

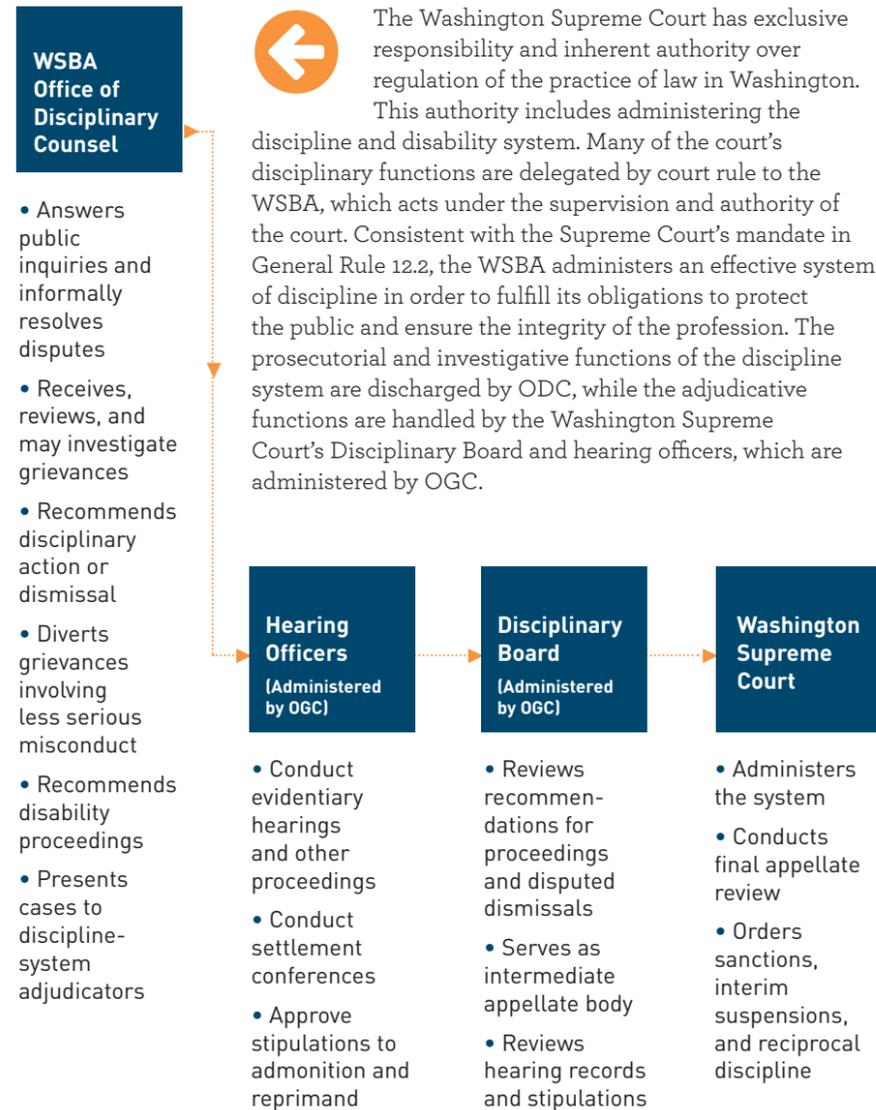


# Snapshot of the WSBA Discipline System Annual Report

Annually, the Washington State Bar Association 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 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 2018 Discipline System Annual Report, which is now available on the WSBA website at [www.wsba.org](http://www.wsba.org).

## HOW IT WORKS

### Structure of the Lawyer Discipline and Disability System



## BY THE NUMBERS

32,297

ACTIVELY LICENSED LAWYERS

1,965

GRIEVANCE FILES OPENED

72

DISCIPLINARY ACTIONS IMPOSED

39

PUBLIC FORMAL COMPLAINTS FILED

11

DISCIPLINARY HEARINGS

4

SUPREME COURT OPINIONS

## A CLOSER LOOK

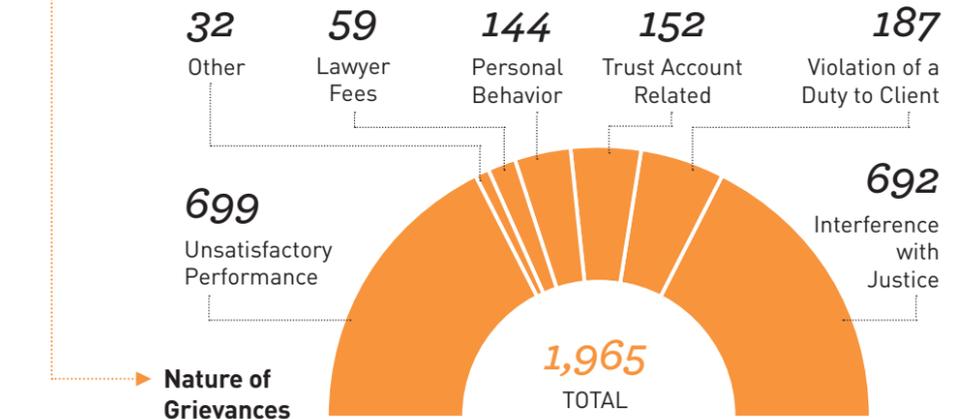
### Number and Nature of Grievances

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.

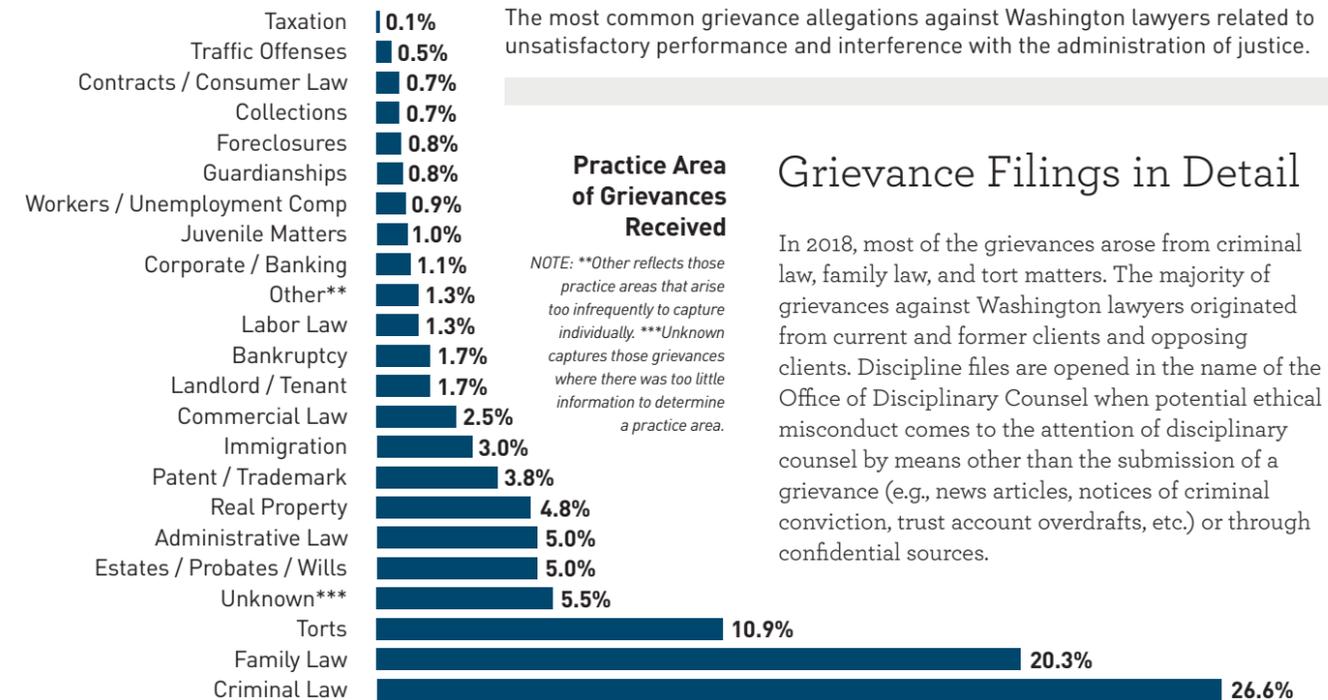
### Disciplinary Grievances, Informally Resolved Matters, and Public Inquiries in 2018

1,965	2,011	142	61	4,451
Disciplinary Grievance Files Opened	Disciplinary Grievances Resolved*	Non-Communication Matters Informally Resolved	File Disputes Informally Resolved	Public Inquiries, Phone Calls, Emails, and Interviews

NOTE: \*Includes all grievances that closed during the calendar year, including, but not limited to, grievances that were dismissed in intake or after investigation and those for which disciplinary action was imposed.

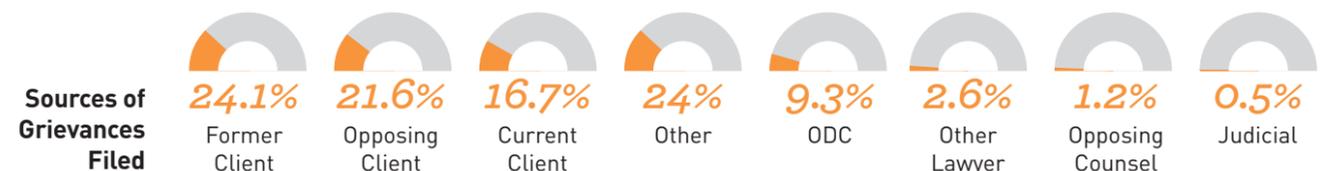


The most common grievance allegations against Washington lawyers related to unsatisfactory performance and interference with the administration of justice.



### Grievance Filings in Detail

In 2018, most of the grievances arose from criminal law, family law, and tort matters. 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 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.





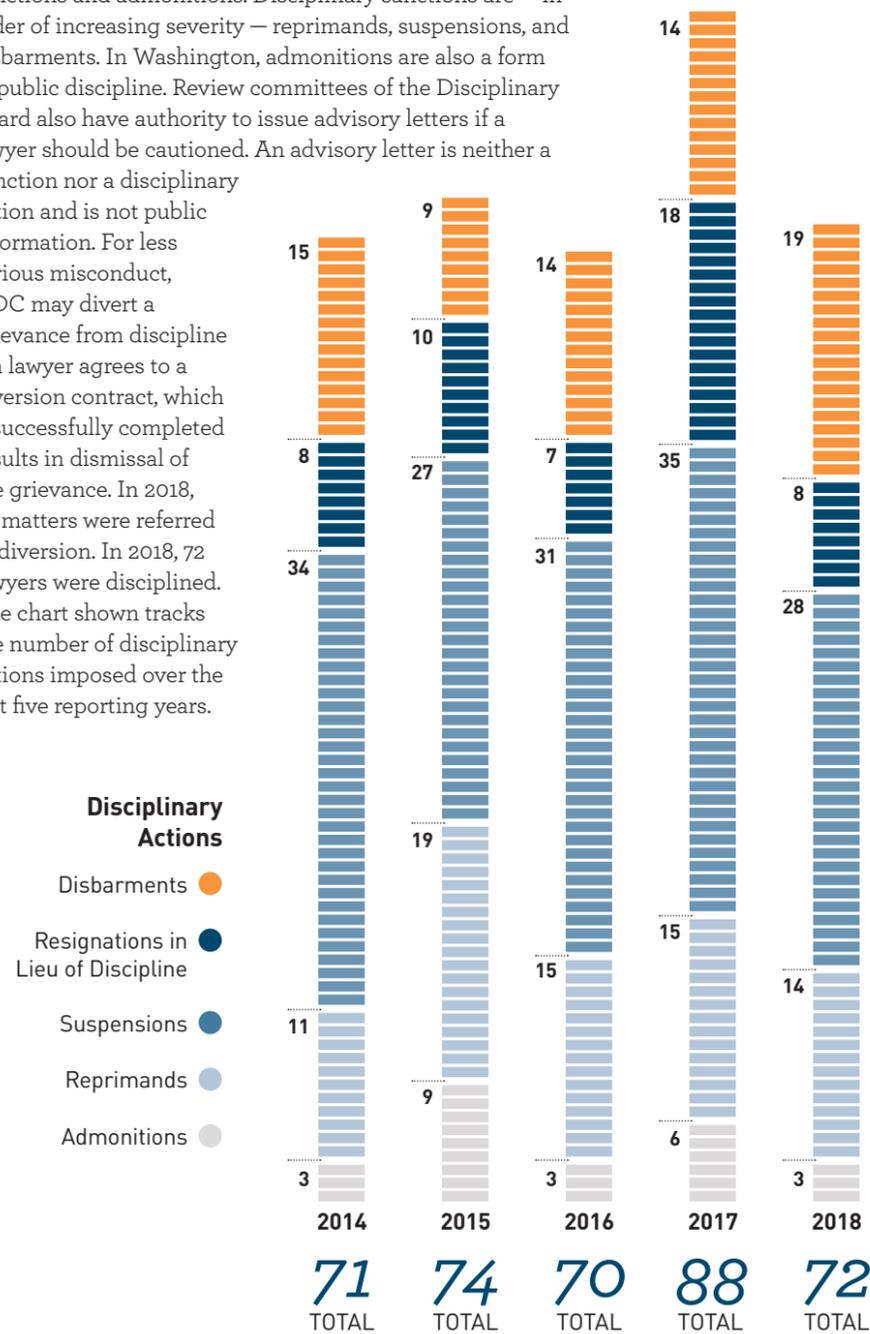
### A CLOSER LOOK

## Disciplinary Actions Taken

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 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 2018, 26 matters were referred to diversion. In 2018, 72 lawyers were disciplined. The chart shown tracks the number of disciplinary actions imposed over the last five reporting years.



To view the full 2018 Discipline System Annual Report, go to <http://bit.ly/2018-Discipline>



### OTHER COMPONENTS

## 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 2018, eight lawyers were transferred to disability inactive status on an incapacity to practice law.

## Other Licensed Professionals and the Discipline System

Limited Practice Officers (LPOs) and Limited License Legal Technicians (LLLTs) 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 rules of professional conduct and disciplinary procedural rules. The WSBA administers a discipline system for each of these licenses. At the end of 2018, there were 814 LPOs and 35 LLLTs actively licensed to practice. In 2018, the WSBA received three disciplinary grievances against LPOs, with one LPO voluntarily canceling her license in lieu of revocation. In 2018, the WSBA received three disciplinary grievances against LLLTs.

### RESOURCES

For more information on the discipline system, go to [www.wsba.org](http://www.wsba.org).