

**FILED**

Apr 17, 2023

Disciplinary  
Board

Docket # 020

DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION

In re

**STEPHEN W. PIDGEON,**

Lawyer (Bar No. 25265).

Proceeding No. 22#00027

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND HEARING OFFICER'S  
RECOMMENDATION

The undersigned Hearing Officer held a default hearing by written submission on April 14, 2023 under Rule 10.6 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

With its written submission in this matter, the Office of Disciplinary Counsel (ODC) offered three exhibits into evidence. Exhibits 1 through 3 are hereby admitted.

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW  
REGARDING CHARGED VIOLATIONS**

1. The Formal Complaint (Bar File No. 4) charged Stephen W. Pidgeon with misconduct as set forth therein. A copy of the Formal Complaint is attached to this decision.

2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in the Formal Complaint is admitted and established.

3. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations

1 charged in the Formal Complaint is admitted and established as follows:

2 **Count 1:** By bringing a proceeding and/or by asserting one or more claims that  
3 had no basis in law and fact that was not frivolous, Respondent violated RPC 3.1  
and RPC 8.4(d).

4 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**  
5 **REGARDING RECOMMENDED SANCTION**

6 4. The following standard of the American Bar Association's Standards for Imposing  
7 Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively applies in  
8 this case:

9 ***6.2 Abuse of the Legal Process***

10 Absent aggravating or mitigating circumstances, upon application of the  
11 factors set out in Standard 3.0, the following sanctions are generally appropriate  
in cases involving failure to expedite litigation or bring a meritorious claim, or  
12 failure to obey any obligation under the rules of a tribunal except for an open  
refusal based on an assertion that no valid obligation exists:

13 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a  
court order or rule with the intent to obtain a benefit for the lawyer or  
another, and causes serious injury or potentially serious injury to a party or  
causes serious or potentially serious interference with a legal proceeding.

14 6.22 Suspension is generally appropriate when a lawyer knows that he or she is  
violating a court order or rule, and causes injury or potential injury to a  
client or a party, or causes interference or potential interference with a legal  
15 proceeding.

16 6.23 Reprimand is generally appropriate when a lawyer negligently fails to  
comply with a court order or rule, and causes injury or potential injury to  
a client or other party, or causes interference or potential interference with  
17 a legal proceeding.

18 6.24 Admonition is generally appropriate when a lawyer engages in an isolated  
instance of negligence in complying with a court order or rule, and causes  
little or no actual or potential injury to a party, or causes little or no actual  
19 or potential interference with a legal proceeding.

20 5. Respondent acted knowingly in bringing a frivolous proceeding and asserting  
21 frivolous claims.

22 6. Respondent's conduct caused injury to a party and to the legal system and legal  
23 profession.

24 7. The presumptive sanction is suspension under ABA Standard 6.22.



I certify that I caused a copy of the FOF, COL and HO's Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent Stephen W. Pidgeon, at [stephen.pidgeon@comcast.net](mailto:stephen.pidgeon@comcast.net), on the 17<sup>th</sup> day of April, 2023.

A handwritten signature in blue ink, appearing to be 'M. J. P.', is written above a horizontal line.

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Clerk to the Disciplinary Board

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**DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION**

In re

**STEPHEN W. PIDGEON,**

Lawyer (Bar No. 25265).

Proceeding No. 22#00027

**FORMAL COMPLAINT**

Under Rule 10.3 of the Washington Supreme Court’s Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (WSBA) charges the above-named lawyer with acts of misconduct under the Washington Supreme Court’s Rules of Professional Conduct (RPC) as set forth below.

**ADMISSION TO PRACTICE**

1. Respondent Stephen W. Pidgeon was admitted to the practice of law in the State of Washington on November 13, 1995.

2. Respondent’s request to voluntarily resign from the WSBA was granted effective April 14, 2022.

**FACTS REGARDING COUNT 1**

3. In the 2020 Washington gubernatorial election, incumbent Jay Inslee defeated

1 challenger Loren Culp.

2 4. On or about December 3, 2020, the Washington Secretary of State's office  
3 certified the results of the election, which Inslee won by a margin of 545,177 votes.

4 5. Respondent represented the Culp for Governor campaign.

5 6. On December 10, 2020, Respondent, on behalf of the Culp for Governor  
6 campaign, filed a complaint (the "original complaint") against then-Washington Secretary of  
7 State Kim Wyman and the State of Washington: Culp for Governor v. Wyman et al., King  
8 County Superior Court no. 20-2-17720-2.

9 7. In the original complaint, Respondent asserted a claim against Secretary Wyman  
10 and the State of Washington under 42 U.S.C. § 1983 and sought a recount of the election, an  
11 audit of election results and voting machines, an injunction prohibiting the certification of the  
12 vote from having any legal effect until an audit was performed, an injunction prohibiting  
13 Secretary Wyman from destroying or altering election information, and damages to be  
14 determined at trial.

15 8. One or more claims in the original complaint had no basis in law or fact that was  
16 not frivolous.

17 9. On December 24, 2020, Respondent filed an amended complaint (the "first  
18 amended complaint") on behalf of the Culp for Governor campaign.

19 10. In the first amended complaint, Respondent dropped the 42 U.S.C. § 1983 claim,  
20 the demand for a recount, and the demand for damages.

21 11. In the first amended complaint, Respondent sought an audit of the November 3,  
22 2020 general election and a temporary restraining order and preliminary injunction enjoining  
23 Secretary Wyman from destroying election information and voter registration records.

1           12. In the first amended complaint, Respondent added as defendants the auditors of  
2 nine Washington counties.

3           13. One or more claims in the first amended complaint had no basis in law or fact that  
4 was not frivolous.

5           14. On December 30, 2020, Respondent filed a second amended complaint (the  
6 “second amended complaint”) on behalf of the Culp for Governor campaign.

7           15. In the second amended complaint, Respondent added a claim of “nonfeasance” for  
8 the defendants’ alleged failure to prevent violations of statutes governing elections.

9           16. In the second amended complaint, Respondent added the director of the  
10 Washington State Department of Licensing as an additional defendant.

11           17. One or more claims in the second amended complaint had no basis in law or fact  
12 that was not frivolous.

13           18. Each of Respondent’s complaints alleged that voting systems had not been  
14 properly maintained and were not secure.

15           19. Respondent’s allegations that voting systems had not been properly maintained and  
16 were not secure had no basis in fact or law that was not frivolous.

17           20. Each of Respondent’s complaints alleged that ballots were received and/or cast by  
18 deceased, out-of-state, or otherwise ineligible voters.

19           21. Respondent’s allegations that ballots were received and/or cast by deceased, out-  
20 of-state, or otherwise ineligible voters had no basis in fact or law that was not frivolous.

21           22. The factual allegations in Respondent’s complaints were false, speculative, and/or  
22 incomplete.

23           23. Each of Respondent’s complaints sought to contest the outcome of the 2020

1 gubernatorial election.

2 24. Chapter 29A.68 of the Revised Code of Washington (RCW) governs the procedure  
3 for contesting an election.

4 25. Respondent's attempt to contest the election through the complaints did not  
5 comply with the Chapter 29A.68 RCW.

6 26. Respondent's complaints were not brought on behalf of a registered voter, as  
7 required by RCW 29A.68.020.

8 27. Respondent's complaints did not allege a sufficient number of illegal votes to  
9 change the result of the election, as required by RCW 29A.68.110.

10 28. Respondent's attempt to contest the outcome of the 2020 gubernatorial election  
11 had no basis in fact or law that was not frivolous.

12 29. Chapter 29A.64 RCW governs the procedures for requesting an election recount.

13 30. Respondent's request for a recount in the original complaint was not timely under  
14 RCW 29A.64.011.

15 31. Respondent's request for a recount in the original complaint was not accompanied  
16 by a deposit for the cost of the recount, as required by RCW 29A.64.030.

17 32. Respondent's request for a recount in the original complaint had no basis in fact or  
18 law that was not frivolous.

19 33. Each of Respondent's complaints sought to challenge voter registrations of  
20 allegedly deceased, out-of-state, or otherwise ineligible voters.

21 34. RCW 29A.08.810 and .820 govern the procedure and timing of challenges to voter  
22 registrations.

23 35. Respondent's attempt to challenge to voter registrations through the complaints did



1 not comply with RCW 29A.08.810 or 29A.08.820.

2 36. Respondent's challenges to voter registrations were not based on the personal  
3 knowledge of the Culp for Governor campaign of information particular to a challenged voter,  
4 as required by RCW 29A.08.810(1).

5 37. Respondent's challenges to voter registrations were not brought by a registered  
6 voter or a county prosecuting attorney, as required by RCW 29A.08.810(2).

7 38. Respondent's challenges to voter registrations were not filed with any county  
8 auditor, as required by RCW 29A.08.820.

9 39. Respondent's challenges to voter registrations were not timely under RCW  
10 29A.08.820.

11 40. Respondent's challenges to voter registration had no basis in fact or law that was  
12 not frivolous.

13 41. Each of Respondent's complaints alleged that the State of Washington violated the  
14 Help America Vote Act (HAVA), 52 U.S.C. §§ 20901-21145.

15 42. The Culp for Governor campaign had no standing to sue the State of Washington  
16 under the HAVA.

17 43. Respondent's attempt to bring a claim against the State of Washington under the  
18 HAVA had no basis in fact or law that was not frivolous.

19 44. On or about January 14, 2021, Respondent received an email from Assistant  
20 Attorney General Tera Heintz explaining that Respondent's case was legally and factually  
21 baseless and that the Attorney General's office would file a motion to dismiss the case and a  
22 motion for sanctions against Respondent unless Respondent voluntarily dismissed the case with  
23 prejudice by the following day.


1 45. On or about January 15, 2021, Respondent dismissed the case with prejudice.

2 **COUNT 1**

3 46. By bringing a proceeding and/or by asserting one or more claims that had no basis  
4 in law and fact that was not frivolous, Respondent violated RPC 3.1 and/or RPC 8.4(d).

5  
6 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for  
7 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,  
8 restitution, and assessment of the costs and expenses of these proceedings.

9  
10 Dated this 30<sup>th</sup> day of December, 2022.

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13 Benjamin J. Attanasio, Bar No. 43032  
Disciplinary Counsel