

FILED

Dec 5, 2025

Disciplinary
Board

Docket # 032

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**DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION**

In re

JOSEPH W KUHLMAN,

Lawyer (Bar No. 42884).

Proceeding No. 25#00035

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

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The undersigned Hearing Officer held a default hearing on the pleadings 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.10) charged Joseph W Kuhlman 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:

COUNT 1

By providing false information to Judge Dimke and by filing a response to the U.S.

1 District Court's February 26, 2025 show cause order that contained one or more false statements
2 of fact and/or law, Respondent violated RPC 3.3 and RPC 8.4(c).

3 **COUNT 2**

4 By causing Judge Dimke to appoint Smith a federal public defender and set one or more
5 court hearings and issue more than one court order to facilitate delivery of Smith's client file to
6 Smith, Respondent violated RPC 8.4(d).

7 **COUNT 3**

8 By testifying falsely under oath that Respondent terminated Yousef for performance
9 issues related to the Smith case, Respondent violated RPC 8.1(a), RPC 8.4(b) (through RCW
10 9A.72.040), RPC 8.4(c), and RPC 8.4(i).

11 **COUNT 4**

12 By failing to promptly provide Smith with a copy of Smith's client file, Respondent
13 violated RPC 1.16(d).

14 **COUNT 5**

15 By falsely stating to ODC that Respondent fired Respondent's office manager and by
16 providing ODC with a fabricated email that purported to fire one of Respondent's employees,
17 Respondent violated RPC 8.1(a), RPC 8.4(c), and RPC 8.4(i).

18 **COUNT 6**

19 By failing to promptly respond to disciplinary counsel's March 17, 2025 investigative
20 inquiry, Respondent violated RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l) (by violating ELC 1.5, ELC
21 5.3(f), and ELC 5.3(g)).

22 **COUNT 7**

23 By failing to effectuate service on the defendants and by failing to take actions to
24 prosecute McClain's case, Respondent violated RPC 1.3 and RPC 3.2.

1 **COUNT 8**

2 By failing to keep McClain informed about the status of McClain’s case and by failing
3 to respond to McClain’s reasonable requests for information, Respondent violated RPC 1.4(a).

4 **COUNT 9**

5 By collecting \$9,500 and performing work of little value to McClain, by failing to
6 provide McClain information about fees and costs, and by failing to refund unearned fees,
7 Respondent violated RPC 1.5(a), RPC 1.5(b), and RPC 1.16(d).

8 **COUNT 10**

9 By providing false and misleading information to McClain about the status of
10 Respondent’s license, about Respondent’s ability to represent McClain, and about the
11 circumstances of Respondent’s suspension, and by failing to advise McClain that McClain should
12 seek legal advice elsewhere, Respondent violated RPC 1.4(a) and (b), RPC 8.4(c), RPC 8.4(d),
13 and RPC 8.4(l) (by violating ELC 14.1).

14 **COUNT 11**

15 By failing to file anything on Masters’s behalf for over a year and failing to diligently
16 pursue an order vacating Masters’s convictions and/or an order restoring Master’s firearm rights,
17 Respondent violated RPC 1.3.

18 **COUNT 12**

19 By collecting \$4,250 from Masters and then failing to perform any work on the matter
20 and failing to return unearned fees, Respondent violated RPC 1.5(a) and RPC 1.16(d).

21 **COUNT 13**

22 By lying to Masters about the case status, progress, lack of progress, and the reasons
23 for the delay in resolving Masters’s case, Respondent violated RPC 1.4(a), RPC 1.4(b), RPC
24 8.4(c), and RPC 8.4(d).

1 **COUNT 14**

2 By failing to respond to disciplinary counsel’s written requests for a response to Masters’s
3 grievance and by failing to produce all documents in Respondent’s possession relating to
4 Respondent’s representation of Masters, Respondent violated RPC 8.1(b), RPC 8.4(d), and RPC
5 8.4(l) (by violating ELC 1.5, 5.3(f), 5.3(g), and 5.5(d)).

6 **COUNT 15**

7 By failing to diligently pursue an order for amended release conditions and by failing
8 to appear at the September 20, 2024 hearing in King’s criminal case, Respondent violated RPC
9 1.3.

10 **COUNT 16**

11 By making one or more false statements to Judge Biviano during the small claims hearing,
12 Respondent violated RPC 8.4(c), RPC 3.3(a)(1), and RPC 8.4(d).

13 **COUNT 17**

14 By failing to refund unearned fees to King, Respondent violated RPC 1.16(d).

15 **COUNT 18**

16 By making one or more false and/or misleading statements in Respondent’s response to
17 ODC, Respondent violated RPC 8.1(a), RPC 8.4(c), and RPC 8.4(d).

18 **COUNT 19**

19 By failing to promptly respond to disciplinary counsel’s written requests for a response to
20 King’s grievance, failing to produce King’s client file as commanded by a subpoena, and failing
21 to appear as commanded by a subpoena at the January 6, 2025 deposition of Respondent by ODC,
22 Respondent violated RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l) (by violating ELC 1.5, 5.3(f),
23 5.3(g), and 5.5(d)).

1 **COUNT 20**

2 By failing to diligently pursue Devai's protection order, Respondent violated RPC 1.3.

3 **COUNT 21**

4 By failing to respond to Devai's reasonable requests for information, Respondent violated
5 RPC 1.4.

6 **COUNT 22**

7 By collecting a \$4,354.40 flat fee from Devai then failing to perform any work of value
8 to Devai and by failing to refund unearned fees, Respondent violated RPC 1.5(a) and RPC 1.16(d).

9 **COUNT 23**

10 By lying to Devai about the status of Respondent's law license, and by lying to Devai
11 about the circumstances surrounding Respondent's interim suspension, Respondent violated RPC
12 8.4(c) and RPC 8.4(l) (by violating ELC 14.1).

13 **COUNT 24**

14 By lying to ODC about the work performed on Devai's case, by providing ODC
15 with a fabricated document, by lying to ODC about the reasons for Respondent's non-
16 responsiveness to ODC's request for a response to the grievance, and by providing false and
17 misleading information to ODC about Respondent's compliance with ELC 14.1, Respondent
18 violated RPC 8.1(a), RPC 8.4(c), RPC 8.4(d), and RPC 8.4(l) (by violating ELC 14.1).

19 **COUNT 25**

20 By failing to promptly respond to disciplinary counsel's written requests for responses to
21 Devais' grievance, failing to produce all documents in Respondent's possession relating to
22 Respondent's representation of Devai, and failing to appear as commanded at the January 6, 2025
23 deposition of Respondent by ODC, Respondent violated RPC 8.1(b), RPC 8.4(d), RPC 8.4(l) (by
24 violating ELC 1.5, 5.3(f), 5.3(g), and 5.5(d)).

1 **COUNT 26**

2 By failing to respond to Corkrum’s reasonable requests for information, Respondent
3 violated RPC 1.4(a) and RPC 1.4(b).

4 **COUNT 27**

5 By collecting \$7,000 and then failing to perform any work of value to Corkrum on
6 Corkrum’s matter and by failing to refund unearned fees, Respondent violated RPC 1.5(a) and
7 RPC 1.16(d).

8 **COUNT 28**

9 By failing to promptly respond to disciplinary counsel’s written requests for a response to
10 Corkrum’s grievance and by failing to produce all documents in Respondent’s possession relating
11 to Respondent’s representation of Corkrum, Respondent violated RPC 8.1(b), RPC 8.4(d), and
12 RPC 8.4(l) (by violating ELC 1.5, 5.3(f), 5.3(g), and 5.5(d)).

13 **COUNT 29**

14 By failing to diligently pursue Boling’s restraining order, Respondent violated RPC 1.3.

15 **COUNT 30**

16 By collecting \$2,000 in fees and then failing to perform any work of value to Boling on
17 Boling’s matter and by failing to refund unearned fees, Respondent violated RPC 1.5(a) and RPC
18 1.16(d).

19 **COUNT 31**

20 By failing to respond to disciplinary counsel’s written requests for a response to Boling’s
21 grievance and by failing to produce all documents in Respondent’s possession relating to
22 Respondent’s representation of Boling, Respondent violated RPC 8.1(b), RPC 8.4(d), and RPC
23 8.4(l) (by violating ELC 1.5, 5.3(f), 5.3(g), and 5.5(d)).

1 **COUNT 32**

2 By proceeding with the motion to release firearms after N.J. communicated that N.J. did
3 not want Respondent to proceed with the motion and that N.J. wanted the court and authorities to
4 keep and/or destroy the firearms, and by arguing or implying to the court that Respondent was
5 acting with N.J.'s authority, Respondent violated RPC 1.2(a), RPC 1.2(f), RPC 8.4(c), and RPC
6 8.4(d).

7 **COUNT 33**

8 By failing to inform N.J. that Respondent proceeded with the February 6, 2025 hearing
9 and about the outcome of the February 6, 2025 hearing, Respondent violated RPC 1.4(a).

10 **COUNT 34**

11 By engaging Harwell to communicate with prosecutors on Respondent's behalf,
12 by attempting to obtain deputy prosecuting attorneys' agreement to continuances, by requesting
13 other lawyers cover Respondent's cases, and by having other lawyers stand in for Respondent
14 while Respondent's law license was suspended, Respondent violated RPC 5.5(a), RPC 5.8(a),
15 RPC 8.4(a), and RPC 8.4(l) (by violating ELC 14.2).

16 **COUNT 35**

17 By not informing Maxey and Papini about the true cause and status of Respondent's
18 law license suspension, by lying to Best about submitting responses to ODC, and by withholding
19 material information from the court about N.J. wanting to forfeit the weapons to obtain an order
20 allowing Respondent's law firm to take possession of N.J.'s firearms, Respondent violated RPC
21 8.4(c) and RPC 8.4(d).

22 **COUNT 36**

23 By failing to promptly respond to disciplinary counsel's written requests for a response to
24 Haskell's grievance, Respondent violated RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l) (by violating

1 ELC 1.5 and 5.3(f)).

2 **COUNT 37**

3 By collecting \$15,000 and performing very little work, by failing to refund unearned fees,
4 and by collecting funds and attempting to collect funds from Gibbs while Respondent's law
5 license was suspended, Respondent violated RPC 1.5(a) and RPC 1.16(d).

6 **COUNT 38**

7 By discussing Burkey's lawyer-client privileged information with Burkey in front of a
8 third party, by discussing Burkey's lawyer-client privileged information in a recorded jail phone
9 call with Burkey and Gibbs, and by discussing Burkey's lawyer-client privileged information in
10 a manner that renders it non-privileged, Respondent violated RPC 1.6(c).

11 **COUNT 39**

12 By providing legal advice to Burkey while Respondent's license was suspended and by
13 failing to take necessary steps so that Burkey and Gibbs understood not to rely on Respondent as
14 a lawyer authorized to practice law, Respondent violated RPC 5.5(a), RPC 5.8(a) and RPC 8.4(l)
15 (by violating ELC 14.2).

16 **COUNT 40**

17 By providing false and misleading information to Gibbs and Burkey about the status of
18 Respondent's license, about the reason why Respondent could not attend court on March 5, 2025,
19 about Respondent's ability to represent Burkey and Gibbs, and about the circumstances of
20 Respondent's suspension, and by failing to advise Burkey and Gibbs they should seek legal advice
21 elsewhere, Respondent violated RPC 1.4(a) and 1.4(b), RPC 8.4(c), RPC 8.4(d), and RPC 8.4(l)
22 (by violating ELC 14.1 and/or ELC 14.2).

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3 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**
4 **REGARDING RECOMMENDED SANCTION**

5 4. As to Counts 1-6, Respondent acted knowingly and with the intent to benefit
6 Respondent. Respondent's conduct caused actual injury to Smith and the legal system, potentially
7 serious harm to the public and the legal system, and potential serious injury to a legal proceeding.

8 5. As to Counts 7-10, Respondent acted knowingly and with intent to benefit
9 Respondent. Respondent's conduct caused actual injury and potentially serious injury to
10 McClain.

11 6. As to Counts 11-14, Respondent acted knowingly and with the intent to benefit
12 Respondent. Respondent's conduct caused injury to Masters and the legal system.

13 7. As to Counts 15-19, Respondent acted knowingly and with the intent to benefit
14 Respondent. Respondent's conduct caused actual injury to King and the lawyer discipline system,
15 and potentially serious injury to the public and the legal profession.

16 8. As to Counts 20-25, Respondent acted knowingly and with the intent to benefit
17 Respondent. Respondent's conduct caused injury to Devai and the lawyer discipline system, and
18 potentially serious injury to the public and legal system.

19 9. As to Counts 26-28, Respondent acted knowingly and with the intent to benefit
20 Respondent. Respondent's conduct caused serious injury to Corkrum and injury to the public and
21 lawyer discipline system.

22 10. As to Counts 29-31, Respondent acted knowingly. Respondent's conduct caused
23 injury to Boling and the legal system.

24 11. As to Counts 32-36, Respondent acted knowingly and with the intent to benefit

1 Respondent. Respondent's conduct caused injury to N.J, the public, and the legal system.
2 Respondent's conduct caused a significant adverse effect on a legal proceeding.

3 12. As to Counts 37-40, Respondent acted knowingly and with the intent to benefit
4 Respondent. Respondent's conduct caused both potential and actual injury to Gibbs and Burkey,
5 and caused potentially serious injury to Gibbs, Burkey, and the legal system.

6 13. The following standards of the American Bar Association's Standards for Imposing
7 Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively apply in this
8 case:

9 **4.2 Failure to Preserve the Client's Confidences**

- 10 4.21 Disbarment is generally appropriate when a lawyer, with the intent to benefit the
11 lawyer or another, knowingly reveals information relating to representation of a
12 client not otherwise lawfully permitted to be disclosed, and this disclosure causes
13 injury or potential injury to a client.
- 14 4.22 Suspension is generally appropriate when a lawyer knowingly reveals information
15 relating to the representation of a client not otherwise lawfully permitted to be
16 disclosed, and this disclosure causes injury or potential injury to a client.
- 17 4.23 Reprimand is generally appropriate when a lawyer negligently reveals information
18 relating to representation of a client not otherwise lawfully permitted to be
19 disclosed and this disclosure causes injury or potential injury to a client.
- 20 4.24 Admonition is generally appropriate when a lawyer negligently reveals
21 information relating to representation of a client not otherwise lawfully permitted
22 to be disclosed and this disclosure causes little or no actual or potential injury to a
23 client.
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1 **4.4 Lack of Diligence**

- 2 4.41 Disbarment is generally appropriate when:
- 3 (a) a lawyer abandons the practice and causes serious or potentially serious
- 4 injury to a client; or
- 5 (b) a lawyer knowingly fails to perform services for a client and causes serious
- 6 or potentially serious injury to a client; or
- 7 (c) a lawyer engages in a pattern of neglect with respect to client matters and
- 8 causes serious or potentially serious injury to a client.
- 9 4.42 Suspension is generally appropriate when:
- 10 (a) a lawyer knowingly fails to perform services for a client and causes injury
- 11 or potential injury to a client, or
- 12 (b) a lawyer engages in a pattern of neglect and causes injury or potential
- 13 injury to a client.
- 14 4.43 Reprimand is generally appropriate when a lawyer is negligent and does not act
- 15 with reasonable diligence in representing a client, and causes injury or potential
- 16 injury to a client.
- 17 4.44 Admonition is generally appropriate when a lawyer is negligent and does not act
- 18 with reasonable diligence in representing a client, and causes little or no actual or
- 19 potential injury to a client.

20 **4.6 Lack of Candor**

- 21 4.61 Disbarment is generally appropriate when a lawyer knowingly deceives a client
- 22 with the intent to benefit the lawyer or another, and causes serious injury or
- 23 potential serious injury to a client.
- 24 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.

25 **5.1 Failure to Maintain Personal Integrity**

- 26 5.11 Disbarment is generally appropriate when:
- 27 (a) a lawyer engages in serious criminal conduct, a necessary element of which
- 28 includes intentional interference with the administration of justice, false swearing,
- 29 misrepresentation, fraud, extortion, misappropriation, or theft; or the sale,
- 30 distribution or importation of controlled substances; or the intentional killing of
- 31 another; or an attempt or conspiracy or solicitation of another to commit any of
- 32 these offenses; or
- 33 (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud,
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1 deceit, or misrepresentation that seriously adversely reflects on the lawyer’s fitness
2 to practice.

3 5.12 Suspension is generally appropriate when a lawyer knowingly engages in criminal
4 conduct which does not contain the elements listed in Standard 5.11 and that
5 seriously adversely reflects on the lawyer’s fitness to practice.

6 5.13 Reprimand is generally appropriate when a lawyer knowingly engages in any other
7 conduct that involves dishonesty, fraud, deceit, or misrepresentation and that
8 adversely reflects on the lawyer’s fitness to practice law.

9 5.14 Admonition is generally appropriate when a lawyer engages in any other conduct
10 that reflects adversely on the lawyer’s fitness to practice law.

11 **6.1 *False Statements, Fraud, and Misrepresentation***

12 6.11 Disbarment is generally appropriate when a lawyer, with the intent to deceive the
13 court, makes a false statement, submits a false document, or improperly withholds
14 material information, and causes serious or potentially serious injury to a party, or
15 causes a significant or potentially significant adverse effect on the legal
16 proceeding.

17 6.12 Suspension is generally appropriate when a lawyer knows that false statements or
18 documents are being submitted to the court or that material information is
19 improperly being withheld, and takes no remedial action, and causes injury or
20 potential injury to a party to the legal proceeding, or causes an adverse or
21 potentially adverse effect on the legal proceeding.

22 6.13 Reprimand is generally appropriate when a lawyer is negligent either in
23 determining whether statements or documents are false or in taking remedial
24 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.

7.0 *Violations of Duties Owed as a Professional*

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

 7.3 Reprimand is generally appropriate when a lawyer negligently engages in conduct
that is a violation of a duty owed as a professional and causes injury or potential

injury to a client, the public, or the legal system.

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

14. The presumptive sanction for each count is as follows:

Count	Applicable ABA <i>Standards</i>	Presumptive Sanction
1	ABA <i>Standard</i> 6.11 applies to RPC 3.3 and RPC 8.4(c).	Disbarment
2	ABA <i>Standard</i> 7.2 applies to RPC 8.4(d).	Suspension
3	ABA <i>Standard</i> 5.11(a) applies to RPC 8.4(b).	Disbarment
4	ABA <i>Standard</i> 7.2 applies to RPC 1.16(d).	Suspension
5	ABA <i>Standard</i> 7.1 applies to RPC 8.1(a) and RPC 8.4(c).	Disbarment
6	ABA <i>Standard</i> 7.2 applies to RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l).	Suspension
7	ABA <i>Standard</i> 4.42(a) applies to RPC 1.3.	Suspension
8	ABA <i>Standard</i> 4.42(a) applies to RPC 1.4(a).	Suspension
9	ABA <i>Standard</i> 7.2 applies to	Suspension

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	RPC 1.5 and RPC 1.16(d)	
10	ABA <i>Standard</i> 4.62 applies to RPC 8.4(c), RPC 8.4(d), and RPC 8.4(l).	Suspension
11	ABA <i>Standard</i> 4.42(a) applies to RPC 1.3.	Suspension
12	ABA <i>Standard</i> 7.2 applies to RPC 1.5 and RPC 1.16(d)	Suspension
13	ABA <i>Standard</i> 4.62 applies to RPC 8.4(c) and RPC 8.4(d).	Suspension
14	ABA <i>Standard</i> 7.2 applies to RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l).	Suspension
15	ABA <i>Standard</i> 4.42(a) applies to RPC 1.3.	Suspension
16	ABA <i>Standard</i> 6.12 applies to RPC 8.4(c), RPC 3.3(a)(1), and RPC 8.4(d).	Suspension
17	ABA <i>Standard</i> 7.2 applies to RPC 1.16(d).	Suspension
18	ABA <i>Standard</i> 7.1 applies to RPC 8.1(a), RPC 8.4(c), and RPC 8.4(d)	Disbarment

19	ABA <i>Standard</i> 7.2 applies to RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l).	Suspension
20	ABA <i>Standard</i> 4.42(a) applies to RPC 1.3.	Suspension
21	ABA <i>Standard</i> 4.42(a) applies to RPC 1.4.	Suspension
22	ABA <i>Standard</i> 7.2 applies to RPC 1.5(a) and RPC 1.16(d).	Suspension
23	ABA <i>Standard</i> 7.1 applies to RPC 8.4(c) and RPC 8.4(l)	Disbarment
24	ABA <i>Standard</i> 7.1 applies to RPC 8.1(a), RPC 8.4(c), RPC 8.4(d), and RPC 8.4(l).	Disbarment
25	ABA <i>Standard</i> 7.2 applies to RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l).	Suspension
26	ABA <i>Standard</i> 4.42(a) applies to RPC 1.4.	Suspension
27	ABA <i>Standard</i> 7.1 applies to RPC 1.5(a) and RPC 1.16(d)	Disbarment
28	ABA <i>Standard</i> 7.2 applies to RPC 8.1(b), RPC 8.4(d), and	Suspension

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	RPC 8.4(l).	
29	ABA <i>Standard</i> 4.42(a) applies to RPC 1.3.	Suspension
30	ABA <i>Standard</i> 7.2 applies to RPC 1.5 and RPC 1.16(d).	Suspension
31	ABA <i>Standard</i> 7.2 applies to RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l).	Suspension
32	ABA <i>Standard</i> 6.11 applies to RPC 1.2(a) and (f), RPC 8.4(c) and RPC 8.4(d).	Disbarment
33	ABA <i>Standard</i> 4.42(a) applies to RPC 1.4(a).	Suspension
34	ABA <i>Standard</i> 7.2 applies to RPC 5.5(a), RPC 5.8(a), RPC 8.4(a), and RPC 8.4(l).	Suspension
35	ABA <i>Standard</i> 6.11 applies to RPC 8.4(c) and RPC 8.4(d)	Disbarment
36	ABA <i>Standard</i> 7.2 applies to RPC 8.1(b), RPC 8.4(d), and RPC 8.4(l).	Suspension
37	ABA <i>Standard</i> 7.1 applies to RPC 1.5(a) and RPC 1.16(d).	Disbarment

38	ABA <i>Standard</i> 4.22 applies to RPC 1.6(c).	Suspension
39	ABA <i>Standard</i> 7.1 applies to RPC 5.5(a), RPC 5.8(a), and RPC 8.4(l)	Disbarment
40	ABA <i>Standard</i> 4.61 applies to RPC 1.4(a) and (b), 8.4(c), 8.4(d), and 8.4(l)	Disbarment

15. 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.”

16. 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;
- (i) substantial experience in the practice of law (admitted to practice in Washington on October 27, 2010); and
- (j) indifference to making restitution.

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

18. 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

1 (c) personal or emotional problems [Respondent reports suffering from
2 anxiety and depression].

3 19. There is no reason to depart from the presumptive sanction of disbarment.

4 **RECOMMENDATION**

5 20. Based on the *ABA Standards* and the applicable aggravating and mitigating factors,
6 the Hearing Officer recommends that Respondent Joseph W. Kuhlman be disbarred.
7 Reinstatement shall be conditioned upon payment of restitution as follows: \$9,500 to William
8 McClain, \$4,340 to Michael Masters, \$5,044.96 to Joseph King, \$4,354.40 to Viktoria Devai,
9 \$7,044.680 to Russell Corkrum, \$2,000 to Livia Boling, and \$15,000 to Becky Gibbs.

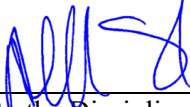
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11 DATED this 5th day of December, 2025.

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16 Knowrasa T Patrick,
17 Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the FOF, COL and HO's Recommendations to be emailed to the Office of Disciplinary Counsel and to Respondent, Joseph W Kuhlman, at joe@kuhlmanoffice.com, and at joekuhlman@gmail.com and [REDACTED], on the 5th day of December, 2025.



Clerk to the Disciplinary Board

FILED

Jun 9, 2025

Disciplinary
Board

Docket # 010

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

JOSEPH W. KUHLMAN,

Lawyer (Bar No. 42884).

Proceeding No. 25#00035

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 Joseph W. Kuhlman was admitted to the practice of law in the State of Washington on October 27, 2010.

FACTS REGARDING COUNTS 1-6 [JUDGE DIMKE GRIEVANCE]

A. Failure to Promptly Provide Client File, Conduct Prejudicial to the Administration of Justice and False Statements to Judge Mary Dimke

2. In the fall of 2021, Mason Smith hired Respondent to represent Smith on criminal charges filed in United States v. Mason McCann Smith, 2:21-CR-00068-MKD, U.S. District

1 Court for the Eastern District of Washington.

2 3. In February 2022, Smith entered a guilty plea.

3 4. In June 2022, Smith was sentenced to a 60-month prison term.

4 5. On July 5, 2023, Smith filed a motion for writ of habeas corpus under 28 U.S.C. § 2255
5 and a motion to compel.

6 6. Smith's challenge to the conviction was based on a claim of Respondent's ineffective
7 assistance of counsel.

8 7. Smith's motion to compel sought to compel Respondent to produce Smith's client file.

9 8. Smith claimed in the motion to compel that until Smith received Smith's client file,
10 Smith could not fully brief Smith's § 2255 claims.

11 9. Smith sent six letters to Respondent requesting Smith's client file.

12 10. Respondent did not respond to any of Smith's letters.

13 11. On October 13, 2023, U.S. District Court Judge Mary Katherine Dimke ordered
14 Respondent to either (1) file an ex parte status report regarding Smith's file request and
15 Respondent's responses to date, or (2) provide Smith with a copy of Smith's file no later than
16 November 10, 2023.

17 12. On November 27, 2023, Judge Dimke, after receiving nothing from Respondent and
18 presuming that Smith had received all disclosable case materials from Respondent, ordered Smith
19 to file any amended § 2255 motion containing all the claims Smith believed Smith had.

20 13. On December 12, 2023, Smith filed a status update indicating that Smith had not
21 received Smith's file from Respondent.

22 14. In the status report, Smith additionally requested an extension of Smith's filing
23 deadline and that Respondent be held in civil contempt.

1 15. On December 13, 2023, Judge Dimke ordered that Respondent either file an *ex parte*
2 status report explaining the history to date of Smith’s file copy requests and Respondent’s
3 responses to those requests, or provide Smith with a copy of Smith’s case file no later than January
4 10, 2024.

5 16. A copy of the order was sent directly to Respondent via email and U.S. mail.

6 17. Respondent did not comply with the Court’s December 13, 2023 order.

7 18. On January 17, 2024, the courtroom deputy sent Respondent a courtesy email
8 requesting a status update.

9 19. Respondent did not respond to the email.

10 20. On January 24, 2024, Judge Dimke signed an order directing Respondent to appear
11 before the court on January 31, 2024, at 8:45 a.m. with a copy of Smith’s file.

12 21. Also on January 24, 2024, the court appointed the Federal Public Defender’s Office
13 (Federal Defenders) to represent Smith for the limited purpose of assisting Smith to obtain
14 Smith’s client file from Respondent.

15 22. On January 31, 2024, a Wednesday, Respondent appeared before Judge Dimke.

16 23. Respondent told Judge Dimke, “There was [sic] some problems that were rectified....
17 I put a CD – well, it was a burnable DVD that I put together and sent down to – I believe it was
18 Locomm. It was a federal penitentiary and ... I thought this matter was done.”

19 24. Respondent claimed that Respondent was “not aware of these proceedings or the
20 Court’s request” until “the beginning of the week when I saw an email, and then I proceeded to
21 get all the documents together again and make a copy of them.”

22 25. One or more of Respondent’s statements to Judge Dimke was false and/or misleading.

23 26. Judge Dimke ordered Respondent to work with the Federal Defenders to provide the

1 remaining requested materials.

2 27. On January 31, 2024, Respondent received an email from the Federal Defenders
3 asking that production be made within one week to ensure Smith's pending motion would not be
4 further delayed.

5 28. Respondent did not produce the materials within one week.

6 29. On February 10, 2024, the Federal Defenders filed a status report stating that
7 Respondent had not responded to its January 31, 2024 written request or produced the requested
8 materials.

9 30. On February 13, 2024, Respondent sent an email to the Federal Defenders stating that
10 Respondent was looking for Smith's paper file and would provide it soon.

11 31. On February 22, 2024, Respondent sent an email to the Federal Defenders stating that
12 Respondent "received the hard file yesterday and will pull it apart by tomorrow."

13 32. On February 29, 2024, the Federal Defenders filed a second status report stating that
14 Respondent had not produced the requested materials.

15 33. In response to the Federal Defenders' status reports, Judge Dimke set a hearing for
16 March 8, 2024, and ordered Respondent to appear at the hearing with a copy of Smith's file.

17 34. On March 8, 2024, Respondent appeared before Judge Dimke with some, but not all,
18 of Smith's file.

19 35. Respondent blamed Respondent's staff for the delays and stated that Respondent
20 would provide the remainder of Smith's client file to the Federal Defenders that day.

21 36. Judge Dimke entered a new order requiring Respondent to produce a full copy of
22 Smith's client file to the Federal Defenders office no later than March 8, 2024.

23 37. Judge Dimke also ordered Respondent to appear before Judge Dimke on March 13,

1 2024, to verify that Respondent had complied with the order.

2 38. On March 13, 2024, the Federal Defenders filed a third status report.

3 39. The third status report stated that after the March 8, 2024 hearing, Respondent sent a
4 DropBox folder to the Federal Defenders containing Smith's client file.

5 40. On March 13, 2024, Respondent appeared before Judge Dimke and confirmed that
6 Respondent provided the entirety of Smith's client file to the Federal Defenders.

7 41. On March 22, 2024, the Federal Defenders' representation of Smith concluded.

8 **B. Misconduct Related to Grievance Investigation**

9 42. On May 29, 2024, Judge Dimke filed a grievance against Respondent.

10 43. On August 2, 2024, Respondent submitted a response to this grievance stating that
11 once Respondent was aware of the problems with the performance in fulfilling Smith's request,
12 Respondent began an internal investigation that resulted in the termination of staff.

13 44. Respondent's assertion to ODC that Respondent terminated staff for performance
14 issues related to Smith's case was false and/or misleading.

15 45. Respondent also provided ODC with a copy of an email that purported to be a
16 "Notice/Letter of Termination" (termination email) sent on February 2, 2024, to
17 "To: 2/ @Respondentoffice.com."

18 46. The termination email was fabricated.

19 47. Respondent did not terminate any support staff by email on February 2, 2024.

20 48. On November 20, 2024, Respondent received an email from an ODC investigator
21 requesting Respondent provide ODC with the original termination email.

22 49. Respondent did not provide ODC with the original termination email.

23 50. On March 17, 2025, ODC emailed Respondent an investigative inquiry letter

1 (investigative inquiry).

2 51. The investigate inquiry requested Respondent provide information within 30 days
3 about when and how Respondent became aware of Judge Dimke’s October 13, 2023, December
4 13, 2023, and January 24, 2024 orders.

5 52. The investigative inquiry also requested Respondent provide (1) the February 2, 2024
6 termination email in .msg format and (2) all electronic communications between Respondent and
7 Respondent’s staff related to Smith or Judge Dimke’s orders between October 13, 2023, and
8 March 22, 2024.

9 53. Respondent did not provide anything to ODC in response to the investigative inquiry.

10 54. On April 22, 2025, ODC emailed Respondent a letter requesting Respondent provide
11 ODC with the requested information and records within 10 days.

12 55. Respondent failed to provide any of the requested information or records.

13 56. On April 2, 2025, Respondent testified at a deposition taken by ODC on another
14 matter.

15 57. Respondent testified that the employee terminated for performance issues related to
16 the Smith case was “Yousef.”

17 58. Respondent’s testimony regarding “Yousef” was false and/or misleading.

18 59. Yousef continued to work for Respondent through at least February 22, 2024.

19 **C. Respondent’s Interim Suspension**

20 60. On January 10, 2025, while ODC was still investigating this grievance, ODC
21 petitioned the Washington Supreme Court under ELC 7.2(a)(3) for Kuhlman’s interim suspension
22 due to Kuhlman’s failure to cooperate with ODC’s investigation of three separate grievances.

23 61. On February 26, 2025, the Court granted ODC’s petition and suspended Kuhlman

1 from the practice of law, effective immediately.

2 62. On February 26, 2025, the Clerk of Court for the United States District Court, Eastern
3 District of Washington, issued an Order to Show Cause in In Re Joseph W. Kuhlman, United
4 States District Court, Eastern District of Washington 2:25mc4, for Kuhlman to show cause why
5 Kuhlman should not be reciprocally suspended by the U.S. District Court.

6 63. On March 25, 2025, Kuhlman filed a response.

7 64. Kuhlman's March 25, 2025 response contained one or more false and/or misleading
8 statements of fact and/or law.

9 65. At all applicable times in paragraphs 10 through 64, Respondent acted knowingly
10 and/or with the intent to benefit Respondent.

11 66. Respondent's conduct caused actual injury to Smith and to the legal system.

12 67. Respondent's conduct caused potentially serious harm to the public and the legal
13 system.

14 68. Respondent's conduct caused potential serious injury to the legal proceeding In Re
15 Joseph W. Kuhlman, United States District Court, Eastern District of Washington 2:25mc4.

16 **COUNT 1**

17 69. By providing false information to Judge Dimke, and/or filing a response to the U.S.
18 District Court's February 26, 2025 show cause order that contained one or more false statements
19 of fact and/or law, Respondent violated RPC 3.3 and/or RPC 8.4(c).

20 **COUNT 2**

21 70. By causing Judge Dimke to appoint Smith a federal public defender and/or set one or
22 more court hearings and/or issue more than one court order to facilitate delivery of Smith's client
23 file to Smith, Respondent violated RPC 8.4(d).

1 **COUNT 3**

2 71. By testifying falsely under oath that Respondent terminated Yousef for performance
3 issues related to the Smith case, Respondent violated RPC 8.1(a), RPC 8.4(b) (through RCW
4 9A.72.040), RPC 8.4(c), and/or RPC 8.4(i).

5 **COUNT 4**

6 72. By failing to promptly provide Smith with a copy of Smith’s client file, Respondent
7 violated RPC 1.16(d).

8 **COUNT 5**

9 73. By falsely stating to ODC that Respondent fired Respondent’s office manager and/or
10 by providing ODC with a fabricated email that purported to fire one of Respondent’s employees,
11 Respondent violated RPC 8.1(a), RPC 8.4(c), and/or RPC 8.4(i).

12 **COUNT 6**

13 74. By failing to promptly respond to disciplinary counsel’s March 17, 2025 investigative
14 inquiry, Respondent violated RPC 8.1(b), RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC 1.5,
15 ELC 5.3(f), and/or ELC 5.3(g)).

16 **FACTS REGARDING COUNTS 7-10 [McCLAIN GRIEVANCE]**

17 **A. Representation of McClain**

18 75. On or about March 23, 2022, Willie McClain began working for Garco Construction,
19 Inc. (Garco).

20 76. McClain was discharged three weeks later.

21 77. On August 15, 2022, McClain filed a Charge of Discrimination against Garco with the
22 Equal Employment Opportunity Commission (EEOC), raising claims related to McClain’s work
23 for Garco.

1 78. Sometime prior to February 2023, McClain hired Respondent to represent McClain in
2 a possible employment discrimination matter.

3 79. Respondent told McClain that McClain had a good case and that they would win.

4 80. Respondent never had McClain sign a fee agreement.

5 81. When Respondent asked McClain for money, McClain gave Respondent payments in
6 cash.

7 82. Respondent told McClain that the payments were for various costs associated with
8 McClain's case.

9 83. McClain asked Respondent for receipts.

10 84. Respondent never provided McClain any receipts.

11 85. McClain paid Respondent a total of \$9,500.

12 86. On May 26, 2023, Respondent filed a Complaint for Damages on behalf of McClain
13 against Garco, Eric Jones, Justin Ludwig, and Tim Hutton in Spokane County Superior Court
14 (First Complaint).

15 87. After Respondent filed the First Complaint, Respondent received calls and text
16 messages from McClain related to the representation.

17 88. Respondent did not respond.

18 89. Respondent set up in-person meetings with McClain.

19 90. Respondent cancelled the scheduled in-person meetings with McClain.

20 91. On July 18, 2023, Respondent filed another complaint under the same Spokane County
21 Superior Court cause number, which was substantively identical to the First Complaint other than
22 corrected typographical errors (Second Complaint).

23 92. In late August 2023, defendants Jones, Ludwig, and Hutton hired Garco's lawyers to

1 represent them in the lawsuit.

2 93. No further action occurred on the case until October 5, 2023, when Respondent filed
3 a third complaint (Third Complaint).

4 94. The Third Complaint was substantively identical to the Second Complaint.

5 95. At no time did Respondent file or serve a summons directed to any Defendant, as
6 required by Rule 4 of the Superior Court Civil Rules (CR).

7 96. On October 26, 2023, Garco removed the matter from Spokane County Superior Court
8 to the United States District Court for the Eastern District of Washington.

9 97. On December 11, 2023, the district court set a status conference for December 14,
10 2023.

11 98. At the December 14, 2023 status conference, Judge Dimke advised Respondent that it
12 was the Plaintiff's burden to effectuate or otherwise prove service and continue to prosecute the
13 case, and that if Plaintiff did not do so within 45 days, the Court would dismiss the matter for
14 failure to prosecute.

15 99. Respondent stated that Respondent understood.

16 100. Respondent never told McClain about what happened at the status conference.

17 101. Respondent filed nothing after the December 14, 2023 status conference and did
18 not effectuate service.

19 102. On February 1, 2024, Judge Dimke dismissed the case without prejudice.

20 103. Respondent did not inform McClain that the case had been dismissed.

21 **B. Misconduct Occurring During Respondent's Interim Suspension**

22 104. On January 10, 2025, ODC petitioned the Washington Supreme Court under ELC
23 7.2(a)(3) for Respondent's interim suspension due to Respondent's failure to cooperate with

1 ODC's investigation of three unrelated grievances.

2 105. On February 26, 2025, the Court granted ODC's petition and suspended
3 Respondent from the practice of law, effective immediately.

4 106. On February 28, 2025, ODC emailed Respondent a copy of the Court's order, a
5 copy of Title 14 (Duties on Suspension or Disbarment) of the ELC, and a letter outlining some of
6 the duties and consequences of the suspension.

7 107. ODC's letter specifically advised Respondent that: (1) Respondent must notify all
8 clients of Respondent's suspension and inability to further represent Respondent's clients; (2)
9 Respondent is prohibited from any further practice of law whatsoever; and (3) Respondent must
10 cease to hold Respondent out as an "attorney at law" or lawyer in any manner whatsoever until
11 reinstated. In addition, the letter stated that, "This would preclude use of any letterhead, business
12 card, checks or other documents identifying you as an "attorney at law" while you are in fact
13 under suspension."

14 108. On March 7, 2025, Respondent emailed McClain a letter regarding Respondent's
15 law license status.

16 109. Respondent's March 7, 2025 letter identified Respondent as an "Attorney at Law."

17 110. Respondent's March 7, 2025 letter contained one or more false and/or misleading
18 statements.

19 111. One false and/or misleading statement was Respondent's statement that "My
20 license remains in good standing, and I remain fully capable of representing you."

21 112. After filing this grievance, McClain discovered that McClain's case was
22 dismissed.

23 113. Respondent never told McClain that McClain's case was dismissed.

1 114. At all applicable times in paragraphs 79 through 113, Respondent acted knowingly
2 and/or with intent to benefit Respondent.

3 115. Respondent's conduct caused injury and potentially serious injury to McClain.

4 **COUNT 7**

5 116. By failing to effectuate service on the defendants and/or by failing to take actions
6 to prosecute McClain's case, Respondent violated RPC 1.3 and/or RPC 3.2.

7 **COUNT 8**

8 117. By failing to keep McClain informed about the status of McClain's case and/or by
9 failing to respond to McClain's reasonable requests for information, Respondent violated RPC
10 1.4(a).

11 **COUNT 9**

12 118. By collecting \$9,500 and performing work of little value to McClain, and/or by
13 failing to provide McClain information about fees and costs, and/or by failing to refund unearned
14 fees, Respondent violated RPC 1.5(a), RPC 1.5(b), and/or RPC 1.16(d).

15 **COUNT 10**

16 119. By providing false and/or misleading information to McClain about the status of
17 Respondent's license, and/or about Respondent's ability to represent McClain, and/or about the
18 circumstances of Respondent's suspension, and/or by failing to advise McClain that McClain
19 should seek legal advice elsewhere, Respondent violated RPC 1.4(a) and/or (b), RPC 8.4(c),
20 RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC 14.1).

21 **FACTS REGARDING COUNTS 11-14 [MASTERS GRIEVANCE]**

22 **A. Representation of Michael Masters**

23 120. On December 1, 2023, Michael Masters hired Respondent to vacate three old

1 criminal convictions and restore Masters's firearms rights.

2 121. On December 6, 2023, Masters paid Respondent a flat fee of \$4,250.

3 122. Respondent told Masters that the work would be done by the end of April 2024.

4 123. Sometime prior to May 2024, Respondent told Masters that the paperwork was
5 done and that Respondent was going to copy Masters on the final email Respondent would send
6 to the prosecutor that afternoon.

7 124. This statement was false.

8 125. Respondent was not done preparing Masters's paperwork.

9 126. By May 2024, Respondent was aware that Masters was in a position for a
10 significant promotion at work that depended on having Masters's old criminal convictions
11 vacated.

12 127. Respondent told Masters that Respondent would check with the prosecutor about
13 the status of Masters's matter.

14 128. Respondent's statement to Masters was misleading.

15 129. Respondent had not provided the prosecutor with anything related to Masters's
16 case.

17 130. On December 2, 2024, Masters texted and called Respondent asking for an update
18 on Masters's matter.

19 131. On December 2, 2024, Respondent sent Masters a text that stated, "Yes, all records
20 are finally back in line turned in. I'm just waiting for a court number and it's [sic] (expletive)
21 Prosecutor to get off his ass."

22 132. Respondent's text message to Masters contained one or more false and/or
23 misleading statements.

1 133. Respondent had not provided the prosecutor with anything related to Masters's
2 case.

3 134. On December 3, 2024, Respondent received a text from Masters requesting a
4 refund.

5 135. Respondent did not respond to Masters.

6 136. On December 11, 2024, Masters filed a small claims case against Respondent in
7 Spokane County District Court, Michael Masters v. Joseph Kuhlman, Spokane County District
8 Court, Small Claims Division, Case No. 2400766.

9 137. On February 28, 2025, Judge Andrea Russell entered a default judgement against
10 Respondent in the amount of \$4,340.

11 138. As of today's date, Respondent has not paid the judgment.

12 **B. Failure to Cooperate with Grievance Investigation**

13 139. On December 11, 2024, Masters filed a grievance against Respondent.

14 140. On January 8, 2025, ODC emailed Respondent a copy of the grievance and a letter
15 requesting that Respondent provide a written response to the grievance within 30 days.

16 141. Respondent did not provide a written response.

17 142. On February 12, 2025, ODC emailed Respondent a letter requesting that
18 Respondent provide a written response to the grievance within ten days and advising Respondent
19 that failure to respond is, in itself, grounds for discipline.

20 143. Respondent did not provide a written response.

21 144. On March 20, 2025, ODC personally served Respondent with a subpoena signed
22 March 17, 2025, commanding Respondent to appear over Zoom and testify at a deposition on
23 April 3, 2025.

1 145. The subpoena also required that Respondent produce all documents in
2 Respondent's possession relating to Respondent's representation of Masters.

3 146. On April 3, 2025, Respondent appeared at the deposition, but invoked
4 Respondent's Fifth Amendment rights and did not answer questions about this grievance.

5 147. Respondent has not produced responsive records as commanded by the March 17,
6 2025 subpoena.

7 148. At all applicable times in paragraphs 122 through 147, Respondent acted
8 knowingly and/or with intent to benefit Respondent.

9 149. Respondent's conduct caused injury to Masters.

10 150. Respondent's conduct caused injury to the legal system.

11 **COUNT 11**

12 151. By failing to file anything on Masters's behalf for over a year and/or failing to
13 diligently pursue an order vacating Masters's convictions and/or an order restoring Master's
14 firearm rights, Respondent violated RPC 1.3.

15 **COUNT 12**

16 152. By collecting \$4,250 from Masters and then failing to perform any work on the
17 matter and/or failing to return unearned fees, Respondent violated RPC 1.5(a) and/or
18 RPC 1.16(d).

19 **COUNT 13**

20 153. By lying to Masters about the case status, progress, lack of progress, and/or the
21 reasons for the delay in resolving Masters's case, Respondent violated RPC 1.4(a), RPC 1.4(b),
22 RPC 8.4(c), and/or RPC 8.4(d).

1 **COUNT 14**

2 154. By failing to respond to disciplinary counsel’s written requests for a response to
3 Masters’s grievance and/or by failing to produce all documents in Respondent’s possession
4 relating to Respondent’s representation of Masters, Respondent violated RPC 8.1(b), RPC 8.4(d),
5 and/or RPC 8.4(l) (by violating ELC 1.5, 5.3(f), 5.3(g), and/or 5.5(d)).

6 **FACTS REGARDING COUNTS 15-19 [KING GRIEVANCE]**

7 **A. Representation of Joseph King**

8 155. In early March 2024, Joseph King hired Respondent to represent King on felony
9 charges filed in State of Washington v. Joseph King, Spokane County Superior Court Case No.
10 23-1-10920-32.

11 156. On March 7, 2024, King paid Respondent \$5,000 towards a flat fee of \$27,215.

12 157. At the time King hired Respondent, King was subject to release conditions that
13 prohibited out-of-state travel.

14 158. Respondent was aware that one of King’s immediate needs was obtaining an
15 amendment to King’s release conditions that would allow King to travel out of state to attend
16 King’s mother’s 80th birthday party on March 23, 2024, in Joliet, Illinois.

17 159. Respondent did not take any action to have King’s release conditions amended
18 prior to March 23, 2024.

19 160. On April 4, 2024, Respondent told King that Respondent would file a motion to
20 have King’s travel restrictions lifted promptly.

21 161. Respondent did not take any action to amend King’s release conditions until April
22 18, 2024.

23 162. On April 18, 2024, Respondent’s legal assistant sent an email to Deputy

1 Prosecuting Attorney (DPA) Derek Martin asking Martin to sign off on a proposed order
2 amending release conditions.

3 163. DPA Martin promptly responded to Respondent and Respondent's legal assistant
4 with an email on April 24, 2024, identifying necessary changes to the proposed order.

5 164. Respondent did not make any attempt to obtain an amended release order after
6 receiving Martin's email until August 2024.

7 165. King missed a family reunion on July 19, 2024, in Joliet, Illinois because King
8 was still subject to travel restrictions.

9 166. On August 2, 2024, Respondent provided King with an unsigned amended release
10 order that purported to allow for out-of-state travel.

11 167. King hoped to attend the out-of-state funeral of a close friend on August 6, 2024,
12 but because the order was not signed by a judge, King stayed home.

13 168. On August 7, 2024, Respondent emailed King a copy of an amended release order
14 signed by Respondent and DPA Martin, but without a judge's signature or file stamp.

15 169. On August 15, 2024, King asked Respondent why the release order was not signed
16 by a judge.

17 170. Respondent told King that the judge's signature was not required.

18 171. Respondent's statement that the judge's signature was not required was false.

19 172. On August 20, 2024, more than five months after King first requested Respondent
20 do so, Respondent obtained an amended release order allowing King to travel out of state.

21 173. By September 2024, King was overdue with the second required payment under
22 the terms of both the original fee agreement and the extended payment schedule.

23 174. On September 18, 2024, Respondent's assistant emailed King that King's next

1 court date was scheduled for September 20, 2024, at 3:00 p.m. and that Respondent would be
2 unable to continue representing King if Respondent did not receive any payment prior to the next
3 scheduled court date.

4 175. King appeared at King's scheduled pretrial hearing on September 20, 2024.

5 176. Respondent did not appear at the September 20, 2024 pretrial hearing.

6 177. After Respondent did not appear at the pretrial hearing, King sent Respondent a
7 letter terminating Respondent's services and requesting Respondent return King's client file and
8 provide King a full refund.

9 178. Respondent has not provided King with King's client file.

10 179. Respondent has not refunded King any of the \$5,000 fee King paid to Respondent.

11 180. On September 27, 2024, King filed a \$5,000 claim against Respondent in small
12 claims court, King v. Kuhlman, Spokane County District Court Case No. 24-00601.

13 181. Judge Andrew Biviano presided over the small claims hearing on November 13,
14 2024.

15 182. During the hearing, Respondent testified that the reason Respondent missed the
16 September 20, 2024 pretrial hearing was because Respondent's father had a stroke that day and
17 was "life-flighted," meaning that Respondent's father was airlifted to a hospital.

18 183. Respondent's testimony was false.

19 184. Respondent's father's stroke occurred on June 27, 2024.

20 185. Respondent's father's stroke did not cause Respondent to miss the September 20,
21 2024 hearing.

22 186. Respondent also testified that the delay in the case was due to prosecutor turnover
23 and that Respondent earned more than \$5,000 because Respondent had reviewed discovery,

1 talked to the prosecutor, and appeared in court for continuances.

2 187. Respondent's testimony was false.

3 188. The delay in obtaining the amended release order was not due to prosecutor
4 turnover.

5 189. Judge Biviano entered a small claims judgment against Respondent's law firm in
6 the amount of \$5,044.96.

7 190. As of today's date, Respondent has not paid the judgment.

8 **B. Failure to Cooperate with Grievance Investigation**

9 191. On September 23, 2024, King filed a grievance against Respondent.

10 192. On September 27, 2024, ODC emailed Respondent a copy of the grievance and a
11 letter requesting that Respondent provide a written response to the grievance within 30 days.

12 193. Respondent did not provide a written response.

13 194. On November 27, 2024, ODC emailed Respondent a letter requesting that
14 Respondent provide a written response to the grievance within ten days and advising Respondent
15 that failure to respond is, in itself, grounds for discipline.

16 195. Respondent did not provide a written response.

17 196. On December 17, 2024, ODC personally served Respondent with a subpoena
18 signed December 13, 2024, commanding Respondent to appear in person at the offices of the
19 WSBA and testify at a deposition on January 6, 2025.

20 197. The subpoena also required that Respondent produce all documents in
21 Respondent's possession relating to Respondent's representation of King.

22 198. Respondent did not appear at the deposition.

23 199. Respondent did not produce any records responsive to the December 13, 2024

1 subpoena.

2 200. On January 10, 2025, ODC petitioned the Washington Supreme Court under ELC
3 7.2(a)(3) for Respondent's interim suspension until Respondent cooperated with ODC's
4 investigation into this matter.

5 201. Respondent did not respond to the Court's order to show cause.

6 202. On February 26, 2025, the Court granted ODC's petition and suspended
7 Respondent from the practice of law, effective immediately.

8 203. On March 5, 2025, Respondent provided a written response to this grievance and
9 some of the records required by ODC's subpoena.

10 204. Respondent claimed that King's complaint is "unfounded and fraudulent."

11 205. Respondent blamed turnover in the prosecutor's office for delays in negotiations
12 and communications with the DPA assigned to King's case.

13 206. Respondent's March 5, 2025, written response contained one or more false and/or
14 misleading statements.

15 207. Respondent's office did not attempt to contact anyone at the prosecutor's office
16 about amending the conditions of release until April 19, 2024, when they emailed DPA Martin.

17 208. DPA Martin was the only prosecutor assigned to King's case from mid-April until
18 Respondent's representation was terminated by King.

19 209. In the response, Respondent also claimed to have "successfully filed a motion and
20 received an order to amend the geographic release conditions for Mr. King."

21 210. Respondent's statement was false and/or misleading.

22 211. Respondent did not file a motion to amend the geographic release conditions.

23 212. No motion was necessary.

1 213. DPA Martin indicated the prosecutor's willingness to agree to the amendment
2 months before Respondent followed through with providing Martin with an appropriate agreed
3 amended order.

4 214. On March 20, 2025, Respondent provided ODC with a copy of a motion to lift
5 Respondent's interim suspension.

6 215. Respondent's motion stated that Respondent had fully responded to all pending
7 requests and provided all necessary documentation.

8 216. Respondent asked ODC to confirm the statements in the motion or let Respondent
9 know if Respondent needed to schedule a hearing.

10 217. On March 20, 2025, ODC emailed Respondent a letter stating ODC's position that
11 ODC did not agree.

12 218. ODC provided Respondent a list of what Respondent needed to provide to comply
13 with ODC's subpoena.

14 219. ODC agreed to reset Respondent's deposition to April 2, 2025.

15 220. Respondent appeared at the deposition over Zoom, but did not provide any of the
16 outstanding records.

17 221. Respondent ended the deposition after about 90 minutes.

18 222. ODC did not get an opportunity to question Respondent about Respondent's
19 representation of King.

20 223. At all applicable times in paragraphs 155 through 222, Respondent acted
21 knowingly and/or with intent to benefit Respondent.

22 224. Respondent's conduct caused injury to King.

23 225. Respondent's conduct caused injury to the lawyer discipline system.

1 protection order against Devai's former partner.

2 233. On April 22, 2024, Devai paid Respondent a \$4,354.40 flat fee.

3 234. By June 5, 2024, Respondent had been provided with all the information necessary
4 to prepare Devai's protection order petition.

5 235. On June 24, 2024, Respondent's office received an email from Devai in which
6 Devai expressed concerns that no work had been done on Devai's case and requested a refund.

7 236. Nobody responded to Devai's email or request for refund.

8 237. On July 1, 2024, Respondent's support staff received another email from Devai
9 with the same request.

10 238. Nobody responded to Devai.

11 239. On August 5, 2024, Respondent received an email from Devai requesting a refund.

12 240. On August 15, 2024, Respondent contacted Devai for the first time since being
13 hired in April 2024.

14 241. Respondent's contact consisted of two short emails stating in pertinent part that
15 Respondent would "take care of this I'll look into it and I am sorry for the delay" and "Ill [sic]
16 will be back to you shortly then."

17 242. Respondent never followed up with Devai.

18 243. On August 23, 2024, Respondent received another email from Devai requesting a
19 refund.

20 244. Respondent did not respond to Devai.

21 245. On September 5, 2024, Respondent received a letter from lawyer Donald Curran
22 on behalf of Devai demanding a refund of the \$4,354.40 Devai paid Respondent in April 2024.

23 246. Respondent has not responded to Curran or repaid Devai any of the unearned

1 \$4,354.40 flat fee.

2 247. Devai's requests for information to Respondent and Respondent's support staff
3 were reasonable.

4 **B. Failure to Cooperate with Grievance Investigation**

5 248. On March 28, 2024, Devai filed a grievance against Respondent.

6 249. On September 5, 2024, ODC emailed Respondent a copy of the grievance and a
7 letter requesting that Respondent provide a written response to the grievance within 30 days.

8 250. Respondent did not provide a written response.

9 251. On October 11, 2024, ODC emailed Respondent a letter requesting that
10 Respondent respond to the grievance within ten days and advising Respondent that failure to
11 respond is, in itself, grounds for discipline.

12 252. Respondent did not provide a written response.

13 253. On October 24, 2024, Respondent left a voicemail message for ODC.

14 254. Respondent's message said, in pertinent part, "I apologize, I see the response has
15 not gone out on this yet. I was on vacation taking my time with my father before he was passing
16 so I will have it out to you shortly."

17 255. Respondent's voicemail contained false and/or misleading information.

18 256. Respondent's father was not dying.

19 257. Respondent had not spent any time with Respondent's father since ODC requested
20 a response to the Devai grievance.

21 258. Respondent was in Mexico during the time Respondent claimed to be taking time
22 with Respondent's father.

23 259. On December 17, 2024, Respondent was served with a subpoena signed December

1 13, 2024, commanding Respondent appear in person at the offices of the WSBA and testify at a
2 deposition on January 6, 2025.

3 260. The subpoena also required that Respondent produce all documents in
4 Respondent's possession relating to Respondent's representation of Devai.

5 261. Respondent did not appear at the deposition.

6 262. Respondent did not produce any records in response to the subpoena.

7 263. On January 10, 2025, ODC petitioned the Washington Supreme Court under ELC
8 7.2(a)(3) for Respondent's interim suspension until Respondent cooperated with ODC's
9 investigation into this matter.

10 264. Respondent did not respond to the Court's order to show cause.

11 265. On February 26, 2025, the Court granted ODC's petition and suspended
12 Respondent from the practice of law, effective immediately.

13 266. On February 26, 2025, at 8:17 a.m., the Washington Supreme Court Senior Case
14 Manager emailed Respondent a copy of the Court's order suspending Respondent effective
15 immediately.

16 267. Before 10:00 a.m. on February 26, 2025, Respondent was aware that Respondent's
17 license to practice law had been interim suspended.

18 268. On February 28, 2025, Respondent received an email from ODC that included a
19 copy of the Court's order, a copy of Title 14 of the ELC (Duties on Suspension or Disbarment),
20 and a letter outlining some of the duties and consequences of the suspension.

21 269. ODC's letter specifically advised Respondent that: (1) Respondent must notify all
22 clients of Respondent's suspension and inability to further represent Respondent's clients; (2)
23 Respondent is prohibited from any further practice of law whatsoever; and (3) Respondent must

1 | cease to hold Respondent out as an “attorney at law” or lawyer in any manner whatsoever until
2 | reinstated. In addition, the letter stated that, “This would preclude use of any letterhead, business
3 | card, checks or other documents identifying you as an “attorney at law” while you are in fact
4 | under suspension.”

5 | 270. On March 6, 2025, Respondent provided a response to Devai’s grievance but did
6 | not produce all the documents required by the subpoena.

7 | 271. Included in the documents Respondent provided to ODC was a document titled
8 | “Declaration of Viktoria Devai in Support of Petition for Protection Order.”

9 | 272. Respondent never provided Devai with a copy of the declaration.

10 | 273. Also included in the documents Respondent provided to ODC was a one-page
11 | screenshot that purports to be a signature request on a civil protection order emailed to Devai on
12 | June 11, 2024.

13 | 274. The document described in the paragraph above was fabricated.

14 | 275. Respondent did not email Devai anything on June 11, 2024.

15 | 276. On March 7, 2025, Respondent emailed Devai and other clients a letter regarding
16 | Respondent’s interim suspension.

17 | 277. Respondent’s March 7, 2025 letter identified Respondent as an “Attorney at Law.”

18 | 278. The March 7, 2025 letter contained one or more false and/or misleading
19 | statements.

20 | 279. One false and/or misleading statement in the March 7, 2025 letter was
21 | Respondent’s written statement that Respondent’s “license remains in good standing, and I
22 | remain fully capable of representing you.”

23 | 280. On March 10, 2025, Respondent sent a letter to ODC about Respondent’s

1 compliance with Respondent's duties on suspension.

2 281. Respondent's March 10, 2025 letter made it appear as if Respondent had complied
3 with Respondent's duties on suspension under ELC 14.1.

4 282. Respondent's letter to ODC was misleading.

5 283. Respondent had not complied with Respondent's duties under ELC 14.1.

6 284. At all applicable times in paragraphs 232 through 283, Respondent acted
7 knowingly and/or with intent to benefit Respondent.

8 285. Respondent's conduct caused injury to Devai.

9 286. Respondent's conduct caused injury to the lawyer discipline system.

10 287. Respondent's conduct caused potentially serious injury to the public and legal
11 system.

12 **COUNT 20**

13 288. By failing to diligently pursue Devai's protection order, Respondent violated
14 RPC 1.3.

15 **COUNT 21**

16 289. By failing to respond to Devai's reasonable requests for information, Respondent
17 violated RPC 1.4.

18 **COUNT 22**

19 290. By collecting a \$4,354.40 flat fee from Devai then failing to perform any work of
20 value to Devai and/or by failing to refund unearned fees, Respondent violated RPC 1.5(a) and/or
21 RPC 1.16(d).

22 **COUNT 23**

23 291. By lying to Devai about the status of Respondent's law license, and/or by lying to

1 Devai about the circumstances surrounding Respondent's interim suspension, Respondent
2 violated RPC 8.4(c) and/or RPC 8.4(l) (by violating ELC 14.1).

3 **COUNT 24**

4 292. By lying to ODC about the work performed on Devai's case, and/or by providing
5 ODC with a fabricated document, and/or by lying to ODC about the reasons for Respondent's
6 non-responsiveness to ODC's request for a response to the grievance, and/or by providing false
7 and/or misleading information to ODC about Respondent's compliance with ELC 14.1,
8 Respondent violated RPC 8.1(a), RPC 8.4(c), RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC
9 14.1).

10 **COUNT 25**

11 293. By failing to promptly respond to disciplinary counsel's written requests for
12 responses to Devais's grievance, failing to produce all documents in Respondent's possession
13 relating to Respondent's representation of Devai, and/or failing to appear as commanded at the
14 January 6, 2025 deposition of Respondent by ODC, Respondent violated RPC 8.1(b), RPC 8.4(d),
15 RPC 8.4(l) (by violating ELC 1.5, 5.3(f), 5.3(g), and/or 5.5(d)).

16 **FACTS REGARDING COUNTS 26-28 [CORKRUM GRIEVANCE]**

17 **A. Representation of Russell Corkrum**

18 294. On September 19, 2024, Russell Corkrum contacted Respondent's law office
19 about taking over Corkrum's criminal case from Corkrum's lawyer, Robert Sargent.

20 295. On September 23, 2024, Corkrum met with Respondent for the first time.

21 296. Corkrum hired Respondent after Respondent agreed to charge Corkrum \$7,000.

22 297. On September 23, 2024, Corkrum paid Respondent \$5,000.

23 298. On September 24, 2024, Corkrum paid Respondent an additional \$2,000.

1 299. On September 24, 2024, Corkrum provided Respondent with Corkrum's case file.

2 300. Respondent did not have Corkrum sign a fee agreement.

3 301. Respondent told Corkrum the reason for not signing a fee agreement was because
4 Sargent needed to sign a substitution of counsel and the court would need to allow the substitution
5 before Respondent could take any action on Corkrum's case.

6 302. Respondent never substituted in on Corkrum's case.

7 303. Almost immediately after Corkrum paid Respondent \$7,000, Sargent told
8 Corkrum that the prosecuting attorney was offering a settlement in Corkrum's case and the return
9 of most of Corkrum's assets and property.

10 304. On September 25, 2024, Corkrum went to court with Sargent and resolved
11 Corkrum's case.

12 305. On September 25, 2024, after court, Corkrum informed Respondent's office that
13 Corkrum's case was resolved and requested a refund.

14 306. Respondent did not contact Corkrum or provide a refund.

15 307. After September 25, 2024, Corkrum called Respondent's office one or more times
16 requesting a refund.

17 308. Respondent never responded to Corkrum's phone calls.

18 309. On November 5, 2024, Corkrum sent Respondent an email outlining Corkrum's
19 attempts to discuss obtaining a refund.

20 310. Respondent did not respond to Corkrum's email.

21 311. On November 8, 2024, Corkrum filed a small claims notice of claims in Russell
22 Corkrum v. Joseph Kuhlman, Spokane County District Court Small Claims Division Case No.
23 24008369.

1 312. On December 11, 2024, Judge Andrew Biviano entered a default judgment against
2 Respondent in the amount of \$7,044.68.

3 313. As of today's date, Respondent has not paid the judgment.

4 **B. Failure to Cooperate with Grievance Investigation**

5 314. On November 7, 2024, Corkrum filed a grievance against Respondent.

6 315. On January 8, 2025, ODC emailed Respondent a copy of the grievance and a letter
7 requesting that Respondent provide a written response to the grievance within 30 days.

8 316. Respondent did not provide a written response.

9 317. On February 12, 2025, ODC emailed Respondent a letter requesting that
10 Respondent provide a written response to the grievance within ten days and advising Respondent
11 that failure to respond is, in itself, grounds for discipline.

12 318. Respondent did not provide a written response.

13 319. On March 20, 2025, Respondent was served with a subpoena signed March 17,
14 2025, commanding Respondent to appear via Zoom and testify at a deposition on April 3, 2025.

15 320. The subpoena also required that Respondent produce all documents in
16 Respondent's possession relating to Respondent's representation of Corkrum.

17 321. On April 3, 2025, Respondent appeared at the deposition but invoked
18 Respondent's Fifth Amendment rights and did not answer questions about this grievance.

19 322. Respondent has also not produced responsive records as commanded by the March
20 17, 2025 subpoena.

21 323. At all applicable times in paragraphs 294 to 322, Respondent acted knowingly
22 and/or with intent to benefit Respondent.

23 324. Respondent kept the \$7,000 fee that Respondent did not earn to benefit

1 Respondent.

2 325. Respondent's conduct caused serious injury to Corkrum.

3 326. Respondent's conduct caused injury to the public and the lawyer discipline system.

4 **COUNT 26**

5 327. By failing to respond to Corkrum's reasonable requests for information,
6 Respondent violated RPC 1.4(a) and/or RPC 1.4(b).

7 **COUNT 27**

8 328. By collecting \$7,000 and then failing to perform any work of value to Corkrum on
9 Corkrum's matter and/or by failing to refund unearned fees, Respondent violated RPC 1.5(a)
10 and/or RPC 1.16(d).

11 **COUNT 28**

12 329. By failing to promptly respond to disciplinary counsel's written requests for a
13 response to Corkrum's grievance and/or by failing to produce all documents in Respondent's
14 possession relating to Respondent's representation of Corkrum, Respondent violated RPC 8.1(b),
15 RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC 1.5, 5.3(f), 5.3(g), and/or 5.5(d)).

16 **FACTS REGARDING COUNTS 29-31 [BOLING GRIEVANCE]**

17 **A. Representation of Livia Boling**

18 330. Livia Boling hired Respondent to assist Boling with obtaining a restraining order.

19 331. Boling paid Respondent \$2,000.

20 332. Respondent promised to draft Boling's paperwork within a week.

21 333. Respondent never completed Boling's paperwork.

22 334. Boling requested a refund.

23 335. Respondent agreed to refund Boling's money.

1 336. Respondent never refunded any fees to Boling.

2 **B. Failure to Cooperate with Grievance Investigation**

3 337. On December 17, 2024, Boling filed this grievance.

4 338. On January 8, 2025, ODC emailed Respondent a copy of the grievance and a letter
5 requesting that Respondent provide a written response to the grievance within 30 days.

6 339. Respondent did not provide a written response.

7 340. On February 12, 2025, ODC emailed Respondent a letter requesting that
8 Respondent respond to the grievance within ten days and advising Respondent that failure to
9 respond is, in itself, grounds for discipline.

10 341. Respondent did not respond.

11 342. On March 20, 2025, Respondent was served with a subpoena signed March 17,
12 2025, commanding Respondent to appear over Zoom and testify at a deposition on April 3, 2025.

13 343. The subpoena also required that Respondent produce all documents in
14 Respondent's possession relating to Respondent's representation of Boling.

15 344. On April 3, 2025, Respondent appeared at the deposition but invoked
16 Respondent's Fifth Amendment rights and did not answer questions about this grievance.

17 345. Respondent has not produced responsive records as commanded by the March 17,
18 2025 subpoena.

19 346. At all applicable times in paragraphs 330 to 345, Respondent acted knowingly.

20 347. Respondent's conduct caused injury to Boling.

21 348. Respondent's conduct caused injury to the public and the legal system.

22 **COUNT 29**

23 349. By failing to diligently pursue Boling's restraining order, Respondent violated

1 RPC 1.3.

2 **COUNT 30**

3 350. By collecting \$2,000 in fees and then failing to perform any work of value to
4 Boling on Boling's matter and/or failing to refund unearned fees, Respondent violated RPC 1.5(a)
5 and/or RPC 1.16(d).

6 **COUNT 31**

7 351. By failing to respond to disciplinary counsel's written requests for a response to
8 Boling's grievance and/or by failing to produce all documents in Respondent's possession relating
9 to Respondent's representation of Boling, Respondent violated RPC 8.1(b), RPC 8.4(d), and/or
10 RPC 8.4(l) (by violating ELC 1.5, 5.3(f), 5.3(g), and/or 5.5(d)).

11 **FACTS REGARDING COUNTS 32-36 [HASKELL GRIEVANCE]**

12 **A. Practicing While Law License Was Suspended**

13 352. On January 10, 2025, ODC petitioned the Washington Supreme Court under ELC
14 7.2(a)(3) for Respondent's interim suspension due to Respondent's failure to cooperate with
15 ODC's investigation of three grievances.

16 353. On January 24, 2025, Respondent was personally served with ODC's petition for
17 interim suspension and a copy of the Court's order to show cause.

18 354. Respondent did not respond to the Court's order to show cause.

19 355. On February 26, 2025, the Court granted ODC's petition and suspended
20 Respondent from the practice of law, effective immediately.

21 356. On February 26, 2025, at 8:17 a.m., the Washington Supreme Court Senior Case
22 Manager emailed Respondent a copy of the Court's order suspending Respondent effective
23 immediately.

1 357. On February 26, 2025, at approximately 9:00 a.m., Respondent appeared before
2 Spokane County District Court Judge Richard Leland on behalf of client R.S.

3 358. Immediately prior to the hearing, Respondent, the deputy prosecuting attorney,
4 and Judge Leland discussed Respondent's suspended law license status.

5 359. Due to Respondent's suspended law license law, the district court *sua sponte*
6 continued R.S.'s case.

7 360. Around 10:00 a.m. on February 26, 2025, Respondent called lawyer Morgan
8 Maxey and asked Maxey to cover a continuance for Respondent's client J.H. in Spokane County
9 District Court.

10 361. Respondent did not tell Maxey that Respondent's law license was suspended.

11 362. When Maxey arrived at court, the prosecutor and judge told Maxey that
12 Respondent's law license was suspended.

13 363. Late in the afternoon on February 26, 2025, Respondent told lawyer Adam Papini
14 that Respondent needed coverage for Respondent's client T.S. in Spokane Municipal Court on
15 February 27, 2025, due to either a family matter or medical emergency.

16 364. Respondent did not tell Papini that Respondent's law license was suspended.

17 365. During the hearing, the prosecutor told Papini that Respondent's law license was
18 suspended.

19 366. On the evening of February 27, 2025, Respondent asked Papini to cover another
20 hearing for Respondent's client, A.S., in Spokane County Superior Court scheduled for February
21 28, 2025.

22 367. During this call, Papini asked Respondent about the status of Respondent's law
23 license.

1 368. Respondent told Papini that it was an administrative issue that would be cleared
2 up.

3 369. Papini covered the matter for Respondent as requested.

4 370. On February 28, 2025, ODC emailed Respondent a copy of the Court's suspension
5 order, a copy of Title 14 of the ELC (Duties on Suspension or Disbarment), and a letter outlining
6 some of the duties and consequences of the suspension.

7 371. ODC's letter specifically advised Respondent that, "You are prohibited from any
8 further practice of law whatsoever."

9 372. Respondent continued practicing law.

10 373. Respondent directly and indirectly arranged to have other lawyers cover or
11 continue Respondent's scheduled hearings.

12 374. On March 3, 2025, Respondent's legal assistant Jaedyn Harwell sent Deputy
13 Prosecuting Attorney (DPA) Jacquelyn Nader an email about Respondent's client D.G.,
14 requesting that Nader agree to continue D.G.'s hearing set for March 6, 2025.

15 375. On March 5, 2025, Harwell sent Nader another email following up on the request.

16 376. Respondent was copied on the email.

17 377. On March 4, 2025, Respondent texted Respondent's friend, lawyer Ryan Best, that
18 Respondent had been "temporarily suspended for a bar complaint that I've missed to respond."

19 378. Best responded, "What do you need to get the state bar to get you [sic] license
20 reinstated?"

21 379. Respondent texted back, "Oh, I just had to respond and I turned those in. I should
22 be getting that back [sic] that suspension lifted any minute now."

23 380. One or more of Respondent's statements to Best were false and/or misleading.

1 381. At that time, on March 4, 2025, Respondent had not submitted substantive
2 responses or any of the requested records associated with the three grievances that formed the
3 basis for Respondent's interim suspension.

4 382. As of today's date, Respondent has still not cured the basis for Respondent's
5 interim suspension.

6 383. On March 5, 2025, Harwell sent DPA Amanda Fry an email on Respondent's
7 behalf to request a continuance for Respondent's client T.P.

8 384. Harwell copied Respondent on the email to DPA Amanda Fry.

9 385. On March 5, 2025, Harwell sent DPA Mun Singh an email on Respondent's behalf
10 to request a continuance for Respondent's client M.L.

11 386. Harwell copied Respondent on the email to DPA Mun Singh.

12 387. On March 5, 2025, Singh replied that Singh would not sign any off-docket
13 continuances for Respondent that were contrary to the Court's suspension order.

14 388. On March 7, 2025, Harwell emailed Best's legal assistant requesting that Best
15 cover more than one hearing for Respondent scheduled for different days in March 2025.

16 389. Respondent and Best were both copied on the email.

17 390. Between March 10, 2025, and March 25, 2025, Best appeared in court, standing
18 in for Respondent, on more than one occasion and for more than one of Respondent's clients.

19 **B. Failure to Cooperate with Grievance Investigation**

20 391. On March 11, 2025, Haskell filed a grievance. On March 16, 2025, ODC emailed
21 Respondent a copy of the grievance and a letter requesting that Respondent provide a written
22 response to the grievance within 30 days.

23 392. Respondent did not provide a written response.

1 393. On April 22, 2025, ODC emailed Respondent a letter directing that Respondent
2 provide a written response to the grievance within ten days and advising Respondent that failure
3 to respond is, in itself, grounds for discipline.

4 394. As of today's date, Respondent has not provided a written response.

5 **C. Attempt to Take Possession of Client's Firearms Contrary to Client's Wishes**

6 395. During the course of investigating Haskell's grievance, ODC learned of additional
7 misconduct related to Respondent's representation of client N.J.

8 396. On December 15, 2022, N.J. was charged with one count of second-degree assault,
9 domestic violence.

10 397. On December 19, 2022, N.J. surrendered firearms as required by a court order.

11 398. N.J. hired Respondent to represent N.J.

12 399. On December 27, 2022, Respondent filed a notice of appearance.

13 400. On January 27, 2025, N.J. pleaded guilty to fourth degree assault, domestic
14 violence.

15 401. As a result of the conviction, N.J. became ineligible to possess firearms until N.J.'s
16 rights are restored.

17 402. On January 29, 2025, Respondent noted a motion requesting release of the firearms
18 to Respondent's law office.

19 403. On January 31, 2025, N.J. sent Respondent an email asking Respondent to strike
20 the motion and expressing N.J.'s desire for the Spokane Police Department to keep N.J.'s firearms
21 and/or destroy them.

22 404. On February 6, 2025, contrary to N.J.'s directive, Respondent appeared before
23 Spokane County Superior Court Judge Tony Hazel and argued that N.J.'s firearm should be

1 released to Respondent.

2 405. Respondent told the court that Respondent should be allowed to take possession
3 of the firearms and hold them in Respondent's law firm safe.

4 406. Respondent told the court, "if the property is given to us, we will have a trust
5 created and it will be held in perpetuity for my client."

6 407. On February 7, 2025, the court entered an Order to Release firearms, releasing the
7 firearms to Respondent's law office, "to be held in trust...until such time that the client's rights
8 to possess a firearm are restored."

9 408. The order further stated there was "no legal impediment known to the court to
10 Respondent's law office taking possession of the firearms."

11 409. Respondent did not tell the court that Respondent had been arrested for possession
12 of a controlled substance within the last year.

13 410. Respondent's drug charge was a legal impediment for Respondent to take
14 possession of a firearm.

15 411. Respondent did not tell N.J. that the court ordered N.J.'s firearms to be released to
16 Respondent.

17 412. On February 10, 2025, the Spokane Police property room requested the
18 Washington State Patrol (WSP) run a background check to determine any impediments to
19 Respondent taking the guns.

20 413. The check revealed that Respondent had a one-year prohibition that prevented
21 Respondent from taking possession of the firearms until after March 16, 2025.

22 414. An appointment was scheduled for Respondent to pick up the guns from the
23 Spokane Police on April 11, 2025.

1 415. On April 9, 2025, DPA Stephanie Richards learned about Respondent's
2 appointment to collect the firearms from the property room.

3 416. Richards instructed the property room not to release the firearms to Respondent
4 because Respondent's suspension prohibited Respondent from holding property in trust for a
5 client.

6 417. Also on April 9, 2025, Richards called N.J. to inform N.J. that the state was filing
7 a motion to stay release of the property.

8 418. N.J. told Richards that N.J. intended to relinquish possession of the firearms,
9 negating the need for Respondent to collect them from the property room. N.J. also provided
10 Richards with the email N.J. sent to Respondent on January 31, 2025.

11 419. On April 10, 2025, Richards filed a motion to strike the Order to Release firearms
12 and to enter an Order to Forfeit the firearms.

13 420. On April 17, 2025, the court struck the Order to Release.

14 421. The firearms were not released to Respondent's law office.

15 422. At all applicable times in paragraphs 352 to 414, Respondent acted knowingly
16 and/or with intent to benefit Respondent.

17 423. Respondent's conduct caused potential injury to Respondent's clients R.S., J.H.,
18 T.S., A.S., D.G., T.P., M.L., T.N., D.E., and/or K.R.

19 424. Respondent's conduct caused injury to Respondent's client N.J.

20 425. Respondent's conduct caused a significant adverse effect on a legal proceeding.

21 426. Respondent's conduct caused injury to the public and the legal system.

22 **COUNT 32**

23 427. By proceeding with the motion to release firearms after N.J. communicated that

1 N.J. did not want Respondent to proceed with the motion and that N.J. wanted the court and
2 authorities to keep and/or destroy the firearms, and/or by arguing or implying to the court that
3 Respondent was acting with N.J.'s authority, Respondent violated RPC 1.2(a), RPC 1.2(f),
4 RPC 8.4(c), and/or RPC 8.4(d).

5 **COUNT 33**

6 428. By failing to inform N.J. that Respondent proceeded with the February 6, 2025
7 hearing and/or about the outcome of the February 6, 2025 hearing, Respondent violated
8 RPC 1.4(a).

9 **COUNT 34**

10 429. By engaging Harwell to communicate with prosecutors on Respondent's behalf,
11 and/or by attempting to obtain deputy prosecuting attorneys' agreement to continuances, and/or
12 by requesting other lawyers cover Respondent's cases, and/or by having other lawyers stand in
13 for Respondent while Respondent's law license was suspended, Respondent violated RPC 5.5(a),
14 RPC 5.8(a), RPC 8.4(a), and/or RPC 8.4(l) (by violating ELC 14.2).

15 **COUNT 35**

16 430. By not informing Maxey and/or Papini about the true cause and status of
17 Respondent's law license suspension, and/or by lying to Best about submitting responses to ODC,
18 and/or by withholding material information from the court about N.J. wanting to forfeit the
19 weapons to obtain an order allowing Respondent's law firm to take possession of N.J.'s firearms,
20 Respondent violated RPC 8.4(c) and RPC 8.4(d).

21 **COUNT 36**

22 431. By failing to promptly respond to disciplinary counsel's written requests for a
23 response to Haskell's grievance, Respondent violated RPC 8.1(b), RPC 8.4(d), and/or RPC 8.4(l)

1 (by violating ELC 1.5 and 5.3(f)).

2 **FACTS REGARDING COUNTS 37-40 [GIBBS GRIEVANCE]**

3 432. On January 10, 2025, ODC petitioned the Washington Supreme Court under ELC
4 7.2(a)(3) for Respondent's interim suspension due to Respondent's failure to cooperate with
5 ODC's investigation of three separate grievances.

6 433. On January 24, 2025, Respondent was personally served with ODC's petition for
7 interim suspension and a copy of the Court's order to show cause.

8 434. On January 28, 2025, a warrant was issued for the arrest of Glen Burkey for the
9 charges of second-degree murder (RCW 9A.32.050), second degree assault (RCW 9A.36.021),
10 and drive-by shooting (RCW 9A.36.045).

11 435. Burkey's bail was set at \$3,000,000.

12 436. On January 29, 2025, Burkey was arrested in Missoula, Montana and extradited to
13 Spokane, Washington.

14 437. On January 31, 2025, Becky Gibbs, Glen Burkey's parent, hired Respondent to
15 represent Burkey.

16 438. Gibbs also hired Respondent to represent Gibbs on a "(Possible) Rendering
17 Criminal Assistance" charge.

18 439. Respondent agreed to represent Burkey for a flat fee of \$100,000 for Burkey's
19 charges and \$0.00 for Gibbs's possible charge.

20 440. On February 6, 2025, Gibbs paid Respondent \$10,000 and agreed to make
21 additional \$10,000 payments on the first of each consecutive month until the fee for Burkey was
22 paid in full.

23 441. On February 3, 2025, Respondent filed a notice of appearance and appeared at

1 Burkey's preliminary appearance in Spokane County District Court.

2 442. The court found probable cause to believe Burkey committed second degree
3 murder, second degree assault, and drive-by shooting and set bail at \$2,000,000.

4 443. On February 26, 2025, the Court granted ODC's petition for interim suspension
5 and suspended Respondent from the practice of law, effective immediately.

6 444. At 8:17 a.m., February 26, 2025, Washington State Supreme Court Senior Case
7 Manager emailed Respondent a copy of the Court's order suspending Respondent effective
8 immediately.

9 445. On February 28, 2025, ODC emailed Respondent a copy of the Court's order, a
10 copy of Title 14 (Duties on Suspension or Disbarment) of the Rules for Enforcement of Lawyer
11 Conduct (ELC), and a letter outlining some of the duties and consequences of the suspension.

12 446. ODC's letter specifically advised Respondent that: (1) Respondent must notify all
13 clients of Respondent's suspension and inability to further represent Respondent's clients; (2)
14 Respondent is prohibited from any further practice of law whatsoever; and (3) Respondent must
15 cease to hold Respondent out as an "attorney at law" or lawyer in any manner whatsoever until
16 reinstated. In addition, the letter stated that, "This would preclude use of any letterhead, business
17 card, checks or other documents identifying you as an "attorney at law" while you are in fact
18 under suspension."

19 447. On March 4, 2025, the state filed a five-count information in Spokane County
20 Superior Court charging Burkey with first-degree murder, second-degree murder, drive-by
21 shooting, assault in the second degree, and first-degree unlawful possession of a firearm.

22 448. By this time, Respondent was aware that Respondent's license to practice law was
23 suspended.

1 449. Respondent did not clearly and/or accurately communicate Respondent's
2 suspended law license status to Burkey and/or Gibbs.

3 450. Also on March 4, 2025, Respondent accepted another \$5,000 from Gibbs towards
4 the \$100,000 flat fee.

5 451. Respondent never told Gibbs or Burkey that they should hire a different lawyer.

6 452. Respondent never told Gibbs or Burkey that Respondent was not able to represent
7 them.

8 453. Respondent told Gibbs not to worry about Respondent's interim suspension.

9 454. On March 5, 2025, the morning of Burkey's first appearance in Spokane Superior
10 Court, Respondent participated in a non-private recorded jail phone call with Burkey and Gibbs.

11 455. Before the call, Respondent was aware that Burkey and Gibbs had concerns about
12 the status of Respondent's law license and Respondent's ability to continue representing them.

13 456. Respondent began the call by telling Burkey, "I want you to know that everything
14 is golden."

15 457. During the March 5, 2025 call, Burkey and Respondent discussed the status of
16 Burkey's criminal charges and Respondent gave Burkey instructions about what to do at Burkey's
17 first appearance.

18 458. In general, at a criminal defendant's first appearance, a defendant can argue release
19 conditions or "reserve" the argument on conditions.

20 459. Respondent instructed Burkey to "just reserve on everything."

21 460. Burkey expressed concern that Respondent would not be present with Burkey in
22 court.

23 461. Respondent told Burkey that Respondent could not attend the court hearing

1 because Respondent was “finishing up a matter on the westside” in Seattle.

2 462. Respondent then told Burkey again to “reserve” and “let me do my work.”

3 463. Before ending the call, Respondent reassured Burkey and Gibbs not to worry and
4 stated that Respondent was not going anywhere, and that Respondent would not have hung around
5 if Respondent had any concerns.

6 464. Respondent told Burkey and Gibbs that, “the whole thing is designed to create
7 division, right, and worry. They’d rather anyone else be there but us.”

8 465. During the March 5, 2025 phone call, Respondent did not tell Gibbs or Burkey
9 that Respondent was not able to represent them or that they should seek new counsel.

10 466. During the March 5, 2025 phone call, Respondent made one or more misleading
11 and/or false statements to Gibbs and/or Burkey.

12 467. During Burkey’s first appearance on March 5, 2025, the court, being aware that
13 Respondent was suspended and could not represent Burkey, appointed a public defender to
14 represent Burkey.

15 468. On March 7, 2025, Respondent emailed Gibbs and other clients a letter regarding
16 Respondent’s interim suspension.

17 469. Respondent’s March 7, 2025 letter identified Respondent as an “Attorney at Law.”

18 470. Respondent’s letter contained one or more false and/or misleading statements.

19 471. One false and/or misleading statement was Respondent’s statement that “My
20 license remains in good standing, and I remain fully capable of representing you.”

21 472. On March 9, 2025, Respondent received an email from Gibbs stating, “be straight
22 with me are you going to be able to help us,” and that if Respondent “took my \$15,000 knowing
23 that you were going to be suspended and not able to represent my son that makes me very angry

1 and I feel like you need to give me my money back.”

2 473. Respondent did not respond to Gibbs’s email.

3 474. On March 14, 2025, Respondent received an email from Gibbs demanding that
4 Respondent return the \$15,000 Gibbs had paid.

5 475. Respondent did not respond to the email.

6 476. On March 19, 2025, and March 26, 2025, Respondent sent Gibbs a bill for
7 \$85,000.

8 477. On March 21, 2025, Gibbs filed a grievance against Respondent.

9 478. On March 24, 2025, ODC sent Respondent a request for a response to the
10 grievance.

11 479. Respondent did not provide a response to the grievance.

12 480. Respondent did not perform \$15,000 worth of work for Burkey and/or Gibbs.

13 481. As of today’s date, Respondent has not refunded any money to Burkey and/or
14 Gibbs.

15 482. At all applicable times in paragraphs 432 to 481, Respondent acted knowingly
16 and/or with intent to benefit Respondent.

17 483. Respondent’s conduct caused potential injury and/or actual injury to Gibbs and/or
18 Burkey.

19 484. Respondent’s conduct caused potentially serious injury to Gibbs, Burkey, and/or
20 the legal system.

21 **COUNT 37**

22 485. By collecting \$15,000 and performing very little work, and/or by failing to refund
23 unearned fees, and/or by collecting funds and/or attempting to collect funds from Gibbs while

1 Respondent's law license was suspended, Respondent violated RPC 1.5(a) and/or RPC 1.16(d).

2 **COUNT 38**

3 486. By discussing Burkey's lawyer-client privileged information with Burkey in front
4 of a third party, and/or by discussing Burkey's lawyer-client privileged information in a recorded
5 jail phone call with Burkey and Gibbs, and/or by discussing Burkey's lawyer-client privileged
6 information in a manner that renders it non-privileged, Respondent violated RPC 1.6(c).

7 **COUNT 39**


8 487. By providing legal advice to Burkey while Respondent's license was suspended
9 and/or by failing to take necessary steps so that Burkey and/or Gibbs understood not to rely on
10 Respondent as a lawyer authorized to practice law, Respondent violated RPC 5.5(a), RPC 5.8(a)
11 and/or RPC 8.4(l) (by violating ELC 14.2).

12 **COUNT 40**

13 488. By providing false and/or misleading information to Gibbs and/or Burkey about
14 the status of Respondent's license and/or about the reason why Respondent could not attend court
15 on March 5, 2025, and/or about Respondent's ability to represent Burkey and/or Gibbs, and/or
16 about the circumstances of Respondent's suspension, and/or by failing to advise Burkey and/or
17 Gibbs they should seek legal advice elsewhere, Respondent violated RPC 1.4(a) and/or 1.4(b),
18 RPC 8.4(c), RPC 8.4(d), and/or RPC 8.4(l) (by violating ELC 14.1 and/or ELC 14.2).

19
20 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
21 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
22 restitution, and assessment of the costs and expenses of these proceedings.
23

1 Dated this 9th day of June, 2025.

2
3 

4 Kathy Jo Blake, Bar No. 29235
5 Managing Disciplinary Counsel

6
7 

8 Nate Blanchard, Bar No. 58620
9 Disciplinary Counsel