Maths and Business

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. The Washington Supreme Court has exclusive responsibility and inherent authority over regulation of the practice of law in Washington. 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. ODC’s intake staff receives all phone inquiries and written grievances and conducts initial review of grievances. 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.

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 admission 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

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actively Licensed Lawyers</td>
<td>32,573</td>
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<tr>
<td>Grievance Files Opened</td>
<td>1,681</td>
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<tr>
<td>Public Formal Complaints Filed</td>
<td>46</td>
</tr>
<tr>
<td>Disciplinary Hearings</td>
<td>6</td>
</tr>
<tr>
<td>Disciplinary Actions Imposed</td>
<td>56</td>
</tr>
</tbody>
</table>

A CLOSER LOOK

Number & Nature of Grievances

ODC’s intake staff receives all phone inquiries and written grievances and conducts initial review of grievances. 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. Contacts: Review Officers perform this review when required by ELC 2.7.

In 2019, the most common grievance allegations against Washington lawyers related to unsatisfactory performance and interference with the administration of justice.

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 overdraws, etc.) or through confidential sources. “Other” may include grievances filed by family members, neighbors, non-client members of the public, or other individuals.

NOTE: “Unknown” captures 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.
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.

### 2019 WSBA Discipline System Annual Report

**A CLOSER LOOK**

**Disciplinary Actions Taken**

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

<table>
<thead>
<tr>
<th>Action Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admonitions</td>
<td>3</td>
</tr>
<tr>
<td>Reprimands</td>
<td>16</td>
</tr>
<tr>
<td>Suspensions</td>
<td>20</td>
</tr>
<tr>
<td>Resignation in Lieu of Discipline</td>
<td>5</td>
</tr>
<tr>
<td>Disbarments</td>
<td>12</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>56</td>
</tr>
</tbody>
</table>

**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](http://www.wsba.org).