

NOV 10 2015

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

Ronald R. Carpenter
Clerk

In re

Shari Ann Brown,
Lawyer (Bar No. 32935).

Supreme Court No. 201475-5

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 Shari Ann Brown pending cooperation with the disciplinary investigation.

This Petition is based on the Declaration of Disciplinary Counsel Natalea Skvir, filed with this Petition.

STATEMENT OF GROUNDS/ARGUMENT

Respondent Shari Ann Brown failed to respond to ODC's requests that she respond to a grievance filed against her, and failed to appear at a non-cooperation deposition to which she was subpoenaed.

Respondent also failed to produce client records in response to a subpoena duces tecum issued by Disciplinary Counsel under ELC 5.3(h)(1). The subpoena was issued due to Respondent's failure to respond to the grievance.

It is necessary to obtain Respondent's response and records so ODC can determine whether the grievance has merit. By refusing to respond to ODC's request for a response to a grievance or appear for her non-cooperation deposition, Respondent has impeded and delayed the disciplinary process. Respondent is serving a three-year disciplinary suspension, effective December 2, 2013. Rather than awaiting the Respondent's potential reinstatement at the conclusion of her current suspension, the investigation of this grievance should move forward at this time so that testimony may be elicited and the facts determined while events are fresh in the minds of witnesses. Accordingly, ODC asks this Court to order Shari Ann Brown'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.¹ Shari Ann

¹ 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

Brown's failure to comply with ODC's requests for a response to a grievance, failure to appear for a non-cooperation deposition, and failure to produce records in response to a subpoena meets this standard.

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, nor appeared for a deposition, nor provided the subpoenaed records, the ODC has not been able to determine the merit of the grievance. ODC's effective and timely investigation of the grievance and protection of the public has been impeded and delayed.

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.

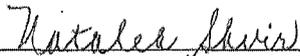
CONCLUSION

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 Shari Ann Brown 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 10th day of November, 2015.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL



Natalea Skvir, Bar No. 34335
Disciplinary Counsel
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 239-2123

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON
Thomas H. Carpenter
Clerk

In re

Shari Ann Brown,

Lawyer (Bar No. 32935).

Supreme Court No. 2014 75-5
DISCIPLINARY COUNSEL
DECLARATION

I, Natalea Skvir, declare and state:

1. I am the disciplinary counsel assigned to the disciplinary proceedings against lawyer Shari Ann Brown (Respondent). This statement is submitted based on ODC records and personal knowledge.

2. On November 25, 2013, the Court issued an Order suspending Respondent from the practice of law for a period of three years, effective December 2, 2013.

3. On September 10, 2014, ODC received a grievance against Respondent.

4. On September 16, 2014, ODC sent a letter to Respondent at her address of record and requested a response to the grievance.

5. The letter was returned to ODC with the notation "return to sender no longer at this address."

6. On September 26, 2014, ODC sent a letter to Respondent's home address on file with the Association and enclosed a copy of the

September 16, 2014 letter with a request that she respond to the grievance within thirty (30) days.

7. Respondent did not respond to ODC's September 26, 2014 letter and the letter was not returned by the postal service.

8. On November 3, 2014, I mailed a letter to Respondent at a temporary address which she had provided in an unrelated matter, but had not formally reported to the Association as a new address of record. I enclosed copies of the grievance and ODC's September 26, 2014 letter and requested Respondent's response to the grievance within thirty days. My letter also reminded Respondent of her duties under APR 13(b) and (c) to report any address and/or phone number changes to the Association within 10 days of the change.

9. Respondent did not respond to my November 3, 2014 letter and it was not returned by the postal service.

10. On December 19, 2014, I mailed another letter to Respondent at both her home address on file with the Association and the temporary address she had provided. The letter required Respondent to respond to the grievance within 10 days from the date of the letter or she would be subpoenaed for a deposition.

11. Respondent did not respond to the December 19, 2014 letter and neither copy was returned by the postal service.

12. On February 12, 2015, I issued a subpoena duces tecum requiring Respondent to appear for a deposition on March 12, 2015 at 1:30 p.m. and to bring her complete client file and related records for the grievant.

13. On February 22, 2015, Respondent was personally served with the subpoena duces tecum at her home address on file with the Association. A copy of the Declaration of Service is appended to this Declaration of Disciplinary Counsel, with Respondent's home address redacted.

14. Respondent did not appear for her deposition on March 12, 2015 at 1:30 p.m. or otherwise.

15. On March 12, 2015, at 4:30 p.m., Respondent left a voice mail message on ODC's Consumer Affairs line inquiring whether ODC had received her response to the grievance so that the deposition would not go forward the following day. There was no deposition scheduled for the following day.

16. On March 13, 2015, I tried multiple times to reach Respondent at the telephone number she had left in her message the previous day, but there was no answer and no voice mailbox had been set up to receive messages.

17. On March 19, 2015, I sent a letter to Respondent at her home address of record, along with a copy of the grievance. The letter summarized our previous correspondence with her and informed her that we had not received her written response to the grievance, and that, unless we received her written response by March 27, 2015, we would file a petition for her interim suspension.

18. To date, ODC has not received Respondent's response to the grievance.

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

Seattle WA 11-10-15
Date & Place

Natalea Skvir
Natalea Skvir, Bar No. 34335
Disciplinary Counsel

BEFORE THE DISCIPLINARY BOARD OF THE WASHINGTON STATE BAR ASSOCIATION

Case No.:14-01612

DECLARATION OF SERVICE

In re Shari Ann Brown, Lawyer (Bar No. 32935)

STATE OF WASHINGTON
COUNTY OF KING ss.



The undersigned, being first duly sworn on oath deposes and says: That he/she is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

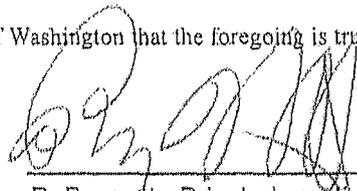
That on 2/22/2015 at 3:34 PM at the address of **REDACTED** the undersigned duly served the following document(s): Subpoena Duces Tecum and Letter dated February 12, 2015 in the above entitled action upon Shari Ann Brown, by then and there personally delivering 1 true and correct set(s) of the above documents into the hands of and leaving same with Shari Ann Brown.

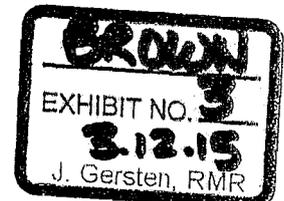
Physical description of person served: Gender: Female | Race: White | Age: 45 | Height: 5' 5" | Weight: Heavy | Hair: Light Brown

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

DATE: 2/27/2015
TOTAL: \$ 180.00




§ R. Bennett - Private Investigator #3940 - Expires 4/21/2015
Registered Process Server
License#: 1116461 - Expiration Date: 9/27/2015
Seattle Legal Messengers
4201 Aurora Avenue N, #200
Seattle, WA 98103
(206) 443-0885



IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

Shari Ann Brown,

Lawyer (Bar No. 32935).

Supreme Court No.

DECLARATION OF MAIL
SERVICE

The undersigned Disciplinary Counsel of the Washington State Bar Association declares that she caused a copy of the ELC 7.2(a)(3) Petition for Interim Suspension to be mailed by regular first class mail with postage prepaid on November 10, 2015 to:

Shari Ann Brown
[confidential home address]

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

Seattle, WA 11-10-15
Date and Place

Natalea Skvir
Natalea Skvir,
Bar No. 34335
Disciplinary Counsel
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 239-2123

OFFICE RECEPTIONIST, CLERK

To: Natalea Skvir
Cc: Chandler, Desiree R.
Subject: RE: In re Shari Ann Brown #32935--ODC's Petition for Interim Suspension [ELC 7.2(a)(3)]

Received on 11-10-2015

Supreme Court Clerk's Office

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: Natalea Skvir [mailto:Nataleas@wsba.org]
Sent: Tuesday, November 10, 2015 4:18 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Chandler, Desiree R. <Desiree.Chandler@courts.wa.gov>
Subject: In re Shari Ann Brown #32935--ODC's Petition for Interim Suspension [ELC 7.2(a)(3)]

Dear Mr. Carpenter:

Attached for filing are: Petition for Interim Suspension of Shari Ann Brown, Declaration of Disciplinary Counsel Natalea Skvir, and Declaration of Mail Service, along with a cover letter. Please present these documents to the Chief Justice for appropriate action.

Very truly yours,

Natalea Skvir, Disciplinary Counsel
Washington State Bar Association
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Seattle, WA 98101-2539
Phone: (206) 239-2123
Fax: (206) 727-8325
nataleas@wsba.org

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