

FILED

Oct 13, 2025

Disciplinary
Board

DISCIPLINARY BOARD

WASHINGTON STATE BAR ASSOCIATION

Docket # 130

In re

JAMES JOSEPH RAFFA

Lawyer (Bar No. 20394).

ADMONITION

Proceeding No. 21#00030

Pursuant to Rule 13.5(a) of the Rules for Enforcement of Lawyer Conduct (ELC) the Disciplinary Board issues the following admonition:

ADMISSION TO PRACTICE

1. You were admitted to the practice of law in the State of Washington on May 15, 1991.
2. At all times material to this matter, you practiced in the state of Washington.

FACTS

3. You have practiced as a sole practitioner since 2000. You maintained general practice from 2000 to 2014, and focused on family law, estate planning, probate, and personal injury from 2014 to 2019, and on personal injury from 2019 to the present.
4. In your personal injury cases you used a standard contingency fee agreement which entitled you to retain one-third (33 1/3%) of "all amounts recovered," explicitly including "medical expenses", "insurance company payments", and "settlements".
5. Shortly after engagement in each matter, you notified clients' PIP and/or medical insurers that you would claim a one-third contingency fee on reimbursements, and you sent copies of those notices to your clients.
6. On your clients' behalf, after you negotiated settlements with tortfeasors or their

1 carriers, you prepared Settlement Authorization and Disbursal Instruction forms for clients
2 disclosing that your clients' insurers would be reimbursed out of the settlement proceeds. Those
3 forms did not, however, expressly disclose that you would retain one-third of the amounts
4 disbursed to the clients' insurers, in addition to the one-third retained from the same funds when
5 receiving them as part of the overall recovery from the tortfeasors or their insurance carriers.

6 7. After settlement, you issued checks to the insurers that were reduced by one-third
7 of the disbursement amount and sent cover letters to the clients' insurers (cc'ing the clients)
8 explaining the reduction.

9 8. You provided clients with a final trust account reconciliation statement showing the
10 distribution of settlement proceeds and reflecting your retention of one-third of the insurer
11 reimbursements.

12 9. In certain matters you worked jointly with another attorney; each client signed
13 separate engagement agreements with both attorneys, but none provided written consent to the
14 division of fees between you and the other lawyer.

15 MISCONDUCT

16 10. By providing settlement authorization forms that omitted an explicit statement that
17 you would retain a one-third contingency fee from reimbursement payments to the clients'
18 insurers, you produced inconsistent and potentially misleading settlement documents despite other
19 communications that disclosed the retention, in violation of RPC 1.4(b) of the Rules of
20 Professional Conduct.

21 11. By sharing legal fees with another attorney in multiple clients' matters without
22 obtaining the clients' written consent to the division of fees as required, you violated RPC 1.5(e)
23 of the Rules of Professional Conduct.

24 ADMONITION

25 As recommended in the Findings of Fact, Conclusions of Law and Hearing Officer's
26 Recommendation, dated December 27, 2024, and based further on the Disciplinary Board Order
27 Amending the Hearing Officer's Decision, dated August 12, 2025, the Disciplinary Board issues

1 this Admonition pursuant to Rule 13.5 of the Washington Supreme Court's Rules for
2 Enforcement of Lawyer Conduct.

3
4 YOU ARE HEREBY ADMONISHED FOR THIS MISCONDUCT. This admonition is
5 not a disciplinary sanction, but is a disciplinary action, and shall be admissible in subsequent
6 discipline or disability proceedings involving you.

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8 Dated this 13th day of October, 2025.

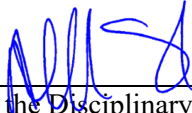
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12 Keith Evan Cohon, WSBA #15103

13 Disciplinary Board Chair
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CERTIFICATE OF SERVICE

I certify that I caused a copy of the Admonition to be emailed to the Office of Disciplinary Counsel and to the Respondent's Counsel, Jeffrey T Kestle, at jkestle@foum.law, on the 13th day of October, 2025.

A handwritten signature in blue ink, appearing to be 'M. S.', is written over a horizontal line.

Clerk to the Disciplinary Board