

TO (via email): Mr. Ronald T. Schaps, Esq.
7343 Marginal Way S.
Seattle, WA 98108
Rons@emeraldncw.com

March 26, 2012

Dear Mr. Schaps:

REGARDING:

This letter concerns Grievance #12-00265 (Congalton) and is my reply to the response from this attorney. Ms. Congalton's reply of March 7, 2012, was provided to me on March 24, 2012. I was then given until April 9, 2012, to prepare this response.

GENERALLY:

Ms. Congalton acknowledges dismissal of 19 grievances filed by me against 21 attorneys, including Ms. Congalton. The status of the grievance against Ms. Congalton, 12-00265, is still pending and this letter is supplemental to the other materials previously submitted with respect to 12-00265. One grievance is being investigated, 12-00493.

I filed 19 grievances because each attorney, one after the other, violated their statutory oath that states an attorney,

“will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed.”

My case is such a “cause” and every attorney has “rejected it.”

◆ Ms. Congalton's dismissals of the 19 grievances without an investigations, which grievances center on, but not limited to, RCW 2.48.210 and RPC 8.4(k), were improper and raise questions about the nature of the Bar itself.

1. Ms. Congalton, nor the Bar, has authority to render a statutory oath irrelevant; as she has done.^{1, 2}

¹ [9] Statutes - Construction - Superfluous Provisions. A statute is interpreted and construed so that all of its language is given effect with no portion rendered meaningless or superfluous. **State v. Roggenkamp 153 Wn.2d 614, 616 (2005)**

² [6] Statutes - Construction - Administrative Interpretation - Effect. An administrative agency cannot amend or alter the plain meaning of a statute by its interpretation and implementation. **IN RE GEORGE 90 Wn.2d 90, 579 P.2d 354**

2. Ms. Congalton, nor the Bar, has authority to render a rule of professional conduct irrelevant, 8.4(k); as she has done.³
3. Ms. Congalton, nor the Bar, has authority to assist other attorneys in violating that oath; as she has done by the very fact of 1 and 2 above.⁴

³ [7] Courts - Rules of Court - Construction - Rules of Statutory Construction. Court rules are interpreted in the same manner as statutes. **STATE v. BLILIE 132 Wn.2d 484, (1997)**

⁴ **RULE 8.4 MISCONDUCT**

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;
- (g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination is committed in connection with the lawyer's professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this Rule when committed on the basis of sex, race, age, creed, religion, color, national origin, disability, or marital status. This Rule shall not limit the ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance with Rule 1.16;
- (h) in representing a client, engage in conduct that is prejudicial to the administration of justice toward judges, other parties and/or their counsel, witnesses and/or their counsel, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. This Rule does not restrict a lawyer from representing a client by advancing material factual or legal issues or arguments.
- (i) commit any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;
- (j) willfully disobey or violate a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear;
- (k) violate his or her oath as an attorney;
- (l) violate a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter; including, but not limited to, the duties catalogued at ELC 1.5;
- (m) violate the Code of Judicial Conduct; or
- (n) engage in conduct demonstrating unfitness to practice law.

4. Ms. Congalton, nor the Bar, has authority to dismiss a grievance before a ‘grievant’ has the opportunity to discuss his grievance;⁵ as she has done.
5. Is the Bar itself an “unlawful” organization? It is.⁶ No one outside the Bar, from attorney to Chief Justice, may review or discipline a member of the Bar. The Bar and its members have *absolute power* to decided for themselves the meaning of the laws that apply to them unlike any other private citizen, business, profession, non-profit group, or agency.^{7, 8}

The WSBA must be dissolved. Because the Bar is an unlawful band of lawyers, and lawyers take an oath to support the constitution,⁹ then lawyers who are Bar members are in violation of their oath by the very reasons stated in 1 through 5 above.

ARGUMENT

The sole excuse Ms. Congalton relies upon, in doing all of these things that I raise here and in my grievance, is blame it on “office policy.” Specifically Ms. Congalton states, page 3

“Following consultation with WSBA General Counsel and Chief Disciplinary Counsel it was decided that I would continue to handle Mr. Scheidler’s grievance files. This is consistent with office policy.”

⁵ ELC 5.1 GRIEVANTS

(c) Grievant Rights. A grievant has the following rights:

- (1) to be advised promptly of the receipt of the grievance, and of the name, address, and office phone number of the person assigned to its investigation if such an assignment is made;
- (2) to have a reasonable opportunity to speak with the person assigned to the grievance, by telephone or in person, about the substance of the grievance or its status; et. Seq.

⁶ 4] Administrative Law - Delegation of Powers - By Legislature - Validity - Procedural Safeguards - Felony Offense - Second Administrative Look - APA Rule-Making Requirements. For purposes of determining whether there exist sufficient procedural safeguards to uphold a legislative delegation of authority to an administrative agency to define an element of a criminal offense, the agency's action satisfies the requirement of a second look through administrative channels where the agency follows the rule-making procedures of the Administrative Procedure Act (chapter 34.05 RCW) of providing notice of the proceedings, requesting public comment, conducting a hearing, and publishing the results. **State v. Simmons 152 Wn.2d 450 451 (Oct. 2004)**

⁷ **SECTION 1 POLITICAL POWER.** All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

⁸ **SECTION 12 SPECIAL PRIVILEGES AND IMMUNITIES PROHIBITED.** No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.

⁹ **RCW 2.48.210**, states in pertinent part. “I do solemnly swear: inter alia, I will support the Constitution of the United States and the Constitution of the state of Washington;”

What Ms. Congalton fails to mention is that “office policy” is also consistent with violations of law and violations of the rules of professional conduct. Ms. Congalton and the WSBA are either incapable or unwilling to recognize their “policies” are repugnant to a civilized society.

FACTS

Ms. Congalton’s own explanation in why she remained in charge of Scheidler’s file is based in a contradiction. Ms. Congalton says that,

“If ODC were to reassign disciplinary matters on the bases of unsubstantiated allegations by a grievant or respondent lawyer, a number of inappropriate results might occur, including delay, a chilling effect on the decision making of disciplinary counsel in order, and the creation of an incentive to submit allegations against disciplinary counsel in order to impede the matter or improperly influence the outcome.” March 7, page 3,

This entire excuse by Ms. Congalton lacks a factual premise, and is an attempted fraud upon Mr. Schaps, conflicts review office. Ms. Congalton’s dismissals of the 19 grievances, *IN FACT*, terminated Ms. Congalton’s role. Ms. Congalton, *IN FACT*, removed herself by her dismissals; therefore she has no role with respect to those dismissal that can be influenced. Ms. Congalton confirms this fact in her letter of March 22, 2012, page 2, in which she states,

“I do not further evaluate or comment on matters already set before a Review Committee.”

Clearly the Bar in keeping Ms. Congalton in a role of ‘dismissing’ grievances as the WSBA receives them has nothing to do with her role in an ongoing investigation. Ms. Congalton is simply doing what she has been instructed to do – dismiss over 500 grievances since January 1, 2012.

The FACT that ODC and Ms. Congalton present this half-truth excuse is deceitful. And, again, speaks to the utter corruption within the BAR.

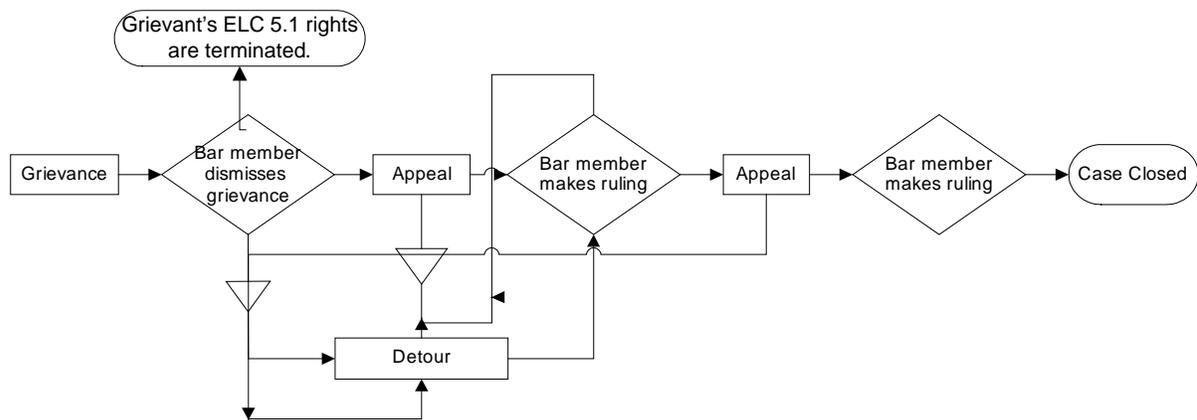
The Supreme Court in **IKEDA v. CURTIS. 43 Wn. (2d) 449, 450** states,

[6] SAME - DECEPTION CONSTITUTING - DECEPTIVE STATEMENTS - HALFTRUTHS. Fraudulent misrepresentations may be effected by half-truths calculated to deceive; and a representation literally true is actionable if used to create an impression substantially false

On its face, Ms. Congalton’s role is gatekeeper with marching orders to protect the attorneys’ ‘golden goose.’ That ‘golden goose’ are the citizens of this state. We citizens are the ‘play toys’ of attorneys and judges. And the ‘gravy’ are the defenseless and oppressed who present a ‘target-rich’ environment to be exploited by anyone as no one will come to their aid.

The evidence is clear... 19 attorneys rejected the cause of the defenseless or oppressed using via various excuses from out-right rejection of their oath to elaborate tactics designed to create an “ignorance” excuse. All these attorneys have been protected by Ms. Congalton’s rapid dismissals to the extent that a ‘grievant’ is stripped of the opportunity to communicate as ELC 5.1 specifically grants.

The position taken by the WSBA, contrary to Ms. Congalton’s feigned concerns of “delay” is precisely to “delay”, to “protect attorneys” by preempting/foreclosing investigations and grievants’ rights (See email chain to you Tuesday, March 20, 2012 5:34 PM); See appendix A – Letter from conflicts review office Mosner, page 1, second paragraph last sentence. “There should be no communication with me during the time of investigation...”). These documents show the WSBA’s disciplinary process is corrupt.



Schematic of the WSBA’s elaborate scheme to perpetrate the illusion of being impartial.

This ‘schematic’ is amply supported by reality and essentially admitted in an email exchange between Scheidler and the Bar.

From: [Natalie Gray](#)
To: billscheidler@wavecable.com
Sent: Tuesday, January 03, 2012 9:41 AM

Subject: RE: WSBA Contact Submission

Dear Mr. Scheidler,

If you feel that a lawyer has acted unethically you may file a grievance against the lawyer. Please read our [forms and instructions](#) on filing a grievance against a lawyer.

From: billscheidler@wavecable.com [mailto:billscheidler@wavecable.com]

Sent: Friday, December 30, 2011 12:36 PM

To: Questions

Subject: WSBA Contact Submission

email: billscheidler@wavecable.com Topic: 5. Other Message: The pertinent part of RCW 2.48.210, the oath an attorney must take before being admitted to practice law in WA State, states as follows " I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So help me God." A number of attorney's, despite swearing to this duty, have refused to take on my case for untold reasons. I am a member of a disadvantaged group of citizens who are being oppressed by state and local government agencies by these agencies violation of law. Specifically low income, disabled, senior, widows(ers) are being denied a statutory benefit found in RCW 84.36 through 39. Of the attorney's who have responded to my plea Jeffrey Steir requires 1000's of dollars upfront and a signed agreement that he can withdraw for any reason. Attorney's David Jurca and Jennifer Divine say they won't take the case because they feel they may not win even though the entities are doing something wrong or unfair. I intend to file a grievance unless you can persuade attorneys to honor their oath. Regards, Bill Scheidler

The Bar should have interceded in the dispute to either remind attorneys of their oath or to find suitable representation for me, as they are attorneys who are under the same oath and RPCs as attorneys. But no, there is no “fun” in preventing an issue from escalating. Rather Lawyers need someone to play with and to charge a fee from and that has become the goal of the WSBA – to protect the “fun” in having citizens ‘to play with and get money from.’

EVIDENCE AND WITNESSES

In addition to the emails and attachments already entered into evidence, (which speak for themselves) the following evidence and witnesses, included by reference, consists of the entire files in Grievances #s: 12-00015 (Jurca); 12-00018 (Mullins); 12-00037 (Hoexter); 12-00038 (Schwarz); 12-00039 (Smetka); 12-00045 (Berman); 12-00101 (Lee); 12-00102 (Johnson); 12-00151 (Messitt); 12-00258 (Riecan); 12-00259 (Weiss); 12-00264 (George); 12-00280 (Sheldon); 12-00285 (Loitz); 12-00286 (McMonagle); 12-00287 (Salgado); 12-00288 (Donohue); 12-00290 (Ganz); 12-00533 (Fujimoto); and 12-00536 (Stier).

THE WSBA’S LONG HISTORY IN FAILING CITIZENS

Please reference Appendix A, for documented evidence.

Scheidler is needing representation in a matter that concerns Kitsap County's administration of the Senior/disabled/low income/widow(er) of deceased servicemen tax program codified as RCW 84.36-39. Specifically, Scheidler alleges the County is violating law in the way it applies RCW 84.36.383 -- how to calculate 'disposable income.' This issue is one of first impression in the courts and it concerns defenseless or oppressed classes of citizens – elderly, disabled, low income, and widow(er) households. Kitsap County recognizes Scheidler is a member of the 'disabled' class of citizens for the RCW 84.36.379-389 program because he was approved in 1998 and 2010 despite the miscalculation.

Scheidler, in those other years for which he applied, has been denied the benefit of this statutory program because Kitsap County requires Scheidler to calculate his household income different than the statutory calculation scheme. As a result Scheidler, from 1998, was required to list his income incorrectly on the Application. The Assessor then used this incorrect number to rule Scheidler did not qualify for the benefit.

Scheidler obtained counsel in Scott Ellerby so as to appeal the Assessor's misapplication of law. However, the legal tactics of Kitsap's prosecutor, who raised a last minute 'conflict of interest', forced Ellerby to withdraw less than 24-hours before the hearing for which he was hired to attend. Ellerby did not arrange for substitution and Scheidler could not find counsel on his own. Scheidler was forced to proceed pro se before the Board of Tax Appeals and lost his appeal. Scheidler's health precluded any challenge to the BoTA's ruling thereafter. Then circa 2008 Scheidler's health improved and he again wanted to correct Kitsap County's unlawful conduct in its administration of the RCW 84.36.379-389 program. Scheidler unable to find counsel, filed a pro se declaratory judgment complaint claiming the "instructions" being supplied to him by Kitsap were incorrect and argued if he is to sign his application under threat of perjury he would need instructions that were consistent with the law and his duty to obey the law. Kitsap County argued against a declaratory judgment claiming Scheidler had not filed an application and exhausted administrative remedies. Scheidler, pro se, lost his declaratory suit and subsequently filed applications for the program and signed his applications "under duress" citing the unlawful instructions he was made to obey. Kitsap in like fashion denied Scheidler's claims for the years 2007,8,9 but approved his application for 2010, despite the unlawful procedures used by Kitsap County. Scheidler appealed

Kitsap’s decisions and began his search for representation. As stated above Scheidler’s plea for help was rejected by one attorney after another despite the oath to render such aid. Who now will come to the aid of the elderly, disabled, low income, widow(er) to halt the Assessors unlawful conduct? All Scheidler wants to do is file a lawful application as he is required to do under the law. However, all these “guardians of the law” are preventing Scheidler from doing his lawful duty. And Ms. Congalton is protecting these “guardians of the law” by the mere fact that she, a lone individual, can accomplish this by her dismissals.

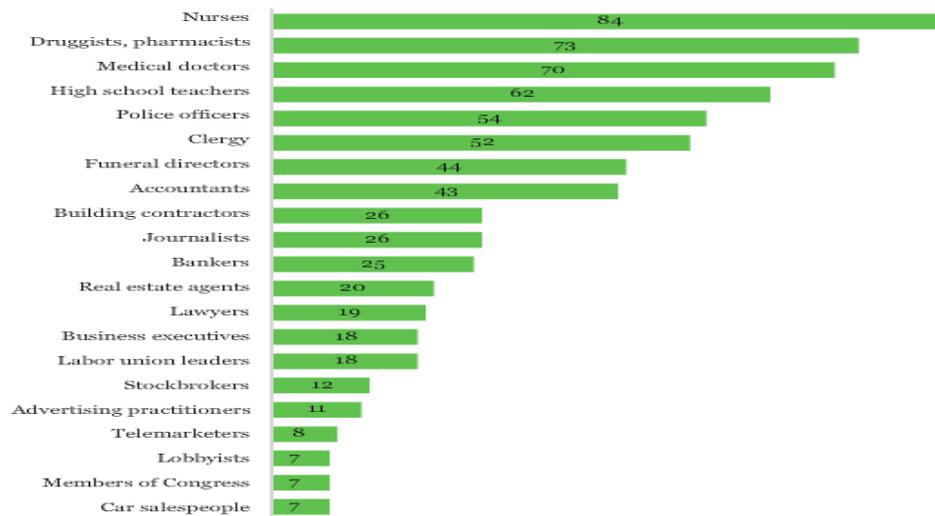
CONCLUSION

Until there is lay-citizen oversight of the WSBA there can never be confidence in the legal profession. Notwithstanding this grievance, corruption within the judicial br is accepted as the norm. Despite the lofty title of ‘guardians of the law’ that lawyers call themselves, the general public sees them as the moral equivalent of car salesmen.

Please tell me how you would rate the honesty and ethical standards of people in these different fields -- very high, high, average, low or very low?

Nov. 28-Dec. 1, 2011

■ % Very high/High



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Ms. Congalton’s dismissal are not only improper but she is breaking the law. Who is going to hold her accountable? Surely not the system that created her!

Respectfully submitted on this March 30, 2012, and attest that the foregoing is true.

William Scheidler,