

FILED

Jun 22, 2026

Disciplinary
Board

Docket # 015

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

BENJAMIN WYBORNEY,

Lawyer (Bar No. 50070).

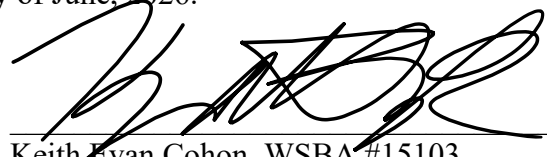
Proceeding No. 25#00068

DISCIPLINARY BOARD ORDER
DECLINING *SUA SPONTE* REVIEW AND
ADOPTING HEARING OFFICER'S
DECISION

This matter came before the Disciplinary Board for consideration of *sua sponte* review pursuant to ELC 11.3(a). On June 9, 2026, the Clerk distributed the attached decision to the Board.

IT IS HEREBY ORDERED THAT the Board declines *sua sponte* review and adopts the Hearing Officer's decision¹.

Dated this 21st day of June, 2026.

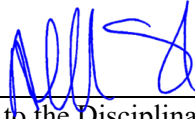


Keith Evan Cohon, WSBA #15103
Disciplinary Board Chair

¹ The vote on this matter was 11:0. Those voting were: Cohon, Throgmorton, Carell, Doll, Kapri, Meyer, Miller, Munroe, Sheedy, Subramaniam, Washko. Ashby, Endter, and Zeidel did not participate.

CERTIFICATE OF SERVICE

I certify that I caused a copy of the DB Order Declining Sua Sponte Review and Adopting HO's Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent, Benjamin Lloyd Wyborney, at blw@cmmlawfirm.net, on the 22nd day of June, 2026.

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

Clerk to the Disciplinary Board

FILED

Apr 21, 2026

Disciplinary
Board

Docket # 014

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

BENJAMIN LLOYD WYBORNEY,

Lawyer (Bar No. 50070).

Proceeding No. 25#00068

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

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. 2) charged Benjamin Lloyd Wyborney 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 failing to respond to the FAA's discovery requests and by failing to respond to the

1 FAA's motion to deem the requests for admissions admitted and by failing to respond to the
2 motion to compel, Respondent violated RPC 1.3, RPC 3.2, and RPC 3.4(d).

3 **COUNT 2**

4 By failing to keep Lohman reasonably informed about the status of Lohman's matter and
5 by failing to respond to Lohman's reasonable requests for information, Respondent violated RPC
6 1.4(a) and (b).

7 **COUNT 3**

8 By failing to provide a written response to Lohman's grievance and by failing to
9 promptly provide requested documents to ODC, Respondent violated RPC 8.4(l) (by violating
10 ELC 5.3(f))

11 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**
12 **REGARDING RECOMMENDED SANCTION**

13 4. Respondent acted knowingly in Counts 1-3.

14 5. Respondent caused actual injury to Lohman in the form of the dismissal of Lohman's
15 appeal.

16 6. Respondent caused actual injury to Lohman who was unaware of the status of
17 Lohman's case.

18 7. Respondent caused ODC actual injury by forcing ODC to expend additional
19 resources to obtain information and documents that Respondent was required to provide upon
20 request.

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

24 ***4.4 Lack of Diligence***

4.4.1 Disbarment is generally appropriate when:

(a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or

(b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or

(c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

4.42 Suspension is generally appropriate when:

(a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or

(b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

4.43 Reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.

4.44 Admonition is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes little or no actual or potential injury to a client.

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.

9. The presumptive sanction for Counts 1-3 is suspension.

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

(d) multiple offenses.

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

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

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

RECOMMENDATION

13. Based on the ABA Standards and the applicable aggravating and mitigating factors, the Hearing Officer recommends that Respondent Benjamin Lloyd Wyborney be suspended for six months and pay \$2,500 in restitution.

RECOMMENDED TERMS FOR REINSTATEMENT FROM SUSPENSION

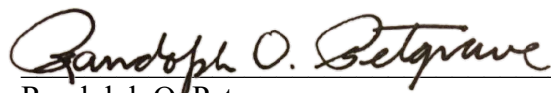
14. As a condition of reinstatement, Respondent must complete the conditions set forth in Appendix A, ¶¶ 3(a) and 3(b).

15. Reinstatement from suspension is also conditioned on Respondent's payment of costs and restitution.

RECOMMENDED PROBATION TERMS

16. Probation for two years with the conditions set forth in Appendix A.

DATED this ~~24th day of March, 2026~~ 21st day of April, 2026.



Randolph O. Petgrave,
Chief Hearing Officer

APPENDIX A: PROBATION AND REINSTATEMENT TERMS

1. Respondent shall be subject to probation for a period of 24 months beginning on the date Respondent is reinstated to the practice of law.

2. The conditions of probation are set forth below. Respondent's compliance with these conditions shall be monitored by the Probation Administrator of the Office of Disciplinary Counsel ("Probation Administrator"). Failure to comply with any condition of probation listed herein may be grounds for further disciplinary action under ELC 13.8(b).

3. Mental Health

a) Prior to reinstatement, Respondent shall provide the Probation Administrator with the name and contact information of a proposed mental-health evaluator. The proposed evaluator must be a licensed physician or psychologist. The Probation Administrator will either approve or reject the proposed evaluator and will notify Respondent of that decision in writing. If the evaluator is not approved, Respondent shall provide the Probation Administrator with the name and contact information of another proposed evaluator within three weeks of the date of the Probation Administrator's letter.

b) Prior to reinstatement and within 60 days of the date of the Probation Administrator's written approval of an evaluator, Respondent shall undergo a mental-health evaluation.

c) Respondent shall execute an authorization allowing the evaluator to release information regarding the evaluation to the Probation Administrator, to include a written report of the evaluator's findings, diagnosis, and recommended treatment plan, if any. Respondent shall provide the Probation Administrator with a copy of the authorization.

d) If the mental-health evaluator recommends treatment, Respondent shall undergo treatment with the evaluator or with another treatment provider approved by the Probation Administrator. Respondent will not be required to undergo mental-health treatment if not recommended by a mental-health evaluator approved by the Probation Administrator.

e) Respondent shall comply with all requirements and recommendations of the treatment provider, including but not limited to the completion of any period of in- or out-patient treatment and aftercare and the taking of all prescribed medications.

f) Respondent shall execute an authorization[s] allowing and directing the treatment provider to take the following actions:

i) on a quarterly basis, send written reports to the Probation Administrator that include the dates of treatment, whether Respondent has been cooperative with treatment, and whether continued treatment is recommended;

ii) report immediately to the Probation Administrator if Respondent fails to appear for treatment or stops treatment without the provider's agreement and consent prior to either termination of the treatment plan or expiration of the probation period set forth in this order;

iii) report immediately to the Probation Administrator if Respondent fails to comply with any treatment recommendations of the treatment provider;

iv) report immediately to the Probation Administrator if Respondent otherwise violates any of the terms or conditions of treatment;

v) report immediately to the Probation Administrator if the provider will no longer serve as treatment provider to Respondent prior to termination of the treatment plan or expiration of the probation period set forth in this order; and

vi) report to the Probation Administrator if Respondent successfully completes treatment and is discharged from further treatment. Respondent shall provide a copy of the authorization to the Probation Administrator upon execution.

g) Respondent is responsible for paying any and all fees, costs, and/or expenses of mental health evaluation and treatment.

4. Practice Monitor

- a) During the period of probation, Respondent's practice will be supervised by a practice monitor. The practice monitor must be a WSBA member with no record of public discipline and who is not the subject of a pending public disciplinary proceeding.
- b) The role of the practice monitor is to consult with and provide guidance to Respondent regarding case management, office management, and avoiding violations of the Rules of Professional Conduct, and to provide reports and information to the Probation Administrator regarding Respondent's compliance with the terms of probation and the RPC. The practice monitor does not represent the Respondent.
- c) At the beginning of the probation period, the Probation Administrator will select a lawyer to serve as practice monitor for the period of Respondent's probation.
 - i. Initial Challenge: If, within 15 days of the written notice of the selection of a practice monitor, Respondent sends a written request to the Probation Administrator that another practice monitor be selected, the Probation Administrator will select another practice monitor. Respondent need not identify any basis for this initial request.

1 ii) Subsequent Challenges: If, after selection of a second (or subsequent)
2 practice monitor, Respondent believes there is good cause why that
3 individual should not serve as practice monitor, Respondent may, within 15
4 days of notice of the selected practice monitor, send a written request to the
5 Probation Administrator asking that another practice monitor be selected.
6 That request must articulate good cause to support the request. If the
7 Probation Administrator agrees, another practice monitor will be selected. If
8 the Probation Administrator disagrees, the Office of Disciplinary Counsel
9 will submit its proposed selection for practice monitor to the Chair of the
10 Disciplinary Board for appointment pursuant to ELC 13.8(a)(2), and will also
11 provide the Chair with the Respondent's written request that another practice
12 monitor be selected.

13 d) In the event the practice monitor is no longer able to perform the practice monitor's
14 duties, the Probation Administrator will select a new practice monitor at the
15 Probation Administrator's discretion.

16 e) During the period of probation, Respondent must cooperate with the named practice
17 monitor. Respondent must meet with the practice monitor at least once per month.

18 5. Ethics School

19 a) Respondent shall attend Ethics School by webinar (approximately 7.5 hours), or by
20 obtaining the recorded product, and to pay registration costs of \$150 plus applicable sales
21 tax. Respondent will receive all applicable approved CLE credits for time in attendance
22 at the Ethics School.

23 b) Attendance at Ethics School is in addition to and shall not fulfill any continuing legal
24 education (CLE) requirements set out in this order.

25 c) Respondent shall contact the Probation Administrator, odcprobation@wsba.org, within
26 60 days to confirm enrollment in Ethics School and related logistics

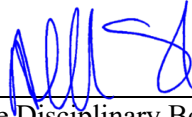
27 d) Respondent shall complete the ethics school requirement within 6 months of
28 reinstatement.

29 e) Respondent shall provide evidence of completion of ethics school to the Probation
30 Administrator no later than 30 days after the conclusion of the course. Proof of attendance
31 shall include the program brochure, evidence of payment, and a written statement that
32 includes the date and time of attendance.

33 f) The Ethics School administrator may respond to inquiries from the Probation
34 Administrator regarding Respondent's compliance with these conditions.

CERTIFICATE OF SERVICE

I certify that I caused a copy of the FOF, COL and HO's Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent, Benjamin Lloyd Wyborne, at blw@cmmlawfirm.net, on the 21st day of April, 2026.

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

Clerk to the Disciplinary Board