FILED
Aug 13, 2026
Disciplinary Board
Docket # 045

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re **DONNA L. JOHNSTON,** Lawyer (Bar No. 23630).	Proceeding No. 25#00034 ODC File Nos. 23-01735, 24-01120 STIPULATION TO TWELVE-MONTH SUSPENSION Following settlement conference conducted under ELC 10.12(h)

Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), and following a settlement conference conducted under ELC 10.12(h), the following Stipulation to a twelve-month Suspension is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Marina Busse, Respondent's counsel Anne I. Seidel, and Respondent lawyer Donna L. Johnston.

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,

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

I. ADMISSION TO PRACTICE

1. Respondent was admitted to practice law in the State of Washington on June 7, 1994.

II. STIPULATED FACTS

A.A. Grievance (ODC File No. 23-01735)

2. Respondent represented A.A. in a domestic violence protection action filed by A.A.'s former spouse.

3. Respondent represented A.A. at a hearing on September 22, 2022.

4. After the hearing, the court entered a final order of protection, with A.A.'s consent, that was valid for one year.

5. On October 9, 2023, A.A. was served with a petition for a renewal of the protection order. Under RCW 7.105.405(4), a court must grant a petition for renewal of a protection order unless the respondent establishes that there has been a substantial change in circumstances.

6. A.A. hired Respondent. Respondent did not charge A.A. a fee for representation on the protection order renewal.

7. On October 19, 2023, Respondent and A.A. appeared via Zoom at the hearing on the matter. During this hearing, Respondent was out of town for a preplanned vacation.

8. At the hearing, Respondent moved for a continuance, which the court granted over the petitioner's objection.

9. The court told the parties that no further continuances would be granted and asked that

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the parties provide dates when they would be available to hold the full hearing.

10. The court suggested November 9, 2023, for the next hearing.

11. Respondent told the court that Respondent had two motions to argue in a different court on the morning of November 9, 2023 and was therefore unavailable.

12. The court asked Respondent whether Respondent would be available on November 8, 2023 and 9:00 a.m.

13. Respondent agreed to set the hearing for November 8, 2023, at 9:00 a.m.

14. Respondent negligently failed to record this date in Respondent's calendar. Respondent did not receive any further notice from the court about the hearing.

15. On November 7, 2023, at 5:14 p.m. A. A. sent Respondent a text message that said "Hi Donna when are you going to call me back till win [sic]. I will keep the hustle and call you call you and you never called back." Respondent did not respond to that text message before the November 8, 2023 hearing.

16. Respondent did not appear at the November 8, 2023 hearing.

17. Respondent did not communicate with A.A. about the hearing. A.A. also did not appear at the hearing.

18. The court renewed the protection order against A.A. for fifty years.

19. During the events described above, Respondent was on probation from a prior disciplinary suspension for conduct involving, in part, failure to appear at one or more court hearings.

III. STIPULATION TO MISCONDUCT

20. By failing to appear at the hearing on November 8, 2023, Respondent violated RPC 1.3.

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21. By failing to communicate with A.A. about the November 8, 2023 hearing, Respondent violated RPC 1.4(a).

IV. PRIOR DISCIPLINE

22. On July 8, 2023, Respondent received a reprimand based on conduct involving failure to communicate with a client in violation of RPC 1.4, lack of diligence in violation of RPC 1.3, lack of competence in violation of RPC 1.1, and a negligent misrepresentation to a client in violation for RPC 8.4(c)

23. On July 21, 2006, Respondent received a reprimand for conduct involving failure to communicate with a client in violation of RPC 1.4 and making a misrepresentation to a third party in violation of RPC 8.4(c)

24. On June 30, 2021, Respondent received a nine-month suspension for conduct involving failure to communicate with clients in violation of RPC 1.4, lack of diligence including failing to appear at one or more court hearings in violation of RPC 1.3, and making misrepresentations to a client and to the court in violation of RPC 8.4(c) and RPC 3.3.

V. APPLICATION OF ABA STANDARDS

25. The following American Bar Association Standards for Imposing Lawyer Sanctions (1991 ed. & Feb. 1992 Supp.) apply to this case are:

26. ABA Standard 4.4 applies to violations for lack of diligence and provides as follows:

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:

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(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.

27. Respondent's conduct was negligent.

28. Respondent's conduct caused injury or potential injury to A.A.

29. The presumptive sanction is reprimand under ABA Standards 4.43.

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

(a) prior disciplinary offenses;

(d) multiple offenses; and

(i) substantial experience in the practice of law.

31. It is a substantial aggravating factor that Respondent was on probation for discipline involving similar misconduct.

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

(b) absence of a dishonest or selfish motive;

(c) personal or emotional problems. See Appendix A, filed under seal.

(g) character or reputation; and

(l) remorse.

33. On balance, the aggravating and mitigating factors support increasing the presumptive sanction to suspension.

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VI. STIPULATED DISCIPLINE

34. The parties stipulate that Respondent shall receive a twelve-month suspension.

VII. CONDITIONS OF REINSTATEMENT

35. Reinstatement from suspension is conditioned on payment of costs and expenses, as provided below.

36. As an additional condition of reinstatement, Respondent shall, at least 30 days before a request for reinstatement, undergo an examination by a mental health professional approved by ODC to evaluate Respondent's fitness to practice law, in light of the conditions discussed in Attachment A.

37. Respondent shall pay all expenses associated with the examination.

38. Respondent shall execute all necessary releases and authorizations to permit the evaluator and disciplinary counsel to obtain full access to all pertinent health care and treatment records for the applicable time period, and to permit the evaluator to release information regarding the evaluation to disciplinary counsel, including a written report of the evaluator's findings, diagnosis, and recommended treatment plan, if any. Respondent shall provide disciplinary counsel with a copy of the releases and authorizations.

39. If the evaluator concludes there is reasonable cause to believe that Respondent does not have the mental or physical capacity to practice law, then disciplinary counsel may report to a review committee as provided in ELC 8.2.

40. If the evaluator recommends treatment, then Respondent shall undergo treatment with a treatment provider and be subject to probation for a period of twenty-four months beginning on the date Respondent is reinstated to the practice of law. The conditions of probation are set forth below.

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41. If the evaluator does not recommend treatment, then Respondent will not be required to undergo treatment and will not be subject to probation requiring mental health treatment.

VIII. CONDITIONS OF PROBATION

42. If the evaluator recommends that Respondent undergo treatment, Respondent will be subject to probation for a period of twenty-four months beginning when Respondent is reinstated to the practice of law. Respondent's compliance with these conditions will be monitored by the Probation Administrator of the Office of Disciplinary Counsel (Probation Administrator). Failure to comply with a condition of probation listed herein may be grounds for further disciplinary action under ELC 13.8(b).

43. If the mental-health evaluator recommends treatment, Respondent shall undergo treatment with the evaluator or with another treatment provider approved by the Probation Administrator. Respondent will not be required to undergo mental-health treatment if not recommended by a mental-health evaluator approved by the Probation Administrator.

44. Respondent shall comply with all requirements and recommendations of the treatment provider, including but not limited to the completion of any period of in- or out-patient treatment and aftercare and the taking of all prescribed medications.

45. Respondent shall execute an authorization allowing and directing the treatment provider to take the following actions:

i) on a quarterly basis, send written reports to the Probation Administrator that include the dates of treatment, whether Respondent has been cooperative with treatment, and whether continued treatment is recommended;

ii) report immediately to the Probation Administrator if Respondent fails to appear for treatment or stops treatment without the provider's agreement and consent prior to

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either termination of the treatment plan or expiration of the probation period set forth in this stipulation;

iii) report immediately to the Probation Administrator if Respondent fails to comply with any treatment recommendations of the treatment provider;

iv) report immediately to the Probation Administrator if Respondent otherwise violates any of the terms or conditions of treatment;

v) report immediately to the Probation Administrator if the provider will no longer serve as treatment provider to Respondent prior to termination of the treatment plan or expiration of the probation period set forth in this stipulation; and

vi) report to the Probation Administrator if Respondent successfully completes treatment and is discharged from further treatment.

46. Respondent shall provide a copy of the authorization to the Probation Administrator upon execution.

47. Respondent is responsible for paying any and all fees, costs, and/or expenses of mental health evaluation and treatment.

IX. COSTS AND EXPENSES

48. In light of Respondent's willingness to resolve this matter by stipulation, Respondent shall pay attorney fees and administrative costs of $500 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. Reinstatement from suspension is conditioned upon Respondent's payment of these costs.

X. VOLUNTARY AGREEMENT

49. Respondent states that prior to entering into this Stipulation, Respondent has consulted 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

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as provided herein.

50. 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.

XI. LIMITATIONS

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

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

53. This Stipulation results from the consideration of various factors by both parties, including the benefits to both by promptly resolving this matter without the time and expense of hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As such, approval of this Stipulation will not constitute precedent in determining the appropriate sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in subsequent proceedings against Respondent to the same extent as any other approved Stipulation.

54. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely on the record agreed to by the parties. Under ELC 3.1(b), all documents that form the record before the Board for its review become public information on approval of the Stipulation by the Board, unless disclosure is restricted by order or rule of law.

55. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will

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be followed by the disciplinary action agreed to in this Stipulation. All notices required in the Rules for Enforcement of Lawyer Conduct will be made. Respondent represents that, in addition to Washington, Respondent also is admitted to practice law in the following jurisdictions, whether current status is active, inactive, or suspended: New Jersey and Pennsylvania.

56. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, this Stipulation will have no force or effect, and neither it nor the fact of its execution will be admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil or criminal action.

WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to eighteen-month suspension as set forth above.

Donna L. Johnston

Donna L. Johnston, Bar No. 23630
Respondent

Dated: 7/16/2026

Anne I. Seidel, Bar No. 22742
Counsel for Respondent

Dated: 7/16/26

Marina Busse, Bar No. 54411
Disciplinary Counsel

Dated: 7/16/26

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APPENDIX A

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mindful therapy group

Claire White PsyD
Psychologist
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June 30, 2026

I am writing today at the request of Donna Johnston. I first met Ms. Johnston at a clinic in 2009. More recently I have provided behavioral health care for her from 2021 to the present. She presented with clinical depression and anxiety. Her conditions met the criteria of the DSM-5-TR. She attended weekly behavioral health appointments with the exception of a two week visit to her sisters in October 2023. During the months of September through November of 2023, she was prescribed medication by a psychiatrist through Kaiser Permanente. The doctor changed her medications and the doses of the medication. The result was that her sleep was poor. She sometimes woke at 4am and was unable to get adequate sleep. She was fatigued and coping with a stressful schedule. In addition, she was experiencing severe shoulder and hip pain. She was struggling with depression, medication changes and chronic pain which would have affected her focus, memory and ability to perform tasks.

[redacted]

Sincerely,

Claire White PsyD

Claire White PsyD
License Number PY 60411502