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Board Order Adopting Decision-Page 1

BEFORE THE DISCIPLINARY BOARD OF THE WASHINGTON STATE BAR ASSOCIATION

ln re

D ANGUS LEE,

Lawyer (WSBA No. 36473)

Proceeding No. 12#00037

DISCIPLINARY BOARD ORDER

This matter came before the Disciplinary Board at its May 6, 2016 meeting, on Respondent's appeal of Hearing Officer Terrance Ryan's March 2, 2015, Findings of Fact, Conclusions of Law and Recommendation, recommending reprimand.

The Board reviews the hearing officer's finding of fact for substantial evidence. The Board reviews conclusions of law and sanction recommendations de novo. Evidence not presented to the hearing officer or panel cannot be considered by the Board. ELC 11.12(b).

Having reviewed the materials submitted, and considered the applicable case law and rules.

IT IS HEREBY ORDERED THAT:

1. The Hearing Officer's Conclusion of Law that Respondent violated RPC 1.7 as charged in Count 1 of the Formal Complaint is reversed. It was not proven by a clear preponderance of the evidence that Respondent engaged in a conflict of interest by being involved in the Neils/Dalluge matter. Count 1 is dismissed.¹

¹ The vote on Count 1 was 7-5. Those voting to reverse the Hearing Officer's Conclusion with respect to Count 1 were: Davis, Coy, Fischer, Startzel, Myers, Egeler and Carney. Those voting to adopt the Hearing Officer's Conclusion that Respondent violated RPC 1.7 as charged in Count 1 were: Denton, Berger, Cottrell, Silverman and Smith. Andeen and Bloomfield did not participate.

1	2. The Hearing Officer's Conclusion of Law that Respondent violated RPC 1.7 by
2	being involved in his Office's handling of the June 5th incident, as charged in
	Count 3 of the Formal Complaint, is adopted. ²
3	3. The Hearing Officer's recommendation that Respondent receive the sanction of
4	Reprimand for the violation of Count 3 is adopted. ³
5	Dated this 15 day of June, 2016
6	Michele Carney
7	Disciplinary Board Vice-Chair
8	
9	CERTIFICATE OF SERVICE
10	also to he delivered to the Office of Disciplinary Counsel and to be mailed
11	SIS W. Compostage prepaid on the LST day of JUNE, 2014, postage prepaid on the LST day of JUNE, 2014
12	Activa Clerk/Counsel to the Disciplinary Board
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14	
15	² The vote on Count 3 was 7-5. Those voting to adopt the Hearing Officer's Conclusion on Count 3 were: Denton, Coy, Berger, Cottrell, Silverman, Egeler and Smith. Those voting to reverse the Hearing Officer's Conclusion and
16	dismiss Count 3 were: Davis, Fischer, Startzel, Myers and Carney. Andeen and Bloomfield did not participate. The vote on the sanction was 5-4. Those voting to adopt the Hearing Officer's recommended sanction of reprimand for the violation of Count 3 were: Davis, Coy, Fischer and Egeler. Smith voted to impose a reprimand for the violation of Counts 1 and 3. Those voting to reject the Hearing Officer's recommended sanction and
a = 1	impose a suspension for the violation of both Counts 1 and 3 were: Denton, Berger, Cottrell and Silverman (see

written dissent). Those abstaining were: Startzel, Myers and Carney. Andeen and Bloomfield did not participate.

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