

Snapshot of the WSBA Lawyer Discipline System Annual Report

Anually, the Washington State Bar Association publishes a report on Washington's lawyer discipline system. The report summarizes the activities of the system's constituents, including the Office of Disciplinary Counsel (ODC), the Disciplinary Board, hearing officers, and the Lawyers' Fund for Client Protection. The report also provides statistical information about lawyer discipline in Washington for the calendar year. These pages provide an informal overview of the 2014 Discipline System Annual Report, which is now available on the WSBA website.

NUMBER AND NATURE OF 2014 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. Matters that cannot be informally resolved are investigated and, when warranted and authorized by a review committee, these matters are prosecuted by teams of professional investigators and disciplinary counsel with a support staff of paralegals and administrative assistants. In 2014, ODC received more than 2,000 grievances.

DISCIPLINARY GRIEVANCES, MEDIATED MATTERS, AND CONSUMER AFFAIRS CONTACTS IN 2014

New Disciplinary Grievances (written) Received During Year	2,165
Disciplinary Grievances (written) Resolved During Year	2,233
Non-Communication Matters Mediated	140
File Disputes Mediated	72
Consumer Affairs Phone Calls, Emails, and Interviews	6,342

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 lawyer 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, the WSBA administers an effective system of discipline in order to fulfil its obligations to protect the public and ensure the integrity of the profession.

The WSBA's discipline functions are discharged primarily through ODC, the Disciplinary Board, and hearing officers. Disciplinary counsel in ODC review and investigate grievances to determine whether grievances should be dismissed or whether they should be reported to a review committee of the Disciplinary Board, which can issue advisory letters, impose admonitions, or order matters to public hearing. Disciplinary hearings are presided over by volunteer hearing officers, who receive evidence and issue findings and a recommendation as to the discipline to be imposed, if any. The Disciplinary Board, composed of lawyer and non-lawyer volunteers, reviews hearing officer decisions. The Washington Supreme Court, which has inherent power to dispose of individual cases of lawyer discipline, reviews the Disciplinary Board's suspension and disbarment recommendations, which are appealable as a matter of right. The Court also considers petitions for discretionary review of other dispositions.

SUPREME COURT

- Has exclusive responsibility to administer the discipline and disability system
- Conducts final appellate review of disciplinary and disability proceedings
- Orders all suspensions and disbarments, interim suspensions, and reciprocal discipline

DISCIPLINARY BOARD

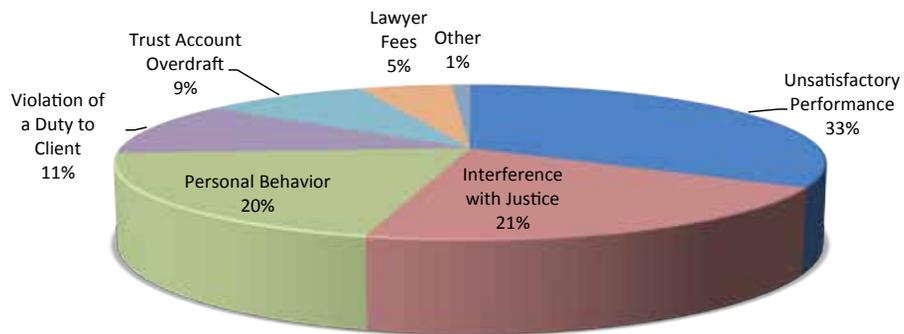
- Reviews recommendations for disciplinary action, disability proceedings, and dismissal through review committees
- Reviews hearing records and considers stipulations to discipline

HEARING OFFICER PANEL

- Conducts public evidentiary hearings and other proceedings
- Considers stipulations to admonitions and reprimands

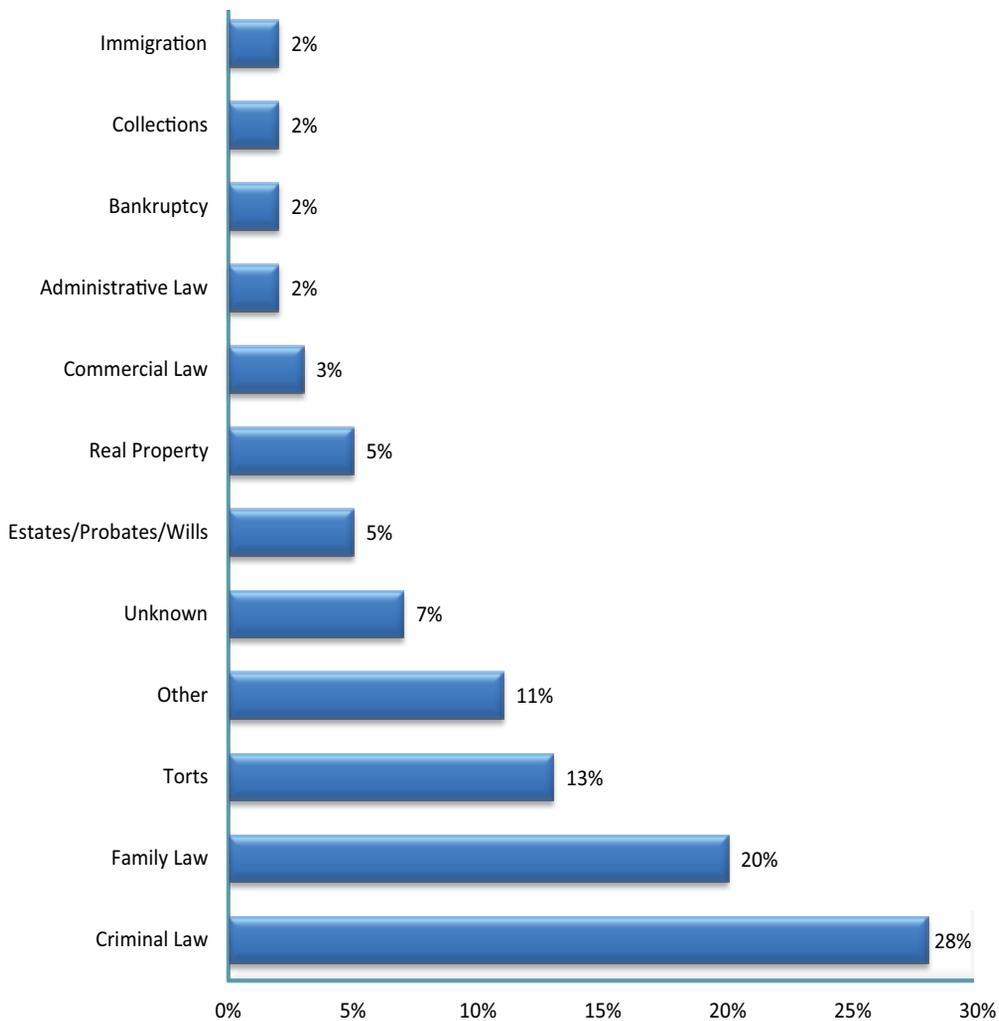
OFFICE OF DISCIPLINARY COUNSEL

- Receives, reviews, and may investigate grievances
- Recommends disciplinary action or dismissal
- Recommends disability proceedings
- Presents cases to discipline-system adjudicators

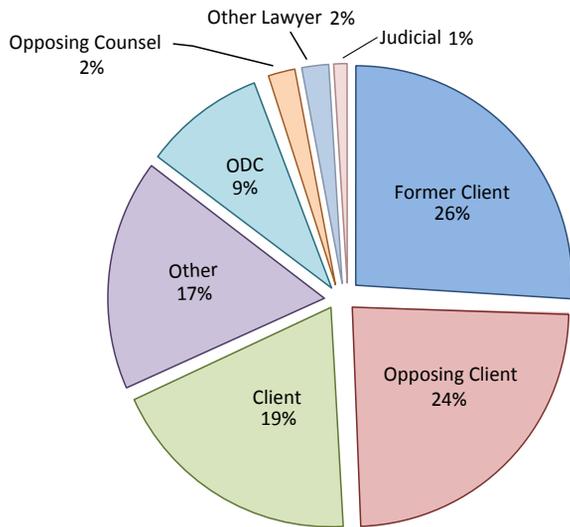


NATURE OF GRIEVANCES

In 2014, the most common grievance allegations against Washington lawyers related to unsatisfactory performance, personal behavior concerns, and interference with the administration of justice. Most grievances arise from criminal law, family law, and tort matters.



PRACTICE AREA OF GRIEVANCES



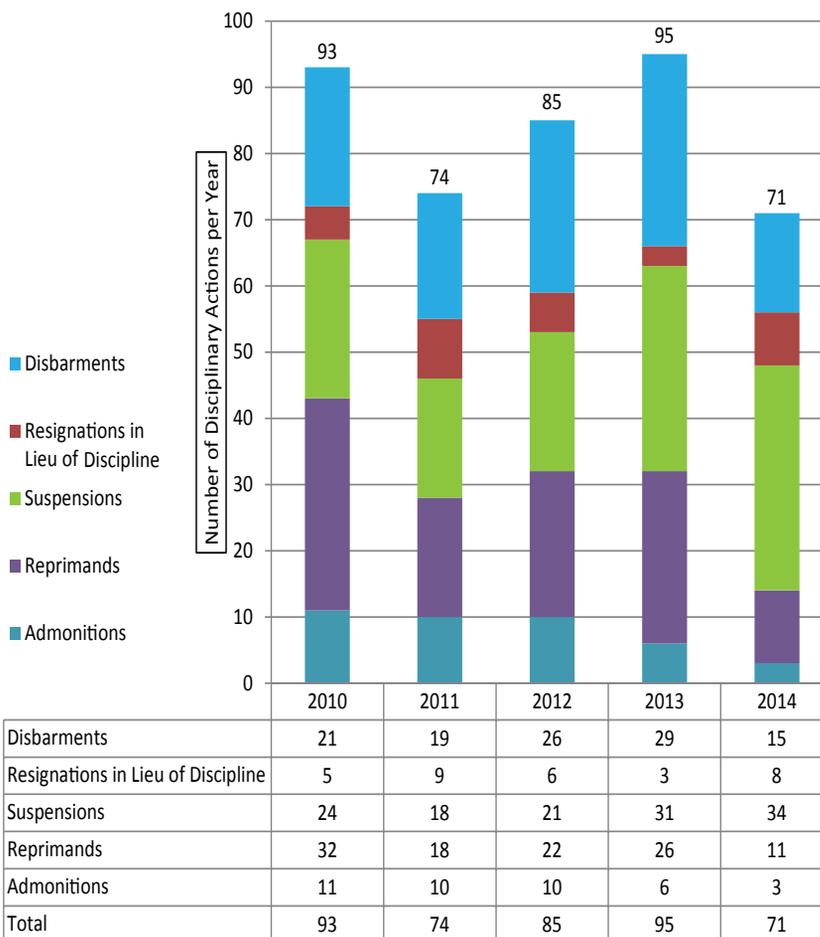
SOURCES OF GRIEVANCES FILED

In 2014, the majority of grievances filed against Washington lawyers originated from current and former clients and opposing clients. Grievances can also be opened in the name of the Office of Disciplinary Counsel when potential ethical misconduct comes to the attention of disciplinary counsel by other means.

DISCIPLINARY ACTIONS

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 2014, 31 matters were referred to diversion.

In 2014, 71 lawyers were disciplined. The chart below tracks the number of disciplinary actions imposed over the last five reporting years.



DISCIPLINARY ACTIONS 2010-2014

LAWYER DISABILITY MATTERS

Special procedures apply when there is 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 within the discipline system, but under a distinct set of procedural rules. In some cases, counsel must be appointed for the respondent lawyer at WSBA expense. In disability cases, upon a determination that the respondent lawyer does not have the capacity to practice law, there is a transfer to disability inactive status.

In recent years, the number of lawyers transferring to disability inactive has increased. In 2014, eight lawyers were transferred to disability inactive status based on an incapacity to practice law.

Resources

For more information on the lawyer discipline system, go to www.wsba.org and follow the Licensing & Lawyer Conduct heading. To view the full 2014 Disciplinary System Annual Report, go to <http://bit.ly/2014disreport>. **NWL**