

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
CLERK'S OFFICE
May 27, 2016, 1:39 pm

Public No: 13-00112

Supreme Court No. 201,448-8

RECEIVED ELECTRONICALLY

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In the Matter of the Disciplinary Proceedings Against

BAKARY FANSU CONTEH

Lawyer (Bar No. 35098)

PETITIONER'S REPLY TO ODC'S ANSWERING BRIEF

Bakary Fansu Conteh WSBA 35098

Pro Se

P O Box 4189

Everett, WA 98204

Tel: (206) 304 9156/ 425 387 5845

Email: contehb@gmail.com

 ORIGINAL

TABLE OF CONTENTS

THE COURT SHOULD REJECT THE ODC’S ANSWERING BRIEF FOR ITS
NON-COMPLIANCE WITH THE COURT’S BREIFING
SCHEDULE..... 1- 2

ARGUMENT.....2

CONCLUSION..... 3

CERTIFICATE OF SERVICE..... 4

TABLE OF AUTHORITIES

RULES OF APPELLATE PROCEDURE

RAP 10.2 (i)	1
RAP 11. 2 (a)	1, 3

THE COURT SHOULD REJECT THE ODC'S ANSWERING BRIEF FOR ITS NON-COMPLIANCE WITH THE COURT'S BREIFING SCHEDULE

The Court's January 22nd 2016 Order and briefing scheduled established the due dates of the Parties briefs. The Petitioner's Opening brief was due on February 22nd 2016 and the ODC's Answering brief was due **within 30 days** after service of the opening brief. The Reply brief due 20 days after the service of the answering brief. The Petitioner sought timely extension of the period for his Opening brief and the court on February 18th 2016 granted his motion and the new due date was April 4th 2016. On February 22nd the ODC filed notice of reassignment of representation indicating Mr. Busby as the new counsel of record. On April 4th, the Petitioner filed his Opening brief and a copy was service on the ODC both by email and paper copy of it was mailed to the ODC. The ODC's Answering brief then becomes due on May 5th 2016. On May 6th 2016 the Clerk of the Court issued an order indicating that the ODC has not filed its Answering brief. See clerk's order of the clerk dated May 6th 2016. The said order then went on to say that if the ODC brief was not received on May 13th 2016 sanctions may be imposed pursuant to RAP 10.2(i) and reminded parties that a party may present oral argument **only** if the party has filed a brief as provided under RAP 11.2 (a). There was no indication in the Clerk's order that the ODC has requested an extension more so of its timeliness. The Petitioner did not receive notice of any extension sought by the ODC either by email or by mail either from the ODC or the Clerk's Office. On

May 9th 2016, respondent received a copy of the ODC Answering brief first from the ODC counsel and subsequently a notification of its filing from Clerk's Office. The ODC Answering brief was not accompanied by any Motion for Extension of Time or Motion to Accept A Late Filed Brief. The ODC non - compliance with the court's scheduling order and non- filing of either a Motion to Extend time or Accept a Late filed brief greatly perplexed the Petitioner and the Clerk's apparent "unilateral" extension of the time frame for the ODC Answering period is prejudicial to the Petitioner and is a clear violation of the Petitioner's due process rights. The Petitioner is facing two consolidated disciplinary matters in this Petition for Review which are centered on alleged non - compliance with an administrative tribunal's briefing schedule and the statute of limitation. See Hearing Officer's decision dated April 20th 2015. At least for the administrative tribunal matter, the Petitioner had filed the brief with a Motion to Accept a Late filed brief, which the ODC has not done in this matter. The Court should reject the ODC Answering brief as it failed to comply with its briefing schedule and the ODC had not filed a Motion to either extend time or Accept a Late filed brief.

ARGUMENT:

In the absence of an answering brief from the ODC, this Court should consider the Petitioner's request for granting review and holding that the Disciplinary Board erred in declining sua sponte review and affirming the Hearing Officer's decision.

CONCLUSION:

For the forgoing reasons, respondent humbly request that this Court reject the ODC Answering Brief, bars it from any oral argument as its failed to file an answering brief pursuant to RAP 11.2 (a) and grants the Petitioner's petition for review.

Date: This 27th day of May 2016.

Respectfully submitted,

S/s. Bakary F Conteh

Bakary Fansu Conteh WSBA 35098

Pro Se

P O Box 4189

Everett, WA 98204

Tel: (206) 304 9156/ 425 387 5845

Email: contehb@gmail.com

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In Re) Supreme Court No. 201,448-8
Bakary Fansu Conteh) DECLARATION OF
Lawyer (Bar No.35098) SERVICE BY MAIL
_____)

I Bakary F Conteh, the undersigned Petitioner declares that I have caused a copy of the Petitioner's Reply to ODC'S Answering Brief, to be mailed by regular first class with postage prepaid on May 27th 2016, to:

Scott G Busby

Senior Disciplinary Counsel, Washington State Bar Association

1325 Fourth Avenue, Suite 600

Seattle, WA 98101 – 2539

Dated this 27th day of May 2016

The undersigned declares under penalty of perjury under the laws of the State of Washington that the foregoing declaration is true and correct.

05/27/2016: Everett, WA

S/s Bakary F Conteh

Date and Place

Bakary Fansu Conteh

Pro Se

P O Box 4189

Everett, WA 98204

Tel: (206) 304 9156/ 425 387 5845

Email: contehb@gmail.com

OFFICE RECEPTIONIST, CLERK

To: Bakary Conteh; ScottB@wsba.org
Subject: RE: Petitioner's Reply Brief

Received 5/27/16

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: Bakary Conteh [mailto:contehb@gmail.com]
Sent: Friday, May 27, 2016 1:38 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; ScottB@wsba.org
Subject: Petitioner's Reply Brief

Enclosed for filing is the Petitioner's Reply Brief

Bakary F Conteh
2063049156