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SUPREME COURT  
STATE OF WASHINGTON  
Apr 02, 2013, 4:15 pm  
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**IN THE SUPREME COURT OF THE STATE OF WASHINGTON**

In re

DISCIPLINARY PROCEEDING  
AGAINST ATTORNEY JOE  
WICKERSHAM

Lawyer (Bar No. 18816)

Supreme Court No. 201,088-1

PETITIONER, WICKERSHAM'S  
OBJECTION TO THE  
ASSOCIATION'S STATEMENT  
OF ADDITIONAL  
AUTHORITIES

Attorney Joe Wickersham ("Wickersham"), Petitioner, hereby objects to the Association's Statement of Additional Authorities, and all documents attached thereto (collectively referred to herein as "Association's Statement"), filed by the Washington State Bar Association ("Association") on March 19, 2013. The Association's submission of its own records relating to unpublished decisions in unchallenged matters that were concluded by default is improper and the Association's Statement should be disregarded or stricken for at least the following reasons:

1. General Rule 14.1(a) of the Washington State Court Rules<sup>1</sup> prohibits citation of unpublished opinions of the Court of Appeals. Each of the matters cited in the Association's Statement is a default proceeding that was ultimately decided by this Court in an unpublished opinion or order. Although the Association acknowledges that it is citing matters that are "not published" (Association's Statement at page 1, fn.1), it seeks to circumvent General Rule 14.1(a) by attaching decisions of Disciplinary Boards and findings of Hearing Officers, together with unpublished orders of this Court. Such "public records" cannot alter the unpublished nature of this Court's rulings, particularly in unchallenged default proceedings where this Court has clearly decided not to issue a published opinion.

2. The Association mistakenly relies upon *In re Disciplinary Proceeding Against Cohen*, 150 Wn.2d 744 (2004), for its submission of Board decisions and Hearing Officer findings "when presenting unpublished cases . . ." (Association's Statement at page 1, fn. 1). In *Cohen*, an attorney referred to various disciplinary notices in the *State Bar News* to support his proportionality argument, but this Court gave such

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<sup>1</sup> GR 14.1(a) provides in relevant part: "A party may not cite as an authority an unpublished opinion of the Court of Appeals. Unpublished opinions of the Court of Appeals are those opinions not published in the Washington Appellate Reports."

notices little weight since they lacked sufficient specificity for meaningful comparison with the matter at issue. Contrary to the Association's assertion that *Cohen* allows a party to "do more" when citing unpublished decisions, *Id.*, nothing more was cited by the attorney in *Cohen*, and no unpublished opinions were cited by any party in that case.

3. Wickersham attempted to search the Association's public records for board decisions and hearing officer findings/conclusions of law that might be cited against the Association's Statement / additional authorities, but the Association's records are not accessible for research and can only be obtained by requesting specific cases and identifying the name of the attorney and the Association matter number. Apparently, the Association either has a phenomenal eleventh hour memory, or inside information and assistance that are unavailable to the general public or to Wickersham. Thus, by the use of such apparent insider information the Association takes unfair advantage and effectively creates an improper ex parte proceeding should the Association Statement be considered by this Court.

4. Finally, the Association admitted in its brief, at page 31, that it has found no cases to support its recommended sanction for comparable misconduct. Accordingly, the matters referred to in the

Association's Statement are irrelevant and add nothing meaningful to the Association's position in this matter.

For the foregoing reasons, Wickersham objects to the Association's Statement and respectfully requests that it be disregarded or stricken by the Court.

DATED THIS 2nd day of April, 2013.

Respectfully submitted,

*Joe Wickersham*

Joe Wickersham, *Pro Se*, Bar No. 18816  
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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that, on date stated below, I did the following: On this day, I caused this PETITIONER, WICKERSHAM'S OBJECTION TO THE ASSOCIATION'S STATEMENT OF ADDITIONAL AUTHORITIES to be emailed to: Ronald R. Carpenter, Clerk of the Court at: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov) and Joanne Abelson, Disciplinary Counsel at: [joannea@wsba.org](mailto:joannea@wsba.org).

Dated this 2nd day of April, 2013.

*Joe Wickersham*

\_\_\_\_\_  
Joe Wickersham

## OFFICE RECEPTIONIST, CLERK

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**To:** Clyde Wickersham; Joanne Abelson, WSBA  
**Subject:** RE: Petitioner Objection to Association Additional Authorities, In Re Wickersham, 18816

Rec'd 4-2-13

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**From:** Clyde Wickersham [<mailto:clydewickersham@hotmail.com>]  
**Sent:** Tuesday, April 02, 2013 4:13 PM  
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