

WASHINGTON STATE BAR ASSOCIATION



LAWYER DISCIPLINE IN WASHINGTON

The Washington State Bar Association (WSBA) is the licensing organization for lawyers in Washington State. It is funded by fees its members pay. The Washington State Supreme Court regulates lawyer conduct and delegates authority to the WSBA's Office of Disciplinary Counsel to review complaints (grievances) against lawyers. Below are frequently asked questions about the grievance process. We answer additional questions on www.wsba.org.

What does it mean to file a grievance?

When you file a grievance, you are accusing a lawyer of unethical conduct. Before you file a grievance, try to resolve your dispute directly with the lawyer. If you are a client, a lawyer may refuse to continue to represent you after you file a grievance and you may need to find a new lawyer. We cannot represent you or give you legal advice.

How do I file a grievance?

All grievances must be in writing. We prefer that you use our grievance form, which contains additional instructions. You may submit your grievance online using our electronic grievance form; or mail, deliver or fax your grievance to us. We do not accept grievances over the phone. You may file a grievance at any time. There is no fee to file a grievance.

How can you help me file a grievance?

If you have a disability and need help writing your grievance, please call us and we will take reasonable steps to accommodate you. You must submit your grievance in English. We cannot help you decide whether you should file a grievance.

Will the lawyer know that I filed a grievance?

Yes. We will provide your grievance to the lawyer, and we may provide it to others if your grievance is investigated. Please call us **before** you file a grievance if you have a question about confidentiality.

Is a grievance public information?

Your grievance is not public information when you file it, but all information related to your grievance may become public. Please call us **before** you file a grievance if you have a question about confidentiality.

What happens after I file a grievance?

Disciplinary counsel reviews your grievance to decide what, if any, action to take. We will send you information after our initial review within two weeks of filing your grievance. If we review your grievance and decide to dismiss it, we will tell you why. If we ask the lawyer to respond to your grievance, generally you will receive a copy of the lawyer's response and have time to reply.

What are matters that disciplinary counsel might not investigate?

Here are some examples:

Errors in judgment: Disagreements about the way a case should be handled, or a mistake.

Rude behavior: Conduct that you think is rude or discourteous, or poor customer service.

Opposing lawyer: Conduct that has a negative impact on you but does not involve an ethical violation.

Personal matters: Disputes with neighbors, creditors, or spouses.

What can I do if my grievance is dismissed?

If your grievance is dismissed, you can request review by a review committee of the Disciplinary Board, which consists of both lawyers and non-lawyers. You must request review in writing, and mail or deliver your request to us within 45 days of the dismissal date. If your grievance is dismissed, we typically destroy the file three years after the original dismissal.

What happens if I request review of my dismissed grievance?

A review committee can consider disciplinary counsel's dismissal of a grievance and uphold the dismissal, order further investigation, or order other action. This process can take several months, but we encourage you to send us additional information promptly. A review committee makes a decision based on the documents submitted and then issues an order without a detailed explanation. Neither you nor the lawyer can attend a review committee meeting, and the review committee's deliberations are not public. The decision of a review committee cannot be appealed.

What happens if you investigate my grievance?

If we investigate your grievance, we gather additional information. We cannot predict how long it will take to complete the investigation. After investigation, disciplinary counsel may dismiss your grievance or recommend that a review committee of the Disciplinary Board order an admonition or hearing.

What is public discipline?

A final determination that a lawyer violated the Rules of Professional Conduct may lead to public discipline. Public discipline includes disciplinary sanctions (which result in a permanent public disciplinary record) and admonitions (which result in a temporary public disciplinary record). Disciplinary sanctions are reprimands, suspensions from the practice of law (up to three years), and disbarments. Only the Supreme Court can suspend or disbar a lawyer. A suspended or disbarred lawyer cannot practice law.