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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

<p>In re</p> <p>ERNEST SAADIQ MORRIS,</p> <p>Lawyer (Bar No. 32201).</p>	<p>Supreme Court No. _____</p> <p>ODC'S PETITION FOR INTERIM SUSPENSION [ELC 7.2(a)(3)]</p>
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Under Rule 7.2(a)(3) of the Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) petitions this Court for an Order of Interim Suspension of Respondent Ernest Saadiq Morris pending cooperation with the disciplinary investigation. This Petition is based on the accompanying declarations of Disciplinary Counsel Linda B. Eide and ODC Investigator Jesse Burnham.

**STATEMENT OF GROUNDS/ARGUMENT**

Respondent Ernest Saadiq Morris failed to respond to a grievance filed against him by his client, Wendy Flowers. In April 2016, ODC sent Mr. Morris a copy of Ms. Flowers's grievance, and requested a response. He did not respond. See Disciplinary Counsel Declaration ¶3. In May 2016, ODC sent Mr. Morris a follow-up letter, consistent with ELC



5.3(h)(1), to notify him that his failure to provide a response within ten days could result in his deposition or subject him to interim suspension under ELC 7.2. That letter was returned as “unclaimed.” Id. ¶4.

As detailed in the supporting Disciplinary Counsel Declaration and ODC Investigator Declaration, ODC made a number of additional attempts to contact Mr. Morris -- by letter, by telephone, and by email -- but was unsuccessful. See Disciplinary Counsel Declaration ¶¶9-10; ODC Investigator Declaration ¶¶5-10.

Although Rule 13 of the Admission To Practice Rules (APR) requires Washington lawyers to notify the Association within 10 days of address or telephone number changes, Mr. Morris has not provided the Association with a valid address or telephone number. See Investigator Declaration ¶12.

It is necessary to obtain Respondent’s response to the Flowers grievance so ODC can determine whether Mr. Morris violated the Rules of Professional Conduct. By refusing to provide any response and by failing to provide current contact information, both ODC and Mr. Morris’s clients are unable to resolve pending issues. Mr. Morris’s failures have impeded and delayed the disciplinary process. Accordingly, ODC asks this Court to order Mr. Morris’s immediate interim suspension pending compliance with ODC’s investigation.

## STANDARD

Under ELC 7.2(a)(3), a respondent lawyer may be immediately suspended from the practice of law when a 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>2</sup> Mr. Morris's failure to comply with ODC's April 2016 request for a response to the Flowers grievance 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.

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<sup>2</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), or fails to comply with disability proceedings as specified in rule 8.2(d), 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.

“Compliance with these rules is vital.” In re Disciplinary Proceeding Against Clark, 99 Wn.2d 702, 707, 663 P.2d 1339 (1983). Because Respondent has not responded to the grievance, the Association has not been able to conduct a complete investigation of the grievance. ODC’s effective and timely investigation of the grievance and protection of the public has been impeded and delayed.

### CONCLUSION

Mr. Morris’s failure to cooperate with a disciplinary investigation is an ongoing violation of his duty to cooperate with a disciplinary investigation set forth in ELC 5.3(f). Accordingly, ODC asks the Court to issue an order to show cause under ELC 7.2(b)(2) requiring Ernest Saadiq Morris 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 26<sup>th</sup> day of July, 2016.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL



Linda B. Eide, Bar No. 10637  
Managing Disciplinary Counsel  
1325 4<sup>th</sup> Avenue, Suite 600  
Seattle, WA 98101-2539  
(206) 733-5902