



WSBA

WASHINGTON STATE BAR ASSOCIATION

DISCIPLINARY ADVISORY ROUND TABLE (DART)

Meeting Minutes

April 29, 2016

Members present: The Hon. Charles Wiggins (Chair), Julie Anderson, Stephanie Bloomfield, Andrew Bohrsen (phone), Michele Carney, Doug Ende, James Horne, Paula Littlewood, Leland Ripley, G. Kim Risenmay, Jacky Sabin, Julie Shankland, Patrick Sheldon, and Darlene Neumann (Staff Liaison). Member Jerry R. Ford was excused.

Also in attendance was Jean McElroy, WSBA General Counsel/Chief Regulatory Counsel

The meeting began at 1 p.m.

Welcome and introductions were made around the table, including over the telephone.

I. Minutes

There were no corrections to the minutes from the last meeting, therefore the minutes were deemed approved.

II. Regulation of Legal Professionals

Paula Littlewood presented a PowerPoint on the WSBA's role in the regulation of legal professionals. Ms. Littlewood discussed the large percentage of lawyers that are expected to transition out from practice over the next 5-10 years and the Bar's mission, organizational structure, the different entities, and funding through member licensing fees. She discussed a change from the use of "lawyer" to "legal professionals" in the Bar's vernacular to include others admitted and licensed to practice law in Washington: Limited Practice Officers (LPO) and Limited License Legal Technicians (LLLT). Ms. Littlewood discussed what these changes will mean for the Bar in terms of oversight and regulation of the legal services market.

III. Lawyer Discipline System

Doug Ende provided an overview of the lawyer discipline system in Washington. He discussed the history of lawyer regulation, the present discipline structure and key players, the procedural process and the role of the Office of Disciplinary Counsel (ODC). DART members were given a

copy of the 2016 Washington Lawyer Discipline Manual and the annual Lawyer Discipline Report prepared by ODC.

Julie Shankland followed up with an introduction and discussion of Hearing Officers, the role of the Disciplinary Board, the Review Committees and their work. She noted that Washington's system, like most in the U.S., is dependent on volunteer adjudicators, though there are exceptions such as California. Ms. Shankland and Mr. Ende discussed the various types of disciplinary actions and sanctions available in the lawyer disciplinary system.

IV. Coordinated Regulatory Licensing System

Paula Littlewood discussed the goal of creating a coordinated regulatory system that would handle admissions, licensing, and discipline of lawyers, LPOs, and LLLTs. The concept was recently presented to the Supreme Court and bar staff will follow up with other stakeholders. Ms. Littlewood gave an overview of the history of the regulation of the practice of law in Washington.

Today there are three, separate regulatory systems for lawyers, LPOs, and LLLTs. All are administered and managed by WSBA and they each accomplish the same goal—to license and regulate their respective professions. In an effort to make the system more efficient, WSBA is working towards combining the three systems. Jean McElroy discussed the number of pathways to licensure for each group with each having its own set of rules, applications, and requirements. Doug Ende discussed similar issues affecting the disciplinary system: the existence of three, separate systems for the LLLT Board, the Disciplinary Board, and the LPO Board. He explained how the systems are analogous but different, and how they are mostly separate but overlap in some respects.

Mr. Ende discussed ideas for centralizing the different systems to increase efficiency such as hiring full-time adjudicators, similar to court commissioners, instead of using volunteers, or creating a central regulatory adjudicator under the direct supervision of the court. It was observed that professional lawyer-adjudicators may lack expertise in issues concerning the specialized limited license legal professionals.

V. Adjournment

The meeting adjourned at 3:10 p.m.