United States District Court
Western District of Washington

R. Grundstein Esq.
1655 Cadys Falls Road
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802-851-1120/rgrunds@pshift.com

No. CV12-0569 RSL

v.

Washington State Bar Association
c/o Steven Crossland/President
Douglas Ende In His Individual Capacity
Linda Eide In Her Individual Capacity
1325 Fourth Ave..Ste 600
Seattle, WA 98101-2539

Williams and Williams P.C.
Lisa Hammell In Her Individual Capacity c/o Williams and Williams P.C.
18806 Bothell Way NE
Bothell, WA 98011

Chief Justice B. Madsen/Chair, Board for Judicial Administration
Justices Stephens, Gonzalez, Wiggins, Chambers, Johnson, Owens, Fairhurst, Johnson
WA Supreme Court
P.O. 40929
Olympia, WA 98504-0929

1st Amended Complaint for Damages and Injunctive/Declaratory Relief

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Table of Contents

Robert Grundstein Esq./WSBA 20389
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802-851-1120

COMPLAINT FOR DAMAGES

1

Statement of Jurisdiction Under 28 USC 1332 and 28 USC 1331

Plaintiff is a resident of Vermont. Defendants are residents of Washington. Complete diversity exists under 28 USC 1332. The amount in controversy is equal to or greater than $75,000.00.

There are also Federal Questions under 28 USC 1331 and 42 USC 1983 and 1985.

1a

Bar Can Sue and Be Sued"In Re Schwab" 80 Wash2d 267"

11th Amendment Does Not Bar 1983 Personal-Capacity Suits Against State Officials in Federal Court.

"Hafer v. Melo", 502 U.S. 21 (1991) citing "Scheuer v. Rhodes", 416 U.S. 232, 237, 238

See J. Hale concurrence from "In re Schwab", ibid;

"The legislature may, I believe, create agencies to enforce these requirements and standards.. .....To accomplish its purpose, it saw fit to make the state bar a governmental agency. "RCW 2.48.010 reads: There is hereby created as an agency of the state, for the purpose and with the powers hereinafter set forth, an association to be known as the Washington State Bar Association, hereinafter designated as the state bar, (80 Wash2d Page 274) which association shall have a common seal and ***may sue and be sued."***

Federal Law Finds WSBA Disciplinary Counsel Can be Sued

See "Miller v. Washington State Bar Association" 679 F2d 1313

"In urging that the State Bar and its disciplinary committees are immune from scrutiny in federal courts regarding alleged violations of attorneys' constitutional rights, the State Bar relies upon the decision of this court in "MacKay v. Nesbitt", supra. That case, however, involved an attorney's attempt to review in federal district court orders of the Alaska Supreme Court suspending him from practice. This court's denial of jurisdiction **did not create a blanket immunity for state bar associations from federal judicial review** in disciplinary matters."....

"....14: The State Bar contends that we should accord the same deference to the

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disciplinary committee as we do to judicial action, on the theory that the committee is an agent of the Washington Supreme Court. **We find no support for that position.** The fact that the court has delegated some of its exclusive authority in disciplinary matters, see "State ex rel. Schwab v. Washington State Bar Association", 80 Wash.2d 266, 493 P.2d 1237, 1238-39 (S. Ct.1972), in such a way that some administrative actions are effectively final and unreviewable, is in our view **further justification for the availability of federal court scrutiny when constitutional rights are implicated.**

See also "Hafer v. Melo", 502 U.S. 21 (1991) State officers may be held personally liable for damages under 1983 based upon actions taken in their official capacities. Pp. 3-10. "1983's authorization of suits to redress deprivations of civil rights by persons acting "under color of" state law means that Hafer may be liable for discharging respondents precisely because of her authority as auditor general."

1b

Bar Not Exempt from Liability for Illegal Prosecutorial Behavior

"Complaining Witness" Exception Applies

See King County WA/US Supreme Court Case “Kalina v. Fletcher”, 118 S. Ct. 502

Prosecutor Liable as "Complaining Witness" if Acted to Investigate and Procure Prosecution

Jurisdiction applies against WSBA/Eide for two reasons; 1) A prosecutor is not entitled to Judicial Immunity. A prosecutor is not a judge. 2) Washington state and Federal case law have established that a prosecutor is NOT immune from liability when he/she acts as the "Complaining Witness" pertinent to events prior to hearing and in the formation of charges. See excerpt from "Kalina" below:

"Justice Stevens, delivered the opinion of the Court.

"The question presented is whether 42 U. S. C. § 1983 creates a damages remedy against a prosecutor for making false statements of fact in an affidavit supporting an application for an arrest warrant, or whether, as she contends, such conduct is protected by "the doctrine of absolute prosecutorial immunity."....Petitioner is a deputy prosecuting attorney for King County, Washington.....Petitioner's certification contained two inaccurate factual statements.....Respondent brought this action under Rev. Stat. § 1979, as amended, **42 U. S. C. § 1983**, seeking damages from petitioner based on her alleged violation of his constitutional right to be free from unreasonable seizures. In determining

immunity, we accept the allegations of respondent's complaint as true. See "Buckley v. Fitzsimmons", 509 U.S. 259, 261 (1993).....Our later cases have made it clear that it is the interest in protecting the proper functioning of the office, rather than the interest in protecting its occupant, that is of primary importance.....***When a prosecutor performs the investigative functions normally performed by a detective or a police officer, it is neither appropriate nor justifiable that, for the same act, immunity should protect the one and not the other.'*** "Hampton v. Chicago", 484 F. 2d 602, 608 (CA7 1973) Thus, if a prosecutor plans and executes a raid on a suspected weapons cache, he `has no greater claim to complete immunity than activities of police officers allegedly acting under his direction....."

See excerpt from Scalia Concurrence:

Complaining witnesses were not absolutely immune at common law. In 1871, the generally accepted rule was that **one who procured the issuance of an arrest warrant by submitting a complaint could be held liable if the complaint was made maliciously and without probable cause**. Given malice and the lack of probable cause, the complainant enjoyed no immunity. The common law thus affords no support for petitioner." "Malley v. Briggs", 475 *U. S.* 335, 340-341 (1986)

Subsequent Application of "Kalina" to Other Prosecutors

"Cervantes v. Jones", 188 F.3d 805 (7th Cir. 1999), cited "Kalina", ibid, when it held the following:

"An exception to this wall of immunity for trial and pretrial testimony exists for a "complaining witness." Complaining witnesses were not absolutely immune from malicious prosecution suits at common law. 4 Malley, 475 U.S. at 340 ; "Harris v. Roderick", 126 F.3d 1189, 1199 (9th Cir. 1997). "The common law made a subtle but crucial distinction between two categories of witnesses with respect to their immunity for false testimony. Those whose role was limited to providing testimony enjoyed immunity; those who played a role in initiating a prosecution-- complaining witnesses--did not enjoy immunity." "White v. Frank", 855 F.2d 956, 958-59 (2d Cir. 1988). To qualify as a complaining witness (and thereby be disqualified from absolute immunity), a witness must play a sufficient role in initiating the prosecution. 5 Id. At 962.... As we stated in "Curtis", a complaining witness is one "'who actively instigated or encouraged the prosecution of the plaintiff.'" 48 F.3d at 286 (quoting "Anthony", 955 F.2d at 1399 n.2); see "Ireland v. Tunis", 113 F.3d 1435, 1447 (6th Cir. 1997) (no immunity for a "complaining witness who set the wheels of government in motion by instigating a legal

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action"); “Enlow”, 962 F.2d at 511 (a complaining witness is one who actively instigated, encouraged, or perpetrated the prosecution). **Thus, the term "complaining witness" is something of a misnomer, as the complainant *need not testify as a witness* so long as he played a significant role in initiating or procuring the prosecution**. “Kalina v. Fletcher”, 118 S. Ct. 502, 512 (1997) (Scalia, J., concurring).

Eide Acted as "Complaining Witness" to Facilitate Illegal Prosecution of Complaint

Linda Eide used malice, dishonesty and failure to acknowledge exculpatory evidence as required under ABA standard 3.8, to hold my bar license hostage for over a year. I was forced to endure the uncertainty of a very flawed and biased process and the expense and rigors of a hearing that never should have taken place. She has to be exposed and sanctioned.

1c

No Hearing Officer Immunity When Acts Without Jurisdiction

See "Mireles v. Waco", 502 U.S. 9,11 (1991), below:

There are only two circumstances when judicial immunity can be overcome: “First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. **Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction**.” "Mireles", 502 U.S. at 11–12.

2

All Defendant Immunities and Defenses Lost When Defendants Act Without Jurisdiction
Violations of Due Process and Constitutional Principles Remove Jurisdiction

Bar defendants and Hearing Officer acted without territorial, in personam or subject matter jurisdiction. Bar had no Long Arm Jurisdiction under **RCW 4.28.185**; Grundstein committed no act described in the WA state venue statute. **See RCW 4.12.** Bar did not comply with it's own **ELC 10.12(a)** (hearings only if Respondent found in state or a resident) and did not comply with their own rule **10.3(a)(2)** concerning In Personam service. There was no in personam service and none was possible since the jurisdiction of WA state never attached in the first place. **There were not sufficient state**

contacts or a sufficient nexus between Grundstein's Bar status and his pro se court activities. Anyone can act pro se.

They also violated Procedural Due Process, Separation of Powers and Substantive Due Process. When a party violates Due Process or Constitutional constraints, jurisdiction is lost. See "Johnson v Zerbst", 304 U.S. 458, 58 S.Ct. 1019; "Wuest v. Wuest", 127 P2d 934, 937. **"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of jurisdiction"**, "Pure Oil Co. v. City of Northlake", 10 Ill.2d 241, 245, 140 N.E. 2d 289 (1956); "Hallberg v Goldblatt Bros"., 363 Ill 25 (1936).

3

Facts

Grundstein Performed No Acts Listed in WA state long arm statute RCW 4.28.185**.**
Bar Status Not Sufficient To Confer Jurisdiction Without Conduct In State.
"Di Loreto v. Costigan", 600 F. Supp. 2d 671, 692 (E.D. Pa. 2009)

1. Plaintiff Robert Grundstein (I) is an attorney licensed in WA state. He has been on **inactive status** for the past decade. He is a resident of Vermont and was not found or served in WA. He has not represented clients. He acted pro se in WA once, to defend his elderly mother and to stop fiduciary theft and embezzlement;
2. On or about February 20, 2008, Plaintiff Grundstein received a call from Douglas Ende, who represented the WSBA;
3. Ende said Bar received an anonymous complaint from Cleveland, Ohio (Cuyahoga County) stating I had committed a crime there in April of 2003;
4. I explained that I was not in Ohio at the time alleged, **(CP pg. 382, lines 24-25 and pg 383, lines 1-11)** that I had committed no crime, that a "No Bill" was returned in my favor by a Grand Jury **(CP 381 lines 13-25 and pg 382 lines 4-25)**, that I had ATM receipts proving I was in NH and Vermont before, during and after April of 2003;
5. I explained that **I wrote an editorial about a Cleveland judge named Peter Junkin** who organized a vendetta against me using a corrupt prosecutor and corrupt county sheriff;
6. Mr. Ende seemed satisfied and no Bar charges were brought;
7. **Judge Junkin was targeted by the FBI 3 years later and removed from office**. He was found to have been engaged in racketeering with affiliates of the Los Angeles mafia and providing jobs in his jurisdiction for prostitutes who had sex with county executives in exchange for county appointments. Testimony and Exhibits were provided in support

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1655 Cadys Falls Road
Morrisville, VT 05661
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of this.**(See CP pg. 396, line 18)**;
8. The Cuyhaoga **County Sheriff, Gerald McFaul, was arrested** 2 years later and imprisoned;
9. A **prosecutor connected to the case, Joe O'Malley, was arrested** for bribery, case fixing with judges and lying to FBI agents. **He is presently in a Kentucky Federal prison**. Exhibits and testimony were given in support of this. (**See CP 411, 412, 415 lines 10-16)**;
10. The FBI chose Cleveland, Ohio as the most corrupt city/county in the USA;
11. Over 160 people in Cuyahoga County/Cleveland have been arrested, fined and/or jailed including **four sitting judges**, prosecutors, county executives, administrators, employees, clerks and contractors. Several judges and the County Prosecutor have agreed to not run for re-election in lieu of prosecution;
12. In November of 2010, Defendant Linda Eide filed a Disciplinary Complaint against me. The file was dated 2007 and referenced an anonymous letter from Cleveland, Ohio. A hearing was set for May of 2010;
13. The Complaint referenced some motions Bar didn't like in Ohio and Vermont;
14. The Complaint referenced a criminal charge in Ohio of which Bar had exculpatory evidence. This charge was the same charge for which Bar declined to bring action in 2007/2008. **Bar Complaint sought "Probation"**;
15. Grundstein committed no act on behalf of clients. He had no clients;
16. Grundstein committed no act pursuant to the WA state long arm statute. **See RCW 4.28.185. Bar status is not sufficient to confer jurisdiction without conduct in state**. See "Di Loreto v. Costigan", 600 F. Supp. 2d 671, 692 (E.D. Pa. 2009);
17. Grundstein committed no act described in the WA state venue statute. **See RCW 4.12;**
18. Grundstein could not compel the attendance of foreign witnesses. The WA subpoena power does not extend to foreign states;
19. Grundstein was not "found in the state nor a state resident" as required under Bar RPC 10.12(a). Disciplinary hearings can only be held in WA if the Respondent is a "resident or found in the state". He could not be served. In personam jurisdiction could not be established. Without In Personam jurisdiction, no subject matter jurisdiction could attach;
20. There was no territorial jurisdiction for a Disciplinary Hearing in WA;
21.There was no in personam jurisdiction for a Disciplinary Hearing in WA. See ELC 10.3(a)(2); which requires personal service to commence a hearing;
22. No subject matter jurisdiction could attach without Territorial and In Personam jurisdiction;

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23. A Hearing Officer was chosen by WSBA. Her name is Lisa Hammel. Her employer is Kinnon Williams PSC. **Kinnon Williams is a Bar affiliate. He is on the Judicial Selection Committee.** This affiliation makes a conflict and should have automatically disqualified Lisa Hammel as a Hearing Officer;

24.Prior to Hearing, Grundstein moved 3 times to dismiss the action based on absence of jurisdiction. **The hearing officer refused to rule on the motions. Grundstein also asked the Hearing officer to recuse herself prior to hearing on the basis of bias. She refused to rule on this until hearing and would not recuse herself. "Due process of law, the appearance of fairness doctrine and ELC 2.6(e)(4) require a hearing officer to disqualify himself...if he is biased or if his impartiality may be questioned. See "Wolfkill et al. v Martin", 103 Wn.App. 836, "State v. Dominguez", 81 Wn. App. 325 and "Hill v. Department of Labor and Industries", 90 Wn. 2d 276.**

25. Grundstein moved to dismiss the case based on the fact that he couldn't compel witness attendance as required under the 6th Amendment and Article 22 of the WA State Constitution;

26. Grundstein moved to dismiss the case on other Due Process violations, including vague offense provisions, Separation of Powers violations, hearing officer bias, equitable statute of limitations (laches) and estoppel. The Hearing Officer refused to rule on any of these motions;

27. A hearing was held on September 26, 2010. Defendant Linda Eide acted as Prosecuting attorney for the Bar;

28. Bar presented an attorney witness named Ronald Meltzer, who testified to a charge unmentioned in the original Bar Complaint. Bar cannot amend it's complaint at hearing. See "In re Ruffalo" 390 US 540;

29. Bar Witness lied and stated Grundstein fraudulently issued a subpoena during a case in which he was pro se counsel. Meltzer stated, with Bar's encouragement, that only an active attorney can issue a subpoena under WA Civ. Rule 45. This is not true. A pro se litigant has all the rights of an attorney representing a litigant. **CP pg 82,15-25 and pg 83, 1-2)** ;

30. This subpoena was known to 3 judges and a commissioner, without incident;

31. There was no objection to the subpoena at the time it was issued. There were no sanctions, admonishments or hearings around the subpoena;

32.Bar and it's witness conspired to mis-state the law;

33.Bar acted to amend it's complaint with surprise charges in violation of "In Re Ruffalo" 390 US 540, during this event and many more times during the hearing. See line 41 below;

Robert Grundstein Esq./WSBA 20389
1655 Cadys Falls Road
Morrisville, VT 05661
802-851-1120

34. The hearing officer refused to acknowledge objections to surprise amendments in violation of Due Process and "In re Ruffalo", ibid
35. Grundstein provided his hearing brief and exhibits prior to trial. Disciplinary counsel promised to deliver the original exhibits to the disciplinary board. **(CP pg. 357, lines 4-5)**. WSBA also suggested a numerical sequence for the exhibits prior to testimony. **(CP pg. 357, lines 8-9.)**. The hearing officer also referred to them as exhibits submitted at the outset **(CP pg. 357, lines 17-20)** and confirmed the Bar's numbering sequence. **(CP 357-358, lines 22-10)**. It is telling that Bar was acting as clerk for the proceeding. **(CP), 357, lines 1-5;**
36. The brief and exhibits established jurisdictional defenses and exculpatory proof **(See CP pg. 382, lines 24-25 and pg 383, lines 1-11)**.
37. These exhibits were entered into the record over 80 pages of transcript. (**See EX 1-18 and A-M, Court Proceedings, pages 357 to 436;**
38. These exhibits were acknowledged by the Hearing Officer and renumbered by her to accommodate the numbering system established prior to Grundstein's case-in-chief;
39. Defendant Linda Eide promised to have her administrative assistant, Allison Sato, deposit the brief and exhibits into the record;
40. Testimony was had on all the exhibits as referenced in Grundstein's Trial Brief;
41. During Trial, without notice or permission from the hearing officer, Bar amended it's complaint to contain new charges. This occurred without Due Process, notice to Grundstein or compliance with Civil Rule 15. Illegal amending was a tactic Eide committed 8-9 times during the course of the hearing. Respondent persistently objected to this dishonest practice. **(CP 159 lines 22-23, CP 271 lines 22-25, CP 300 lines 14-17, CP 338 lines 11-14, CP 343 lines 4-6 and 25, CP 344 lines 1-2, 14-16, CP 345 lines 14,15, CP 346 lines 8-9, 21-22, CP 347 lines 20-21)**;
42. Bar amended it's complaint at Hearing to ask for Disbarment. The original requested sanction was "probation".
43. After Hearing, Bar removed all of Grundstein's exculpatory exhibits from the record after they were entered;
45. The Hearing Officer refused to force Bar to return Grundstein's exculpatory exhibits into the record. Grundstein moved the Hearing Officer to acknowledge this evidence in a Post Hearing motion;
44. Bar refused to acknowledge any of Grundstein's exculpatory evidence and legal arguments prior to the Formal Complaint, prior to hearing after the Complaint was drafted and during hearing. The content of the brief and exhibits were given to Bar Prosecutor, Linda Eide several months prior to the time she decided to file the Formal

Complaint in November 20, 2010. Linda Eide had plenty of reason and opportunity to drop the case against Grundstein;
46. Grundstein entered evidence of 13 "mitigators" in his favor. The Hearing Officer claimed there were none;
48. The Hearing Officer found Grundstein changed a felony charge to a misdemeanor in order to purchase a gun sometime in the past (2002, 2003?);
49. Grundstein was never charged with a felony in 2003;
50. The statute referenced at hearing was Lakewood Ohio Municipal Code 549.04(c), which is a misdemeanor of the 4th degree. It is the lowest Ohio misdemeanor. The code section controls improper storage of a firearm;
51. Lakewood, Ohio municipal court ONLY has jurisdiction over misdemeanor crimes;
52. The Hearing Officer not only acted without jurisdiction, but to falsify and misstate the evidence;
53. The content of the disciplinary record is now public;
54. Grundstein has had continuing anxiety and expense as a result of Bar's activities;
55. Grundstein's life has been put on hold for the past 1 1/2 years. It is impossible to get work during a Bar investigation;
56. Grundstein Constitutional Rights have been violated.

4
Individual Counts

COUNT I
CONVERSION

Bar Held Grundstein's Bar License Hostage to Force Hearing Without Jurisdiction
Hearing w/o Jurisdiction Violates Procedural Due Process and 42 US 1983

57. Grundstein restates the prior content of this Complaint;
58. By holding a hearing without jurisdiction, Bar converted, or held Grundstein's bar license hostage, to force his attendance and misappropriate his life and reputation;
59. A Bar License is personal property or a chattel;
60. Conversion is a tort. See "Judkins v. Sadler-MacNeil", 61 Wash.2d 1, 3, 376 P.2d 837 (1962). Conversion is "'the act of willfully interfering with any chattel, without lawful justification, whereby any person entitled thereto is deprived of the possession of it.'" Id. (quoting Salmond on the Law of Torts sec. 78, p. 310 (9th ed.1936)); see also "Meyers

Way Dev. Ltd. Partnership v. University Sav. Bank", 80 Wash. App. 655, 674-75, 910 P.2d 1308 (1996). “[T]he measure of damages in conversion is the value of the article converted at the time of the taking.” "Junkin v. Anderson", 12 Wash.2d 58, 63, 120 P.2d 548 (1941). The plaintiff in a conversion action is under no obligation to take back the converted property rather than seek monetary recovery. See "City Loan Co. v. State Credit Ass'n", 5 Wash.App. 560, 563, 490 P.2d 118 (1971); see also W. Page Keeton et al., "Prosser and Keeton on the Law of Torts" sec. 15, at 106 (5th ed.1984).

61. The damages would be the value of a law license for the period over which Bar conducted disciplinary proceedings without jurisdiction;

COUNT II
DEFAMATION

62. Grundstein restates the entire contents of this Complaint;

62. A defamation Plaintiff must establish four elements: (1) falsity, (2) an unprivileged communication, (3) fault, and (4) damages. "Mohr v. Grant", 153 Wn.2d 812, 822, 108 P.3d 768 (2005); "Bender v. City of Seattle", 99 Wn.2d 582, 599, 664 P.2d 492 (1983);

63. During Hearing held without jurisdiction, Bar testified that Grundstein committed crimes Bar knew he didn't commit and that he fraudulently issued a subpoena. Linda Eide disregarded and hid exculpatory evidence, the presentation of which would have prevented Eide from meeting her burden of proof to prevail ;

64. Damages are presumed when there is libel per se. See "Maison de France v. Mais Oui!". 126 Wn.App. 34,54, 108 P.3d 787 (2005). "Owens v. Scott Publishing Co.", 46 Wn.2d 666, 673, 284 P.2d 296 (Wash. 1955)

65. A qualified privilege may be lost if statements are made "with knowledge of their falsity or with reckless disregard of their truth or falsity." "Doe v. Gonzaga University", 143 Wn.2d 687,703,24 P.3d 398 (Wash. 2001).

COUNT III
ABUSE OF PROCESS
BAR ABUSED PROCESS TO FORCE HEARING W/O JURISDICTION
HEARING W/O JURISDICTION VIOLATES PROCEDURAL DUE PROCESS AND 42 USC 1983

66. Grundstein restates the prior content of this document;

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802-851-1120

67. The Washington Court of Appeals has identified the essential elements of a claim for abuse of process as:

"(1) the existence of ulterior purpose - to accomplish an object not within the proper scope of the process - and (2) an act in the use of legal process not proper in the regular prosecution of the proceedings." "Hanson v. Aetna Ins.", 26 Wn. App. 290, 612 P.2d 456 (1980). Washington cases establish that no abuse of process occurs unless the plaintiff, after commencing an action, uses the legal process to achieve an end which is not within the proper scope of prosecution of the action. "Batten v. Abrams", 28 Wn. App. 737, 626 P.2d 984 (1981). Stated another way, "the gist of the action is the misuse or misapplication of the process, AFTER IT HAS ONCE BEEN ISSUED, for an end other than that which it was designed to accomplish." "Batten", 28 Wn. App. at 745.....Washington courts have stated that the proper test for abuse of process is whether the process has been used to accomplish some unlawful end, or to compel the adverse party to do some collateral thing which he could not legally be compelled to do. "Fife v. Lee," 11 Wn. App. 21, 521 P.2d 964

68. Bar acted without jurisdiction at all times. It violated the WA state Long Arm Statute, the WA state venue statute, and it's own ELC Rules 10.12(a) (hearing can only take place if Respondent resident or found in the state) and 10.3(a)(2) (respondent must be served in person). Service is only good within WA state if no connections under Long Arm Statute;

69. Bar willfully disregarded exculpatory evidence despite its obligation to do so under ABA standard 3.8(d), "Brady v. Maryland" 373 U.S. 83 (1963) RPC 3.3 and equitable principles which follow the law.

70. Bar disregarded WA State Constitution Section 22 and the 6th Amendment, both of which require a defendant the opportunity to have witnesses present in his behalf;

70. Bar disregarded it's own RPC concerning comity and failed to state a claim, yet proceeded in violation of RPC 8.5 . Bar never referenced law of foreign states;

Bar motive was to maintain the supply of victims it needs to support the salaries of the individuals who work there.

COUNT IV

PERJURY UNDER RCW 9A 72 010, 020, 030, 040 / CONSPIRACY UNDER RCW 9A.28.040(1)/OBSTRUCTION OF JUSTICE/FALSE SWEARING UNDER RCW 9A.40.120 AND CONSPIRACY TO VIOLATE CIVIL RIGHTS UNDER 42 USC 1985,

71. Plaintiff restates the prior contents of this document;

Robert Grundstein Esq./WSBA 20389
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72. Bar Prosecutor Linda Eide and witness Ronald Meltzer agreed to lie about the quality of a subpoena issued by Grundstein. (Violation of RCW 9A. 28. 040);
73. They lied about the state of the law and about Grundstein's compliance with the law pertinent to WA Civ. Rule 45. **CP pg 82,15-25 and pg 83, 1-2)** ; (Violation of RCW (9A 72 010 et seq.);
74. This was done to injure Grundstein and violate Due Process rights of a fair trial;
75. Bar Prosecutor Linda Eide and Hearing Officer agreed to hide (spoliate) Grundstein's exculpatory evidence. This also spoiled Grundstein Due Process right to present evidence under the 6th Amendment;
76. Bar maintains Lisa Hammel on it's Hearing Officer list because it knew Hammel would not rule against Bar and would violate the rules and equity to get the outcome desired by Bar;
77. Hearing Officer Hammel accommodated Bar Prosecutor Eide by consistently hiding exculpatory evidence favorable to Grundstein, refusing to recuse herself on the basis of bias, refusing to rule on jurisdictional issues which would dismiss Bar's case prior to hearing and by allowing Bar to amend it's complaint 8 times at hearing and change it's requested sanction from "probation" to "disbarment", without notice;
78. Hearing Officer Hammel accommodated Bar Prosecutor Eide by finding that a 4th degree misdemeanor statute (ORC 549.04(c) was a felony and finding that the record of this misdemeanor was altered to hide it's misdemeanor character;
79. Every offense against which Separation of Powers was designed to protect was violated by Hammel and Eide.

COUNT V
SPOLIATION OF EVIDENCE/VIOLATION OF RPC 3.4
VIOLATES STANDARD OF "Pier 67, Inc. v. King County", 89 Wn.2d 379
VIOLATES 5TH AMENDMENT RIGHT TO BE HEARD AND 42 USC 1983

80. Grundstein restates the prior content of this document;
81. Grundstein restates lines 71 through 79 an additional time to emphasize them;
82. Bar had a duty to acknowledge all exculpatory evidence under previously cited law and RPC 3.4, which reads as follows:

RPC RULE 3.4
FAIRNESS TO OPPOSING PARTY AND COUNSEL
A lawyer shall not:

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1655 Cadys Falls Road
Morrisville, VT 05661
802-851-1120

(a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or **conceal a document or other material having potential evidentiary value**. A lawyer shall not counsel or assist another person to do any such act;
(b) falsify evidence, **counsel or assist a witness to testify falsely,** or offer an inducement to a witness that is prohibited by law;
(c) knowingly disobey an obligation under the rules of a tribunal

83. Linda Eide and Hearing Officer Hammel concealed Grundstein exculpatory evidence and exhibits during trial and after;
84. Linda Eide concealed Grundstein exculpatory evidence and exhibits prior to trial;
85. Linda Eide instructed witness attorney Ronald Meltzer to falsify evidence and testify falsely with respect to the state of the law pertinent to subpoenas and Grundstein's conduct when he lawfully issued a subpoena;
86. Spoliation has been defined as the willful destruction of evidence or the failure to preserve potential evidence for another's use in pending or future litigation. "Trigon Ins. Co. v. U.S.", 204 F.R.D.277 (E.D.Va., 2001).

WA law has it's expression in "Pier 67, Inc. v. King County", 89 Wn.2d 379 (1977). There, said the court, "our Supreme Court reaffirmed the evidentiary conclusion that **when a party fails to produce relevant evidence without /satisfactory explanation,** the only inference which the finder of fact may draw is that such evidence would be unfavorable to him." 133 Wn. App. at 898. This case was revisited in "Henderson v. Tyrrell", 80 Wn. App. 592 (1996) which adopted Alaska's approach to determine when spoliation requires a sanction. Under this test, the trial court weighs (1) the potential importance or relevance of the missing evidence and (2) the culpability or fault of the adverse party. After weighing these two general factors, the trial court uses its discretion to craft an appropriate sanction.

See also: "California v. Trombetta", 467 U.S. 479 (1984), and "Arizona v. Youngblood", 488 U.S. 51 (1988). As described in "Trombetta", **the Due Process Clause requires criminal prosecutions to comport with prevailing notions of fundamental fairness and, under this standard, criminal defendants are to be afforded a meaningful opportunity to present a complete defense**.

Federal Questions
Violation of Federal Statutes
Due Process Violations/Violations Under 42 USC 1983

COUNT VI
OBSTRUCTION OF JUSTICE UNDER 18 USC 1503 and 1512(C)

87. Grundstein restates the prior contents of this Complaint and lines 71 through 86 for special emphasis;
88. The federal crime "obstruction of justice" is defined by 18 U.S.C. § 1503 to include conduct that, among other things, corruptly endeavors to obstruct or impede the due administration of justice.
89. "Obstruction" has been expanded by the Sarbanes-Oxley Act of 2002 which enlarged the law of obstruction by adding new sections to 18 U.S.C. § 1512 and enacting a new statute, 18 U.S.C. § 1519, creating additional crime relating to alteration, destruction, mutilation or **concealment of records**, documents, or objects. Section 1512(c) requires acting corruptly with **intent to impair the item's integrity or *availability* for use**.....
90. Concealing evidence also violates the duties Linda Eide is obligated to perform under other rules, such as **RPC 1.2(d)** (counseling or assisting a client in criminal or fraudulent conduct) or the general misconduct proscriptions of **RPC 8.4**.
91. Linda Eide and Officer Hammel have obstructed justice.

COUNT VII
CONDUCT OF HEARING IN WHICH GRUNDSTEIN COULD NOT COMPEL WITNESS ATTENDANCE VIOLATES THE 6TH AMENDMENT AND REMOVES JURISDICTION

91. Grundstein restates the prior content of his complaint.
92. The WA subpoena power does not extend beyond WA state. RCW 34.05.466 (6) "The subpoena powers created by this section shall be statewide in effect".;
93. The 6th Amendment and Section 22 of the WA Constitution require a means to compel witness attendance at a hearing. See “Washington v Texas” 388 U.S. 14 (1967)., “The right of an accused to have compulsory process for obtaining witnesses in his favor stands on no lesser footing than the other Sixth Amendment rights that we have previously held applicable to the States. This Court had occasion in “In re Oliver”, 333 U. S. 257 (1948), to describe what it regarded as the ***most basic ingredients of due process***

of law.;
94. Bar claimed violations in other states from which Grundstein could not compel the attendance of witnesses;
95. Grundstein had several witnesses who would have testified in his behalf from others states. These included 3 judges who know his cases and think well of him;
96. Grundstein put Bar on notice of his inability to compel witness attendance prior to hearing;
97. Bar disregarded this right and held a hearing;
98. A hearing which violates Substantive Due Process loses it's jurisdiction. See "Johnson v. Zerbst", 304 U.S. 458, 58 S.Ct. 1019; and "Wuest v Wuest", "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of jurisdiction";
99.“ A void judgment under federal law is one in which rendering court lacked subject matter jurisdiction over dispute or jurisdiction over parties or acted in manner inconsistent with due process of law ***or otherwise acted unconstitutionally*** in entering judgment, U.S.C.A. Const. Amend. 5, “Hays v. Louisiana Dock Co”., 452 N.E.2d 1383 (Ill App. 5 Dist. 1983);
100. Any order pertinent to a hearing conducted without jurisdiction is void ab inito.

COUNT VIII
BAR HEARINGS VIOLATE SEPARATION OF POWERS AND LOSE JURISDICTION

Structural/Institutional Bias of Bar Disciplinary Process Process Violates Separation of Powers

101.Disciplinary counsel combines executive, legislative and judicial functions under the aegis of the Supreme Court.
102. The SC makes the rules, which the agent it controls by executive selection, adjudicates. It also conducts review of Bar Hearings;
103. The Supreme Court Clerk, Scott Carpenter, meets with the Bar to help it make disciplinary rules;
104. Hearing officers are selected unilaterally by the Bar;
105. Interim review of hearing officer rulings are done by the WSBA.
106. This is a patent conflict of interest. The Bar cannot be expected to judge rulings

appealed against it without bias.
107. The hearing officers and review committee members are unpaid volunteers.
108. Every abuse separation of powers is designed to avoid is practiced in the Bar Disciplinary hearings.
109 Constitutional violations remove jurisdiction from a proceeding.

COUNT IX
HEARING OFFICER BIAS SPOILS DUE PROCESS

110. Between August 21 and September 13, 2011, Grundstein filed separate motions for Ms. Hammel to: 1) recuse herself on the basis of bias and insufficient training. (CJC Canon 3(D)(1), ELC 2.6(e)(4) and case law were cited), 2) strike Bar Complaint amendment dated June 8, 2011, which was made without permission and in violation of Due Process and Civ. Rule 15, 3) to require WSBA counsel to provide exculpatory evidence under "Brady" and ABA Model Rule 3.8(d) in the form of offense mitigators, alibi/procedural defenses and other things Grundstein provided to Bar but which Bar refused to acknowledge and, 4) Jurisdictional issues.
111.The hearing officer refused to rule prior to hearing;
112. She referred to a letter dated May 26, in which she said she will no longer rule on motions.
113. **A Hearing Officer is obligated to rule on subject matter jurisdiction and bias at any time**.
114. The Hearing Officer carelessly found Grundstein changed Lakewood Municipal code section 549.04(c) from a felony to a misdemeanor in order to buy a firearm;
115. **Lakewood Municipal Code 549.04(c) is a misdemeanor of the 4th degree; the lowest misdemeanor in Ohio;**
116. **Lakewood Municipal Court ONLY has misdemeanor jurisdiction.**
117. This is the kind of error a biased judge makes. Bias spoils Due Process;
118. "Due process of law, the appearance of fairness doctrine and ELC 2.6(e)(4) require a hearing officer to disqualify himself...if he is biased or if his impartiality may be questioned. See "Wolfkill et al. v Martin", 103 Wn.App. 836, "State v. Dominguez", 81 Wn. App. 325 and "Hill v. Department of Labor and Industries", 90 Wn. 2d 276.

COUNT X
VAGUE RULES OF PROFESSIONAL CONDUCT VIOLATE DUE PROCESS

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119. Bar cited RPC 3.1 against Grundstein.
120. This is a rule against "Frivolous Conduct";
121. This term has no meaning and is unconstitutionally vague;
122. A vague standard violates Due Process standards of Notice and Hearing;
123. Rules which violate Due Process lack jurisdiction for their enforcement;
124. "***[i]t is one thing to give discretion in enforcing a legislatively defined crime; it is quite another to give prosecutors the power to define the crime",*** "In re G.T.", 170 Vt, 507, 514, 758 A.2d 301, 306 (2000);
125. ***if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory applications.***" "Grayned v. City of Rockford", 408 U.S. 104, 108-09 (1972), quoted in "Village of Hoffman Estates v. The Flipside", 455 U.S. 489, 498 (1982).

COUNT XI
BAR ILLEGALLY AMENDED COMPLAINT TO VIOLATE DUE PROCESS
AND
CONSTITUTIONAL STANDARDS OF "IN RE RUFFALO" 390 US 544
BAR CAN'T AMEND COMPLAINT AT HEARING AS SURPRISE TACTIC
BAR CAN'T CHANGE REQUESTED SANCTION FROM "PROBATION" TO "DISBARMENT" AS RETALIATION AGAINST FEDERAL INJUNCTION REQUEST

126. Bar charged a 2003 violation of the Ohio Revised code in counts I and II of her Complaint. THE REQUESTED SANCTION FOR ALL OFFENSES IN THE COMPLAINT WAS "PROBATION".
127. **Prior to hearing and prior to the time the Complaint was even filed in November of 2010, Grundstein proved he was not in Ohio at the time** and without territorial jurisdiction, no violation was possible. He also proved he was not charged with a violation of the ORC in 2003 by any court or prosecutor in Ohio or anywhere else. (CP 390, lines 2-11). **Grundstein filed to enjoin Bar trial; Case # C11-692, Abstained.**
128. As an alternative, Linda Eide (Bar counsel) tried to amend the complaint at the end of the hearing in her closing statement by claiming Respondent provided false information to the FBI. (CP 460, lines 1-5). BAR ASKED FOR A NEW SANCTION OF DISBARMENT AT HEARING, WITHOUT NOTICE.
129. This was a different charge with different jurisdictional requirements/defenses and

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elements of proof.
130. This charge was not true. Discovery was over. The Complaint was never amended to include any new charge which conformed to new evidence;
131. Not only did she not prove this, but she could not amend her complaint by surprise and deceit.
132. Illegal amending was a tactic Eide committed 8-9 times during the course of the hearing;
133. Respondent persistently objected to this dishonest practice. (CP 159 lines 22-23, CP 271 lines 22-25, CP 300 lines 14-17, CP 338 lines 11-14, CP 343 lines 4-6 and 25, CP 344 lines 1-2, 14-16, CP 345 lines 14,15, CP 346 lines 8-9, 21-22, CP 347 lines 20-21)
134. **Bar cannot salvage a failed Complaint by presenting significantly different charges at trial. Charges will NOT be added/amended on evidence unrelated to the active Complaint. Pleadings cannot conform to evidence after trial begins.**
135. See excerpt from "Ruffalo", below:

"Therefore, one of the conditions this Court considers in determining whether disbarment by a State should be followed by disbarment here is whether "the state procedure from want of notice or opportunity to be heard was wanting in due process." Selling v. Radford, 243 U. S. 46, 243 U. S. 51....

These are adversary proceedings of a quasi-criminal nature. Cf. "In re Gault", 387 U. S. 1, 387 U. S. 33. ***The charge must be known before the proceedings commence.*** **..How the charge would have been met had it been originally included in those leveled against petitioner by the Ohio Board of Commissioners on Grievances and Discipline, no one knows.** Page 390 U. S. 552

This absence of fair notice as to the reach of the grievance procedure and the precise nature of the charges deprived petitioner of procedural due process."

136. Bar is stuck with the contents of it's November 20, 2010 Complaint. It didn't amend it properly before hearing;
137. **Trial Evidence cannot go beyond that needed to prove charges in the Complaint.**
138. Violation of Due Process removes jurisdiction from a proceeding;
139. One doesn't go to a hearing for a Parking ticket punishable by a fine, to discover the charges have changed to murder with a possible sentence of death.

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COUNT XII
DELAY VIOLATES DUE PROCESS
BAR CONTRADICTS ITS OWN RULES AND EQUITY

140. Counts 1-VI of Bar Complaint were brought after delays up to 7 1/2 years after alleged offenses;
141. Delay is a significant mitigator and has Due Process significance. Witnesses get lost. Memories fail.
142. See "In Re Ressa" 94 Wn 2d 884, in which requested sanctions were vastly reduced and suspended for reason of delay. See below:

"Now, approximately 5 years after the bar association learned of Mr. Ressa's misconduct, it recommends that we disbar him"....."we believe it would be unfair at this time to accept it. **Mr. Ressa has a right to have his case decided within a reasonable period of time.** /See "In re Hawkins",/91 Wn.2d 497 (1979) citing "Murrell v. Florida Bar", 122 So.2d 169 (Fla. 1960)." The 3-year delay between his admission of misconduct and his disciplinary hearing"....."was unreasonable. Both the hearing panel and the Disciplinary Board found that, partially as a result of the delay, Mr. Ressa has suffered enough." (Board imposed SUSPENSION of 1 year suspension for violations of Trust Accounts).

143. Respondent provided testimony that he **discussed content of 2010 Bar Charges with D. Ende in February of 2008 at which time Bar decided not to bring charges;**
144. Bar Hearing took place 4 years after the file was opened in Bar's office;
145. Grundstein could have asked for reinstatement TWICE, between the time of the offenses alleged to have occurred in Bar Complaint and the conduct of the hearing.

5
REQUEST FOR INJUNCTION/DECLARATORY RELIEF UNDER 28 USC 2201

Injunction Syllabus

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I
Hearing Officer and Bar Excluded All of Grundstein's Evidence and Exhibits Entered At Trial
Bar Illegally Obstructed Justice and Perjured Testimony
Bar Hid Exculpatory Evidence and Organized False Testimony

Bar contrived to exclude all Grundstein's exculpatory evidence which was part of his trial brief (EX 1-18 and A-M) and entered into the record during the hearing. (**See CP pages 357 to 436**.) The brief and list of exhibits were filed according to the rules and testimony was heard on all of them over **80 pages of transcript**. Only one exhibit was excluded after objection by Bar Counsel. This was a Law Review article about the inapplicability of RPC 3.1 in Bar discipline which should have been admitted on the basis of the Supremacy Clause.

These records show Grundstein was not in Ohio during the times claimed by WSBA (CP pg. 382, lines 24-25 and pg 383, lines 1-11) **and could not possibly have committed the offenses described in Counts I and II of it's Complaint. They show that Grundstein was subject to a vendetta by a judge who was removed from office under FBI investigation because Grundstein wrote an editorial** (CP pg. 396, line 18) **critical of the judge**. The evidence shows that the judge enlisted the cooperation of a the

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County Sheriff to falsify charges against Grundstein. The County Sheriff was subsequently arrested, convicted and removed from office. The evidence also shows that a prosecutor in Grundstein's case was arrested, convicted and jailed for case fixing and lying to federal agents.(Joe O'Malley. CP 411, 412, 415 lines 10-16)

Disciplinary counsel promised to deliver the original exhibits to the disciplinary board. (CP pg. 357, lines 4-5). WSBA also suggested a numerical sequence for the exhibits prior to testimony. (CP pg. 357, lines 8-9.). The hearing officer also referred to them as exhibits submitted at the outset (CP pg. 357, lines 17-20) and confirmed the Bar's numbering sequence. (CP 357-358, lines 22-10).

It is telling that Bar was acting as clerk for the proceeding. (C), 357, lines 1-5). After appropriating the documents pursuant to a clerical function, renumbering them to facilitate organization, promising to deliver them to the Board and hearing 80 pages of testimony about them subject to only one objection, WSBA suddenly removes them from the record and claims they weren't admitted. It can't do this dishonest tactic.

Perjury is described in Count IV, of this Complaint, supra

II

Charges Were Made Without Territorial Jurisdiction/Subject Matter Jurisdiction or Venue

a

Long Arm Jurisdiction Not Available/See RCW 4.28.185
Grundstein Has Not Conducted Business in WA/No Affidavit Under Sec. 4
Business Contemplates Commerce and/or Activity/Grundstein Never Represented Clients in WA
He Has Been On Inactive Status for 18 years

Grundstein has done none of the enumerated actions in the WA statute. His activities in Ohio and Vermont are not within Long Arm provisions. See section (3) at bottom of the quoted statute:

"RCW 4.28.185 Personal service out of state — Acts submitting person to jurisdiction of courts — Saving.
(1) Any person, whether or not a citizen or resident of this state, who in person or

through an agent does any of the acts in this section enumerated, thereby submits said person, and, if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts:

(a) The transaction of any business within this state;

(b) The commission of a tortious act within this state;

(c) through (f) not relevant here. Relate to marriage, real property.

3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section."

(4) Personal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.

b

Bar Status Does Not Confer Jurisdiction

Bar Status Not Sufficient to Find Jurisdiction Without "Doing Business" in State

"Di Loreto v. Costigan", 600 F. Supp. 2d 671, 692 (E.D. Pa. 2009)

"Irwin v. Mahnke", 3:05 CV 976, 2006 WL 691993, at *3, n.3 (D. Conn. Mar. 16, 2006)

"Kronzer v. Burnick", C 04-02125 RS 2004 WL 1753409, at *3 (N.D. Cal. Aug. 5, 2004)

The Eastern District of Pennsylvania found:

"an attorney's **entry of a court appearance pro hac vice in the forum state, without more, is not a substantial enough contact to permit that court to exercise jurisdiction over his person**. "Di Loreto v. Costigan", 600 F. Supp. 2d 671, 692 (E.D. Pa. 2009); see also "Irwin v. Mahnke", No. 3:05 CV 976, 2006 WL 691993, at *3, n.3 (D. Conn. Mar. 16, 2006) ("pro hac vice admission alone is not sufficient to confer personal jurisdiction over nonresident attorneys.")

.

The Northern District of California found:

" pro hac vice admission does not purport to confer general or specific personal jurisdiction on pro hac vice attorneys for all purposes. "Kronzer v. Burnick", No. C 04-02125 RS, 2004 WL 1753409, at *3 (N.D. Cal. Aug. 5, 2004) (**emphasis in original**). **The rule specifically limits its scope to attorney *conduct*** in the matter for which counsel has been admitted.

A status is not sufficient for Long Arm jurisdiction. A party must "conduct business" in the state. There were **NOT** sufficient contacts in Washington, Ohio or Vermont for jurisdiction to attach over Plaintiff. Grundstein did not conduct "business" as described in the WA Long Arm Statute. He had no clients and was not paid for litigation.

c

Bar Has No Jurisdiction to Conduct Hearing by Virtue of It's Own Rules
ELC 10.12(a) Prohibits a Hearing/ELC 10.3(a)(2) Requires Personal Service
Long Arm Not Available/See RCW 4.28.185/Can't Waive Territorial Jurisdiction

Bar claims jurisdiction on events which happened in Vermont and Ohio. It also claims jurisdiction for conduct in a single Washington case. Vermont and Ohio events are not subject to WA territorial jurisdiction. Events in WA are not subject to hearing in WA due to state and Bar's own rules of territorial jurisdiction, venue and service.

The September 26, 2011 hearing should have been enjoined on the basis of ELC 10.3(a)(2); which requires personal service to commence a hearing and 10.12(a); (no Disciplinary Hearings in WA unless Respondent is a resident or "found" in the state). **Grundstein is not a resident nor was he found in Washington. There was no personal service and any personal service would be irrelevant.**

There is no Long Arm Jurisdiction for events that didn't happen in WA and the BAR rules specifically limit territorial jurisdiction to WA when "Respondents are residents or found in the state". Jurisdiction and Venue for Bar actions are limited to acts committed in WA and parties found in WA. Territorial jurisdiction is part of subject matter jurisdiction and can't be waived. See "State v Dudley", 581 S.E. 171 (2003).

"ELC 10.3(a)(2) "Service. After the formal complaint is filed it **must** be personally served on the respondent lawyer, with a notice to answer."

"ELC 10.12; SCHEDULING HEARING (a) Where Held. All disciplinary hearings must be held in Washington State, **unless** the respondent lawyer is not a resident of the state, or cannot be found in the state."

If these rules are read together, (with other provisions of the Bar codes and the RCW) it can be seen that Bar intended jurisdiction, venue and service to be limited to acts performed in Washington against practicing attorneys who are residents or "found" in the state. Hearings are specifically limited to Washington for residents or parties found in the state. This states and acknowledges legitimate, self-imposed rules concerning territorial jurisdiction and venue.

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"State v. Dudley", 581 S.E.2d 171, 180 (S.C. Ct. App. 2003) (territorial jurisdiction is aspect of subject matter jurisdiction that cannot be waived.

ELCs/RPCs as Statutory Property Rights

A statutory right is a property right protected by the 5th Amendment. Bar rules act as statutes/rules to provide property rights in their enforcement and compliance. **Due process property interests are created by "existing rules or understandings that stem from an independent source such as state law**...Thus, the Court has held that a person receiving welfare benefits under statutory and administrative standards defining eligibility for them has an interest in continued receipt of those benefits that is safeguarded by procedural due process." "Board of Regents v Roth" 408 US 564, citing Goldberg v. Kelly, 397 U. S. 254. See also "Flemming v. Nestor", 363 U. S. 603, 363 U. S. 611**.**

d

Contrasting Styles of Long Arm Statutes
WA Has Limited "Specific Acts" Statute Which Limits "Due Process" Analysis
Bar Must Find "Specific Jurisdiction"

There are 2 types of Long Arm Statutes. States like WA have a "specific acts" style statute while states like California and NJ have a "Minimum Contacts"-"Due Process" style statute. WA style statutes have articulated minimum contacts as the basis for Due Process. The other style of statutes are more nebulous and require a balancing test using criteria established under "International Shoe v Washington" 326 US 310 (1945) and subsequent caselaw.

Once the type of statute is identified, there is no reason for extensive analysis under the alternate style. WA has articulated "Minimum Contacts" for Due Process in it's Long Arm Statute.

e

Burden of Proof on Plaintiff to Prove Jurisdiction
Time Always Factor in Due Process

WSBA has the burden to prove jurisdiction. "The burden of proving jurisdiction rests with the party asserting the affirmative of the proposition", see "McNutt v. General Motors Acceptance Corp.", 298 U.S. 178, 189, 56 S.Ct. 780, 785, 80 L.Ed. 1135 (1936);

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"Colwell Realty Investments, Inc. v. Triple T Inns of Arizona, Inc.", 785 F.2d 1330, 1332 (5th Cir.1986) (per curiam); Escude Cruz, 619 F.2d at 904.

e1

Delay and Due Process/Bar Waited Over 7 Years to Examine Alleged Offenses

Laches/Estoppel/Equitable Statute of Limitations Should Apply

WA Supreme Court States 3 Year Delay is Too Long

. Bar is claiming jurisdiction for alleged offenses in Ohio dated 2003. That is a delay of over 7 years. Laches, Estoppel and equity should apply. See RCW 2.48.180 (State Bar Act) which uses a 3 yr. SOL for unauthorized practice.

See J. Wiggins statement @ 1 minute; 30 seconds into the SC "In Re Cathlin Donohue" hearing, (200, 970-1: Oct. 6, 2011); "If events happened in June, 2007, why a proceeding 4 years later?"

See also "In re Ressa". "Now, approximately 5 years after the bar association learned of Mr. Ressa's misconduct, it recommends that we disbar him"....."we believe it would be unfair at this time to accept it. **Mr. Ressa has a right to have his case decided within a reasonable period of time.** /See "In re Hawkins",/91 Wn.2d 497 (1979) citing "Murrell v. Florida Bar",/122 So.2d 169 (Fla. 1960)." **The 3-year delay between his admission of misconduct and his disciplinary hearing"....."was unreasonable.** Both the hearing panel and the Disciplinary Board found that, partially as a result of the delay, Mr. Ressa has suffered enough." (Board imposed SUSPENSION of 1 year suspension for violations of Trust Accounts)

f

Grundstein Has Not Conducted Sufficient Business in WA State

Grundstein is On Inactive Status in WA/Had no Clients

Bar Rules Primarily Designed to Protect Clients From Practicing Attorneys

Bar Seeks Jurisdiction for Contrived Matters in Other States (Vermont-Ohio)

Where Grundstein Acted Pro Se

"A Respondent must have purposely availed himself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws." Hanson v. Denckla" 357 U.S. 235 (1958 (trustee had not engaged in any purposeful act directed at forum state, no jurisdiction) See also "World Wide Volkswagen

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v. Woodson" 444 US 286 (1980) in which the Supreme Court continued a trend to contract Long Arm jurisdiction closer to the original notions of territorial jurisdiction and in-state presence articulated in "Pennoyer v Neff" 95 US 714 (1877). Pro se activity does not need a Bar membership.

g

Bar Action Violates RCW 4.12 State Venue Statute and Bar's Own Venue Rules
Bar Cannot Claim Violations for Events in Vermont and Ohio

Bar actions are quasi criminal and subject to Bill of Rights analysis/Criminal procedure. WSBA has no venue or jurisdiction to scrutinize behavior connected to civil cases conducted in another state.

See Article III, section 2, clause 3 of the U.S. Constitution on "vicinage". The U.S. Constitution **guarantees trial** by jury **and venue** ". . . **in the State where the said Crimes shall have been committed**;" (Article III, section 2, clause 3). The Framers' concern for the locality of criminal prosecutions was generated by the threat of the Crown to try American revolutionaries in England or other colonies. **This was condemned in the Declaration of Independence, charging the King for "transporting us beyond Seas to be tried for pretended offenses.**

The Sixth Amendment includes a vicinage right, often treated as a venue provision, that draws vicinage more tightly than Article III venue: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury **of the State and district wherein the crime shall have been committed,** which district shall have been previously ascertained by law."

g1

Need Violation in WA County

Bar does not have venue to examine unsanctioned, pro se activity in foreign states. Illegal behavior has to take place in WA. Two provisions of RCW 4.12 are pertinent to this injunction:

"RCW 4.12.020: Actions for the following causes shall be tried in the county where the cause, or some part thereof, arose:

(1) For the recovery of a penalty or forfeiture imposed by statute;"

(2) (For actions against a public officer)

(3) (For tortious damage to property or person)

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Grundstein didn't do anything in a WA state county.

g2

Forum Non Coveniens

RCW 4.12.025 states that an action may be brought in any county where the defendant resides. Grundstein lives in Vermont.

RCW 4.12.025:

1) An action may be brought in any county in which the defendant resides, or, if there be more than one defendant, where some one of the defendants resides at the time of the commencement of the action. For the purpose of this section, the residence of a corporation defendant shall be deemed to be in any county where the corporation: (a) Transacts business; (b) has an office for the transaction of business; (c) transacted business at the time the cause of action arose; or (d) where any person resides upon whom process may be served upon the corporation.

Jurisdictional Arguments Conclusion

Bar behavior violates every statutory and equitable notion of "fair play" and proportionate behavior by which a party should expect to be accountable in a foreign jurisdiction. The facts on which bar relies are a set of aged contrivances and don't meet WA jurisdictional standards.

WSBA violates it's own rule expressions of jurisdiction and venue. It also violates WA state and Constitutional statutory authority against jurisdiction and venue in WA. WSBA cannot conduct it's hearing in WA.

III

Bar Complaint Does Not Respect Comity and Fails to State a Claim
RPC 8.5 Requires Bar to Use Foreign Standards in Bar Complaint
Bar Complaint Made no Reference to Standards of Vermont and Ohio

Bar did not comply with RPC 8.5(2) in it's complaint. This provision requires Bar to plead foreign standards. Even if it complied with this section, it still didn't have jurisdiction or venue.

"RPC 8.5:

(b) Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:
(1) for conduct in connection with a matter pending before a tribunal, the ***rules of the jurisdiction in which the tribunal sits,*** unless the rules of the tribunal provide otherwise; and
(2) for any other conduct, ***the rules of the jurisdiction in which the lawyer's conduct occurred*****,"**

IV
No Reasonable Expectation to Litigate in Forum Where 6th Amendment Right to Compel Witnesses Is Not Available

RCW 34.05.466 (6) "The subpoena powers created by this section shall be statewide in effect."

In the absence of means to compel out of state witnesses to testify on charges in foreign states, Grundstein has no reason to expect he would be called into WA for hearings which violate Section 22 of the WA Constitution and the 6th Amendment. It is a violation of Due Process to conduct a hearing when the forum has no means for compulsory attendance of material witnesses.

See “Washington v Texas” 388 U.S. 14 and “United States v Cooper” 4 U.S. (Dallas) 341,

If Grundstein cannot call first hand witnesses such as Judges, his Constitutional right to do so is illegally curtailed. It's not fair and not supportable at law. There is no Due Process without the right to call witnesses. The leading case for the right of compulsory process is “Washington v Texas” 388 U.S. 14 (1967). The Court ruled that the Compulsory Process Clause provision gives a defendant the right to call witnesses to testify in his behalf. The Court's decision said:

“The right of an accused to have compulsory process for obtaining witnesses in his favor stands on no lesser footing than the other Sixth Amendment rights that we have previously held applicable to the States. This Court had occasion in “In re Oliver”, 333 U. S. 257 (1948), to describe what it regarded as the ***most basic ingredients of due process*** of law. It observed that:

"A person's right to reasonable notice of a charge against him, and an opportunity to be heard in his defense -- a right to his day in court -- are basic in our system of jurisprudence, and these rights include, as a minimum, a right to examine the witnesses against him, ***to offer testimony***, and to be represented by counsel." Pg. 388 U.S. 18

"***The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts as well as the prosecution's to the jury, so it may decide where the truth lies. Just as an accused has the right to confront the prosecution's witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to See "Washington v Texas" 388 U.S. 14 and "United States v Cooper" 4 U.S. (Dallas) 341***
establish a defense. This right is a fundamental element of due process of law." Pg. 388 U.S. 19"establish a defense. This right is a fundamental element of due process of law." Pg. 388 U.S. 19"

The statutory scheme of Washington eliminates this right.

Without Due Process, An Order is Void
A Hearing Cannot Enter an Order Inconsistent with Constitutional Principles
A Void Order has No Effect and Must be Stricken

"A **Void judgment** is one where court lacked personal or subject matter jurisdiction ***or entry of order violated due process***, U.S.C.A. Const. Amend. 5-"Triad Energy Corp. v. McNell", 110 F.R.D. 382 (S.D.N.Y. 1986). .."Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, ***or acted in a manner inconsistent with due process***, Fed Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A.; U.S.C.A. Const Amend. 5. "Klugh v. U.S.", 620 F.Supp. 892 (D.S.C. 1985). ..." A void judgment under federal law is one in which rendering court lacked subject matter jurisdiction over dispute or jurisdiction over parties or acted in manner inconsistent with due process of law ***or otherwise acted unconstitutionally*** in entering judgment, U.S.C.A. Const. Amend. 5, "Hays v. Louisiana Dock Co"., 452 N.E.2d 1383 (Ill App. 5 Dist. 1983).

If a Court proceeds in violation of Due Process, it loses subject matter jurisdiction and all activity pertinent to those violations is void. See "Johnson v. Zerbst", 304 U.S. 458, 58 S.Ct. 1019; "Wuest v. Wuest", 127 P2d 934, 937. **"Where a court failed to observe safeguards, it amounts to denial of due process of law, court**

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is deprived of jurisdiction", "Pure Oil Co. v. City of Northlake", 10 Ill.2d 241, 245, 140 N.E. 2d 289 (1956); "Hallberg v Goldblatt Bros"., 363 Ill 25 (1936).

V

See "In Re Ruffalo" 390 US 544/Bar Cannot Amend Complaint At Hearing

Can't Adjust Complaint At Hearing to Correct Inadequate Case

Bar Hearings are Quasi Criminal and Must Conform to Criminal Constitutional Standards

Linda Eide (Bar Counsel) Persistently Abused Due Process by Amending Charges During the Hearing

Bar Complaint asked for the sanction of "Probation" based on an alleged offense to have taken place in Ohio during 2003. Grundstein proved he was not in Ohio at the time and Bar spontaneously amended it's complaint to claim a different offense for which it changed the sanction to disbarment.

Illegal amending was a tactic Eide committed 8-9 times during the course of the hearing. Respondent persistently objected to this dishonest practice. (CP 159 lines 22-23, CP 271 lines 22-25, CP 300 lines 14-17, CP 338 lines 11-14, CP 343 lines 4-6 and 25, CP 344 lines 1-2, 14-16, CP 345 lines 14,15, CP 346 lines 8-9, 21-22, CP 347 lines 20-21)

"Ruffalo", ibid, States Bar Cannot Salvage Failed Complaint by Presenting Significantly Different Charges At Trial

Charges Will NOT Be Added/Amended on Evidence Unrelated to Original Complaint

Pleadings Cannot Conform to Evidence After Trial Begins

See excerpt from "Ruffalo", below:

"Therefore, one of the conditions this Court considers in determining whether disbarment by a State should be followed by disbarment here is whether "the state procedure from want of notice or opportunity to be heard was wanting in due process." Selling v. Radford, 243 U. S. 46, 243 U. S. 51....

These are adversary proceedings of a quasi-criminal nature. Cf. "In re Gault", 387 U. S. 1, 387 U. S. 33. ***The charge must be known before the proceedings commence.*** **..How the charge would have been met had it been originally included in those leveled against petitioner by the Ohio Board of Commissioners on Grievances**

and Discipline, no one knows. Page 390 U. S. 552

This absence of fair notice as to the reach of the grievance procedure and the precise nature of the charges deprived petitioner of procedural due process."

Bar is stuck with the contents of it's November 20, 2010 Complaint. It didn't amend it properly before hearing. Bar rules must be edited to reconcile the procedure of quasi criminal actions with it's current practices. **Trial Evidence cannot go beyond that needed to prove charges in the Complaint.**

VI

Bar Cannot Claim Content of Foreign Dockets Have Irrebuttable, Presumptive Effect

ELC 10.14(c) is Unconstitutional/There Can Be No Presumptive Effect of Criminal or Civil Docket

See "Vlandis v Kline", 412 U.S. 441, 93 S.Ct. 2230, (1973)

Bar was claiming contents of foreign dockets as conclusive evidence against him.

Grundstein also has the right to collaterally challenge any orders made without jurisdiction or which violate Constitutional principles

See “Vlandis v Kline” 412 U.S. 441, 93 S.Ct. 2230, (1973), below;

"Para. 7: “Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the 5th and 14th Amendments. In “Heiner v. Donnan”, 285 U.S. 312, (1932) the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption.... In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had “held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment”....para. 8: See also “Bell v Burson” 402 U.S. 535 (1971).

With respect to any application of the Full Faith and Credit Clause, I cite “State v Berry” Wn. 2D 121 (2000): “A valid foreign judgment may be collaterally attacked.... if the court lacked jurisdiction or constitutional violations were involved.”, “ State v. Berry” 141. Wn.2d 121 (2000), quoting “in re Estate of Wagner”.

VII

Vague RPCs Violate Due Process/See RPC 3.1 for "Frivolous Conduct"

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The WA Rules of Professional Conduct are vague and in conjunction with the ELCs give the disciplinary counsel and/or the hearing officer too much discretion in the decision to bring an action or about what penalty is appropriate. In addition, they don't adequately connect an alleged offense with a specific penalty.

The ABA "Standards" help, but still don't link specific behaviors with specific and proportionate sanctions. The WSBA can claim almost anything is an offense subject to serious sanction. This creates the potential for prolonged motion practice, discovery and a hearing prior to a stipulation that the original charges were hyperbole but that under the rules, a stipulated resolution to a vastly less serious charge will still burden the Respondent with legal fees. The WSBA is under almost no restriction and is not guided by precise criteria sufficient to bring responsible and proportionate charges.

An example of vague criteria is RPC 3.1 for "Frivolous Conduct". This term is not defined and can mean anything a Prosecuting attorney wants it to mean.

Due Process Requires Notice of Proscribed Behavior and Penalty

"US v. Colon-Ortiz" Nos. 88-1238, 88-1327. United States Court of Appeals, First Circuit. Heard Nov. 4, 1988. Decided Jan. 24, 1989 stated;

"The Fifth Amendment of the United States Constitution provides that "[n]o person shall ... be deprived of life, liberty or property, without due process of law...." It is well-settled that due process requires that **criminal statutes put individuals on sufficient notice** as to whether their contemplated conduct is prohibited and would thereby subject them to prosecution. "United States v. Batchelder", 442 U.S. 114, 123, 99 S.Ct. 2198, 2204, 60 L.Ed.2d 755 (1979); }Lanzetta v. New Jersey", 306 U.S. 451, 453, 59 S.Ct. 618, 619, 83 L.Ed. 888 (1939). ... ***It is also true that "sentencing provisions may pose constitutional questions if they do not state with sufficient clarity the consequences of violating a given criminal statute."*** "United States v. Batchelder", 442 U.S. at 123, 99 S.Ct. at 2204 (citing "United States v. Evans", 333 U.S. 483, 68 S.Ct. 634, 92 L.Ed. 823 (1948); "United States v. Brown", 333 U.S. 18, 68 S.Ct. 376, 92 L.Ed. 442 (1948)).

To satisfy due process notice requirements, a penal statute must be clear on its face. As the United States Supreme Court explained in "United States v. Harriss", 347 U.S. 612, 74 S.Ct. 808, 98 L.Ed. 989 (1954):.... ***The person of ordinary intelligence similarly should not have to guess at the meaning of penalty provisions, or else those provisions are not sufficiently clear to satisfy due process concerns. It is not enough***

for the congressional intent to be apparent elsewhere if it is not apparent by examining the language of the statute. No amount of explicit reference in the legislative history of the statute can cure this deficiency."

Too Much Discretion in Bar "Prosecutor" and Hearing Officer RPCs Need Better Offense Descriptions and to Discriminate Levels of Offense Behaviors Clearly

See "Kolender v. Lawson", 461 U.S. 352 (1983):

"The ordinance was found to be facially invalid, according to Justice Douglas for the Court, because it did not give fair notice, ***it did not require specific intent to commit an unlawful act, it permitted and encouraged arbitrary and erratic arrests and convictions, it committed too much discretion to policemen,*** and it criminalized activities which by modern standards are normally innocent."....."Where the legislature fails to provide such minimal guidelines [to govern law enforcement], a criminal statute may permit a standardless sweep that allows policemen, prosecutors, and juries to pursue their personal predilections."

See "In re G.T.", 170 Vt, 507, 514, 758 A.2d 301, 306 (2000) (noting that despite the importance of prosecutorial discretion,

"***[i]t is one thing to give discretion in enforcing a legislatively defined crime; it is quite another to give prosecutors the power to define the crime").***

Indeed, even assuming that the State's charging decision is made in complete good faith, it is **inherently and unavoidably arbitrary where standards to govern the choice are lacking.**

The predominate principle expressed in the above decisions is this: that we are a government of laws and not of men. This principle is elegantly expressed in the Vermont Constitution as follows: "That all power being originally inherent in and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants; and at all times, in a legal way, accountable to them." Vt. Const. ch. I, art. 6

A legislative scheme that permits the State to bring criminal charges against its citizens arbitrarily and without adequate standards is a government not of laws, but of

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men. We tolerate this practice at our peril."

See also “Musser v. Utah,” 333 U.S. 95, 97 (1948) which stated:

"Vague laws may trap the innocent by not providing fair warnings. ***Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory applications.***" “Grayned v. City of Rockford”, 408 U.S. 104, 108-09 (1972), quoted in “Village of Hoffman Estates v. The Flipside”, 455 U.S. 489, 498 (1982).

Due Process Applies to Administrative Hearings

“a fair trial in a fair tribunal is a basic requirement of due process." “In re Murchison”, 349 U. S. 133, 349 U. S. 136 (1955). This applies to administrative agencies which adjudicate as well as to courts. “Gibson v Berryhill”, 411 U. S. 579 (1973). Not only is a biased decision maker constitutionally unacceptable, but "our system of law has always endeavored to prevent even the probability of unfairness." “In re Murchison”, supra at 349 U. S. 136; cf. “Tumey v. Ohio”,@ 273 U. S. 510, 273 U. S. 532 (1927).

VIII

Bar Cannot Charge for It's Hearings Under ELC 13.9/This Acts As a Bill of Attainder
Bar Cannot Arbitrarily Remove Legitimate Expectation of "American Rule"
Without Trial and Create a Substantial Possibility of Attorney Fees and Costs as a Penalty

It's Application Is Without Sufficient Due Process Guidelines

The WSBA Disciplinary Counsel acts as a body to punish.

Un-permitted “Punishment” under Bill of Attainder analysis is ascertained in one of three ways; 1) The Historical usage Test, 2) The Functional Test, and 3) The Motivational Test. In its contemporary usage, the Bill of Attainder Clause prohibits any “law that legislatively determines guilt and inflicts punishment upon an identifiable

individual without provision of the protections of a judicial trial." "Selective Serv. Sys. v. Minn. Pub. Interest Research Grp.", 468 U.S. 841, 846-47 (1984). That is, the Supreme Court has identified three elements of an unconstitutional bill of attainder: (1) "specification of the affected persons," (2) "punishment," and (3) "lack of a judicial trial." Id. at 847.

The Supreme Court has recognized that certain types of punishment are "so disproportionately severe and so inappropriate to non-punitive ends that they unquestionably have been held to fall within the proscription of the [Bill of Attainder Clause]." See "Nixon v. Adm'r of Gen. Servs.", 433 U.S. 425, 473 (1977):

"The classic example is death, but others include imprisonment, banishment, ***the punitive confiscation of property.....***

ELCs 13.9, 10.12(a) and 9.1, in conjunction with the insufficiently constrained judgment of a prosecutor or hearing officer acting on a vague administrative code section, can levy money and travel penalties by which a plea can be extorted to avoid even larger sums. In addition the basis to assign costs is vague.

ELC 13.9(h) states:

"Assessment Discretionary. Assessment of any or all costs and expenses may be denied if it appears in the interests of justice to do so."

This seems to be a presumption in favor of costs and at least provides a significant potential for penalty costs. It also doesn't give objective criteria for when they should or shouldn't be levied. "Denial if it appears in the interests of justice" does not have enough meaning

If one applies the Functional Test of punishment to ELCs 13.9, 10.12(a) (Hearing in WA State) and 9.1, it can be argued that they act as a punishment to facilitate a Disciplinary Committee agenda unrestrained by Due Process.

"Acorn v U.S" 09-5172-cv (L), 10-0992-cv U.S. 2nd Cir. (2010) stated:

"The functional test of punishment looks to whether the challenged law, "viewed in terms of the type and severity of burdens imposed, reasonably can be said to further non punitive legislative purposes." "Nixon v Adm'r of Gen. Servs.", 433 U.S. 425, 475. "It is not the severity of a statutory burden in absolute terms that demonstrates punitiveness so much as the magnitude of the burden relative to the

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purported non punitive purposes of the statute." Foretich, 351 F .3d at 1222. Thus, "a grave imbalance or disproportion between the burden and the purported non punitive purpose suggests punitiveness, even where the statute bears some minimal relation to non punitive ends."

Bar Respondents do not initiate suit. They are involuntary participants. They are sufficiently punished by sanctions ranging from Admonishment to Disbarment.

There is no authority to charge costs and attorney fees for the proceedings disciplinary counsel chooses to pursue. Disciplinary hearings take up 34-38% of Bar budget and are paid for by Dues. There are also no guidelines for the assignment of fees against a Respondent and they can be levied as an additional punishment against parties Bar doesn't like.

CONCLUSION and PRAYER

DISCIPLINARY COUNSEL VIOLATES DUE PROCESS IN FAVOR OF THE INSTITUTIONAL AND FINANCIAL INTERESTS OF ITS MEMBERS

Bar has prioritized it's own institutional and personal interests at the expense of the principles it's assigned to defend. The WSBA is an organizational threat to our Constitutional and legal culture and has encouraged dishonest attorneys to choose an ethos of group maintenance at the expense of principle.

Bar's Complaint asked for "Probation" as a sanction. In response to settlement possibilities, Bar offered a 3 year suspension. Why didn't Bar offer a term of probation or less, in conformity with it's Complaint? Why negotiate higher penalties and assign greater risks than those on a charging document? The answer is because Bar uses illegal rules and practices which give it the means to define offenses and penalties and to change them whenever it wants. Even during closing arguments at hearing if it chooses. Everything Bar does would be subject to sanction if practiced by an attorney subject to Disciplinary Counsel. The hypocrisy is withering.

Bar changed it's proposed sanction from "Probation" to Disbarment at hearing as a vendetta against Grundstein for filing against Bar in Federal court. Grundstein filed to enjoin an unconstitutional and venal proceeding.

There is a reason for Article IV, Section 19 of the WA Constitution. It is to prevent a party acting as judge to create an advantage in his/her private practice. This is a conflict of interest sought to be avoided, but practiced and realized by volunteer Hearing Officers who seek the professional advantages of a preferential association with the State

Bar.

Article IV, " SECTION 19 JUDGES MAY NOT PRACTICE LAW. No judge of a court of record shall practice law in any court of this state during his continuance in office."

Bar needs to be exposed and disciplinary actions removed to an independent court with paid and trained judges.

THEREFORE, Plaintiff asks for the following relief:

1. For the jurisdictional minimum of $75,000.00 on any or all counts against Defendants WSBA and "Williams and Williams" on the basis of vicarious liability for acts of it's agents Eide and Hammel;

2. For $75,000.00 against Linda Eide in her individual capacity, on any or all counts with an additional $125,000.00 for intentional violations of Constitutional rights, state law and federal law conducted with knowledge and bad faith;

3. For $75,000.00 against Lisa Hammel in her individual capacity for intentional violations of Constitutional rights, state law and federal law conducted with knowledge and bad faith;

4. $10,000.00 for emotional distress;

5. For the costs to attend a Disciplinary Hearing in Seattle, including flight, motel, meals and transportation;

6. For an Injunction against any orders or prospective actions which restrict or could restrict, change or remove Grundstein's Bar Status in WA state;

7. In the alternative to 6, for Declaratory Relief to the same effect as requested in 6;

8. For a finding that RPC 3.1 is unconstitutionally vague;

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9. Pertinent to Count XI (pg. 19), Grundstein asks this Court to find ELC 10.7 which allows Bar to amend it's complaint at any stage of the proceedings without permission, even at hearing, Unconstitutional.

10. Pertinent to All Counts, Grundstein asks this Court to find that the absence of a Statute of Limitations for Bar actions violates Due Process and is unconstitutional. One must be imposed.

11. Pertinent to Count VII (pg 36) of the Injunction Section, Grundstein asks this Court to find that ELC 13.1, by which sanctions and charges (in addition to admonishments, probation, suspension, disbarment, etc.,) can be imposed against a Respondent, is a vague Bill of Attainder and without sufficient criteria for it's application. It also violates the Equal Protection clause of the 14th Amendment by which it levies penalties on an arbitrary basis and Due Process. A person has the right to know the consequences of alleged charges prior to hearing. A Prosecuting authority cannot define an offense and a penalty.

12. Pertinent to Count VI (pg. 33) of the Injunction Section, Grundstein asks this Court to find ELC 10.14(c), which gives presumptive effect to criminal judgments in any forum, is Unconstitutional pursuant to the U.S. Supreme Court and "Vlandis v Kline" 412 U.S. 441, 93 S.Ct. 2230, (1973).

13. Costs and Filing Fees;

14. For other Equitable and Legal relief this Court finds appropriate.

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