

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

JULIE A. VANCE,

Lawyer (Bar No. 32189)

Proceeding No. 23#00059

ODC File Nos. 23-00336, 23-00675

STIPULATION TO SUSPENSION

Under Rule 9.1 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to Suspension 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 Julie A. Vance.

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

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 May 22, 2002.

II. STIPULATED FACTS

Klickitat County Superior Court No. 20-2-00100-20

2. In 2018, Windward Research and Education Center (Windward) filed a lawsuit against several defendants claiming they conspired to misappropriate funds and convert a nonprofit fundraising event into a for-profit event that would benefit the defendants personally. The initial complaint was filed in East Klickitat County District Court.

3. Windward subsequently hired Respondent to represent Windward in the pending lawsuit.

4. In 2019, Respondent filed a motion to have the case removed to Klickitat County Superior Court.

5. On August 14, 2020, the case was removed to Klickitat County Superior Court and assigned case number 20-2-00100-20.

6. On November 17, 2020, Respondent filed a third amended complaint naming additional defendants to the lawsuit, including Three Bad Bitches and a Train, LLC, Vandestraat Properties, LLC, and Ruth Vandestraat, who controlled the first two entities in whole or in part (these three additional defendants are collectively referred to hereafter as "Vandestraat").

7. The third amended complaint implied that the newly-named defendants were part of the alleged conspiracy but only asserted that Vandestraat provided a venue and financial support for the misappropriated event.

1 8. On May 17, 2021, Vandestraat moved for summary judgment and sanctions.

2 9. On June 22, 2021, the court granted Vandestraat's motion for summary judgment and
3 awarded sanctions against Windward.

4 10. The court found:

5 The filing by the plaintiff is not well grounded in fact nor warranted by law. The
6 claim is frivolous and advanced with no reasonable cause. No articulable claim
7 has been found against any of the defendants moving for summary judgment.
8 Additionally, without ruling on this ground, the court is hard-pressed to find much
of a showing of even jurisdiction against 3 [sic] of the four defendants moving for
summary judgment. This is the exact type of case and scenario that warrant the
award of attorney fees against the plaintiff.

9 11. The court subsequently awarded sanctions against Windward in the amount of
10 \$40,241.97.

11 12. Respondent failed to make adequate pre-filing inquiries to ascertain whether there was
12 a reasonable basis in law and fact to support the third amended complaint.

13 13. The third amended complaint filed by Respondent did not have a reasonable basis in
14 law and fact.

15 14. The third amended complaint filed by Respondent was frivolous.

16 15. The third amended complaint filed by Respondent was not a good faith argument for
17 an extension, modification, or reversal of existing law.

18 *Appeal of Sanctions Order*

19 16. Respondent filed an appeal of the sanctions order on behalf of Windward.

20 17. In prosecuting the appeal, Respondent violated several Rules of Appellate Procedure.
21 Respondent's brief failed to set forth any assignments of error and did not include a statement of
22 the case with references to the record.

1 18. In its decision, the court noted that the record on appeal contained over 2000 pages
2 and the failure to include a statement of the case with citations to the record left the court and
3 opposing counsel to sift through thousands of pages to find relevant evidence. *Windward Educ.*
4 *& Rsch. Ctr. v. Ciacchi*, 2022 Wash. App. LEXIS 1941, at *5-6.

5 19. Respondent also failed to provide an adequate record on review, omitting key
6 documents necessary to properly review the trial court's sanctions order.

7 20. Respondent did not have a reasonable basis in law and fact for the appeal.

8 21. Respondent's appeal on behalf of Windward was frivolous.

9 22. The appeal was not a good faith argument for an extension, modification, or reversal
10 of existing law.

11 23. In its decision, the Court of Appeals found that:

12 Windward failed to perfect the record on appeal, filed a brief that violated
13 multiple Rules of Appellate Procedure, presented arguments devoid of
14 merit, and attached nearly 100 pages of irrelevant materials to its brief.
Attorney fees are imposed against Windward and Vance.

15 *Id.* at *13.

16 24. On February 1, 2023, the court ordered Windward and Respondent to pay Vandestraat
17 fees and costs in the amount of \$12,175.53.

18 ***Klickitat County Superior Court No. 20-4-00040-20***

19 25. On October 26, 2020, Respondent prepared and filed a petition for letters of
20 administration and nonintervention powers in Klickitat County Superior Court under case number
21 20-4-00040-20 ("probate petition"). The petition related to the estate of ECK who had died on
22 September 17, 2020.

1 26. As detailed below, Respondent was negligent in investigating the relevant facts and
2 law when preparing the probate petition. As a result, Respondent made factual assertions in the
3 probate petition that were false.

4 27. Respondent represented ECK's estranged spouse, Elizabeth,¹ who was seeking to be
5 appointed as personal representative.

6 28. The probate petition stated that ECK was a resident of Klickitat County at the time of
7 ECK's death. This statement was false.

8 29. The probate petition stated that nonintervention powers should be granted to Elizabeth
9 because Elizabeth was "Decedent's surviving spouse, Decedent's estate consists only of
10 community property, and all of the then living or gestating issue of Decedent are also the issue of
11 mine." This statement was false as ECK's estate did not consist solely of community property,
12 and ECK had living issue who were not also the issue of Elizabeth.

13 30. The probate petition stated that ECK had three heirs, ECK's children Nicholas and
14 Martina, and ECK's former spouse Randy. This statement was false. ECK had two additional
15 heirs: ECK's child Charley and ECK's grandchild Caitlynn.

16 31. Respondent was aware of Charley's and Caitlynn's relation to ECK at the time
17 Respondent filed the probate petition.

18 32. Respondent did not list Caitlynn as an heir in the probate petition because Respondent
19 did not recognize that as a grandchild, Caitlynn qualified as an heir of ECK.

20 33. Respondent did not conduct a reasonable inquiry into the legal definition of "heir"
21 prior to filing the petition.

22
23 ¹ First names are used for the heirs of ECK to avoid confusion and protect the privacy of those who are
not parties to this matter. No disrespect is intended.

1 34. Respondent did not list Charley as an heir because Respondent assumed, incorrectly,
2 that Charley was deceased.

3 35. Respondent did not conduct any investigation to ascertain whether Charley was, in
4 fact, deceased.

5 36. Charley was not deceased at the time Respondent filed the probate petition.

6 37. At the time Respondent filed the probate petition, Respondent knew that under RCW
7 11.68.011, nonintervention powers were only available if, at the time of death, ECK had no living
8 issue who were not also the issue of the petitioning spouse.

9 38. At the time Respondent filed the probate petition, Elizabeth was not eligible for
10 nonintervention powers because Caitlynn and Charley were the issue of ECK but not Elizabeth.

11 39. The probate petition stated that the entire estate was community property of ECK and
12 estranged wife Elizabeth. This statement was false.

13 40. At the time Respondent filed the probate petition, Respondent knew that ECK and
14 Elizabeth had been living separate and apart for many years.

15 41. For at least 5 years prior to ECK's death, ECK had been living with ECK's former
16 spouse Randy in Oregon as though the two were re-married.

17 42. At the time Respondent filed the probate petition, Respondent was aware of RCW
18 26.16.140 which provides that: "When spouses or domestic partners are living separate and apart,
19 their respective earnings and accumulations shall be the separate property of each." Respondent
20 also knew that under RCW 11.68.011, nonintervention powers were only available if ECK's
21 estate consisted solely of community property.

22 43. Because ECK's estate did not consist solely of community property, Elizabeth was
23 not eligible for nonintervention powers.

1 44. On October 29, 2020, the court granted the probate petition and appointed Elizabeth
2 as personal representative with nonintervention powers.

3 45. On November 6, 2020, Randy sent a letter to Respondent notifying Respondent that
4 ECK was a resident of Oregon at the time of death and questioning the propriety of opening
5 probate in Klickitat County.

6 46. Respondent stated to ODC that Respondent learned a few weeks after filing the
7 probate petition that at the time of death, ECK had been residing in Clark County, Washington.

8 47. Respondent did not at any point in time disclose to the court that the probate petition
9 contained a false statement of material fact regarding ECK's residence at the time of death.

10 48. On December 28, 2020, Randy filed a creditor's claim against ECK's estate.

11 49. Randy's claim stated that for over five years prior to death, ECK had resided in Oregon
12 with Randy and that ECK's estate did not consist solely of community property.

13 50. On March 25, 2021, Respondent filed a notice of rejection of Randy's claim.

14 51. On April 22, 2021, Randy filed a complaint against Elizabeth in Klickitat County
15 Superior Court under case number 21-2-00040-20 regarding the rejection of the creditor's claim.
16 Respondent represented Elizabeth in connection with this complaint.

17 52. In the complaint, Randy stated that Elizabeth and ECK had separated in 2010 and had
18 lived separately and independently since that time, that ECK resided in Oregon with Randy at the
19 time of ECK's death and for the five years prior to ECK's death, and that Charley and Caitlynn
20 were living heirs of ECK's estate who had not been given notice of the probate proceeding.

21 53. In May 2021, despite having not yet provided notice of the probate proceeding to
22 Charley or Caitlynn, Respondent sent a settlement offer to Randy's lawyer.

1 54. Respondent's May 2021 letter acknowledged that the settlement offer had not been
2 authorized by all of ECK's heirs, stating that Elizabeth "has been authorized by *the heirs that she*
3 *is in contact with* to offer your client the most significant asset [of the estate]. . . ." [emphasis
4 added].

5 55. In March 2022, during the discovery process in Klickitat County Superior Court No.
6 21-2-00040-20, Respondent submitted responses to interrogatories and requests for admission on
7 behalf of Elizabeth.

8 56. In these responses, Respondent's client Elizabeth indicated that at the time of ECK's
9 death, ECK resided in Clark County, Washington, that ECK last physically lived in Klickitat
10 County in 2013, and that ECK and Elizabeth had last lived together in June 2010. Elizabeth also
11 admitted that Charley was the child of ECK and that Caitlynn was the child of ECK's deceased
12 child Lynn.

13 57. On July 28, 2022, Randy's lawyer sent Respondent a letter specifically identifying
14 numerous false claims included in the probate petition.

15 58. The July 2022 letter indicated that the statement in the probate petition indicating that
16 there were no other living issue of ECK was false. The letter stated that Charley and Elizabeth
17 were both living heirs and issue of ECK and that they were not the issue of Elizabeth.

18 59. The July 2022 letter indicated that the statement in the probate petition indicating that
19 ECK's estate consisted solely of community property belonging to ECK and Elizabeth was false.

20 60. The July 2022 letter indicated that the statement in the probate petition that ECK was
21 a resident of Klickitat County was false.

22 61. The July 2022 letter indicated that Elisabeth had improperly obtained nonintervention
23 powers by providing false information to the court.

62. The July 2022 letter demanded that an amended petition be filed within 20 days correcting the false statements contained in the original probate petition.

63. Respondent did not file an amended probate petition with the court or otherwise notify the court of the false statements contained in the probate petition.

64. On September 29, 2022, Randy filed a Trust and Estate Dispute Resolution Act (TEDRA) petition in Klickitat County Superior Court under case number 22-4-00080-20.

65. Respondent represented Elizabeth in connection with the TEDRA petition.

66. The TEDRA petition stated that Randy and ECK had lived together in Oregon in a committed intimate relationship since approximately 2015.

67. The TEDRA petition stated that Elisabeth had falsely claimed in the probate petition that Elisabeth's own children were the only living issue of ECK. The TEDRA petition stated that Charley was alive and described the general area where Charley lived. The TEDRA petition further stated that Caitlynn was ECK's issue and heir and entitled to a share of ECK's estate.

68. The TEDRA petition stated that Elisabeth "violated her position of trust with the court and she failed to execute her duties faithfully when she failed and refused to correct her false statements to the court."

69. On February 3, 2023, Elizabeth and Randy reached a settlement resolving Randy's claims against ECK's estate. Respondent represented Elizabeth in connection with the settlement. As part of the settlement, ECK's estate agreed to pay Randy approximately \$10,000. The settlement also required the filing of an amended probate petition listing Charley and Caitlynn as heirs and beneficiaries of ECK's estate, correcting ECK's place of residence at the time of death, and identifying property of ECK's Estate as separate property.

70. The settlement was approved by the court on February 8, 2023.

1 71. To date, Respondent has not filed an amended probate petition or otherwise disclosed
2 to the court the false statements contained in the original probate petition.

3 72. To date, Respondent has not provided Charley or Caitlynn with notice of the probate
4 proceedings or of the settlement agreement with Randy.

5 III. STIPULATION TO MISCONDUCT

6 73. By filing a frivolous third amended complaint on behalf of Windward, pursuing a
7 frivolous appeal on behalf of Windward, and violating court rules and accepted practice norms in
8 prosecuting the appeal, Respondent violated RPC 3.1 and RPC 8.4(d).

9 74. By filing the probate petition containing false statements and then failing to correct
10 the false statements upon learning of their falsity, Respondent violated RPC 3.3(c) and RPC
11 8.4(d).

12 IV. PRIOR DISCIPLINE

13 75. Respondent received a reprimand in 2010 for violating RPC 1.1, RPC 1.4, 1.6, 1.7,
14 and RPC 1.9, in a criminal matter in which Respondent represented co-defendants without
15 obtaining their informed consent, discussed one co-defendant's case in the presence of the other,
16 and failed to provide competent representation.

17 V. APPLICATION OF ABA STANDARDS

18 76. The following American Bar Association Standards for Imposing Lawyer Sanctions
19 (1991 ed. & Feb. 1992 Supp.) apply to this case:

20 77. ABA Standard 6.2 is most applicable to Respondent's frivolous litigation on behalf of
21 Windward:

22 6.22 Suspension is generally appropriate when a lawyer knows that he or
23 she is violating a court order or rule, and causes injury or potential injury to
a client or a party, or causes interference or potential interference with a
legal proceeding.

1 6.23 Reprimand is generally appropriate when a lawyer negligently fails
2 to comply with a court order or rule, and causes injury or potential injury to
3 a client or other party, or causes interference or potential interference with
4 a legal proceeding.

5 78. Respondent acted knowingly in filing a frivolous third amended complaint on behalf
6 of Windward and negligently in filing a frivolous appeal and violating court rules and accepted
7 practice norms in prosecuting the appeal.

8 79. Respondent caused injury to Vanderstraat which was forced to defend against the
9 frivolous complaint and subsequent appeal and also caused injury to Windward which was
10 ordered to pay sanctions.

11 80. The presumptive sanction for Respondent's violations of RPC 3.1 and RPC 8.4(d) is
12 suspension with respect to Windward's third amended complaint and reprimand with respect to
13 the frivolous appeal.

14 81. ABA Standard 6.12 is most applicable to the submission of false evidence to a court:

15 Suspension is generally appropriate when a lawyer knows that false
16 statements or documents are being submitted to the court or that material
17 information is improperly being withheld, and takes no remedial action, and
18 causes injury or potential injury to a party to the legal proceeding, or causes
19 an adverse or potentially adverse effect on the legal proceeding.

20 82. Respondent made false statements in the probation petition for ECK's estate and took
21 no remedial action after being put on notice that the statements were false.

22 83. Respondent's actions caused potential injury to Randy, Caitlynn, and Charley who
23 were at risk of receiving less than they were entitled to from ECK's estate.

24 84. The presumptive sanction for Respondent's violations of RPC 3.3(c) and RPC 8.4(d)
 in the probate matter is suspension.

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

- (a) prior disciplinary offenses (reprimand 2010);
- (d) multiple offenses; and
- (i) substantial experience in the practice of law (Respondent was admitted to practice in 2002).

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

- (b) absence of a dishonest or selfish motive; and
- (c) personal or emotional problems.

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

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

VI. STIPULATED DISCIPLINE

89. The parties stipulate that Respondent shall receive a six-month suspension.

VII. CONDITIONS OF REINSTATEMENT

90. Reinstatement from suspension is conditioned on payment of costs and expenses, as provided below, and payment of sanctions imposed in Court of Appeals No. 38481-1-III.

VIII. RESTITUTION

91. No restitution is required.

IX. COSTS AND EXPENSES

92. In light of Respondent's willingness to resolve this matter by stipulation at an early stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$1,000.00 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(i) if these costs are not paid within 30 days of approval of this stipulation. Reinstatement from suspension is conditioned on payment of costs and expenses.

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94. 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.

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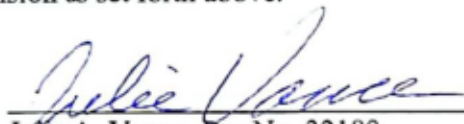
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1 98. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely on the
2 record agreed to by the parties. Under ELC 3.1(b), all documents that form the record before the
3 Board for its review become public information on approval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


5 99. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will
6 be followed by the disciplinary action agreed to in this Stipulation. All notices required in the
7 Rules for Enforcement of Lawyer Conduct will be made. Respondent represents that Respondent
8 is not admitted to practice law in any other jurisdictions.

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

13 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to
14 Suspension as set forth above.

15 
16 Julie A. Vance, Bar No. 32189
17 Respondent

Dated: 10/12/23

18 
19 Francisco Rodriguez, Bar No. 22881
20 Disciplinary Counsel

Dated: 10/17/2023