



WSBA
Discipline
System
Annual
Report

SNAPSHOT

BEHIND
THE
SCENES

ANNUALLY, THE WASHINGTON STATE BAR ASSOCIATION

publishes a report on the Washington Supreme Court’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 Client Protection Fund. 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 *2017 Discipline System Annual Report*, which is now available on the WSBA website at www.wsba.org.



STRUCTURE

of the Lawyer Discipline and Disability System

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 12.2, 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.

WSBA Office of Disciplinary Counsel

- ▶ Answers public inquiries and informally resolves disputes
- ▶ Receives, reviews, and may investigate grievances
- ▶ Recommends disciplinary action or dismissal
- ▶ Diverts grievances involving less serious misconduct
- ▶ Recommends disability proceedings
- ▶ Presents cases to discipline-system adjudicators

Hearing Officers (Administered by OGC)

- ▶ Conduct evidentiary hearings and other proceedings
- ▶ Conduct settlement conferences
- ▶ Approve stipulations to admonition and reprimand

Disciplinary Board (Administered by OGC)

- ▶ Reviews recommendations for proceedings and disputed dismissals
- ▶ Serves as intermediate appellate body
- ▶ Reviews hearing records and stipulations

Supreme Court

- ▶ Administers the system
- ▶ Conducts final appellate review
- ▶ Orders sanctions, interim suspensions, and reciprocal discipline



RESOURCES

For more information on the discipline system and to read the full 2017 Discipline System Annual Report, go to <http://bit.ly/Discipline-2017>.



NUMBER AND NATURE OF 2017 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 2017, ODC received more than 1,850 grievances.

Active Licensed Lawyers	31,919
Grievance Files Opened	1,894
Disciplinary Actions Imposed	88
Public Formal Complaints Filed	44
Disciplinary Hearings	17
Supreme Court Opinions	2



2017 DISCIPLINARY GRIEVANCES, INFORMALLY RESOLVED MATTERS, AND PUBLIC INQUIRIES

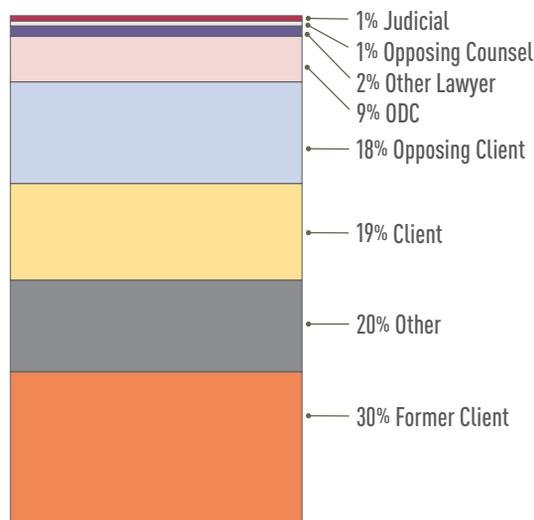
Disciplinary Grievances Received	1,894
Disciplinary Grievances Resolved	1,967
NonCommunication Matters Informally Resolved	154
File Disputes Informally Resolved	65
Public Inquiries, Phone Calls, Emails, & Interviews	5,044



WHO FILED GRIEVANCES

IN 2017, the majority of grievances against

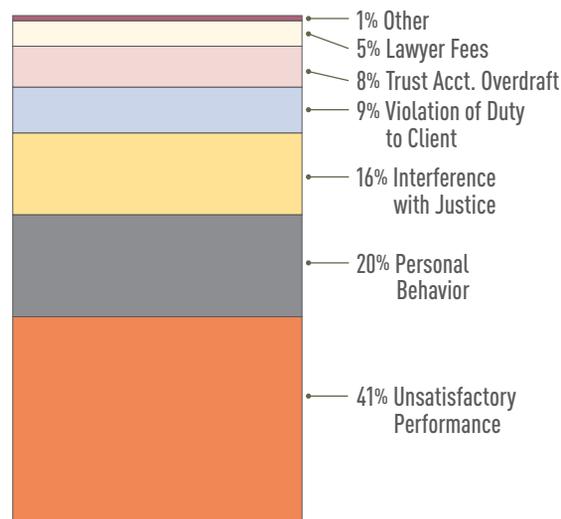
Washington lawyers originated from current and former clients, and opposing clients. Discipline files are also opened in the name of the Office of Disciplinary Counsel when potential ethical misconduct comes to the attention of a disciplinary counsel by means other than the submission of a grievance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



NATURE OF GRIEVANCES

IN 2017, the most common grievance allegations

against Washington lawyers related to unsatisfactory performance, personal behavior concerns, and interference with the administration of justice.





**PRACTICE AREA
OF GRIEVANCES**

MOST GRIEVANCES arise from criminal law, family law, and tort matters.

29% Criminal Law	4% Commercial Law	1% Guardianships
19% Family Law	4% Real Property	1% Foreclosures
10% Torts	2% Landlord/Tenant	1% Other
6% Estates/Probates/Wills	2% Workers/Unemployment Comp	1% Taxation
5% Unknown	2% Bankruptcy	1% Traffic Offenses
5% Administrative Law	1% Labor Law	1% Contracts/Consumer Law
4% Immigration	1% Collections	

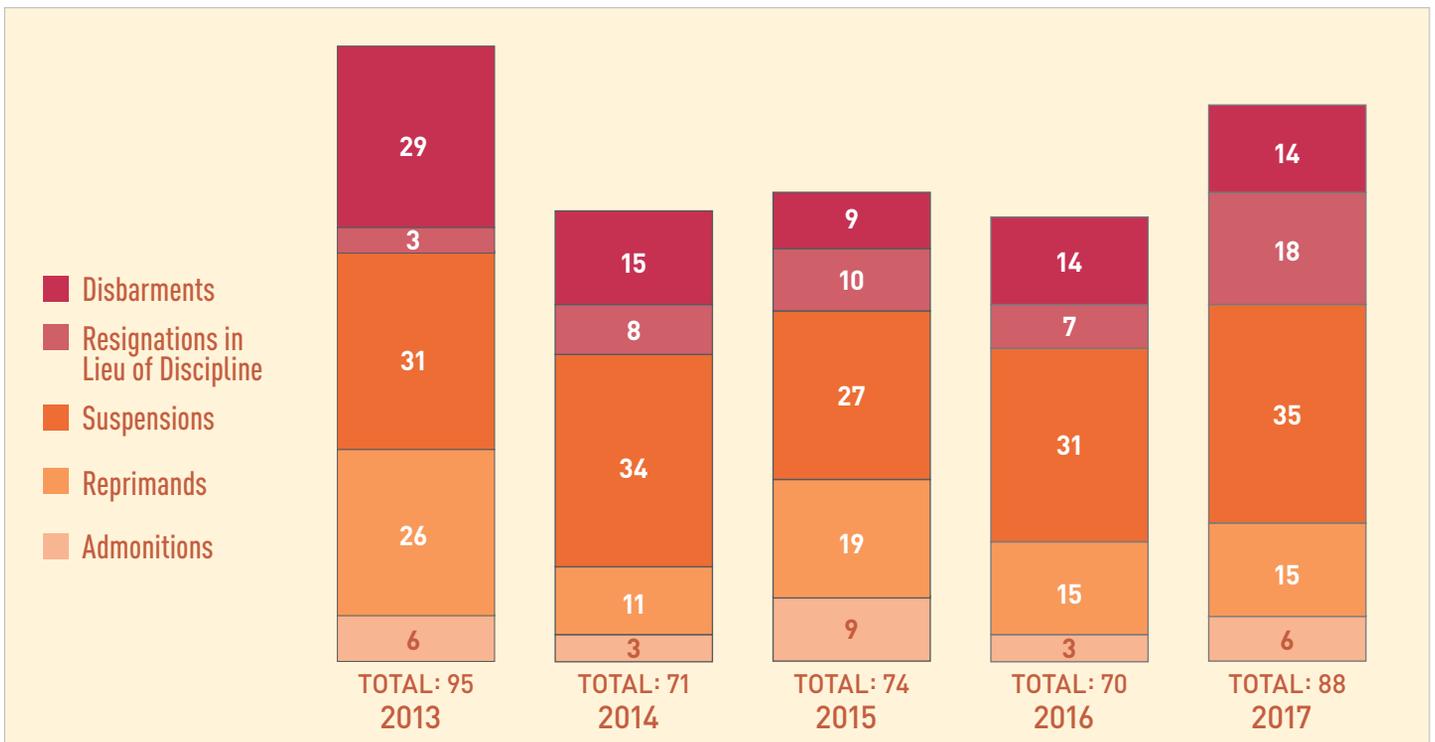


**DISCIPLINARY
ACTIONS**

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. Review committees of the Disciplinary Board also have authority to issue advisory letters cautioning a lawyer. 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 2017, 11 matters were referred to diversion.

In 2017, 88 lawyers were disciplined. The chart below tracks the number of disciplinary actions imposed over the last five reporting years.





OTHER LICENSED PROFESSIONALS AND THE DISCIPLINE SYSTEM

LIMITED PRACTICE OFFICERS (LPOs) and limited license legal technicians (LLLTs) are authorized to practice law in Washington by the Washington Supreme Court. A Washington Supreme Court-mandated regulatory board oversees each limited license. Each licensee is subject to license-specific rules of professional conduct and disciplinary procedural rules. The WSBA administers

a discipline system for each of these licenses under delegated authority of the Washington Supreme Court. At the end of 2017, there were 792 LPOs and 25 LLLTs actively licensed to practice. In 2017, the WSBA received two disciplinary grievances against LPOs, with one LPO voluntarily cancelling her license in lieu of revocation. In 2017, the WSBA did not receive any grievances against LLLTs.



LAWYER DISABILITY MATTERS

SPECIAL PROCEDURES APPLY when there is reasonable 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 2017, three lawyers were transferred to disability inactive status based on an incapacity to practice law.



COORDINATED DISCIPLINARY & REGULATORY PROCEEDINGS INITIATIVE

IN LATE 2015, the WSBA Executive Management Team and the WSBA Board of Governors (Board) initiated discussions about coordinating all regulatory and disciplinary systems for all licenses to practice law (lawyer, limited practice officer, limited license legal technician) authorized by the Court and administered by the WSBA. Among the motivations for coordinating the systems was the realization that administering three separate systems for three license types was neither an efficient nor an effective use of license fees. Subsequently, workgroups of WSBA staff from ODC, OGC, and the Regulatory Services Department (RSD) convened to develop recommendations for a coordinated discipline system.

In June 2017, after seeking and incorporating input from various stakeholders, WSBA staff prepared and submitted for the Court's initial consideration a proposed

model for a coordinated disciplinary and regulatory proceedings system. In addition to coordination of the three systems, a core concept of the initiative is the creation of a professionalized adjudicative system for all disciplinary and regulatory hearings. In July 2017, the Court approved in concept the proposed coordinated discipline system.

After Court approval of the concept, WSBA staff began the process of drafting the coordinated disciplinary proceeding rules. In addition, those admission and licensing processes that involve adjudicative proceedings are also part of this undertaking. When the draft rules are finalized, WSBA staff will seek additional stakeholder feedback in advance of review by the Board and eventual submission of a set of suggested coordinated-system rules to the Supreme Court under General Rule 9.