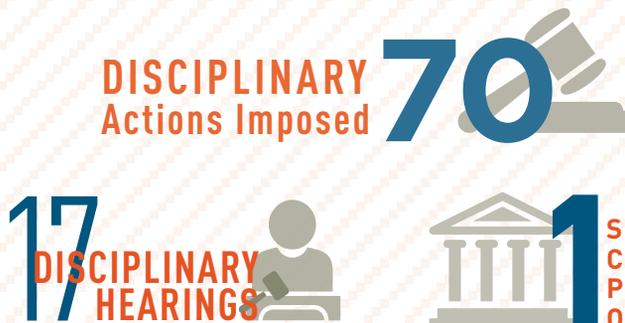


# 2016 Discipline Report Snapshot

## 2016 BY THE NUMBERS

Annually, the Washington State Bar Association (WSBA) publishes a report on Washington's discipline system. This report summarizes the activities of the system's constituents, including the Office of Disciplinary Counsel (ODC), the WSBA's Office of General Counsel (OGC), the Disciplinary Board, hearing officers, and the Lawyers' Fund for Client Protection. The report also provides statistical information about discipline for those licensed to practice law in Washington for the calendar year. These pages provide an informal overview of the 2016 Discipline System Annual Report, which is now available on the WSBA website at [www.wsba.org](http://www.wsba.org).



### NUMBER AND NATURE OF 2016 GRIEVANCES

ODC's intake staff receives all phone inquiries and written grievances and conducts the initial review of every grievance. After initial review, some grievances are dismissed, and others are referred for further investigation by ODC investigation/prosecution staff. Grievances that are not dismissed or diverted after investigation may be referred for disciplinary action. When warranted and authorized by a review committee of the Disciplinary Board, these matters are prosecuted by disciplinary counsel with the assistance of professional investigators and a support staff of paralegals and administrative assistants. In 2016, ODC received more than 1,800 grievances.

Disciplinary Grievances Received	1,830	DISCIPLINARY GRIEVANCES, MEDIATED MATTERS, AND PUBLIC INQUIRIES
Disciplinary Grievances Resolved	1,902	
Non-Communication Matters Mediated	100	
File Disputes Mediated	57	
Public Inquiries, Phone Calls, Emails & Interviews	5,466	

## STRUCTURE OF THE LAWYER DISCIPLINE AND DISABILITY SYSTEM

<b>SUPREME COURT</b>	<ul style="list-style-type: none"> <li>• Administers the system</li> <li>• Conducts final appellate review</li> <li>• Orders sanctions, interim suspensions, and reciprocal discipline</li> </ul>
<b>DISCIPLINARY BOARD</b> (administered by OGC)	<ul style="list-style-type: none"> <li>• Reviews recommendations for proceedings and disputed dismissals</li> <li>• Serves as intermediate appellate body</li> <li>• Reviews hearing records and stipulations</li> </ul>
<b>HEARING OFFICERS</b> (administered by OGC)	<ul style="list-style-type: none"> <li>• Conduct evidentiary hearings and other proceedings</li> <li>• Conduct settlement conferences</li> <li>• Approve stipulations to admonition and reprimand</li> </ul>
<b>WSBA OFFICE OF DISCIPLINARY COUNSEL</b>	<ul style="list-style-type: none"> <li>• Answers public inquiries and informally resolves disputes</li> <li>• Receives, reviews and may investigate grievances</li> <li>• Recommends disciplinary action or dismissal</li> <li>• Diverts grievances involving less serious misconduct</li> <li>• Recommends disability proceedings</li> <li>• Presents cases to discipline-system adjudicators</li> </ul>

The Washington Supreme Court has exclusive responsibility and inherent authority over regulation of the practice of law in Washington. This authority includes administering the discipline and disability system. Many of the Court's disciplinary functions are delegated by court rule to the WSBA, which acts under the supervision and authority of the Court. Consistent with the Supreme Court's mandate in General Rule 12.1, the WSBA administers an effective system of discipline in order to fulfill its obligations to protect the public and ensure the integrity of the profession. The prosecutorial and investigative functions of the discipline system are discharged by ODC, while the adjudicative functions are handled by the Disciplinary Board and hearing officers, which are administered by OGC.

## NATURE OF GRIEVANCES



In 2016, the most common grievance allegations against Washington lawyers related to unsatisfactory performance, personal behavior concerns, and interference with the administration of justice.

## WHO FILED GRIEVANCES



In 2016, the majority of grievances against Washington lawyers originated from current and former clients, and opposing clients. Discipline files are opened in the name of the Office of Disciplinary Counsel when potential ethical misconduct comes to the attention of a disciplinary counsel by means other than the submission of a grievance (e.g. news articles, notices of criminal conviction, trust account overdrafts, etc.) or through confidential sources.

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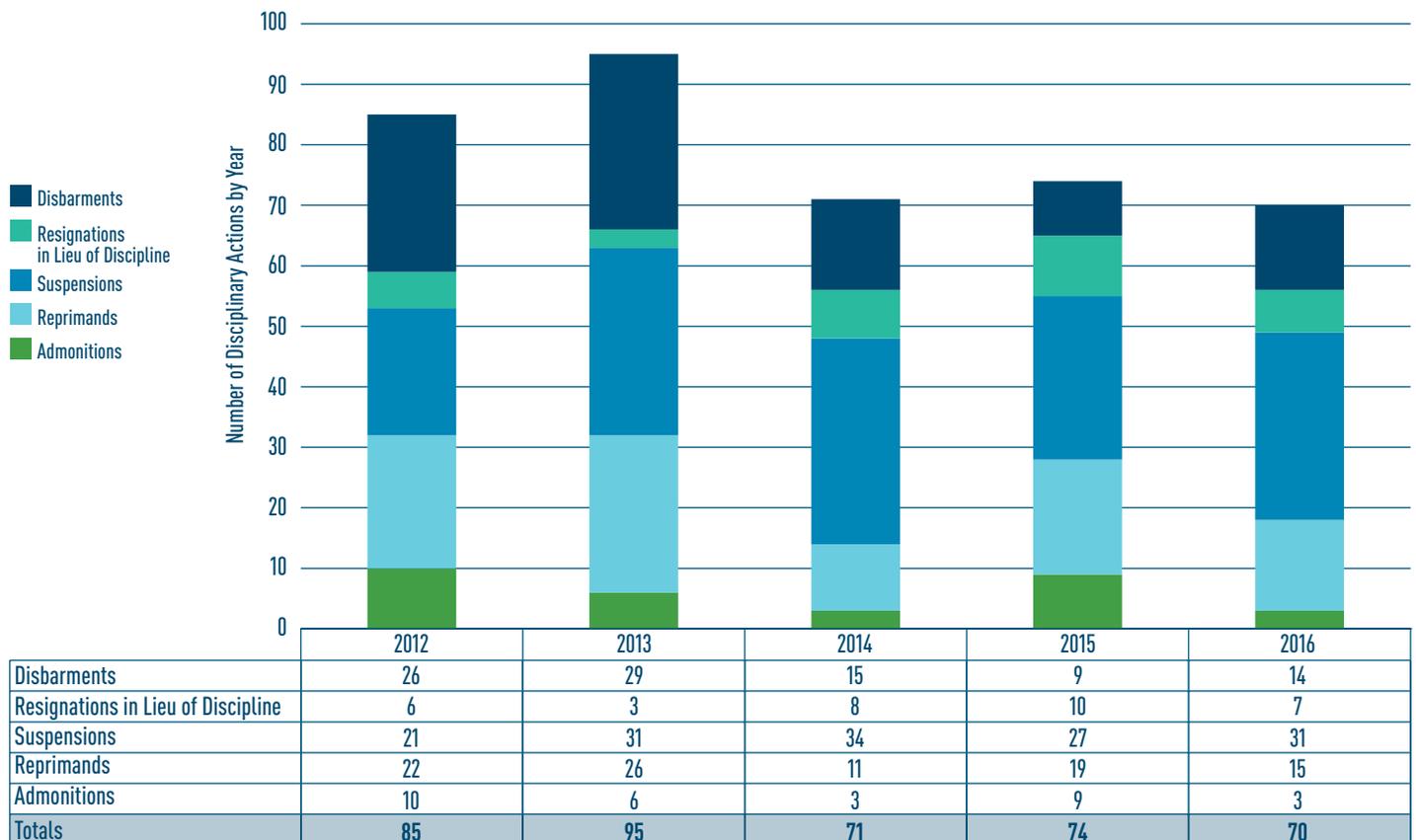
**PRACTICE AREA OF GRIEVANCES** Most grievances arise from criminal law, family law, and tort matters.

Criminal Law	31%	Real Property	4%	Bankruptcy	2%
Family Law	19%	Administrative Law	4%	Juvenile Matters	1%
Torts	9%	Immigration	3%	Contracts/Consumer Law	1%
Unknown	6%	Commercial Law	3%	Foreclosures	1%
Estates/Probates/Wills	6%	Labor Law	2%	Collections	1%
Other	5%	Landlord/Tenant	2%		

## DISCIPLINARY ACTIONS

Disciplinary “actions” include both public disciplinary “sanctions” and admonitions. Disciplinary sanctions are, in order of increasing severity: reprimands, suspensions, and disbarments. In Washington, admonitions are also a form of public discipline. Lawyers may also resign in lieu of discipline if they do not wish to defend against allegations of misconduct. Review committees of the Disciplinary Board also have authority to issue advisory letters if a lawyer should be cautioned. An advisory letter is neither a sanction nor a disciplinary action and is not public information. For less serious misconduct, ODC may divert a grievance from discipline if a lawyer agrees to a diversion contract, which if successfully completed, results in dismissal of the grievance. In 2016, 15 matters were referred to diversion.

In 2016, 70 lawyers were disciplined. The chart below tracks the number of disciplinary actions imposed over the last five reporting years.



## LAWYER DISABILITY MATTERS

Special procedures apply when there is cause to believe that a lawyer is incapable of properly defending a disciplinary proceeding, or incapable of practicing law, because of mental or physical incapacity. Such matters are handled under a distinct set of procedural rules. In some cases, the lawyer must have counsel appointed at the WSBA's expense. In disability cases, a determination that the lawyer does not have the capacity to practice law results in a transfer to disability-inactive status. In recent years, the number of transfers to disability-inactive status has increased. In 2016, eight lawyers were transferred to disability-inactive status based on an incapacity to practice law.

## OTHER LICENSED PROFESSIONALS AND THE DISCIPLINE SYSTEM

Limited practice officers (LPOs) and limited license legal technicians (LLLLTs) are also authorized to practice law in Washington, through regulatory systems administered by the WSBA. A Washington Supreme Court-mandated regulatory board oversees each limited license. Each licensee is subject to license-specific admission and practice rules, rules of professional conduct, and disciplinary procedural rules. The WSBA administers a discipline system for each of these licenses. At the end of 2016, there were 766 LPOs and 19 LLLTs actively licensed to practice. In 2016, the WSBA received three disciplinary grievances against LPOs with no disciplinary action imposed against LPOs. In 2016, the WSBA did not receive any grievances against LLLTs.

## RESOURCES

For more information on the discipline system and to read the full 2016 Discipline System Annual Report, go to [www.wsba.org](http://www.wsba.org). To view the full 2016 Discipline System Annual Report, go to <http://bit.ly/2pcjciVa>. **NWL**

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