FILED
Jun 1, 2026
Disciplinary Board
Docket # 038

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re **JOHN GRAHAM KAMB JR.,** Lawyer (Bar No. 12510).	Proceeding No. 25#00040 FINDINGS OF FACT, CONCLUSIONS OF LAW AND HEARING OFFICER'S RECOMMENDATION

The undersigned Hearing Officer held the hearing on April 20, 2026, under Rule 10.13 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC). Respondent John Kamb Jr. appeared at the hearing. Disciplinary Counsel Erica Temple and Disciplinary Counsel Jay Bodzin appeared for the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association.

FORMAL COMPLAINT FILED BY DISCIPLINARY COUNSEL

The Formal Complaint filed by Disciplinary Counsel charged John Graham Kamb Jr. with the following counts of misconduct:

Count 1- By failing to send Cristian Lupastean (hereafter "Lupastean") any billing statements until the conclusion of the representation and/or failing to communicate the basis and/or rate of the fee within a reasonable time, Respondent violated RPC 1.4(a) and/or (b) and/or

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RPC 1.5(b).

Count 2- By failing to communicate to Lupastean in writing the fact that Respondent did not have malpractice insurance, Respondent violated RPC 1.4(c).

Count 3- By seeking to recover fees for reviewing correspondence related to the grievance, Respondent violated RPC 8.4(*l*) (by violating ELC 2.13(b)), and/or RPC 1.5(a).

Count 4- By failing to deposit Lupastean's advance fees into Respondent's trust account, Respondent violated RPC 1.15A(c).

Based on the pleadings in the case, the testimony and exhibits at the hearing, the Hearing Officer makes the following:

FINDINGS OF FACT

1. Respondent was admitted to the practice of law in the State of Washington on May 27, 1982.

2. In November 2022, Lupastean's spouse filed a Petition for Dissolution in Skagit County Superior Court, EX A-102.

3. In January 2023, Lupastean's girlfriend, Alicia Bomer, contacted Respondent to arrange for Respondent to represent Lupastean.

4. At the time, Lupastean was in jail for driving without a license.

5. Lupastean's brother paid Respondent $4,100 via credit card, EX A-103.

6. Lupastean paid his brother back when he was released from jail.

7. Respondent did not provide Lupastean with a written fee agreement.

8. Respondent did not tell Lupastean what the fee would cover, but Lupastean thought it would pay for the case unless it went to trial.

9. Respondent did not tell Lupastean the hourly rate that Respondent would charge.

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10. Respondent deposited the funds into Respondent's operating (not trust) account.

11. The fee Lupastean's brother paid was not a flat fee or retainer; it was an advance fee.

12. Respondent had not earned the fee at the time Respondent deposited the funds into Respondent's operating account.

13. Respondent's usual practice was to put advance fees paid by clients into his operating account, and to tell clients that the fees were not refundable.

14. As of 2023, Respondent did not maintain malpractice insurance.

15. Respondent did not tell Lupastean that Respondent did not maintain malpractice insurance.

16. On January 23, 2023, Respondent filed a Notice of Appearance in Skagit County Superior Court in Lupastean's dissolution matter, EX A-104.

17. During the course of the representation, Respondent prepared and filed pleadings and attended court appearances.

18. On April 5, 2024, Lupastean filed a grievance with ODC, EX A-105.

19. Lupastean was not satisfied with Respondent's work.

20. On June 12, 2024, Lupastean sent Respondent an email terminating the representation and asking for a detailed final billing statement, EX A-106.

21. Respondent sent Lupastean a billing statement dated June 13, 2024, which indicated that Respondent's "Conservative estimate of services provided in 2023" was 23 hours and that Respondent had worked more than 16 hours in 2024, EX A-107.

22. The June 13, 2024, billing statement is the only billing statement Respondent ever sent to Lupastean.

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23. The June 13, 2024, billing statement indicated that Lupastean owed Respondent $4,500, in addition to the $4,100 Lupastean's brother already paid.

24. The June 13, 2024, billing statement also included charges for 30 minutes for "Review WSBA letter" and one hour for several tasks on June 4, 2024, including "Review ODC intake."

25. Lupastean was confused by this bill and has not made any additional payments to Respondent.

26. Respondent has not requested payment again.

27. On October 17, 2024, Respondent testified at a deposition by the Office of Disciplinary Counsel, EX A-110.

28. At that deposition, disciplinary counsel informed Respondent that Respondent may be violating the RPC. EX A-110, pg. 26.

29. Respondent has not brought his trust accounting practices and fee agreements into compliance with the RPC.

30. Respondent hired an accountant two weeks before the disciplinary hearing.

31. Respondent's current fee agreement, A-112, is for a "non-refundable engagement fee," and does not have the language set forth in RPC 1.5(f)(2).

32. Respondent currently charges flat fees that are "non-refundable."

33. Respondent does not keep client ledgers for funds that are in his trust account.

34. Respondent does not reconcile his trust account ledgers with his bank statements.

35. Respondent had two overdrafts on his trust account in 2026, which he later resolved.

36. Respondent acted negligently in failing to communicate the basis and rate of his fee to Lupastean.

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37. Respondent acted negligently in failing to communicate to Lupastean the fact that he did not maintain malpractice insurance.

38. Respondent acted negligently in attempting to recover fees from Lupastean for responding to the grievance.

39. Respondent acted knowingly in failing to deposit Lupastean's fees into trust.

40. There was injury to Lupastean, who did not receive adequate information about fees and insurance, and was confused by the final billing.

41. There was potential injury to Lupastean, who was improperly charged for approximately 90 minutes of Respondent's time ($375 at $250/hour).

42. There was potential injury to Lupastean because his funds were not protected in trust until Respondent earned them.

43. Respondent has no prior discipline.

CONCLUSIONS OF LAW

Violations Analysis

The Hearing Officer finds that ODC proved the following by a clear preponderance of the evidence:

44. COUNT 1- By failing to send Lupastean any billing statements until the conclusion of the representation and/or failing to communicate the basis and/or rate of the fee within a reasonable time, Respondent violated RPC 1.4(a) and (b), and RPC 1.5(b).

45. Respondent failed to provide Lupastean with basic information about the basis for the fee, the hourly rate, and when and if Respondent earned the fee.

46. Respondent only sent one invoice to Lupastean; that was only after Respondent had represented Lupastean for approximately a year and a half, and it was at Lupastean's request.

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47. Respondent's communication with Lupastean was not reasonable and fell below the requirements of RPC 1.4(a) and (b), and RPC 1.5(b).

48. COUNT 2- By failing to communicate to Lupastean in writing the fact that Respondent did not have malpractice insurance, Respondent violated RPC 1.4(c).

49. Respondent admits this count in the Answer to the Formal Complaint and in Respondent's testimony.

50. COUNT 3- By seeking to recover fees for reviewing correspondence related to the grievance, Respondent violated RPC 8.4(*l*) (by violating ELC 2.13(b)), and RPC 1.5(a).

51. Respondent admits this count in the Answer to the Formal Complaint and in Respondent's testimony.

52. COUNT 4- By failing to deposit Lupastean's advance fees into Respondent's trust account, Respondent violated RPC 1.15A(c).

53. There was no written fee agreement and the fee paid was not a true retainer or a flat fee.

54. Respondent had not earned the fee paid in January 2023 at the time Respondent deposited the funds into Respondent's operating account.

55. Because the fee was paid in advance of services, Respondent should have safeguarded the funds in trust and then maintained trust account records relating to the client's money as required by RPC 1.15B.

56. Respondent admits this count in the Answer to the Formal Complaint.

57. Respondent claims to have taken steps to ensure compliance with the RPC but has not yet done so.

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Sanction Analysis

58. A presumptive sanction must be determined for each ethical violation. In re Anschell, 149 Wn.2d 484, 69 P.3d 844, 852 (2003). The following standards of the American Bar Association's Standards for Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) are presumptively applicable in this case:

59. ABA Standard 4.4 applies to Counts 1 and 2:

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.

60. Respondent acted negligently in failing to communicate with Lupastean about fees and malpractice insurance. There was injury to Lupastean, who did not receive adequate information about fees and insurance.

61. The presumptive sanction for Counts 1 and 2 is at reprimand.

62. ABA Standard 7.0 is most applicable to the duty to avoid unreasonable fees and applies to Count 3:

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

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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.

63. Respondent acted negligently in charging (but not collecting) a fee for reviewing the grievance.

64. There was potential injury to Lupastean, who was improperly charged for approximately 90 minutes of Respondent's time ($375 at $250/hour).

65. The presumptive sanction for Count 3 is reprimand.

66. ABA Standard 4.1 is most applicable to the duty to properly handle client funds, and applies to Count 4:

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.

67. Respondent should have known about the duty to place Lupastean's fees in trust and knowingly deposited the funds into his operating account.

68. There was potential injury to Lupastean, whose funds were not protected in trust.

69. The presumptive sanction for Count 4 is suspension.

70. In case of multiple acts of misconduct: When multiple ethical violations are found,

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

71. Based on the Findings of Fact and Conclusions of Law and application of the ABA Standards, the appropriate presumptive sanction is suspension.

72. "A period of six months is generally the accepted minimum term of suspension." In re Cohen, 149 Wn.2d 323, 67 P.3d 1086, 1094 (2003).

73. On balance, the aggravating and mitigating factors do not support a deviation from the presumptive sanction of six months.

74. The following aggravating factors set forth in Section 9.22 of the ABA Standards are applicable in this case:

(d) multiple offenses; and,
(i) substantial experience in the practice of law.

75. The following mitigating factor set forth in Section 9.32 of the ABA Standards is applicable to this case:

(a) absence of a prior disciplinary record.

Recommendation

76. Based on the ABA Standards and the applicable aggravating and mitigating factors, the Hearing Officer recommends that Respondent John Graham Kamb Jr. be suspended from the practice of law for six months.

77. Following reinstatement, Respondent should be subject to 24 months of probation, with the conditions set forth in Appendix A, attached.

Dated this 31st day of May, 2026.

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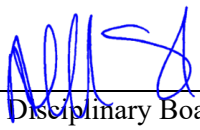


Deborah Rose Wechselblatt, Bar No. 47417
Hearing Officer

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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, John Graham Kamb JR, at kamblaw@gmail.com, on the 1st day of June, 2026.



Clerk to the Disciplinary Board

Appendix A

Respondent will be subject to probation for a period of two years commencing upon Respondent's reinstatement to the practice of law, with periodic reviews under ELC 13.8 of Respondent's trust account practices, and must comply with the specific probation terms set forth below:

a) Respondent shall carefully review and fully comply with RPC 1.15A and RPC 1.15B, and shall carefully review the current version of the publication, Managing Client Trust Accounts: Rules, Regulations, and Common Sense.

b) For all client matters, Respondent shall have a written fee agreement signed by the client, which agreements are to be maintained for least seven years (see RPC 1.15B(a)(3)).

c) On a monthly basis, using ODC's form report entitled "Monthly Reconciliation and Review Report," Respondent shall review the trust-account records detailed on the form report, review the completed report, and sign and date the completed report.

d) On a quarterly basis, Respondent shall provide ODC's audit staff with all trust-account records for the time period to be reviewed by ODC's audit staff and disciplinary counsel for compliance with the RPC:

   i) Months 1 – 3. By no later than the 30th day of the fourth month after the commencement of probation, Respondent shall provide the trust account records from the date of commencement of probation to the end of the third full month.

   ii) Months 4 – 6. By no later than the 30th day of the seventh month after the commencement of probation, Respondent shall provide the trust account records from the end of the previously provided quarter through the end of month six.

   iii) Months 7 – 9. By no later than the 30th day of the tenth month after the commencement of probation, Respondent shall provide the trust account records from the end of the previously provided quarter through the end of month nine.

   iv) Months 10 – 12. By no later than the 30th day of the thirteenth month after the commencement of probation, Respondent shall provide the trust account records from the end of the previously provided quarter through the end of month twelve.

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v) Months 13 – 15. By no later than the 30th day of the sixteenth month after the commencement of probation, Respondent shall provide the trust account records from the end of the previously provided quarter through the end of month fifteen.

vi) Months 16 – 18. By no later than the 30th day of the nineteenth month after the commencement of probation, Respondent shall provide the trust account records from the end of the previously provided quarter through the end of month eighteen.

vii) Months 19 – 21. By no later than the 30th day of the twenty-second month after the commencement of probation, Respondent shall provide the trust account records from the end of the previously provided quarter through the end of month twenty-one.

The trust account records Respondent provides to ODC for each quarterly review of his trust account will include: (a) copies of each completed "Monthly Reconciliation and Review Report" referenced in sub-paragraph(c) above, (b) a complete checkbook register for Respondent's trust account covering the period being reviewed, (c) complete individual client ledger records for any client with funds in Respondent's trust account during all or part of the period being reviewed, as well as for Respondent's own funds in the account (if any), and (d) copies of all trust-account bank statements, deposit slips, and cancelled checks covering the period being reviewed. ODC's Audit Manager or designee will review Respondent's trust account records for each period.

e) On the same quarterly time schedule set forth in the preceding paragraph, Respondent will provide ODC's Audit Manager or designee with copies of any and all fee agreements entered into within the time period at issue.

f) ODC's Audit Manager or designee may request additional financial or client records if needed to verify Respondent's compliance with RPC 1.15A and/or RPC 1.15B. Within twenty days of a request from ODC's Audit Manager or designee for additional records needed to verify Respondent's compliance with RPC 1.15A and/or RPC 1.15B, Respondent will provide ODC's Audit Manager or designee the additional records requested.

g) Respondent will reimburse the Association for time spent by ODC's Audit Manager or designee in reviewing and reporting on Respondent's records to determine Respondent's compliance with RPC 1.15A and RPC 1.15B, at the rate of $85 per hour. Respondent will make payment within thirty days of each written invoice setting forth the auditor's time and payment due.

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