

Anne M. van Leynseele

Domicile Address Present Residence



August 3, 2020

VIA EMAIL AND US MAIL

Supreme Court Chief Justice Debra Stephens
Washington State Supreme Court
PO Box 40929
Olympia, Washington 98504-0929

RE: Institutional Incapacity of The Office Of Disciplinary Counsel

Dear Chief Justice Stephens:

My father was an internationally recognized expert in aeronautical control systems, and he kept a file of memoranda documenting instances of Federal Aviation Association management overriding his reservations about certification of an airplane. My mother attended Stanford at a time when women were not welcome, and, in her forties, while a sociology Teacher's Assistant with master's degree at the University of Washington, caused a stir when she refused to give passing grades to three football players. At [REDACTED], I worked for the ethics partner. While preparing for the bar exam, I performed freelance work for the Hon. [REDACTED] (Ret.) representing a test-case plaintiff who suffered extreme personal injury due to the rushed FDA approval and misuse of surgical mesh. Here in Los Angeles, I became friends with my colleague Manny Medrano, the former federal lead prosecutor on the 1985 kidnapping, torture, and murder of DEA Special Agent Enrique Camarena. After more than a month of drafting and careful consideration, I come before the Supreme Court today as a reluctant activist because I know the high personal costs that each of these exemplary role models paid for acting on their principles in a society that more and more vilifies the reasoned dissent. It is my ethical obligation to bring the following to your attention.

Negligent Dismissal

Attached you will find documentation that leads me to believe that, even more alarming than the institutional biases within the Washington State Bar Association ("WSBA") recently uncovered by brave employees, the Office of Disciplinary Counsel ("ODC") is negligently failing its duty of reviewing, investigating, and prosecuting grievances about the ethical conduct of Washington lawyers. The essential documents are (Ex. A) January 14, 2019 grievance letter, (Ex. B) the JAMS Interim Award by Hon. [REDACTED] (Ret.), (Ex. C) rebuttal reply from September 9, 2019 (unexecuted version supplied), (Ex. D) the Dismissal of Grievance of Anne van Leynseele against Aaron A. Pelley ODC File No. [REDACTED], and (Ex. E) Request for Review of the Dismissal with exhibits.

My legal education, extraordinary mentors, and diverse legal career educated me in appellate adjudication, consumer protection, cybercrime, legal ethics, whistleblower protection, public records,

medical privacy, white-collar crime, regulatory and administrative law, and cannabis law. Although I am a transactional lawyer, I comprehend that the Dismissal applied the wrong legal standard, made unreasonable and unsupported legal conclusions about the facts, rests on a corrupt and incomplete investigation, and failed to consider the evidence as a whole. All this, despite the fact that on September 9, 2019 in reply to a substantive response provided by Mr. Pelley (Exhibit C), I hastily wrote ODC a letter foreshadowing most of the same problems that appear in its deeply flawed Dismissal. Not only did the ODC fail to consider the points made at that time, it missed the opportunity to use this letter as a roadmap for the investigation and prosecution of ethical violations.

In Exhibit C, I put the ODC on notice that Mr. Pelley violated at least three ethical duties, the presumptive sanction for which is disbarment: RPC 8.4(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; RPC 8.4(c) engaging in dishonesty, fraud, deceit or misrepresentation; and RPC 8.4(d) engaging in conduct that is prejudicial to the administration of justice. "The purpose of a lawyer discipline proceeding is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely to discharge properly their professional duties to clients, the public, the legal system, and the legal profession." Huddleston, 137 Wash. 2d at 573, 974 P.2d 325. The Dismissal failed to find these essential violations of RPCs among a myriad of others and, in so doing, ODC is failing to competently execute the duties of the office.

The ODC's Dismissal is flawed most substantially in law and requires a de novo review. When a de novo review is compelled, no form of appellate deference is acceptable. Here the Dismissal has every form of appellate error, demonstrates an insurmountable favoritism toward Mr. Pelley or bias against me, and shows that the ODC negligently failed its duty to zealously fulfill its mission. Mr. Pelley practices cannabis law in three states, a field that is full of illicit cash, clients with a disdain for the law and who seek loopholes to cover their non-compliance with the regulatory scheme. The Dismissal's application of the wrong standard, erroneous application of the law to evidence, and omission of evidence are in stark contrast to the reasonable conclusions found over the course of two years by those with contemporaneous knowledge established by working with me to mitigate the catastrophic damage to clients, my firm, and me all caused by Mr. Pelley's unethical acts. On my journey forged from the mist of disillusionment in the justice system, I engaged with more than thirteen contributing lawyers, a Certified Fraud Examiner's report, a computer forensics expert, a Seattle Police Financial Crimes Division Detective and his supervisor, three King County Economic Crimes Division Prosecutors, Arbitrator [REDACTED] two King County Superior Court Ex Parte Judges, employees of [REDACTED] Law, and outside legal, accounting, and technology professionals. Without exception, they all said, "I am so sorry this is happening to you, he should not be practice law." I vigilantly maintained this grievance at great personal costs, while the ODC ignored the fact that Mr. Pelley never denied that he did everything in my allegations only that he was released per the settlement agreement, he provided justifications, and only six pages of rebuttal evidence.

It is sexist and patronizing that the ODC adopts Mr. Pelley's excuse for his actions that I am simply a mean woman scorned, who filed a grievance because I am angry at being left, as when the Dismissal states "Your grievance arises from disputes related to your time working together and the acrimonious dissolution of your partnership." I am not bitter, I am righteously furious that Mr. Pelley under the auspices of practicing law, lied, stole client fees, embezzled, destroyed client files, cheated members of our firm out of fair compensation, falsified accounting records, lied to professionals providing services to our firm, and committed numerous instances of perjury in his ever-evolving explanation of what happened. I am righteously furious over the lack of concern the ODC displays

by failing to recognize the gravity of the evidence before it of Mr. Pelley's more than four years of devious behavior and violations of ethical rules, its failure to timely and properly prosecute, and the abysmal Dismissal. I am righteously furious that ODC has before it a compelling case in which Mr. Pelley's actions far exceed even the most egregious disbarment cases in Washington State history, and that ODC did not move for his immediate suspension in September of 2019. I am righteously furious that ODC is, once again, shielding the good old boys club by accepting Mr. Pelley's explanation that I am retaliating as an emotional woman who is upset about a bad break-up, rather than a principled and accomplished lawyer doing her ethical duty. This display of extreme bias alone is sufficient grounds for removing this matter from ODC's control.

Given the delays caused by the ODC's gross negligence and the ongoing harm to the public if Mr. Pelley is allowed to continue in practice, I implore the Supreme Court to remove this grievance to independent counsel and/or see that the ODC does not allow any options under ELC 9 or diversion and moves directly for an expedited suspension of Mr. Pelley's license under ELCs 7.2 and 7.5 pending further processing to disbarment.

Institutional Incompetence

I ask that as the Supreme Court deliberates my request for the proper resolution of my grievance it considers the broader implications behind my revelations of an ODC pattern of failing to zealously prosecute ethical violations of Washington State attorneys. Exhibit E, Request for Review of the Dismissal reveals that ODC conducted an incompetent review of mishandled evidence, engaged in bias interviews to elicit the specific evidence needed to avoid prosecuting, and ignored the substantial record of Mr. Pelley's systematic violations of at least RPCs 8.4, 1.15A, 3.3, 1.1, and 1.6. Despite grievant(s) being excluded from those allowed to seek discretionary review and my failure to exhaust all administrative remedies, I am informed by ELC12.4(a)(4), in that this grievance involves an issue of substantial public interest that the Court should determine.

While I am privileged to make a robust appeal due to my education, experience, and ethical obligations, the ordinary grievant would not be similarly positioned and may not comprehend or be able to appeal the ODC's errors in a meaningful way. A review of the last five WSBA's Disciplinary Reports compels me to wonder how many of these dismissed grievances were similarly covered up by the ODC and for what reasons?

Category	2015	2016	2017	2018	2019
Received	2081	1830	1894	1965	1681
Dismissed	469	367	527	466	357
Hearing	83	90	100	51	52
Action	74	70	88	72	56

At a minimum, I ask that the Supreme Court require an audit of the investigative process as it is a threshold process that is deeply flawed. The purpose of the investigation should be fact-finding. The investigators should collect information on each of the alleged violations, interview parties, review records, and assemble evidence related to the events and circumstances surrounding each alleged RPC violation. The investigator should have the necessary time and resources to create a comprehensive report that details the elements of the allegations against the respondent and the facts as determined by the investigation. If needed, the ODC should contract with expert consultants to review the investigation materials and who may be used as testifying witnesses to the Disciplinary Board at

hearing, or in other actions. The ODC's directed investigation methods are incompatible with access a full and fair adjudication of disciplinary actions, ODC is failing to competently execute its duties.

My grievance is an extreme case of a lawyer abusing his status, but given the institutional problems uncovered by the Dismissal, I fear it is just one of many that will allow bad lawyers to denigrate public trust. The ODC demonstrates a torpor and apathy **or worse**, which is inconsistent with the expectation of a Bar Association attacking with zeal its duty to protect the public, ethical lawyers, and the reputation of the Washington Bar. The Dismissal is a watershed decision and a distinct sign that the ODC is presently not competent to make cogent legal decisions or oversee the ethical practice of law in the State of Washington.

I am optimistic that the Supreme Court will recognize the immensity of the problem and act swiftly, but in the alternative, I am a reluctant activist, a principled and accomplished lawyer, and I am a righteously furious woman, a warrior prepared for my next round of battles. Because of my status founding and managing a trustworthy cannabis law firm, when all of this began, I notified in writing and had one-on-one conversations with Governor Inslee and Attorney General Ferguson about Mr. Pelley and other corrupt cannabis lawyers damaging the industry. I will file a Request for Public Bar Records (despite my doubts that it will reach the covert processes at the heart of this problem), I am assembling a coalition of lawyers and law firms fed up with the feckless WSBA, and I am identifying funding from legitimate cannabis licensees tired of Mr. Pelley and other corrupt cannabis lawyer's clients winning, all in anticipation of filing a class action lawsuit on behalf of myself and the 2,186 citizens with suspect dismissals from the past five years.


I request the favor of a prompt response and I am at your service to provide any further motion or documentation needed to expedite the immediate suspension of Mr. Pelley's license.

Sincerely,



Anne van Leynseele

Enclosures – Exhibits A – E

Cc: VIA EMAIL AND US MAIL
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