

# 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 WSBA's Office of Disciplinary Counsel (ODC) and 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 2022 Discipline System Annual Report.

**MORE ONLINE**

For more information on the WSBA discipline system go to [www.wsba.org](http://www.wsba.org). To view the full 2022 Discipline System Annual Report, go to [bit.ly/3PfrulH](http://bit.ly/3PfrulH).

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.



BY THE NUMBERS > PART II

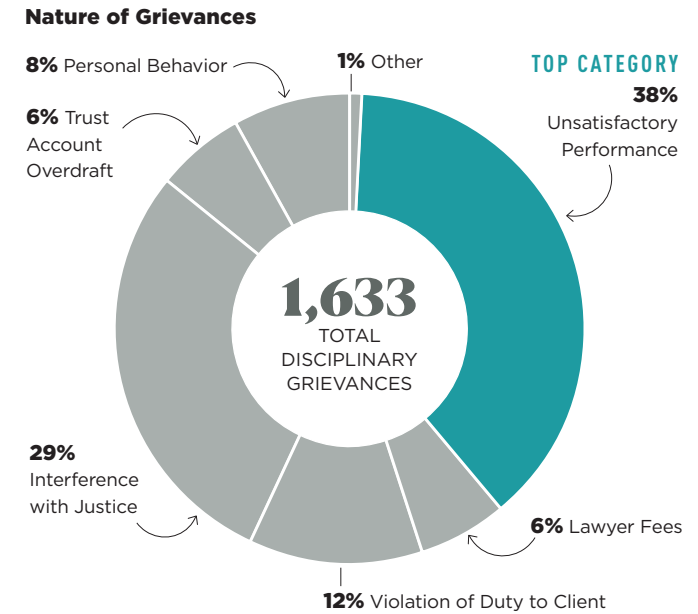


### A CLOSER LOOK

## Number and Nature of Grievances

ODC's intake staff receives all phone inquiries and written grievances and conducts the initial review of every grievance.<sup>1</sup> 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 2022, ODC received 1,633 grievances.

**NOTE**  
1. Conflicts Review Officers perform this review when required by ELC 2.7. In some cases not subject to ELC 2.7, initial review is assigned to independent Special Disciplinary Counsel under ELC 2.8(b).



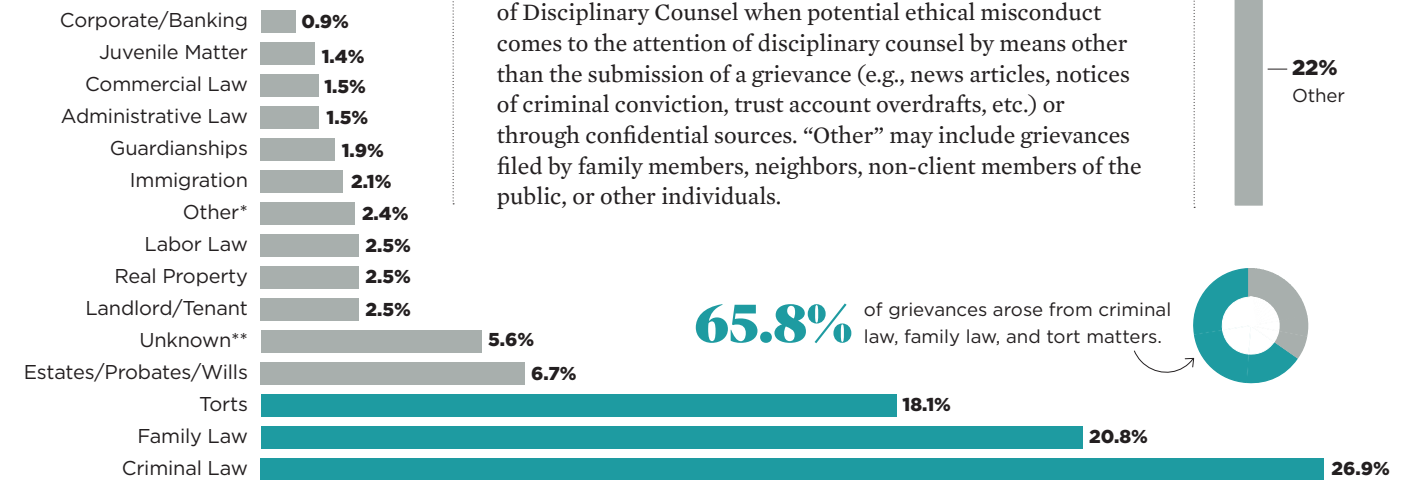
*NOTE: "Interference with justice" may include improper contacts with represented parties or judicial officers and misrepresentations to the court. "Personal behavior" may include criminal law violations and other conduct not necessarily related to the practice of law.*

## Grievance Filings in Detail

In 2022, 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.

### Practice Areas of Grievances

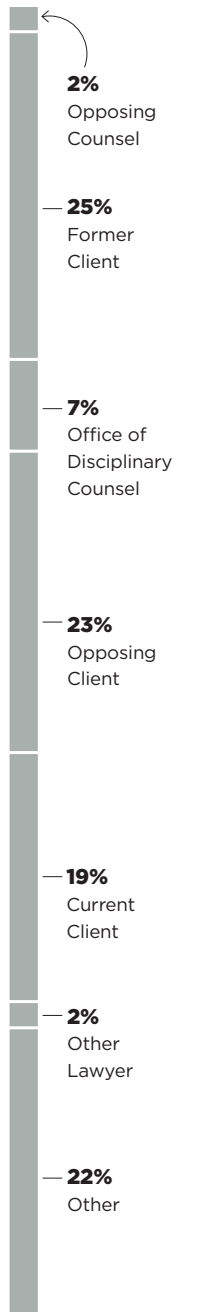
Top 15 (by highest percentage)



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



### Sources of Grievances Filed



**65.8%** of grievances arose from criminal law, family law, and tort matters.

BY THE NUMBERS  
PART I

**33,537**  
Actively Licensed Lawyers

**23**  
Public Formal Complaints Filed

**9**  
Disciplinary Hearings

**36**  
Disciplinary Actions Imposed

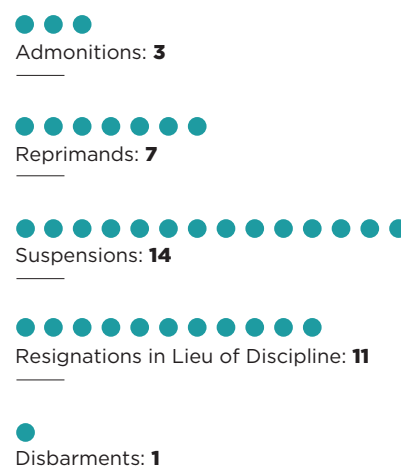
**55**  
Disciplinary/Disability Proceedings Opened

**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 2022, 12 matters were referred to diversion.

In 2022, 35 lawyers were disciplined and one lawyer had more than one disciplinary action, for a total of 36 disciplinary actions.

**Disciplinary Actions**  
36 TOTAL



**BY THE  
NUMBERS >**  
PART III

**21**  
Programs were held on discipline and professional conduct where ODC lawyers and auditors appeared as speakers.



**2,100**  
Calls providing ethics advice were fielded by Professional Responsibility Program staff in fiscal year 2022.



**41**  
Ethics education programs were held around the state, including live, webinar, and webcast events.



**OTHER COMPONENTS**

**Adjunct Disciplinary  
Counsel Panel**

The Adjunct Disciplinary Counsel (ADC) Panel is established by Rule 2.9 of the Washington Supreme Court’s Rules for Enforcement of Lawyer Conduct (ELC). Under ELC 5.3(c), disciplinary counsel may assign a grievance to an ADC for investigation under the supervision of the Office of Disciplinary Counsel. In addition, members of the ADC Panel may be called upon to serve as volunteers in the discipline system in a variety of other capacities.

In 2022, the ADC Panel was comprised of 36 volunteer lawyer members who assisted ODC in the review of 14 matters.

> **MORE ONLINE:** Scan the QR code to learn more about the ADC Panel, or visit [www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Adjunct-Disciplinary-Counsel-Panel](http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Adjunct-Disciplinary-Counsel-Panel).



**LPO and LLLT 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 2022, there were 793 LPOs and 76 LLLTs actively licensed to practice. In 2022, the WSBA received 10 disciplinary grievances against LPOs and four disciplinary grievances against LLLTs. Also, one disciplinary action was imposed against an LPO in 2022.

**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 2022, four lawyers were transferred to disability inactive status based on an incapacity to practice law. **BN**