

FILED

Apr 25, 2022

Disciplinary
Board

Docket # 004

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

SCOTT DAVID GALLINA,
Lawyer (Bar No. 20423).

Proceeding No. 22#00018

Resignation Form of Scott David Gallina
(ELC 9.3(b))

I, Scott David Gallina, 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 June 3, 1991.

3. I was served with a Formal Complaint and Notice to Answer in this matter on April 7, 2022.

4. 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).

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

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

5 8. 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 9. I agree to (a) notify all other states and jurisdictions in which I am admitted,
12 including Idaho, of this resignation in lieu of discipline; (b) seek to resign permanently from the
13 practice of law in Idaho; and (c) provide Disciplinary Counsel with copies of this notification and
14 any response. I acknowledge that this resignation could be treated as a disbarment by all other
15 jurisdictions.

16 10. 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 11. 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 12. 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 13. When my resignation becomes effective, I agree to be subject to all restrictions that
4 apply to a disbarred lawyer.

5 14. 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 15. 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 16. I certify under penalty of perjury under the laws of the State of Washington that the
11 foregoing is true and correct.

12 4/25/22 Clarkston, wa
13 Date and Place

Scott David Gallina
Scott David Gallina, Bar No. 20423

14 ENDORSED BY:

15 Francesca D'Angelo

16 Francesca D'Angelo, Senior Disciplinary Counsel
17 Bar No. 22979
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EXHIBIT A

EXHIBIT A

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8 DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION
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10 In re

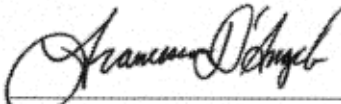
11 SCOTT DAVID GALLINA,
12 Lawyer (Bar No. 20423).
13

Proceeding No. 22#00018

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

14 The attached formal complaint, filed on April 7, 2022 in Proceeding No. 22#00018,
15 constitutes Disciplinary Counsel's statement of alleged misconduct under Rule 9.3(b)(1) of the
16 Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).
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DATED this 12th day of April, 2022.

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19 Francesca D'Angelo, Bar No. 22979
20 Senior Disciplinary Counsel
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6 DISCIPLINARY BOARD
7 WASHINGTON STATE BAR ASSOCIATION
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9 In re

10 SCOTT DAVID GALLINA,
11 Lawyer (Bar No. 20423).
12

Proceeding No. 22#00018

FORMAL COMPLAINT

13 Under Rule 10.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer
14 Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar
15 Association charges the above-named lawyer with acts of misconduct under the Washington
16 Supreme Court's Rules of Professional Conduct (RPC) as set forth below.

17 **ADMISSION TO PRACTICE**

18 1. Respondent Scott David Gallina was admitted to the practice of law in the State of
19 Washington on June 3, 1991.

20 **FACTS**

21 2. Respondent was appointed as a judge in Asotin County Superior Court in May 2014.
22 Respondent did not run for re-election in 2020.

23 3. On April 4, 2022, the Attorney General of Washington filed a Sixth Amended

1 Information charging Respondent with one count of assault in the third degree with sexual
2 motivation as follows:

3 That during the period of time from the 18th day of May, 2017,
4 through the 9th day of April, 2019, in the State of Washington,
5 SCOTT D. GALLINA did unlawfully and intentionally assault a
6 person, to wit: J.G., who was employed as a judicial officer,
7 court-related employee, county clerk, or county clerk's employee,
8 while said person was performing his or her official duties at the
9 time of the assault or as a result of said person's employment
10 within the judicial system, contrary to Revised Code of
11 Washington 9A.36.031(j) and against the peace and dignity of the
12 State of Washington; and further, the State specially alleges that
13 the defendant committed the aforementioned crime with sexual
14 motivation, that one of the purposes for which the defendant
15 committed the crime was for the purpose of his sexual
16 gratification as provided, proscribed, and defined by RCW
17 9.94A.030(48) and RCW 9.94A.835, and thereby invoking the
18 provisions of RCW 9.94A.533(8) and adding additional time to
19 the presumptive sentence as provided for in RCW
20 9.94A.533(8)(a)(iii).

21 4. Assault in the Third Degree is a class C felony. RCW 9A.36.031(2).

22 5. The Sixth Amended Information filed by the Attorney General of Washington
23 also charged Respondent with one count of Assault in the Fourth Degree with sexual motivation
as follows:

That during the period of time from the 18th day of January, 2018
to the 13th day of September, 2018, in the State of Washington;
SCOTT D. GALLINA, did unlawfully and intentionally assault
T.T. with sexual motivation, contrary to RCW 9A.36.041(1),
RCW 9.94A.835, and RCW 9.94A.030(48).

6. Assault in the Fourth Degree is a gross misdemeanor. RCW 9A.36.041(2).

7. On April 4, 2022, Respondent pleaded guilty to the charges contained in the Sixth
Amended Information.

8. In Respondent's Statement on Plea of Guilty, Respondent admitted:

On or about May 18, 2017 through April 9, 2019, I unlawfully

1 and intentionally touched J.G., a County Clerk. I performed this
2 act with sexual motivation. This act occurred in the State of
Washington, Asotin County.

3 On or about January 1, 2018 through September 13, 2018, in the
4 County of Asotin, State of Washington, I unlawfully and
intentionally touched T.T. I performed the act with sexual
5 motivation.

6 9. On April 4, 2022, the court found Respondent's plea of guilty to be knowingly,
intelligently, and voluntarily made.

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8 10. On April 4, 2022, the court found Respondent guilty as charged in the Sixth
Amended Information.


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10 11. Respondent's sentencing is set for June 6, 2022 in Asotin County, Washington.

11 **COUNT 1**

12 12. By committing the crimes of Assault in the Third Degree with sexual motivation,
13 and/or Assault in the Fourth Degree with sexual motivation, Respondent violated RPC 8.4(b)
and/or RPC 8.4(i).

14 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
15 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
16 restitution, and assessment of the costs and expenses of these proceeding.

17 Dated this 7th day of April, 2022.

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20 Francesca D'Angelo, Bar No. 22979
21 Senior Disciplinary Counsel
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