

May 21, 2026

Disciplinary
Board

Docket # 002

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

ROBERT R COSSEY,

Lawyer (Bar No. 16481).

Proceeding No.

ODC File No. 23-00739

STIPULATION TO REPRIMAND

Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to Reprimand is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Francisco Rodriguez and Respondent lawyer Robert R Cossey.

Respondent understands that Respondent is entitled under the ELC to a hearing, to present exhibits and witnesses on Respondent's behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that Respondent is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to Respondent. Respondent chooses to resolve this

1 proceeding now by entering into the following stipulation to facts, misconduct and sanction to
2 avoid the risk, time, expense attendant to further proceedings.

3 I. ADMISSION TO PRACTICE

4 1. Respondent was admitted to practice law in the State of Washington on
5 November 4, 1986.

6 II. STIPULATED FACTS

7 2. Respondent represented client L.T. in a dependency matter relating to L.T.'s minor
8 child M.S.

9 3. Prior to Respondent's appearance in the matter, the court had signed an agreed
10 order of dependency relating to M.S., requiring weekly visitation between L.T. and M.S.
11 However, visitation could not occur at that time because there was a civil protection order in place
12 that barred contact between L.T. and M.S.

13 4. On April 6, 2021, Respondent substituted in as counsel for L.T. in the dependency
14 matter.

15 5. On June 18, 2021, Respondent filed a motion to allow video visitation. Respondent
16 noted a hearing on the motion for video visitation as well as a motion that had been filed by L.T.'s
17 prior counsel to modify/terminate the protection order.

18 6. On July 15, 2021, the court held a hearing on the motions. After hearing argument,
19 the court entered a written order terminating the protection order but deferred ruling on the motion
20 for video visitation pending more information regarding a criminal investigation of L.T. The court
21 stated the court would review the issue in 30 days.

22 7. After the hearing, the Assistant Attorney General (AAG) assigned to the
23 dependency matter sent Respondent a proposed order denying the motion for virtual visits and

1 setting a review hearing on August 12, 2021. The proposed order indicated that visitation was
2 suspended in the interim. Respondent approved the proposed order, but the order was never
3 entered, and no review hearing was scheduled.

4 8. Respondent did not take steps to ensure the order was entered or that a review
5 hearing was scheduled to address visitation.

6 9. Because no order was entered relating to the court's rulings at the July 15, 2021
7 hearing, the status of visitation going forward was unclear. After the court terminated the
8 protection order, there were no court orders in place prohibiting contact between L.T. and M.S.
9 The last written order that had been entered regarding visitation was the agreed order of
10 dependency which expressly granted L.T. visitation. Despite the agreed dependency order, L.T.
11 was not allowed visitation with M.S. following the July 15, 2021 hearing.

12 10. On October 21, 2021, the court held a dependency review/permanency planning
13 hearing in the dependency matter. For each dependency review hearing, the court is required to
14 enter an order addressing numerous issues, including visitation. Local court rules provide that
15 prior to each dependency review hearing, the assigned AAG is required to prepare and circulate
16 a proposed order for the hearing that addresses the required issues. However, the assigned AAG
17 did not circulate a proposed order for the October 2021 dependency review hearing, and no order
18 was entered for that hearing until March 2022.

19 11. In January 2022, the assigned AAG transferred to a different division of the
20 Attorney General's Office (AGO).

21 12. In February 2022, the new assigned AAG discovered that no order had been
22 entered for the October 2021 dependency review hearing and sent Respondent a proposed order
23 relating to that hearing. The proposed order stated in part that "visitation cannot occur as the father

1 is restrained from having contact with [M.S.] based upon a criminal NCO.” This statement was
2 incorrect. There was no criminal no contact order in place relating to contact with M.S.

3 13. Respondent knew the statement was incorrect because Respondent represented
4 L.T. on L.T.’s criminal case. Respondent approved the proposed order without correcting the
5 error because Respondent did not carefully review the order.

6 14. On March 3, 2022, the assigned AAG sent Respondent an email asking
7 Respondent to review a proposed order for the upcoming dependency review hearing on
8 March 11, 2022. The proposed order stated that “visitation cannot occur as the father is restrained
9 from having contact with [M.S.] based upon a criminal NCO.” This statement was incorrect, and
10 Respondent knew it was incorrect. Respondent approved the proposed order without correcting
11 the error because Respondent did not carefully review the order.

12 15. Respondent withdrew from the dependency matter in late July 2022. The AGO
13 and L.T. were aware of Respondent’s withdrawal, but Respondent did not file a notice of
14 withdrawal or otherwise inform the court of Respondent’s withdrawal. L.T. was subsequently
15 unrepresented until the court appointed a public defender to represent L.T. on November 23, 2022

16 **III. STIPULATION TO MISCONDUCT**

17 16. By failing to take reasonable steps to ensure the planned hearing to address
18 visitation took place and failing to exercise reasonable diligence in reviewing proposed orders,
19 Respondent violated RPC 1.3.

20 17. By failing to file a notice of intent to withdraw and failing to otherwise notify the
21 court of the termination of the representation, Respondent violated RPC 1.16(d).

22 **IV. PRIOR DISCIPLINE**

23 18. Respondent has no prior discipline.

1 **V. APPLICATION OF ABA STANDARDS**

2 19. The following American Bar Association Standards for Imposing Lawyer
3 Sanctions (1991 ed. & Feb. 1992 Supp.) apply to this case: ABA Standards 4.4 and 7.0.

4 20. ABA Standard 4.4 states, in pertinent part:

5 **4.4 *Lack of Diligence***

6 4.41 Disbarment is generally appropriate when:

- 7 (a) a lawyer abandons the practice and causes serious or
8 potentially serious injury to a client; or
9 (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.

10 4.42 Suspension is generally appropriate when:

- 11 (a) a lawyer knowingly fails to perform services for a client and
 causes injury or potential injury to a client, or
12 (b) a lawyer engages in a pattern of neglect and causes injury or
 potential injury to a client.

13 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.

14 4.44 Admonition is generally appropriate when a lawyer is negligent and
15 does not act with reasonable diligence in representing a client, and
 causes little or no actual or potential injury to a client.

16 21. ABA Standard 7.0 states, in pertinent part:

17 **7.0 *Violations of Duties Owed as a Professional***

18 7.1 Disbarment is generally appropriate when a lawyer knowingly
19 engages in conduct that is a violation of a duty owed as a
20 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.

21 7.2 Suspension is generally appropriate when a lawyer knowingly
22 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.

23 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.

22. Respondent acted negligently in failing to ensure that a review hearing was scheduled to address visitation, failing to diligently review proposed orders, and failing to file a notice of intent to withdraw or otherwise notify the court of Respondent's withdrawal.

23. Respondent's failure to ensure a review hearing was scheduled and failure to diligently review proposed orders caused at least potential injury to L.T. by denying L.T. the opportunity to resume visitation with L.T.'s child.

24. The presumptive sanction for this misconduct under ABA Standard 4.43 is reprimand.

25. Respondent's failure to file a notice of intent to withdraw or otherwise notify the court of the termination of the representation caused injury to L.T. by leaving L.T. unrepresented for over three months.

26. The presumptive sanction for this misconduct under ABA Standard 7.3 is reprimand.

27. The following aggravating factors apply under ABA Standard 9.22:

- (d) multiple offenses; and
- (i) substantial experience in the practice of law (licensed in Washington since 1986).

28. The following mitigating factors apply under ABA Standard 9.32:

- (a) absence of a prior disciplinary record; and
- (b) absence of a dishonest or selfish motive.

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

30. On balance the aggravating and mitigating factors do not require a departure from the presumptive sanction.

VI. STIPULATED DISCIPLINE

31. The parties stipulate that Respondent shall receive a reprimand.

VII. RESTITUTION

32. No restitution is required.

VIII. COSTS AND EXPENSES

33. Respondent shall pay attorney fees and administrative costs of \$1,500.00 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l) if these costs are not paid within 30 days of approval of this stipulation. For any amount not paid within 30 days, pursuant to ELC 13.9(i), Respondent shall pay interest at the maximum rate permitted under RCW 19.52.020.

IX. VOLUNTARY AGREEMENT

34. Respondent states that prior to entering into this Stipulation Respondent has had an opportunity to consult independent legal counsel regarding this Stipulation, that Respondent is entering into this Stipulation voluntarily, and that no promises or threats have been made by ODC, the Association, nor by any representative thereof, to induce the Respondent to enter into this Stipulation except as provided herein.

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

1 **X. LIMITATIONS**

2 36. This Stipulation is a compromise agreement intended to resolve this matter in
3 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
4 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer
5 and ODC acknowledge that the result after further proceedings in this matter might differ from
6 the result agreed to herein.

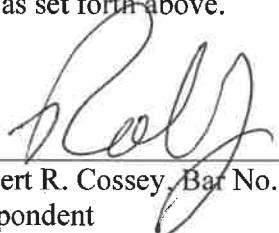
7 37. This Stipulation is not binding upon ODC or the respondent as a statement of all
8 existing facts relating to the professional conduct of the Respondent, and any additional existing
9 facts may be proven in any subsequent disciplinary proceedings.

10 38. This Stipulation results from the consideration of various factors by both parties,
11 including the benefits to both by promptly resolving this matter without the time and expense of
12 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
13 such, approval of this Stipulation will not constitute precedent in determining the appropriate
14 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
15 subsequent proceedings against Respondent to the same extent as any other approved Stipulation.
16 Under ELC 3.1(b), all documents that form the record before the Hearing Officer for Hearing
17 Officer's review become public information on approval of the Stipulation by the Hearing Officer,
18 unless disclosure is restricted by order or rule of law.

19 39. If this Stipulation is approved by the Chief Hearing Officer, it will be followed by
20 the disciplinary action agreed to in this Stipulation. All notices required in the Rules for
21 Enforcement of Lawyer Conduct will be made. Respondent represents that, in addition to
22 Washington, Respondent is not admitted to practice law in any other jurisdictions, whether
23 Respondent's current status is active, inactive, or suspended.

1 40. If this Stipulation is not approved by the Chief Hearing Officer, this Stipulation
2 will have no force or effect, and neither it nor the fact of its execution will be admissible as
3 evidence in the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in
4 any civil or criminal action.

5 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to
6 Reprimand as set forth above.

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9 _____
Robert R. Cossey, Bar No. 16481
Respondent

Dated: May 18, 2026

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12 _____
Francisco Rodriguez, Bar No. 22881
Senior Disciplinary Counsel

Dated: May 20, 2026