

Nov 09 2018

Disciplinary
Board

Docket # 001

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

CATHERINE SUSAN WILLMORE,

Lawyer (Bar No. 33459).

Proceeding No. 18#00070

ODC File No(s). 17-00832

Resignation Form of Catherine Susan
Willmore (ELC 9.3(b))

I, Catherine Susan Willmore, 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 April 10, 2003.

3. After consulting with my counsel, Kurt M. Bulmer, 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

1 permanently resign from membership in the Association.

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

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

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

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

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

21 10. 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 11. 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 12. When my resignation becomes effective, I agree to be subject to all restrictions that
5 apply to a disbarred lawyer.

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

8 14. 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
10 practice of law nor will I be eligible for admission for any limited practice of law.

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

13 11/7/2018
Date and Place Seattle, WA

Catherine Susan Willmore
Catherine Susan Willmore
Bar No. 33459

15 ENDORSED BY:

16 CB
17 M Craig Bray, Disciplinary Counsel
18 Bar No. 20821
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STATEMENT OF ALLEGED
MISCONDUCT UNDER ELC 9.3(b)(1)

14
15 The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of
16 the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

17 **I. ADMISSION TO PRACTICE**

18 1. Respondent Catherine Susan Willmore was admitted to the practice of law in the
19 State of Washington on April 10, 2003.

20 2. Respondent signed a stipulation to discipline on May 17, 2016 and was suspended
21 from the practice of law in Washington for 18 months effective September 16, 2016. She is still
22 on suspended status as of the date of this statement.

23 **II. ALLEGED FACTS**

24 3. Claudia Marisol Morales de Garcia, a citizen of El Salvador, attempted to enter the
Statement of Alleged Misconduct
Page 1

OFFICE OF DISCIPLINARY COUNSEL
OF THE WASHINGTON STATE BAR ASSOCIATION
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1 United States with her children and without valid entry documentation.

2 4. Ms. Morales de Garcia and her children were apprehended by immigration
3 authorities. She was released from custody after requesting an asylum interview and traveled to
4 Washington State.

5 5. On July 30, 2015, Ms. Morales de Garcia hired Respondent to represent her and
6 her children in removal proceedings and in seeking asylum.

7 6. Respondent filed an application for asylum on behalf of Ms. Morales de Garcia
8 and her children.

9 7. Respondent did not advise Ms. Morales de Garcia that the children could apply for
10 asylum separately from Ms. Morales de Garcia and could have had their applications considered
11 independently from Ms. Morales de Garcia's or explain this option to the extent reasonably
12 necessary to permit Ms. Morales de Garcia to make an informed decision regarding the
13 representation.

14 8. Respondent knew that to qualify for asylum, applicants must show that they cannot
15 return to their home country because of persecution or a well-founded fear of persecution on
16 account of race, religion, nationality, membership in a particular social group, or political
17 opinion, and that even where the applicant has suffered substantial persecution, asylum cannot
18 be granted without a nexus to a protected ground.

19 9. Respondent did not explain the requirements of asylum to Ms. Morales de Garcia
20 to the extent reasonably necessary to permit Ms. Morales de Garcia to make an informed
21 decision regarding whether to file for asylum and what evidence she needed to obtain to support
22 her application.

23 10. A hearing was held before an immigration judge on March 28, 2016. Ms. Morales

1 de Garcia was the only witness Respondent called.

2 11. Respondent did not present any evidence that Ms. Morales de Garcia or her
3 children were members of a particular social group or argue that there was a sufficient nexus to
4 any protected ground that established a well-founded fear of persecution.

5 12. The immigration judge denied Ms. Morales de Garcia's application for asylum and
6 found her and her children removable.

7 13. Respondent provided ineffective assistance of counsel to Ms. Morales de Garcia.

8 14. After the hearing, Respondent advised Ms. Morales de Garcia of her right to
9 appeal the immigration judge's decision. Ms. Morales de Garcia and Respondent agreed that
10 Respondent would file a notice of appeal.

11 15. Respondent filed a notice of appeal on Ms. Morales de Garcia's behalf, and then
12 withdrew from the representation effective May 11, 2016.

13 16. Ms. Morales de Garcia, acting pro se, filed a motion to reopen while the appeal
14 was pending.

15 17. The Board of Immigration Appeals dismissed Ms. Morales de Garcia's appeal,
16 treated the motion to reopen as a motion for remand, and denied the motion because she did not
17 establish past persecution or a well-founded fear of persecution in El Salvador on account of her
18 race, religion, nationality, actual or imputed political opinion, or membership in a particular
19 social group, or demonstrate a sufficient nexus to any protected ground for establishing a well-
20 founded fear of persecution.

21 18. Ms. Morales de Garcia hired new counsel.

22 19. With new counsel, Ms. Morales de Garcia appealed the denial of her application
23 for asylum to the U.S. Court of Appeals for the Ninth Circuit and moved to reopen and remand

1 the proceedings to an immigration judge based on Respondent's ineffective assistance of
2 counsel.

3 20. The Board of Immigration Appeals granted the motion to remand on November 6,
4 2017, to afford Ms. Morales de Garcia and her children a fair hearing and due process.

5 21. Ms. Morales de Garcia moved to dismiss the Ninth Circuit appeal because once her
6 and her children's matter was remanded, the order denying their asylum application was not a
7 final order. The Ninth Circuit granted the motion.

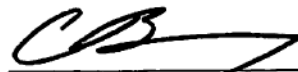
8 22. As of the date of this Statement, further proceedings in the immigration matters of
9 Ms. Morales de Garcia and her children are pending.

10 III. ALLEGED MISCONDUCT.

11 23. By failing to explain the asylum process to Ms. Morales de Garcia to the extent
12 reasonably necessary to permit her to make informed decisions regarding the representation,
13 Respondent violated RPC 1.4(b).
14

15 24. By failing to provide effective assistance of counsel to Ms. Morales de Garcia in
16 her removal and asylum proceeding, Respondent violated RPC 1.1.
17

18 DATED this 5th day of November, 2018.

19 

20 M Craig Bray, Bar No. 20821
21 Disciplinary Counsel
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