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Washington State Supreme Court  
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Ronald R. Carpenter  
Clerk

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re  
**CHRISTOPHER W. BAWN,**  
Lawyer (Bar No. 13417).

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 of the Washington State Bar Association (ODC) petitions this Court for an Order of Interim Suspension of Respondent Christopher William Bawn pending cooperation with the disciplinary investigation.

This Petition is based on the Declaration of Disciplinary Counsel M Craig Bray, filed with this Petition.

**STATEMENT OF GROUNDS/ARGUMENT**

ODC opened grievance file number 13-01983 against Respondent on October 18, 2013, after receiving a Trust Account Overdraft Notice from Respondent's financial institution. ODC requested a written response from Respondent on October 25, 2013. Respondent received the request, but failed to respond. ODC sent Respondent a "10-day letter" on January 7, 2014, but he did not respond. ODC then served Respondent with a subpoena duces tecum under ELC 5.3(h)(1) on April 3, 2014, requiring

him to appear at a deposition on May 1, 2014 and to bring relevant records.

Respondent appeared at that deposition and was deposed.

Following the deposition and review of the information provided by Respondent, ODC requested additional information and records from Respondent on May 23, 2014. Respondent did not respond or provide the requested information and records. ODC sent Respondent a letter under ELC 5.3(h)(1) on June 26, 2014, informing him that failure to respond within 10 days may result in him being deposed again or subject him to interim suspension under ELC 7.2(a)(3).

Respondent called ODC on July 14, 2014, admitted receiving the request for additional response, admitted his response was overdue, and indicated he was working on it. Respondent did not object to the request.

As of the date this petition was signed, Respondent has not responded to ODC's May 23, 2014 request for additional response.

It is necessary to obtain the requested information and records from Respondent so that ODC can fully investigate the matter. By twice failing to cooperate, Respondent has impeded and delayed the disciplinary process. Accordingly, ODC asks this Court to order Respondent's immediate interim suspension pending cooperation with ODC's investigation.

## STANDARD

Under ELC 7.2(a)(3), a respondent lawyer may be immediately suspended from the practice of law when the 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> Respondent's failure to comply with ODC's requests for records 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).

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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), . . . , 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.

Because Respondent has not responded or produced records requested by ODC, Disciplinary Counsel has not been able to fully investigate the matter. ODC's effective investigation 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 Respondent 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 28<sup>th</sup> day of October, 2014.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL



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