

Snapshot of the 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 Office of Disciplinary Counsel (ODC), the WSBA's 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 2018 Discipline System Annual Report, which is now available on the WSBA website at www.wsba.org.

HOW IT WORKS

BY THE NUMBERS

Structure of the Lawver Discipline and Disability System

WSBA Office of Disciplinary Counsel

 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 disciplinesystem adjudicators

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. Consistent with the Supreme Court's mandate in General Rule 12.2, the WSBA administers 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 Washington Supreme Court's Disciplinary Board and hearing officers, which are administered by OGC.

Hearing	Disciplinary
Officers	Board
(Administered	(Administered
by OGC)	by OGC)
 Conduct evidentiary hearings and other proceedings Conduct 	 Reviews recommen- dations for proceedings and disputed dismissals
settlementconferencesApprove	 Serves as intermediate appellate body
stipulations to	 Reviews
admonition and	hearing records
reprimand	and stipulations

Washington Supreme Court

• Administers the system Conducts

final appellate review • Orders

sanctions. interim suspensions, and reciprocal discipline



SUPREME COURT **OPINIONS**

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. 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.

Taxation

Traffic Offenses

Collections

Other**

Labor Law

Bankruptcy

Immigration

Real Property

Unknown***

Family Law

Criminal Law

Torts

Foreclosures

Guardianships

Juvenile Matters

Landlord / Tenant

Commercial Law

Patent / Trademark

Administrative Law

Estates / Probates / Wills

Corporate / Banking

Contracts / Consumer Law

Workers / Unemployment Comp

and Public Inquiries in 2018

1,965 2,011

Disciplinary Grievance Files Opened

32 Other

699

Nature of

0.1% 0.5% 0.7% 0.7% 0.8% Practice Area 0.8% of Grievances 0.9% 1.0% NOTE: **Other reflects those 1.1% practice areas that arise 1.3% too infrequently to capture 1.3% individually. ***Unknown 1.7% captures those grievances where there was too little 1.7% information to determine 2.5% 3.0% 3.8% 4.8% 5.0% 5.0% 5.5%

21 16.7% 24.1% Sources of Grievances Former Opposina Current Filed Client Client Client

Disciplinary Grievances, Informally Resolved Matters,

Disciplinary Grievances Resolved*

Non-Communication Matters Informally Resolved

142

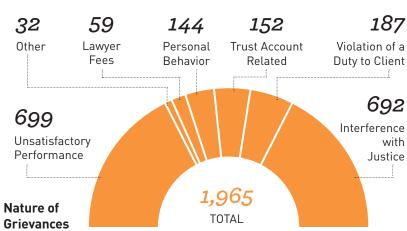
File Disputes Informally Resolved

61

4.451

Public Inquiries Phone Calls, Emails. and Interviews

NOTE: *Includes all grievances that closed during the calendar year, including, but not limited to, grievances that were dismissed in intake or after investigation and those for which disciplinary action was imposed.



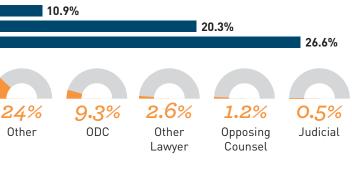
The most common grievance allegations against Washington lawyers related to unsatisfactory performance and interference with the administration of justice.

Received

a practice area.

Grievance Filings in Detail

In 2018, most of the grievances arose from criminal law, family law, and tort matters. 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.





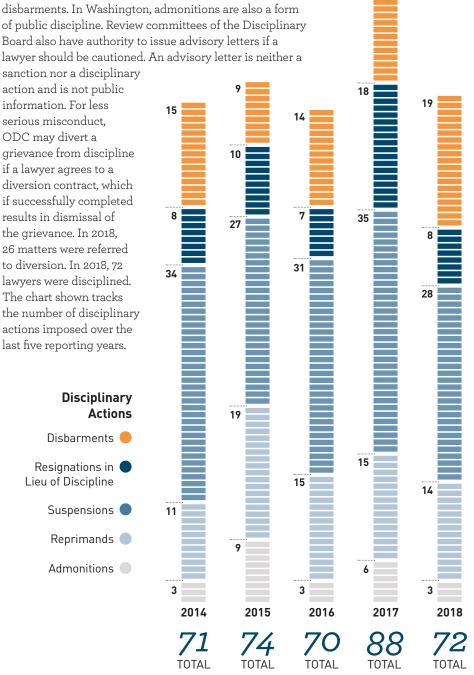
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Disciplinary Actions Taken

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

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 2018, 26 matters were referred to diversion. In 2018, 72 lawyers were disciplined. The chart shown tracks the number of disciplinary actions imposed over the last five reporting years.



OTHER COMPONENTS

Lawyer Disability Matters

To view the full

2018 Discipline

System Annual

Report, go to

http://bit.ly/

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2018-Discipline

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 2018, eight lawyers were transferred to disability inactive status on an incapacity to practice law.

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 2018, there were 814 LPOs and 35 LLLTs actively licensed to practice. In 2018, the WSBA received three disciplinary grievances against LPOs, with one LPO voluntarily canceling her license in lieu of revocation. In 2018, the WSBA received three disciplinary grievances against LLLTs. 🌑

RESOURCES

For more information on the discipline system, go to www.wsba.org.