rudeen and told them that the case was going well.

52. Respondent's statement was false and/or misleading.

53. During the September 13, 2023 meeting, Respondent stated that Silver's lawyers sought to visit Rudeen's office to review documents about potential class members.

54. Respondent's statement was false and/or misleading.

55. On September 19, 2023, one of Rudeen's representatives, Jon Hager (Hager), asked Respondent for the specific agreement Respondent made with Silver's lawyers to visit Rudeen's office to review documents about potential class members and an update on when Silver's lawyers would visit Rudeen's office.

56. Respondent told Hager that Respondent was meeting with Silver's lawyer and would inform Hager of the outcome.

57. Respondent did not inform Hager of the outcome of any meeting with Silver's lawyer.

58. On October 30, 2023, Hager asked Respondent again for an update and for the

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specific agreement Respondent made with Silver's lawyers to visit Rudeen's office to review documents about potential class members.

59. Respondent did not respond to Hager.

60. On November 14, 2023, Respondent met with Hager, Kirk Kappen, and Kevin Rudeen, all of whom were representatives for Rudeen.

61. At the November 14, 2023 meeting, Respondent informed them that Silver filed a motion for class certification, which the court granted.

62. At the November 14, 2023 meeting, Respondent did not inform Rudeen of any other orders entered against Rudeen in 2023.

63. On November 15, 2023, Hager and Rudeen requested a copy of the order certifying the class.

64. On November 15, 2023, Respondent provided Hager and Rudeen with an incomplete copy of the June 9, 2023 order certifying the class.

65. Respondent omitted the last page of the order in which the court stated that Respondent failed to oppose class certification.

66. Thereafter, Rudeen terminated Respondent's representation and hired new counsel.

67. On February 23, 2024, through new counsel, Rudeen filed a motion to vacate and set aside the August 18, 2023 default order.

68. Respondent provided a declaration in support of the February 23, 2024 motion, which Rudeen filed.

69. In the declaration, which was signed by Respondent under penalty of perjury, Respondent made the following admissions:

a) Respondent did not inform Rudeen of discovery deadlines or discovery motions

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filed against Rudeen;

b) Respondent agreed to the August 18, 2023 order of default and sanctions without Rudeen's consent;

c) Respondent did not inform Rudeen of the June 9, 2023 order granting class certification until November 15, 2023; and

d) Respondent did not inform Rudeen of any other orders entered against Rudeen in 2023.

70. On March 25, 2024, the court denied Rudeen's motion to vacate the August 18, 2023 default order.

71. At all relevant times in paragraphs 4 to 70, Respondent acted knowingly.

72. At all relevant times in paragraphs 18 to 19, 51 to 54, and 64 to 65, Respondent knowingly deceived Rudeen with an intent to benefit Respondent by concealing Respondent's failures from Rudeen.

73. Respondent caused Rudeen to incur more than $200,000 in sanctions.

74. Respondent caused serious injury to Rudeen.

Non-cooperation with ODC's Investigation

75. On January 13, 2025, William Bert Emmal Jr. (Emmal) filed a grievance against Respondent.

76. On February 27, 2025, the Office of Disciplinary Counsel (ODC) requested that Respondent provide a written response to Emmal's grievance by March 29, 2025.

77. Respondent did not provide a written response.

78. On April 8, 2025, ODC directed Respondent to provide a written response to Emmal's grievance by April 18, 2025.

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79. Respondent did not provide a written response.

80. On May 30, 2025, ODC served Respondent with a subpoena requiring Respondent to appear for a June 27, 2025 remote deposition and to provide ODC with the complete client file for Respondent's former client, Rudeen.

81. ODC agreed to continue the remote deposition to August 14, 2025.

82. On August 5, 2025, ODC emailed Respondent with instructions to attend the August 14, 2025, deposition.

83. Respondent did not appear at the August 14, 2025 deposition.

84. Respondent did not produce any documents responsive to the May 30, 2025 subpoena.

85. At all relevant times in paragraphs 75 to 85, Respondent acted knowingly.

86. Respondent caused injury to the lawyer discipline system.

COUNT 1

87. By stipulating to the January 9, 2023 order compelling discovery responses without Rudeen's consent, and/or by stipulating to the August 18, 2023 default order agreeing to liability without Rudeen's consent, Respondent violated RPC 1.2(a).

COUNT 2

88. By failing to respond to or by providing non-substantive responses to Silver's (1) November 14, 2022 motion to compel discovery responses, (2) April 10, 2023 second motion to compel discovery responses, (3) May 5, 2023 motion to certify class, (4) June 30, 2023 and/or July 17, 2023 motions for order of default and discovery sanctions, Respondent violated RPC 1.3, RPC 3.2, and/or RPC 3.4(d).

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COUNT 3

89. By failing to make any objection to class inclusion following the August 18, 2023 default order, Respondent violated RPC 1.3 and/or RPC 3.2.

COUNT 4

90. By failing to inform Rudeen of and failing to keep Rudeen reasonably informed about (1) Silver's November 14, 2022 motion to compel discovery responses, (2) the January 9, 2023 stipulated order compelling discovery responses, (3) Silver's April 10, 2023 second motion to compel discovery responses, (4) the May 26, 2023 order granting attorney fees and ordering sanctions, (5) the June 9, 2023 order granting class certification, (6) Silver's June 30, 2023 and July 17, 2023 motions for order of default and discovery sanctions, and/or (7) the August 18, 2023 proposed default order, Respondent violated RPC 1.4(a) and/or RPC 1.4(b).

COUNT 5

91. By misrepresenting to Rudeen that Silver's lawyers would visit Rudeen's office to view documents responsive to Silver's discovery requests, by assuring Rudeen in September 2023 that the case was going well, and/or by omitting the last page from the copy of the June 9, 2023 order granting class certification that Respondent provided to Rudeen on November 15, 2023, Respondent violated RPC 8.4(c).

COUNT 6

92. By failing to promptly respond to disciplinary counsel's written requests for responses to Emmal's grievance, failing to produce Rudeen's client file, and/or failing to appear as commanded at the deposition, Respondent violated RPC 8.4(*l*) (by violating ELC 1.5, 5.3(f), 5.3(g), and/or 5.5(d)) and/or RPC 8.1(b).

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

Dated this 15th day of January, 2026.

Nate Blanchard

Nate Blanchard, Bar No. 58620
Disciplinary Counsel

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