

FILED

Jul 17, 2024

Disciplinary
Board

Docket # 001

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

RALPH HOWARD PALUMBO,

Lawyer (Bar No. 4751).

Proceeding No. 24#00043

ODC File No(s). 21-00544

Resignation Form of Ralph Howard Palumbo
(ELC 9.3(b))

I, Ralph Howard Palumbo, 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 October 25, 1972.

3. After consulting with my counsel, Bradley S. Keller, 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 permanently resign from membership in the Association.

1 5. I consent to entry of an order under ELC 13.9(e) assessing expenses of \$1,500 in
2 this matter.

3 6. I agree to pay any additional costs or restitution that may be ordered by a Review
4 Committee under ELC 9.3(g).

5 7. I understand that my resignation is permanent and that any future application by me
6 for reinstatement as a member of the Association is currently barred. If the Washington Supreme
7 Court changes this rule or an application is otherwise permitted in the future, it will be treated as
8 an application by one who has been disbarred for ethical misconduct. If I file an application, I
9 will not be entitled to a reconsideration or reexamination of the facts, complaints, allegations, or
10 instances of alleged misconduct on which this resignation was based.

11 8. I agree to (a) notify all other states and jurisdictions in which I am admitted, of this
12 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in any
13 other state or jurisdiction in which I am admitted; and (c) provide Disciplinary Counsel with
14 copies of this notification and any response. I acknowledge that this resignation could be treated
15 as a disbarment by all other jurisdictions.

16 9. I agree to (a) notify all other professional licensing agencies in any jurisdiction from
17 which I have a professional license that is predicated on my admission to practice law of this
18 resignation in lieu of discipline; (b) seek to resign permanently from any such license; and (c)
19 provide disciplinary counsel with copies of any of these notifications and any responses.

20 10. I agree that when applying for any employment, I will disclose the resignation in
21 lieu of discipline in response to any question regarding disciplinary action or the status of my
22 license to practice law.

23 11. I understand that my resignation becomes effective on Disciplinary Counsel's

1 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary
2 Counsel must do so promptly following receipt of this document.

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

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

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

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

12 7/16/2024 Volcott, CO
13 Date and Place

Ralph Howard Palumbo
14 Ralph Howard Palumbo,
15 Bar No. 4751

16 ENDORSED BY:

17 Francesca D'Angelo
18 Francesca D'Angelo, Disciplinary Counsel
19 Bar No. 22979
20
21
22
23

1
2
3
4
5
6
7 DISCIPLINARY BOARD
8 WASHINGTON STATE BAR ASSOCIATION
9

10 In re

11 **RALPH HOWARD PALUMBO,**

12 Lawyer (Bar No. 4751).
13

Proceeding No. _____

ODC File No. 21-00544

STATEMENT OF ALLEGED
MISCONDUCT UNDER ELC 9.3(b)(1)

14 The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of the
15 Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).
16

17 **I. ADMISSION TO PRACTICE**

18 1. Respondent Ralph Howard Palumbo was admitted to the practice of law in the State
19 of Washington on October 25, 1972.

20 **II. ALLEGED FACTS**

21 2. Respondent represented the plaintiffs in a civil action. *Ota v. Wakazuru*, King County
22 Superior Court No. 20-2-07270-2. The plaintiffs claimed millions of dollars in damages.

23 3. The defendants subpoenaed a witness to a deposition. The witness was the estranged
24 father of one of the plaintiffs and was not a named party in the suit. The witness had information

1 that was relevant to the plaintiff's claims. Prior to the witness's deposition being noted, the
2 plaintiffs had not contacted the witness for many years.

3 4. Respondent called the witness three days before the deposition and left several
4 messages.

5 5. In the messages, Respondent communicated that if plaintiffs won the lawsuit, the
6 plaintiffs felt an obligation to share proceeds of the lawsuit with the witness, and that Respondent
7 would pin plaintiffs down on this commitment. Respondent stated that the estimated value of the
8 case was three million to five million dollars. Respondent further described details of the case
9 from the Plaintiffs' perspective.

10 6. Respondent's voicemails to the witness made further statements, including, "I think
11 we can work out something that is to your benefit;" "we are very – very willing to try to collect
12 money on your—on your behalf as well as theirs;" and "it'd really be I think helpful, certainly
13 helpful for me and I think helpful for you and [the witness's wife], if we talked before Friday [the
14 date of the witness's deposition]."

15 7. The witness testified at their deposition that although the voicemails did not mention
16 the specific desired content of the witness's testimony, the witness believed the voicemails were
17 intended to convey to the witness the talking points the Respondent and Respondent's clients
18 wanted the witness to testify to, and if the witness did, the witness would be financially rewarded.

19 8. On April 29, 2021, the court, finding that the defendants had made a showing that
20 Respondent acted in bad faith, disqualified Respondent from the case.

21 9. Respondent appealed the court's decision. The court of appeals found that substantial
22 evidence supported a finding of bad faith.

23 10. The court of appeals found that the amount of the inducement mentioned by

1 respondent to the witness could be viewed as a substantial financial incentive for the witness to
2 testify at the deposition consistent with Respondent's version of events.

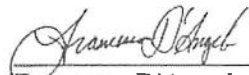
3 11. The court of appeals, however, reversed the trial court's order of disqualification and
4 remanded the case to the superior court for consideration and analysis of possible lesser sanctions
5 than disqualification as to Respondent.

6 12. Respondent subsequently withdrew from representing plaintiffs.

7 **III. ALLEGED MISCONDUCT.**

8 13. By offering an inducement to a witness that is prohibited by law, Respondent violated
9 RPC 3.4(b) and RPC 8.4(d).

10 DATED this 20th day of June, 2024.

11 

12 _____
Francesca D'Angelo, Bar No. 22979
13 Managing Disciplinary Counsel
14
15
16
17
18
19
20
21
22
23