



## Facing disbarment, lawyer hired as public defender

Convict's lawyers demand independent inquiry into misconduct allegations against public defenders

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Attorney Kate Lynn was well on her way to disbarment when she turned up in Seattle as a public defender.

Caught misusing clients' money through her family law practice in Allentown, Pa., Lynn moved to Seattle to work as a public defender in King County. Now, one convict has sued King County claiming Lynn – who was later disbarred – should have been hired while suspected of misconduct and dodging investigators.

The whole affair could be trouble for the King County public defense system, as the attorneys representing the convict are demanding a man serving time at Walla Walla State Penitentiary – for a wider investigation into the attorneys and law firms serving the county.

Attorneys Brian Waid and Jessica Creager have asked for a court order requiring King County to stop hiring public defenders handled by attorneys with pending disciplinary matters or malpractice claims while working for them. If the court review indicates that further litigation is necessary, King County would pay the appellate costs for the case.

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The public defense firm in question – Society of Counsel Representing Accused Persons, better known as SCRAP, is being absorbed into the newly created King County Department of Public Defense. Attorneys there will continue to represent accused persons.

defense firms have been reclassified as King County employees, and county voters will be asked in a referendum related to the issue.

A 2011 decision by the state Supreme Court recognized that attorneys working for the defense firm were for all practical purposes public employees. The attorneys for Lynn's firm were responsible for the firms' conduct.

Speaking Friday, Waid said it is not yet clear how SCRAP was screening its employees. Lynn's trouble from working for the county, Waid continued, and would have been apparent to anyone who was

"King County has some pretty strict hiring requirements," the attorney said. "You can't just walk in with problems and get hired by the King County prosecutor. ... The same should be true for public defense attorneys."

The attorneys have also asked that the lawsuit be given status as a class action, which would allow others to join the civil action.

SCRAP representatives did not return requests for comment Friday. Department of Public Defense attorneys declined to discuss the allegations.

According to the lawsuit, Pennsylvania authorities began investigating Lynn in February 2009 after she withdrew money from a trust account. Lynn refused to explain how the account ended up empty, instead leaving the trust account in SCRAP in King County.

Among those Lynn represented for the public defense agency was Stephen Lewis, a 14-time felon convicted of theft and related crimes. Arrested in University Place, Lewis had also been charged in Pierce County with

Lewis was acquitted on the Pierce County charges following trial there, but then convicted in King County and was sentenced to nearly six years in prison.

Lewis, now 41, was subsequently convicted in Pierce County of failing to register as a sex offender after an identity theft assault, he failed to tell authorities where he was living prior to the identity theft matter.

Acting on Lewis's behalf, Waid sued SCRAP and King County claiming Lynn – who was under investigation the entire time she was with SCRAP – was unfit to represent him.

According to the lawsuit, King County and the defense firm either failed to research Lynn's background or didn't do what they learned.

Attorneys for Lewis contend Lynn made several crucial errors during his trial that limited his ability to defend himself. A court panel later dismissed Lewis's appeal, finding his attorney's failure to object when a detective questioned him was a tactical decision.

Lynn left the public defense agency shortly after Lewis was sentenced in April 2010. Lewis didn't return to work until nearly two years after he was convicted.

Disbarred in Pennsylvania in December 2011, Lynn was accused of taking funds she was supposed to provide for clients, for failing to provide services for which she was paid and for failing to repay her clients in Washington in June 2012.

Waid said the lawsuit's aim is to prompt a review of misconduct allegations against SCRAP attorneys and the costs of appeal for clients convicted while being defended by lawyers facing discipline or malpractice.

While convicts have access to free legal assistance in limited circumstances after they are convicted, ineffective assistance of counsel claims Lewis and others may make in these cases.

Convicts defended by attorneys with problematic histories will need paid counsel to challenge the conviction. The one sought in Lewis's case is the way to get that.

King County and SCRAP have not yet responded to the lawsuit, which was filed earlier this month.

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