Complaint for Damages  
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I
Statement of Jurisdiction

Plaintiff is a resident of Vermont. Defendants are all residents of Washington State.
There is complete diversity under 28 USC 1332 and the dollar amounts meet the minimum claim standard.

There is also Federal Question jurisdiction under 28 USC 1331 for claims related to 42 USC 1983 and 1985.

Long Arm Jurisdiction

In “Pfeiffer v. International Academy of Biomagnetic Medicine”, 521 F. Supp. 1331 (W.D. Mo. 1981), “a nonresident’s publication of a magazine article which allegedly libeled a Missouri resident was considered a “tortious act within the state” because it produced actionable consequences within Missouri. (id. 1333, 1336) Therefore, jurisdiction was proper under Missouri’s long-arm statute.” (id. 1336).


II
Introduction

WA State Bar Removed Evidence from the Record to Contrive Libelous Publication
Administrative Structure of Washington State Bar Office of Disciplinary Counsel
Washington State Bar Association (WSBA) Violates Separation of Powers

WSBA-ODC (Office of Disciplinary Counsel) practices every defect against which Separation of Powers was designed to protect. It has become an interest group at the expense of the jurisprudence it's supposed to apply. It not only targets sole practitioners (See EX 1, declaration of attorney Byron Holcomb), but also funds its activities by charging attorney fees against the Respondents it targets. This is an illegal and unapologetic conflict of interest.

This is an opportunity for an independent court to expose the design and practice defects
of the WSBA-ODC. It's time to stop subjecting WA state attorneys to a disciplinary procedure which violates Due Process and other Constitutional guarantees. ODC has been allowed to conduct quasi-criminal administrative hearings under circumstances which violate substantive, procedural and jurisdictional Due Process and the Bill of Rights.

These violations include theft of evidence from the record, unconstitutionally vague rules and offense definitions, untrained and biased hearing officers, indeterminate penalties, assignment of costs which act as Bills of Attainder and criminal disregard for even its own rules when ODC feels it needs to exercise an advantage. See EX 2, Excerpt from “In re Unger”, WSBA public no. 06-00071 (Karen Unger chased for 2 years for meritless charges. Bar hid evidence. Unger endured over $70,000.00 in legal fees) and EX 3, “In re Miller” 95 Wn.2d 453 (attorney disciplined for writing satirical poem about WA Supreme Court).

ODC is an office within the WSBA. It has a permanent staff of 35 (THIRTY FIVE) attorneys and administrative support who have made careers conducting attorney discipline against primarily sole practitioners. In conjunction with the WA Supreme Court, ODC drafts its own substantive and procedural rules for attorney discipline, appoints its own prosecutors and hearing officers to conduct disciplinary hearings, chooses the panel of state bar members to do appellate review of hearing officer decisions and then conducts the last stage of review in the Supreme Court, of which ODC is the agent.

Separation of Powers insists that a state actor cannot combine executive, judicial and legislative powers, which is exactly what ODC does when it writes its own rules, appoints its own prosecutors and judges to hear disciplinary actions and acts as its own judicial body during the initial hearing and the first review. All participants in Bar disciplinary proceedings are state bar members.
Contrast Good California Attorney Discipline Procedures with WA State Defective Procedures

One can contrast the WA disciplinary procedure with that of California to see confirmation of WA Constitutional defects. CA conducts attorney discipline in independent courts which are not affiliated with the Bar. The rules are drafted by the CA legislature and judges are appointed by parties independent of the CA State Bar Association. The appointing parties include the governor, the Speaker of the Assembly and The Senate Committee on Rules. Review is also done in courts independent of the CA state bar.

ABA Discourages Attorney Discipline Connection to State Bar and Judicial Branch

The American Bar Association has been recommending that attorney discipline be removed from state bar associations for years

ABA EXCERPT from 2006 Report

“A. The Court Should Appoint An Independent Administrative Oversight Committee For The Discipline System

Regardless of whether the Court decides to physically separate the discipline system from the Washington State Bar Association, it should create an independent administrative oversight mechanism for the system. This Administrative Oversight Committee would interact directly with the Court through a liaison justice to ensure that the Court’s system operates as effectively and efficiently as possible” Pg. 19 of Report.

“…..As recommended in its 1993 Report, the Standing Committee on Professional Discipline believes that that the Supreme Court should exercise more direct control over the discipline system. This includes taking steps to distance the system from involvement and oversight by the Washington State Bar Association......... in reality it functions as a component of the Washington State Bar Association. The disciplinary agency is physically located in the State Bar Association’s headquarters and bears the Association’s name (as does its letterhead). The system is funded by the Bar Association from lawyers’ annual dues and its budget competes with the requests of other Bar Association programs…..Pg. 17 of Report. 

……the disciplinary agency should not be housed within the Washington State Bar Association. The Committee is aware of the gravity of the suggestion that the Court act to separate its disciplinary agency from the Washington State Bar Association. The Committee is aware that making such a recommendation in a unified bar state is particularly sensitive. However, when elected bar officials control all or parts of the disciplinary process, the appearance of impropriety or conflicts of interest is created, regardless of the actual fairness of the system. This is true whether the bar is unified or not….Pg. 18 of Report
...that even if the Court does not physically separate the disciplinary agency from the Washington State Bar Association, the Court should administratively separate it. In doing so, the Court should change the agency’s name to the Office of Disciplinary Counsel of the Supreme Court of Washington. A similar change should be made for the Disciplinary Board. The Court should also amend all relevant Rules for Enforcement of Lawyer Conduct to repeal any provisions providing specifically or implicitly that the Chief Disciplinary Counsel acts on behalf of the Washington State Bar Association, that matters may be opened and pursued in the name of the Association and that the captions of pleadings in disciplinary matters include the name of the Bar Association....

...the team recommends cessation of the Association’s role in funding the disciplinary system from its budget. The Court should fund the disciplinary agency via a direct annual assessment on lawyers for the discipline system....

III
Facts

Defendants Obstructed Justice Under 18 USC 1503 and 1512 (c)/Removed Evidence from Record/Deferred Hearing Three Years

1. Robert Grundstein was a member of the Washington State Bar. He was on inactive status at the time of the events described in this Complaint and was not a WA state resident nor was he living in WA state;
2. Grundstein was not practicing as an attorney in WA or anywhere else. He had no clients;
3. Plaintiff (Grundstein) received a phone call in Vermont from WSBA Office of Disciplinary Counsel Director, Douglas Ende in January of 2008;
4. In October of 2007, Bar received an anonymous letter from Cleveland, Ohio citing criminal charges in Ohio;
5. The letter referenced alleged criminal activity in Ohio said to have occurred on April 28, 2003 (5 years earlier);
6. Grundstein explained the circumstances to Ende;
7. Grundstein was not in Ohio at the time of alleged wrongdoing;
8. Grundstein had ATM receipts proving he was in New Hampshire and Vermont during the time of any alleged offenses in Ohio;
9. A “No Bill” was returned in Grundstein’s favor by the Grand Jury;
10. It is illegal to re-present in Ohio, once a “No Bill” is returned;
11. Only 4% of all parties get a “No Bill” in Ohio;
12. Grundstein explained that he exposed a corrupt judge in Cleveland, Ohio (ex-judge Peter Junkin) and published an editorial critical of ex J. Junkin;
13. A vendetta was pursued against Grundstein which involved ex J. Junkin, former Cuyahoga County Sheriff Gerald McFaul, the former Cuyahoga County Clerk of Criminal Courts, Mark Lime and ex-prosecutor Joseph O’Malley;
14. The former Cuyahoga County sheriff was convicted and imprisoned;
15. Former Prosecutor Joe O’Malley was convicted and sent to federal prison;
16. Ex-Judge Junkin was investigated by the FBI and removed from office;
17. Ex-Chief Clerk of Criminal Courts, Mark Lime, was indicted and convicted on 76 counts for alteration of records;
18. Grundstein didn’t hear anything more from the WA State Bar for several years;
Three Years Later/Formal Complaint by Defendant Linda Eide
Abuse of Process
No Jurisdiction or Venue in WA State
Impossible to Subpoena Witnesses from Other States/Denial of 6th Amendment Right to Call Witnesses

19. In November of 2010, the Washington State Bar filed a formal Complaint against Grundstein alleging professional misconduct in Ohio and Vermont. It referenced an anonymous letter from Cleveland dated 2007;
20. The WSBA action was conducted by Defendant Linda Eide
21. Grundstein did not practice law in Ohio or Vermont;
22. Washington State’s own case law insists that attorney discipline take place within a year of the time Office of Disciplinary counsel learns of an alleged violation. See “In re Ressa”, 94 Wn.2d 882 (1980). Delay of three years between notice of alleged violation and hearing is too long.
23. WA had no jurisdiction or venue for a hearing in WA state. Grundstein didn’t do anything in WA State for venue or jurisdiction to attach. See WA venue statute RCW 4.12. See WA long arm statute RCW 4.28.185;
24. WA state’s own venue and jurisdiction statutes excluded an action in WA state under these circumstances;
25. The Complaint asked for “Probation” and “Restitution”;
26. “Restitution” was irrelevant since Grundstein had no clients and no one had money claims against Grundstein. This was not pursued at hearing;
27. Grundstein filed in W. Washington Federal Court to enjoin the proceedings;
28. The Federal Court abstained and refused to rule on Grundstein’s jurisdictional arguments;
29. Grundstein asked the Hearing Officer, Defendant Lisa Hammel, to dismiss the proceedings for which there was no jurisdiction or venue;
30. Defendant Hammel refused to rule on his motions;
31. Defendants Linda Eide held Grundstein’s bar license hostage to force his presence in Washington State.
32. The WA state subpoena power did not extend to out of state witnesses. Grundstein was denied his 6th amendment right to compel testimony in his favor.

Bar Hearing

Bar Prosecutor Linda Eide Removed All Grundstein’s Evidence from the Record
Defendant Eide Spoliated Evidence and Obstructed Justice
Eide Held Hearing without Venue or Jurisdiction
Defendant Eide Conducted and Held Hearing in Violation of 6th Amendment Guarantees Falsified Findings of Fact

33. Bar held its attorney disciplinary administrative hearing on September 25-26, 2011;
34. Grundstein provided 42 items of exculpatory evidence before the hearing, during the hearing as exhibits entered over 80 pages of transcript and after the hearing;
35. The exhibits proved his innocence of all Bar charges;
36. The exhibits proved relevant definitions of statutory charges on which Bar relied;
37. These exhibits included letters of recommendation from prominent attorneys and bar commendations for prior Pro Bono work;

38. Defendant Bar Prosecutor Linda Eide REMOVED ALL GRUNDSTEIN’S EVIDENCE FROM THE RECORD AND SAID NOTHING WAS PROVIDED;

39. This violates Grundstein’s 6th Amendment right to present evidence and his 1st Amendment right to redress grievances in court;

Bar Amended Complaint at Hearing in Violation of Supreme Court Case Law Due Process and Civ. Rule 15

40. Bar Prosecutor Linda Eide amended its Complaint at hearing to ask for disbarment;  
41. This was a vendetta in response to Grundstein’s federal filing to enjoin the hearing;  
42. The amendments were made without notice or motion to the hearing officer or Grundstein;

Published Falsified Findings of Fact Contrary to Evidence

43. The Hearing Officer, defendant Lisa Hammel, published findings of fact contrary to the record;  
44. Defendant Hammel found that Grundstein committed a felony under Lakewood, Ohio Municipal Code 549.04(c). This is not true;  
45. LMC 549.04 is a misdemeanor code;  
46. LMC 549.04(c) is a fourth degree misdemeanor for improper storage of a firearm. It is the lowest degree of misdemeanor in Ohio and not the subject of a Bar disciplinary action;  
47. Lakewood, Ohio Municipal Court ONLY has misdemeanor jurisdiction;  
48. Defendant Hammel allowed Bar to remove all Grundstein’s evidence from the record and ruled as if he presented no exculpatory or mitigating evidence for the hearing;  
49. Defendant Hammel allowed bar to amend its Complaint at hearing, in violation of Civ. Rule 15, 5th Amendment Due Process and “In re Ruffalo”, 390 US 544 (cannot amend Bar Complaint at hearing)  

Made Public Notice of Disbarment

50. The Hearing Officer findings were made part of the public record;

WA State Would Not Hear Appeal  
WA Rules of Appellate Procedure Give 30 Days to File Appeal to Supreme Court  
Administrative Rules Give Bar 25 Days to File Appeal  
WA Constitution Guarantees Right of Appeal
51. Grundstein filed an appeal 18 days after the publication of the Hearing Officer findings;
52. The WA Supreme Court would not hear his appeal;
53. Article I, Section 22 of the WA state Constitution guarantees an appeal;
54. Administrative Hearings are quasi-criminal and come under this guarantee;
55. Bar Hearings are controlled by 5 sets of rules including the state Rules of Appellate Procedure, the state Administrative Procedures Act, Rules of Professional Conduct, the state rules of Civil Procedure, Rules of Professional Conduct (RPCs) and the ELC procedural rules for the conduct of attorney disciplinary hearings;
56. The State Rule of Appellate Procedure gives 30 days to file an appeal;
57. The state ELCs give the bar 25 days to file an appeal;
58. The WA State Supreme Court entered an order disbarring Grundstein on June 26, 2012;

Public Notice of Fraudulently Procured Disbarment in WA State Bar Magazine

59. Public notice of Grundstein’s disbarment and the fraudulent circumstances were published in the September 2012 edition of the WSBA state bar magazine.

Vermont Will Not Let Grundstein Sit for It’s Bar

60. Vermont contacted the Vermont State Bar;
61. It will not let him sit for its bar exam since he was disbarred in WA state.
62. Grundstein is basically unemployable for the rest of his life.

IV
Causes of Action

Count I
Libel

63. Grundstein restates the prior contents of this Complaint;
64. Defendants Eide and Hammel maliciously, criminally and or negligently created a false record by which Grundstein’s reputation was ruined;
65. Defendants had to commit the following crimes and torts to get a desired outcome:

Libel, Abuse of process, Conversion, Perjury under (Revised Code of Washington) RCW 9A 72 010, 020, 030, 040 / Conspiracy under state RCW 9A.28.040(1)/Obstruction of Justice-False Swearing under state RCW 9A.40.12, Obstruction of Justice under Federal Statutes 18 USC 1503 and 1512(C);

66. This record was published in the Washington State Bar journal;
67. Grundstein has endured damage to his reputation and employability in Vermont and the rest of the country;
68. Grundstein is not allowed to sit for the Vermont Bar.
Count II
Abuse of Process
Federal Law State Bar Status Does Not Confer Jurisdiction

69. Grundstein restates the contents of his Complaint
70. “Abuse of Process” in Vermont contains the following elements:

"In Vermont, a plaintiff alleging the tort of abuse of process is required to plead and prove: "1) an illegal, improper or unauthorized use of a court process; 2) an ulterior motive or an ulterior purpose; and 3) resulting damage to the plaintiff." Jacobsen v. Garzo, 149 Vt. 205.

71. Grundstein could not be served in Vermont. Defendants had no jurisdiction or venue to conduct a disciplinary hearing in Washington State;
72. Defendants held Grundstein’s bar license hostage in Washington to force him to attend a hearing in Washington State;
73. Defendants could not serve Grundstein in Vermont. No personal jurisdiction could attach;
74. Bar status alone does not confer jurisdiction on a forum. See "Diloreto v Costigan", Civ. A. No. 08-989, (E.D. Pa. 2008);
75. Defendants committed the tort of conversion to abuse process and force Grundstein to travel to Washington State to defend a stale and meretricious action.

Count III
Action under 42 USC 1983
Violation of Rights Under the 1st and 6th Amendments and “Brady v Maryland” 373 US 83

76. Grundstein restates the prior contents of this Complaint;
77. Defendants Eide, Hammel and all others had an affirmative Duty under the 6th Amendment, “Brady v Maryland” 373 US 83 and the 5th Amendment to acknowledge exculpatory evidence and all evidence in his favor which would affect sanctions, penalties and risk;
78. These Constitutional rights are applied to the states by way of the 14th amendment and 42 USC 1983;
79. Grundstein’s civil rights under the Constitution and 42 USC 1983 were violated by defendants when they removed all his evidence from the record;
80. Defendants violated these rights when they refused to acknowledge the same exculpatory evidence provided by Grundstein prior to hearing
Count IV
Action under 42 USC 1985
Conspiracy to Hide Evidence and Violate Due Process
Consistent With Illegal Past Practices and Defective Disciplinary Design

81. Grundstein restates the contents of this Complaint;
82. 42 USC 1985 pertains to a conspiracy to violate civil rights;
83. Defendants agreed to conduct a hearing against Grundstein without jurisdiction or venue;
84. Defendants agreed to render a judgment from a proceeding in which all of his evidence was illegally removed from the record;
85. Defendants agreed to conduct a hearing in which the Complaint was illegally amended to contain charges and penalties (Disbarment) not included in the original Complaint;
86. Defendant Ende allowed his organization to conduct illegal hearings and hide evidence;
87. Defendant Ende allowed his organization to persistently practice illegal tactics. See WA case “In re Karen Unger” WSBA Public No. 06 00071
88. “Unger” was a case in which a Disciplinary respondent was chased for two years. Defense cost her tens of thousands of dollars;
89. A hearing officer finally dismissed the case and said “There is nothing here”. See EX 2.

Count V
Respondeat Superior
WSBA/Douglas Ende

90. Defendants Eide, Hammel and Ende work as part of the Washington State Bar Association;
91. Douglas Ende is the director of the WSBA Office of Disciplinary Counsel;
92. The WSBA is an entity which can sue and be sued;
93. WSBA is responsible for the torts and negligence of its employees acting within the scope of their authority

PRAYER

THEREFORE, Grundstein asks for the following relief:

1. For Three Million Dollars ($3,000,000.00) for damage to his reputation and employability under count I;
2. For $11,000.00 (eleven thousand dollars) for expenses related to Abuse of Process under count II;
3. For Three Million Dollars for damages to his reputation and civil rights under Counts III, IV and V;
4. For other legal and equitable relief this Court finds appropriate.
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