

**FILED**

Mar 15, 2024

Disciplinary  
Board

Docket # 006

DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION

In re

**NICHOLAS GEORGE,**

Lawyer (Bar No. 20490).

Proceeding No. 23#00037

ODC File Nos. 21-00445, 21-00519, 21-00920, 21-01388

Resignation Form of Nicholas George (ELC 9.3(b))

I, Nicholas George, 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. I am 71 years old.

3. After consulting with my counsel, Peter E. Sutherland, 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).

4. 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

1 Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to  
2 permanently resign from membership in the Association.

3 5. I consent to entry of an order under ELC 13.9(e) assessing expenses of \$1,500 in  
4 this matter. I have already paid \$1,100 of the \$1,500.

5 6. No restitution is appropriate in this matter. Respondent refunded \$2,000 to Ilmi and  
6 \$3,000 to Garcia's father.

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

9 8. I understand that my resignation is permanent and that any future application by me  
10 for reinstatement as a member of the Association is currently barred. If the Washington Supreme  
11 Court changes this rule or an application is otherwise permitted in the future, it will be treated as  
12 an application by one who has been disbarred for ethical misconduct. If I file an application, I  
13 will not be entitled to a reconsideration or reexamination of the facts, complaints, allegations, or  
14 instances of alleged misconduct on which this resignation was based.

15 9. I agree to (a) notify all other states and jurisdictions in which I am admitted of this  
16 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in all  
17 other states and jurisdictions in which I am admitted; and (c) provide Disciplinary Counsel with  
18 copies of this notification and any response(s). I acknowledge that this resignation could be  
19 treated as a disbarment by all other jurisdictions.

20 10. I agree to (a) notify all other professional licensing agencies in any jurisdiction from  
21 which I have a professional license that is predicated on my admission to practice law of this  
22 resignation in lieu of discipline; (b) seek to resign permanently from any such license; and (c)  
23 provide disciplinary counsel with copies of any of these notifications and any responses.

1 11. I agree that when applying for any employment, I will disclose the resignation in  
2 lieu of discipline in response to any question regarding disciplinary action or the status of my  
3 license to practice law.

4 12. I understand that my resignation becomes effective on Disciplinary Counsel's  
5 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary  
6 Counsel must do so promptly following receipt of this document.

7 13. When my resignation becomes effective, I agree to be subject to all restrictions that  
8 apply to a disbarred lawyer.

9 14. Upon filing of my resignation, I agree to comply with the same duties as a disbarred  
10 lawyer under ELC 14.1 through ELC 14.4.

11 15. I understand that, after my resignation becomes effective, it is permanent. I will  
12 never be eligible to apply and will not be considered for admission or reinstatement to the practice  
13 of law nor will I be eligible for admission for any limited practice of law.

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

16 2-21-24 Walla Walla  
Date and Place

Nicholas George  
Nicholas George, Bar No. 20490

18 ENDORSED BY:

19 Sachia Stonefeld Powell  
Sachia Stonefeld Powell, Disciplinary Counsel  
20 Bar No. 21166

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

The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of the Washington Supreme Court’s Rules for Enforcement of Lawyer Conduct (ELC).

**I. ADMISSION TO PRACTICE**

1. Respondent Nicholas George was admitted to the practice of law in the State of Washington on June 3, 1991.

**II. ALLEGED FACTS**

ODC File 21-01388

2. In October 2020, Benjamin Garcia was charged with rape, human trafficking, indecent liberties, and unlawful imprisonment. Garcia's alleged victim was SB.

1           3.    In December 2020, SB was charged with drug possession, unrelated to the matter  
2 with Garcia.

3           4.    On December 11, 2020, Respondent was appointed by the court to represent SB in  
4 SB's drug possession charge.

5           5.    On December 23, 2020, Garcia's father asked Respondent if Respondent could  
6 represent Garcia in Garcia's pending charges. Respondent told Garcia's father that Respondent  
7 represented the victim, SB, in another matter and would have to drop SB as a client to represent  
8 Garcia.

9           6.    On December 23, 2020, Respondent and Garcia's father entered into a fee agreement  
10 and Respondent signed a Notice of Withdrawal and Substitution in Garcia's matter.

11          7.    On December 30, 2020, Respondent filed the Notice and Substitution, officially  
12 substituting as counsel for Garcia effective December 31, 2020.

13          8.    On January 4, 2021, Respondent withdrew as counsel for SB. Lawyer Robin Olson  
14 appeared as SB's counsel. Olson had served as SB's counsel in previous drug-related charges.

15          9.    On March 9, 2021, Respondent filed a Motion to Attain Funds for a Drug Expert in  
16 Garcia's matter. In the motion, Respondent asserted that it was necessary to hire a drug expert “to  
17 show whether or not the alleged victim [SB] could make accurate and reasonable observations  
18 during her interactions with my client.”

19          10.   On April 20, 2021, Respondent filed a motion to compel SB to appear for an  
20 interview or deposition.

21          11.   On April 26, 2021, the court ruled on the motion and set the interview for April 29,  
22 2021. Respondent did not conduct the interview of SB because the prosecutor objected to the  
23 appearance of a conflict.

1           12. On June 1, 2021, the State filed a Motion to Inquire as to Conflict of Interest in  
2 Garcia's case.

3           13. Respondent withdrew from the representation of Garcia soon after the State's motion  
4 was filed. Neither Garcia nor SB gave informed consent for Respondent to represent the other  
5 client.

6 ODC File 21-00920

7           14. On February 3, 2021, ZemZem Ilmi hired Respondent to represent Ilmi's son Elias  
8 Reda, who was charged with several crimes.

9           15. When Ilmi and a friend of Elias's<sup>1</sup> met with Respondent. Respondent said to the  
10 friend, referring to Ilmi, "I know her color, but where does she come from?" Ilmi responded that  
11 Ilmi is from Somalia.

12           16. Respondent represented Elias for approximately 3 months.

13           17. During the representation, Respondent referred to the prosecutor as a "dumb bitch"  
14 when speaking to Elias.

15           18. During the representation, Elias told Respondent that Elias wanted drug court and to  
16 have a gun charge dismissed and asked Respondent to talk to the prosecutor. Respondent told  
17 Elias to shut up because there was "no chance in hell" that Elias would get what Elias wanted.  
18 However, Respondent went back into the courtroom and spoke to the prosecutor about drug court.

19           19. Ilmi subsequently received a letter from Respondent stating that Respondent would  
20 no longer be representing Elias.

21  
22  
23 <sup>1</sup> Because Elias and Elias's brother, Abraham, share the same last name, first names will be used  
to avoid confusion. No disrespect is intended.

1           20. When Ilmi contacted Respondent after receiving the letter. Respondent called Ilmi  
2 a “mother fucker” and asked “Why are you in America? You want to rob me? Go back to sleep  
3 on the streets in Somalia. Go back to your country, live on the street, and beg for money. You  
4 have a stupid criminal boy. You are the same shit.” Respondent then hung up the phone on Ilmi.

5           21. Ilmi felt the comments were disrespectful and offensive and the conversation made  
6 Ilmi cry.

7           22. Elias's brother, Abraham Reda, called Respondent to request a refund. During the  
8 conversation, Respondent called Abraham a “dummy,” said Abraham was just as crazy as Elias,  
9 and hung up on Abraham.

10 ODC File 21-00519 and ODC File 21-00455

11           23. In the course of representing a client, Respondent contacted Dr. Todd Carmen-  
12 Wagner to discuss the issue of jail staff recording counseling sessions. During a phone  
13 conversation with Dr. Carmen- Wagner, Respondent used slurs about two local lawyers, referring  
14 to one as a “lazy Mexican woman,” and the other as “a female that wasn't a real attorney as she  
15 didn't go to law school.”

16           24. In addition, Respondent worked with investigator Shane Morlan regarding client  
17 matters. Respondent left voicemail messages for Morlan in which Respondent referred to  
18 prosecution witnesses - one of whom was former client SB - as a “slut” and “wenches,” and  
19 referred to a prosecutor as “this bitch.”

20           25. In one of the voicemail messages Respondent said, “Hispanic clients stress me much  
21 more than Caucasian clients because the whole fucking Clans [sic] in on it, and they think you  
22 can snap a finger and it's done.”





1 35. By representing SB and thereafter representing Garcia, and intending to use  
2 information relating to the representation of SB to SB's disadvantage, Respondent violated RPC  
3 1.9(a), (b) and (c).

4 36. By making the statements set forth above to Elias, Ilmi and Abraham, Respondent  
5 violated RPC 4.4(a), RPC 8.4(d), RPC 8.4(h), RPC 8.4(k), and RPC 8.4(n).

6 37. By making the statements set forth above to Carmen-Wagner, Morlan, and Thomas,  
7 Respondent violated RPC 4.4(a), RPC 8.4(d), RPC 8.4(k), and RPC 8.4(n).

8 38. By engaging in a conflict of interest in the representation of client Thomas,  
9 Respondent violated RPC 1.7.

10  
11 DATED this 12th day of March, 2024.

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14 Sachia Stonefeld Powell, Bar No. 21166  
15 Disciplinary Counsel  
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