

APPENDIX 10

Typical form letter dismissing grievances 'sua sponte' issued by Felice Congalton, stating:

- 1) Bar resources are limited; and
- 2) Upon a judicial finding of impropriety the grievance may be reopened

This shows the "policy" --- dismiss grievance for a claimed lack of resources and the delegation to the "grievant" the task of "investigating" and "obtaining a judicial finding"... This violates RCW 9A.80.010 Official Misconduct (b) He or she intentionally refrains from performing a duty imposed upon him or her by law.



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Senior Disciplinary Counsel

January 6, 2012

William Scheidler
1515 Lidstrom PI E
Port Orchard, WA 98366

Re: WSBA File: 12-00015
Your grievance against lawyer David F. Jurca

Dear Mr. Scheidler:

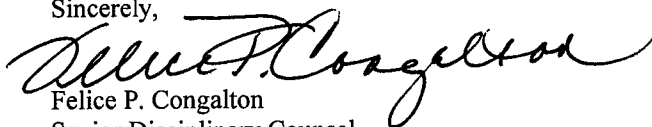
We received your grievance against a lawyer and assigned the file number indicated above. We appreciate receiving information from the public about lawyers licensed in Washington state. However, our authority and resources are limited. The Washington State Bar Association is authorized to investigate a grievance against a lawyer to determine whether the lawyer's conduct should have an impact on his or her license to practice law. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings.

We reviewed your grievance and determined that your primary concern is the manner in which a lawyer handled a matter. We are not generally in a position to reassess a lawyer's professional judgment.

We believe it is in your best interest, and in the best interest of the lawyer against whom you are complaining, that we tell you as soon as possible if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation by our office. Under the Rules for Enforcement of Lawyer Conduct (ELC), a lawyer may be disciplined only upon a showing by a clear preponderance of the evidence that the lawyer violated the RPC.

Based on the information we reviewed, there is insufficient evidence to warrant further action; therefore, we are dismissing your grievance under ELC 5.6(a). If you do not mail or deliver to us a written request for review of this dismissal within **forty-five (45) days** of the date of this letter, the decision to dismiss your grievance will be final. Should there be a judicial finding of impropriety, you may request that we reopen this matter. Absent special circumstances, and unless we are provided with reasons to do otherwise, we will forward to you a copy of any response we receive from the lawyer.

Sincerely,


Felice P. Congalton
Senior Disciplinary Counsel

Enclosure: Lawyer Discipline in Washington

cc: David F. Jurca
(with enclosure and copy of grievance)