

FILED

Jan 7, 2022

Disciplinary
Board

Docket # 001

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

LINDA STAPLES,
Lawyer (Bar No. 32854).

Proceeding No. 22#00002

ODC File No(s). 21-00457

Resignation Form of Linda Staples (ELC
9.3(b))

I, Linda Staples, 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 November 5, 2002.

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

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

3 6. I agree to pay restitution of \$1100 to Erica Petersen.

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

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

12 9. I agree to (a) notify all other states and jurisdictions in which I am admitted, although
13 there are none, of this resignation in lieu of discipline; (b) seek to resign permanently from the
14 practice of law in all other states and jurisdictions; and (c) provide Disciplinary Counsel with
15 copies of this notification and any response(s). I acknowledge that this resignation could be
16 treated as a disbarment by all other jurisdictions.

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

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

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

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

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

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

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

13 1/7/22 Vancouver WA
Date and Place

Linda Staples
Linda Staples, Bar No. 32854

15 ENDORSED BY:

16 Sachia Stonefeld Powell
Sachia Stonefeld Powell, Disciplinary Counsel
17 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 Linda Staples was admitted to the practice of law in the State of Washington on November 5, 2002.

II. ALLEGED FACTS

2. On January 28, 2021, Linda Staples agreed to represent Erica Petersen in a non-parental custody matter. Staples instructed Petersen to attend a hearing in the matter the following day and then contact Staples after the hearing.

1 3. On January 29, 2021, Petersen appeared, pro se, at the hearing. The court advised
2 Petersen that Petersen should have Staples act quickly because the matter was going to be
3 dismissed. Following the hearing, Petersen called Staples as instructed, and Staples assured
4 Petersen that Staples would get going on the matter right away.

5 4. Also on January 29, 2021, Petersen signed a fee agreement. The fee agreement
6 provided that Petersen would pay an advanced fee of \$3000 and Staples would bill Petersen \$275
7 per hour. Per the agreement, Staples was to send Peterson itemized statements of costs and fees,
8 as well as the balance in the trust account, via email. Finally, the agreement provided: "Client
9 agrees that fees may be transferred from their trust account at the time of billing." Petersen paid
10 Staples \$3000.

11 5. On February 10 and 18, 2021, Petersen emailed Staples, inquiring about the status
12 of the case. Staples did not respond to the emails.

13 6. On February 22, 2021, Petersen left Staples a voicemail about the matter. Staples
14 did not respond.

15 7. On February 25, 2021, Petersen texted Staples asking that Staples call Petersen.
16 Staples responded that Staples would call Petersen the following afternoon and would try to get
17 the matter moving quickly. During a telephone call later that day, Staples assured Petersen that
18 Staples would get on the matter right away.

19 8. In late February or early March, Petersen received a Notice of Dismissal for Want
20 of Prosecution from the court, indicating that the matter would be dismissed in 30 days if no
21 action was taken.

22 9. On March 2, 2021, Petersen texted a photo of the Notice to Staples.
23

1 10. On March 3, 2021, Petersen asked Staples if Staples was taking action to keep the
2 case from being dismissed. Staples responded that Staples would take care of it. Staples also
3 confirmed that Staples still planned to email the final documents to Petersen so that Petersen's
4 friend, Heidi Brown, could serve them on Petersen's daughter.

5 11. On March 8, 2021, Petersen contacted the Court and learned that Staples still had
6 not filed a Notice of Appearance.

7 12. Also on March 8, 2021, Petersen emailed Staples asking if Staples had filed any
8 pleadings to keep the case from being dismissed.

9 13. Also on March 8, 2021, Petersen texted Staples, asking why Staples had not filed
10 anything, and requesting a refund of the \$3000 advanced fee.

11 14. On March 9, 2021, Staples filed a Notice of Appearance.

12 15. Also on March 9, 2021, Petersen texted Staples, asking if Staples had filed anything
13 the day before, and requesting that Staples email the documents to Petersen. Staples responded
14 simply: "I had a long call with [the GAL] this afternoon. I'll call you tomorrow."

15 16. Staples did not call Petersen until March 12, 2021, when Staples left a voicemail
16 message for Petersen stating that Petersen's daughter would likely sign agreed orders.

17 17. On March 15, 2021, Petersen spoke to her daughter and confirmed that the daughter
18 would sign agreed papers.

19 18. On March 17, 2021, Petersen texted Staples asking for the final documents so that
20 Brown could serve them. Staples did not respond.

21 19. On March 18, 2021, Petersen informed Staples that Brown was going to see
22 Petersen's daughter the following Sunday (March 21, 2021), and asked Staples to send Petersen
23

1 the final documents so that Brown could take them to Petersen's daughter to sign. Staples did not
2 respond.

3 20. On March 19, 2021, Petersen repeated the desire to have the documents so that
4 Brown could serve them the following Sunday (March 21, 2021), reiterated that Staples had told
5 Petersen that the documents were drafted, stated that Petersen had been unable to reach Staples
6 all week, and asked Staples to let Petersen know if Staples did not have time to handle the matter.

7 21. On March 19, 2021, Petersen texted Staples and asked for a refund of the \$3000
8 Petersen had paid as well as a billing statement.

9 22. On Saturday, March 20, 2021, Staples called Petersen, and also emailed Petersen, at
10 5:00 p.m. to state that Staples would have the documents to Petersen by 9 a.m. the following
11 morning.

12 23. Staples did not provide Petersen with the documents.

13 24. On March 22, 2021, Petersen repeated the request for a refund of \$3000. Staples
14 responded that Staples would prepare an itemized statement and refund the unused portion.

15 25. Also on March 22, 2021, Staples filed a Notice of Intent to Withdraw.

16 26. On March 26, 2021, Petersen repeated the request for the itemized statement and a
17 refund, and indicated that Petersen and Staples were "parting ways."

18 27. On April 2, 2021, Staples provided Petersen with a "refund receipt" and refunded
19 \$1900 of the \$3000 that Petersen had paid. Later that day, Petersen texted Staples to state that
20 Petersen's bank had not received the refund, and again requested a copy of the billing statement.
21 Staples replied "sending statement."

1 28. Staples did not provide Petersen with a billing statement or other indication of how
2 Staples earned the \$1100 that Staples kept, other than the handwritten itemized list of the time
3 spent on Petersen's matter that Staples subsequently provided to ODC, amounting to a total of
4 five hours.

5 29. Petersen prepared the final orders and presented them, pro se.

6 30. On April 13, 2021, Petersen filed a grievance against Staples and on July 29, 2021,
7 Staples provided ODC with a response.

8 31. On October 21, 2021, ODC requested additional information from Staples, which
9 could be uploaded to a BOX File Drop. ODC informed Staples that if Staples did not respond
10 within 30 days, ODC would take additional action under ELC 5.3(h) to compel the response.

11 32. Staples did not provide the requested information.

12 33. On November 30, 2021, ODC sent Staples a letter advising that Staples must provide
13 the requested information within ten days of the letter – by December 13, 2021 - or Staples would
14 be subpoenaed for a deposition.

15 34. On December 14, 2021, Staples emailed ODC to say: "I have my responsive
16 materials ready. I am just having a problem with BOX File Drop. I am working on that again this
17 a.m. I will call if I continue to have problems figuring it out."

18 35. Staples did not provide the requested information.

19 36. On December 19, 2021 Staples was served with a subpoena duces tecum compelling
20 Staples' attendance at a deposition on January 11, 2022, in accordance with ELC 5.3(h) because
21 of the failure or refusal to cooperate with ODC's investigation.

1 37. On December 29, 2021, Staples contacted ODC and expressed the desire to resign
2 in lieu of discipline, rather than produce the requested information.

3 **III. ALLEGED MISCONDUCT.**

4 38. By failing to act quickly when Petersen's matter was at risk of dismissal, Respondent
5 violated RPC 1.3 and RPC 3.2.

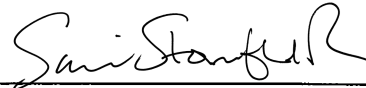
6 39. By failing to respond to Petersen's repeated requests for information, Respondent
7 violated RPC 1.4.

8 40. By entering into a fee agreement that provided that the funds could be transferred
9 out of the trust account at the time of billing without allowing for reasonable notice to Petersen,
10 Respondent violated RPC 8.4(a) (by attempting to violate 1.15A(h)(3)) and 8.4(d).

11 41. By failing to provide Petersen with a written accounting, despite Petersen's requests,
12 Respondent violated RPC 1.4 and RPC 1.15A(e).

13 42. By failing to provide ODC with the requested information in response to this
14 grievance, Respondent violated RPC 8.4(l) (by violating the duties under ELC 1.5 and ELC
15 5.3(f)).

16
17 DATED this 7th day of January, 2022.

18 

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