

WASHINGTON STATE BAR ASSOCIATION

Office of Disciplinary Counsel

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Functions:

- Intake – Reviews and makes initial disposition decisions on written grievances against lawyers; responds to member and public inquiries about lawyers and the lawyer discipline system.
- Investigation – Conducts investigations of grievance allegations in matters referred from intake (or by LLLT and LP Boards; starting in FY26, ODC will also have investigative authority for authorized entities in the Entity Regulation Pilot Project).
- Prosecution – Handles hearings and appeals of public disciplinary matters, including interim suspensions and reciprocal discipline cases.
- Disability – Investigates and represents WSBA at hearings in matters of alleged lack of capacity to practice law.
- Diversion & Probation – Supervises programs involving oversight of compliance with conditions of probation orders and diversion contracts.
- Auditing – Auditors assist in grievance investigations opened because of trust account overdraft notices and allegations of trust accounting irregularities, conduct random compliance examinations of trust accounts, and review trust account records during disciplinary probations.

Committees/Boards/Panels:

Adjunct Disciplinary Counsel (ADC) Panel – Panel of lawyers who have volunteered to assist discipline system on as-needed basis.

When will you hear from ODC at BOG meetings?

- A discipline report depicting key discipline system indicators is prepared by Chief Disciplinary Counsel on a quarterly basis.
- When disciplinary information about a member is needed for the BOG to carry out its duties or to make an informed decision (e.g., appointments, some elections)
- When the BOG considers suggested amendments to rules affecting legal ethics and/or the discipline system.
- Chief Disciplinary Counsel recommends (through the BOG Nominations Committee) appointees to the Adjunct Disciplinary Counsel Panel.
- Other matters affecting regulation of the practice of law.

What is the BOG's role in ensuring success of this work/What does the BOG not get involved with?

- The BOG, through the Executive Director, provides administrative and managerial support to enable the Office of Disciplinary Counsel and other discipline-system staff and appointees to perform required functions and to ensure the system is operating consistently with the provisions of General Rule 12.1.

- The BOG appoints applicants to the Adjunct Disciplinary Counsel Panel upon the recommendation of Chief Disciplinary Counsel.
- Amendments to the Rules for Enforcement of Lawyer Conduct developed by the Office of Disciplinary Counsel are submitted directly to the Washington Supreme Court under General Rule 9.
- The BOG does not have right or responsibility to review or influence decisions or recommendations in individual discipline/disability cases.
- The BOG does not adopt disciplinary policies that constrain or alter the discretion of disciplinary counsel or other constituents of the discipline system with respect to the handling of individual matters.
- Inquiries or complaints about the handling of particular grievances or cases (from licensed legal professionals or grievants) should immediately be referred to the Chief Disciplinary Counsel and/or WSBA General Counsel and should not be responded to directly. BOG members may not represent or advise grievants or respondents in discipline matters.

When do Chief Disciplinary Counsel or ODC staff communicate directly with the Supreme Court?

- In the ordinary course of handling appellate and other public proceedings pending before the Court, including appeals of suspension and disbarment recommendations, petitions for review of Disciplinary Board recommendations and decisions, reciprocal discipline matters, and interim suspension petitions.
- Responding to inquiries from the Court in the exercise of its inherent power to dispose of individual cases of lawyer discipline and disability (e.g., an individual's complaint about dismissal of a grievance).
- Issues relating to administrative processes that arise under the Rules for Enforcement of Lawyer Conduct.
- Periodic submission of technical amendments to the Rules for Enforcement of Lawyer Conduct.
- Conferring with the Chair of the Disciplinary Advisory Round Table (DART) concerning DART processes and issues.