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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re  
  
Meyrick-Aylmer Cortes,  
  
Lawyer (Bar No. 35362).

Supreme Court No. \_\_\_\_\_  
  
ODC'S PETITION FOR  
INTERIM SUSPENSION [ELC  
7.2(a)(3)]

Under Rule 7.2(a)(3) of the Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association petitions this Court for an Order of Interim Suspension of Respondent Meyrick-Aylmer Cortes pending cooperation with the disciplinary investigation.

This Petition is based on the Declaration of Disciplinary Counsel Francesca D'Angelo, filed with this Petition.

## STATEMENT OF GROUNDS/ARGUMENT

Respondent Meyrick-Aylmer Cortes failed to respond to ODC's requests that he respond to a grievance filed against him, failed to appear at a non-cooperation deposition, and failed to produce records in response to a subpoena duces tecum issued by Disciplinary Counsel under ELC 7.2(a)(3)(f)(1). The subpoena was issued due to Respondent's failure to respond to the grievance filed against him.

It is necessary to obtain Respondent's response and records so that ODC can determine whether the grievance has merit. By refusing to respond to the grievance or produce subpoenaed records, he has impeded and delayed the disciplinary process. Accordingly, ODC asks this Court to order Meyrick-Aylmer Cortes's immediate interim suspension pending compliance with ODC's investigation.

### STANDARD

Under ELC 7.2(a)(3), a respondent lawyer may be immediately suspended from the practice of law when a lawyer fails without good cause to comply with a request from ODC for information or documents or fails without good cause to comply with a subpoena.<sup>1</sup> Meyrick-Aylmer Cortes's failure to comply with ODC's requests for a response to a grievance and a subpoena meets this standard.

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<sup>1</sup> ELC 7.2(a)(3) provides:

When any lawyer fails without good cause to comply with a request under rule 5.3(g) for information or documents, or with a subpoena issued under rule 5.3(h), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. A petition may not be filed if the request or subpoena is the subject of a timely objection under rule 5.5(e) and the hearing officer has not yet ruled on that objection. If a lawyer has been suspended for failure to cooperate and thereafter complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

## **EFFECT OF RESPONDENT'S FAILURE TO COOPERATE**

The lawyer discipline system provides “protection of the public and preservation of confidence in the legal system.” In re Disciplinary Proceeding Against McMurray, 99 Wn.2d 920, 930, 655 P.2d 1352 (1983). Given the limited resources available to investigate allegations of lawyer misconduct, “such investigations depend upon the cooperation of attorneys.” Id. at 931.

“Compliance with these rules is vital.” In re Disciplinary Proceeding Against Clark, 99 Wn.2d 702, 707, 663 P.2d 1339 (1983). Because Respondent has not responded to the grievance, appeared for his deposition, or produced subpoenaed records, the Association has not been able to determine whether the grievance has merit. ODC’s effective and timely investigation of the grievance and protection of the public has been impeded and delayed.

## **CONCLUSION**

Respondent’s failure to cooperate with a disciplinary investigation is an ongoing violation of ELC 7.2(a)(3). Accordingly, ODC asks the Court to issue an order to show cause under ELC 7.2(b)(2) requiring Meyrick-Aylmer Cortes to appear before the Court on such date as the Chief Justice may set, and show cause why this petition for interim suspension should not be granted.

DATED THIS 5 day of February, 2014.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL



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Francesca D'Angelo, Bar No. 22979

Disciplinary Counsel  
1325 4<sup>th</sup> Avenue, Suite 600  
Seattle, WA 98101-2539  
(206) 727-8294

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

Meyrick-Aylmer Cortes,  
Lawyer (Bar No. 35362).

Supreme Court No. \_\_\_\_\_

DISCIPLINARY COUNSEL  
DECLARATION

I, Francesca D'Angelo, declare and state:

1. I am the disciplinary counsel assigned to the disciplinary proceedings against Respondent lawyer, Meyrick-Aylmer Cortes. This statement is submitted based on my personal knowledge and a review of the Office of Disciplinary Counsel's (ODC) files.
2. On November 14, 2013, ODC received a grievance against Respondent.
3. On November 19, 2013, ODC sent Respondent a copy of the grievance and requested his response.
4. Respondent did not respond to ODC's November 19, 2013 request.
5. On December 24, 2013, ODC sent Respondent a letter by certified mail requesting his response to the grievance within ten (10) days or he would be subpoenaed for a non-cooperation deposition.

6. Respondent did not respond to ODC's December 24, 2013 letter, which was returned to ODC marked "unclaimed."

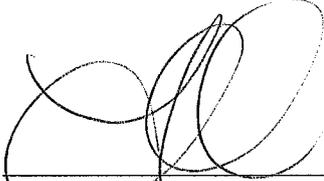
7. On January 13, 2014, I issued a subpoena duces tecum requiring Respondent to appear for a deposition on February 4, 2014 and to produce certain records related to the grievance.

8. On January 16, 2014, Respondent was personally served with the January 13, 2014 subpoena duces tecum.

9. Respondent did not appear for his February 4, 2014 deposition and did not produce the subpoenaed records.

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

Seattle 2/5/14  
Date & Place

  
\_\_\_\_\_  
Francesca D'Angelo, Bar No. 22979  
Disciplinary Counsel

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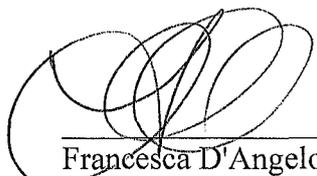
Supreme Court No. \_\_\_\_\_  
  
DECLARATION OF MAIL  
SERVICE

The undersigned Disciplinary Counsel for the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association declares that she caused a copy of ODC's Petition for Interim Suspension and Disciplinary Counsel's Declaration to be mailed by regular first class mail with postage prepaid on February 5, 2014 to:

Meyrick-Aylmer Cortes  
Sound Law Group PLLC  
6202 127th Ave SE  
Bellevue, WA 98006-3943

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

2/5/14 Seattle, WA  
Date and Place

  
\_\_\_\_\_  
Francesca D'Angelo,  
Bar No. 22979  
Disciplinary Counsel  
1325 4<sup>th</sup> Avenue, Suite 600  
Seattle, WA 98101-2539  
(206) 727-8294