

FILED

Feb 18, 2026

Disciplinary
Board

Docket # 021

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

SHANNON M. MCMINIMEE,

Lawyer (Bar No. 34471).

Proceeding No. 25#00030

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND HEARING OFFICER'S
RECOMMENDATION

The undersigned Hearing Officer held a default hearing by written submissions under Rule 10.6 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING CHARGED VIOLATIONS**

1. The Formal Complaint (Bar File No.4) charged Shannon Marie McMinimee with misconduct as set forth therein. A copy of the Formal Complaint is attached to this decision.

2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in the Formal Complaint is admitted and established.

3. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations charged in the Formal Complaint is admitted and established as follows:

1 **COUNT 1**

2 4. By representing the Martins on a contingent fee basis without having a written fee
3 agreement signed by the clients which sets forth how the fee will be determined, Respondent
4 violated RPC 1.5(c).

5 **COUNT 2**

6 5. By filing suit on behalf of D.M. without having obtained D.M.'s authorization to
7 do so, Respondent violated RPC 1.2(f).

8 **COUNT 3**

9 6. In the Martin matter, by failing to exercise reasonable diligence and failing to make
10 reasonable efforts to expedite the litigation, including by failing to appear at a scheduling
11 conference, failing to comply with deadlines, failing to make initial disclosures, failing to timely
12 respond to requests for discovery, failing to timely communicate with opposing counsel and their
13 staff, failing to timely respond to WSD's motion to dismiss, and failing to monitor D.M.'s age
14 during the representation, Respondent violated RPC 1.3 and RPC 3.2.

15 **COUNT 4**

16 7. In the Martin matter, by making a false statement to the court regarding
17 Respondent's reasons for failing to attend the November 17, 2022 scheduling conference,
18 Respondent violated RPC 3.3(a)(1), RPC 8.4(c) and RPC 8.4(d).

19 **COUNT 5**

20 8. In the Martin matter, by failing to timely provide initial disclosures in violation of
21 a court order and court rule and failing to timely respond to discovery requests, Respondent
22 violated RPC 3.4(c), RPC 8.4(d), and RPC 8.4(j).

1 **COUNT 6**

2 9. By failing to communicate with the Martins regarding the status of their case,
3 failing to inform them of discovery requests made by WSD, and failing to explain developments
4 in their case sufficiently to allow them to make informed decisions about the representation,
5 Respondent violated RPC 1.4(a) and RPC 1.4(b).

6 **COUNT 7**

7 10. By withholding information from the Martins regarding the status of their case and
8 making false and misleading statements to David and Theresa Martin regarding Respondent's
9 reasons for terminating the representation, Respondent violated RPC 1.4(a) and RPC 8.4(c).

10 **COUNT 8**

11 11. By falsely stating to ODC, in a written response submitted to the grievance that
12 Respondent met with the Martin family about the dismissal order, Respondent violated
13 RPC 8.1(b), RPC 8.4(c), RPC 8.4(d), and RPC 8.4(l) (by violating ELC 5.3(g)).

14 **COUNT 9**

15 12. By providing false deposition testimony relating to providing David and Theresa
16 Martin with a copy of the dismissal order, Respondent violated RPC 8.1(a), RPC 8.4(b) (by
17 violating RCW 9A.72.040), RPC 8.4(c), RPC 8.4(d), and RPC 8.4(l) (by violating ELC 5.3(g)).

18 **COUNT 10**

19 13. By representing T.S. and T.A. on a contingent fee basis without having a written
20 fee agreement signed by the clients that sets forth how the fee will be determined, Respondent
21 violated RPC 1.5(c).

22 **COUNT 11**

23 14. By continuing to represent T.A. after T.A. reached the age of majority without
24 having obtained T.A.'s authorization to do so, Respondent violated RPC 1.2(f).

1 **COUNT 12**

2 15. In the T.S. matter, by failing to act with reasonable diligence and failing to make
3 reasonable efforts to expedite the litigation, including by failing to comply with deadlines, failing
4 to respond to motions, failing to cooperate with discovery requests, failing to timely communicate
5 and confer with opposing counsel and their staff, failing to file one or more required status reports,
6 failing to avoid scheduling conflicts, failing to serve a pretrial statement on opposing counsel,
7 failing to submit mediation materials, failing to respond to the court's show cause order, failing
8 to file a proposed pre-trial order, motions in limine, a trial brief, proposed voir dire questions, and
9 jury instructions, failing to monitor T.A.'s age during the representation, failing to serve a copy
10 of the court's dismissal order on T.A. and T.S., and failing to file proof of having served the
11 dismissal order on T.A. and T.S., Respondent violated RPC 1.3, RPC 3.2, and RPC 8.4(d) .

12 **COUNT 13**

13 16. In the T.S. matter, by failing to comply with deadlines set by court order and court
14 rule, failing to comply with one or more court orders regarding the supporting documents required
15 for a motion for extension or continuance, failing to timely confer with opposing counsel, failing
16 to file one or more required status reports, failing to timely serve a pretrial statement on opposing
17 counsel, failing to file a proposed pre-trial order, failing to respond the court's show cause order,
18 failing to serve a copy of the court's dismissal order on T.A. and T.S., and failing to file proof of
19 having served the dismissal order on T.A. and T.S., Respondent violated RPC 3.4(c), RPC 8.4(d),
20 and RPC 8.4(j).

21 **COUNT 14**

22 17. By failing to communicate with T.S. and T.A. regarding the status of their case
23 and failing to explain developments in the case sufficiently to allow T.S. and T.A. to make
24 informed decisions about the representation, Respondent violated RPC 1.4(a) and RPC 1.4(b).

1 **COUNT 15**

2 18. By withholding information from T.S. and T.A. regarding the status of their case
3 and making one or more false statements to T.S. regarding the reason the T.S. matter was
4 dismissed, Respondent violated RPC 1.4(a) and RPC 8.4(c).

5 **COUNT 16**

6 19. By making one or more false statements to the mediator regarding the authority of
7 T.S. to act on behalf of T.A., Respondent violated RPC 4.1(a) and RPC 8.4(c).

8 **COUNT 17**

9 20. By providing false deposition testimony regarding one or more of Respondent's
10 actions in the T.S. matter, Respondent violated RPC 8.1(a), RPC 8.4(b) (by violating RCW
11 9A.72.040), RPC 8.4(c), RPC 8.4(d), and RPC 8.4(l) (by violating ELC 5.3(g)).

12 **COUNT 18**

13 21. By representing Best on a contingent fee basis without having a written fee
14 agreement signed by the client that sets forth how the fee will be determined, Respondent violated
15 RPC 1.5(c).

16 **COUNT 19**

17 22. By filing an appeal on behalf of Best without having obtained Best's authorization
18 to do so, Respondent violated RPC 1.2(f).

19 **COUNT 20**

20 23. In the Best federal district court matter, by failing to exercise reasonable diligence,
21 including by failing to appear at a scheduling conference, failing to make initial disclosures,
22 failing to cooperate with discovery demands, failing to timely communicate with opposing
23 counsel and their staff, failing to respond to the motion for summary judgment, and failing to file
24

1 a motion seeking additional time to respond to the summary judgment motion, Respondent
2 violated RPC 1.3, RPC 3.2, and RPC 8.4(d) .

3 **COUNT 21**

4 24. In the Best federal district court matter, by failing to timely provide initial
5 disclosures, Respondent violated RPC 3.4(c), RPC 8.4(d), and RPC 8.4(j).

6 **COUNT 22**

7 25. In the Best 9th Circuit appeal matter, by failing to exercise reasonable diligence,
8 including by failing to file a mediation questionnaire, failing to file an opening brief, failing to
9 file excerpts of record, failing to maintain a current email address with the court's electronic filing
10 system, and failing to monitor the court docket and filings in the matter, Respondent violated RPC
11 1.3, RPC 3.2, and RPC 8.4(d).

12 **COUNT 23**

13 26. By failing to communicate with Best regarding the status of one or both of Best's
14 cases and failing to explain developments in one or both of Best's cases sufficiently to allow Best
15 to make informed decisions about the representation, Respondent violated RPC 1.4(a) and RPC
16 1.4(b).

17 **COUNT 24**

18 27. By withholding information from Best regarding the status of Best's federal
19 district court case, by failing to disclose to Best that Respondent had filed an appeal on Best's
20 behalf, by making one or more false and misleading statements to Best regarding Best's federal
21 district court case, and by making one or more false statements to Best's family members
22 regarding the status of Best's federal district court case, Respondent violated RPC 8.4(c).

1 **COUNT 25**

2 28. In OSPI Cause No. 2020-SE-0079, by failing to exercise reasonable diligence,
3 including by failing to respond to WSD's motion for summary judgment and failing to respond
4 to the Administrative Law Judge's (ALJ) inquiry regarding service, Respondent violated RPC
5 1.3, RPC 3.2, and RPC 8.4(d).

6 **COUNT 26**

7 29. In OSPI Cause No. 2020-SE-0167, by failing to exercise reasonable diligence and
8 failing to make reasonable efforts to expedite the litigation, including by failing to provide a draft
9 declaration to T.D. sufficiently in advance of the filing deadline to allow reasonable time for T.D.
10 to review, sign, and return the declaration, failing to timely file a response to SSD's motion for
11 partial summary judgment, failing to timely file declarations supporting the response to SSD's
12 motion, and failing to timely ascertain T.D.'s availability for future hearing dates before making
13 related representations to the ALJ, Respondent violated RPC 1.3, RPC 3.2, and RPC 8.4(d).

14 **COUNT 27**

15 30. In OSPI Cause No. 2020-SE-0167, by making false statements to the ALJ relating
16 to the filing T.D.'s declaration and the filing of the declaration, by falsely representing to the ALJ
17 that T.D. had attested to the contents of one or both of the declarations Respondent filed, and by
18 making false representations to the ALJ regarding T.D.'s availability for hearing, Respondent
19 violated RPC 3.3(a)(1), RPC 8.4(b) (by violating RCW 9A.72.040), RPC 8.4(c) and RPC 8.4(d).

20 **COUNT 28**

21 31. In OSPI Cause No. 2020-SE-0167, by failing to communicate with T.D. regarding
22 the status of T.D.'s case, failing to promptly respond to T.D.'s inquiries regarding the case, and
23 failing to explain developments in T.D.'s case sufficiently to allow T.D. to make informed
24 decisions about the representation, Respondent violated RPC 1.4(a) and RPC 1.4(b).

COUNT 29

32. In OSPI Cause No. 2021-SE-0038, by making false statements in Respondent's reply brief, Respondent violated RPC 3.3(a)(1), RPC 8.4(c), and RPC 8.4(d).

COUNT 30

33. In OSPI Cause No. 2024-SE-0151, by failing to respond to SSD's motion for summary judgment, Respondent violated RPC 1.3, RPC 3.2, and RPC 8.4(d).

COUNT 31

34. In OSPI Cause No. 2022-SE-0110, by failing to appear at one or more hearings, Respondent violated RPC 1.3, RPC 3.2, and RPC 8.4(d).

COUNT 32

35. In OSPI Cause No. 2024-SE-0037, by failing to exercise reasonable diligence, including by failing to appear at one or more hearings, failing to notify the ALJ and OAH in advance of the hearing that Respondent may be unable to appear, and failing to timely inform the ALJ and OAH of the reasons Respondent did not appear, Respondent violated RPC 1.3, RPC 3.2, and RPC 8.4(d) .

COUNT 33

36. During the investigation of ODC File No. 23-00984, by failing to promptly respond to disciplinary counsel's written requests for a response to the original grievance, failing to promptly provide a written response addressing Respondent's conduct in the other cases ODC identified, failing to promptly produce subpoenaed records, failing to promptly submit to deposition, failing to timely respond to investigative inquiries, and failing to provide Respondent's email login credentials, Respondent violated RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l) (by violating ELC 1.5, ELC 5.3(f), ELC 5.3(g), and ELC 5.5(d)).

1 **COUNT 34**

2 37. During the investigation of ODC File No. 23-00984, by falsely stating in email
3 correspondence to ODC that Respondent did not receive ODC's July 25, 2023 request for a
4 response to the grievance, by falsely stating in one or more emails to ODC that Respondent sent
5 ODC a response to the grievance via email, by falsely stating in one or more emails to ODC that
6 Respondent had not received correspondence from OGC, by falsely stating in one or more emails
7 to ODC that Respondent had a cracked tooth that prevented Respondent from speaking clearly
8 and required emergency dental care, Respondent violated RPC 8.1(a), RPC 8.4(c), RPC 8.4(d),
9 and RPC 8.4(l) (by violating ELC 5.3(g)).

10 **COUNT 35**

11 38. By failing to serve an affidavit of compliance on disciplinary counsel as required
12 by ELC 14.3, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 14.3).

13 **COUNT 36**

14 39. By representing Moreno and Cantu on a contingent fee basis without having a
15 written fee agreement signed by the clients that sets forth how the fee will be determined,
16 Respondent violated RPC 1.5(c).

17 **COUNT 37**

18 40. By filing an appeal on behalf of Moreno and Cantu without having obtained their
19 authorization to do so, Respondent violated RPC 1.2(f).

20 **COUNT 38**

21 41. In the Moreno matter, by failing to exercise reasonable diligence, including by
22 failing to timely communicate with opposing counsel and their staff, failing to timely make initial
23 disclosures, failing to timely provide requested discovery, failing to cooperate with opposing
24 counsel in scheduling depositions and medical examinations, failing to respond to motions, failing

1 to comply with deadlines, failing to maintain a current email address with the court's electronic
2 filing system, failing to notify the court of Respondent's disassociation from Cedar Law, and
3 failing to promptly review the court docket and court file after regaining access to electronic court
4 records, Respondent violated RPC 1.3, RPC 3.2, and RPC 8.4(d).

5 **COUNT 39**

6 42. In the Moreno matter, by failing to timely provide initial disclosures and failing to
7 immediately notify Cantu and Moreno of the 9th Circuit's dismissal order in writing, in violation
8 of a court orders, Respondent violated RPC 8.4(d) and RPC 8.4(j).

9 **COUNT 40**

10 43. By failing to communicate with Moreno and Cantu regarding the status of their
11 cases, failing to explain developments in their cases sufficiently to allow them to make informed
12 decisions about the representation, and failing to provide Cantu with the updates Cantu requested,
13 Respondent violated RPC 1.4(a) and RPC 1.4(b).

14 **COUNT 41**

15 44. By withholding information from Moreno and Cantu regarding the status of their
16 cases, making misleading statements to Cantu regarding the status of the appeal, making false
17 statements to Lara Hruska regarding the Defendants' motion to compel medical records, and
18 making a false statement to opposing counsel regarding having provided initial disclosures,
19 Respondent violated RPC 8.4(c).

20 **COUNT 42**

21 45. In the Moreno matter, by making one or more false statements to the court
22 regarding receiving medical treatment in November 2022, Respondent violated RPC 3.3(a)(1),
23 RPC 8.4(c), and RPC 8.4(d).

1 **COUNT 43**

2 46. By testifying falsely under oath at one or more depositions that Respondent was not
3 lead counsel on the Moreno case, and by falsely testifying during the June 2025 deposition that
4 Respondent received medical treatment on November 17, 2022, and November 27, 2022,
5 Respondent violated RPC 8.4(b) (by violating RCW 9A.72.040), RPC 8.4(c), RPC 8.4(d), and
6 RPC 8.4(l) (by violating ELC 5.3(g)).

7 **COUNT 44**

8 47. During ODC's investigation of ODC File No. 24-01170, by failing to promptly
9 respond to disciplinary counsel's written requests for a response to the grievance, failing to
10 promptly respond to ODC's inquiries regarding Respondent's medical providers, failing to
11 promptly provide ODC with releases for medical providers, failing to promptly produce
12 subpoenaed records, and failing to promptly submit to deposition, Respondent violated
13 RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l) (by violating ELC 1.5, ELC 2.13(c), ELC 5.3(f), ELC
14 5.3(g), and ELC 5.5(d)).

15 **COUNT 45**

16 48. By feigning impaired speech during the March 2025 deposition, Respondent
17 violated RPC 8.4(c) and RPC 8.4(d).

18 **COUNT 46**

19 49. By making false statements to the Washington Supreme Court at the show cause
20 hearing and by making false statements in a declaration submitted to the Court, Respondent
21 violated RPC 3.3(a)(1), RPC 8.4(b) (by violating RCW 9A.72.040), RPC 8.4(c), and RPC 8.4(d).

22 **COUNT 47**

23 50. In the M.G. case, by failing to exercise reasonable diligence, including by failing
24 to file an answer to SSD's counterclaim, failing to timely file a motion to dismiss the

1 counterclaim, failing to timely file an opening brief, and failing to respond to the Order to Show
2 Cause, Respondent violated RPC 1.3, RPC 3.2, and RPC 8.4(d).

3 **COUNT 48**

4 51. In the M.G. case, by failing to timely file an opening brief or motion and failing to
5 respond to the Order to Show Cause, Respondent violated RPC 8.4(d), and RPC 8.4(j).

6 **COUNT 49**

7 52. By falsely stating in Respondent's written response to the grievance in ODC File
8 No. 24-01902 that Respondent's clients in the M.G. case made a strategic choice not pursue the
9 federal district court matter, Respondent violated RPC 8.1(a), RPC 8.4(c), RPC 8.4(d), and RPC
10 8.4(l) (by violating ELC 5.3(g)).

11 **COUNT 50**

12 53. By committing the acts described in the Formal Complaint, Respondent
13 demonstrated an unfitness to practice law in violation of RPC 8.4(n).

14 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING RECOMMENDED SANCTION**

15 54. Respondent acted at least knowingly with respect to the misconduct charged in
16 Counts 1 through 50.

17 55. Respondent acted intentionally with respect to the misconduct involving
18 dishonesty, including making false and misleading statements, offering false testimony and
19 declarations, feigning a speech impairment, and withholding information from clients, as charged
20 in Counts 4, 7, 8, 9, 15, 16, 17, 24, 27, 29, 34, 41, 42, 43, 45, 46, and 49. Through these actions,
21 Respondent intended to deceive clients, their families, courts, ALJs, opposing counsel, a
22 mediator, and Hruska.

23 56. Respondent's violations of court orders as charged in Counts 5, 13, 21, 39, and 48
24

1 were willful. Respondent's violations of court orders requiring Respondent to notify clients of
2 dismissal orders, as charged in Counts 13 and 39, were committed with the intent to benefit
3 Respondent by preventing the clients from discovering Respondent's misconduct.

4 57. Respondent's intent in failing to cooperate with disciplinary investigations as
5 charged in Counts 33 and 44 was to benefit Respondent by delaying and/or avoiding discipline.

6 58. Respondent demonstrated a pattern of neglect through the misconduct charged in
7 Counts 3, 6, 12, 14, 20, 22, 23, 25, 28, 30, 31, 32, 38, 40, and 47.

8 59. By failing to exercise reasonable diligence and failing to expedite litigation, as
9 charged in Counts 3, 12, 20, 22, 25, 30, 31, 32, 38, and 47, Respondent caused serious injury to
10 Respondent's clients whose cases were dismissed and/or lost. Respondent's actions also caused
11 potentially serious injury to the clients by exposing them to potential sanctions and orders to pay
12 fees and costs.

13 60. By failing to exercise reasonable diligence and failing to expedite litigation as
14 charged in Count 26, Respondent caused potentially serious injury to Respondent's clients by
15 risking dismissal on summary judgment.

16 61. By failing to reasonably communicate with clients as charged in Counts 6, 14, 23,
17 28, and 40, and by making false and misleading statements to clients and withholding information
18 from them regarding their cases, as charged in Counts 7, 15, 24, and 41, Respondent prevented
19 the clients from learning of, and taking steps to remedy, Respondent's lack of diligence, failure
20 to expedite the litigation, and violation of court orders and rules. Respondent thereby caused
21 potentially serious injury to the clients by exposing them to potential sanctions and orders to pay
22 fees and costs, and by denying them the opportunity to avoid the dismissal of their claims, file
23 appeals, and/or seek reconsideration of the dismissal of their cases.

62. By violating court orders and court rules as charged in Counts 5, 13, 21, 39, and 48, Respondent caused potentially serious injury to Respondent's clients whose cases were dismissed due, at least in part, to these violations. Respondent's actions also caused potentially serious injury to the clients by exposing them to potential sanctions and orders to pay fees and costs. Respondent's violations of court orders requiring Respondent to notify clients of dismissal orders, as charged in Counts 13 and 39, caused potentially serious injury to the clients by depriving them of the opportunity to timely seek reconsideration of the dismissal orders and/or appeal those orders.

63. In T.S. v. Seattle School District, Respondent's misconduct as charged in Counts 12, 13, 14, and 15, caused the clients potentially serious financial injury of at least \$100,000, the settlement offered to Respondent's clients. Additionally, Respondent's misconduct as charged in Counts 12, 13, 14, and 15, caused potentially serious financial injury to the clients by exposing them to an order to pay fees and costs in the amount of \$21,996.64 and actual injury in the amount of at least \$4,754.64, the amount of court-ordered costs in the matter.

64. In Moreno v. Yakima School District, Respondent's misconduct, as charged in Counts 38, 39, 40, and 41, caused the clients potentially serious financial injury in an amount between \$60,000 and \$100,000, the amount the case was potentially worth, according to Respondent's deposition testimony. Additionally, Respondent's actions, as charged in Counts 38, 39, 40, and 41, caused actual injury to the clients in the amount of at least \$2,160, the amount of court-ordered fees in the matter.

65. In Martin v. Wapato School District No. 207, Respondent's lack of reasonable diligence, failure to expedite the litigation, and lack of reasonable communication, as charged in

1 Counts 3, 5, 6, and 7, caused potentially serious financial injury to the clients by exposing them
2 to potential sanctions in the amount of \$10,000.

3 66. By making false statements to courts and ALJs, as charged in Counts 27, 29, 42,
4 and 46, Respondent caused potentially significant adverse effects on the proceedings because the
5 false statements could have altered the course and/or outcome of the proceeding.

6 67. By making a false statement to the court as charged in Count 4, Respondent caused
7 a potentially adverse effect on the proceeding.

8 68. Respondent's dishonesty toward the family members of clients as charged in
9 Count 24 seriously adversely reflects on Respondent's fitness to practice.

10 69. Respondent's dishonesty toward a mediator, opposing counsel and Hruska, as
11 charged in Counts 16 and 41 adversely reflects on Respondent's fitness to practice.

12 70. Respondent's false deposition testimony and other false statements to ODC as
13 charged in Counts 8, 9, 17, 34, 43, and 49, and Respondent's misconduct in feigning impaired
14 speech during a deposition as charged in Count 45, seriously adversely reflect on Respondent's
15 fitness to practice. Respondent acted with the intent to deceive ODC and avoid discipline and
16 thereby caused potentially serious harm to the disciplinary system.

17 71. In addition to individual instances of dishonesty reflecting seriously adversely on
18 Respondent's fitness to practice law as set forth above, Respondent's pattern of dishonesty
19 reflects seriously adversely on Respondent's fitness to practice law.

20 72. By pursuing legal claims on behalf of clients without authority to do so, as charged
21 in Counts 2, 11, 19, and 37, Respondent caused potentially serious injury to the clients who were
22 at risk of having their claims finally resolved without their knowledge, input, or consent and were
23 exposed to potential sanctions and orders to pay fees and costs..
24

1 73. By failing to cooperate with disciplinary investigations as charged in Counts 33
2 and 44, Respondent caused serious injury to the legal system and the public by impeding ODC's
3 investigations of Respondent's misconduct, and with respect to the requests with which
4 Respondent never complied, preventing ODC from completing the investigations. Respondent's
5 lack of cooperation caused substantial delays in the investigations and necessitated an interim
6 suspension order from the Washington Supreme Court.

7 74. Unfitness to practice law involves repetitious misconduct that is "deceitful,
8 neglectful and unprofessional." In re Disciplinary Proceeding Against Zderic, 92 Wn.2d 777, 600
9 P.2d 1297 (1979). Through Respondent's pattern of intentional dishonesty, willful violation of
10 court rules and orders, and chronic lack of diligence and communication, Respondent
11 demonstrated a lack of fitness to practice law, as charged in Count 50. By practicing law when
12 Respondent was not fit to practice, with the intent to obtain a benefit to Respondent in the form
13 of fees in connection with Respondent's representation of clients, Respondent caused potentially
14 serious injury to clients, who were at risk of receiving inadequate representation, and potentially
15 serious injury to the public and the legal system by undermining public respect for lawyers and
16 the legal system itself.

17 75. By failing to enter into a written fee agreement with clients setting forth the method
18 by which the contingency fee was to be determined, as charged in Counts 1, 10, 18, and 36,
19 Respondent caused potential injury to the clients who were left without certainty as to the fees to
20 be paid.

21 76. By failing to serve an affidavit of compliance on ODC demonstrating
22 Respondent's compliance with Respondent's duties on suspension, Respondent caused injury to
23
24

1 the legal system by requiring ODC to expend its limited resources to investigate Respondent's
2 compliance.

3 77. The following standards of the American Bar Association's Standards for
4 Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively
5 apply in this case.

6 78. ABA Standard 4.4 applies to the misconduct charged in Counts 3, 6, 12, 14, 20,
7 22, 23, 25, 26, 28, 30, 31, 32, 38, 40, and 47:

8 **4.4 *Lack of Diligence***

9 4.41 Disbarment is generally appropriate when:

- 10 (a) a lawyer abandons the practice and causes serious or
11 potentially serious injury to a client; or
12 (b) a lawyer knowingly fails to perform services for a
13 client and causes serious or potentially serious injury
14 to a client; or
15 (c) a lawyer engages in a pattern of neglect with respect
16 to client matters and causes serious or potentially
17 serious injury to a client.

18 4.42 Suspension is generally appropriate when:

- 19 (a) a lawyer knowingly fails to perform services for a
20 client and causes injury or potential injury to a client,
21 or
22 (b) a lawyer engages in a pattern of neglect and causes
23 injury or potential injury to a client.

24 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.

79. ABA Standard 4.4 is also the Standard most applicable to the misconduct charged
in Counts 2, 11, 19, and 37.

80. ABA Standard 6.2 applies to the misconduct charged in Counts 5, 13, 21, 39,
and 48:

1 **6.2 Abuse of the Legal Process**

2 6.21 Disbarment is generally appropriate when a lawyer
3 knowingly violates a court order or rule with the intent to
4 obtain a benefit for the lawyer or another, and causes serious
5 injury or potentially serious injury to a party or causes
6 serious or potentially serious interference with a legal
7 proceeding.

8 6.22 Suspension is generally appropriate when a lawyer knows
9 that he or she is violating a court order or rule, and causes
10 injury or potential injury to a client or a party, or causes
11 interference or potential interference with a legal
12 proceeding.

13 6.23 Reprimand is generally appropriate when a lawyer
14 negligently fails to comply with a court order or rule, and
15 causes injury or potential injury to a client or other party, or
16 causes interference or potential interference with a legal
17 proceeding.

18 6.24 Admonition is generally appropriate when a lawyer engages
19 in an isolated instance of negligence in complying with a
20 court order or rule, and causes little or no actual or potential
21 injury to a party, or causes little or no actual or potential
22 interference with a legal proceeding.

23 81. ABA Standard 6.1 applies to the misconduct charged in Counts 4, 27, 29, 42, and
24 46:

6.1 False Statements, Fraud, and Misrepresentation

 6.11 Disbarment is generally appropriate when a lawyer, with the
 intent to deceive the court, makes a false statement, submits
 a false document, or improperly withholds material
 information, and causes serious or potentially serious injury
 to a party, or causes a significant or potentially significant
 adverse effect on the legal proceeding.

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

 6.13 Reprimand is generally appropriate when a lawyer is
 negligent either in determining whether statements or
 documents are false or in taking remedial action when
 material information is being withheld, and causes injury or
 potential injury to a party to the legal proceeding, or causes

an adverse or potentially adverse effect on the legal proceeding.

6.14 Admonition is generally appropriate when a lawyer engages in an isolated instance of neglect in determining whether submitted statements or documents are false or in failing to disclose material information upon learning of its falsity, and causes little or no actual or potential injury to a party, or causes little or no adverse or potentially adverse effect on the legal proceeding.

82. ABA Standard 4.6 applies to the misconduct charged in Counts 7 and 15:

4.6 *Lack of Candor*

4.61 Disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potential serious injury to a client.

4.62 Suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.

4.63 Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to the client.

4.64 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in failing to provide a client with accurate or complete information, and causes little or no actual or potential injury to the client.

83. ABA Standard 5.1 applies to the misconduct charged in Counts 8, 9, 16, 17, 24, 34, 43, 45, and 49:

5.1 *Failure to Maintain Personal Integrity*

5.11 Disbarment is generally appropriate when:

(a) a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or

(b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or

misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

5.12 Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

5.13 Reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice law.

5.14 Admonition is generally appropriate when a lawyer engages in any other conduct that reflects adversely on the lawyer's fitness to practice law.

84. Counts 24 and 41 each charge multiple acts of dishonesty within a single count.

Because each count includes both dishonesty toward clients and toward others, two different ABA Standards are applicable to these counts. ABA Standard 4.6 applies to the false statements to clients charged in Counts 24 and 41. ABA Standard 5.1 applies to the false statements to family members charged in Count 24 and to the false statements to Hruska and opposing counsel charged in Count 41.

85. ABA Standard 7.0 is the Standard most applicable to the misconduct charged in Counts 1, 10, 18, 33, 35, 36, 44, and 50:

7.0 Violations of Duties Owed as a Professional

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving false or misleading communication about the lawyer or the lawyer's services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client, unreasonable or improper fees, unauthorized practice of law, improper withdrawal from representation, or failure to report professional misconduct.

7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

7.2 Suspension is generally appropriate when a lawyer

1 knowingly engages in conduct that is a violation of a duty
2 owed as a professional and causes injury or potential injury
to a client, the public, or the legal system.

3 7.3 Reprimand is generally appropriate when a lawyer
negligently engages in conduct that is a violation of a duty
4 owed as a professional and causes injury or potential injury
to a client, the public, or the legal system.

5 7.4 Admonition is generally appropriate when a lawyer engages
in an isolated instance of negligence that is a violation of a
6 duty owed as a professional, and causes little or no actual or
potential injury to a client, the public, or the legal system.

7 86. The presumptive sanction for the misconduct charged in Counts 2, 3, 6, 11, 12, 14,
8 19, 20, 22, 23, 25, 26, 28, 30, 31, 32, 37, 38, 40, and 47 is disbarment under ABA Standards
9 4.41(b) and 4.41(c).

10 87. The presumptive sanction for the misconduct charged in Counts 13 and 39 is
11 disbarment under ABA Standard 6.21. The presumptive sanction for the misconduct charged in
12 Counts 5, 21, and 48 is suspension under ABA Standard 6.22.

13 88. The presumptive sanction for the misconduct charged in Counts 27, 29, 42, and 46 is
14 disbarment under ABA Standard 6.11. The presumptive sanction for the misconduct charged in
15 Counts 4 is suspension under ABA Standard 6.12.

16 89. The presumptive sanction for the misconduct charged in Counts 7 and 15 and for
17 the misconduct involving dishonesty toward clients that is charged in Count 41 is disbarment
18 under ABA Standard 4.61.

19 90. The presumptive sanction for the misconduct charged in Count 24 is disbarment
20 under ABA Standards 4.61 and 5.11(b).

21 91. The presumptive sanction for the misconduct charged in Counts 8, 9, 17, 34, 43,
22 and 49 is disbarment under ABA Standard 5.11(b). The presumptive sanction for the dishonesty
23 toward the mediator, opposing counsel, and Hruska that is charged in Counts 16 and 41 is
24

suspension under ABA Standard 5.12 because the mental state falls under the Standard for disbarment under ABA Standard 5.11(b), but the level of harm falls under the Standard for reprimand under Standard 5.13. In re Disciplinary Proceeding Against Marshall, 160 Wn.2d 317, 344-45, 157 P.3d 859, 874 (2007) (where state of mind warrants disbarment under ABA Standard 5.11, but the level of harm warrants reprimand under Standard 5.13, “the presumptive sanction for the[] charges should be the intermediate consequence, suspension.”).

92. The presumptive sanction for the misconduct charged in Counts 33, 44, and 50 is disbarment under ABA Standard 7.1. The presumptive sanction for the misconduct charged in Counts 1, 10, 18, 35, and 36 is suspension under ABA Standard 7.2.

93. Under In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854, 846 P.2d 1330 (1993), the “ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations.”

94. The following aggravating factors set forth in Section 9.22 of the ABA Standards apply in this case:

- (b) dishonest or selfish motive;
- (c) a pattern of misconduct;
- (d) multiple offenses;
- (g) refusal to acknowledge wrongful nature of conduct; and
- (i) substantial experience in the practice of law (licensed in Washington since 2003).

95. It is an additional aggravating factor that Respondent failed to file an answer to the Formal Complaint as required by ELC 10.5(a).

96. The following mitigating factors set forth in Section 9.32 of the ABA Standards apply to this case:

- (a) absence of a prior disciplinary record; and
- (c) personal or emotional problems.

97. The mitigating factor relating to personal or emotional problems does not apply to the counts of misconduct involving dishonesty: Counts 4, 7, 8, 9, 15, 16, 17, 24, 27, 29, 34, 41, 42, 43, 45, 46, and 49.

98. On balance, the aggravating and mitigating factors do not provide cause to deviate from the presumptive sanction of disbarment.

RECOMMENDATION

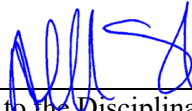
99. Based on the ABA Standards and the applicable aggravating and mitigating factors, the Hearing Officer recommends that Respondent Shannon Marie McMinimee be disbarred and that reinstatement be conditioned upon payment of any outstanding orders to pay sanctions and/or fees and costs.

DATED this 18th day of February, 2026.


Randolph O. Petgrave, III, WSBA No. 26046
Chief Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the FOF, COL and HO's Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent, Shannon Marie McMinimee, at shannon.mcminimee@gmail.com, on the 18th day of February, 2026.

A handwritten signature in blue ink, appearing to be 'MLD', is written above a horizontal line.

Clerk to the Disciplinary Board

FILED

Nov 21, 2025

Disciplinary
Board

Docket # 004

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

SHANNON M. MCMINIMEE,

Lawyer (Bar No. 34471).

Proceeding No. 25#00030

FORMAL COMPLAINT

Under Rule 10.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association charges the above-named lawyer with acts of misconduct under the Washington Supreme Court's Rules of Professional Conduct (RPC) as set forth below.

ADMISSION TO PRACTICE

1. Respondent Shannon Marie McMinimee was admitted to the practice of law in the State of Washington on November 24, 2003.

1 **FACTS REGARDING MARTIN V. WAPATO SCH. DIST. NO. 207**¹

2 2. Respondent agreed to represent David and Theresa Martin in a tort suit against
3 the Wapato School District (WSD) to be filed on behalf of themselves and their child, D.M.
4 (collectively, the “Martins”).

5 3. Respondent agreed to work on this matter on a contingency fee basis.

6 4. Respondent did not enter into a written fee agreement with the Martins for this
7 matter.

8 5. D.M. turned 18 years old on August 29, 2022.

9 6. On September 7, 2022, Respondent filed a complaint in federal court on behalf
10 of the Martins.

11 7. The suit related to an incident in 2019, when D.M., a student with significant
12 disabilities, was assaulted by other students in the school gym.

13 8. The complaint listed the plaintiffs as “David and Theresa Martin, individually,
14 and on behalf of their minor son, D.M.”

15 9. Due to D.M.’s age at the time of filing, David and Theresa Martin no longer had
16 legal authority to act on behalf of D.M.

17 10. At the time of filing, D.M. had not personally authorized Respondent to file suit
18 on D.M.’s behalf.

19 11. Respondent has never met with D.M.

20 12. Respondent has never communicated with D.M.

21 13. At the time the suit was filed, due to D.M.’s age and the lack of direct
22 authorization from D.M., Respondent lacked authority to file suit on D.M.’s behalf.

23 ¹ U.S. District Court, Eastern District of Washington, Case No. 1:22-CV-3117.

1 14. On October 3, 2022, the court entered an order directing the parties to appear for
2 a telephonic scheduling conference on November 17, 2022.

3 15. The order also required the parties to make their Fed. R. Civ. P. 26(a)(1) initial
4 disclosures within 14 days of the discovery conference.

5 16. Respondent failed to appear at the scheduling conference.

6 17. On November 17, 2022, Respondent sent an email to the court regarding
7 Respondent's failure to attend the scheduling conference.

8 18. In the email, Respondent stated that Respondent was in acute distress and on the
9 way to the hospital due to illness.

10 19. This statement was false.

11 20. Respondent did not receive treatment from a medical provider on
12 November 17, 2022.

13 21. The court's November 17, 2022 scheduling order required the parties to make
14 their initial disclosures promptly if such disclosures had not already been made.

15 22. Respondent failed to promptly make initial disclosures.

16 23. On December 21, 2022, WSD served Respondent with interrogatories and
17 requests for production via email.

18 24. Respondent received the interrogatories and requests for production on
19 December 21, 2022.

20 25. Respondent did not send the interrogatories or requests for production to
21 Respondent's clients.

22 26. Respondent did not timely respond to the interrogatories or requests for
23 production.

1 27. Respondent did not request additional time to respond to the interrogatories or
2 requests for production.

3 28. On February 17, 2023, opposing counsel's paralegal sent Respondent proposed
4 stipulations for release of medical and other records via email.

5 29. The paralegal's email also requested the names and contact information for the
6 Martins' medical providers.

7 30. Respondent did not respond.

8 31. From February 2, 2023, through March 1, 2023, opposing counsel attempted to
9 schedule a discovery conference with Respondent.

10 32. Opposing counsel's efforts were unsuccessful due to Respondent's failure to
11 respond and/or provide available dates.

12 33. On March 9, 2023, opposing counsel sent Respondent a letter notifying
13 Respondent that unless they received responses to their discovery requests by the following day,
14 they would file a motion to compel and seek sanctions.

15 34. Respondent replied proposing they have a discovery conference the following
16 week.

17 35. On March 14, 2023, Respondent conferred with opposing counsel by phone
18 regarding outstanding discovery issues.

19 36. On March 14, 2023, following the conference, Respondent sent opposing counsel
20 an email identifying some of the relevant medical providers.

21 37. Respondent's email stated that the Martins would sign a release for educational
22 records.

1 38. Respondent's email also agreed to provide discovery responses and initial
2 disclosures by April 3, 2023.

3 39. The same day, opposing counsel's paralegal sent Respondent an email with
4 stipulations for the release of medical records from the identified medical providers and for the
5 release of educational records.

6 40. Respondent did not respond to the paralegal's email.

7 41. On March 30, 2023, opposing counsel's paralegal sent Respondent a follow-up
8 email requesting the status of the requested stipulations.

9 42. Respondent did not respond.

10 43. Respondent did not respond to WSD's interrogatories or requests for production
11 on or before April 3, 2023.

12 44. Respondent did not provide initial disclosures on or before April 3, 2023.

13 45. On April 6, 2023, opposing counsel's paralegal sent Respondent a follow-up
14 email requesting the status of the requested stipulations.

15 46. Respondent did not respond.

16 47. On April 13, 2023, the paralegal sent Respondent another email requesting the
17 status of the requested stipulations.

18 48. Respondent did not respond.

19 49. On April 17, 2023, opposing counsel notified Respondent via email that they
20 would file a motion to compel if Respondent did not provide the stipulations, discovery
21 responses, and initial disclosures by April 20, 2023.

22 50. Respondent did not respond.
23

1 51. On May 23, 2023, WSD filed a motion seeking dismissal as a sanction for
2 Respondent's failure to provide initial disclosures and Respondent's failure to respond to their
3 interrogatories and requests for production.

4 52. WSD's motion also sought monetary sanctions in the amount of \$10,000.

5 53. Respondent did not respond to the motion.

6 54. On July 14, 2023, the court granted the motion, dismissing the case without
7 prejudice.

8 55. In its dismissal order, the court found that Respondent had failed to comply with
9 the court's order to promptly make initial disclosures and that Respondent had failed to comply
10 with WSD's discovery requests.

11 56. In Respondent's June 10, 2025 written response to the grievance relating to the
12 Martin case, Respondent stated that Respondent met with the Martin family about the court's
13 dismissal order.

14 57. This statement was false.

15 58. To date, Respondent has not communicated with the Martins about the dismissal.

16 59. During a July 1, 2025 deposition conducted by ODC, Respondent testified that
17 Respondent met with Theresa and David Martin in August or September 2023 and gave them a
18 copy of the court's dismissal order.

19 60. Respondent's statement about giving Theresa and David Martin a copy of the
20 dismissal order was false.

21 61. Respondent met with Theresa and David Martin in or around September 2023.

22 62. Respondent did not disclose the dismissal to them during the meeting.

63. During the meeting, Respondent told Theresa and David Martin that Respondent could no longer represent them in the case due to personal issues.

64. Respondent's statement about being unable to continue the representation for personal reasons was misleading because the case had already been dismissed.

COUNT 1

65. By representing the Martins on a contingent fee basis without having a written fee agreement signed by the clients which sets forth how the fee will be determined, Respondent violated RPC 1.5(c).

COUNT 2

66. By filing suit on behalf of D.M. without having obtained D.M.'s authorization to do so, Respondent violated RPC 1.2(f).

COUNT 3

67. In the Martin matter, by failing to exercise reasonable diligence and/or failing to make reasonable efforts to expedite the litigation, including by failing to appear at a scheduling conference, failing to comply with deadlines, failing to make initial disclosures, failing to timely respond to requests for discovery, failing to timely communicate with opposing counsel and/or their staff, failing to timely respond to WSD's motion to dismiss, and/or failing to monitor D.M.'s age during the representation, Respondent violated RPC 1.3 and RPC 3.2.

COUNT 4

68. In the Martin matter, by making a false statement to the court regarding Respondent's reasons for failing to attend the November 17, 2022 scheduling conference, Respondent violated RPC 3.3(a)(1), RPC 8.4(c) and/or RPC 8.4(d).

1 **COUNT 5**

2 69. In the Martin matter, by failing to timely provide initial disclosures in violation
3 of a court order and/or court rule and/or failing to timely respond to discovery requests,
4 Respondent violated RPC 3.4(c), RPC 8.4(d), and/or RPC 8.4(j).

5 **COUNT 6**

6 70. By failing to communicate with the Martins regarding the status of their case,
7 failing to inform them of discovery requests made by WSD, and/or failing to explain
8 developments in their case sufficiently to allow them to make informed decisions about the
9 representation, Respondent violated RPC 1.4(a) and/or RPC 1.4(b).

10 **COUNT 7**

11 71. By withholding information from the Martins regarding the status of their case
12 and/or making false and/or misleading statements to David and Theresa Martin regarding
13 Respondent's reasons for terminating the representation, Respondent violated RPC 1.4(a) and/or
14 RPC 8.4(c).

15 **COUNT 8**

16 72. By falsely stating to ODC, in a written response submitted to the grievance that
17 Respondent met with the Martin family about the dismissal order, Respondent violated
18 RPC 8.1(b), RPC 8.4(c), RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC 5.3(g)).

19 **COUNT 9**

20 73. By providing false deposition testimony relating to providing David and Theresa
21 Martin with a copy of the dismissal order, Respondent violated RPC 8.1(a), RPC 8.4(b) (by
22 violating RCW 9A.72.040), RPC 8.4(c), RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC
23 5.3(g)).

1 **FACTS REGARDING T.S. V. SEATTLE SCHOOL DISTRICT NO. 1²**

2 74. Respondent began representing T.S., and T.S.'s child T.A., when Respondent
3 worked at the law firm Cedar Law.

4 75. In November 2020, Cedar Law filed a notice of tort claim with the Seattle School
5 District (SSD) on behalf of T.S. and T.A. for \$2,000,000.

6 76. In May 2021, Respondent filed a complaint in federal court on behalf of T.S.
7 individually and "as parent and guardian of minor student, T.A."

8 77. The suit related to an incident in 2016, when a special education teacher
9 physically assaulted T.A. in a school bathroom.

10 78. On June 3, 2021, SSD made an initial offer of judgment in the matter in the
11 amount of \$100,000.

12 79. The offer was rejected.

13 80. After Respondent left Cedar Law, T.S. elected to have Respondent continue the
14 representation.

15 81. After leaving Cedar Law, Respondent agreed to represent T.S. and T.A. on a
16 contingency fee basis.

17 82. Respondent did not enter into a written fee agreement with T.S. and/or T.A.

18 83. On November 10, 2022, SSD filed a motion for summary judgment seeking to
19 dismiss all claims with prejudice.

20 84. On December 1, 2022, Respondent filed a motion seeking four additional weeks
21 to respond to the motion.

22
23 ² U.S. District Court, Western District of Washington, Case No. 2:21-cv-00617.

1 85. Respondent's request for additional time to respond was based on Respondent's
2 own illness and on T.A.'s hospitalization at the time.

3 86. On December 2, 2022, the court granted Respondent's motion and set a
4 January 4, 2023 deadline for Respondent's response.

5 87. The court struck the February 6, 2023 trial date and ordered that any future
6 motion for an extension must be accompanied by a declaration and, if based on a medical
7 condition, a physician's letter.

8 88. On January 4, 2023, Respondent filed a motion seeking an additional two-week
9 extension of time to respond, citing similar grounds as in Respondent's prior request.

10 89. Respondent did not file a supporting declaration or physician's letter.

11 90. On January 5, 2023, the court struck Respondent's motion due to Respondent's
12 failure to comply with the court's December 2, 2022 order.

13 91. Although the deadline for Respondent's response to the summary judgment
14 motion had already passed, Respondent did not immediately respond to the court's order
15 striking Respondent's request for an extension of time.

16 92. Five days later, on January 10, 2023, Respondent filed a third motion seeking
17 additional time to respond to the summary judgment motion, citing the same grounds as the
18 previous motion.

19 93. Respondent filed a declaration supporting the January 10, 2023 motion but did
20 not include a physician's letter.

21 94. On January 24, 2023, twenty days after the deadline for Respondent's clients'
22 response had passed, the court granted Respondent's motion for additional time to respond,
23

1 setting a deadline of February 24, 2023, for Respondent's response to the summary judgment
2 motion.

3 95. The court's order stated: "**No further extension will be granted for any**
4 **reason.**" [Emphasis in original].

5 96. Respondent did not file a response to the summary judgment motion on or before
6 February 24, 2023.

7 97. On the date Respondent's response was due, Respondent filed a fourth motion to
8 continue, seeking an extension of the time to respond to February 27, 2023.

9 98. Respondent's motion was based on Respondent's partner having experienced a
10 health emergency on February 24, 2023.

11 99. Respondent did not file a supporting declaration or physician's letter with the
12 fourth motion to continue.

13 100. Three days later, on February 27, 2023, Respondent filed a declaration
14 supporting Respondent's fourth motion to continue along with a doctor's letter indicating that
15 Respondent's partner had been seen at the doctor's office on the afternoon of
16 February 24, 2023.

17 101. Later that same day, Respondent filed a fifth motion to continue, seeking an
18 additional day to respond.

19 102. Respondent's fifth motion to continue stated that Respondent's partner had
20 required emergency hospital attention on February 26, 2023.

21 103. Respondent filed a supporting declaration but did not provide a physician's letter
22 regarding the February 26, 2023 hospital visit.
23

1 104. Respondent did file a consent to treatment form from a hospital dated
2 February 26, 2023, at 4:57 p.m.

3 105. The court did not immediately rule on Respondent's fourth or fifth motions to
4 continue.

5 106. Respondent did not file a response to the summary judgment motion on or before
6 February 28, 2023, the deadline Respondent had requested in Respondent's fifth motion to
7 continue.

8 107. On March 2, 2023, the court struck Respondent's motions for additional time to
9 respond as moot due to Respondent's failure to meet either of the extended deadlines
10 Respondent had proposed.

11 108. The court's March 2, 2023 order stated that the court would consider any
12 response filed before the noting date of March 10, 2023.

13 109. Respondent did not file a response on or before March 10, 2023.

14 110. On March 24, 2023, the court issued an order granting partial summary judgment
15 in favor of SSD on 11 of the 13 claims raised in the complaint and granting summary judgment
16 in part as to the remaining claims.

17 111. After the court's ruling, the only remaining claims were negligent retention and
18 negligent pre-incident supervision.

19 112. The court's March 24, 2023 order dismissed all claims filed on behalf of T.S.
20 individually.

21 113. The court's March 24, 2023 order dismissed all claims that would have allowed
22 for the recovery of legal fees.

1 114. On April 11, 2023, the court issued an order scheduling the trial for
2 February 5, 2024.

3 115. During a status conference on December 13, 2023, Respondent informed the
4 court and opposing counsel for the first time that Respondent had a conflict with the current trial
5 date as Respondent had a due process hearing involving T.S. and T.A. scheduled for February 4
6 through February 7, 2024.

7 116. Respondent had agreed to the dates for the due process hearing on August 22,
8 2023, despite the fact that the due process hearing dates conflicted with the trial date in the
9 federal court matter.

10 117. On December 13, 2023, SSD reiterated its offer of judgment in the amount of
11 \$100,000.

12 118. In response, Respondent stated that Respondent's client was seeking a settlement
13 exceeding \$250,000.

14 119. On December 22, 2023, the court struck the existing trial date and ordered the
15 parties to confer regarding a new trial date.

16 120. On February 26, 2024, the court issued an order scheduling the trial for
17 January 21, 2025.

18 121. The court's scheduling order set deadlines for motions in limine, trial briefs,
19 proposed voir dire questions, proposed jury instructions, and an agreed pre-trial order.

20 122. On October 8, 2024, T.A. turned 18 years old.

21 123. From the date T.A. turned 18 through the date of dismissal of the federal court
22 matter, neither Respondent nor T.S. had authority to act for T.A.
23

1 124. Respondent failed to monitor T.A.'s age during the pendency of the suit and did
2 not recognize that T.A. had reached the age of majority at the time it occurred.

3 125. On November 15, 2024, SSD filed a motion to compel the depositions of
4 Respondent's clients and Respondent's expert as well as a Rule 35 examination of T.A.

5 126. SSD's motion also sought sanctions.

6 127. SSD filed a supporting declaration documenting Respondent's failure to
7 cooperate in scheduling depositions and failure to participate in a discovery conference.

8 128. The court held a status conference on November 21, 2024, to address the motion
9 to compel.

10 129. During the conference, Respondent indicated for the first time that Respondent
11 did not intend to present any expert testimony at trial.

12 130. In light of this disclosure, opposing counsel informed the court on
13 November 26, 2024, that no further discovery was necessary.

14 131. Pursuant to Local Civil Rule 16(h), Respondent was required to provide
15 opposing counsel with a pretrial statement containing a witness list, the general nature of each
16 witness's testimony, and a list of exhibits no later than December 4, 2024.

17 132. Respondent failed to provide opposing counsel with a pretrial statement
18 containing a witness list, the general nature of each witness's testimony, or a list of exhibits on
19 or before December 4, 2024.

20 133. At the July 1, 2025 deposition of Respondent conducted by ODC, Respondent
21 testified that Respondent did not provide the required pretrial statement because Respondent
22 lacked authority to do so due to T.A. reaching the age of majority.
23

1 134. This statement was false because Respondent was not aware that T.A. was no
2 longer a minor at the time Respondent's pretrial statement was due.

3 135. On December 10, 2024, the court held a status conference to discuss the
4 upcoming trial.

5 136. During the conference, the court set a December 23, 2024 deadline for
6 responding to motions in limine.

7 137. On December 12, 2024, SSD filed its motions in limine.

8 138. SSD's motions in limine included motions to preclude Respondent from offering
9 any exhibits, to exclude several of Respondent's witnesses entirely, and to materially limit the
10 testimony of other witnesses.

11 139. Respondent filed no motions in limine.

12 140. Respondent did not file a response to SSD's motions in limine.

13 141. At Respondent's July 1, 2025 deposition, Respondent testified that Respondent
14 had reviewed the motions in limine and that "it wouldn't be proper to have opposed those
15 motions because there was nothing inappropriate about them . . . they were template motions in
16 limine that that firm may file in every case."

17 142. This testimony was false.

18 143. SSD's motions in limine were not boilerplate.

19 144. On December 20, 2024, the parties attended a scheduled mediation.

20 145. Respondent failed to submit any mediation materials to the mediator.

21 146. During the mediation, Respondent stated to the mediator that T.S. had a power of
22 attorney authorizing T.S. to act on T.A.'s behalf.

23 147. This statement was false.

1 148. At that time, T.S. did not have a power of attorney, guardianship,
2 conservatorship, or any other legal authorization for T.S. to act for T.A.

3 149. Despite lacking authority to do so, during the mediation, Respondent made a
4 settlement offer on T.A.'s behalf.

5 150. After the mediation ended, opposing counsel filed a status report regarding the
6 mediation stating that Respondent had acted in bad faith because neither Respondent nor T.S.
7 had authority to enter a binding resolution in the matter.

8 151. Opposing counsel's status report asked that Respondent be ordered to pay SSD's
9 fees and costs associated with the mediation.

10 152. Respondent did not respond.

11 153. On December 27, 2024, the court ordered Respondent to file a status report on or
12 before January 6, 2025, indicating whether T.S. was authorized to act on T.A.'s behalf, along
13 with supporting documentation.

14 154. The court further ordered Respondent's clients to show cause why SSD's
15 motions in limine should not be granted and why the clients' remaining claims should not be
16 dismissed for failure to prosecute.

17 155. Respondent failed to file the required status report.

18 156. Respondent did not file any response to the show cause order addressing why the
19 motions in limine should not be granted or why the remaining claims should not be dismissed
20 for failure to prosecute.

21 157. On January 2, 2025, Respondent agreed to schedule administrative hearing dates
22 in a separate matter on January 14-17 and January 21-24, 2025.

1 158. These administrative hearing dates conflicted with the dates set for jury selection
2 and trial in the T.S. matter.

3 159. Respondent did not inform the court of the scheduling conflict.

4 160. On January 3, 2025, SSD filed proposed voir dire, proposed jury instructions,
5 and a trial brief.

6 161. Respondent did not file any of these items on or before the deadline for doing so.

7 162. The court's scheduling order required the parties to file an agreed pretrial order
8 by January 3, 2025.

9 163. Respondent failed to confer with opposing counsel regarding the pretrial order as
10 required by local court rule.

11 164. SSD timely filed its own proposed pretrial order.

12 165. Respondent did not file a proposed pretrial order.

13 166. On January 7, 2025, the court dismissed Respondent's clients' remaining claims
14 without prejudice for failure to prosecute, noting that the trial was scheduled to commence in
15 ten days and that the court had already summoned prospective jurors.

16 167. The court ordered Respondent to serve a copy of the court's dismissal order on
17 T.S. and T.A. and to file proof of having done so within seven days.

18 168. Respondent failed to serve a copy of the January 7, 2025 order on T.S. or T.A. as
19 directed.

20 169. Respondent failed to file proof of service on T.S. and T.A. within seven days of
21 the court's order.

22 170. On January 28, 2025, SSD filed a motion seeking fees of \$15,512.00 and costs of
23 \$6,484.64.

1 171. Respondent did not respond to the motion.

2 172. On February 19, 2025, a deputy clerk issued an order requiring T.S. to pay
3 \$4,754.64 in costs.

4 173. The clerk's order denied the request for fees, finding it had been improperly
5 comingled with the motion for costs and was not timely filed.

6 174. On March 5, 2025, SSD filed a motion for fees seeking an award of more than
7 \$15,000, along with a motion for reconsideration of the clerk's ruling.

8 175. Respondent did not respond to either motion.

9 176. On March 31, 2025, the court denied the motions as untimely.

10 177. On May 23, 2025, Respondent sent an email to T.S. addressing the dismissal.

11 178. In the email, Respondent stated the federal case was dismissed because T.S.
12 could not raise claims on T.A.'s behalf after T.A. turned 18.

13 179. This statement was false.

14 **COUNT 10**

15 180. By representing T.S. and T.A. on a contingent fee basis without having a written
16 fee agreement signed by the clients that sets forth how the fee will be determined, Respondent
17 violated RPC 1.5(c).

18 **COUNT 11**

19 181. By continuing to represent T.A. after T.A. reached the age of majority without
20 having obtained T.A.'s authorization to do so, Respondent violated RPC 1.2(f).

21 **COUNT 12**

22 182. In the T.S. matter, by failing to act with reasonable diligence and/or failing to
23 make reasonable efforts to expedite the litigation, including by failing to comply with deadlines,

1 failing to respond to motions, failing to cooperate with discovery requests, failing to timely
2 communicate and/or confer with opposing counsel and/or their staff, failing to file one or more
3 required status reports, failing to avoid scheduling conflicts, failing to serve a pretrial statement
4 on opposing counsel, failing to submit mediation materials, failing to respond to the court's
5 show cause order, failing to file a proposed pre-trial order, motions in limine, a trial brief,
6 proposed voir dire questions, and/or jury instructions, failing to monitor T.A.'s age during the
7 representation, failing to serve a copy of the court's dismissal order on T.A. and/or T.S., and/or
8 failing to file proof of having served the dismissal order on T.A. and/or T.S., Respondent
9 violated RPC 1.3, RPC 3.2, and/or RPC 8.4(d) .

10 **COUNT 13**

11 183. In the T.S. matter, by failing to comply with deadlines set by court order and/or
12 court rule, failing to comply with one or more court orders regarding the supporting documents
13 required for a motion for extension or continuance, failing to timely confer with opposing
14 counsel, failing to file one or more required status reports, failing to timely serve a pretrial
15 statement on opposing counsel, failing to file a proposed pre-trial order, failing to respond the
16 court's show cause order, failing to serve a copy of the court's dismissal order on T.A. and/or
17 T.S., and/or failing to file proof of having served the dismissal order on T.A. and/or T.S.,
18 Respondent violated RPC 3.4(c), RPC 8.4(d), and/or RPC 8.4(j).

19 **COUNT 14**

20 184. By failing to communicate with T.S. and/or T.A. regarding the status of their
21 case and/or failing to explain developments in the case sufficiently to allow T.S. and/or T.A. to
22 make informed decisions about the representation, Respondent violated RPC 1.4(a) and/or
23 RPC 1.4(b).

1 **COUNT 15**

2 185. By withholding information from T.S. and/or T.A. regarding the status of their
3 case and/or making one or more false statements to T.S. regarding the reason the T.S. matter
4 was dismissed, Respondent violated RPC 1.4(a) and/or RPC 8.4(c).

5 **COUNT 16**

6 186. By making one or more false statements to the mediator regarding the authority
7 of T.S. to act on behalf of T.A., Respondent violated RPC 4.1(a) and/or RPC 8.4(c).

8 **COUNT 17**

9 187. By providing false deposition testimony regarding one or more of Respondent's
10 actions in the T.S. matter, Respondent violated RPC 8.1(a), RPC 8.4(b) (by violating RCW
11 9A.72.040), RPC 8.4(c), RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC 5.3(g)).

12 **FACTS REGARDING BEST V. SELAH SCH. DIST. No. 119³**

13 188. Respondent agreed to represent Moriah Best (Best), in a suit against the Selah
14 School District.

15 189. Respondent agreed to work for Best on a contingency fee basis.

16 190. Respondent did not enter into a written fee agreement with Best.

17 191. On September 7, 2022, Respondent filed a complaint on Best's behalf in federal
18 court.

19 192. The suit related to an incident in 2016 in which Best suffered a traumatic brain
20 injury after colliding with a wall while practicing with the high school swim team.

21 193. On November 8, 2022, the court issued an order setting a scheduling conference
22 for January 4, 2023.

23 ³ U.S. District Court for the Eastern District of Washington, Case No. 1:22-CV-3116.

1 194. On December 21, 2022, the parties filed a stipulated motion for a protective
2 order to facilitate the Defendant's access to medical records.

3 195. The same day, a paralegal from opposing counsel's firm sent Respondent an
4 email requesting a list of healthcare providers so that they could draft stipulations for the release
5 of medical records.

6 196. Respondent did not respond to the paralegal's email.

7 197. On January 4, 2023, Respondent failed to appear for the scheduling conference.

8 198. The same day, the court issued a scheduling order requiring the parties to make
9 initial disclosures no later than January 6, 2023.

10 199. Respondent received notice of the scheduling order.

11 200. Defendant Selah School District provided Respondent with their initial
12 disclosures on January 6, 2023.

13 201. Respondent did not provide Respondent's initial disclosures on or before
14 January 6, 2023.

15 202. On January 18, 2023, opposing counsel's paralegal sent Respondent a follow-up
16 email asking for the list of healthcare providers.

17 203. Respondent did not respond to the paralegal's email.

18 204. On January 31, 2023, opposing counsel's paralegal sent Respondent another
19 follow-up email asking when they could expect to receive the list of healthcare providers.

20 205. Respondent did not respond to the paralegal's email.

21 206. On February 9, 2023, Respondent sent opposing counsel's paralegal a list of
22 healthcare providers.
23

1 207. On February 10, 2023, opposing counsel's paralegal sent Respondent an email
2 requesting that Respondent sign and return an attached stipulation authorizing the release of
3 medical records from the healthcare providers Respondent had listed in Respondent's
4 February 9, 2023 email.

5 208. Respondent did not respond to the paralegal's email.

6 209. On February 16, 2023, opposing counsel's paralegal sent Respondent an email
7 asking when Respondent anticipated providing Respondent's client's initial disclosures.

8 210. Respondent did not respond to the paralegal's email.

9 211. On March 13, 2023, the Defendant moved for summary judgment based on
10 Respondent's failure to timely provide initial disclosures and failure to respond to requests
11 relating to medical records.

12 212. The motion stated that Respondent had "seemingly abandoned pursuit of this
13 matter."

14 213. Respondent's response to the motion was due on April 3, 2023.

15 214. Respondent did not file a timely response to the motion.

16 215. On April 11, 2023, Respondent sent opposing counsel an email requesting a one-
17 week continuance of the deadline to respond.

18 216. Opposing counsel replied the same day, stating that the deadline had already
19 passed but that they would seek authority from their client to agree to an extension.

20 217. The next day, opposing counsel sent Respondent an email indicating they would
21 not object if Respondent filed a motion asking for additional time to respond.

22 218. Respondent did not file a motion seeking additional time to respond.
23

1 219. On April 17, 2023, Best wrote to Respondent requesting an update on the case,
2 noting that they had not heard from Respondent since February.

3 220. Respondent did not respond.

4 221. On April 24, 2023, Respondent exchanged text messages with Best's parent,
5 Janie,⁴ on a group text thread that also included Best and Best's sibling, Miranda.

6 222. During the exchange, Respondent wrote: "There's nothing to report at this point.
7 We're just doing discovery sending things back-and-forth document wise."

8 223. Respondent's text message to the Bests regarding the status of the case was false.

9 224. On May 2, 2023, the court issued an order dismissing the case with prejudice.

10 225. To date, Respondent has not notified Best of the dismissal.

11 226. On May 12, 2023, Respondent filed a motion for reconsideration stating
12 Respondent had been unavailable due to family health issues.

13 227. Respondent's motion requested two additional weeks to respond.

14 228. On May 14, 2023, Best sent Respondent an email requesting an update and
15 asking if the case was "going to take months or years to resolve?"

16 229. Respondent replied the same day: "Unfortunately, civil cases can take a couple
17 of years to come to fruition. I will be sending Respondent some releases to sign to get the school
18 district additional medical records."

19 230. Respondent's reply was misleading.

20 231. Respondent's May 14, 2023 email was intended to deceive Best regarding the
21 status of the case.

22 ⁴ To avoid confusion, ODC uses first names when referring to Best's parent and sibling. No disrespect is
23 intended.

1 232. On May 23, 2023, the court denied Respondent’s motion for reconsideration,
2 finding that Respondent’s personal circumstances did not justify Respondent’s “multiple
3 failures to engage in the prosecution” of the case or Respondent’s failure to bring the issue to
4 the court’s attention earlier.

5 233. Respondent did not inform Best of the court’s ruling denying Respondent’s
6 request for reconsideration.

7 234. On June 1, 2023, Respondent filed a notice of appeal.

8 235. Respondent did not consult with Best before filing the appeal on Best’s behalf.

9 236. Respondent did not have Best’s authority to file an appeal.

10 237. On June 5, 2023, the 9th Circuit Court of Appeals issued a scheduling order in
11 the appeal of Best’s case.⁵

12 238. The scheduling order stated that the failure of the appellant to comply with its
13 terms would result in “automatic dismissal of the appeal.”

14 239. The scheduling order set a deadline of June 12, 2023, for the appellant to submit
15 a mediation questionnaire.

16 240. Local rules for the 9th Circuit Court of Appeals also require appellants to
17 complete and submit a mediation questionnaire within five days of the docketing of a civil
18 appeal.

19 241. On June 5, 2023, opposing counsel forwarded the electronic notice regarding the
20 court’s scheduling order to Respondent.

21 242. The electronic notice included the deadline for the mediation questionnaire.
22

23 ⁵ 9th Circuit Court of Appeals, Case No. 23-35385.

1 243. Opposing counsel’s June 5, 2023 email noted that the court had the wrong email
2 address for Respondent.

3 244. Respondent did not respond to opposing counsel’s email.

4 245. Respondent did not update Respondent’s email address with the court.

5 246. Respondent did not monitor filings or the court docket in the appeal while the
6 appeal was pending.

7 247. Respondent did not file a mediation questionnaire in Best’s case on or before
8 June 12, 2023.

9 248. On June 15, 2023, the court issued an order noting that the court had not received
10 the appellant’s mediation questionnaire and directing Respondent’s client to file the mediation
11 questionnaire within five days or voluntarily dismiss the appeal.

12 249. Respondent did not file a mediation questionnaire within five days of the court’s
13 order.

14 250. Respondent did not voluntarily dismiss the appeal within five days of the court’s
15 order.

16 251. Best contacted Respondent twice in June 2023 requesting updates.

17 252. Respondent did not respond.

18 253. Respondent did not file an opening brief or excerpts of the record on or before
19 July 31, 2023, as the scheduling order required.

20 254. On August 3, 2023, Best sent Respondent an email asking why Respondent was
21 now saying the case could take years to resolve when Respondent previously said it would take
22 “months, up to a year.”

23 255. Best’s email also asked, “What changed? Are there problems?”

256. Respondent did not respond.

257. On August 16, 2023, Janie sent Respondent a text message stating in pertinent part: “Moriah was wondering if things are okay or not, because she emailed you a couple of weeks ago and has not heard anything back from you. She’s just wondering what’s going on?”

258. Respondent's reply text message stated in part that "there was not an update to provide."

259. Respondent's statement that there was no update to provide was false.

260. At that time, Respondent had yet to disclose to Best that the case had been dismissed in May, that Respondent's motion to reconsider had been denied, or that Respondent had filed an appeal.

261. On September 7, 2023, the court dismissed the appeal for failure to prosecute.

262. To date, Respondent has not notified Best that the appeal was dismissed.

263. Best and Best's family members repeatedly contacted Respondent over the next year requesting an update.

264. To date, Respondent has not provided them with an update.

COUNT 18

265. By representing Best on a contingent fee basis without having a written fee agreement signed by the client that sets forth how the fee will be determined, Respondent violated RPC 1.5(c).

COUNT 19

266. By filing an appeal on behalf of Best without having obtained Best's authorization to do so, Respondent violated RPC 1.2(f).

1 **COUNT 20**

2 267. In the Best federal district court matter, by failing to exercise reasonable
3 diligence, including by failing to appear at a scheduling conference, failing to make initial
4 disclosures, failing to cooperate with discovery demands, failing to timely communicate with
5 opposing counsel and/or their staff, failing to respond to the motion for summary judgment,
6 and/or failing to file a motion seeking additional time to respond to the summary judgment
7 motion, Respondent violated RPC 1.3, RPC 3.2, and/or RPC 8.4(d) .

8 **COUNT 21**

9 268. In the Best federal district court matter, by failing to timely provide initial
10 disclosures, Respondent violated RPC 3.4(c), RPC 8.4(d), and/or RPC 8.4(j).

11 **COUNT 22**

12 269. In the Best 9th Circuit appeal matter, by failing to exercise reasonable diligence,
13 including by failing to file a mediation questionnaire, failing to file an opening brief, failing to
14 file excerpts of record, failing to maintain a current email address with the court's electronic
15 filing system, and/or failing to monitor the court docket and/or filings in the matter, Respondent
16 violated RPC 1.3, RPC 3.2, and/or RPC 8.4(d) .

17 **COUNT 23**

18 270. By failing to communicate with Best regarding the status of one or both of Best's
19 cases and/or failing to explain developments in one or both of Best's cases sufficiently to allow
20 Best to make informed decisions about the representation, Respondent violated RPC 1.4(a)
21 and/or RPC 1.4(b).
22
23

COUNT 24

271. By withholding information from Best regarding the status of Best's federal district court case, by failing to disclose to Best that Respondent had filed an appeal on Best's behalf, by making one or more false and/or misleading statements to Best regarding Best's federal district court case, and/or by making one or more false statements to Best's family members regarding the status of Best's federal district court case, Respondent violated RPC 8.4(c).

**FACTS REGARDING IN RE WAPATO SCHOOL DISTRICT, OFFICE OF
SUPERINTENDENT OF PUBLIC INSTRUCTION (OSPI) CAUSE NO. 2020-SE-0079⁶**

272. On May 18, 2020, Wapato School District (WSD) filed a special education due process hearing request (complaint) with the Washington State Office of Administrative Hearings (OAH) seeking a determination that David and Theresa Martin's request for an independent educational evaluation (IEE) of their child, D.M., was premature.

273. Respondent represented the Martins in the matter.

274. On June 8, 2020, the assigned Administrative Law Judge (ALJ) issued a prehearing order setting the briefing schedule for WSD's motion for summary judgment.

275. On June 19, 2020, WSD timely filed a motion for summary judgment.

276. The prehearing order set a July 17, 2020 deadline for the parents' response.

277. Respondent did not file a response on or before the July 17, 2020 deadline.

278. On Thursday, July 23, 2020, counsel for WSD emailed a letter to Respondent, Respondent's associate Alex Hagel, and the ALJ, asking the ALJ to grant the motion given Respondent's failure to respond.

⁶ Washington State Office of Administrative Hearings (OAH) Docket No. 05-2020-OSPI-01061.

1 279. Later that day, Respondent submitted a request for an extension of time via
2 email.

3 280. On July 24, 2020, WSD objected to Respondent's request for an extension of
4 time.

5 281. Respondent did not reply to WSD's objection or file a response to the motion.

6 282. On Monday, July 27, 2020, the ALJ wrote to the parties via email that WSD's
7 motion appeared to have been served on Respondent on June 19, 2020, and asked Respondent to
8 confirm that Respondent had received the motion on that date.

9 283. Respondent did not respond to the ALJ's email.

10 284. On July 29, 2020, the ALJ determined that the summary judgment motion had
11 been timely served on Respondent on June 19, 2020, and denied Respondent's request for an
12 extension of time.

13 285. On September 15, 2020, the ALJ granted WSD's motion for summary judgment,
14 determining that the parents' request for an IEE was premature and that they were not entitled to
15 an IEE at public expense.

16 286. The ALJ's order dismissed the case and stated that the due process hearing
17 would not be rescheduled.

18 **COUNT 25**

19 287. In OSPI Cause No. 2020-SE-0079, by failing to exercise reasonable diligence,
20 including by failing to respond to WSD's motion for summary judgment and/or failing to
21 respond to the ALJ's inquiry regarding service, Respondent violated RPC 1.3, RPC 3.2, and/or
22 RPC 8.4(d).

FACTS REGARDING IN RE SEATTLE SCHOOL DISTRICT
OSPI CAUSE NO. 2020-SE-0167⁷

288. On October 30, 2020, Respondent and Respondent's associate Alex Hagel filed a request for a special education due process hearing for parent T.D. on behalf of T.D.'s child A.D., a student in SSD, pursuant to the Individuals with Disabilities Education Act (IDEA).

289. On February 2, 2021, SSD filed a motion for partial summary judgment.

290. On February 16, 2021, Respondent sent an email to OAH requesting four additional weeks to respond to the motion.

291. SSD objected to Respondent's request for additional time to respond.

292. On February 23, 2021, the ALJ issued an order granting Respondent additional time.

293. The ALJ directed Respondent's clients to file their response to SSD's motion by 5:00 p.m. on March 2, 2021.

294. On March 2, 2021, Respondent requested an additional extension of time to March 5, 2021, due to illness.

295. SSD did not object to Respondent's request.

296. On March 3, 2021, the ALJ granted Respondent's request, extending the deadline to March 5, 2021, at 5:00 p.m.

297. Respondent did not file a response to SSD's summary judgment motion on or before the 5:00 p.m. deadline on March 5, 2021.

298. At 4:48 p.m. on March 5, 2021, Respondent sent T.D. an email with a draft declaration and exhibits relating to their response to the summary judgment motion.

⁷ OAH Docket No. 10-2020-OSPI-01195.

1 299. Respondent's email asked T.D. to return the signature page if T.D. had no
2 changes.

3 300. Respondent immediately received an email notification that Respondent's
4 message could not be delivered because it was too large.

5 301. Respondent then reduced the file sizes and re-sent the declaration and exhibits to
6 T.D. at 5:03 p.m.

7 302. Meanwhile, at 5:00:28 p.m., Respondent had filed what purported to be the
8 declaration of T.D. in support of T.D.'s response to SSD's motion for partial summary
9 judgment.

10 303. The declaration Respondent filed was unsigned.

11 304. At the time Respondent filed the declaration, T.D. had not yet approved the
12 contents of the unsigned declaration.

13 305. Respondent did not file a response to the summary judgment motion concurrent
14 with the unsigned declaration.

15 306. Later that evening, at 6:20 p.m., Respondent filed Respondent's own declaration
16 in support of the response to the summary judgment motion.

17 307. Respondent did not file a response to the summary judgment motion concurrent
18 with Respondent's declaration.

19 308. At 9:46 p.m., Respondent filed a response to SSD's summary judgment motion.

20 309. Respondent's transmittal email to OAH stated that Respondent's co-counsel,
21 Hagel, had "let [Respondent] know that only the Parent's Declaration went through below, so I
22 am filing the Response again now."

23 310. This statement was false.

1 311. On March 12, 2021, Respondent filed a signed declaration of T.D.

2 312. In Respondent's filing email, Respondent stated that Respondent had
3 inadvertently failed to substitute the signed signature page from the parent in the .pdf version of
4 the declaration filed the previous week.

5 313. This statement was false.

6 314. On March 31, 2021, the ALJ granted SSD's motion for partial summary
7 judgment, dismissing seven of the issues Respondent had raised entirely, and dismissing three
8 other issues in part.

9 315. The ALJ's order granting partial summary judgment found that Respondent had
10 failed to timely respond to the motion.

11 316. The ALJ declined to consider the response and supporting declarations
12 Respondent had filed.

13 317. The ALJ found that the signed and unsigned versions of T.D.'s declaration
14 "differed substantially."

15 318. The ALJ concluded that given the differences between the unsigned and signed
16 versions of the declaration Respondent had submitted, T.D. "could not have attested to the
17 contents of either document."

18 319. Respondent falsely represented to the tribunal that T.D. had attested to the
19 declarations Respondent filed.

20 320. On May 19, 2021, five days before the due process hearing was scheduled to
21 begin, Respondent sent an email to OAH and SSD requesting that the start of the hearing be
22 delayed due to Respondent's partner's medical situation.

1 321. The ALJ's staff responded the same day stating that the ALJ could not push back
2 the start of the hearing but was available to conduct the hearing at a later date.

3 322. Respondent sent a reply email later that day stating: "We have shared our current
4 dates of availability between June 7 and July 1 with the SSD previously, but are including them
5 here as well: June 7, 8, 11, 21, 22, 23, 28, 29, and 30."

6 323. At that time, Respondent had not consulted T.D. about T.D.'s availability.

7 324. The ALJ held a telephonic prehearing conference on May 20, 2021, at which
8 time Respondent made a verbal motion to continue the hearing.

9 325. SSD did not object.

10 326. The parties discussed proposed hearing dates of June 21-23, 2021.

11 327. Respondent stated at the conference that "we" would be available for a due
12 process hearing on those dates.

13 328. The ALJ granted Respondent's motion on the record and issued a written order
14 the same day continuing the due process hearing to June 21-23, 2021.

15 329. Later that day, Respondent learned that T.D. was unavailable for hearing that
16 week as T.D. would be traveling internationally for work.

17 330. Respondent filed a motion to continue the due process hearing along with a
18 supporting declaration.

19 331. Respondent's declaration stated that Respondent had misunderstood when T.D.
20 would be out of the country.

21 332. This statement was false.

22 333. SSD objected to Respondent's request for a continuance.
23

1 334. On June 2, 2021, the ALJ held a prehearing conference to address the hearing
2 date.

3 335. In an order issued June 4, 2021, the ALJ granted the motion to continue.

4 336. In the order granting the continuance, the ALJ found that Respondent had
5 repeatedly made false statements regarding T.D.'s availability for the June 2021 hearing dates,
6 including statements made under oath.

7 337. The ALJ continued the hearing to September 27-29, 2021.

8 338. On June 4, 2021, T.D. sent Respondent an email asking if the ALJ had ruled on
9 the hearing date.

10 339. Respondent replied the same day that the hearing had been set for the last week
11 of September.

12 340. Respondent stated that Respondent was "going to file an objection to her setting
13 this in September when both us and the district are available in July and August."

14 341. Respondent never filed any such objection.

15 342. On July 12, 2021, T.D. sent Respondent an email expressing confusion about
16 hearing dates and requesting the dates for each of T.D.'s two children as well as a meeting to
17 discuss the cases.

18 343. In a subsequent email exchange, Respondent and T.D. agreed to schedule a
19 Zoom meeting for the first week of August.

20 344. Respondent and T.D. did not meet during the first week of August.

21 345. Respondent did not provide T.D. with the upcoming hearing dates T.D.'s
22 children as T.D. had requested.

1 346. On August 13, 2021, T.D. sent Respondent an email again expressing confusion
2 about the hearing dates for T.D.'s children and asking for a status report for each child's case.

3 347. Respondent did not respond to T.D.'s email.

4 348. On August 19, 2021, T.D. wrote to Respondent and others at Respondent's firm,
5 repeating the same concerns, asking if there was a hearing scheduled for August 26, and
6 expressing uncertainty as to what was required of T.D.

7 349. Respondent replied the same day on a different email thread that no hearing was
8 scheduled for August 26 and that Respondent would be "sending a longer update email . . . no
9 later than Monday."

10 350. Respondent did not send T.D. any update on or before the following Monday.

11 351. On Friday, September 24, 2021, Respondent forwarded to T.D. the Zoom
12 invitation for the due process hearing scheduled to begin on Monday, September 27, 2021.

13 352. Respondent's transmission email stated that the meeting invitation was for
14 A.D.'s hearing the following week and asked if T.D. had any interest in trying to settle with
15 SSD.

16 353. T.D. responded the same day expressing interest in settlement and stating: "I
17 have been trying to get you to tell me what is going on for a long time, and we haven't spoken
18 for months. I thought we got a new judge. I thought the hearing was set for farther away. I don't
19 even have have [sic] this on my calendar! I can't get you to meet with me to explain what is
20 going on."

21 354. The parties reached a settlement the next day, and the matter was dismissed on
22 September 29, 2021.

1 **COUNT 26**

2 355. In OSPI Cause No. 2020-SE-0167, by failing to exercise reasonable diligence
3 and failing to make reasonable efforts to expedite the litigation, including by failing to provide a
4 draft declaration to T.D. sufficiently in advance of the filing deadline to allow reasonable time
5 for T.D. to review, sign, and return the declaration, failing to timely file a response to SSD's
6 motion for partial summary judgment, failing to timely file declarations supporting the response
7 to SSD's motion, and failing to timely ascertain T.D.'s availability for future hearing dates
8 before making related representations to the ALJ, Respondent violated RPC 1.3, RPC 3.2,
9 and/or RPC 8.4(d) .

10 **COUNT 27**

11 356. In OSPI Cause No. 2020-SE-0167, by making false statements to the ALJ
12 relating to the filing T.D.'s declaration and/or the filing of the declaration, by falsely
13 representing to the ALJ that T.D. had attested to the contents of one or both of the declarations
14 Respondent filed, and/or by making false representations to the ALJ regarding T.D.'s
15 availability for hearing, Respondent violated RPC 3.3(a)(1), RPC 8.4(b) (by violating RCW
16 9A.72.040), RPC 8.4(c) and/or RPC 8.4(d).

17 **COUNT 28**

18 357. In OSPI Cause No. 2020-SE-0167, by failing to communicate with T.D.
19 regarding the status of T.D.'s case, failing to promptly respond to T.D.'s inquiries regarding the
20 case, and/or failing to explain developments in T.D.'s case sufficiently to allow T.D. to make
21 informed decisions about the representation, Respondent violated RPC 1.4(a) and/or RPC
22 1.4(b).
23

**FACTS REGARDING IN RE SEATTLE SCHOOL DISTRICT
OSPI Cause No. 2021-SE-0038⁸**

358. On or about April 9, 2021, Respondent filed a separate request for a special education due process hearing for parent T.D. on behalf of A.D. pursuant to the IDEA.

359. On May 19, 2021, the ALJ issued a prehearing order scheduling the due process hearing for August 26 and 27, 2021.

360. The ALJ's prehearing order noted that Respondent had "demanded that the due process hearing occur prior to September 1, 2021, regardless of the availability of the tribunal and the district's witnesses" and that Respondent's request had been accommodated.

361. On June 15, 2021, Respondent filed a motion to dismiss the case without prejudice.

362. Respondent's motion did not include any basis for the dismissal request.

363. On June 21, 2021, SSD filed a brief in opposition to the motion.

364. On June 28, 2021, Respondent filed a reply brief, citing the scheduled hearing date as the basis for the motion to dismiss.

365. Respondent's reply brief contained false statements about the reasons for the motion.

366. Respondent also made false statements about the procedural history of the related case, 2020-SE-0167.

367. Respondent's brief claimed T.D. wished to dismiss this matter because the due process hearings in T.D.'s two matters had been "set in reverse order of the events that have transpired."

⁸ OAH Docket No. 04-2021-OSPI-01286.

1 368. However, it was Respondent who had insisted the hearing in this matter be
2 scheduled prior to September 1, 2021.

3 369. Respondent's brief stated that OSPI Cause No. 2020-SE-0167 had only been
4 continued once at Respondent's request.

5 370. This statement was false.

6 371. Respondent had asked to continue the hearing date in OSPI Cause No. 2020-SE-
7 0167 three times.

8 372. Respondent's brief stated that Respondent's request to continue OSPI Cause No.
9 2020-SE-0167 to July 2021 had been denied.

10 373. This statement was false.

11 374. Respondent had not made a motion to continue OSPI Cause No. 2020-SE-0167
12 to July 2021.

13 375. On July 1, 2021, the ALJ dismissed OSPI Cause No. 2021-SE-0038 without
14 prejudice.

15 376. The ALJ found that Respondent's reply brief was "replete with false statements
16 about the process and orders issued in this case."

17 377. The ALJ further found that Respondent's "erratic and highly suspect pleading
18 practices and lack of candor border on the extreme and implicate other professional rules that
19 are outside the purview of this tribunal."

20 378. The ALJ determined that dismissal without prejudice was nonetheless
21 appropriate because SSD's ability to prepare its defense had not been prejudiced.

COUNT 29

379. In OSPI Cause No. 2021-SE-0038, by making false statements in Respondent's reply brief, Respondent violated RPC 3.3(a)(1), RPC 8.4(c), and/or RPC 8.4(d).

FACTS REGARDING IN RE SEATTLE SCHOOL DISTRICT
OSPI Cause No. 2024-SE-0151⁹

380. In the fall of 2024, Respondent represented parent T.D. in connection with SSD's request for a triennial reevaluation of A.D.

381. On October 28, 2024, SSD filed a special education due process hearing request seeking to override the parent's refusal to provide the requested consent for the reevaluation and a determination of whether the parent was entitled to an IEE at public expense.

382. On December 3, 2024, the ALJ issued a prehearing order.

383. The prehearing order included a briefing schedule for SSD's summary judgment motion.

384. SSD's motion was due on December 20, 2024.

385. Per Respondent's request, the deadline for Respondent's response was set for January 31, 2025, more than a month after the motion was to be filed.

386. On December 20, 2024, SSD filed a motion for summary judgment along with supporting declarations.

387. On January 8, 2025, Respondent requested an additional seven days to respond.

388. SSD did not object.

389. On January 9, 2025, the ALJ granted Respondent's request and revised deadline for Respondent's response to February 7, 2025, at 5:00 p.m.

⁹ OAH Docket No. 10-2024-OSPI-02396.

390. At 4:21 p.m. on February 7, 2025, Respondent submitted a second request for additional time to respond, stating the parent was out of the country and was having technical difficulties reviewing the response and the parent's supporting declaration.

391. The ALJ was not available at that time, so the deadline was not extended.

392. Respondent did not file a response to SSD's summary judgment motion on or before February 7, 2025, or at any point thereafter.

393. On February 21, 2025, the ALJ granted SSD's motion for summary judgment, overriding the parent's failure to consent and finding that the parent was not entitled to an IEE at public expense.

COUNT 30

394. In OSPI Cause No. 2024-SE-0151, by failing to respond to SSD's motion for summary judgment, Respondent violated RPC 1.3, RPC 3.2, and/or RPC 8.4(d).

FACTS REGARDING IN RE SEATTLE SCHOOL DISTRICT
OSPI Cause No. 2022-SE-0110¹⁰

395. On or about September 6, 2022, Respondent filed a request for a special education due process hearing for parent T.C. on behalf of T.C.'s child A.H. pursuant to the IDEA.

396. On December 30, 2022, OAH sent Respondent notice via email that a prehearing conference would be held on January 6, 2023, at 9:00 a.m.

397. The notice stated that the matter could be dismissed if the complainant failed to appear.

¹⁰ OAH Docket No. 09-2022-OSPI-01699.

FACTS REGARDING IN RE SEATTLE SCHOOL DISTRICT
OSPI Cause No. 2024-SE-0037¹¹

410. On or about March 25, 2024, Respondent filed a request for a special education due process hearing for parent H.M. on behalf of H.M.'s child, M.M. pursuant to the IDEA.

411. On March 25, 2024, OAH sent Respondent notice via email that a prehearing conference would be held on April 22, 2024.

412. The notice stated that the matter could be dismissed if the complainant failed to appear.

413. On April 22, 2024, neither Respondent nor Respondent's client appeared for the prehearing conference.

414. SSD agreed to continue the prehearing conference to May 7, 2024, to give Respondent and Respondent's client the opportunity to appear.

415. Respondent appeared for the prehearing conference on May 7, 2024.

416. Respondent agreed that another prehearing conference would be held on June 18, 2024.

417. On May 7, 2024, OAH sent Respondent a Prehearing Order via email scheduling a prehearing conference for June 18, 2024.

418. The Prehearing Order stated that the matter could be dismissed if the complainant failed to appear.

419. On June 18, 2024, neither Respondent nor Respondent's client appeared for the prehearing conference, which was scheduled to begin at 9:00 a.m.

¹¹ OAH Docket No. 03-2024-OSPI-02169.

1 420. OAH staff sent Respondent an email at 9:04 a.m. asking whether Respondent
2 intended to appear for the conference.

3 421. Respondent did not reply.

4 422. At 9:20 a.m., SSD moved to dismiss the matter with prejudice due to the multiple
5 failures to appear.

6 423. On June 20, 2024, Respondent sent an email to OAH stating that Respondent had
7 been on a delayed flight without wi-fi service at the time of the June 18, 2024 hearing.

8 424. The same day, after receiving Respondent's email, the ALJ issued an order
9 dismissing the matter.

10 425. The ALJ's Order of Default Dismissal noted that Respondent had "made no
11 effort to explain [Respondent's] failure to appear until several days after the prehearing
12 conference."

13 426. As to the question of whether the dismissal should be with or without prejudice,
14 the ALJ's order stated:

15 The District contends that dismissal with prejudice is appropriate because
16 Ms. McMinimee routinely fails to appear in multiple cases and that her disregard
17 for the process is becoming increasingly egregious and prejudicial to school
18 districts, OAH, and students. The District argues that this conduct must be
19 addressed . . . The ALJ agrees. However, the ALJ can only decide the issue raised
20 in this case, and must decide that issue solely on the basis of the facts and
21 circumstances of this particular case. As discussed above, the Parent appeared
22 through counsel at the May 7, 2024 prehearing conference. This leads to the
23 reasonable inference that the Parent was relying on her counsel to appear on her
24 behalf for the prehearing conference on June 18, 2024. On balance, it is concluded
25 that dismissal without prejudice is appropriate in this case.

21 **COUNT 32**

22 427. In OSPI Cause No. 2024-SE-0037, by failing to exercise reasonable diligence,
23 including by failing to appear at one or more hearings, failing to notify the ALJ and/or OAH in

1 advance of the hearing that Respondent may be unable to appear, and/or failing to timely inform
2 the ALJ and/or OAH of the reasons Respondent did not appear, Respondent violated RPC 1.3,
3 RPC 3.2, and/or RPC 8.4(d) .

4 **FACTS REGARDING FAILURE TO COOPERATE WITH DISCIPLINARY**
5 **INVESTIGATION IN ODC FILE NO. 23-00984**

6 428. On July 25, 2023, ODC sent Respondent a letter via email notifying Respondent
7 that ODC had opened a grievance against Respondent under ODC File No. 23-00984 based on
8 the dismissal order in Martin v. Wapato Sch. Dist. No. 207.

9 429. A copy of the dismissal order was included with the letter.

10 430. ODC's letter requested that Respondent provide a written response to the
11 grievance within 30 days.

12 431. On July 25, 2023, Respondent received ODC's letter requesting a written
13 response to the grievance in ODC File No. 23-00984.

14 432. Respondent did not provide ODC with a written response within 30 days of
15 July 25, 2023.

16 433. On August 30, 2023, ODC sent Respondent a letter notifying Respondent that
17 ODC had not received Respondent's response to the grievance and directing Respondent to
18 provide ODC with a written response to the grievance on or before September 9, 2023.

19 434. Respondent replied via email the same day stating that Respondent was not
20 aware of the grievance.

21 435. This statement was false.

22 436. On August 31, 2023, ODC sent Respondent another copy of ODC's
23 July 25, 2023 letter.

1 437. Respondent replied the same day requesting an extension of the deadline to
2 respond to October 2, 2023.

3 438. On September 1, 2023, ODC agreed to the requested extension.

4 439. Respondent did not submit a response to the grievance on or before
5 October 2, 2023.

6 440. On October 5, 2023, ODC notified Respondent that ODC had not received
7 Respondent's response to the grievance.

8 441. Respondent replied the same day requesting an additional two weeks to respond.

9 442. ODC granted Respondent an extension of the deadline to October 20, 2023.

10 443. On Friday, October 20, 2023, Respondent contacted ODC via email requesting
11 additional time to respond.

12 444. On Monday, October 23, 2023, ODC sent Respondent an email extending the
13 deadline for Respondent's response to November 6, 2023.

14 445. Respondent did not submit a written response to the grievance on or before
15 November 6, 2023.

16 446. On November 8, 2023, ODC sent Respondent a letter directing Respondent to
17 provide a written response to the grievance on or before November 20, 2023.

18 447. Respondent replied to ODC via email the same day stating Respondent had sent
19 ODC a response to the grievance from Respondent's personal email account on
20 November 4, 2023.

21 448. This statement was false.

22 449. Respondent did not send ODC a written response to the grievance on or about
23 November 4, 2023.

1 450. ODC replied to Respondent via email on November 8, 2023, asking Respondent
2 to forward Respondent's response to the grievance directly to Disciplinary Counsel via email.

3 451. Respondent agreed to do so.

4 452. To date, Respondent has not forwarded to ODC the November 4, 2023 written
5 response that Respondent claimed to have sent to ODC from Respondent's personal email
6 account.

7 453. On November 27, 2023, Respondent sent ODC an email in which Respondent
8 claimed to have re-sent Respondent's written response to the grievance to ODC on
9 November 8, 2023.

10 454. This statement was false.

11 455. Respondent did not send ODC a written response to the grievance on or about
12 November 8, 2023.

13 456. On November 27, 2023, ODC sent Respondent an email notifying Respondent
14 that ODC had not received a response to the grievance.

15 457. Attached to ODC's email was a subpoena duces tecum requiring Respondent to
16 appear for a noncooperation deposition to be conducted via video conference on
17 December 18, 2023.

18 458. The subpoena duces tecum also required Respondent to produce all records
19 relating to Respondent's representation of the Martins no later than December 11, 2023.

20 459. On November 27, 2023, Respondent exchanged emails with ODC in response to
21 ODC's subpoena.

22 460. During the exchange, Respondent again claimed to have previously sent ODC a
23 response to the grievance.

1 461. During the exchange, Respondent claimed that ODC was not receiving
2 Respondent's emails.

3 462. Respondent's statements regarding having previously sent ODC a response to the
4 grievance were false.

5 463. During the exchange, in response to Respondent's claims, ODC asked
6 Respondent to consider submitting Respondent's response to the grievance to ODC via Box, a
7 secure online file-sharing service.

8 464. Respondent agreed to submit the response using Box.

9 465. To date, Respondent has not submitted any response to the grievance via Box.

10 466. On December 6, 2023, ODC notified Respondent via email that ODC had still
11 not received Respondent's response to the grievance.

12 467. Respondent replied the same day, stating for the first time that Respondent was
13 not available for the scheduled deposition.

14 468. In the ensuing email exchange that day, ODC requested additional information
15 regarding Respondent's lack of availability.

16 469. Respondent's reply stated that Respondent had submitted a response to the
17 grievance to ODC twice and accused ODC of losing Respondent's emails.

18 470. Respondent's claims regarding having previously submitted a response to the
19 grievance were false.

20 471. On December 6, 2023, in response to Respondent's allegations regarding ODC
21 losing Respondent's emails, ODC asked that Respondent print a hard copy of the response and
22 both send it to ODC via regular mail and upload a copy to Box to ensure that ODC received it.
23

1 472. To date, Respondent has not provided to ODC, via email, regular mail, or Box,
2 copies of the grievance responses that Respondent claims to have sent to ODC via email on
3 November 4, 2023, and November 8, 2023.

4 473. On December 8, 2023, ODC rescheduled Respondent's deposition to
5 December 26, 2023, at Respondent's request.

6 474. On December 11, 2023, Respondent requested a one-week extension of time to
7 provide ODC with the subpoenaed records.

8 475. ODC agreed to extend the deadline to December 18, 2023.

9 476. Respondent did not provide the subpoenaed records to ODC on or before
10 December 18, 2023.

11 477. On December 20, 2023, Respondent sent ODC an email requesting time to
12 pursue unspecified disability accommodations, and to retain counsel.

13 478. On December 21, 2023, ODC notified Respondent via email that ODC had
14 forwarded Respondent's request for disability accommodation to the WSBA's Office of General
15 Counsel (OGC), which handles accommodation requests relating to disciplinary investigations.

16 479. ODC's email informed Respondent that the deposition was being postponed to a
17 future date to be determined after Respondent's accommodation request had been addressed.

18 480. ODC's email further indicated that Respondent would not be expected to
19 produce records until the accommodation request had been addressed.

20 481. On December 22, 2023, OGC sent a request for information regarding
21 Respondent's accommodation request to Respondent's work email address.

22 482. Respondent did not respond.
23

1 483. On February 5, 2024, and March 4, 2024, OGC sent correspondence to
2 Respondent's personal email address requesting information regarding Respondent's
3 accommodation request.

4 484. Respondent did not respond.

5 485. On March 25, 2024, OGC closed Respondent's accommodation request due to
6 Respondent's failure to respond.

7 486. On April 9, 2024, ODC sent Respondent a letter via email, noting that the
8 accommodation request had been resolved, and rescheduling Respondent's deposition for
9 April 23, 2024.

10 487. ODC's letter also asked Respondent to provide the subpoenaed records as soon
11 as possible.

12 488. Respondent replied via email stating Respondent had not received emails from
13 OGC regarding Respondent's accommodation request.

14 489. Respondent's statements about not receiving emails from OGC regarding the
15 accommodation request were false.

16 490. Due to Respondent's claims regarding not receiving OGC's emails, OGC
17 reopened Respondent's accommodation request.

18 491. Due to the pending accommodation request, ODC postponed Respondent's
19 deposition.

20 492. On April 11, 2024, and May 11, 2024, OGC sent Respondent letters requesting
21 additional information regarding the accommodation request.

22 493. Respondent did not respond to OGC's letters.
23

1 494. On June 10, 2024, OGC sent Respondent a letter notifying Respondent that OGC
2 had closed the accommodation request due to Respondent's failure to provide the requested
3 information.

4 495. On June 21, 2024, ODC sent Respondent a letter via email rescheduling
5 Respondent's deposition for July 22, 2024.

6 496. ODC's letter asked Respondent to provide the subpoenaed records as soon as
7 possible.

8 497. On July 16, 2024, Respondent sent ODC an email stating that Respondent was
9 unavailable on the date scheduled for the deposition.

10 498. In the email, Respondent again stated Respondent's intention to pursue an
11 accommodation request and retain counsel.

12 499. On Friday, July 19, 2024, Respondent submitted an accommodation request to
13 OGC via email.

14 500. At approximately 7:00 p.m. on Friday, July 19, 2024, Respondent sent ODC an
15 email asking that the deposition scheduled to begin the morning of Monday, July 22, 2024, be
16 postponed.

17 501. On July 22, 2024, Respondent appeared for the scheduled deposition.

18 502. A few minutes after the deposition began, Respondent reported a health concern.
19 ODC allowed Respondent to take a break.

20 503. Upon returning from the break, Respondent testified that Respondent was having
21 difficulty sitting through the "preamble" to the deposition because of Respondent's disabilities.

22 504. Respondent testified that if the deposition were to go forward, "you're not going
23 to get very far because I am going to become unable to participate"

1 505. ODC then agreed to reschedule the deposition to August 22, 2024.

2 506. On August 1, 2024, OGC sent Respondent a letter acknowledging Respondent's
3 July 19, 2024 request for accommodations and asking Respondent to provide additional
4 information, including information from a health care provider documenting Respondent's
5 disability and recommending specific accommodations.

6 507. On August 14, 2024, ODC sent Respondent an email postponing the scheduled
7 deposition.

8 508. On November 15, 2024, OGC sent Respondent a letter notifying Respondent that
9 OGC had closed the request for accommodation due to Respondent's failure to provide
10 requested information necessary to process the accommodation request.

11 509. On December 12, 2024, ODC sent Respondent a letter rescheduling
12 Respondent's deposition for January 8, 2025.

13 510. ODC's letter asked Respondent to immediately provide the records ODC had
14 subpoenaed on November 27, 2023.

15 511. ODC's letter also asked that Respondent provide a written response to the
16 grievance as soon as possible.

17 512. On the afternoon of January 6, 2025, Respondent sent ODC an email stating that
18 Respondent would be unable to participate in the scheduled deposition due to illness.

19 513. ODC agreed to postpone the deposition.

20 514. On January 8, 2025, ODC notified Respondent via email that the deposition had
21 been rescheduled to January 30, 2025. ODC also wrote that ODC was still awaiting
22 Respondent's written response to the grievance and the subpoenaed records.
23

1 515. On January 30, 2025, less than two hours before Respondent's deposition was
2 scheduled to begin, Respondent sent ODC an email stating that Respondent was unable to
3 proceed with the deposition due to illness.

4 516. ODC agreed to reschedule the deposition.

5 517. ODC rescheduled the deposition to February 10, 2025.

6 518. On February 10, 2025, Respondent appeared for the scheduled deposition.

7 519. During preliminary questioning, Respondent testified that Respondent's ability to
8 answer questions fully and accurately was impaired due to medication side effects.

9 520. Respondent further testified that Respondent was impaired because Respondent
10 had run out of one of Respondent's medications.

11 521. ODC rescheduled the deposition to March 7, 2025.

12 522. On February 28, 2025, ODC sent Respondent a letter notifying Respondent that
13 ODC had expanded the scope of the investigation to include the T.S. and Best cases.

14 523. ODC's letter asked Respondent to provide a written response addressing
15 Respondent's conduct in those matters on or before March 31, 2025.

16 524. Respondent failed to provide a written response on or before March 31, 2025.

17 525. Meanwhile, on March 7, 2025, approximately one hour before Respondent's
18 deposition was scheduled to begin, Respondent sent ODC an email stating that Respondent
19 would not be able to participate in the deposition due to a cracked tooth that caused Respondent
20 significant pain and left Respondent unable to speak clearly.

21 526. Respondent wrote that Respondent was seeking "emergent dental care" and
22 requested that ODC cancel the deposition

23 527. ODC cancelled the scheduled deposition.

1 528. Respondent's claims regarding Respondent's tooth were false.

2 529. Respondent did not receive dental care at any point over the following three
3 months.

4 530. On April 24, 2025, ODC filed a petition for interim suspension with the
5 Washington Supreme Court due to Respondent's failure to cooperate with ODC's investigation
6 in ODC File Nos. 23-00984 and 24-01170.

7 531. On April 30, 2025, the Court issued an Order to Show Cause, scheduling a
8 hearing on ODC's petition for June 10, 2025.

9 532. On May 20, 2025, for the first time, Respondent provided ODC with records
10 responsive to ODC's subpoena duces tecum relating to Respondent's representation of the
11 Martins.

12 533. On May 21, 2025, Respondent provided ODC with additional records responsive
13 to ODC's subpoena.

14 534. On June 10, 2025, less than an hour before oral argument on ODC's petition for
15 interim suspension was scheduled to begin, Respondent submitted a written response to the
16 grievance in this matter via email.

17 535. On June 11, 2025, the Court issued a unanimous order suspending Respondent
18 from the practice of law, effective immediately.

19 536. On June 12, 2025, ODC sent Respondent a letter detailing Respondent's
20 obligations under Title 14 of the Rules for Enforcement of Lawyer Conduct (ELC).

21 537. ODC's letter also notified Respondent of Respondent's obligation to file an
22 affidavit of compliance within 25 days of Respondent's suspension.

23 538. Respondent did not file the required affidavit of compliance.

1 539. On July 1, 2025, Respondent completed Respondent's deposition relating to
2 ODC File No. 23-00984.

3 540. On July 3, 2025, the Court reinstated Respondent to the practice of law.

4 541. On July 23, 2025, ODC sent Respondent a letter requesting Respondent's
5 cooperation in copying Respondent's email records.

6 542. ODC's letter asked that Respondent contact ODC's computer forensics expert to
7 arrange a mutually convenient time for Respondent to provide Respondent's login credentials.

8 543. On July 23 and 24, 2025, Respondent sent ODC emails objecting to ODC's
9 request and refusing to provide login credentials.

10 544. To date, Respondent has not filed a motion with the Chief Hearing Officer
11 seeking a ruling on Respondent's objections as required by ELC 5.6(b)(1).

12 545. On August 14, 2025, ODC sent Respondent a letter stating that given
13 Respondent's failure to file a motion seeking review of Respondent's objections, ODC expected
14 Respondent to comply with ODC's request that Respondent provide login credentials to ODC's
15 expert.

16 546. To date, Respondent has not provided ODC's expert with the login credentials
17 necessary for the expert to access Respondent's email accounts.

18 547. On August 20, 2025, ODC sent Respondent a letter requesting that Respondent
19 provide ODC with a copy of Respondent's ELC 14.3 affidavit of compliance and information
20 and records regarding the notifications Respondent sent.

21 548. ODC's letter asked Respondent to provide the requested records and information
22 to ODC on or before September 10, 2025.

1 **FACTS REGARDING MORENO V. YAKIMA SCH. DIST. NO. 7¹²**

2 553. On January 2, 2020, Respondent filed suit against the Yakima School District
3 (YSD) and several of its employees on behalf of Andrea Cantu and Avianna Moreno.

4 554. The suit alleged that YSD had failed to adequately protect Moreno from
5 harassment, bullying, discrimination, and assault while Moreno was in high school and that
6 YSD had discriminated against Moreno.

7 555. At the time the suit was filed, Respondent was a partner at the law firm Cedar
8 Law.

9 556. Respondent was lead counsel for Cantu and Moreno from at least the date the
10 suit was filed.

11 557. Respondent left Cedar Law on or around December 31, 2021.

12 558. At a deposition conducted by the Office of Disciplinary Counsel (ODC) on
13 June 25, 2025, Respondent testified that the case was potentially worth \$60,000 to \$100,000.

14 ***False deposition testimony***

15 559. In a February 26, 2025 deposition conducted by ODC, Respondent testified that
16 Respondent did not become lead counsel until Respondent left Cedar Law.

17 560. Respondent's claim that Respondent was not lead counsel on the suit until after
18 leaving Cedar Law was false.

19 561. In a June 25, 2025 deposition conducted by ODC, Respondent denied
20 Respondent was lead counsel on the case from the time of filing.

21 562. Respondent testified that Respondent shared responsibility for the case with Lara
22 Hruska, Respondent's partner at Cedar Law.

23 ¹² United States District Court, Eastern District of Washington, Case No. 1:20-cv-03002.

1 563. Respondent's testimony at the June 25, 2025 deposition denying being lead
2 counsel was false.

3 ***Initial Disclosures***

4 564. On September 15, 2022, the court issued a Jury Trial Scheduling Order in the
5 Moreno matter.

6 565. The scheduling order required the parties to make their initial disclosures under
7 Fed. R. Civ. P. 26(a)(1) no later than October 2, 2020.

8 566. The scheduling order set a trial date of November 8, 2021, with a discovery cut-
9 off of August 2, 2021.

10 567. Respondent did not timely make initial disclosures as required by the court's
11 scheduling order.

12 568. On January 14, 15, and 27, 2021, February 8, 12, 19, and 26, 2021, and March 5,
13 2021, opposing counsel wrote to Respondent asking for the Plaintiffs' initial disclosure
14 materials.

15 569. On January 15, 2021, Respondent responded to opposing counsel.

16 570. Respondent falsely claimed to have sent the materials in September or October
17 2020.

18 571. Respondent failed to respond to the emails opposing counsel sent on January 15
19 and 27, 2021, February 8, 12, 19, and 26, 2021, and March 5, 2021.

20 572. On March 16, 2021, opposing counsel wrote to Respondent via email that they
21 were drafting a motion to dismiss based on the failure to provide initial disclosures.

22 573. Opposing counsel offered not to file the motion if Respondent provided the
23 required disclosures.

1 574. On March 24, 2021, opposing counsel filed a motion for summary judgment
2 based on the failure to provide initial disclosures as required by court order.

3 575. On April 12, 2021, Respondent finally provided initial disclosures to the
4 Defendants.

5 576. At that time, the discovery cut-off was less than four months away.

6 577. Opposing counsel agreed to strike the motion for summary judgment but noted
7 that the delay in initial disclosures necessitated a continuance of the trial date.

8 578. On May 10, 2021, the court granted the parties' stipulated motion to continue
9 and issued an Amended Jury Trial Scheduling Order.

10 579. The amended scheduling order set a trial date of June 6, 2022, with a discovery
11 cut-off of February 28, 2022.

12 ***Medical Records***

13 580. Opposing counsel repeatedly asked Respondent to provide stipulations allowing
14 them to obtain Plaintiffs' medical records.

15 581. On January 26, 2021, a paralegal for opposing counsel sent Respondent proposed
16 stipulations for review and signature.

17 582. Opposing counsel, directly or through staff, followed up with Respondent
18 regarding the stipulations on at least sixteen occasions between February 2, 2021, and August 3,
19 2021.

20 583. Respondent did not provide the requested stipulations during that time.

21 584. On September 8, 2021, the Defendants filed a motion to compel Plaintiffs'
22 medical records.

23 585. The motion also requested the court award Defendants fees.

1 586. Respondent did not file a response to the motion.

2 587. After Respondent's law partner Lara Hruska received notice of the Defendants'
3 reply brief, Hruska wrote to Respondent via email: "Not sure why I'm still receiving these, but
4 why aren't we just giving them the medical records?"

5 588. Respondent responded to Hruska via email: "We did. They say they need a court
6 order to get them."

7 589. Respondent's statements were false.

8 590. On October 5, 2021, the Court granted the motion to compel.

9 591. On November 15, 2021, the court awarded Defendants \$2,160.00 in fees for the
10 motion to compel, payable by Plaintiffs and Respondent within 14 days.

11 ***Motion to dismiss***

12 592. On January 4, 2022, the Defendants filed a motion to dismiss the Plaintiffs'
13 claims of negligent hiring, supervision, and retention, and violation of RCW 28A for failure to
14 state a claim.

15 593. On January 24, 2022, Respondent stipulated to the dismissal of these claims with
16 prejudice.

17 ***Departure from Cedar Law***

18 594. Respondent left Cedar Law at the end of 2021 but continued representing Cantu
19 and Moreno through Respondent's firm, McMinimee Law.

20 595. Respondent agreed to continue the representation on the same terms as their
21 contingency fee agreement with Cedar Law.

22 596. Respondent did not enter into a new written fee agreement with Cantu and
23 Moreno.

1 597. On February 3, 2022, Respondent sent an email to opposing counsel notifying
2 them that Hagel, an associate at Cedar Law, would be filing a motion to withdraw “and paired
3 with that I will be filing a notice of disassociation of counsel from Cedar to link this [case] to
4 McMinimee Law as opposed to me at Cedar Law PLLC.”

5 598. Hagel filed a notice of withdrawal on February 7, 2022.

6 599. Respondent was then sole counsel for Cantu and Moreno.

7 600. Respondent did not file a notice of dissociation of counsel from Cedar Law.

8 ***Motion for Depositions/Fed. R. Civ. P. 35 examinations***

9 601. From July 29, 2020, through December 23, 2021, opposing counsel and their
10 staff repeatedly contacted Respondent seeking to schedule the depositions of Cantu and
11 Moreno.

12 602. Respondent did not cooperate in scheduling the depositions.

13 603. On January 25, 2022, opposing counsel wrote to Respondent regarding
14 continuing the trial date, noting that the discovery cutoff was approximately a month away, and
15 they still did not have deposition dates for Cantu and Moreno.

16 604. The trial was subsequently continued to December 5, 2022, and the new
17 discovery cutoff was set for August 29, 2022.

18 605. From March 9, 2022, to August 18, 2022, opposing counsel’s paralegal sent
19 multiple Respondent notices scheduling the depositions of Cantu and Moreno.

20 606. On each occasion, Respondent asked that the depositions be rescheduled.

21 607. Respondent did not cooperate with opposing counsel to schedule Fed. R. Civ. P.
22 35 examinations of Cantu and Moreno.
23

1 608. On five occasions between March 7, 2022, and April 13, 2022, opposing counsel
2 sent Respondent emails requesting Cantu and Moreno's availability for examinations.

3 609. Respondent did not provide information regarding their availability until
4 April 25, 2022.

5 610. On May 13, 2022, opposing counsel notified Respondent that the examinations
6 would occur on June 15 and 16, 2022, dates Respondent had identified as available.

7 611. On June 14, 2022, the examinations were postponed after Respondent reported
8 that Cantu and Moreno had both had recent exposure to COVID-19.

9 612. On six occasions between July 27, 2022, and August 26, 2022, opposing counsel
10 sent Respondent emails inquiring about Cantu and Moreno's availability for the examinations.

11 613. Respondent did not provide opposing counsel or their staff with availability for
12 Cantu or Moreno's examinations.

13 614. On September 7, 2022, the Defendants filed a motion for leave to complete the
14 depositions and examinations after the discovery cutoff which had passed on August 29, 2022.

15 615. The motion requested an order directing that Cantu and Moreno be deposed on
16 October 11 and 12, 2022, and that they undergo examinations on October 13 and 14, 2022.

17 616. Respondent did not file a response.

18 617. On October 3, 2022, the court granted the motion.

19 ***Motion for summary judgment***

20 618. On September 6, 2022, the Defendants filed a motion for summary judgment
21 seeking dismissal of all remaining claims against them.

22 619. The deadline for Respondent's response to the summary judgment motion was
23 September 27, 2022.

1 620. Respondent did not file a response on or before the deadline.

2 621. On October 4, 2022, the Defendants filed a reply brief, noting the lack of any
3 response from the Plaintiffs and asking that their statement of facts be treated as undisputed.

4 622. On October 7, 2022, Respondent filed a motion seeking additional time to
5 respond to the summary judgment motion.

6 623. Respondent's motion stated that Respondent had not received notice of the
7 summary judgment motion because Respondent had lost access to the email address associated
8 with Respondent's electronic filing account.

9 624. Respondent's motion stated that Respondent had regained access to the court's
10 electronic filing system on September 7, 2022, the day after the summary judgment motion was
11 filed.

12 625. Notice of the summary judgment motion was sent to Respondent's Cedar Law
13 email address.

14 626. As noted above, Respondent left Cedar Law on or around December 31, 2021.

15 627. Respondent did not file a notice updating Respondent's contact information in
16 the Moreno case.

17 628. Upon regaining access to the electronic filing system on September 7, 2022,
18 Respondent did not review the docket or electronic court file to ascertain whether Respondent
19 had missed any motions, orders, or other filings in the Moreno case.

20 629. On October 14, 2022, the court granted Respondent's motion and extended the
21 deadline for responding to the summary judgment motion to November 3, 2022.

22 630. The court also vacated the remaining deadlines, hearings, and trial date.
23

1 631. On November 3, 2022, Respondent filed a second motion to continue, requesting
2 a one-week continuance due to Respondent being ill for several days with suspected
3 COVID-19.

4 632. On November 4, 2022, the court granted the motion, setting a new deadline of
5 November 10, 2022, for Plaintiffs' response to the summary judgment motion.

6 633. On November 10, 2022, Respondent filed a third motion to continue, requesting
7 another one-week continuance due to Respondent being ill with upper respiratory and sinus
8 infections.

9 634. On November 14, 2022, the court granted the motion, setting a new deadline of
10 November 17, 2022, for Plaintiffs' response to the summary judgment motion.

11 635. Respondent did not file a response to the summary judgment motion on or before
12 November 17, 2022.

13 636. On November 18, 2022, the day after Plaintiffs' summary judgment response
14 was due, Respondent filed a fourth motion to continue, requesting a two-week continuance.

15 637. Respondent's motion was based on Respondent's ongoing illness.

16 638. Respondent reported having an acute illness that had required "emergency
17 medical intervention" on November 17, 2022.

18 639. Respondent's representation to the court on November 18, 2022, that Respondent
19 needed a continuance due to an acute illness that required Respondent to seek "emergency
20 medical intervention" on November 17, 2022, was false.

21 640. Respondent did not receive treatment from a medical provider on
22 November 17, 2022.

1 641. At Respondent's June 25, 2025 deposition, Respondent testified that on
2 November 17, 2022, Respondent received treatment at an urgent care clinic in Union Gap,
3 Washington.

4 642. This testimony was false.

5 643. In an email to ODC on June 9, 2025, Respondent provided ODC with a list of the
6 urgent care clinics at which Respondent had received treatment during the period from
7 January 1, 2022, to June 9, 2025.

8 644. Yakima Valley Urgent Care was the only urgent care clinic Respondent listed
9 that was located in Union Gap, Washington.

10 645. Respondent did not receive treatment at Yakima Valley Urgent Care on
11 November 17, 2022.

12 646. The Defendants opposed Respondent's motion to continue, noting that
13 Respondent had received the summary judgment motion at least six weeks prior and had missed
14 the latest deadline for responding to the motion.

15 647. The court did not rule on Respondent's fourth motion to continue.

16 648. On December 1, 2022, Respondent filed a fifth motion to continue, requesting
17 another two-week continuance due Respondent's ongoing illness.

18 649. Respondent's motion stated that Respondent had again required "emergency
19 medical intervention" on November 27, 2022.

20 650. Respondent's representations to the court on December 1, 2022, that Respondent
21 needed a continuance due to an illness that required "emergency medical intervention" on
22 November 27, 2022, was false.

1 651. Respondent did not receive treatment from a medical provider on
2 November 27, 2022.

3 652. At the June 25, 2025 deposition taken by ODC, Respondent testified that on
4 November 27, 2022, Respondent had received treatment at an urgent care clinic in the Tri-
5 Cities.

6 653. This testimony was false.

7 654. The only urgent care clinic located in the Tri-Cities on the list Respondent
8 provided to ODC on June 9, 2025, was Kadlec Urgent Care.

9 655. Respondent did not receive treatment at Kadlec Urgent Care on
10 November 27, 2022.

11 656. Respondent worked full time as General Counsel for the Bellevue School District
12 in November 2022.

13 657. Respondent did not take any time off from work during the time Respondent
14 reported being ill in November 2022.

15 658. The Defendants again opposed Respondent's motion to continue.

16 659. On December 8, 2022, the court granted the motion, setting a deadline of
17 December 20, 2022, for Plaintiffs' response to the summary judgment motion, and noting that
18 this was the final continuance the court would grant.

19 660. On December 20, 2022, Respondent filed a sixth motion to continue, requesting
20 a two-day continuance to December 22, 2022, citing an emergency health issue that arose with
21 Respondent's parent on the afternoon of December 20, 2022.

22 661. Respondent did not file a response to the summary judgment motion on or before
23 December 22, 2022.

1 662. On December 22, 2022, Respondent filed a seventh motion to continue,
2 requesting an extension of the response deadline to December 27, 2022, stating Respondent was
3 still attending to the health needs of Respondent's parent.

4 663. Respondent did not file a response to the summary judgment motion on or before
5 December 27, 2022.

6 664. On December 28, 2022, the court granted the motion for summary judgment and
7 dismissed the case with prejudice.

8 665. The court's order stated that because Respondent failed to submit any response
9 to the summary judgment motion, the court considered the facts presented by the Defendants to
10 be undisputed.

11 666. The court denied Respondent's sixth and seventh motions to continue as moot.

12 667. Respondent did not inform Cantu or Moreno of the dismissal at or near the time
13 it occurred.

14 668. On January 25, 2023, Cantu sent Respondent an email asking if there were any
15 updates on the case.

16 669. Respondent did not respond.

17 ***9th Circuit appeal***

18 670. On January 27, 2023, Respondent filed a notice of appeal to the 9th Circuit Court
19 of Appeals.

20 671. Neither Cantu nor Moreno authorized Respondent to file the appeal.

21 672. Respondent did not tell Cantu and/or Moreno about the appeal at the time it was
22 filed.

1 673. On January 30, 2023, the court issued a scheduling order setting deadlines of
2 February 6, 2023, for the mediation questionnaire, and May 10, 2023, for the opening brief and
3 excerpts of record.

4 674. Respondent did not file the mediation questionnaire on or before
5 February 6, 2023.

6 675. On February 16, 2023, the court ordered Cantu and Moreno to file the mediation
7 questionnaire within seven days or voluntarily dismiss the appeal.

8 676. Respondent did not file the mediation questionnaire within seven days.

9 677. Respondent did not dismiss the appeal within seven days.

10 678. On February 28, 2023, the court ordered Respondent to contact the mediator by
11 March 14, 2023, via email and inform them of whether the dispute may be amenable to
12 settlement.

13 679. Respondent did not contact the mediator on or before March 14, 2023.

14 680. On February 28, 2023, Cantu sent an email to Respondent asking if Respondent
15 had any updates on their case.

16 681. Respondent replied the same day: "I do! I will send you an update over the
17 weekend if not between now and Friday."

18 682. Respondent did not send Cantu an update during that time period.

19 683. On March 7, 2023, Cantu sent Respondent an email following up on their
20 previous email exchange.

21 684. Respondent did not respond.

22 685. On March 14, 2023, Cantu sent Respondent another email requesting the
23 promised update.

1 686. Respondent responded the same day attributing the delay to family medical
2 issues and assuring Cantu that Cantu was “on the top of my list.”

3 687. On April 13, 2023, Cantu followed up with Respondent again via email.

4 688. Respondent did not respond.

5 689. On April 26, 2023, Cantu sent an email to Respondent requesting an update,
6 explaining that they were planning to use the settlement funds for Moreno’s moving expenses
7 after graduating from college.

8 690. Respondent responded via email the same day, again attributing Respondent’s
9 delay in responding to family medical issues.

10 691. Respondent’s email stated: “full update coming.”

11 692. Respondent did not send the “full update” Respondent had agreed to send.

12 693. Respondent did not file the opening brief or excerpts of record on or before May
13 10, 2023, as ordered by the court.

14 694. On June 14, 2023, the court dismissed the appeal for failure to prosecute.

15 695. The court’s dismissal order directed Respondent to notify the client immediately,
16 in writing, regarding the dismissal.

17 696. Opposing counsel forwarded a copy of the email notice of the dismissal order to
18 Respondent the same day, noting that the court appeared to have the wrong email address for
19 Respondent.

20 697. The email notice stated that the appeal had been dismissed for failure to
21 prosecute and failing to file the opening brief.

22 698. Respondent did not file a motion to reconsider or motion to reopen the case or
23 take any other action to address the dismissal.

1 699. Respondent did not immediately notify Cantu and Moreno of the dismissal in
2 writing as ordered by the court.

3 ***Ongoing lack of communication with Cantu and Moreno***

4 700. Cantu continued sending emails to Respondent requesting updates, writing to
5 Respondent on at least seven occasions between June 8 and September 19, 2023.

6 701. Respondent did not provide a substantive response to Cantu's emails.

7 702. Cantu learned of the district court's dismissal order through a Google search.

8 703. On September 26, 2023, Cantu exchanged text messages with Respondent
9 regarding the dismissal.

10 704. During the text exchange, Respondent confirmed that the case had been
11 dismissed and told Cantu that Respondent had appealed the dismissal.

12 705. Respondent did not inform Cantu that the appeal had already been dismissed.

13 706. Respondent's statements to Cantu were misleading in that they implied that the
14 appeal remained pending.

15 707. Respondent told Cantu that Respondent would schedule time later that week to
16 discuss the case further.

17 708. Respondent did not schedule time later that week to discuss the case.

18 709. On January 29, 2024, Cantu sent Respondent a text message stating: "Avianna
19 and I are inquiring if we still have a case? And if you're still representing us?"

20 710. Respondent responded the same day writing: "I am out of the office right now
21 for health reasons, but I will follow up as soon as I get back."

22 711. Respondent never followed up with Cantu.
23

712. Cantu sent Respondent text messages asking about the case on March 19 and 27, 2024, April 4, 2024, and August 5, 19, and 27, 2024.

713. Respondent did not respond to any of these text messages.

714. Cantu sent Respondent emails requesting updates on April 15 and 30, 2024, May 8, 16, and 22, 2024, June 6 and 19, 2024, July 3, 2024, and August 19 and 27, 2024.

715. Respondent did not respond to any of these emails.

716. By failing to disclose to Cantu that both the district court case and the appeal had been dismissed, Respondent intentionally misled Cantu regarding the status of the case.

COUNT 36

717. By representing Moreno and Cantu on a contingent fee basis without having a written fee agreement signed by the clients that sets forth how the fee will be determined, Respondent violated RPC 1.5(c).

COUNT 37

718. By filing an appeal on behalf of Moreno and Cantu without having obtained their authorization to do so, Respondent violated RPC 1.2(f).

COUNT 38

719. In the Moreno matter, by failing to exercise reasonable diligence, including by failing to timely communicate with opposing counsel and/or their staff, failing to timely make initial disclosures, failing to timely provide requested discovery, failing to cooperate with opposing counsel in scheduling depositions and medical examinations, failing to respond to motions, failing to comply with deadlines, failing to maintain a current email address with the court's electronic filing system, failing to notify the court of Respondent's disassociation from

1 Cedar Law, and/or failing to promptly review the court docket and/or court file after regaining
2 access to electronic court records, Respondent violated RPC 1.3, RPC 3.2, and/or RPC 8.4(d).

3 **COUNT 39**

4 720. In the Moreno matter, by failing to timely provide initial disclosures and failing
5 to immediately notify Cantu and Moreno of the 9th Circuit's dismissal order in writing, in
6 violation of a court orders, Respondent violated RPC 8.4(d) and/or RPC 8.4(j).

7 **COUNT 40**

8 721. By failing to communicate with Moreno and/or Cantu regarding the status of
9 their cases, failing to explain developments in their cases sufficiently to allow them to make
10 informed decisions about the representation, and failing to provide Cantu with the updates
11 Cantu requested, Respondent violated RPC 1.4(a) and/or RPC 1.4(b).

12 **COUNT 41**

13 722. By withholding information from Moreno and Cantu regarding the status of their
14 cases, making misleading statements to Cantu regarding the status of the appeal, making false
15 statements to Hruska regarding the Defendants' motion to compel medical records, and/or
16 making a false statement to opposing counsel regarding having provided initial disclosures,
17 Respondent violated RPC 8.4(c).

18 **COUNT 42**

19 723. In the Moreno matter, by making one or more false statements to the court
20 regarding receiving medical treatment in November 2022, Respondent violated RPC 3.3(a)(1),
21 RPC 8.4(c), and/or RPC 8.4(d).

COUNT 43

724. By testifying falsely under oath at one or more depositions that Respondent was not lead counsel on the Moreno case, and/or by falsely testifying during the June 2025 deposition that Respondent received medical treatment on November 17, 2022, and/or November 27, 2022, Respondent violated RPC 8.4(b) (by violating RCW 9A.72.040), RPC 8.4(c), RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC 5.3(g)).

**FACTS REGARDING FAILURE TO COOPERATE WITH DISCIPLINARY
INVESTIGATION IN ODC FILE NO. 24-01170**

725. On August 6, 2024, ODC received a grievance from Cantu alleging professional misconduct by Respondent.

726. ODC investigated Cantu's grievance under ODC File No. 24-01170.

727. On November 18, 2024, ODC sent Respondent a letter requesting that Respondent provide a preliminary written response to Cantu's grievance on or before December 18, 2024.

728. Respondent did not provide a written response to the grievance on or before December 18, 2024.

729. On December 19, 2024, ODC sent Respondent a letter via email directing Respondent to provide a written response to the allegations in the grievance on or before December 29, 2024.

730. Respondent did not provide a written response to the grievance on or before December 29, 2024.

731. On January 31, 2025, ODC sent Respondent a letter via email notifying Respondent that due to Respondent's failure to cooperate with ODC's investigation, ODC had scheduled Respondent's deposition for February 26, 2025.

1 732. Included with ODC's letter was a subpoena duces tecum dated January 30, 2025,
2 requiring Respondent to produce all records relating to Respondent's representation of Cantu
3 and Moreno no later than February 21, 2025.

4 733. Respondent did not provide the subpoenaed records on or before
5 February 21, 2025.

6 734. On February 26, 2025, Respondent appeared for the scheduled deposition.

7 735. During the deposition, Respondent testified that Respondent could provide ODC
8 with the subpoenaed records within one week.

9 736. Respondent did not provide the records to ODC within a week of the deposition.

10 737. During the deposition, shortly after ODC began asking questions about Cantu's
11 case, Respondent testified: "I'm not able to continue. I am feeling very ill."

12 738. ODC then agreed to continue the deposition to March 14, 2025.

13 739. As noted above, on March 7, 2025, Respondent sent ODC an email stating
14 Respondent had a cracked tooth, was unable to speak clearly, and required "emergent dental
15 care."

16 740. On March 13, 2025, Respondent sent ODC an email requesting to postpone
17 Respondent's March 14, 2025 deposition until after Respondent had received dental treatment
18 the following week.

19 741. In a follow up email on March 13, 2025, Respondent stated that Respondent had
20 a dentist appointment scheduled for March 20, 2025, almost two weeks after Respondent had
21 reported needing "emergent dental care."

22 742. Respondent appeared for the scheduled deposition on March 14, 2025.

23 743. Throughout ODC's questioning, Respondent spoke with garbled speech.

1 744. Respondent's impaired speech during the deposition was feigned.

2 745. During the March 14, 2025 deposition, ODC informed Respondent that ODC
3 was requesting that Respondent provide releases so that ODC could obtain Respondent's
4 medical records.

5 746. Respondent then requested that the deposition be terminated so that Respondent
6 could consult with counsel.

7 747. Respondent testified that Respondent would be able to both retain and consult
8 with counsel by April 21, 2025.

9 748. ODC then adjourned the deposition.

10 749. On March 17, 2025, ODC sent Respondent a letter via email requesting
11 Respondent identify Respondent's medical providers and provide ODC with a release
12 authorization allowing ODC to obtain medical records from each provider.

13 750. ODC's letter asked that Respondent provide the requested releases by
14 April 7, 2025.

15 751. Respondent did not provide ODC with the requested medical releases on or
16 before April 7, 2025.

17 752. As noted above, on April 24, 2025, ODC filed a petition for interim suspension
18 with the Washington Supreme Court due to Respondent failure to cooperate with ODC's
19 investigations.

20 753. On May 20, 2025, Respondent, for the first time, provided ODC with records
21 responsive to ODC's January 30, 2025 subpoena duces tecum relating to Respondent's
22 representation of Cantu and Moreno.

1 754. Respondent provided ODC with additional records responsive to ODC's
2 subpoena on May 21, 2025.

3 755. On May 28, 2025, Respondent filed a response to ODC's petition for interim
4 suspension with the Court.

5 756. In the response, Respondent wrote "since the filing of the Petition. [sic]
6 Respondent has fully complied with the requests for records and subpoenas duces tecum issued
7 by ODC."

8 757. Respondent made the same statement under penalty of perjury in a declaration
9 filed in support of Respondent's response.

10 758. These statements were false.

11 759. Although Respondent provided ODC with records responsive to ODC's
12 subpoena on May 20 and May 21, 2025, Respondent did not provide ODC with all responsive
13 records then in Respondent's possession and control.

14 760. On June 3, 2025, Respondent hand delivered a flash drive to ODC which
15 contained additional records relating to the representation of Cantu and Moreno that Respondent
16 had not previously provided to ODC.

17 761. On June 10, 2025, less than an hour before oral argument on ODC's petition for
18 interim suspension was scheduled to begin, Respondent submitted a written response to the
19 grievance in ODC File No. 24-01170.

20 ***False statements at show cause hearing***

21 762. During oral argument before the Washington Supreme Court at the show cause
22 hearing on ODC's interim suspension petition, Respondent denied terminating any of the
23 depositions ODC had conducted during the investigation.

1 763. Respondent stated during oral argument that Respondent had a panic attack
2 during two depositions and took rescue medications that caused Respondent to be unable to
3 continue the depositions.

4 764. Respondent stated during oral argument that ODC, rather than Respondent, had
5 terminated each of the depositions ODC had scheduled.

6 765. Respondent's statements to the Court claiming that ODC, rather than
7 Respondent, terminated the depositions were false.

8 766. Respondent's statements to the Court claiming that ODC, rather than
9 Respondent, terminated the depositions were misleading.

10 767. Respondent terminated ODC's February 26, 2025 deposition of Respondent.

11 768. During that deposition Respondent testified: "I'm sorry, I'm not able to continue.
12 I am feeling very ill. I am happy to reschedule this for a different date and time, but I cannot
13 continue."

14 769. Respondent terminated ODC's March 14, 2025 deposition of Respondent.

15 770. Respondent did not terminate the March 14, 2025 deposition because of a panic
16 attack or the impact of taking rescue medication.

17 771. At the March 14, 2025 deposition, Respondent testified: "I want to terminate this
18 deposition and retain counsel, if you are going after my medical records."

19 772. Respondent also made false statements to the Court regarding ODC's request
20 that Respondent identify medical providers and provide release authorizations.

21 773. On March 17, 2025, ODC sent Respondent a letter asking Respondent to provide
22 release authorizations for specified medical providers.
23

774. ODC's letter also asked Respondent to identify "any other medical providers" who had treated Respondent from January 1, 2022, to present and to provide release forms for all such providers.

775. ODC included with the letter a blank release form for use with any newly identified providers.

776. During oral argument at the June 10, 2025 show cause hearing, Respondent stated to the Court: “I wasn’t asked to provide releases for all of the urgent care emergency providers that I had seen until recently. And as soon as that request was made of me, I provided Mr. Rodriguez with the contact information and then executed the releases as soon as they were provided to me.”

777. These statements were false.

778. ODC had requested releases for all of Respondent's medical providers almost three months earlier, on March 17, 2025.

779. Respondent did not provide ODC with signed release authorizations for Respondent's urgent care medical providers until June 9, 2025.

780. Respondent did not execute releases as soon as they were provided to Respondent.

781. ODC provided Respondent with a blank medical release form on March 17, 2025.

COUNT 44

782. During ODC's investigation of ODC File No. 24-01170, by failing to promptly respond to disciplinary counsel's written requests for a response to the grievance, failing to promptly respond to ODC's inquiries regarding Respondent's medical providers, failing to

1 promptly provide ODC with releases for medical providers, failing to promptly produce
2 subpoenaed records, and failing to promptly submit to deposition, Respondent violated
3 RPC 8.1(b), RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC 1.5, ELC 2.13(c), ELC 5.3(f),
4 ELC 5.3(g), and ELC 5.5(d)).

5 **COUNT 45**

6 783. By feigning impaired speech during the March 2025 deposition, Respondent
7 violated RPC 8.4(c) and/or RPC 8.4(d).

8 **COUNT 46**

9 784. By making false statements to the Washington Supreme Court at the show cause
10 hearing and/or by making false statements in a declaration submitted to the Court, Respondent
11 violated RPC 3.3(a)(1), RPC 8.4(b) (by violating RCW 9A.72.040), RPC 8.4(c), and/or RPC
12 8.4(d).

13 **FACTS REGARDING M.G. v. SEATTLE SCH. DIST.¹³**

14 785. On May 13, 2024, Respondent filed a civil action in federal court on behalf of
15 M.G., by and through M.G.'s parents, seeking review of an ALJ's decision issued on
16 February 14, 2024, relating to SSD's provision of special education services to M.G.

17 786. On May 14, 2024, SSD filed its answer, which included a counterclaim, to the
18 complaint.

19 787. The relief sought by SSD for the counterclaim included reimbursement of
20 amounts paid pursuant to the decision below and "reasonable expenses, costs, and attorneys'
21 fees incurred" in the civil action.

22
23 ¹³ Case No. 2:24-CV-00663, United States District Court, Western District of Washington.

1 788. On May 30, 2024, the court issued a briefing schedule calling for a single brief to
2 be submitted by each party, with the briefing deadlines triggered by the filing of the
3 administrative record.

4 789. On June 4, 2024, Sarah Johnson, counsel for SSD, sought Respondent's
5 agreement to a stipulation modifying the briefing schedule.

6 790. Johnson's email proposed a four-brief schedule to account for the fact that both
7 parties were seeking relief.

8 791. In responsive emails that day, Respondent asserted that SSD had not timely filed
9 a cross-appeal and stated that Respondent intended to move to dismiss SSD's cross-appeal
10 (counterclaim) as untimely.

11 792. Respondent's emails did not otherwise respond to the proposed modification of
12 the briefing schedule.

13 793. Respondent did not file an answer to SSD's counterclaim within the 21-day
14 deadline set by Fed. R. Civ. P. 12(a)(1)(B).

15 794. On June 11, 2024, Johnson sent Respondent an email, noting that Respondent
16 had not timely answered the counterclaim or filed a motion, and again proposing modifying the
17 briefing schedule.

18 795. Respondent replied via email the same day.

19 796. Respondent's email did not respond to Johnson's proposed modification of the
20 briefing schedule but offered to discuss the matter after June 19, 2024.

21 797. The administrative record was filed the same day, triggering the existing briefing
22 schedule.

23 798. On June 18, 2024, SSD filed a motion seeking to modify the briefing schedule.

1 799. Respondent did not respond to SSD's motion.

2 800. On July 3, 2024, the court granted SSD's motion, ordering that the Plaintiff's
3 opening brief or motion be filed within 45 days.

4 801. Respondent did not file an opening brief or motion on or before the
5 August 19, 2024 briefing deadline.

6 802. Respondent did not request an extension of time to file an opening brief or
7 motion.

8 803. On August 22, 2024, the court issued an Order to Show Cause directing Plaintiffs
9 to show cause why the case should not be dismissed for failure to comply with the court's
10 July 3, 2024 order.

11 804. The August 22, 2024 order stated that Plaintiffs could show cause by filing the
12 opening brief by August 26, 2024.

13 805. Respondent did not file an opening brief or otherwise respond to the Order to
14 Show Cause on or before August 26, 2024.

15 806. Respondent did not inform Respondent's clients that Respondent failed to timely
16 file the opening brief.

17 807. On August 28, 2024, the court issued an order dismissing the case without
18 prejudice for failure to prosecute.

19 808. Respondent did not file a motion to reconsider or an appeal.

20 809. ODC opened a grievance to investigate Respondent's conduct in the M.G. case
21 under ODC File No. 24-01902.

810. On January 8, 2025, ODC sent Respondent a letter via email requesting that Respondent provide a written response addressing why Respondent did not respond to the court's show cause order or comply with the court's briefing schedule.

811. In Respondent's written response to the grievance submitted the same day, Respondent stated that Respondent's clients elected not to pursue the appeal for strategic reasons.

812. This statement was false.

COUNT 47

813. In the M.G. case, by failing to exercise reasonable diligence, including by failing to file an answer to SSD's counterclaim, failing to timely file a motion to dismiss the counterclaim, failing to timely file an opening brief, and failing to respond to the Order to Show Cause, Respondent violated RPC 1.3, RPC 3.2, and/or RPC 8.4(d).

COUNT 48

814. In the M.G. case, by failing to timely file an opening brief or motion and/or failing to respond to the Order to Show Cause, Respondent violated RPC 8.4(d), and/or RPC 8.4(j).

COUNT 49

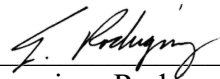
815. By falsely stating in Respondent's written response to the grievance in ODC File No. 24-01902 that Respondent's clients in the M.G. case made a strategic choice not pursue the federal district court matter, Respondent violated RPC 8.1(a), RPC 8.4(c), RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC 5.3(g)).

COUNT 50

816. By committing the acts described in ¶2 through ¶815, Respondent demonstrated an unfitness to practice law in violation of RPC 8.4(n).

THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation, restitution, and assessment of the costs and expenses of these proceedings.

Dated November 21, 2025.



Francisco Rodriguez, Bar No. 22881
Senior Disciplinary Counsel