

Disciplinary Advisory Round Table

Special Meeting Minutes

August 5, 2020

The meeting was held virtually due to Proclamation 20-28 issued by Washington state Governor Jay Inslee.

Members present were Justice Mary Yu (Chair), Hugh Spitzer, Lea Galanter, Doug Ende, Jane Smith, Janice Wang, Jeff Gates, Terra Nevitt, Randy Petgrave, Lee Ripley, Julie Shankland, and Darlene Neumann, (Staff Liaison). Excused were Russell Knight (BOG Liaison) and Norma Ureña.

The chair called the meeting to order at 10 a.m.

Welcome and Introductions

Welcome and introductions were made all around.

Following introductions, Chair Yu reviewed the charter and discussed the purpose of the DART acting as a forum for issues related to the lawyer discipline system. She noted the Supreme Court Rules Committee will formally request the DART to review draft rule changes to the discipline procedural rules that are expected to be submitted to the Court under General Rule (GR) 9 later this year.

Overview/Introduction to the Discipline System

Doug Ende gave a PowerPoint presentation on the bar association's role in the administration of the discipline system, emphasizing the nature of WSBA as a unified bar and providing a historical timeline of the regulation of the practice of law in Washington. An overview of the grievance process and the role of the Office of Disciplinary Counsel (ODC) in discipline proceedings followed.

Julie Shankland discussed the role of adjudicators in the discipline system, with an emphasis on formal proceedings, the various phases of the proceedings, the types of discipline actions and sanctions, and other components of the discipline system.

Discussion followed on the impact of the COVID-19 health emergency, including concerns and suggestions on how discipline proceedings can adapt and move forward during the public health crisis.

Status of Draft Rules for Discipline and Incapacity

An overview of the draft Rules for Discipline and Incapacity (RDI) to replace the ELC, and the ELCs for the other bar license types, LPO and LLLT, followed. The purpose of the RDI is to reinforce the Supreme

Court's active, plenary authority over the regulation of the practice of law in Washington, to streamline the discipline process for lawyers, LPOs, and LLLTs, and to use professional adjudicators to handle discipline for all three license types. Highlights of the revised system, including changes to review, investigation and complaint procedures, the role of volunteers, and re-emphasizing the Court's authority, were discussed.

Mr. Ende updated the DART on the RDI drafting process and reviewed the Court's GR 9 rulemaking process. He noted that the next step is formal submission of the suggested draft rules to the Supreme Court's Rules Committee by October 15. If the Court determines the proposed rules have merit, it is anticipated that it will request consideration by various stakeholders, including the DART.

Discussion followed on how to effectively disseminate information about the draft rules to the membership, including to minority bar associations, so that members can provide informed comments to the Court. Among the suggestions were public forums, hearings by the Court or the WSBA, CLEs, and video presentations. The chair welcomed input from members. Because the DART is an ad hoc group and can meet as needed, the chair encouraged members to let her know if and when discussion-worthy issues arise.

The meeting adjourned at 12 p.m.