

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

JOSEPH P. DELAY

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

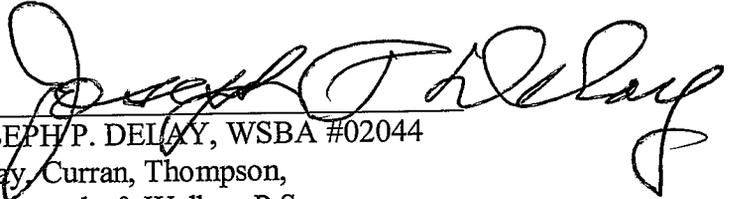
I, JOSEPH P. DELAY, under penalty of perjury under the laws of the State of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein based upon my own personal knowledge. I have known Steve Eugster for the past 30 years and found him to be an honorable and tenacious litigator. I have known Mr. Eugster when he was on the Spokane City Council as a council member.
3. In my opinion he was attempting to do what he thought was ethically in the best interests of his 87 year old client and he acted in such a manner as he thought he was protecting a vulnerable adult.
4. In my opinion Mr. Eugster made an honest mistake and did not intend to breach any of his legal obligations and legal ethics to this client.
5. In my opinion I do not think that Steve Eugster should be suspended while his case is before the Supreme Court. My opinion is based upon a judgment call that Mr. Eugster made, and in retrospect he should have probably taken a different approach to

the problem

6. I recommend that you allow Mr. Eugster to continue to practice law pending the hearing in your Court.

Signed at Spokane, Washington on April 23, 2008.

By 
JOSEPH P. DELAY, WSBA #02044
Delay, Curran, Thompson,
Pontarolo & Walker, P.S.
601 W. Main, #1212
Spokane, WA 99201
(509) 455-9500

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

Joseph A. Esposito

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
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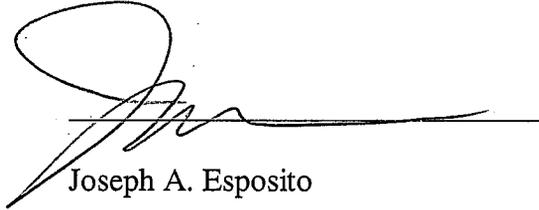
I, Joseph A. Esposito, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein based upon my own

personal knowledge.

3. I have known Stephen K Eugster professionally for 25+ years. I am an attorney admitted to the Bar of the State of Washington. WSBA 2427.
4. I have never known Steve to do a dishonest act.
5. In all my dealings with him he has always shown utmost concern his clients.
6. From what I have been told about this incident, while he may or may not have acted in a manner that was appropriate, from all my dealings with Steve I do not believe he had any dishonest motive nor were his actions anything other than made with the best interests of the client in mind.
7. Steve should not be suspended because he poses no danger to society.
8. In addition he needs to be able to handle pending cases so that present clients will not be prejudiced.

Signed at Spokane, Washington on April 24, 2008.



Joseph A. Esposito

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

GEORGE EUGSTER

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
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Shawn Timothy Newman
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FAX 866.800.9941

I, GEORGE EUBSTER, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

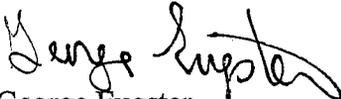
Signed at Spokane, Washington on 5 Apr, 2008.

George Eubster
GEORGE EUBSTER
(Printed Name)

To Whom This Concerns,

This declaration is made on behalf of Steve Eugster. I am a retired physician and Steve is my brother. I have never known him to be unethical in any manner. In the practice of law I believe that he has always acted in the best interest of his clients. In the current action being taken against him the accusation that he has acted in his own interests is simply incorrect. I cannot imagine that he would ever put his own interests ahead of his client's. I believe that he was trying his best to do what he felt was right for his client. I feel that he should be allowed to continue to practice in the State of Washington.

Respectfully,


George Eugster

5 April, 2008

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,
an Attorney at Law,
WSBA Bar No. 2003

DECLARATION OF

JACK W. EUGSTER

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
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Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, JACK W. Eugster, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at Carmel, CALIFORNIA, Washington on

4/2, 2008.

Jack W. Eugster
JACK W. Eugster
(Printed Name)

Jack W. Eugster
2655 Kelly Avenue
Excelsior, MN 55331
612-810-4073

April 9, 2008

To Whom It May Concern:

I am Stephen Eugster's brother and wish to make a Declaration to the Court on his behalf.

Today, I am semi-retired, having previously been Chairman and CEO of the Musicland Corporation (1980-2001) and Non-Executive Chairman of ShopKo Corporation (2001-2005). I currently serve on several public and private Corporate Boards and three non-profit Boards. The non-profit Boards are The Minnesota Orchestra (Chairman), Carleton College (Vice Chairman) and United Theological Seminary.

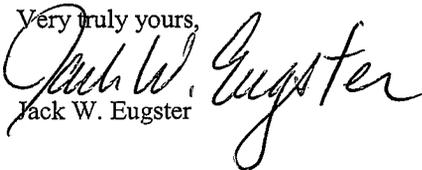
I appreciate the Court's willingness to receive my Declaration regarding the character of Stephen Eugster.

Steve has always been a very committed attorney and throughout his school years was often an elected leader. Some of those leadership roles were Student Council President and delegate to Boy's State during high school, Intrafraternity Council President in college and Editor of Law Review at the University of Washington.

As an attorney, he has fought mightily for his clients who often required him to work for little or no fee due to their personal financial situations. Having had many discussions with him over the years, I am convinced that he always cared greatly about the law and the welfare of clients (even in those cases where I might have disagreed with him). I have seen him with clients whose lives were in a difficult spot and he always treated them with respect and human concern, carefully listening to them and then representing them in the best way he knew how. To me, the recommended disbarment of Stephen K. Eugster is overly harsh. While I can't as a non-lawyer, judge the law, I am certain from my discussions with him about this case (both before and after these proceedings began) that he deeply cared about this client and thought he was serving her well under the law.

Due to his financial need to work, his love of the law and his desire to help others, I ask the Court to reverse the finding or substantially reduce the length of the penalty.

Very truly yours,


Jack W. Eugster

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

SUSAN K. EUGSTER

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Susan A Eugster, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at Spokane, Washington on April 5, 2008.

Susan A Eugster
SUSAN S EUGSTER
(Printed Name)

April 5, 2008

To Whom this May Concern,

My name is Susan Eugster and Steve Eugster is my brother-in-law. I am married to George Eugster. I have known Steve for over forty years and have lived in the same community as Steve for thirty years. I know him to be a loyal and trustworthy person. Those who have engaged him as a lawyer have been complimentary toward him. I would recommend him to other for professional services. I would like to see him continue in the practice of law in the State of Washington.

Sincerely,

A handwritten signature in cursive script that reads "Susan Eugster". The signature is written in black ink and is positioned above the printed name.

Susan Eugster

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,
an Attorney at Law,
WSBA Bar No. 2003

DECLARATION OF

PAMELA J. FEE

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Pamela J. Fee, under penalty of perjury

under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein based upon my own

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personal knowledge.

3. See the attachment attached hereto. It is incorporated herein by this reference.

Signed at Pamela J. Fee, Washington on
April 22, 2008.

PAMELA J, FEE

Printed Name

Tuesday
April 22, 2008

Dear Sirs:

It is my honor to give a statement in support of Stephen K. Eugster's being able to practice law while his case is before the Supreme Court of the State of Washington. I, Pamela J. Fee, have known Stephen Eugster since we were college classmates at the University of Denver (1962-1966). We were married from 1967-1976 and have kept in touch by phone and email since going our separate ways. I have been in the field of education since 1966 and am currently teaching Language Arts at Saghale Middle School in Federal Way, WA.

I have always known Stephen Eugster to be honest, ethical and intensely dedicated to doing the right thing in service to others. He is a devoted father who would never set any example for his daughter other than that of a person with the utmost character and integrity. He was a devoted son and remains a devoted brother, uncle and friend. His reputation among our mutual friends is still one of an attorney with an extreme concern for helping the underdog. His caring attitude, especially for the most vulnerable members of society, makes it impossible to imagine his taking advantage of anyone.

Stephen K. Eugster, in my opinion, should not be suspended from practicing law while his case is before the Supreme Court because he has always acted in the interest of others before himself and will, no doubt, continue to do so. I see him as the same person who, in 1969-1970, lived and worked with the underprivileged in Washington, D.C. and coal miners in West Virginia. He has performed honorably in all of his relationships, personal and professional, and deserves the consideration of continuing his law practice in the interim. His idealism leads friends and fellow lawyers to take inspiration from his optimism. While not being naïve, he maintains his positive sense of humor and consistent humanitarian behavior. There is no greedy dark side to his behavior, nor deviousness to his thinking--only the best of intentions, upheld by the most appropriate deeds.

Yours truly,

Pamela J. Fee

Pamela J. Fee
21521 SE 262nd ST
Maple Valley, WA 98038
206-271-7104

0 0030

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

**In re STEPHEN K. EUGSTER,
an Attorney at Law,
WSBA Bar No. 2003**

DECLARATION OF

Christopher M. Grimes

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Christopher M. Grimes, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein based upon my own

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ORIGINAL

personal knowledge.

3. See the attachment attached hereto. It is incorporated herein by this reference.

Signed at Spokane Valley, Washington on

April 23 2008.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by 'M. Grimes'.

Christopher M. Grimes

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SUPREME COURT, STATE OF WASHINGTON

In re STEPHEN K. EUGSTER, an Attorney at Law, WSBA Bar No. 2003

No. 200,568-3

DECLARATION OF CHRISTOPHER M. GRIMES

1. I am an attorney licensed to practice law in Washington having been admitted June 9, 1993. I am also admitted to practice law in Idaho.

2. I practice in the firm Ford & Grimes, P.S. located at 320 S. Sullivan Rd., Spokane Valley, WA 99037. I practice primarily in the area of Personal Injury and General Civil Litigation.

3. I have known Steve Eugster since approximately 1994-1995. At that time I was working as an associate with Stephen Haskell and our practice was Insurance Defense. I got to know Steve while I was working there as Steve Eugster and Stephen Haskell became partners. I had an opportunity to observe Steve Eugster at work and with his clients. I came to know him as a very straightforward and honest attorney who had his client's best interests at the forefront of everything he would do. I observed him to be an attorney that was very ethical and went out of

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ORIGINAL

FORD & GRIMES, P.S.
320 S. Sullivan Road
Spokane Valley, Washington 99037
(509) 924-2400 / FAX: (509) 927-1301

1 his way to make sure there was not even any appearance of anything that may be construed as
2 being unethical or adverse to his client's interests.

3 4. I know Steve to be a very diligent advocate for his clients and very outspoken on
4 behalf of issues he feels strongly about and on behalf of his clients. I continued to associate with
5 Steve Eugster until approximately 2001-2002 as I was renting office space from him for
6 approximately 3-4 years. During the time I rented office space from him I found him to be very
7 straight forward, honest, and very generous towards me and helping me as a new attorney trying
8 to establish myself. I worked with Steve closely on several cases and my knowledge of him is
9 that he is a very honest, ethical, and tireless advocate for his clients.

10 5. I do not believe Steve Eugster should be suspended while his case is before the
11 Supreme Court because I do not feel he is a threat to engage in unethical practices and, in my
12 opinion he never has been. I believe it would be very unfair for him not to continue to practice
13 law while he awaits appeal of the pending issues. As I understand the facts of this situation, I
14 believe he will prevail on appeal.

15 6. Steve Eugster is a good man and a very capable, professional and dedicated
16 attorney and I have always had great respect and admiration for his forthrightness, integrity and
17 professionalism in the practice of law.

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

20
21 Signed at Spokane, Washington on 23rd day of April, 2008.

22
23
24 

25 Christopher M. Grimes
WSBA # 22608

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

JEFFREY HALEY

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Jeffrey Haley, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at Bellevue, Washington on 4/14, 2008.

Jeffrey T. Haley
Jeffrey T. Haley
(Printed Name)

April 14, 2008

To: Washington Supreme Court

My name is Jeffrey Haley. I am the founder, President, and Chief Scientist of Orahealth Corporation, which develops and markets my inventions for time release in the mouth of active ingredients using adhering discs. I founded this company in 2002. I was formerly a member of the WSBA in private practice from 1979 through 2005, my membership having lapsed for failure to complete CLE requirements and pay bar dues.

I have known Stephen Eugster since 1974 when we were introduced by my former best friend, Charles Goldmark, a former member of the WSBA who was murdered in Seattle on Christmas eve, 1985. My wife, who was also a member of the WSBA, and I have been in regular social contact with Stephen Eugster from 1979 to the present day. Over those years we frequently discussed issues of public policy, ethics, morality, and issues that came up in the practice of law.

From all my discussions with Stephen Eugster and discussions with common friends, I know Stephen to be a person of the highest moral character with the highest concern for the good of society in general and for individuals. He would never take any action injurious to another to provide gain for himself.

As a service to his clients, Stephen should be allowed to continue to practice law while his disciplinary matter is pending. Suspending his right to practice in the interim would harm his clients. The facts of the matter before the court do not show a pattern or practice that is likely to harm others in similar situations, because the facts are exceptionally unique and no similar situation is likely to arise. There is an insignificant risk of harm to the public from allowing him to continue to practice.


Jeffrey Haley

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Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

 DWAYNE HARNEY

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, DWAYNE HARNEY , under
penalty of perjury under the laws of the state of Washington, declare as
follows:

1. I am over the age of eighteen and competent to be a witness in
these proceedings.

0 0088

2. I make the following statements herein based upon my own personal knowledge.
3. See the attachment attached hereto. It is incorporated herein by this reference.

Signed at SPOKANE , Washington on
April 16 , 2008.

Dwayne Harney

DWAYNE HARNEY

Printed Name

ATTACHMENT TO DECLARATION OF DWAYNE HARNEY
REGARDING CASE # 200,568-3

I AM THE CHIEF FINANCIAL OFFICER OF A CLOSELY HELD \$27 MILLION COMPANY WITH THE HOME OFFICE IN SPOKANE. I HAVE KNOWN MR. EUGSTER SINCE 1981. HE REPRESENTED OUR COMPANY IN AN ACQUISITION INVOLVING MILLIONS OF DOLLARS AND MOUNDS OF PAPERWORK. I CONSIDER MYSELF A FRIEND OF HIS, AS WELL.

IT IS INCONCEIVABLE TO ME THAT ANYONE AS FORTHRIGHT, HONEST, AND DILIGENT AS HE IS DESERVES THE SORT OF TREATMENT METED OUT BY THE BAR ASSOCIATION OF THIS STATE. IT IS ALSO ASTOUNDING TO ME THAT ANY ATTORNEY WITH NO HISTORY OF WRONGDOING WOULD BE SUBJECTED TO IMMEDIATE SUSPENSION PENDING THE FINAL RESOLUTION OF HIS APPEAL. THIS, BY THE VERY GROUP OF PEOPLE DEDICATED TO PRESERVING JUST THAT RIGHT FOR THE REST OF US.

Case No. 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

**DECLARATION OF
STEPHEN HASKELL**

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
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2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360.866.2322
FAX: 866.800.9941

0 0091

I, Stephen Haskell, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.

2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.

3. The attachment is hereby incorporated herein by this reference.

Signed at Spokane, Washington on April 24, 2008.



Stephen Haskell

Stephen Haskell Law Offices, PLLC

River Park Place

222 North Wall Street, Suite 402

Spokane, Washington 99201-0813

April 24, 2008

To Whom it may Concern,

Re: Stephen K. Eugster
WSBA No. 2003

I am writing this letter on behalf of Stephen K. Eugster and in support of his request to continue his ability to practice law pending review of a proposed sanction by the Washington State Bar Association.

It is not my intent to comment upon the merits or specifics of underlying events prompting the disciplinary action against Mr. Eugster. Instead, I am writing to offer my observations and appraisal of Mr. Eugster's moral character as an officer of the court after having been acquainted with him approximately the past fifteen years.

I know of no attorney more passionately devoted to the rule of law or more committed to the concept of justice, and the potential for these concepts to better people and their community. Over the years I have known and observed Mr. Eugster he has, without exception, repeatedly demonstrated his commitment to these ideals. At times this commitment has been contrary to the transitory nature of public opinion and in some instances it has been at Mr. Eugster's own personal and financial expense, but he has never wavered from his sense of conviction, his moral beliefs and his high regard for the law.

There has been more than one occasion when I personally disagreed with Mr. Eugster's viewpoint, as have others, but I have always respected the sincerity of his motivation to uphold and advance what he believes to be morally correct and required by the law. Further, I believe this view is shared by a majority of attorneys who practice in the Spokane area. Never in my years of association with Mr. Eugster have I observed a single instance in which he acted with less than these principles uppermost in his mind, and never have I observed a single instance in which Mr. Eugster's actions were motivated by personal or financial gain.

April 24, 2008
Page 2

In my opinion, Mr. Eugster's conduct as an attorney has played an important but underappreciated role in this community, working on behalf of people and social issues which otherwise had no voice or platform from which to be heard. Far from constituting a threat to the public by his continued practice of law pending review by our state Supreme Court, Mr. Eugster is to be commended for his previous contributions to the advancement of the law, and should be encouraged to continue his efforts.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stephen Haskell". The signature is written in black ink and is positioned above the printed name.

Stephen Haskell
WSBA # 7832

cc: Stephen Eugster

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,
an Attorney at Law,
WSBA Bar No. 2003

DECLARATION OF

DONALD HERAK

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, DONALD H. HERAR, under
penalty of perjury under the laws of the state of Washington, declare as
follows:

1. I am over the age of eighteen and competent to be a witness in
these proceedings.
2. I make the following statements herein and in the attachment
hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this
reference

Signed at SPOKANE, Washington on
APRIL 7, 2008.


DONALD H. HERAR
(Printed Name)

DONALD H. HERAK
312 West Sumner Avenue
Spokane, Washington 99204
(509) 838-5873

April 7, 2008

TO WHOM IT MAY CONCERN:

My name is Donald H. Herak, and I have been a resident of Spokane, Washington since 1951. I am a graduate of Gonzaga University, having received a degree in Civil Engineering. I started and owned a heavy highway construction company in 1956, specializing in the production of sand and gravel, and concrete and asphalt paving.

I have known Steven Eugster for more than 30 years. Although he never represented my Company in the many years I was in business in Spokane, I did get to know him very well because he was a partner in the law firm that did represent us. So on many occasions I met Steve as an associate of that firm. I also knew him through our mutual endeavors on various civic boards in Spokane.

I also gained knowledge and further respect for Steve when he decided to enter politics in Spokane and became a member of the Spokane City Council in the late nineties. While a member of the Spokane City Council, he was very active and some would call him a zealot in his pursuit of doing what he felt best for the City of Spokane. I and many others appreciated and applauded his efforts to make Spokane a better community. While a member of the Spokane City Council he took it upon himself to initiate a change in Spokane's form of government. Spokane had a city manager government, and he advocated a strong mayor government. Steve did all the necessary work, including drafting all the necessary legal documents to place this issue on the ballot. He then promoted the idea to the community. This issue was then approved by the voters of Spokane. Steve proved to me that he cared about the City of Spokane far beyond most of us residents. He certainly did not pursue his role as an activist in City Council affairs to improve or further his financial well being.

I am not a lawyer, so I am not sure of the exact charges that have been brought against Steve Eugster other than the State of Washington seeks to disbar him permanently over some advice he gave to an elderly lady who he represented in the Spokane area. Steve is not motivated by money. Steve is motivated by causes that he thinks are correct, and as I said some think of him as a zealot in promoting these causes. I happen to believe that being zealous in pursuit of justice can be extremely important in being a good attorney.

It is my understanding that certain actions have been taken recommending that Steve Eugster be disbarred, and he is appealing to the Supreme Court to overrule this finding.

I believe a horrible injustice would be committed if Steve Eugster is permanently disbarred. As I stated, I am not an attorney; but I believe with all my heart that Steve Eugster would never deliberately do anything that he felt was not in the best interest of his client. Money does not motivate Steve, so if he erred in this case it was not due to greed or avarice; it was due to being overzealous in pursuing justice for this lady as he saw it. Steve may have stepped over certain boundaries of the law, and maybe deserves some sort of sanction, but justice would not be served by permanently disbaring Steve from practicing law in the State of Washington.

If you need further information from me, I can be reached at my office telephone number (509) 747-0156 or my home telephone number: (509) 838-5873.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald H. Herak". The signature is fluid and cursive, with a large, sweeping initial "D" and a long, horizontal flourish at the end.

DONALD H. HERAK

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,
an Attorney at Law,
WSBA Bar No. 2003

DECLARATION OF

HOWARD H.HERMAN WSBA 3244

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

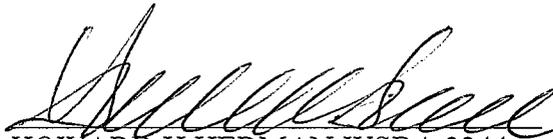
Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, HOWARD H. HERMAN, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.

2. I make the following statements herein based upon my own personal knowledge.
3. See the attachment attached hereto. It is incorporated herein by this reference.

Signed at Spokane Valley, Washington on
May 5, 2008.



HOWARD H. HERMAN WSBA 3244

DECLARATION OF HOWARD H. HERMAN

My name is Howard H. Herman. I live at 117 N. McDonald, Spokane Valley, Washington 99216. I was born and raised in Spokane and have lived my entire life here except for the two years I served in the U. S. Navy during World War II.

When I came out of the Navy, I learned the plumbing trade, accumulated a wife and four children and then started to undergraduate school at Gonzaga University.

I have practiced law in Spokane for the past forty-five years, and am now eighty-one years old. I am presently Of Council with the firm of Herman, Herman & Jolley, P. S. , and my practice is limited to pro bono cases.

During my years of practice I have had the opportunity to represent clients accused of crimes; clients in divorces, adoptions, relinquishments, bankruptcies, probates, guardianships, served as guardian ad litem, various matters of civil litigation, and even had one immigration case. I have practiced in every court system in the state of Washington including the

Federal Court, and one case in the Ninth Circuit Court of Appeals. I have practiced in the Washington State Court of Appeals on several occasions, and in the Washington State Supreme Court on at least four occasions.

I do not recite my experience as a manner of boasting because it is nothing to boast about. No doubt thousands of lawyers across the state have replicated my experience, and more. Rather, the purpose of stating my experience is to indicate that I have met all kinds of lawyers in all kinds of situations, and I am not naive about the motives of lawyers nor their methods of practice.

I have known Steve Eugster for the past twenty years, mostly in a professional capacity, but also in his political capacity. In those experiences, Steve has always displayed the highest degree of ethical and moral behavior. It is difficult, if not impossible for me to believe that Steve would ever act out of any motivation other than in the best interest of his client.

I probably should not be arguing this case absent an Amicus brief, and perhaps being unethical, but I feel constrained to speak out against what I consider to be a grave miscarriage of justice.

I am not fully conversant with Steve's case, but from what I have read, if Steve is disbarred based on the allegations against him, true or not,

I believe it will put a chilling effect on those of us who practice in the area of elder law. If it is always unethical to disregard the wishes of a client, then a lawyer who has a client whom he truly believes is in danger of injuring himself or herself or his or her property, is put on the horns of a dilemma. In my experience, a client seldom believes he or she needs a guardian. As a guardian ad litem, representing the Court, I have recommended both for and against a guardianship, but in every case the alleged incapacitated person did not want to be put under a guardianship. If a lawyer is never allowed to try and protect a client who does not want to be protected, then the rules of professional conduct should make that clear.

My reading of the decision to disbar Steve seems to rely heavily on the determination by a medical doctor that Steve's client was not incapacitated. That is not the test.

RCW 11.88, the guardianship statute, sets forth an elaborate methodology for dealing with incapacity and guardianship, including RCW 11.88.010(1)(c) that provides, "A determination of incapacity is a legal not a medical decision, based upon a demonstration of management insufficiencies over time in the area of person or estate. Age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity."

In this case, a family physician found that the client (or former client) was "competent to make her own personal decisions" (CP 313; CP 334) although she had her financial affairs managed by her son and then the NW Trustee & Management Services.

Steve has been a watchdog and tireless advocate for the public interests in this community. These efforts have not been detrimental to the integrity and standing of the bar, the administration of justice or contrary to the public interest -- quite to the contrary. To name two, his efforts have contributed to transparency in local government and preserved an important element of the downtown environment. Any negative responses to these efforts has been purely political and have not reflected adversely on the bar or the legal profession. There is no legitimate reason to expect his continued practice will harm the bar or the public in any way.

Based on Steve Eugster's unblemished record over thirty-five years of active practice, and a less than clear transcript of proceedings, I believe it would truly be a grave miscarriage of justice to suspend Steve from practice pending the Court's decision.

This Declaration is made under penalty of perjury under the laws of the State of Washington.

Respectfully submitted,

(Signed at Spokane Valley, Washington on May 5, 2008.)



Howard H. Herman WSBA 3244

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

**DECLARATION OF
DAVID K. HUGHES**

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, DAVID K. HUGHES, under penalty of perjury under the laws of the state of Washington, declare as follows:

- 1. I am over the age of eighteen and competent to be a witness in these proceedings.
- 2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
- 3. The attachment hereto is hereby incorporated herein by this reference

Signed at SANTA BARBARA, ^{CALIFORNIA} Washington on APRIL 4, 2008.

David K Hughes
DAVID K. HUGHES
(Printed Name)

1. I am a 1973 graduate of the University of Virginia Law School. I practiced law in the State of California for almost 32 years, retiring in the late fall of 2005. At the time of my retirement, I was AV rated by Martindale-Hubbell.
2. I live in Santa Barbara, California.
3. I have personally known Mr. Eugster for 45 years. Based on my friendship with, and knowledge of, Mr. Eugster, it is my opinion that he is an individual of great intelligence, character, and determination. I consider him to be an eminently principled, honest and trustworthy man; and I would be honored to have him serve as my counsel if the need ever arose.
4. I would urge the State Bar of Washington to not suspend Mr. Eugster's license to practice law during the pendency of the proceeding before the state's Supreme Court, based not only on the presumption of his innocence, but on the likely damage to many of his present clients, and upon my strong opinion as to his competence and character.

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

**In re STEPHEN K. EUGSTER,
an Attorney at Law,
WSBA Bar No. 2003**

DECLARATION OF

RICHARD C., and CAROL J. JOHNSON

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
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Shawn Timothy Newman
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2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Carole J. Johnson, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at USK, Washington on 04-08, 2008.

Carole J. Johnson
Carole J Johnson
(Printed Name)

I, Richard C Johnson, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at USK, Washington on 04-08-08, 2008.

Richard C Johnson
Richard C Johnson
(Printed Name)

Mr. Newman

April 08 2008

We would like to tell you about our experience with Steve Eugster .
In 2000 my husband of fifty one years and I moved to the small town of Usk. in Eastern Wash. And became involved in a law suit. We did not know what to do but knew we needed help. My husband had heard Mr. Eugster was a good honest Attorney who often took on a case for the morality of it rather than the money. He agreed to help us .We found him to be very honest straight forward and approachable at all times even when we did not want to hear what he had to say. This was a very difficult time for us Steve put in many many hr,s and made several trips to our area to ease our minds by assuring us that we would not lose our home. We hate to think that he may not practice law in the future as there are so many people like us out there that need a good attorney that is as honest and trust worthy as he is .It would be such a shame if he was not available to them as he was to us .We feel very fortunate to call him our attorney and friend.And wish only the best for him and everyone around him and that would be for him to keep practicing Law.

Thank you.



Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

**DECLARATION OF
JOHN LARSON**

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
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Shawn Timothy Newman
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Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, JOHN E. LARSON, under
penalty of perjury under the laws of the state of Washington, declare as
follows:

1. I am over the age of eighteen and competent to be a witness in
these proceedings.
2. I make the following statements herein and in the attachment
hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this
reference

Signed at _____, Washington on
_____, 2008.



JOHN E. LARSON
(Printed Name)

TO: Declaration Re: Steve Eugster
COPIES:
FROM: John E. Larson, Architect
DATE: April 2, 2008
RESPOND BY:

This is intended as an attachment to a declaration on behalf of Stephen Eugster, Attorney at Law in Washington.

I am an Architect practicing with the firm of CH2M HILL in Boise, Idaho.

I have known Steve Eugster for 55 years. We attended grade school and high school together and have maintained contact through out our adult life. Steve was active in student body activities throughout high school and was elected Student Body President our senior year. Steve and I were co-captains of our high school hockey team our senior year.

I believe that Steve should be allowed continue practicing law in Washington for the following simple reason: although sometimes politically prickly in his public life, he has always had a strong, unbending commitment to the law and the rights of individuals within our legal system. We need to retain people in the legal/political system who will question the decisions made and force us to verify that those decisions make sense for the group as a whole. Without someone raising these questions and forcing us to think before we take action, our system (legal or political) is doomed to failure.

It is my opinion that Steve should be allowed to continue his legal practice and, in some cases, be that questioning voice.

Sincerely,

A handwritten signature in black ink, appearing to be "John E. Larson", followed by a long horizontal line extending to the right.

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

**DECLARATION OF
CYNTHIA A. LAWSON**

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

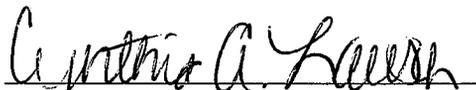
Shawn Timothy Newman
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2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, CYNTHIA A. LAWSON, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein based upon my own personal knowledge.
3. I am a legal assistant currently working for Stephen Haskell Law Offices, PLLC. I have been working for Stephen Haskell since December 2006.
4. I also currently work for Mound Hardware General Partnership on a part-time basis. Mr. Eugster is the managing partner for this entity.
5. Prior to that, I was employed by Eugster Law Office PSC as a paralegal. I worked for Stephen Eugster for over ten years.
6. I have known Steve for more than 11 ½ years.
7. During this period of time, I have been employed by Steve in some capacity or another, but over the years he has become a good friend to me.
8. In working with him, I feel as if I am one of the few people who is close to him and have stood by him through the good and the bad in his life.

9. In my experience in knowing Steve and working with him, I have never known a person more honest and fair in his dealings with clients and the public. Not once over the years was there any instance that I questioned his decisions or ethical behavior.
10. He is a man of integrity and would do anything he could to assist another person.
11. In his client dealings, he always charged a much lower hourly rate. He was never "in it for the money."
12. At this point in time, he has only one client he does legal work for.
13. I do not think he should not be suspended from the practice of law during the pendency of this appeal. He is no threat to anyone; not his current client, nor the public. He never was.
14. The Bar Association, through the trial in this matter, has inferred that I am dishonest and have everything to lose by being dishonest in my statements, written and oral.
15. I have nothing to lose by making these statements. They are the truth.

Signed at Spokane, Washington on April 15, 2008.


Cynthia A. Lawson

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF JAMES LOUDERMILK

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.991

April 10, 2008

Shawn Timothy Newman
2507 Crestline Drive, N.W.
Olympia, Washington 98502

Re: Stephen K. Eugster

Dear Mr. Newman:

This is to serve as a letter of recommendation for Stephen K. Eugster in regards to him being allowed to practice law while his case is before the courts. It is a real pleasure for me to do so.

Stephen K. Eugster has represented me in two legal matters and I've been his friend for more than 25 years.

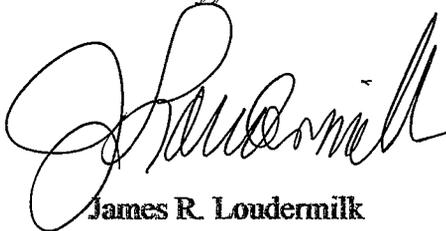
Currently I am retired. My professional career included working in the Criminal Justice System (10 plus years) and Alcohol and Drug Treatment/Mental Health Field (30 plus years). I have been a certified mental health counselor for over 40 years.

During the 25 years that I've know Stephen K. Eugster he has displayed the highest possible character and personal integrity. Never have I questioned his honesty and/or his ethics.

It is without reservation that I can recommend Stephen K. Eugster highly to you. In my opinion, the Washington State Bar Association can only benefit from allowing Steve to continue practicing law

If you have any questions, or wish additional information, please do not hesitate to call me at (509) 744-8565.

Sincerely,

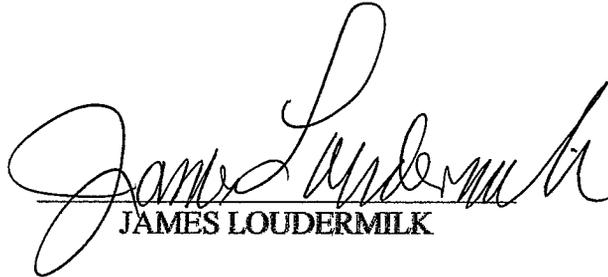


James R. Loudermilk

I, James Loudermilk, under penalty of perjury under the laws of the state
of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these
proceedings.
2. I make the following statements herein and in the attachment hereto
based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at Spokane, Washington on 4 - 10, 2008.


JAMES LOUDERMILK

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

**In re STEPHEN K. EUGSTER,
an Attorney at Law,
WSBA Bar No. 2003**

DECLARATION OF

JAMES J. MARTHAUER

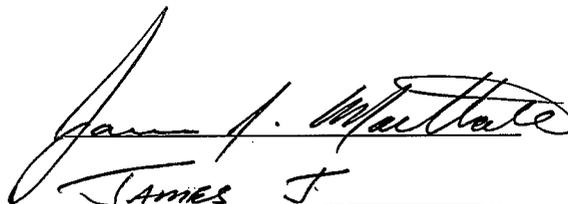
Kris J. Sundberg
WSBA 14549
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Mercer Island, WA 98040
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Shawn Timothy Newman
WSBA 14193
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Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, JAMES J. MARTHALER, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference "A".

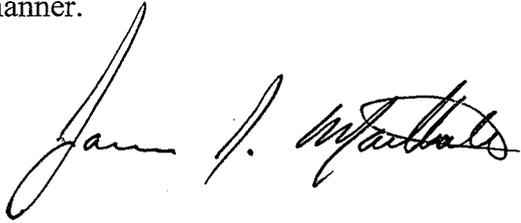
Signed at Newport, Washington on April 21, 2008.


JAMES J
(Printed Name)

April 21, 2008

Attachment "A" to Declaration of James J. Marthaller

I, James J. Marthaller, am the Planning Director at Pend Oreille County, Washington, and have had occasion to work with Mr. Eugster on a development project in the county. The County has worked with Mr. Eugster on a litigated settlement of the Skookum Rendezvous Recreational Vehicle Park and the associated water and sewer district. Mr. Eugster was instrumental in helping litigate this settlement and did so in a professional manner.

A handwritten signature in cursive script, appearing to read "James J. Marthaller". The signature is written in dark ink and is positioned below the main text of the declaration.

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3:56

BY RONALD R. CARPENTER

Case No. : 200,568-3

CLERK

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

David F. McCann

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
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Shawn Timothy Newman
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Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, David F. McCann, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein based upon my own

personal knowledge.

3. See the attachment attached hereto. It is incorporated herein by this reference.

Signed at Spokane, Washington on

April 17, 2008.

A handwritten signature in cursive script, reading "David F. McCann", written over a horizontal line.

David F. McCann

My name is David F. McCann and I have been a resident of Washington State for 25 years. I am currently employed as a Regional Sales Director for Medtronic Inc., supervising sales of medical devices involving neurosurgery and neuro-spine procedures. Additionally, I own several small business based in Spokane WA.

I have known Steve Eugster since 1994 when he served as my attorney, representing me in a rather contentious divorce. Mr. Eugster was hired on the recommendation of several friends and business colleagues who had observed him in his legal practice. The overriding considerations were his ethics and diligent reasoned support of his clients. Mr. Eugster was that rare lawyer who really appeared to care.

Mr. Eugster has continued to represent me and my interests after my divorce. He has also represented several friends who hired him based on my recommendation.

I have no knowledge of any client of Mr. Eugster terminating his services because of questionable ethics. In my personal interactions with him, he has always strived to follow the letter of the law, regardless of whether it was perceived by me as biased or unfair. During my divorce, Mr. Eugster would often attempt to distance our position from what I perceived as the emotional and some times irrational actions of opposing counsel. He crafted his arguments and tactics to minimize escalating involvement in expensive emotional distractions that seems to involve all litigation. He strived for a logical, reasonable conclusion that was honest and fair. Never in all our time together did I question his resolve and dedication to me personally, or my legal position in his representation. We always did what he felt was right, and justified, even if that specific action was emotionally challenging or resulted in capital outlay could have been technically avoided.

From these experiences with Mr. Eugster, I can honestly say he is driven by the desire to do what is right in the eyes of the law, what is perceived to be morally and ethically accepted by society and his clients, and a sense of duty and obligation as an attorney. He categorically cannot be manipulated with any form of monetary gain or material inducement, outside of a fair fee for his services. There is no cause, or position, or transient situation that runs counter to the law and its principled ethics that Mr. Eugster would champion or represent for any amount of remuneration. His sense of right vs. wrong can't be manipulated with money. He provides the best council to his clients, even if it runs counter to the client's desires.

The disbarment action against Mr. Eugster serves to reinforce a public perception that only those attorneys that play by a specific set of unwritten rules are rewarded. Those that step outside these parameters risk exposure to a highly opinionated based persecution. The Law is a business that enriches an educated class of professionals, and anyone that challenges the set standard causing an opportunity for unfavorable public scrutiny that may adversely affect its power and control, is exposed to possible repercussions. Vigorously defending the "little guy" against powerful interests based on personal principles and ethics is going to make a few enemies. This legally sanctioned pursuit of

the revocation of Mr. Eugster's law license is merely retribution for a career of not going along with the status quo. There is no reasonable justification, at this point, for not allowing Mr' Eugster to retain his right to practice law in advance of the Supreme Court ruling on his case. It would be a disservice to the public to deny it the opportunity to retain Mr. Eugster as an attorney. In clear conscience, I will continue to recommend him to close friends and associates that need the assistance of an ethical, effective attorney.

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

ROY E. McLOED

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Roy E. McLoed, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the statements herein based upon my own personal knowledge.
3. I am a retired officer of the United States Air Force and a retired Spokane businessman.
4. At my retirement from the Air Force I worked in War Plans and had done so for many years prior thereto.
5. After my retirement I was in the business in Spokane – buying and selling and appraising valuable antiques.
6. I am now completely retired, however, I continue to assist a friend from time to time who is in the same business I was in.
7. I make this declaration in support of my friend Steve Eugster.
8. I do so because there comes a time when a person should and must stand up for a friend, in this instance, a friend who has been much maligned and hurt by others without true cause or reason.
9. My friend, Steve Eugster, has been unjustly maligned and accused of wrongdoing by the Washington State Bar Association for his

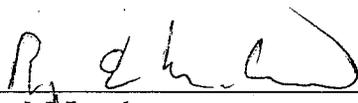
efforts to help and protect one of his clients.

10. I have known Steve since the early 1980s. I know him very well and during this time would see him every month, sometimes many times per month.
11. Our relationship has been and is both personal and professional.
12. In no instance has this relationship been anything but strong and very supportive.
13. In fact, among the many people I have worked with and known over the years, Steve is one of the best in terms of advice, character, tenacity, loyalty, constantcy and integrity.
14. His honesty and loyalty to his clients is beyond reproach; it will continue to be beyond reproach. I know the man.
15. Steve has a well rounded education in the field of law. In some respects it is possible that he is, what may be called, "over particularly read" in some of the fields of the law.
16. He always has a very specific in the knowledge of all of the cases he undertakes and the law and facts relating to those cases.
17. I can write more on this part of Steve's character but I don't want to overlook his greatest strength, his integrity and honesty in all of his actions.

18. Honesty requires knowledge. To be knowledgeable requires continued inquiry in reference to current resource of information. This requires being well read which brings me back to Steve's main strong resource.
19. I am proud to call Steve Eugster true friend and to be so accepted as such by Steve in return.
20. Steve Eugster is a lawyer of the sort sorely needed by our community in Spokane and the state of Washington.
21. Rules are made to be followed and to follow them as intended or to pursue the implementation of the rules is at times a very unpopular thing to do. Nevertheless, this is what Steve does. It takes great courage. Steve has suffered for what he does and tries to do as a loyal citizen and lawyer.
22. Steve has never done any work as a lawyer, to my knowledge, where he has been motivated by financial or personal gain.
23. Knowledge of the rules and what the action requires is at the present time one of Steve's greatest strengths. He is a person of great courage.
24. Again, I am proud to know such a person and even more so to be accepted as his friend.

25. Sometimes we're given strengths we possibly do not deserve.
26. Steve is my strength and I can't thank him enough for this supportive friendship.
27. Steve should not be suspended from the practice of law while the court considers his appeal.

Signed at Spokane, Washington on May 3, 2008



Roy McLeod
34 E. Falcon Ave
Spokane, WA

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3: 56

BY RONALD R. CARPENTER

CLERK

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

DIANE MCMAKIN

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, DIANE McMAKIN, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at _____, Washington on _____, 2008.

(Printed Name)

I, DIANE McMAKIN, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at _____, Washington on _____, 2008.

Diane McMakin
DIANE McMAKIN
(Printed Name)

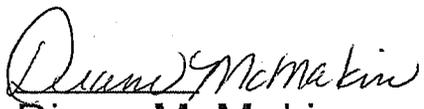
To whom it may concern:

I understand that disciplinary proceedings have been brought against Stephen K. Eugster, and that Mr. Eugster is appealing the result of those proceedings to the Washington State Supreme Court. I submit this declaration to oppose the disbarment of Mr. Eugster, and to support his appeal.

I am over the age of 18. I am not a party to any proceeding in any venue involving Mr. Eugster. I have no family, financial or professional interest in the outcome of Mr. Eugster's disciplinary proceedings, or of his appeal of the result of those proceedings. I am competent to make this declaration, and I submit it under penalty of perjury.

I have known Mr. Eugster for over 30 years. In my experience, he is a fair and just man. He cares deeply for his family, friends, clients, and community. It is inconceivable to me, and inconsistent with my 30 years of knowing Mr. Eugster, that he would do anything professionally disreputable, dishonest, or against his clients' best interests.

DATED: 4-11-08


Diane McMakin
Salt Lake City, Utah

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

JAMES M. MURPHY

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
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FAX 866.800.9941

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

James M. MURPHY

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, James M. Murphy, under penalty of perjury
under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein based upon my own

personal knowledge.

3. See the attachment attached hereto. It is incorporated herein by this reference.

Signed at Spokane, Washington on
April 14, 2008.


James M. Murphy

Printed Name



Mike Donohue
Superior Court Judge, *ret.*
Jim Murphy
Superior Court Judge, *ret.*
Chuck Naccarato

In Re: The Washington State Bar Ass'n. v. Steve Eugster

April 14, 2008

To whom it may concern:

My name is James M. Murphy. I am a mediator and arbitrator with Judicial Mediation Group in Spokane, Washington. My previous career was service to the State of Washington as a Superior Court and District court Judge for 26 years. I retired in January 2003 and started this firm with Judge Michael Donohue.

I have been asked to provide this declaration on behalf of Steve Eugster who is subject to disbarment proceedings and indicates that the bar wishes to immediately suspend his practice until the Supreme Court hears his case, possibly a year from now.

I had Steve in my court many times over the years that I served on the bench. He was one of the brightest attorneys I dealt with during those years. He was most creative and a wonderful advocate for his causes and clients. I never saw any hint of unethical behavior on his part. He had great respect for the court and the law although he could irritate adversaries based on style. While he and I sometimes clashed on issues of law, I have been able to maintain a healthy respect for him as a lawyer, a person and feel he treated clients and the court with honor.

I advocate that he be allowed to continue to practice during the pendency of the action being taken in this case. While the recommendation of the bar is the most serious professional sanction, which a lawyer might face, there remains the review by the Supreme Court to give his future finality or relief.

The pendency of this action certainly assures that Mr. Eugster will practice with the utmost care in seeing that his behavior is above reproach. Suspension for the period of review will be a fatal blow that would devastate him in the event the Court chooses to issue a lesser sanction or a reprieve.

Thank you for consideration of this declaration.

Very truly yours,

MEDIATION • ARBITRATION • PRIVATE TRIALS

0 C140

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

**DECLARATION OF
GARY OSTIN**

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, GARY OSTIN, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at SPOKANE, Washington on 4-2-08, 2008.

Gary Ostin
GARY OSTIN
(Printed Name)

PROOF OF SERVICE

I hereby certify that on the _____ day of _____, 2008, I caused a true and correct copy of the foregoing to be served upon the following individuals by the method(s) indicated.

Jonathan H. Burke
Washington State Bar Association
Office of Disciplinary Counsel
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539

- Hand Delivery
- U.S. Mail
- Facsimile: (206) 727-8325
- Next Day Air
- E-mail: jonb@wsba.org

Kris J. Sundberg
Sundberg Law Office
P.O. Box 1577
Mercer Island, WA 98040-1577

- Hand Delivery
- U.S. Mail
- Facsimile: (206) 727-8325
- Next Day Air
- E-mail:
ksundberg@sundberglaw.com

Stephen K. Eugster
2418 W Pacific Ave
Spokane, WA 99201-6422

- Hand Delivery
- U.S. Mail
- Facsimile: (206) 727-8325
- Next Day Air
- E-mail:
eugster@eugsterlaw.com

Dated: _____, 2008

Shawn Timothy Newman
WSBA 14193

C:\WIP\WSBA\SupremeCourt\CAPTION.wpd

GARY OSTIN
423 West First Avenue, Suite 120
Spokane, WA 99201-3700

April 2, 2008

Washington State Bar Association
Office of Disciplinary Action

To Whom It May Concern:

I was born in Spokane and following graduation from Gonzaga moved out of state to complete my education and pursue by career. Following retirement as a physical therapist I have returned to Spokane.

I met Mr. Steve Eugster while seeking temporary housing during construction of a condo. I see and speak with him on a regular basis regarding issues concerning building management and day to day operations.

I believe Steve is a person of integrity and moral fortitude.

I support Mr. Eugster and believe he should not be suspended while his case is before the court.

Sincerely,



Gary J. Ostin

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3: 56

BY RONALD R. CARPENTER

CLERK

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

DANIEL B. RITTER

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Daniel B. Ritter, under penalty of perjury under the laws of the State of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the statements of fact herein based upon my own personal knowledge.
3. I submit this declaration in support of the request of Stephen K. Eugster to be permitted to continue practicing law during the pendency of this proceeding.
4. Identification. I am of counsel to Davis Wright Tremaine LLP, Seattle, where I practiced from 1963 through 2006 (as partner from 1969), beginning in the general practice of law and later concentrating on business law, especially banking law and commercial law, along with some appellate work. I have been active in the Washington State Bar Association, serving on the Statute Law Committee, the Disciplinary Committee (under a previous organizational structure), the Judicial Evaluation Committee, and as chair of the (then) International Committee and of the Business Law Section and of its Uniform Commercial Code Committee; and as panelist or moderator for many CLE programs; I have written for and/or edited three WSBA deskbooks.
5. Knowledge of Stephen Eugster. I met Mr. Eugster in the 1960s when he came to work for our law firm following graduation at the head of his class at the University of Washington Law School. As associates in a then small firm we worked together closely and became good friends outside of the office as well. When he left the firm after a few years to go into practice on his own, we stayed in touch and this continued after he moved to Spokane, although we saw less of one another then. We have many mutual acquaintances in the legal community and I know his reputation for truth and veracity in that community.

6. Reasons for Non-suspension. Mr. Eugster is completely honest and the case against him is far from certain and involves issues more of legal interpretation than of ethics (in the sense of morality). Therefore, his continuing to practice represents no danger to the public and it would be unjust to punish him before he has his day in court.
7. Honesty. Mr. Eugster has an unblemished reputation for integrity and he is as honest as anyone I have known. He has always been zealous to pursue what is fair and just. His critics would say he is sometimes too zealous and that in pursuing justice he may advance too many novel and ultimately unsuccessful legal theories and that as a litigator he may be too persistent and overly inclined to "rock the boat." But never for personal gain. He could have made far more money in a more conventional legal practice.
8. The Case Against Him. I have read Mr. Eugster's brief to this Court, but have had the opportunity to make only a cursory examination of the record below, and I am neither qualified nor authorized to argue his case. However, a few observations may be warranted.

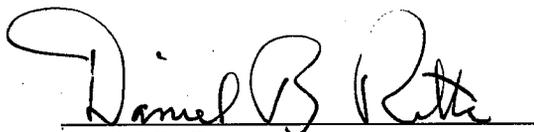
This case is strange. The disciplinary proceedings regularly reported in the Bar News and the advance sheets typically involve either dishonest acts or egregious neglect of duty, and when a disciplinary case reaches this Court the main issue is usually what the punishment should be.

Here the finding is that Mr. Eugster would not have done what he did but for a dishonest motive. The alternative, of course, is that he told the truth and did what he did to protect an apparently incompetent client. That claim is plausible, since what he was trying to do was procure for her the protection of the court through appointment of a guardian, and his concerns about her competency were hardly farfetched considering that,

shortly after he was out of the picture, she signed a new will disowning her child and grandchild, the natural objects of her bounty, in favor of an ex-wife and an animal shelter.

9. Conclusion. So the outcome here may well depend on the question of law posed by Mr. Eugster: May a lawyer believing his client to be incompetent and vulnerable to exploitation seek appointment of a guardian and in so doing disobey the client's instructions and reveal her confidences? Although admitting bias, I hope as a lawyer and a citizen that the answer will be yes, yet even if I am wrong, I respectfully submit that the issue is sufficiently close that Mr. Eugster should not be punished until this Court has ruled on the merits.

Signed at Seattle, Washington on April 24, 2008.


Daniel B. Ritter

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SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3: 5b

BY RONALD R. CARPENTER

Case No. : 200,568-3

CLERK
SUPREME COURT OF THE STATE OF WASHINGTON

In re **STEPHEN K. EUGSTER,**

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF LORING B. ROWELL

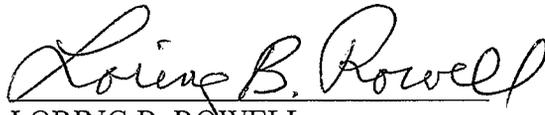
Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Loring B. Rowell, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at Seattle, Washington on ~~March~~ April 23, 2008.


LORING B. ROWELL



April 23, 2008

Department of
Physiology & Biophysics

Loring B. Rowell, Ph.D.
Professor Emeritus
Physiology & Biophysics
Medicine (Cardiology)
Room H424A, Box 357290
Seattle, WA 98195-7290
Phone: (206) 543-0987
Fax: (206) 685-0619

I understand that Attorney Stephen K. Eugster is to undergo the procedure of disbarment. I also understand that Mr. Eugster stands accused of practicing law for his personal advantage, financial or otherwise. This accusation conflicts sharply with all I have known about Mr. Eugster since 1958.

My wife and I watched Steve grow up from a courteous and respectful teenager to an impressive adult whose intelligence and good humor were early markers of a well-revered man whose honesty and concern for others were never in doubt.

His history testifies to a finely honed sense of right and wrong and a passion for the law that is often energized by political and social issues, both popular and unpopular. He has never shied from speaking out. In Seattle he took on a major issue that made our family and a number of our professional friends proud of him (i.e. public funding of a private stadium).
Personal gain? No!

Sometimes I have disagreed with Mr. Eugster on an issue. This has never blunted my respect for his honesty and integrity. Agreement was not and is not (I hope) a condition for trust.

Mr. Eugster fully understands commitment — and he has understood and accepted the gravity of his commitments to the Law and the Public Good.

0 0151

(cont)

re: Mr. Stephen Eugster

UW Medicine
SCHOOL OF MEDICINE

I hope that Mr. Eugster will be allowed to continue his practice of Law during your consideration of his case

Loring B. Rowell
Seattle, WA
April 23, 2008

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3: 56

BY RONALD R. CARPENTER

Case No. : 200,568-3

CLERK
SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

**DECLARATION OF
IRENE K. RUSSMAN**

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, IRENE K. RUSSMAN, under
penalty of perjury under the laws of the state of Washington, declare as
follows:

1. I am over the age of eighteen and competent to be a witness in
these proceedings.
2. I make the following statements herein and in the attachment
hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this
reference

Signed at Mason County, ^{Shelton,} Washington on
March 31, 2008.

Irene K Russman
IRENE K. RUSSMAN
(Printed Name)

Declaration of Irene Karen (Duffy) Russman

re: Stephen K. Eugster

I, Irene Karen Russman, wish to make a declaration on behalf of attorney Stephen K. Eugster. To have an opportunity to express my belief in Stephen Eugster's unquestionable integrity and amazing professional ability gives me great pleasure. If an attorney of Eugster's record is barred for even one day from practicing law, my faith in the due process of law, freedom of speech and judicial review plunges to depths of alarming concern. The following statements are made based upon my own personal experience as a client in two cases where I was represented by attorney Steve Eugster.

1. I am Irene Karen (Duffy) Russman and live at 80 E. Ballantrae Drive, Shelton, Wa. 98584.
2. I was born March 10, 1942.
3. My careers have included, traditional homemaker, property management, and artist.
4. I currently volunteer as a mediator for Small Claims Court in Thurston county.
5. Steve Eugster represented me in a divorce proceeding in 1990 and in a property line dispute in 1999.
6. Steve Eugster has always been respectful to me.
7. Steve Eugster prides himself on empowering those in our culture who have less power.

In 1990 I went to Stephen Eugster about my lopsided divorce decree. In my case my physician husband of 30 years used the law firm that handled 'his' medical corporation as his divorce representation. The judge assigned had been a former partner of the legal firm representing my husband. The assigned judge still had an open phone line to that law firm. Stephen Eugster righted many wrongs in the initial divorce judgment.

8. Steve Eugster restored my faith in the legal system.

9. My life today is greatly improved due to Steve Eugster's exceptional legal representation.

When I again needed expert legal advice and representation in 1999, I went to Stephen Eugster. In this case he won a settlement for me of triple damages concerning a property line dispute in Whitman County.

10. Steve Eugsters professionalism and his mastery of delivering a case in court are awe inspiring. He is has integrity and he was brilliant in both cases.

That the bar association could question this attorney's intent or capabilities is unbelievable. And it is cruel to inflict even an inference of non-competency on this amazing attorney.

11. In my experience I have encountered no one to exceed Steve Eugsters knowledge or devotion to the law.

12. The judicial system of our great country should clone Steve Eugster. May God help you in the decisions you are about to make.

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3:56

BY RONALD R. CARPENTER

CLERK

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF KENNETH SANDS

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.991

I, Kenneth Sands, under penalty of perjury under the laws of the state
of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these
proceedings.
2. I make the following statements herein and in the attachment hereto
based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at Washington, D.C., on April 3, 2008


KENNETH SANDS

2507 Crestline Drive, N.W.
Olympia, WA 98502_4327

April 3, 2008

Re: Stephen K. Eugster

Dear Mr. Newman,

My name is Kenneth J. Sands. I reside at 5105 Linnean Ave.
NW, Washington DC, 20008.

I live in Washington, D.C., but spent 1981-2007 working as a
journalist in Spokane. I am a friend of Stephen K. Eugster
and have known him for about 15 years. As a journalist, I
also followed his career rather closely.

Steve has faults, like anyone, and his faults routinely – and
many times unfairly – are trumpeted in the local media. One
of Steve's greatest strengths, however, is his honesty. The
idea that his honesty and ethical behavior would be
questioned is hard to fathom. I've shared personal secrets
with Steve and he has never – *never* – betrayed my trust. I've
also seen him protect the confidences of others.

Politically, Steve has a lot of enemies. Many people don't
agree with his dogged pursuit of legal cases. Isn't persistence
and insistence on following the law a good attribute for an
attorney? I can't help but think his detractors in the legal and
political communities are grasping at straws to take him
down. Surely the Washington State Bar Association and the
state courts are above that kind of petty retribution.

I knew of Steve before I knew Steve, and as I got to know
him I was stunned by his respect for the law, his willingness
to work for free on behalf of the community's interest and his
work for the less fortunate.

In my opinion, the State Bar should allow Steve Eugster to
continue to practice law until this matter is settled.

Sincerely,

Ken Sands



Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,
an Attorney at Law,
WSBA Bar No. 2003

DECLARATION OF

Patrick K. Stiley
W. 1403 Broadway
Spokane, Wa., 99201
1-509-323-9000

or

P.O. Box 152
San Pedro Town
Ambergris Caye
Belize, C.A.

Wa State Bar #00679

I, Patrick K. Stiley, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference.

Signed at Belize, Central America on April 15, 2008.


PATRICK K. STILEY
(Printed Name)

C:\Documents and Settings\Owner\YOUR-C6788FC80A\Desktop\Eugster, Steve\2008_4_15 pks declaration .wpd

4/15/08

In re: Steve Eugster

Attachment to Declaration of Patrick K. Stiley

I'm an attorney, practicing in Spokane since 1971 (SCOTUS 1972), trying to type this attachment, myself, in my Belize office, where my printer is not working. I understand that the documents are necessary before my return to Spokane, ca. June 1, 2008. I consider Steve's importance to the community, as a creative, independent-minded attorney, to merit this expediency. If I am unable to reach functioning equipment (printer/fax), in a timely fashion, I will e-mail these documents to my office, with instructions to use my facsimile signature, with a telephonic identification from me, for notary.

I have known Steve since approximately 1990, and have always known him to be one of the few intellectuals practicing law in Eastern Washington. I have always been impressed with his creativity, knowledge of the law, and dedication to the needs of the powerless in our society. I have hired Steve to represent me, and would do so again, without question, reasoning that my ability to pay enables him to continue his long term efforts to help the less fortunate.

I have no doubts about Steve's exceptional commitment to the ethical, moral, and social responsibilities of those privileged to practice law, and believe that loss of him as a practitioner would represent a tragic loss to the community.


Stiley in Belize, C.A.
4/21/08

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SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3: 57

BY RONALD R. CARPENTER

CLERK

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

**DECLARATION OF
JOHN SITTON**

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, John Sitton, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. I am a retired long haul truck driver with over 30 years experience, mostly as an interstate new car auto-hauler.
4. I am a commissioner of the Lenora Water and Sewer District.
5. The District has within its jurisdiction a large recreational vehicle park.
6. Some time ago the District sued the developer of the recreational vehicle park.
7. The developer in response sued each of the commissioners seeking hundreds of thousands of dollars damages personally against each of us.
8. The commissioners, frightened by the claims against us and the failure of the attorney for the District to represent us as he said he would sought the assistance of Steve Eugster.
9. Steve immediately grasped the situation and filed an answer to the

case against us.

10. The attorneys for the developer shortly thereafter sought a solution. A letter was sent to us asking us to sell our property to the developer, agree never to reside in the area of the District again, and to cause the District to settle the case against the developer for \$100. See the attached exhibit.
11. I along with the other commissioners viewed this communication as a possible attempted bribe. We caused Steve to advise the court.
12. He did and the court, as I recall, threatened to impose sanctions against Steve for bringing the matter to the attention of the court.
13. Despite the court's threat and undaunted, Steve fearlessly proceeded with the case. He was outnumbered and his positions not only were resisted vigorously by the other developer and the attorneys for the developer they were resisted by the Pend Oreille Prosecuting Attorney. They were also resisted by the court.
14. Eventually Steve was able to secure a writ of mandamus against the Prosecuting Attorney under which the prosecuting attorney had to commence action to enforce the subdivision laws of the county and the state.
15. Eventually the case was settled. It was settled in such a way that

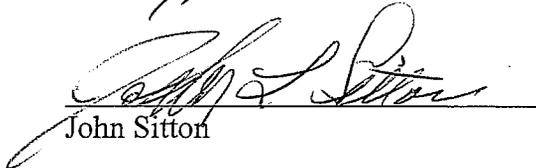
all concerned were able to secure the benefits of the District. This meant that in the process of settlement all of the lots in the recreational vehicle park became legal lots and therefore salable lots.

16. Steve was the mind behind this broad settlement. Were it not for his creativity and tenacity in the face of opposition (and very uncertain payment for his services I might add) the matter would never have been resolved in a way beneficial to all.
17. Steve continues to represent the District.
18. Currently he is helping with our comprehensive plan and the transfer of certain water rights.
19. I have known Steve to be a fair and honest person. I have faith in him.
20. He has become my friend.
21. He is a most unusual and fine lawyer. One the court and the profession should be proud of.
22. I do not think it would be in the best interest of the District if Steve was no longer able to provide services to it.
23. Steve should not be suspended while the decision of the Bar Association is being appealed.

24. The public the Bar Association serves would be hurt if he were suspended.

Signed at ~~Camelot Shores, Hsk~~, Washington on April ~~25~~, 2008.

Spokane Valley,


John Sitton

RECEIVED

JAN 26 2006

DUNN & BLACK

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JAN 26 2006

DUNN & BLACK

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SUPERIOR COURT, STATE OF WASHINGTON, PEND OREILLE

LENORA SEWER DISTRICT, a
municipal corporation,

Plaintiff,

vs.

RYAN FAMILY TRUST and/or RYAN
EXEMPTION TRUST, and DONALD
MCPOLAND and JANE DOE
MCPOLAND, individually and as a
marital community, and DONALD
SWANK and JANE DOE SWANK,
individually and as a marital community
d/b/a SWANK & MCPOLAND, an Idaho
general partnership,

Defendants.

No. 05-2-000224

DECLARATION OF STEPHEN K.
EUGSTER DATED
JANUARY 25, 2006

0 0168

000439

*Declaration of Stephen K. Eugster
Dated January 25, 2006 - 1*

Eugster Law Office
Professional Service Corporation
100 Minnesota-Oakley Buildings
423 West First Avenue
Spokane, Washington 99201-3706
(509) 624-5566 FAX (509) 838-4274

1 SWANK & McPOLAND, an Idaho
2 general partnership;

3 Third-Party Plaintiffs,
4

5 vs.

6 RICHARD JOHNSON and JANE DOE JOHNSON,
7 individually and as a marital community; RONALD
8 PERSYN and JANE DOE PERSYN, individually
9 and as a marital community; and JOHN SITTON and
10 JANE DOE SITTON, individually and as a marital
11 community,

12 Third-Party Defendants.

13 RICHARD JOHNSON and JOHN SITTON

14 Fourth-Party Plaintiffs,
15

16 vs.

17 THOMAS A. METZGER, Prosecuting Attorney,
18 Pend Oreille County Prosecuting Attorney; PEND
19 OREILLE COUNTY, a county of the state of
20 Washington; and CAMELOT SHORES OWNER'S
21 ASSOCIATION, and

22 Fourth-Party Defendants.

23 Stephen K. Eugster, under penalty of perjury under Washington law, declares as follows:

- 24 1. I am over the age of 18 and competent to be a witness in proceedings of this kind.
25 2. I make the statements herein based upon my own personal knowledge.
26 3. I am the attorney for Richard Johnson and John Sitton.
27 4. Richard Johnson and John Sitton are commissioners of the Lenora Sewer District.

28
29 *Declaration of Stephen K. Eugster*
30 *Dated January 25, 2006 - 2*

0 0169
000490
Eugster Law Office
Professional Service Corporation
100 Minnesota-Oakley Buildings
423 West First Avenue
Spokane, Washington 99201-3706
(509) 624-5566 FAX (509) 838-4274

1 located in Pend Oreille County, state of Washington. They are also commissioners of the
2 Lenora Water District, Pend Oreille County, state of Washington.

3 5. The Lenora Sewer District is the plaintiff in this litigation.

4
5 6. On January 23, 2005, via fax, I received at my office at (509) 838-4274 at 423 West
6 First Avenue, Spokane, Washington 99201, the attached letter from Christian Cox and the law
7 firm of Dunn & Black dated January 23, 2006. Exhibit A.

8
9 7. On January 24, 2006 at 11:16 a.m., I received a message from Robert Dunn, of Dunn
10 & Black to call him about the Lenora Sewer District. Exhibit B.

11 8. On January 24, 2006, my clients Richard Johnson and John Sitton and I sent the
12 attached letter to Mr. Cox and Mr. Dunn of Dunn & Black regarding the letter of January 23,
13 2006. Exhibit C.

14
15 9. The letter of January 23, 2006 (Exhibit A) is characterized as an "ER 408 Offer of
16 Settlement."

17
18 10. However, the Letter of January 23, 2006 (Exhibit A) appears to be in violation of the
19 law of the state of Washington.

20 11. It appears to be an attempt to bribe commissioners Richard Johnson and John Sitton.
21 For example, RCW 9A.68.010 [Bribery.] sets forth:

22 (1) A person is guilty of bribery if:

23
24 (a) With the intent to secure a particular result in a particular
25 matter involving the exercise of the public servant's vote, opinion,
26 judgment, exercise of discretion, or other action in his official
27 capacity, he offers, confers, or agrees to confer any pecuniary
benefit upon such public servant; or

28 (b) Being a public servant, he requests, accepts, or agrees to

0 0170

29 *Declaration of Stephen K. Eugster*
30 *Dated January 25, 2006 - 3*

Eugster Law Office
Professional Service Corporation
100 Minnesota-Oakley Buildings
423 West First Avenue
Spokane, Washington 99201-3706
(509) 624-5566 FAX (509) 838-4274

000491

1 accept any pecuniary benefit pursuant to an agreement or
2 understanding that his vote, opinion, judgment, exercise of
3 discretion, or other action as a public servant will be used to secure
4 or attempt to secure a particular result in a particular matter.

5 (2) It is no defense to a prosecution under this section that the
6 public servant sought to be influenced was not qualified to act in
7 the desired way, whether because he had not yet assumed office,
8 lacked jurisdiction, or for any other reason.

9 (3) Bribery is a class B felony.

10 12. A class B felony is punishable by maximum penalty of "confinement in a state
11 correctional institution for a term of ten years, or by a fine in an amount fixed by the court of
12 twenty thousand dollars, or by both such confinement and fine." RCW 9A.20.021(1)(b).

13 Signed at Spokane, Washington on January 25, 2006.

14
15 

16 Stephen K. Eugster, WSBA # 2003

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30 *Declaration of Stephen K. Eugster*
Dated January 25, 2006 - 4

Eugster Law Office
Professional Service Corporation
100 Minnesota-Oakley Buildings
423 West First Avenue
Spokane, Washington 99201-3706
(509) 624-5566 FAX (509) 838-4274

Dunn & Black

Attorneys at Law

John C. Black
Christian R. Cox
Robert A. Dunn
Patrick J. Kirby
Nicholas D. Kovarik
Kevin W. Roberts
Ryan D. Yahr

Peyton Building
10 North First, Suite 200
Spokane, WA 99201
Voice: (509) 455-8711
Fax: (509) 455-8734

January 23, 2006

Via Facsimile

Stephen Backman
Backman & Blumel, P.S.
4407 N. Division St., Ste. 900
Spokane, WA 99207

Stephen Eugster
Attorney at Law
423 West First Avenue
Spokane, WA 99201

Re: **Lenora Sewer District v. Swank & McPoland, et al.**
ER 408 OFFER OF SETTLEMENT

Gentleman:

This correspondence memorializes Swank & McPoland's offer to resolve the disputes between our clients. This offer is as follows:

1. John Sitton

Swank & McPoland will purchase John Sitton's three lots in Camelot Shores for a total purchase price of \$300,000 payable as follows:

- \$150,000 at closing
- \$150,000 upon Swank & McPoland taking possession of all lots (six months maximum).

Mr. Sitton may keep all personal property on the three lots, including the mobile home and cabin. Mr. Sitton agrees that he will not purchase a lot in or ever reside in Camelot Shores in the future.

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Stephen Backman
Mr. Steve Eugster
January 23, 2006
Page 2

2. Richard Johnson

Swank & McPoland will purchase Richard Johnson's lot in Camelot Shores for a total purchase price of \$200,000 payable at closing. Mr. Johnson may keep all personal property on the lot. Mr. Johnson agrees that he will not purchase a lot in or ever reside in Camelot Shores in the future.

3. In addition, Swank & McPoland have offered to purchase Lawrence Sitton's three lots in Camelot Shores for a total purchase price of \$300,000 payable as follows:

- \$50,000 at closing
- \$250,000 on or before 9/30/06 so long as Swank & McPoland take possession of all lots prior to that date. Swank & McPoland must take possession of all lots prior to 9/30/06.

Mr. Sitton may keep all personal property on the three lots, including the mobile home and cabin.

4. Swank & McPoland will agree to resolve the litigation with Lenora Sewer District by paying \$100 to Lenora Sewer District in exchange for a mutual release dismissing with prejudice all claims and counterclaims at issue in the pending litigation.

These offers are contingent upon the parties entering into a mutual release dismissing with prejudice all claims and counterclaims at issue in the pending litigation. The purchase prices offered by Swank & McPoland are significantly higher than market value for the respective properties. For example, Swank & McPoland recently purchased the 20+ acre Van Lee parcel with 740 feet of waterfront for \$250,000 and are in the permit process to develop this property as the next phase of Skookum Rendezvous.

Swank & McPoland are actively acquiring other property for future phases of Skookum Rendezvous, and this offer expires at 5:00 p.m. on January 31, 2006. At that time, Swank & McPoland will use the funds offered herein to acquire other property for Skookum Rendezvous on which they currently hold options. I look forward to your prompt responses.

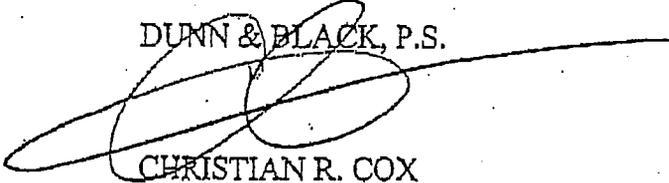
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A.2

Stephen Backman
Mr. Steve Eugster
January 23, 2006
Page 3

Very truly yours,

DUNN & BLACK, P.S.



CHRISTIAN R. COX

CRC:ulp
cc: Swank & McPoland (Via Facsimile)

F:\wpdocs\Swank & McPoland.2053\Backman.Eugster.012006.doc

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A-3

PHONE CALL

FOR	<u>Stam</u>	DATE	<u>1-24</u>	TIME	<u>11:16</u>	<u>A.M.</u> P.M.
M.	<u>Bob Duhn</u>					
OF						
PHONE/ MOBILE	<u>455-8111</u>					FAX
MESSAGE	<u>Re: Lenora Sewer District</u>					
SIGNED						

TELEPHONED
RETURNED YOUR CALL
PLEASE CALL
WILL CALL AGAIN
CAME TO SEE YOU
WANTS TO SEE YOU

1154

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B

EUGSTER LAW OFFICE

A Professional Services Corporation

423 WEST FIRST AVENUE, SUITE 100

MINNESOTA - OAKLEY BUILDINGS

SPOKANE, WASHINGTON 99201

TEL (509) 624-5566
FAX (509) 838-4274
www.eugsterlaw.com

Stephen K. Eugster
eugster@eugsterlaw.com

Cynthia Lawson, Paralegal
clawson@eugsterlaw.com

January 24, 2006

Via Fax to (509) 455-8734
and U.S. Mail

Christian R. Cox
Robert Dunn
Dunn & Black, P.S.
10 N. Post, Suite 200
Spokane, WA 99201

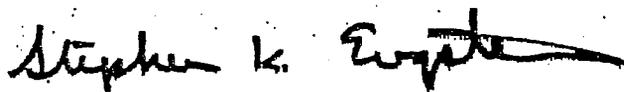
Re: *Lenora Sewer District v. Swank & McPoland, et al.*
Your Letter of January 23, 2006

Gentlemen:

On behalf of my clients and myself, the "offer" set forth in your letter of January 23, 2006 is rejected unreservedly and in its entirety. See RCW 9A.68.010.

Very truly yours,

EUGSTER LAW OFFICE PSC



Stephen K. Eugster

SKE:cal

cc: Steve Backman
John Sitton
Richard Johnson

Z:\WIP\JohnsonSitton\coxdunn.wpd

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C

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3: 57

BY RONALD R. CARPENTER

CLERK

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

**DECLARATION OF
JONI STILLIAN**

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Joni Stilian, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at USK, Washington on 4/4, 2008.



Joni Stilian

(Printed Name)

DECLARATION ATTACHMENT

My name is Joni Stillian. I am the Administrative Assistant for Lenora Water & Sewer District.

Mr. Eugster is the attorney for the Lenora Water and Sewer District. Mr. Eugster has frequently attended our monthly Public meetings.

It is my opinion that suspending Mr. Eugster while his case is before the Supreme Court would be a disservice to his clients. He is very focused on the well being of his clients who rely on him for their legal support and advice.

Mr. Eugster's services have been invaluable to the Lenora Water & Sewer District. In my dealings with him, he has been very professional and extremely knowledgeable regarding the Law.

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3: 57

BY RONALD R. CARPENTER

CLERK

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

THOMAS B. TILFORD

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, Thomas B Tilford, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at Spokane, Washington on April 8, 2008.

Thomas B Tilford
Thomas B Tilford
(Printed Name)

Declaration of Thomas B Tilford

My name is Thomas B Tilford and I am a resident of Spokane, Washington. Currently I am the Director of the Hogan Entrepreneurial Leadership program at Gonzaga University. I was educated as an attorney at the University of Washington and I practiced law as a shareholder of Lukins and Annis in Spokane from 1973 through 1982. During my period of practice I served as President of Lukins and Annis, (37 lawyers), I was chair of the tax section of the WSBA, I had a Martindale Hubbell AV rating and I served on the visiting committee of the University of Washington School of Law. After leaving Lukins and Annis in 1982 I occupied various ownership and executive level positions in a series of companies that built high voltage transmission lines across all of the western United States until my retirement from the industry in 2001.

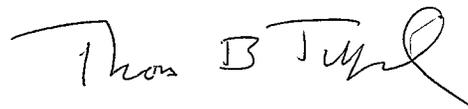
I have known Steven Eugster since we were classmates together at the University of Washington law school (class of 1969). We were partners together at Lukins and Annis from 1975 through my departure from the firm in 1982. Mr. Eugster provided legal services to me and my companies from 1985 though 2001. My wife and I have been close socially to Mr. Eugster and his spouse(s.). I regard Mr. Eugster as a trusted advisor and a close friend.

While I am not familiar with all of the details of the charges against Mr. Eugster that are being considered by the Washington state Supreme Court I am familiar with the quality of Mr. Eugster's legal work and his integrity. While in law school Steve was a star. He was managing editor of the Washington Law Review and was a member of the Order of the Coif. I don't recall his exact class ranking but I am sure that he had one of the five highest gpas. Steve was an associate at Davis Wright before leaving to establish his own firm. While at Lukins and Annis we worked in many projects together and his work was always very well researched and very well analyzed. He was very skillful in drafting complex instruments and in negotiating complex transactions.

Steve has a passion for doing the right thing for his clients and his community. It is this passion that compelled him to leave Lukins and Annis. He would often sacrifice economic self interest to pursue a cause or to right a wrong. He served a City Councilman and was responsible for rewriting our city's charter. He never put his own economic interest ahead of his client's interest. In fact Steve is profoundly indifferent to the trappings of wealth and success.

If Steve made errors of judgment in representing his client in the matter under investigation I am sure it was due to the distraction and depression that followed a very painful separation and divorce from his wife of fourteen years. Steve has worked though the personal issues that were so significant three or four years ago and his legal advice to future clients will be first rate and, as always, free from any inappropriate advantage to Steve. He should not be suspended and should be allowed be to continue to practice law while his case is before the Court.

Thank you for consideration of my declaration.



RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3:57

BY RONALD R. CARPENTER

CLERK

Case No. : 200,568-3

SUPREME COURT OF THE STATE OF WASHINGTON

In re STEPHEN K. EUGSTER,

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

JAMES WICKWIRE

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

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I, JAMES WICKWIRE, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein based upon my own personal knowledge.
3. See the attachment attached hereto. It is incorporated herein by this reference.

Signed at Seattle, Washington on
April 24, 2008.


JAMES WICKWIRE

1. Following graduation from Gonzaga University Law School in June 1967, I was admitted to the bar of the State of Washington in September 1967 (WSBA # 2306), and served continuously as an active member until my voluntary resignation in December 2007 when I retired from law practice. During the more than forty years I was a member of the bar, I have never been subject to a disciplinary proceeding, nor am I aware of any complaint, however slight or unfounded, ever being made or lodged with respect to my acts or ethical conduct as a practicing lawyer.

2. After serving on the Washington, D.C. staff of U.S. Senator Henry M. Jackson during 1967-68, my family and I moved to Seattle in November 1968. For the balance of my legal career I was associated with, or was a partner or principal in, the following law firms (in chronological order): (i) Howe, Davis, Riese & Jones; (ii) Davis, Wright, Todd, Riese & Jones; (iii) Wickwire, Lewis, Goldmark, Dystel & Schorr; (iv) Wickwire, Goldmark & Schorr; (v) Heller, Erhman, White & McAuliffe; (vi) Wickwire, Greene & Seward; (vii) Wickwire, Greene, Crosby, Brewer & Seward; and (viii) in my final eight years, as a solo practitioner.

3. I have known Stephen K. Eugster since 1970 when we

were both employed as associates at the Davis, Wright law firm. During the 37 years that followed, Steve Eugster and I have had frequent contact at both the professional and personal levels. During my long association and friendship with Steve, I have had ample opportunity to observe his conduct, both as a lawyer and as a friend. In various cases in which he was engaged over the years, he would consult with me on an informal basis. Periodically, Steve would ask me to review pleadings, correspondence and other legal documents that he had prepared with respect to various legal matters and court proceedings. Likewise, I would consult with him from time to time about various matters in which I was engaged. As the result of this extensive contact over the years, I have reached certain conclusions about Steve Eugster's character, both as a person and as a lawyer.

4. Among the lawyers I have known during my 40 years of law practice, Steve Eugster stands at the very top in terms of his great personal integrity and unrelenting adherence to the ethics of the legal profession. There are only two other lawyers I would include in my personal pantheon when measured against these high standards. The first is my father, James F. Wickwire, a member of the bar of the State of

Washington from 1938 until his death in 1990, and who served with distinction as a private practitioner, prosecuting attorney, and judge. The second is Charles A. Goldmark, my law partner and friend who was one of this state's most outstanding lawyers and, more than anyone else, was instrumental in establishing the Interest on Lawyers Trust Accounts (IOLTA) Program that has become so integral to funding nonprofit organizations that provide civil and legal aid services for low income people with nowhere else to turn. Chuck Goldmark, his wife Annie, and their two sons, Derek and Colin, were brutally assaulted on Christmas Eve 1985 in their own home. Sadly, the entire Goldmark family perished as the result of the senseless acts of a deranged man. I shall never forget Steve Eugster's unswerving support in the aftermath of this tragedy which shook my professional and personal life to the core. It is in going through such experiences that one gains the true measure of a friend and his character. In this regard, Steve Eugster measured up to the fullest possible extent.

5. I also want to comment about one other aspect of Steve Eugster's character. On many occasions throughout his career as a lawyer, he was willing to take on controversial or unpopular matters,

including those that could affect his standing within a particular law firm with which he was associated at the time. His unflinching courage in pursuing these matters, whether for a particular client or on a matter of public interest – and always acting in conformance with the highest ethical standards of the bar – is one of the principal reasons why I admire Steve Eugster in the way I do.

6. Although I did not specialize in family law, including guardianships, I have recent experience which provides me with perspective on Steve Eugster's alleged violation of several provisions of the Rules of Professional Conduct in initiating the Marion Stead guardianship proceeding. Before my retirement as a lawyer last December, I had the occasion, with my wife, Mary Lou Wickwire, to serve as a legal guardian for Joanne Schaller, a close friend of ours who had been severely injured during a People-to-People Exchange trip to China in June 2007, when she was struck by a motor vehicle while walking in a Chinese government park. Ms. Schaller suffered traumatic head injuries which required three brain surgeries in a Chinese hospital before she could be transported to Seattle where she resided. Ms. Schaller began a slow, but steady, recovery from her injuries, but due to aphasia

and apraxia her speech was garbled. She had not previously executed a durable power of attorney or health care directive, so I had to make a judgment whether she was competent to execute a power of attorney and health care directive which would authorize my wife and me to act in her behalf. It was a close question because although we were comfortable with the notion that she wanted us to assist her, I was concerned about her ability to make her own health care decisions and to manage her own financial affairs. This situation was complicated by the fact that Ms. Schaller was estranged from her 25-year old daughter who would become the sole beneficiary of her estate upon her death. Ms. Schaller's daughter had refused to become involved in her mother's care, or even in her predicament generally.

7. I was hesitant to initiate a guardianship petition with respect to Ms. Schaller knowing that it would be inconsistent with her independent cast of mind, but I was even more reluctant to ask her to execute a power of attorney and health care directive because of concerns about not only her competence to do so, but even more due to the strong likelihood that her daughter would challenge my wife's and my actions to lend assistance to a close friend. To resolve this imbroglio, we eventually

retained the services of a highly respected lawyer in Seattle specializing in guardianship matters. Our lawyer advised us that one of the fundamental purposes of the guardianship laws was to allow the court to determine whether a guardianship would be appropriate under these circumstances. We took that step, not to file a petition "against" our friend (as the Washington State Bar Association's hearing officer mistakenly characterized Steve Eugster's actions in initiating the Marion Stead guardianship proceeding), but for Ms. Schaller's benefit by seeking the court's protection in establishing a legal framework so that my wife and I could act with the requisite legal authority to assist our incapacitated friend in her time of acute need. As it turned out, once we were appointed as Ms. Schaller's guardians and acted in that capacity for approximately three months, her condition took a sudden and unexpected turn for the worse and she died in November 2007 after we made the difficult decision to withdraw life support.

8. Although no two cases are the same, when considering my own direct, recent experience as a legal guardian under RCW 88 and 92 in a difficult family situation, and from my review of the record in the Stephen Eugster disciplinary proceeding, I believe that Mr. Eugster's

single alleged act of misconduct in filing a petition of guardianship to protect a client he reasonably believed could not adequately act in her own interest was clearly authorized by RPC 1.13 and state law, and does not justify the Disciplinary Board's disciplinary action, including the harsh penalty of disbarment it seeks to impose. If Mr. Eugster erred in this process, it was when he decided to act *pro se* before the hearing examiner whose Findings of Fact, Conclusion's of Law, and Hearing Officer's Recommendation ("Findings") were so confused and short of the mark that the Disciplinary Board took the highly unusual step in its order adopting the hearing officer's decision of attempting to rewrite the flawed Findings. When considering the hearing examiner's almost casual dismissal of Mr. Eugster's unblemished career as a lawyer from a purely ethical standpoint, including the fact that no practicing attorneys had testified before her as to his character and reputation in the legal community, I deeply regret that I was not presented with an opportunity to testify on my friend's and former colleague's behalf. As a practicing lawyer at the time, I believe I could have made a difference in the outcome.

9. Based on the foregoing, it is my strong belief that Stephen

Eugster should not be suspended from the practice of law during the remainder of this disciplinary proceeding because his continued practice of law will not be detrimental to the integrity and standing of the bar and the administration of justice, or contrary to the public interest.

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 MAY -6 P 3:57

BY RONALD R. CARPENTER

Case No. : 200,568-3

CLERK

SUPREME COURT OF THE STATE OF WASHINGTON

In re **STEPHEN K. EUGSTER,**

an Attorney at Law,

WSBA Bar No. 2003

DECLARATION OF

KRISTINE R. WOLBACH

Kris J. Sundberg
WSBA 14549
P.O. Box 1577
3023 - 80th Ave., S.E. #200
Mercer Island, WA 98040
PH. 206.230.0210
FAX: 206.236.0525

Shawn Timothy Newman
WSBA 14193
2507 Crestline Drive, N.W.
Olympia, WA 98502-4327
PH. 360. 866.2322
FAX 866.800.9941

I, KRISTINE R. WOLBACH, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over the age of eighteen and competent to be a witness in these proceedings.
2. I make the following statements herein and in the attachment hereto based upon my own personal knowledge.
3. The attachment hereto is hereby incorporated herein by this reference

Signed at SPOKANE, Washington on

April 29, 2008.



KRISTINE R. WOLBACH
(Printed Name)

I am Kristine R. Wolbach. I am a Certified Public Accountant employed by the accounting firm, McDirmid, Mikkelsen & Secrest, P.S. in Spokane, Washington

I am a tax specialist. I have my own client base and I represent taxpayers before the Internal Revenue Service. I frequently work with attorneys in planning for clients' estates, leases, bankruptcies, selection of entity, and in tax planning.

I met Stephen K. Eugster when he was an attorney for Lukins & Annis, P.S. He represented a client of mine in a marital dissolution. In the course of the engagement, Steve obtained a thorough understanding of the client's business activities and asset valuations.

When Steve left Lukins & Annis, he set up a sole proprietor law practice. He contacted me to assist him in setting a set of books for his law practice. Steve also formed a partnership to purchase an office building. He later formed a corporation for his law practice and wrote trusts for family members. I was the accountant for all of these entities and I prepare their tax returns.

Steve told me that one of the reasons he left Lukins & Annis was that his hourly rate was too high. He felt that legal fees should be set at a rate that allowed the common man to seek legal advice and to have access to the legal system. We had this conversation several times over the years as we discussed his law practice income projections.

I found it puzzling that in the bar association review that there appeared to be assertions that Steve was motivated by the potential of increased fee income when making client related decisions. I thought that the persons making these assertions did not know Steve very well.

Steve believes in community service. He told me that he believed in tithing his legal time for the benefit of the community. He was only nominally compensated for many hours he spent on the Spokane City Council. Steve was instrumental in protecting the city's interests in the financial and legal decisions that it faced during his term of office.

Steve was sometimes controversial in political positions. I learned early on to listen to Steve. He was not afraid to speak the truth. He felt that some people were successful in manipulating government to their own financial benefit. He believed in operating his business and his professional ventures in a transparent manner. His motives were always pure in my estimation, and he was always well prepared.

From my vantage point, Steve is skilled and proficient in rendering legal services. Steve engaged me to serve as an expert witness in analyzing the complex family business dealings for a marital dissolution client of his. I felt that Steve was very well prepared for the case, and his abilities to understand complex business dealings benefitted his client. I have referred family members and clients to Steve for legal services.

I feel strongly that Steve should not have his license suspended while his case is before the court. I feel he should be able to continue to practice law. I admire Steve for his honesty and for his courage. From my perspective, he has been a bright and able attorney who has operated his business and personal lives in an ethical manner.

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SUPREME COURT OF THE STATE OF WASHINGTON

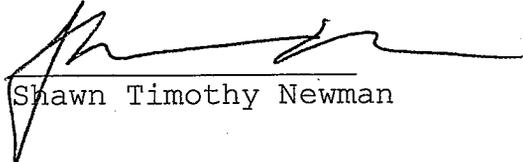
In re Stephen K. Eugster,
an Attorney at Law
WSBA No. 2003

Case No.: 200, ~~566-3~~⁵⁶⁶⁻⁷
DECLARATION OF SERVICE OF
APPELLANT'S ANSWER TO PETITION
TO SUSPEND [SHOW CAUSE]

I declare under penalty of perjury under the laws of the State
of Washington that:

1. I am over 18 and competent to testify.
2. I had served copies of the Appellant's Opening Brief via
USPS copies on all counsel:
Jonathan H. Burke, WSBA Disciplinary Counsel,
1325 - 4th Ave., Suite 600, Seattle, WA 98101-2539
Kris J. Sundberg, Sundberg Law Office, P.O. Box
1577, 3023 - 80th Ave., S.E., #200, Mercer Island,
WA 98040-1577.
Stephen Eugster, 2418 W. Pacific Ave., Spokane,
WA 99304-1122

Dated: 5/6/08
Olympia, WA


Shawn Timothy Newman

Declaration
of Service

1
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