

WASHINGTON STATE
BAR ASSOCIATION
Office of the Executive Director
Terra Nevitt

October 14, 2020

Hon. Debra L. Stephens
Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: New Rules for Discipline and Incapacity (RDI)

Dear Chief Justice Stephens:

Enclosed for the Court's consideration is a GR 9 cover sheet for the suggested new procedural rules for Washington State's discipline and incapacity system, to be known as the Rules for Discipline and Incapacity (RDI). If adopted, the suggested RDI would supersede and rescind the current disciplinary procedural rules, the Rules for Enforcement of Lawyer Conduct (ELC). The rules would also supersede and rescind the Rules for Enforcement of Limited License Legal Technician Conduct (ELLTLC) and the Rules for Enforcement of Limited Practice Officer Conduct (ELPOC).

As approved in concept by the Washington Supreme Court in June 2017, the suggested RDI create a single-portal, multi-license-type discipline and appeals system. Substantial effort was made to streamline the rules and create system efficiencies while retaining meaningful volunteer involvement in disciplinary procedures. The suggested RDI establish a professionalized adjudicative system and create one set of disciplinary procedural rules for all license types.

If the suggested RDI are adopted, conforming amendments are necessary to other sets of rules that either cross-reference or give effect to the ELC, ELLTLC, or ELPOC. These amendments are largely technical in nature, although some are substantive, and are submitted for adoption simultaneously by separate GR 9.

We appreciate the Court's consideration of the suggested RDI and suggested conforming amendments.

Sincerely,



Terra Nevitt
Executive Director

Enclosures:

- GR 9 Cover Sheet with Suggested Rules for Discipline and Incapacity
- GR 9 Cover Sheet with Suggested Conforming Amendments related to the Rules for Discipline and Incapacity



cc (w/enclosures):

Hon. Charles W. Johnson, Chair, Supreme Court Rules Committee

Douglas J. Ende, WSBA Chief Disciplinary Counsel

Julie Shankland, WSBA General Counsel

Shannon Hinchcliffe, Administrative Office of the Courts