

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

Douglas Allen Stratemeyer,
Lawyer (Bar No. 21638).

Supreme Court No.

201588-3

ODC'S PETITION FOR
INTERIM SUSPENSION [ELC
7.2(a)(3)]

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 petitions this Court for an Order of Interim Suspension of Respondent Douglas Allen Stratemeyer pending cooperation with disciplinary investigations.

This Petition is based on the Declaration of Disciplinary Counsel Sachia Stonefeld Powell, filed with this Petition.

STATEMENT OF GROUNDS/ARGUMENT

Respondent Douglas Allen Stratemeyer (Respondent) failed to appear for a deposition and to produce records in response to two subpoenas duces tecum issued by Disciplinary Counsel under ELC 5.3(h)(1) and 5.5(b). One of the subpoenas was issued due to Respondent's failure to cooperate in the investigation of a grievance filed against him. The other subpoena was issued to further investigate a second grievance filed against him.

It is necessary to obtain Respondent's response and records so ODC can determine whether the grievances have merit. By refusing to respond to one of the grievances, and by refusing to provide client records in response to two subpoenas, Respondent has impeded and delayed the disciplinary process. Accordingly, ODC asks this Court to order Respondent'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 the 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.¹ Respondent's failure to comply with ODC's requests for a response to the grievance, to furnish information, and to produce records in response to subpoenas meets this standard.

¹ 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.

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, disciplinary proceedings depend upon the cooperation of attorneys. In re Disciplinary Proceeding Against Scannell, 169 Wn.2d 723, 738, 239 P.3d 332 (2010). Compliance with disciplinary requests and investigations is “vital.” Id. Noncompliance impedes the investigation of possible misconduct and undermines the effectiveness of the regulatory system. McMurray, 99 Wn.2d at 930-31.

Because Respondent has failed to respond or to provide requested information, to produce records, and to appear for deposition concerning two grievances without being excused, the ODC has not been able to conduct a complete investigation in this matter. ODC's effective and timely investigation of the grievance and protection of the public has been impeded and delayed.

CONCLUSION

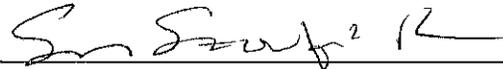
Respondent's failure to cooperate with a disciplinary investigation is an ongoing violation of the duty to cooperate with a disciplinary investigation as set forth in ELC 5.3(f) and 5.5(d). Accordingly, ODC

asks the Court to issue an order to show cause under ELC 7.2(b)(2) requiring Respondent Douglas Allen Stratemeyer 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 27th day of October, 2016.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL



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