

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 2019 Discipline System Annual Report.

MORE ONLINE

To view the full 2019 Discipline System Annual Report, go to <https://bit.ly/2019DisciplineSystemAnnualReport>.



BY THE NUMBERS PART I

32,573
Actively
Licensed Lawyers
.....

1,681
Grievance
Files Opened
.....

46
Public Formal
Complaints Filed
.....

6
Disciplinary
Hearings
.....

56
Disciplinary
Actions Imposed
.....

STRUCTURE

How the Lawyer Discipline and Disability System Works

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. Under the Supreme Court's mandate in General Rule 12.2, the WSBA is committed to administering 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 (ODC)**
- 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



- Washington Supreme Court**
- Has exclusive governmental responsibility for the system
 - Conducts final appellate review
 - Orders sanctions, interim suspensions, and reciprocal discipline

BY THE NUMBERS PART II

Grievances, resolved matters, and other public inquiries:

1,681
Grievance
Files
Opened
.....

1,737
Disciplinary
Grievances
Resolved
.....

156
Non-Communication
Matters Informally
Resolved
.....

68
File Disputes
Informally
Resolved
.....

3,986
Public Inquiries,
Phone Calls, Emails,
and Interviews
.....

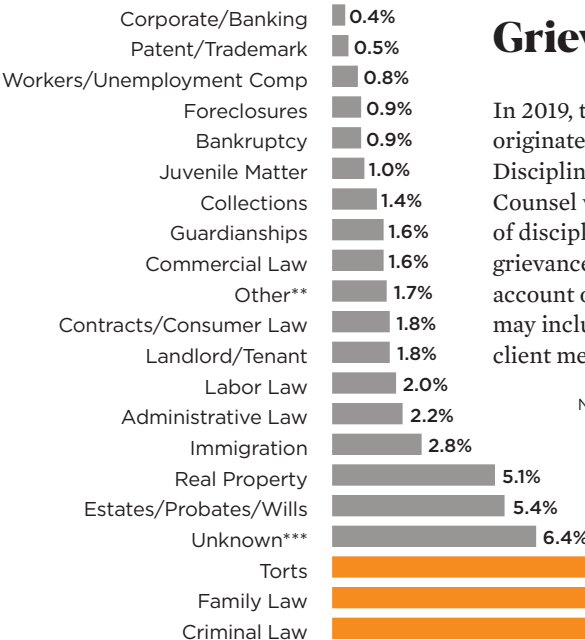
A CLOSER LOOK

Number & Nature of Grievances

ODC's intake staff receives all phone inquiries and written grievances and conducts initial review of grievances.¹ 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 2019, ODC received more than 1,680 grievances.

NOTE

1. Conflicts Review Officers perform this review when required by ELC 2.7.

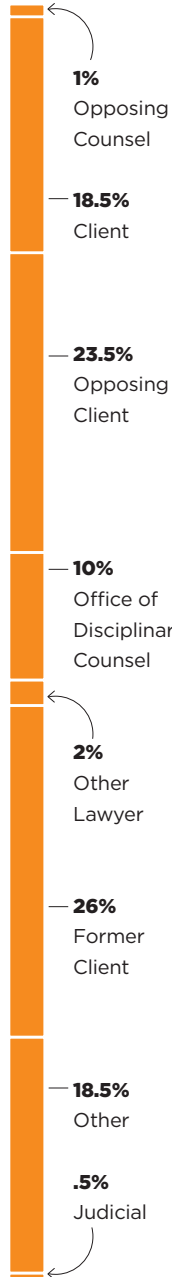


NOTE: ***"Other" reflects those practice areas that arise too infrequently to capture individually. ****"Unknown" captures those grievances where there was too little information to determine a practice area.

61.3% of grievances arose from criminal law, family law, and tort matters.



SOURCES OF GRIEVANCES FILED



Grievance Filings in Detail

In 2019, 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. "Other" may include grievances filed by family members, neighbors, non-client members of the public, or other individuals.



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A CLOSER LOOK

Disciplinary Actions Taken

Disciplinary “actions,” which include both disciplinary sanctions and admonitions, result in a permanent public disciplinary record. In order of increasing severity, disciplinary actions are admonitions, reprimands, suspensions, and disbarments. If a lawyer should be cautioned, review committees of the Disciplinary Board have authority to issue an advisory letter, which 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 2019, 22 matters were referred to diversion.

In 2019, 56 lawyers were disciplined. The chart below tracks the number of disciplinary actions imposed in 2019.

DISCIPLINARY ACTIONS

- Admonitions
- Reprimands
- Suspensions
- Resignation in Lieu of Discipline
- Disbarments



OTHER COMPONENTS

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 2019, there were 838 LPOs and 38 LLLTs actively licensed to practice. In 2019, the WSBA received one disciplinary grievance against an LPO and no disciplinary 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 2019, five lawyers were transferred to disability inactive status based on an incapacity to practice law.

MORE RESOURCES ONLINE

For more information on the discipline system and to read the full 2019 Discipline System Annual Report, go to www.wsba.org.