

STRUCTURE OF THE WSBA LAWYER DISCIPLINE AND DISABILITY SYSTEM

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 12.1, 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 WSBA's lawyer discipline functions are discharged primarily through the Office of Disciplinary Counsel (ODC), the Disciplinary Board, and hearing officers as described below.

SUPREME COURT

- Has exclusive responsibility to administer the discipline and disability system
- Conducts final appellate review of disciplinary and disability proceedings
- Orders all suspensions and disbarments, interim suspensions, and reciprocal discipline

DISCIPLINARY BOARD

- Reviews recommendations for disciplinary action, disability proceedings, and reviews dismissal through its review committees
- Serves as intermediate appellate body
- Reviews hearing records and stipulations

HEARING OFFICERS

- Conduct evidentiary hearings and other proceedings
- Conduct settlement conferences
- Approve stipulations to admonition and reprimand

OFFICE OF DISCIPLINARY COUNSEL

- 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

Annually, the Washington State Bar Association publishes a report on Washington's discipline system. The report summarizes the activities of the system's constituents, including the Office of Disciplinary Counsel (ODC), the Disciplinary Board, hearing officers, and the Lawyers' Fund for Client Protection. The report also provides statistical information about lawyer discipline and discipline for limited licenses in Washington for the calendar year. These pages provide an informal overview of the 2015 Discipline System Annual Report, which is now available on the WSBA website.

Number and Nature of 2015 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. In 2015, ODC received more than 2,000 grievances.

2015 BY THE NUMBERS

31,126*	WASHINGTON ACTIVE LICENSED LAWYERS
2,081	GRIEVANCE FILES OPENED
980	FILES CLOSED IN INTAKE
1,699	FILES INVESTIGATED
43	FORMAL CHARGES FILED
18	DISCIPLINARY HEARINGS
74	DISCIPLINARY ACTIONS IMPOSED
2	SUPREME COURT PUBLISHED OPINIONS

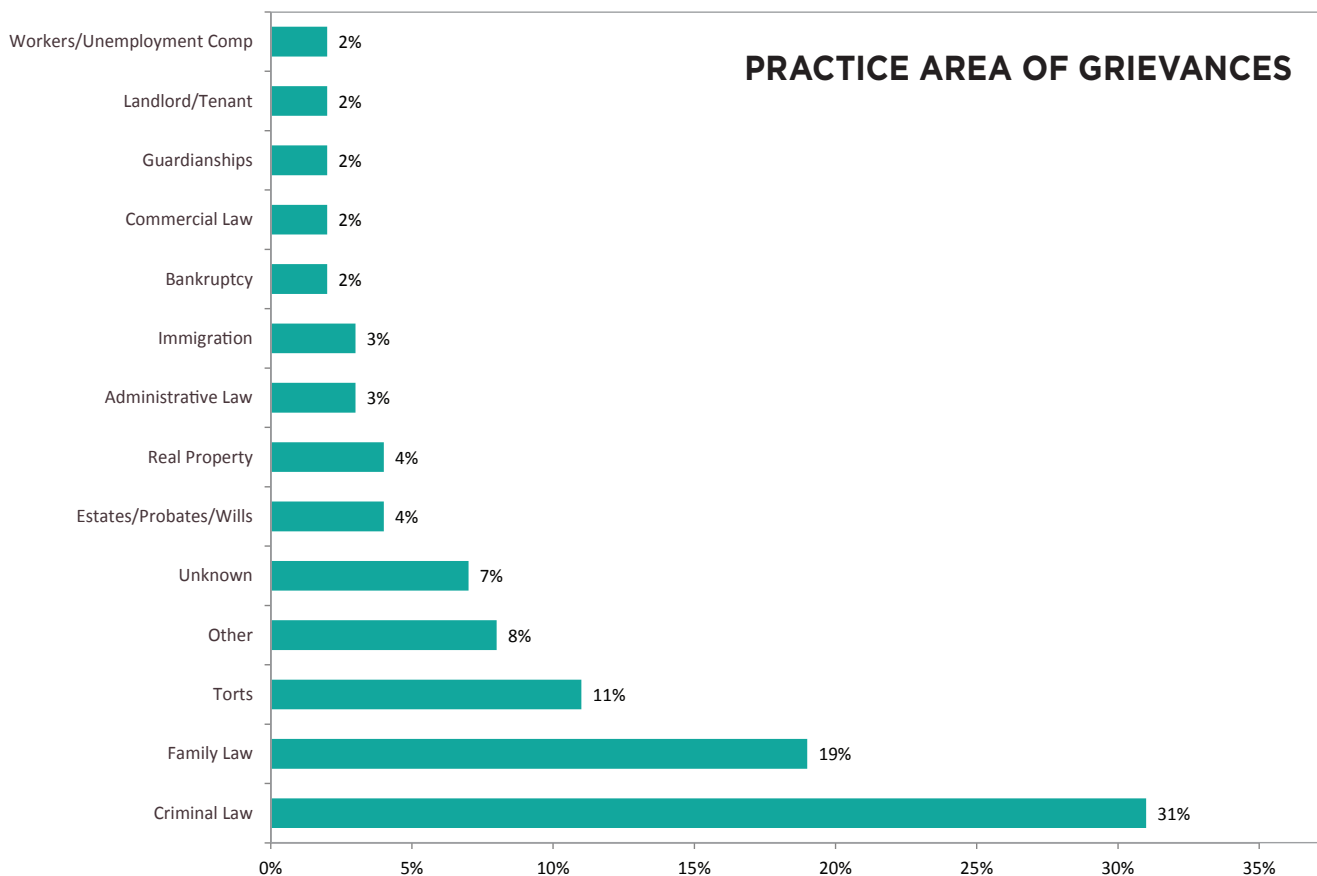
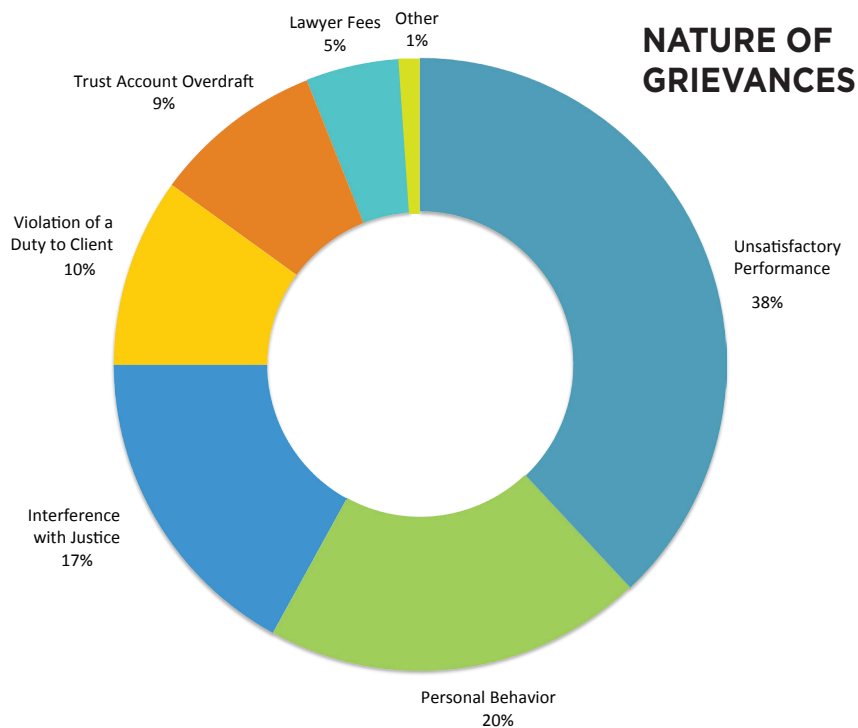
*Number of licensed lawyers as of June 30, 2015

DISCIPLINARY GRIEVANCES, MEDIATED MATTERS, AND CONSUMER AFFAIRS CONTACTS IN 2015

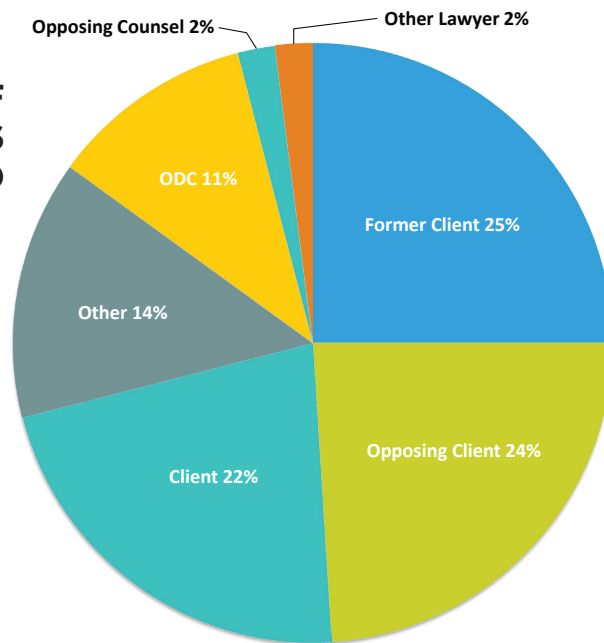
Disciplinary Grievances Received	2,081
Disciplinary Grievances Resolved	2,180
Non-Communication Matters Mediated	102
File Disputes Mediated	59
Consumer Affairs Phone Calls, Emails, and Interviews	6,485

In 2015, the most common grievance allegations against Washington lawyers related to unsatisfactory performance, personal behavior concerns, and interference with the administration of justice.

In 2015, 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. Most grievances arise from criminal law, family law, and tort matters.



SOURCES OF GRIEVANCES FILED

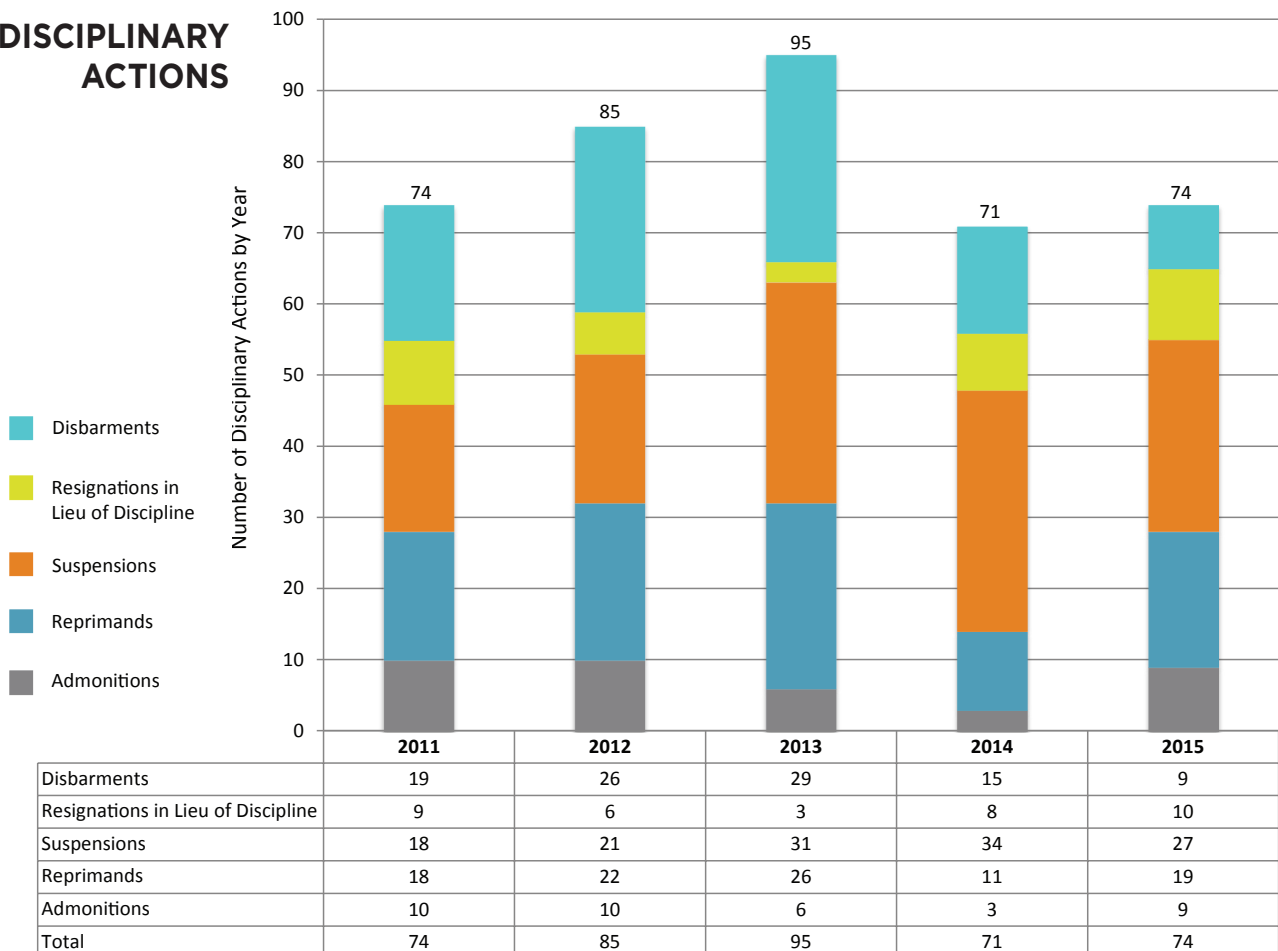


Disciplinary Actions

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 lawyer should be cautioned. An advisory letter 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 2015, 28 matters were referred to diversion.

In 2015, 74 lawyers were disciplined. The chart below tracks the number of disciplinary actions imposed over the last five reporting years.

DISCIPLINARY ACTIONS



Lawyer Disability Matters

Special procedures apply when there is 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 respondent lawyer must have counsel appointed at the WSBA's expense. In disability cases, a determination that the respondent lawyer does not have the capacity to practice law results in a transfer to disability inactive status. In recent years, the number of transfers to disability-inactive status has increased. In 2015, nine lawyers were transferred to disability inactive status based on an incapacity to practice law.

Limited Licenses and the Discipline System

The Washington Supreme Court regulates two licenses authorizing the limited practice of law: limited practice officers (LPOs) and limited license legal technicians (legal technicians). A Washington Supreme Court-mandated regulatory board oversees each limited license. Each licensee is subject to license-specific admission and practice rules, rules of professional conduct, and disciplinary procedural rules. The WSBA administers a discipline system for each of these licenses. At the end of 2015, there were 768 LPOs and nine legal technicians actively licensed to practice. In 2015, the WSBA received three disciplinary grievances against LPOs and one disciplinary action was imposed. In 2015, the Supreme Court licensed the first legal technicians, and the WSBA did not receive any grievances.

Resources

For more information on the lawyer discipline system and to read the full 2015 Discipline System Annual Report, go to www.wsba.org and follow the Licensing & Lawyer Conduct heading. To view the full 2015 Discipline System Annual Report, go to <http://bit.ly/wsba2015discreport>. **NWL**

Let us hear from you! We welcome letters to the editor on issues presented in the magazine. Email letters to nwlawyer@wsba.org. NWLawyer reserves the right to edit letters for clarity and space. NWLawyer does not print anonymous letters or more than one submission per month from the same contributor.

Supporting Women Lawyers

Thank you for featuring Linda Fang's thoughtful and highly personal article "Keeping Women in the Profession" on the cover of the April/May issue, and highlighting many of the challenges faced by women and mothers who practice law. We write to share some resources available to all who seek to improve the retention of women attorneys in Washington.

We are fortunate to have two strong organizations in our state that provide guidance and tools to help support women lawyers, and are committed to the success of women in the law: Washington Women Lawyers (www.wwl.org) and the Mother Attorneys Mentoring Association of Seattle (www.mamaseattle.org).

Both of these nonprofit groups offer an array of regular meetings, CLEs, panel discussions, cocktail hours and lunch seminars, all of which provide a platform for women lawyers to connect with each other — and male colleagues of the bar — for networking, mentoring, training, referring business, and brainstorming.

WWL's eleven chapters throughout the state host regular gatherings, so women attorneys can develop relationships with other practitioners in their regions. MAMA Seattle offers monthly "kid-friendly" networking events on weekends, so parents can combine family fun time with business/client relationship building. With the advent of websites, social media, online platforms such as LinkedIn, and a list serve hosted on the BigTent.com platform, women at-

torneys from across the state can share insights, post and answer questions (anonymously, if desired), exchange referrals, and create solutions to commonly experienced challenges.

Frequent topics of discussion, online and at meetings, include practical guidance and strategies to help women get career building assignments to high profile matters, understand compensation models and law firm economics to make more effective and strategic choices, build their own books of business, and uncover and counteract pernicious pay inequality and bias. WWL and MAMA Seattle members also share information on parental leave policies and the importance of finding and nurturing "champions" who will actively promote women attorneys to their clients, supervising attorneys and firm management.

Some of our strongest supporters are male colleagues who strive for fulfilling, engaging, and durable careers and manageable work/life/family balance, as well as law firm leaders of both genders who see the significant financial cost of losing women attorneys after years of investment in their growth and development. We encourage all members of the bar to attend WWL or MAMA Seattle events, to consider what law firm or department policies and procedures might need to change to help correct imbalances, and to consider how to promote, encourage, train, and retain the women lawyers in your midst. We are all needed to serve the people of our state.

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CORRECTIONS

"Annual WSBA Discipline Report Snapshot" (JUN 2016 NWLawyer): The Annual Report inadvertently underreported Files Closed in Intake when the report was initially published. In June 2016, the figure was amended to 1,302, representing all files closed in intake during 2015.

In the OnBoard article in the JUN 2016 NWLawyer, the photograph related to Local Hero Award recipient Michael Young pictured his nominator, attorney Brian Considine.