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SUPREME COURT
STATE OF WASHINGTON

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BY RONALD R. CARPENTER *RC* IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

RC

Clerk

J. David Smith,
Lawyer (Bar No. 8993).

Supreme Court No. 200,748-1

ASSOCIATION'S SECOND
STATEMENT OF ADDITIONAL
AUTHORITIES (RAP 10.8)

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

1. On the consequences of the reversal of a conviction for which a lawyer has been disbarred, the Association offers Admission to Practice Rule (APR) 25.2:

If a lawyer has been disbarred solely because of his or her conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the lawyer, enter an order reinstating the lawyer upon such conditions as determined by the Supreme Court. At the time such direct application is filed with the court a copy shall be filed with the Bar Association. The Supreme Court may request a response to the application from the Bar Association.

2. On the effect of an interim suspension on the period after disbarment during which no petition for reinstatement may be filed, the Association offers APR 25.1(b):

No petition for reinstatement shall be filed within a period of 5 years after disbarment or within a period of 2 years after an adverse decision of the Supreme Court upon a former petition, or within a period of 1 year after an

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adverse recommendation of the Character and Fitness Board on a former petition when that recommendation is not submitted to the Supreme Court. *If prior to disbarment the lawyer was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the 5 years referred to above.*

(Emphasis added.) See also APR 25.1(c) (period of interim suspension credited toward six-year period during which no disbarred lawyer may be reinstated)

3. On the conclusive effect of convictions based on *nolo contendere* pleas, the Association offers In re Gross, 33 Cal. 3d 561, 567, 189 Cal. Rptr. 848 (1983) (neither constitutional nor policy reasons preclude giving conclusive effect in lawyer discipline proceedings to convictions based on *nolo contendere* pleas), cited with approval in In re Prantil, 48 Cal. 3d 227, 233, 255 Cal. Rptr. 890 (1989).

DATED THIS 22nd 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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In re

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DECLARATION OF SERVICE
BY MAIL

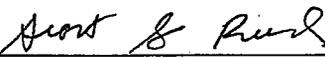
The undersigned Disciplinary Counsel of the Washington State Bar Association declares that he caused a copy of the Association's Second Statement of Additional Authorities (RAP 10.8) to be mailed by regular first class mail with postage prepaid on September 22, 2010 to:

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

Dated this 22nd 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.

9-22-10 Seattle WA
Date and Place



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

FILED AS
ATTACHMENT TO EMAIL

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OFFICE RECEPTIONIST, CLERK

To: Scott Busby
Cc: Chandler, Desiree R.; Kurt Bulmer
Subject: RE: In re J. David Smith, Supreme Court No. 200,748-1

Rec. 9-22-10

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: Wednesday, September 22, 2010 12:14 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Chandler, Desiree R.; Kurt Bulmer
Subject: In re J. David Smith, Supreme Court No. 200,748-1

Attached for filing are (1) the Association's Second 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
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