

FILED

Jul 3, 2025

Disciplinary
Board

Docket # 030

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

ROGER EDWIN HAWKES,
Lawyer (Bar No. 5173).

Proceeding No. 25#00015

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

The undersigned Hearing Officer entered an Order of Default 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 Roger Edwin Hawkes 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:

4. By holding S.Y.P.'s funds for over two years without providing a written annual accounting of the funds to S.Y.P., Respondent violated RPC 1.3 and RPC 1.15A(e).

5. By failing to deposit S.Y.P.'s funds into a separate interest-bearing trust account or pooled interest-bearing trust account with sub-accounting, Respondent violated RPC 1.3 and RPC 1.15A(i)(2).

6. By failing to promptly pay or deliver to S.Y.P. the funds which S.Y.P. was entitled to receive, Respondent violated RPC 1.15A(f).

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING RECOMMENDED SANCTION**

7. Respondent acted knowingly.

8. Respondent caused injury to S.Y.P., who lost the benefit of the funds, as well as the interest earned on the funds since October 2022.

9. Respondent is holding \$1,171,692.50 belonging to S.Y.P.

10. 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:

11. ABA Standard 4.1 is most applicable to the duty to properly handle funds belonging to a third person (violations of RPC 1.15A(e), (f), and (i)(2));

4.1 Failure to Preserve the Client's Property

4.11 Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.

4.12 Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.

4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client.

4.14 Admonition is generally appropriate when a lawyer is negligent in dealing with client property and causes little or no actual or potential injury to a client.

1 12. ABA Standard 4.4 is most applicable to the duty to act diligently (violations of RPC
2 1.3):

3 **4.4 Lack of Diligence**

4 4.41 Disbarment is generally appropriate when:
5 (a) a lawyer abandons the practice and causes serious or potentially serious
6 injury to a client; or
7 (b) a lawyer knowingly fails to perform services for a client and causes serious
8 or potentially serious injury to a client; or
9 (c) a lawyer engages in a pattern of neglect with respect to client matters and
10 causes serious or potentially serious injury to a client.
11 4.42 Suspension is generally appropriate when:
12 (a) a lawyer knowingly fails to perform services for a client and causes injury
13 or potential injury to a client, or
14 (b) a lawyer engages in a pattern of neglect and causes injury or potential
15 injury to a client.
16 4.43 Reprimand is generally appropriate when a lawyer is negligent and does not act
17 with reasonable diligence in representing a client, and causes injury or potential
18 injury to a client.
19 4.44 Admonition is generally appropriate when a lawyer is negligent and does not act
20 with reasonable diligence in representing a client, and causes little or no actual or
21 potential injury to a client.

22 13. Given the mental state of knowledge and the injury to S.Y.P., the presumptive
23 sanction found Counts 1, 2, and 3 is suspension under ABA Standards 4.12 and 4.42.

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

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

29 (b) dishonest or selfish motive;
30 (d) multiple offenses;
31 (g) refusal to acknowledge wrongful nature of conduct; and
32 (i) substantial experience in the practice of law [admitted in 1973].

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

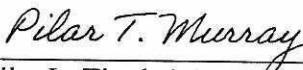
1 17. The following mitigating factor set forth in Section 9.32 of the ABA Standards
2 applies to this case:

3 (a) absence of a prior disciplinary record.

4 **RECOMMENDATION**

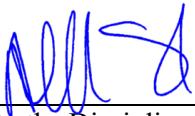
5 18. Based on the ABA Standards and the applicable aggravating and mitigating factors,
6 the Hearing Officer recommends that Respondent Roger Edwin Hawkes be suspended for 30
7 months, with reinstatement conditioned on the payment of restitution in the amount of
8 \$1,171,692.50 plus 12% interest per annum since October 2022 paid to Kiona Gallup or a
9 designee.

10
11 DATED this 2nd day of July, 2025.

12
13 
14 Pilar L. Tirado Murray,
 Hearing Officer

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, Roger Edwin Hawkes, at roger@law-hawks.com, on the 3rd day of July 2025.



Clerk to the Disciplinary Board

APPENDIX A

APPENDIX A

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re
ROGER EDWIN HAWKES,
Lawyer (Bar No. 5173).

Proceeding No. 25#00015
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 Roger Edwin Hawkes was admitted to the practice of law in the State of Washington on October 18, 1973.

FACTS REGARDING COUNTS 1, 2, and 3

2. Respondent represented David Miller in an action to distribute the assets of a committed intimate relationship.

3. Lawyer Kiona Gallup represented Miller's former partner, S.Y.P., in the matter.

1 4. In October 2022 Miller and S.Y.P. reached an agreement via email, which included
2 the provision that Respondent would disburse \$1,171,692.50 (the funds) from Respondent's trust
3 account to S.Y.P.

4 5. On October 7, 2022, Respondent accepted the agreement on behalf of Miller and
5 asked for Gallup's confirmation of the settlement agreement.

6 6. Gallup confirmed that they had an agreement.

7 7. Respondent and Gallup agreed that the emails they exchanged constituted a binding
8 agreement under Civil Rule (CR) 2A.

9 8. Respondent drafted a settlement agreement, but Gallup did not sign it because the
10 parties had not reached an agreement as to other terms.

11 9. On October 7, 2022, the parties filed a Notice of Settlement of All Claims Against
12 All Parties, signed by Respondent and Gallup.

13 10. On October 12, 2022, Respondent told Gallup that Respondent would disburse the
14 funds to both clients the following day.

15 11. On October 12, 2022, Respondent asked Gallup whether S.Y.P.'s share of the funds
16 should be deposited into Gallup's trust account or sent directly to S.Y.P., and requested the
17 information necessary to wire the funds to the desired recipient.

18 12. On October 13, 2022, Respondent wired Miller \$871,652.59.

19 13. Respondent did not wire any money to Gallup.

20 14. On October 14, 2022, Gallup told Respondent to wire the funds to Gallup's trust
21 account and gave Respondent a document with the wire instructions.

22 15. The document had an old mailing address for Gallup.

23 16. On October 14, 2022, Respondent told Gallup via email that Respondent would wire

1 S.Y.P.’s share of the funds to Gallup’s trust account “very soon.”

2 17. On October 20, 2022, Gallup still had not received the funds and told Respondent to
3 send them immediately.

4 18. On October 31, 2022, Gallup requested an update on the status of the disbursement
5 of S.Y.P.’s funds.

6 19. On October 21, 2022, Respondent told Gallup that Respondent had mailed the final
7 papers along with a check for S.Y.P.’s disbursement to the address Gallup had provided with the
8 wire instructions.

9 20. After exchanging emails with Gallup about the fact that Gallup would not receive
10 the mail, Respondent stated that Respondent could wire the funds and asked Gallup to resend the
11 wire instructions.

12 21. On November 2, 2022, Respondent told Gallup that Respondent would send the
13 money again to Gallup’s trust account when Respondent received the original check back.

14 22. On November 4, 2022, Respondent wired Miller an additional \$100,000.

15 23. On November 18, 2022, Respondent told Gallup that Respondent had received the
16 original check, and asked Gallup how Respondent should get S.Y.P.’s portion to S.Y.P. or Gallup.

17 24. On November 18, 2022, Gallup again instructed Respondent to wire the funds to
18 Gallup’s IOLTA account and to not send a check.

19 25. Between November 18, 2022 and December 10, 2022, Respondent and Gallup
20 exchanged emails in which Gallup requested that S.Y.P.’s share of the funds be wired to Gallup,
21 and Respondent stated that Respondent would send the funds by check.

22 26. There was no further discussion between Gallup and Respondent about how to
23 transfer the funds until June 2024.

27. In February 2024, Gallup filed a grievance against Respondent because Respondent still had not disbursed the funds to S.Y.P.

28. In June 2024, Respondent communicated with Gallup, suggesting that they have a conversation to resolve the matter.

29. Gallup said no further conversation was needed and instructed Respondent to wire the funds directly to S.Y.P.

30. On July 15, 2024, Gallup provided Respondent with the wire instructions to send the funds directly to S.Y.P.

31. Respondent has not transferred the funds or taken any other steps to resolve the matter.

32. Respondent never provided a written accounting of the funds held in trust to S.Y.P. and/or Gallup.

33. Respondent never deposited the funds into a separate interest-bearing trust account.

34. Respondent never deposited the funds into a pooled interest-bearing trust account with sub-accounting.

COUNT 1

35. By holding S.Y.P.'s funds for over two years without providing a written annual accounting of the funds to S.Y.P., Respondent violated RPC 1.3 and/or RPC 1.15A(e).

COUNT 2

36. By failing to deposit S.Y.P.'s funds into a separate interest-bearing trust account or pooled interest-bearing trust account with sub-accounting, Respondent violated RPC 1.3 and/or RPC 1.15A(i)(2).

COUNT 3

37. By failing to promptly pay or deliver to S.Y.P. the funds which S.Y.P. was entitled to receive, Respondent violated RPC 1.15A(f).

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 26th day of March, 2025.

Sam Stanforth

Sachia Stonefeld Powell, Bar No. 21166
Disciplinary Counsel