

FILED

Jun 14, 2021

Disciplinary  
Board

Docket # 029

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6 DISCIPLINARY BOARD  
7 WASHINGTON STATE BAR ASSOCIATION

8 In re

9 **JAMES EGAN,**

10 Lawyer (Bar No. 28257).

Proceeding No. 19#00057

ODC File No. 18-01449

11 STIPULATION TO SUSPENSION AND  
12 PROBATION

13 Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer  
14 Conduct (ELC), the following Stipulation to Suspension and Probation is entered into by the  
15 Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association)  
16 through Disciplinary Counsel Scott G. Busby and Henry Cruz, Respondent James Egan, and  
17 Respondent's counsel, Kurt M. Bulmer.

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

4 **I. ADMISSION TO PRACTICE**

5 1. Respondent was admitted to practice law in the State of Washington on November 2,  
6 1998.

7 **II. STIPULATED FACTS**

8 2. In November 2016, Patricia Bell filed a petition for the dissolution of Bell's marriage  
9 to Carlo DiLorenzo in *Bell v. DiLorenzo*, Pierce County Superior Court No. 16-3-04479-3.  
10 Distribution of the couple's property was determined by a court in the State of New York. The  
11 Pierce County proceeding addressed child support and the couple's parenting plan. In the Pierce  
12 County proceeding, Bell was represented by lawyer Jeffrey A. Robinson. DiLorenzo was  
13 represented by lawyer Stacey Swenhaugen. The case was assigned to Judge Kitty-Ann van  
14 Doorninck.

15 3. By the parties' agreement, Kate Lee began acting as a visitation supervisor in March  
16 2017. Lee supervised DiLorenzo's visits with the couple's minor children.

17 4. Bell hired a private investigator to investigate Lee and DiLorenzo.

18 5. On or about October 20, 2017, Lee informed the parties' counsel that Lee was  
19 withdrawing as visitation supervisor. Lee informed the parties' counsel that Bell's private  
20 investigator had telephoned Lee on October 19, 2017 and questioned Lee about Lee's personal  
21 history, that Lee believed the purpose of the call was to scare, harass or intimidate Lee, and that  
22 Lee could no longer be objective.

1           6. By October 28, 2017, Kevin Liger had succeeded Lee as visitation supervisor.

2           7. On November 3, 2017, DiLorenzo filed a Motion for Temporary Restraining Order  
3 against Bell. In it, DiLorenzo expressed concerns about being followed by the private investigator  
4 hired by Bell. DiLorenzo also mentioned that Bell's private investigator had contacted Lee.

5           8. On November 13, 2017, Bell filed a Responsive Declaration to which Bell attached  
6 documents concerning Lee's personal life and criminal history.

7           9. Lee prepared a Declaration of Kate Lee, which Swenhaugen filed for Lee on  
8 November 14, 2017. In it, Lee described concerns that Lee and Lee's family were being watched  
9 and followed by Bell's private investigator. Lee did not admit or deny having been convicted of  
10 a felony and said she had passed a background check.

11          10. At a hearing on November 16, 2017, a court commissioner entered an Order re  
12 Modification of Parenting Plan and Restraining Order containing standard language restraining  
13 each party from interfering with the peace of the other party.

14          11. DiLorenzo moved for revision of the commissioner's November 16, 2017 order. At  
15 a hearing on December 1, 2017, Judge van Doorninck entered an Order on Motion for Revision  
16 and a Temporary Restraining Order. The Temporary Restraining Order restrained Bell from  
17 following or keeping under surveillance DiLorenzo or the children during DiLorenzo's residential  
18 time, either directly or through a third party. At the hearing, Judge van Doorninck criticized Bell  
19 for placing derogatory personal information about Lee in the court file.

20          12. Robinson withdrew as counsel of record for Bell, and lawyer Mary Stearns became  
21 Bell's counsel of record.

22          13. In late December 2017, Respondent, as self-designated "personal counsel" and  
23

1 “advisory counsel” for Bell, began advising and assisting Bell with respect to the Pierce County  
2 proceeding.

3 14. On December 14, 2017, almost two months after Lee withdrew as visitation  
4 supervisor, Bell signed and filed a document entitled “Petitioner’s Affidavit Motion to Reconsider  
5 Court Rulings re: Family Court Supervisor.”

6 15. Respondent advised and assisted Bell in preparing that document.

7 16. The document contains a narrative about Bell’s investigation of Lee, Bell’s demands  
8 for more information about Lee, Bell’s critique of the court’s vetting process, Bell’s criticism of  
9 DiLorenzo’s parenting, and Bell’s dissatisfaction with Bell’s counsel of record, Mary Stearns.  
10 Following this narrative were 36 pages of documents relating to Lee, including court records and  
11 social media postings.

12 17. On December 18, 2017, Judge van Doorninck denied the Motion to Reconsider.

13 18. On January 9, 2018, almost three months after Lee withdrew as visitation supervisor,  
14 Bell signed and filed a document entitled “New Evidence that G.A.L. Kate Lee Is an Unqualified  
15 Felon” and “Motion for Judge Van Doorninck to Recuse Self for Retaliation against Party Raising  
16 this Actual Fact.”

17 19. Respondent advised and assisted Bell in preparing that document.

18 20. In that document, Bell accused Judge van Doorninck of, among other things, putting  
19 the judge’s “head in the sand,” having a “personal interest” in the matter, engaging in “retaliation”  
20 against Bell, and having “tied her career” to Lee. Bell asked that Judge van Doorninck recuse,  
21 and that the case be assigned to a different Pierce County Superior Court judge.

22 21. A week later, on January 16, 2018, Stearns withdrew as counsel of record for Bell.  
23

1 22. As of January 1, 2018, Judge Karena Kirkendoll took over cases assigned to Family  
2 Court 2, including *Bell v. DiLorenzo*.

3 23. On January 17, 2018, Presiding Judge Elizabeth Martin advised Pierce County  
4 Superior Court judges and commissioners that Lee should not be approved as a visitation  
5 supervisor due to her criminal history.

6 24. On January 23, 2018, Bell signed and filed a document entitled "Petitioner's  
7 Affidavit and Notice of Request for Continuance and Change of Venue to King County."

8 25. Respondent advised and assisted Bell in preparing that document.

9 26. In that document, Bell made many grievances against Lee, Judge van Doorninck,  
10 and Judge Martin. Bell asked to have the case transferred to King County, where Respondent's  
11 practice is located. Bell claimed that Bell could not get a fair trial in Pierce County because no  
12 judge there could be objective. The motion was noted for hearing on February 2, 2018.

13 27. Bell, with Respondent's advice and assistance, filed additional papers before the  
14 hearing.

15 28. On February 2, 2018, the date of the hearing, Respondent filed a document entitled  
16 "Limited Notice of Appearance for Hearing re: 12/1/7 [*sic*] Orders and Change of Venue Motion."  
17 In that document, Respondent stated that Respondent's appearance was "limited to this one day,"  
18 and that the case should be "transferred to King County" because "Ms. Bell cannot get a fair trial  
19 from any judge in Pierce County Family Court."

20 29. On February 2, 2018, Respondent represented Bell at the motion hearing. Judge  
21 Kirkendoll denied the motion, finding no basis to disqualify all 22 Pierce County Superior Court  
22 Judges, and especially Judge Kirkendoll, who was just assigned to the case.

1 30. On February 5, 2018, lawyer John Stratford Mills appeared as counsel of record for  
2 Bell.

3 31. On February 5, 2018, Respondent filed another "Notice of Appearance," this time  
4 "for the limited purpose of representation on issues relating to change of venue."

5 32. On February 5, 2018, Respondent also filed a document entitled "Motion for  
6 Reconsideration on Denial of Motion for Change of Venue [and] Notice of Intended Colloquy  
7 with Judge(s) Pregarding [*sic*] Appearance of Impropriety." In that document, Respondent made  
8 many grievances against Lee, Judge van Doorninck, Judge Martin, Judge Kirkendoll, DiLorenzo,  
9 DiLorenzo's counsel, and the Tacoma News Tribune. Respondent demanded that Judge  
10 Kirkendoll "strike" various orders and "revisit" the change of venue motion. Alternatively,  
11 Respondent demanded that any judge assigned to the case be required to answer questions that  
12 Respondent deemed necessary "to determine if we are actually getting a fair tribunal."

13 33. On February 5, 2018, Respondent also filed a "Request for Discovery" to the court  
14 by "The Defense" [*sic*] for "any and all communications by the Pierce County judges" related to  
15 Judge Martin's directive concerning Lee. Respondent asked the court to "certify" that it had  
16 complied with the "Request for Discovery."

17 34. On February 14, 2018, Judge Kirkendoll denied the Motion for Reconsideration.

18 35. On May 30, 2018, *Bell v. DiLorenzo* went to trial before Judge Kirkendoll to  
19 determine child support and other issues. Mills represented Bell at trial, and Swenhaugen  
20 represented DiLorenzo.

21 36. On June 14, 2018, Judge Kirkendoll issued an oral decision. Judge Kirkendoll  
22 ordered DiLorenzo to pay child support in an amount less than what Bell had requested. Judge  
23

1 Kirkendoll also awarded attorney fees against Bell based on a finding of “intransigence.”

2 37. On June 19, 2018, Respondent filed a document entitled “Motion for  
3 Reconsideration Based on Overall Appearance of Impropriety [and] Notice of Respondent  
4 Counsel’s Apparent RPC Violations.” In that document, Respondent disparaged Judge  
5 Kirkendoll’s oral decision. Respondent complained that the decision “was inconsistent and  
6 contained tangents from actual testimony,” and that it “appeared to be written by someone who  
7 did not observe the trial.” Respondent asked the court again to “reconsider [the] Motion for  
8 Change of Venue,” even though that motion had been denied on February 2, 2018 and had already  
9 been the subject of an earlier motion for reconsideration that was denied on February 14, 2018.

10 38. On June 19, 2018, Respondent also filed a letter to Judge Kirkendoll. In it,  
11 Respondent disparaged Swenhaugen, Judge Kirkendoll, and Lee, who had not been involved in  
12 the matter since October 2017 and had not been a witness at trial.

13 39. On August 10, 2018, Respondent filed a document entitled “Advisory Counsel  
14 Request for Court Inquiry regarding Findings.” In that document, Respondent claimed that judges  
15 other than Judge Kirkendoll were “involved in” Judge Kirkendoll’s decision. Respondent  
16 demanded that Judge Kirkendoll state whether the decision “truly was free from influence” and  
17 that Judge Kirkendoll “explain some of the findings” if Judge Kirkendoll claimed “there was no  
18 such influence from other judges.”

19 40. On August 10, 2018, the court held a hearing for the presentation of final orders.  
20 Mills represented Bell at the hearing. Respondent tried to question the court about the “Advisory  
21 Counsel Request for Court Inquiry regarding Findings” that Respondent just filed that day.

22 41. The court held another hearing on August 17, 2018 for the presentation of final  
23

1 orders. Mills represented Bell at the hearing. Respondent interrupted the hearing to make  
2 complaints about Swenhaugen and the court. Respondent called Judge Kirkendoll “a lawyer in a  
3 black robe not doing your job.” Respondent claimed that Judge Kirkendoll was “taking directions  
4 from down the hall.”

5 42. On August 17, 2018, Respondent filed a document entitled “Petitioner’s Advisory  
6 Counsel Remarks.” In that document, Respondent asserted, among other things,

- 7 a. that Judge Kirkendoll’s “stated reasons” for the decision were “not actually within the  
8 trial record;”
- 9 b. that Bell was “being punished for having done something that led to disrepute of the  
10 court;”
- 11 c. that Judge van Doorninck, Judge Martin, and Judge Kirkendoll had all “punish[ed]”  
12 Bell for “properly raising ER 609 evidence” about Lee;
- 13 d. that Judge Van Doorninck sought “to have other judges disparage Ms. Bell’s  
14 character;”
- 15 e. that Judge Kirkendoll’s June 14, 2018 oral decision was “full of clear untruths;”
- 16 f. that Judge van Doorninck “was involved in writing” Judge Kirkendoll’s decision;
- 17 g. that Judge Kirkendoll received “pressure from down the hall to de-fund and berate  
18 Ms. Bell as part of a defense” of Judge van Doorninck; and
- 19 h. that Judge Kirkendoll was “exercising bias based upon a judge’s mistake down the  
20 hall and the political impulses towards re-election.”

21 43. Respondent asked the court again to “re-entertain the motion to change venue” and  
22 to recalculate child support, as well.



1 44. On August 20, 2018, Respondent went to Judge Martin's courtroom to deliver a  
2 document concerning *Bell v. DiLorenzo* to Judge Martin.

3 45. Addressing Judge Martin's judicial assistant, Respondent insisted that Judge Martin  
4 hear a motion.

5 46. Judge Martin's judicial assistant told Respondent that if Respondent had a motion,  
6 Respondent should properly file it, serve it, and note it for hearing.

7 47. On August 21, 2018 Respondent filed a document entitled "Further Remarks of  
8 Petitioner's Counsel James Egan about Court Corruption, Demand for Change of Venue as  
9 Appropriate." In that document, Respondent demanded that the court reconsider the motion to  
10 change venue, disparaged Swenhaugen, and asserted, among other things,

- 11 a. that Bell was the victim of "obvious court corruption;"  
12 b. that Judge Kirkendoll was not an independent decision-maker;  
13 c. that Judge Kirkendoll, Judge Martin, and Judge van Doorninck acted illegally and in  
14 "collusion" to "punish" Bell and "attack [Bell's] character;"  
15 d. that Judge Kirkendoll's decision was calculated to "lop off child care support" as a  
16 "retaliatory" measure motivated by Judge Martin's personal dislike for Bell and by  
17 Judge van Doorninck's desire to "get back at" Bell and "teach" Bell that Bell could  
18 not expect to be treated fairly by the court;  
19 e. that the court was "completely dysfunctional;"  
20 f. that the court operated "in denial of actual facts;"  
21 g. that the court "encourage[ed] more corruption;" and  
22 h. that the court "let internal politics trump the welfare of two children."

1 48. On August 22, 2018, after the final orders were entered, the case was reassigned to  
2 Judge Michael Schwartz.

3 49. On August 27, 2018, Respondent filed a document entitled "Evidence Kate Lee Is  
4 No Longer 'Impeached,' Still Involved in Suspicious Activity against Abandoned Mother(s), and  
5 More Court Corruption, Motion to Reconsider." In that document, Respondent asserted, among  
6 other things,

7 a. that Judge Kirkendoll had "capitulated to pressure [from] down the hall" and was  
8 "swayed by external factors" to render a decision that was "obviously corrupted" and  
9 "full of untruths;"

10 b. that Judge Kirkendoll's decision was "obviously another judge's handiwork" and  
11 therefore illegal, and that it was written by someone else who "did not care about  
12 actual facts of the trial;"

13 c. that Judge Martin was "calling the shots" and "sending out orders for judges in her  
14 court to read;"

15 d. that Judge Martin had "threatened" Judge Kirkendoll with "endorsements or a  
16 challenger" in some future judicial election;

17 e. that Judge Kirkendoll had knowingly "impoverished" Bell's children "based on the  
18 directives of Chief Judge Martin;"

19 f. that Judge Kirkendoll's decision was "an obvious political move" directed by Judge  
20 Martin by which Bell and Bell's children were "cheat[ed]" in "retaliation" by the court  
21 acting out of "a personal dislike" for Bell; and

22 g. that Judge Kirkendoll, Judge Martin, and Judge van Doorninck were all "politically  
23

1 selfish” and “undeniably biased,” and that they had “wasted the public resources.”

2 50. Also on August 27, 2018, Respondent went to Judge Martin’s courtroom again to  
3 deliver a copy of the “Evidence Kate Lee Is No Longer ‘Impeached,’ Still Involved in Suspicious  
4 Activity against Abandoned Mother(s), and More Court Corruption, Motion to Reconsider” to  
5 Judge Martin.

6 51. Respondent complained loudly to the court reporter and Judge Martin’s judicial  
7 assistant about alleged wrongdoing by Judge Martin in connection with *Bell v. DiLorenzo*.

8 52. Because of Respondent’s behavior, a court security officer was called to address the  
9 situation.

10 53. Also on August 27, 2018, Respondent went to Judge van Doorninck’s courtroom to  
11 deliver a copy of the “Evidence Kate Lee Is No Longer ‘Impeached,’ Still Involved in Suspicious  
12 Activity against Abandoned Mother(s), and More Court Corruption, Motion to Reconsider” to  
13 Judge van Doorninck.

14 54. Judge van Doorninck’s judicial assistant told Respondent that the document would  
15 not be accepted because Judge van Doorninck was not assigned to the case.

16 55. Respondent threw the papers on a desk and left.

17 56. On September 10, 2018, Respondent filed a document entitled “Advisory Counsel’s  
18 General Remarks.” In that document, Respondent asserted, among other things,

19 a. that Judge Kirkendoll’s decision “was clearly delivered from down the hall;”

20 b. that Pierce County judges were involved in “substantial corruption;”

21 c. that those judges were “demeaning litigants who cause problems in the eyes of the  
22 Chief Judge;” and

1 d. that Judge Martin and Judge Van Doorninck were “defunding Ms. Bell so she would  
2 have little capacity to appeal.”

3 57. On September 12, 2018, Swenhaugen filed a “Motion for Clarification to Define  
4 Attorney Roles, Case Filings, Service Requirements and Request for Attorney Fees.” In that  
5 document, Swenhaugen pointed out, among other things, that Respondent had failed to serve  
6 Swenhaugen with copies of the many motions, requests, notices, remarks, and other papers  
7 Respondent had filed in *Bell v. DiLorenzo*, many of which contained personal attacks on  
8 Swenhaugen.

9 58. On September 19, 2018, Respondent filed a “Response to Motion by Respondent  
10 Attorney.” In that document, Respondent did not dispute having failed to serve Swenhaugen with  
11 copies of the many papers Respondent had filed in *Bell v. DiLorenzo*. Respondent asserted “a  
12 clear First Amendment right” to put documents in the court file without serving Swenhaugen  
13 because Respondent had “never before asked [Swenhaugen] to review” those documents.  
14 Respondent also used his “Response” to disparage Swenhaugen, Judge Kirkendoll, Judge Martin,  
15 and Judge Van Doorninck yet again.

16 59. Respondent states that he is not a family law attorney and became involved in an area  
17 of the law he was not familiar with in a county superior court where he rarely practiced. He met  
18 Patricia Bell at a divorce support group in December, 2016. He became involved in her case in  
19 December, 2017, when she asked for his help because her lawyer had quit and she had been  
20 detained by police pursuant to a restraining order. He took on the representation without  
21 expectation of being paid and has not been paid. Initially he sought to help her without appearing  
22 directly in the case but eventually he appeared on her behalf. He developed the personal belief  
23

1 that the restraining order issued against Bell prior to his involvement had been unfairly entered  
2 because it was based on what he believed to be intentionally misleading and/or false information  
3 being provided to the court. He also came to believe there were strong biases against his client by  
4 several Pierce County Superior Court judges due to his perception that the judges were not happy  
5 that his client had unnecessarily pointed out that a much liked and retained Pierce County  
6 visitation supervisor had a history of felonies. This belief about bias came about in significant  
7 part due to a newspaper article that appeared in the Tacoma News Tribune on January 17, 2018,  
8 which reported that Lee had made statements which could lead someone to believe that the  
9 assertion she had been convicted of felonies was mistaken since she had been the victim of  
10 identity theft. In the article the Chief Judge was quoted as saying the Lee matter was "a really sad  
11 situation;" Respondent saw this as defending Lee's conduct and demonstrated unwarranted  
12 sympathy for Lee. The article also quoted Judge van Doorninck in a manner which Respondent  
13 believed showed that the judge would not take responsibility for having entered and was  
14 continuing to enter a restraining order based on an affidavit which Respondent believed had now  
15 been shown to have been intentionally dishonest. Respondent understands that others could  
16 interpret the article differently. He believed that his perceived biases created significant conflicts  
17 of interest. He believed these conflicts and biases were resulting in unfair treatment of his client  
18 in regard to child support, custody, continuing the restraining orders and the non-award of  
19 attorney fees for her other legal counsel after they took the case to trial to get child support  
20 ordered. As a result of these beliefs, he became overinvested in his client's case and he lost the  
21 objective and distanced analysis required of a lawyer in the exercise of his representation of a  
22 client. He accepts that he was overzealous in representing his client which led to the violations he

1 is accepting in this stipulation. He states he feels very humbled about his mistakes in this chapter  
2 of his life and would not repeat them if he found himself in the same circumstance.

3 60. ODC has agreed to the inclusion in this stipulation of the preceding paragraph as a  
4 statement of Respondent's beliefs about how the violations to which he stipulates came about. By  
5 including Respondent's statement, ODC does not endorse Respondent's beliefs as true or well-  
6 founded.

### 7 III. STIPULATION TO MISCONDUCT

8 61. By asserting frivolous issues in the motions, requests, notices, remarks and other  
9 papers that Respondent filed, delivered, or attempted to deliver to a judge, Respondent violated  
10 RPC 3.1.

11 62. By using means that had no substantial purpose other than to embarrass, delay, or  
12 burden Lee, Swenhaugen, and Pierce County Superior Court judges, Respondent violated RPC  
13 4.4(a).

14 63. By making statements that Respondent knew to be false or with reckless disregard  
15 as to truth or falsity concerning the qualifications, integrity, or record of a judge, Respondent  
16 violated RPC 8.2(a).

### 17 IV. PRIOR DISCIPLINE

18 64. Respondent has no prior discipline.

### 19 V. APPLICATION OF ABA STANDARDS

20 65. The American Bar Association *Standards for Imposing Lawyer Sanctions* (1991 ed.  
21 & Feb. 1992 Supp.) apply to this case. The applicable ABA *Standards* are attached as Appendix  
22 A.

1 66. ABA *Standards* std. 6.2 applies to violations of RPC 3.1 and RPC 4.4(a).

2 67. In violating RPC 3.1 and RPC 4.4(a), Respondent acted knowingly and caused injury  
3 to a client or a party and interference with a legal proceeding.

4 68. The presumptive sanction for these violations is suspension under ABA *Standards* std.  
5 6.22.

6 69. ABA *Standards* std. 6.1 applies to violations of RPC 8.2(a).

7 70. In violating RPC 8.2(a), Respondent acted knowingly and caused an adverse effect on  
8 a legal proceeding.

9 71. The presumptive sanction for these violations is suspension under ABA *Standards* std.  
10 6.12.

11 72. The following aggravating factors apply under ABA Standard 9.22:

12 (d) multiple offenses;

13 (i) substantial experience in the practice of law (admitted 1998).

14 73. The following mitigating factors apply under ABA Standard 9.32:

15 (a) absence of a prior disciplinary record;

16 (b) absence of a dishonest or selfish motive.

17 74. It is an additional mitigating factor that Respondent has agreed to resolve this matter  
18 at an early stage of the proceedings.

19 75. On balance, the aggravating and mitigating factors do not require a departure from the  
20 presumptive sanction of suspension.

21 **VI. STIPULATED DISCIPLINE**

22 76. The parties stipulate that Respondent shall receive a three-month suspension.  
23

1 **VII. CONDITIONS OF REINSTATEMENT**

2 77. Reinstatement from suspension is conditioned on payment of costs and expenses, as  
3 provided below.

4 78. As an additional condition of reinstatement, Respondent shall, at least 30 days before  
5 a request for reinstatement, undergo an independent examination by a licensed mental health  
6 professional approved by ODC to evaluate Respondent's fitness to practice law.

7 79. Respondent shall pay all expenses associated with the examination.

8 80. Respondent shall execute all necessary releases and authorizations to permit the  
9 evaluator to obtain full access to all pertinent health care and treatment records for the applicable  
10 time period, and to permit the evaluator to release information regarding the evaluation to  
11 disciplinary counsel, including a written report of the evaluator's findings, diagnosis, and  
12 recommended treatment plan, if any. Respondent shall provide disciplinary counsel with a copy  
13 of the releases and authorizations.

14 81. If the evaluator concludes there is reasonable cause to believe that Respondent does  
15 not have the mental or physical capacity to practice law, then disciplinary counsel may report to  
16 a review committee as provided in ELC 8.2.

17 82. If the evaluator recommends treatment, then Respondent shall undergo treatment with  
18 a treatment provider and be subject to probation for a period of 24 months beginning on the date  
19 Respondent is reinstated to the practice of law. The conditions of probation are set forth below.

20 83. If the evaluator does not recommend treatment, then Respondent will not be required  
21 to undergo treatment and will not be subject to probation requiring mental health treatment.



1 **VIII. CONDITIONS OF PROBATION**

2 84. The conditions of probation set forth below apply if the evaluator recommends  
3 treatment, as provided above. Respondent's compliance with these conditions shall be monitored  
4 by the Probation Administrator of the Office of Disciplinary Counsel ("Probation  
5 Administrator"). Failure to comply with a condition of probation listed herein may be grounds for  
6 further disciplinary action under ELC 13.8(b).

7 85. Respondent shall subject to probation for a period of 24 months beginning on the date  
8 Respondent is reinstated to the practice of law. The conditions of probation are as follows:

- 9 a) Within 60 days after probation begins, Respondent shall begin treatment with the  
10 evaluator referenced above or with another treatment provider approved by the  
11 Probation Administrator.
- 12 b) Respondent shall comply with all requirements and recommendations of the treatment  
13 provider, including but not limited to the completion of any period of in- or out-patient  
14 treatment and aftercare and the taking of all prescribed medications.
- 15 c) Respondent shall execute an authorization allowing and directing the treatment  
16 provider to take the following actions:
- 17 i) on a quarterly basis, send written reports to the Probation Administrator that  
18 include the dates of treatment, whether Respondent has been cooperative with  
19 treatment, and whether continued treatment is recommended;
- 20 ii) report immediately to the Probation Administrator if Respondent fails to  
21 appear for treatment or stops treatment without the provider's agreement and  
22  
23

⑤

1 consent prior to either termination of the treatment plan or expiration of the  
2 probation period set forth in this stipulation;

3 iii) report immediately to the Probation Administrator if Respondent fails to  
4 comply with any treatment recommendations of the treatment provider;

5 iv) report immediately to the Probation Administrator if Respondent otherwise  
6 violates any of the terms or conditions of treatment;

7 v) report immediately to the Probation Administrator if the provider will no  
8 longer serve as treatment provider to Respondent prior to termination of the  
9 treatment plan or expiration of the probation period set forth in this stipulation;

10 and

11 vi) report to the Probation Administrator if Respondent successfully completes  
12 treatment and is discharged from further treatment.

13 Respondent shall provide a copy of the authorization to the Probation Administrator  
14 upon execution.

15 d) Respondent is responsible for paying any and all fees, costs, and/or expenses of mental  
16 health evaluation and treatment.

### 17 IX. COSTS AND EXPENSES

18 86. Respondent shall pay costs and expenses of \$2,000 in accordance with ELC 13.9(i).

19 The Association will seek a money judgment under ELC 13.9(l) if these costs and expenses are  
20 not paid within 30 days of approval of this stipulation. Reinstatement from suspension is  
21 conditioned on payment of costs and expenses.

1 **X. VOLUNTARY AGREEMENT**

2 87. Respondent states (a) that prior to entering into this Stipulation Respondent consulted  
3 independent legal counsel regarding this Stipulation, (b) that Respondent is entering into this  
4 Stipulation voluntarily, and (c) that no promises or threats have been made by ODC, the  
5 Association, or any representative thereof to induce Respondent to enter into this Stipulation  
6 except as provided herein.

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

9 **XI. LIMITATIONS**

10 89. This Stipulation is a compromise agreement intended to resolve this matter in  
11 accordance with the purposes of lawyer discipline while avoiding further proceedings and the  
12 expenditure of additional resources by Respondent and ODC. Both Respondent and ODC  
13 acknowledge that the result after further proceedings in this matter might differ from the result  
14 agreed to herein.

15 90. This Stipulation is not binding on ODC or Respondent as a statement of all existing  
16 facts relating to the professional conduct of Respondent, and any additional existing facts may be  
17 proven in any subsequent disciplinary proceedings.

18 91. This Stipulation results from the consideration of various factors by both parties,  
19 including the benefits to both by promptly resolving this matter without the time and expense of  
20 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review.  
21 Approval of this Stipulation will not constitute precedent in determining the appropriate sanction  
22 to be imposed in other cases; but, if approved, this Stipulation will be admissible in subsequent  
23

1 proceedings against Respondent to the same extent as any other approved Stipulation.

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

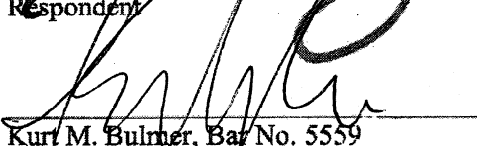
6 93. If this Stipulation is approved by the Disciplinary Board and the Supreme Court, it  
7 will be followed by the disciplinary action agreed to in this Stipulation. All notices required in  
8 the Rules for Enforcement of Lawyer Conduct will be made.

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

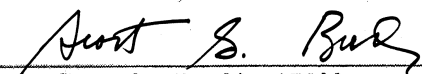
13 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to  
14 Suspension and Probation as set forth above.

15   
16 James Egan, Bar No. 28257  
17 Respondent

Dated: 2-4-21

18   
19 Kurt M. Bulmer, Bar No. 5559  
20 Counsel for Respondent

Dated: 2/4/21

21   
22 Scott G. Busby, Bar No. 17522  
23 Senior Disciplinary Counsel

Dated: 2/4/2021

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Dated: 2/4/2021

Henry Cruz, Bar No. 38799  
Disciplinary Counsel