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STATE OF WASHINGTON

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BY RONALD R. CARPENTER

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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

In re

J. David Smith,

Lawyer (Bar No. 8993).

Supreme Court No. 200,748-1

STATEMENT OF ADDITIONAL
AUTHORITIES (RAP 10.8)

Under RAP 10.8, the Washington State Bar Association offers this statement of additional authorities.

On the equivalent effect of a conviction based on a plea of guilty and a conviction based on a verdict of guilty, the Association offers the following authorities:

In re Disciplinary Proceeding Against McGrath, 98 Wn.2d 337, 341, 655 P.2d 232 (1982) (for purposes of a disciplinary proceeding, a plea of guilty will be treated the same as a jury verdict of guilty).

State v. Schimmelpfennig, 92 Wn.2d 95, 104, 594 P.2d 442 (1979) (a plea of guilty should be treated no differently than a jury verdict for purpose of determining whether there has been a prior conviction for a related offense).

Woods v. Rhay, 68 Wn.2d 601, 605, 414 P.2d 601, cert denied, 385 U.S. 905 (1966) (a plea of guilty is a confession of guilt and has the same effect in law as a verdict of guilty).

On the use of collateral attacks on criminal convictions in

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disciplinary proceedings, the Association offers the following authorities:

Disciplinary Counsel v. McAuliffe, 121 Ohio St. 3d 315, 903 N.E.2d 1209 (2009) (a disciplinary proceeding is not an appropriate forum in which to collaterally attack a criminal conviction).

In re Conduct of Coyner, 342 Or. 104, 110-11, 149 P.3d 1118 (2006) (in a disciplinary proceeding, accused lawyer cannot mount a collateral attack on criminal charges of which he was convicted).

On the constitutionality of ELC 10.14(c), the Association offers the following authority:

In re Prantil, 48 Cal. 3d 227, 232-33, 255 Cal. Rptr. 890 (1989) (no constitutional infirmity in statute providing that in proceeding to disbar or suspend a lawyer on account of a conviction, "the record of conviction shall be conclusive evidence of guilt of the crime of which he or she has been convicted").

DATED THIS 14th day of September, 2010.

Respectfully submitted,

WASHINGTON STATE BAR ASSOCIATION



Scott G. Busby, Bar No. 17522

Disciplinary Counsel

1325 4th Avenue, Suite 600

Seattle, WA 98101-2539

(206) 733-5998

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DECLARATION OF SERVICE
BY MAIL

The undersigned Disciplinary Counsel of the Washington State Bar Association declares that he caused a copy of the Association's Statement of Additional Authorities (RAP 10.8) to be mailed by regular first class mail with postage prepaid on September 14, 2010 to:

Kurt M. Bulmer
740 Belmont Pl E #3
Seattle, WA 98102-4442

Dated this 14th day of September, 2010.

The undersigned declares under penalty of perjury under the laws of the state of Washington that the foregoing declaration is true and correct.

9-14-10 Seattle, WA
Date and Place

Scott G. Busby
Scott G. Busby, Bar No. 17522
Disciplinary Counsel
1325 4th Avenue – Suite 600
Seattle, WA 98101-2539
(206) 733-5998

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To: Scott Busby
Cc: kbulmer@comcast.net; Faulk, Camilla
Subject: RE: In re J. David Smith, Supreme Court No. 200,748-1

Rec. 9-14-10

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Scott Busby [mailto:ScottB@wsba.org]
Sent: Tuesday, September 14, 2010 11:47 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: kbulmer@comcast.net; Faulk, Camilla
Subject: In re J. David Smith, Supreme Court No. 200,748-1

Attached for filing are (1) the Association's Statement of Additional Authorities (RAP 10.8) and (2) a Declaration of Service by Mail. I would appreciate receiving confirmation that these documents have been received.

Scott G. Busby, Disciplinary Counsel
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
Phone: (206) 733-5998
Fax: (206) 727-8325
scottb@wsba.org

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