



WSBA

WASHINGTON STATE BAR ASSOCIATION

DISCIPLINARY ADVISORY ROUND TABLE (DART) 2010 – 2011

Meeting Minutes September 15, 2010

Members present: Hon. Tom Chambers (Chair), Susan Bergman, Jennifer Cannon-Unione, Doug Ende, Roger Leishman, Paula Littlewood, Leslie Peterson, Elizabeth Turner, Dayna Underhill, and Darlene Neumann (Staff Liaison)

The meeting began at 1:08 p.m.

Welcome and Introductions

The Chair, Justice Chambers, welcomed everyone to the meeting. Members went around the table and introduced themselves.

Overview of WSBA Discipline System

After the introductions, the Chair remarked that it was important to begin with an understanding of the disciplinary process so that everyone would be on the same page. Elizabeth Turner, WSBA Office of General Counsel (OGC), and Doug Ende, WSBA Chief Disciplinary Counsel (ODC), proceeded to give a comprehensive, detailed overview of the lawyer disciplinary system in Washington. Using flowcharts and other written materials distributed at the start of the meeting, Ms. Turner and Mr. Ende discussed and answered questions from members regarding various aspects of the disciplinary process. Written materials included the Structure of the Lawyer Discipline System, the Lawyer Discipline System Annual Report (2009), and the Washington Lawyer Discipline Manual (2010). Members also offered insights and comparisons to other state bars' disciplinary processes.

Discussion

The Chair discussed the 2006 ABA audit of Washington's lawyer disciplinary system and the committee convened by the WSBA Board of Governors (known as the Discipline Review Committee) to review and evaluate the ABA's recommendations. The Chair reported the ABA audit found the system in Washington to be very good overall. However, one recommendation called for the disciplinary system to be more independent from the WSBA, for the state Supreme Court to exercise more direct control over the discipline system, and for the creation of an independent oversight committee for the discipline system. The subcommittee that looked at this particular recommendation suggested creating a discussion forum to provide an opportunity for the state Supreme Court and other participants in the discipline system to discuss issues and

concerns about the discipline system. Based upon that recommendation, the current “Round Table” was formed.

The Chair asked for input from members on to how they might begin their task. Ms. Underhill suggested they begin by reviewing the ABA audit and the report of the Discipline Review Committee as adopted by the BOG. The members also indicated a presentation from the ELC Taskforce, which is currently working on a revision of the Rules for Enforcement of Lawyer Conduct based on recommendations made by the Discipline Review Committee, would be very helpful.

Members discussed a schedule of future meetings and agreed to change the group’s acronym from “DAR” to “DART”. The staff liaison will send out a meeting schedule and copies of the Discipline Review Committee’s report adopted by the BOG last year. This report is the WSBA’s response to the ABA’s recommendations.

Adjournment

The meeting adjourned at 3:12 p.m.