



WSBA

WASHINGTON STATE BAR ASSOCIATION

ELC DRAFTING TASK FORCE

July 2008

CHARTER

Background

In 2000, the WSBA and the Supreme Court established a “Discipline 2000” Task Force to examine then current disciplinary procedures as reflected in the Rules for Lawyer Discipline and to suggest appropriate changes. The 12-member Task Force, co-chaired by Justice Charles W. Johnson and J. Richard Manning, issued a 214-page report to the Board in 2001 recommending substantive and structural changes to the disciplinary procedural rules and suggesting adoption of a new codification to be known as the Rules for Enforcement of Lawyer Conduct (ELC). After modifications were incorporated at the behest of the Board, the ELC were submitted to the Supreme Court, which adopted the ELC effective October 1, 2002.

After more than five years of experience with the ELC, it is appropriate to analyze the impact and effectiveness of the rules in light of the purposes of lawyer discipline, and determine whether any modifications and improvements are warranted. In addition, following the issuance of the ABA’s Report on the Washington Lawyer Regulation System in August 2006, the BOG Discipline Committee has been engaged in a systematic review of the lawyer discipline and disability system as a whole. Many of the recommendations of the Committee (yet to be presented to the BOG) may require implementing amendments to the ELC.

Task Force Purpose

- Review the current ELC.
- Evaluate whether the rules as adopted in 2002 are functioning as intended and whether amendments are warranted.
- Review the recommendations of the BOG Discipline Committee addressing the ABA Report on the Washington Lawyer Regulation System and (following approval by the Board of Governors) determine whether ELC amendments are needed to implement the recommendations.
- Draft suggested amendments to the ELC for presentation to the Board of Governors.
- Solicit and receive input on the suggested ELC amendments.
- After consideration of the input, draft a final version of a set of suggested amendments to the ELC.

Timeline

- Submit a final set of amendments to the ELC for review and action by the Board of Governors by no later than the BOG's March 2010 meeting, and earlier if possible. [*Note: the original deadline has been extended to the BOG's September 2011 meeting.*]
- Submit a BOG-approved set of suggested ELC amendments to the Supreme Court before the first available GR 9 submission deadline after the draft amendments are approved by the BOG.
- The Task Force should provide quarterly updates to the BOG on its progress.

Members

This Task Force will consist of a current member of the Board of Governors as chair and a number of others knowledgeable about Washington's Lawyer Discipline and Disability system and the ELC.

Appointments to the Task Force will be made by the President after consultation with the Board of Governors.

Chair: Geoff Gibbs
Staff Liaison/Reporter: Scott Busby