

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,**

**RONALD JEFFREY WASHINGTON  
JR.**

**Bar No. 022784**

**Respondent.**

**PDJ 2019-9036**

**FINAL JUDGMENT AND  
ORDER**

**[State Bar No. 19-0045]**

**FILED JULY 26, 2019**

The Agreement for Discipline by Consent filed by the parties on July 16, 2019, pursuant to Rule 57(a), Ariz. R. Sup. Ct., was accepted.

Accordingly:

**IT IS ORDERED, Ronald Jeffrey Washington, Bar No. 022784** is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents effective the date of this order.

**IT IS FURTHER ORDERED** Respondent, **Ronald Jeffrey Washington,** is placed on probation for one (1) year.

**IT IS FURTHER ORDERED** Respondent, **Ronald Jeffrey Washington,** shall successfully complete a CLE course on professionalism, to be approved by Bar Counsel.

**IT IS FURTHER ORDERED** Respondent shall commit no further violations of the law or Rules of Professional Conduct

**IT IS FURTHER ORDERED** Respondent shall pay the costs and expenses of the State Bar of Arizona for \$1,200.00, within thirty (30) days from the date of this order. There are no costs associated with the Office of the Presiding Disciplinary Judge in these proceedings.

**NON-COMPLIANCE LANGUAGE**

If Respondent fails to comply with any of the foregoing terms, and information is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, whether to enter an additional sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

**DATED** this 26<sup>th</sup> day of July 2019.

*William J. O'Neil*

**William J. O'Neil, Presiding Disciplinary Judge**

Copy of the foregoing mailed/mailed  
this 26<sup>th</sup> day of July 2019, to:

Kelly J. Flood  
Staff Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
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Ronald Jeffrey Washington Jr.  
PO Box 12336  
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by: MSmith

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A MEMBER OF  
THE STATE BAR OF ARIZONA,

**RONALD JEFFREY WASHINGTON  
JR.**

**Bar No. 022784**

Respondent.

**PDJ 2019-9036**

**DECISION ACCEPTING  
DISCIPLINE BY CONSENT**

[State Bar Nos. 19-0045]

**FILED JULY 26, 2019**

Under Rule 57(a), Ariz. R. Sup. Ct.,<sup>1</sup> an Agreement for Discipline by Consent (“Agreement”), was filed on July 16, 2019. A formal complaint was filed on June 7, 2019. Respondent represents himself. The State Bar of Arizona is represented by Staff Bar Counsel Kelly J. Flood.

Rule 57 requires admissions be tendered solely “...in exchange for the stated form of discipline....” Under that rule, the right to an adjudicatory hearing is waived only if the “...conditional admission and proposed form of discipline is approved....” If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Mr. Washington has voluntarily waived the right to an adjudicatory hearing, and waived all motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. Notice of the Agreement was sent to the complainant

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<sup>1</sup> Unless otherwise stated all rule references are to the Ariz. R. S. Ct.

on June 17, 2019. Complainant was informed of the opportunity to object within five (5) days of that notice pursuant to Rule 53(b)(3). No opposition has been filed.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. Mr. Washington admits violations under Rule 42, ERs 1.6 (confidentiality of information), 1.7 (conflict of interest), 1.15 (safekeeping property), and Rule 41(g) (unprofessional conduct). The parties stipulate to reprimand with one year of probation during which he must complete a CLE course on professionalism. He shall pay the State Bar costs of \$1,200.00 within 30 days.

For purposes of the agreement, the parties stipulate Mr. Washington acted knowingly and caused actual harm to his client. The client was charged with a DUI and paid Mr. Washington a non-refundable fee of \$4,500. After doing work for her, Mr. Washington texted her, "May I come tuck you in before you go to sleep tonight?" She responded that she had a test to study for. His flirtatious texting continued.

After she returned from a trip, he texted asking whether she wanted some company. She declined. The client then got texts from Mr. Washington's wife that were rude, uncalled for, and caused by Mr. Washington's actions. The client blocked his wife and asked Mr. Washington to keep her out of the drama he was causing. He didn't. The wife threatened client through Mr. Washington's phone.

She retained a different lawyer. That attorney had difficulty getting the client file from Mr. Washington who finally refunded \$1,500 of the \$4,500. Mr. Washington

acknowledges that none of this would have occurred had he acted professionally. The presumptive sanction is between a reprimand and a suspension. In aggravation, the parties agree *Standard* 9.22(a) and 9.22(i) are applicable. Mr. Washington has a prior disciplinary offense and substantial experience in the practice of law.

In mitigation the parties agree Standards 9.33(d), (e) and (l) apply. He has made a good faith effort at restitution, made full and free disclosure to the State Bar, and has expressed remorse. The parties stipulate the appropriate sanction is reprimand.

**IT IS ORDERED** accepting the Agreement and incorporating it with any supporting documents by this reference. A final judgment and order is signed this date.

**DATED** this 26<sup>th</sup> day of July 2019.

*William J. O'Neil*

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**William J. O'Neil, Presiding Disciplinary Judge**

COPY of the foregoing e-mailed/mailed  
on this 26<sup>th</sup> day of July 2019, to:

Kelly J. Flood  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: LRO@staff.azbar.org

Ronald Jeffrey Washington Jr.  
PO Box 12336  
Scottsdale, Arizona 85267-2336  
Email: lawofficeofronaldwashington@gmail.  
com

by: MSmith

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

JUL 16 2019

FILED

BY \_\_\_\_\_

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Respondent

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,**

**RONALD JEFFREY WASHINGTON  
JR**

**Bar No. 022784**

Respondent.

**PDJ 2019-9036**

**State Bar File Nos. 19-0045**

**AGREEMENT FOR DISCIPLINE  
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Ronald Jeffrey Washington Jr, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent,

pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on June 5, 2019, and a formal complaint has been filed in this matter on June 7, 2019. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant by letter on June 17, 2019. Complainant has been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. Copies of Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ER 1.6, ER 1.7, R 41(g), ER 1.15 Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with probation for one year during which time Respondent must complete a CLE course on professionalism. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days

from the date of this order, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.<sup>1</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

## **FACTS**

### **GENERAL ALLEGATIONS**

1. Respondent was licensed to practice law in Arizona on April 12, 2004.

#### **COUNT ONE (File no. 19-0045)**

2. On February 6, 2018, AC retained Respondent to represent her in a criminal case in which she was charged for a DUI. Respondent's fee agreement provided for a "non-refundable retainer of \$4,500." AC made a down payment, and then monthly payments until \$4,500 was paid.

3. Respondent performed various services for AC, including obtaining the police and toxicology reports, interviewing a witness, working with AC on complying with conditions to reinstate her driver's license, and attempting to

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<sup>1</sup> Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

negotiate a plea of diversion for her. AC's case was dismissed by the State on August 14, 2018, and then refiled on October 16, 2018.

4. On August 9, 2018, Respondent texted AC at 1:24 pm, "May I come tuck you in before you go to sleep tonight?" AC responded at 3:59 pm, "I have to study for a final tonight sorry :/"

5. On August 15, 2018 at 11:40 pm Respondent sent AC a Facebook message that said, "U up...Lol wyd." At 6:35 am the next morning AC responded, "I was sleeping." Later that night Respondent messaged, "Oh my bad. U getting out tonight?" AC said "I work every day lol." Respondent said "Lol can I come say hello in the fortnite."

6. AC then traveled out of the country from December 1-8, 2018. Upon her return she received a Facebook message from Respondent and the following exchange occurred:



Want sum company when u touch down?

No I feel like shit. I'm exhausted. My ankles are swollen. I haven't slept in a day. No offense I just want to sleep. I appreciate the offer though we will hangout soon. Just today is not my day

The time diff is already killing me



I can fix that



7. Then AC started to receive Instagram messages from Respondent's wife, who accused AC of sleeping with Respondent. Respondent's wife's messages are in white, and AC's are in gray:

I text you

December 08, 8:18 AM

Did Ron tell you not to talk to me or something?? It's so weird you never respond anymore lol

December 08, 11:46 AM

Ron didn't say not to talk to you. I've been out of the country and had other things going on last time we talked was about my case

I've been traveling two days I'm exhausted.

I'm just gonna be blunt... did you fuck my husband!?! Spare me the lies lol... I've know for awhile I've been waiting for you as "my friend" to reach out to me. Tell me... What you got to say about that??

I already have told Ron I have zero interest in being part of your drama as a couple. With him or with you. I'm only interested in my case. I have other things going on in my life.

Lol... it's cool... cop-out!!! What if I told you I knew what you were on from day one and I pretended to cry and be so sad and pathetic because I knew

...

from me and ... you may have had a chance if you weren't so scandalous lol. ... let me tell you something and I want you to think about this next time you try to pull a husband from a bitch like me. It takes more than a flat stomach and perky titties while you're going to school to be a dentist : - - :. Im great... I know I'm great lol... there's a reason a successful black lawyer like Ron married me. A unemployed white woman with 3 kids, 2 babies Dad's. You... have everything he wants but he married me!!!! Lolololol Boss your game up : - - :. If you want to continue your games I'm willing to help you out : - - :. No one can fuck with me!!!

8. AC blocked Respondent's wife on Instagram and told Respondent about the messages she received from Respondent's wife in a text message exchange as follows:



9. Shortly thereafter, AC started receiving texts from Respondent's phone that were actually written by Respondent's wife, and the following exchange occurred:

All I know is I don't deserve to be harassed.

I want to stay out of drama I wouldn't make anything up. The whole point of me saying that was to be kept out of any drama because it's ridiculous

1st of all no one is harassing you lol... check into the definition of big words before you use them!! 2nd if you fuck people that are in relationships you should expect some repercussions lol. Come on your hoe ass should know that. I'd be willing to bet this isn't the first time you've done something like this. What's ridiculous is the fact that you'd go out and fuck someone that is with someone else. That's gross and pathetic. If you really didn't want any drama you wouldn't have done what you did 🤔 And to be clear... if you would've at least been a "woman" (I use that term very loosely) and told the truth from the beginning there wouldn't be any more problems lol. If you're gonna be a hoe at least be a proud hoe 🤔🤔🤔

10. AC was uncomfortable with continued representation by Respondent, so she retained successor counsel. AC says that she would not have had to hire

successor counsel and pay additional attorneys' fees had Respondent remained professional. Successor counsel requested that Respondent execute a substitution of counsel form, and forward the file and any unused portion of the retainer. Successor counsel claims he had difficulty reaching Respondent and did not receive the file.

11. Respondent ultimately executed substitution of counsel documents and, after an unsuccessful attempt at electronic file transfer, offered to hand-deliver AC's file to successor counsel.

12. Respondent violated Rule 42, Ariz.R.Sup.Ct., ERs 1.6, 1.7, 1.15, and Rule 41(g).

### **CONDITIONAL ADMISSIONS**

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.6, ER 1.7, and Rule 41(g).

## **CONDITIONAL DISMISSALS**

The State Bar has conditionally agreed to dismiss allegations regarding a violation of ER 1.15 in light of Respondent's agreement to provide a partial refund to the client of \$1,500.00.

## **RESTITUTION**

Because Respondent has agreed to provide a partial refund to the client of \$1,500.00, and the State Bar is dismissing allegations regarding ER 1.15 and, as a result, restitution is not an issue in this matter.

## **SANCTION**

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Respondent will (1) receive a Reprimand, (2) provide a partial refund to the client of \$1,500.00, and (3) be placed on probation for a year during which time he must take a CLE seminar regarding professionalism, to be approved by Bar Counsel.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

## LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that Standards 4.23 and either 4.33 or 4.32 are the appropriate Standards given the facts and circumstances of this matter. Standard 4.23 provides that a reprimand is generally appropriate when a lawyer negligently reveals information relating to representation of a client and this disclosure causes

injury to a client. Standard 4.33 provides that a reprimand is generally appropriate when a lawyer is negligent in determining whether the representation of a client may be materially limited by the lawyer's own interests, and causes injury to the client. Standard 4.32 provides that suspension is appropriate when the lawyer knows his own interests may materially limit the representation of a client, and this causes injury to the client.

In this matter, Respondent used a cell phone to communicate with his client about her case, and also sent the client inappropriate messages on his cell phone unrelated to his representation of her. Respondent's wife was able to access Respondent's cell phone to see communications with the client, and then Respondent's wife started sending Respondent's client harassing messages, and used Respondent's cell phone for that purpose.

**The duty violated**

As described above, Respondent's conduct violated his duty to his client.

**The lawyer's mental state**

For purposes of this agreement the parties agree that Respondent knowingly sent the client messages unrelated to her case, and negligently allowed his wife to

access his cell phone on which he communicated with his client, and that his conduct was in violation of the Rules of Professional Conduct.

**The extent of the actual or potential injury**

For purposes of this agreement, the parties agree that there was actual harm to the client, because she received unprofessional messages from Respondent, and harassing messages from Respondent's wife, which made the client uncomfortable, and she had to retain other counsel to represent her as a result.

**Aggravating and mitigating circumstances**

The presumptive sanction in this matter is between a reprimand and a suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

**In aggravation:**

Standard 9.22(a): prior disciplinary offense. In 08-1430, Respondent received a Censure and probation for violations of ERs 8.4(b) and (d).

Standard 9.22 (i): substantial experience in the practice of law. Respondent was admitted to practice in 2004.

**In mitigation:**

Standard 9.33(d): timely good faith effort to make restitution or rectify consequences. Respondent will provide a partial refund to the client of \$1,500.00.

Standard 9.33(e): full and free disclosure to disciplinary board and cooperative attitude toward proceedings. Respondent has been very responsive, including submitting information regarding his wife's conduct.

Standard 9.33(l): remorse. Respondent has expressed regret and remorse regarding the adverse impact on his client. Respondent has submitted a letter regarding his remorse, attached here as Exhibit B.

**Discussion**

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction should be mitigated to a Reprimand.

The parties have conditionally agreed that a greater sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following: this appears to be an isolated incident, Respondent understands how his conduct negatively affected his client, and he has taken steps to rectify the issue, including providing a partial refund to the client.

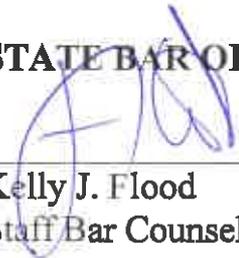
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

### CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Reprimand and a CLE seminar regarding professionalism, and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit C.

DATED this 16<sup>th</sup> day of July 2019

STATE BAR OF ARIZONA

  
\_\_\_\_\_  
Kelly J. Flood  
Staff Bar Counsel

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.**

**DATED** this \_\_\_\_\_ day of July, 2019.

\_\_\_\_\_  
Ronald Jeffrey Washington Jr  
Respondent

Approved as to form and content



Maret Vessella

Chief Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona

this \_\_\_ day of July, 2019.

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.**

**DATED** this 15 day of July, 2019.

  
Ronald Jeffrey Washington Jr  
Respondent

Approved as to form and content

\_\_\_\_\_  
Marst Vessella  
Chief Bar Counsel  
Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this \_\_\_ day of July, 2019.

Copy of the foregoing emailed  
this 16<sup>th</sup> day of July, 2019, to:

The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 16<sup>th</sup> day of July, 2019, to:

Ronald Jeffrey Washington Jr.  
Law Office of Ronald J. Washington PLLC  
PO Box 12336  
Scottsdale, Arizona 85267-2336  
Email: [lawofficeofronaldwashington@gmail.com](mailto:lawofficeofronaldwashington@gmail.com)  
Respondent

Copy of the foregoing hand-delivered  
this 16<sup>th</sup> day of July, 2019, to:

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266

by:   
KJF/mg