

RECEIVED

SEP 27 2017

Washington State
Supreme Court

W

WSSC CASE NO. 94632 - 9

WASHINGTON STATE SUPREME COURT

RALPH HOWARD BLAKELY,
Petitioner,

vs.

MICHAEL CHARLES KAHRIS, et.al.,
Respondents.

PETITIONER'S REPLY TO

RESPONDENT'S ANSWER TO

PETITION FOR REVIEW

PURSUANT TO RAP 13.4 (d)

September 27, 2017

Ralph Howard Blakely, 817995

	<u>TABLE OC CONTENTS</u>	page
TABLE OF AUTHORITIES		1
I. IDENTITY AND BASIS FOR REPLY		2
III. CONCLUSION AND RELIEF SOUGHT		3
II. ARGUMENT WHY REVIEW SHOULD BE GRANTED.		3

	<u>TABLE OF AUTHORITIES</u>	
RCW 4.08.060		1,2,3
RAP 13.4.(b)(d)		2,3
CR 60 (b) (4) (5)		3
Disputed Genuine Issue of Material Fact		2,3
General Attorney-Client relationship agreement(unlimited)		2
Incapacitated person		1,2,3
Constitutional right to DUE PROCESS		1,2,3

In Matter Disciplinary proceedings against (IMDPA) Jones, 182 Wn. 2d.360,366,33 P.3d 395(2014)	3
In re Guardianship of Mc.Gill, 33 Wn. App.265,654 P.2d 705 (1982)	3
Flaherty v. Flaherty, 50 Wn. 2d 393 (1957)	3
Gonzalez v. Crosby, 543 U.S.1036,125 S.Ct.961,160L.Ed.2d896	3
Johnson v. Avery, 393 U.S.483, 487	3

I. IDENTITY AND BASIS FOR REPLY

Petitioner Ralph Howard Blakely, age 81, blind left eye, illegally imprisoned as a result of prosecutorial misconduct. Lawyer Michael C. Kahrs, January 9, and again May 6, 2009, had the Petitioner sign two 'general attorney-client relationship agreements'. The attorney-client agreements of "NO restriction, NO limited purposes of assisting Blakely" Exhibit No. This attorney-client agreements were concealed for (5) years along with a fabricated fee billing statement. Exhibit No.

Deception becomes clear, when Defendant Kahrs intentionally commits legal malpractice by ignoring the 'mandates of RCW 4.08.060' requiring representation by counsel; when Lawyer Kahrs intentionally prepared the December 3, 2009, proposed order to obtain \$35,000.00, from Ralph Howard Blakely Special Person Care Trust. Exhibit No.

Concealment of Request for production of 'e-mails to and from Lawyer Spurgetis for permission' to withdraw funds or fees from the \$35,000.00 general advance legal retainer for about \$17,000.00 post conviction relief. Exhibit No. (10/31/15 Order to compel)

Defendant Kahrs malpractice and breach of fiduciary 'duty' is clearly shown by his intentionally ignoring the 'mandates of RCW 4.08.060', his (5) year concealed late fee billing, his refusing to do Blakely's Ninth Circuit Court of Appeal, and the three Thurston County Superior Court injury lawsuits. Exhibit Nos.

Defendant Kahrs' highly skilled 'three' attorneys are misleading this COURT under RAP 13,4 (d) and (b); when Blakely, being blind, has the burden of an 'incapacitated person' under the 'mandates of RCW 4.08.060 to compete with 3 highly skilled lawyers.

II. ARGUMENT WHY REVIEW SHOULD BE GRANTED

Petitioner, Ralph Howard Blakely, 'an incapacitated person' under the 'mandates of RCW 4.08.060' objects to three and four highly skilled attorneys misleading this COURT. When incapacitated Blakely has presented (9) highly disputed Genuine issue of material fact in his Motion for Discretionary Review, and the other Courts!

Petitioner, Blakely has been denied constitutional due process rights to a jury trial and equal attorney representation.

Petitioner has argued the tests of RAP 13.4 (b)91-4) in the petition for review under titles (B,C,D,E,F,G,H,I and more)/ Blakely has established a basis for this Court to accept review and to vacate the Defendant's judgment.(Review pages 1-13 of Petition, supported by 41 exhibits and 'personal knowledge affidavits'.)

Defendant Kahrs has not responded with cite authority to Blakely's nine highly disputed genuine issues of material fact, constitutional denial of due process rights, and fraud upon the court. (IMDPA) Jones, 182 Wn.2d 360,368,333 P.3d 395 (2014); Shoemaker v. Ferrer, 168 Wn 2d 193,225 P.3d 990 (2010); In re Guardianship of McGill, 33 Wn.App.265, 654 P.2d 705 (1982) page.9; Flaherty v. Flaherty, 50 Wn.2d 393,(1957) page 13.

III. CONCLUSION FOR RELIEF SOUGHT

The Washington Supreme Court should vacate the Defendant Kahrs' judgment, based upon financial exploitation of an incapacitated person, knowingly violating the mandates of RCW 4.08.060, concealment, and fraud upon the court of CR 60 (b) (4); (5) The judgment is void. Gonzalez v. Crosby, 543 U.S.1086,125 S.Ct.961,160L.Ed.2d 896 (2005); the seizure of Blakely's legal documents is an extraordinary exception. (Exhibit#12) Johnson v. Avery, 393 U.S.483,487 Petitioner Blakely's Petition for Review should be GRANTED. Respectfully requested Review, September 26,2017.

Ralph H. Blakely
Ralph Howard Blakely,

817995; ?

?

WA.

WASHINGTON SUPREME COURT

THE SUPREME COURT IS ULTIMATELY RESPONSIBLE FOR LAWYER DISCIPLINE, AND HOLDS PENARY AUTHORITY IN THAT REGARD (IMDPA) In re Matter of Disciplinary Proceedings Against Hall, 180 Wn.2d 821n5(2014)

A lawyer's failure to return a former client's legal documents after being informed by the client that such documents have been revoked and that the client is requesting their return can constitute a violation of RPC 1.15.A (f) (which requires a lawyer to promptly pay or deliver to a client the property that the client is entitled to receive and RPC 1.16(d) (which requires a lawyers, on termination of representation of a client, to take steps to the extent reasonably practicable to protect the client's interests, such as surrendering papers and property to which the cleint is entitled.)

The Supreme Court of Washington is ultimately responsible for lawyer discipline in the State of Washington and holds plenary authority in that regard. The Supreme Cour of Washington has the inherent power to interpret the rules of lawyer discipline. Although the Supreme Court of Washingtpon makes the final decision regarding the proper sanction, a hearing officer makes findings of fact and conclusions of law and recommends a sanction to the Washington State Bar Associaton Disciplinary Board. The Board may then adopt, modify, or reverse the findings, conclusion's, and/or recommendations, Unchallenged findings of fact made by the hearing officer and unchanged by the Board are viewed as verities on appeal. The Supreme Cout of Washington will uphold challenged findings of fact if they are supported by a clear preponderance of the evidence. That Court reviews conclusions of law de novo.

DECLARATION OF SERVICE BY MAIL
GR 3.1

I, Ralph Howard Blakely, declare and say:

That on the 25 day of September, 2017, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 94632-9 COA #74765-7-I
KCSC # 15-2-12980-5 SEA
4 page Reply to Respondent's Answer;

addressed to the following:

Washington Supreme Court
Box 40929
Olympia, WA 98504-0929

Forsberg & Unlawuf
901 Fifth Ave. Suite 1400
Seattle, WA 98164

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 25 day of September, 2017, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Ralph H. Blakely 817995
Signature

Print Name

DOC _____ UNIT _____
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN WA 98520