



WASHINGTON DISCIPLINE SYSTEM
2018 Annual Report

WASHINGTON STATE
BAR ASSOCIATION

WASHINGTON DISCIPLINE SYSTEM

2018 Annual Report

EDITORIAL STAFF

Thea Jennings

Disciplinary Program Manager

Rachel Agent

Discipline Systems Analyst Paralegal



WASHINGTON STATE BAR ASSOCIATION

1325 4th Avenue | Suite 600

Seattle, WA 98101-2539

www.wsba.org

Table of Contents

Executive Summary	1
The Discipline System	3
Structure of the Lawyer Discipline System	3
The Office of Disciplinary Counsel	4
Review Committees of the Disciplinary Board	4
Hearing Officers	4
Disciplinary Board	5
Washington Supreme Court	5
2018 by the Numbers	6
Lawyer Grievance and ODC Statistics	7
Disciplinary Grievance Statistics	7
Diversion	9
Auditor Activities	10
Lawyer Hearings and Appeals	11
Review Committees	11
Hearing Officers	11
Disciplinary Board	12
Washington Supreme Court	12
Final Outcomes in Lawyer Discipline Cases	13
Disciplinary Actions	13
Ethics Rules Violations	15
Lawyers Disciplined	16
Other Components of the Discipline System	17
Other Conditions of Discipline	17
Lawyer Disability Matters	17
Client Protection Fund	18
Funding the Discipline System	19
Other Licensed Legal Professionals and the Discipline System	20
Statistical Information	21
Limited License Practitioners Disciplined	21
Coordinated Disciplinary and Regulatory Proceedings Initiative	22

Executive Summary

The Washington State Bar Association (WSBA, Bar) is pleased to present the 2018 Discipline System Annual Report.¹ This report is published to increase publicly available information about the operations of Washington's lawyer and limited license practitioner discipline system.

The Washington Supreme Court has exclusive responsibility to administer the discipline system, many aspects of which are delegated by court rule to the WSBA. Consistent with the Supreme Court's mandate in [General Rule \(GR\) 12.2](#), the WSBA administers an effective system of discipline to fulfill its obligations to protect the public and ensure the integrity of the profession. The WSBA's lawyer discipline functions are discharged primarily by the WSBA's Office of Disciplinary Counsel (ODC), the WSBA's Office of General Counsel (OGC), the Washington Supreme Court's Disciplinary Board, and Washington Supreme Court-appointed hearing officers. The WSBA discipline functions for limited licenses to practice law are discharged by ODC and the WSBA's Regulatory Services Department (RSD), each license's respective Supreme Court regulatory board, OGC, and Washington Supreme Court-appointed hearing officers. Key components include:

- Reviewing and investigating allegations of ethical misconduct and incapacity;
- Prosecuting violations of the applicable ethical rules;
- Seeking and approving the transfer of practitioners to disability inactive status;
- Addressing less serious matters with diversion;
- Informing the public about licensed legal professionals, the legal system, and means to address difficulties involving lawyers and other licensed legal professionals;
- Informally resolving non-communication issues and file disputes (disputes regarding a client's request for his or her client file);
- Administering a random examination program to assess trust account compliance and to educate practitioners on the proper handling of client funds held in trust;
- Administering the Client Protection Fund;
- Educating practitioners about the discipline system and their ethical responsibilities; and
- Participating in the development and improvement of the law of ethics and discipline.

This report summarizes the WSBA's efforts in these areas and highlights accomplishments from the 2018 calendar year.

¹ For purposes of this report, references to "the discipline system" encompass both the discipline and disability systems.

The WSBA administers an effective system of discipline to fulfill its obligations to protect the public and ensure the integrity of the profession.

Effective September 1, 2018, the Washington Supreme Court adopted amendments to the Rules of Professional Conduct (RPC). Among other changes, the amendments clarified that fully independent offices of public defender agencies qualify as independent law firms for conflict of interest purposes, and added veterans and members of the military to the anti-discrimination and anti-prejudice provisions of the RPC.

The Washington Supreme Court issued four published opinions on lawyer disciplinary matters during the calendar year:

1. **In re Disciplinary Proceeding Against David Carl Cottingham**, 191 Wn.2d 450, 423 P.3d 818 (2018) (lawyer suspended for 18-months for engaging in a five-year long boundary line dispute with his neighbors that involved two lawsuits, four judicial appeals, two administrative appeals, many motions, years of delay, unnecessary waste of judicial resources, and injury to his neighbors);
2. **In re Disciplinary Proceeding Against Russell James Jensen**, 192 Wn.2d 427, 430 P.3d 262 (2018) (lawyer disbarred for engaging in repeated violation of court orders, engaging in frivolous litigation, making misrepresentations to the court, and threatening and harassing represented parties during his own divorce proceedings);
3. **In re Disciplinary Proceeding Against Carllene M. Placide**, 190 Wn.2d 402, 414 P.3d 1124 (2018) (lawyer disbarred for collecting fees from off-the-book clients without informing her employer firms, engaging in dishonest conduct, failing to deposit fees received from clients into a trust account, failing to deliver property to which a third party was entitled, and charging an unreasonable fee); and
4. **In re Disciplinary Proceeding Against William H. Waechter**, 191 Wn.2d 20, 419 P.3d 827 (2018) (lawyer disbarred for, among other violations, converting client funds and forging a client's signature on a check).

In 2018, ODC lawyers and auditors appeared as speakers in 35 programs around the state, at national conferences, and in webinars and webcasts, educating lawyers, law students, and legal professionals on topics of legal ethics, trust account recordkeeping and compliance, and the discipline system.

The WSBA Professional Responsibility Program provides ethics education and outreach to practitioners. In fiscal year 2018, Professional Responsibility Program staff provided ethics advice to 2,786 callers and educated members at 49 programs around the state, including live, webinar, and webcast events. The WSBA Professional Responsibility Program and its staff are distinct from and independent of the discipline system.

The Washington Supreme Court issued four published opinions on lawyer disciplinary matters during the calendar year.

Jointly convened by the WSBA Board of Governors (BOG) and the Washington Supreme Court, the Disciplinary Advisory Round Table serves as a forum for discussing disciplinary issues and prepares annual reports for the Supreme Court and the WSBA Board of Governors. In 2018, the Round Table discussed the concept of coordinating the regulatory and disciplinary systems for all licenses to practice law in Washington to increase efficiency, and evaluated proposed WSBA Bylaw amendments relating to the discipline system.

The Discipline System

The Washington discipline system for lawyers is composed of a number of entities that operate as part of the judicial branch of government under the authority of the Washington Supreme Court. The lawyer discipline system is operated by the WSBA, which administers the investigative and prosecutorial functions separately from the adjudicative functions. ODC oversees the prosecutorial functions. OGC provides administrative and legal support to the hearing officers and the Disciplinary Board, which carry out the adjudicative and decision-making functions. OGC further manages the records for disciplinary proceedings. See [Other Licensed Legal Professionals and the Discipline System](#) later in this Report for details about the discipline system for limited license legal professionals.

Structure of the Lawyer Discipline System

WSBA Office of Disciplinary Counsel (ODC)	<ul style="list-style-type: none">• 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 discipline-system adjudicators
Hearing Officers	<ul style="list-style-type: none">• Conduct evidentiary hearings and other proceedings• Conduct settlement conferences• Approve stipulations to admonition and reprimand
Disciplinary Board	<ul style="list-style-type: none">• Reviews recommendations for proceedings and disputed dismissals• Serves as intermediate appellate body• Reviews hearing records and stipulations
Washington Supreme Court	<ul style="list-style-type: none">• Administers the system• Conducts final appellate review• Orders sanctions, interim suspensions, and reciprocal discipline

The Office of Disciplinary Counsel

ODC is responsible for reviewing, investigating, and prosecuting grievances about the ethical conduct of Washington lawyers and allegations of incapacity to practice law.

ODC has one intake unit, three investigation/prosecution units, one unit of investigators, and one unit of auditors. The intake unit receives inquiries and written grievances and conducts the first review of grievances against lawyers, dismissing some and recommending further investigation of others by ODC investigation/prosecution staff, including disciplinary counsel, investigators, and a support staff of paralegals and administrative assistants. After investigation, disciplinary counsel determine whether grievances should be dismissed or reported to a review committee of the Washington Supreme Court's Disciplinary Board. Some less serious matters are diverted from discipline. Rule 6.2 of the Rules for Enforcement of Lawyer Conduct (ELC) sets forth criteria for determining what conduct may qualify as "less serious misconduct."

Disciplinary counsel prosecute matters ordered to hearing by a review committee of the Disciplinary Board. If a hearing-level decision is appealed, disciplinary counsel briefs and argues the appeal to the Disciplinary Board and, in some cases, the Supreme Court.

ODC is responsible for reviewing, investigating, and prosecuting grievances about the ethical conduct of Washington lawyers.

Review Committees of the Disciplinary Board

Administered by OGC

Four review committees, each composed of two lawyer members and one community representative member of the Disciplinary Board, serve an oversight function in the lawyer discipline system, first to consider grievant appeals of disciplinary counsel dismissals, and second to consider disciplinary counsel recommendations for admonitions or public disciplinary hearings. Among other actions, a review committee may dismiss a matter, order further investigation, issue an admonition, or order a hearing. Review committees also have authority to order a hearing regarding a lawyer's alleged incapacity to practice law. The WSBA's OGC provides staff for legal and administrative support to the four review committees.

Review Committees serve an oversight function in the lawyer discipline system.

Hearing Officers

Administered by OGC

Volunteer hearing officers preside over hearings for disciplinary and disability cases. They receive evidence and issue findings, conclusions, and a recommendation on the discipline to be

Hearing officers preside over hearings for disciplinary and disability cases.

imposed, if any. Hearing officers also conduct settlement conferences in many discipline cases. In disability proceedings, hearing officers make recommendations regarding whether a respondent lawyer should be transferred to disability inactive status. They are also authorized to resolve cases by approving stipulations to reprimand, admonition, or dismissal. A Chief Hearing Officer supervises the hearing officers, assigns cases, assists with training, and monitors hearing officer performance. The WSBA's OGC provides staff for legal and administrative support to hearing officers.

Disciplinary Board

Administered by OGC

In addition to its review committee functions, the Disciplinary Board, composed of volunteer lawyers and community representatives, considers appeals of hearing officer decisions. The Disciplinary Board reviews the record when a respondent lawyer or disciplinary counsel has filed an appeal of the hearing officer's recommendation in a disciplinary matter. The Board also reviews appeals of lawyer disability cases and may review suspension and disbarment recommendations. If requested, the Board hears oral argument on the cases much like an appellate court, and then issues its decision. The Board also reviews stipulations submitted by the parties, which, if approved, will resolve the proceeding without a hearing. The WSBA's OGC provides staff for legal and administrative support to the Disciplinary Board in the performance of its adjudicative functions.

The Disciplinary Board considers appeals of hearing officer decisions.

Washington Supreme Court

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law, including power to dispose of individual cases of lawyer discipline. All proceeding resolutions are sent to the Court, except for dismissals. The Court reviews the Disciplinary Board's suspension and disbarment recommendations, which are appealable as a matter of right. The Court also considers petitions for discretionary review of other dispositions. Disciplinary and disability cases appealed to the Supreme Court, like other Supreme Court appeals, proceed with briefing and oral argument, followed by a written opinion by the Court. The Supreme Court may order reciprocal discipline of lawyers who have been disciplined in other jurisdictions, and order interim suspension of a lawyer if the Disciplinary Board recommended disbarment or if the lawyer was convicted of a crime, poses a risk of serious harm to the public, fails to cooperate with a disciplinary investigation, or asserts incapacity to defend himself or herself in a disciplinary proceeding.

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law, including power to dispose of individual cases of lawyer discipline. All proceeding resolutions are sent to the Court, except for dismissals.

THE DISCIPLINE SYSTEM BY THE NUMBERS – 2018



32,297

Actively Licensed Lawyers



1,965

Grievance Files Opened



72

Disciplinary
Actions Imposed



39

Public Formal
Complaints Filed



11

Disciplinary Hearings



4

Supreme Court Opinions

Lawyer Grievance and ODC Statistics

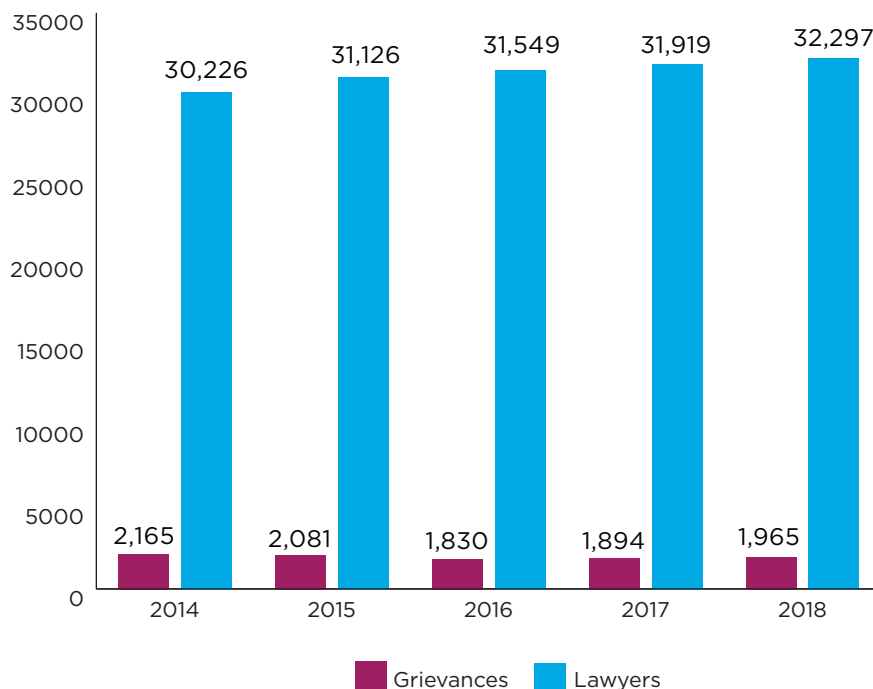
Disciplinary Grievance Statistics

The following statistics relate to the intake, investigation, and prosecution by ODC of grievances against lawyers in the 2018 calendar year.

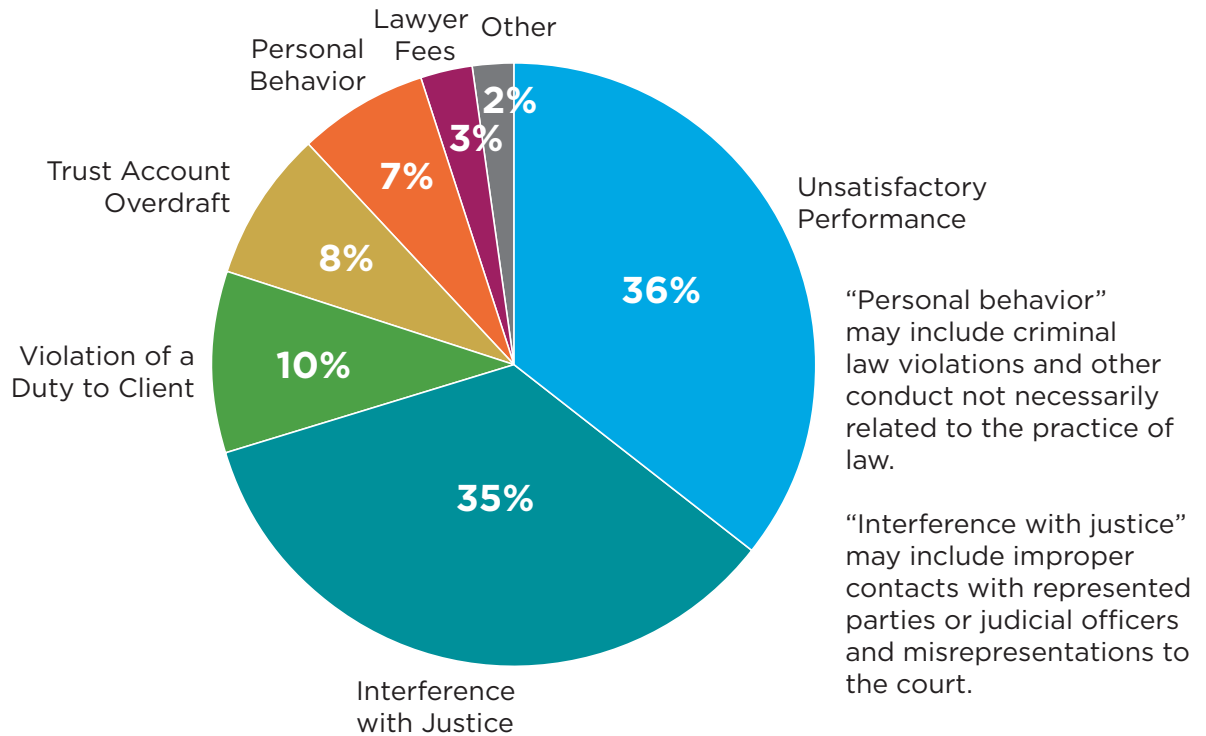
Disciplinary Grievances, Informally Resolved Matters, and Public Inquiries	2016	2017	2018
Disciplinary Grievances Received	1,830	1,894	1,965
Disciplinary Grievances Resolved*	1,902	1,967	2,011
Non-Communication Matters Informally Resolved	100	154	142
File Disputes Informally Resolved	57	65	61
Public Inquiries, Phone Calls, Emails, & Interviews	5,466	5,044	4,451

* "Grievances resolved" include 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.

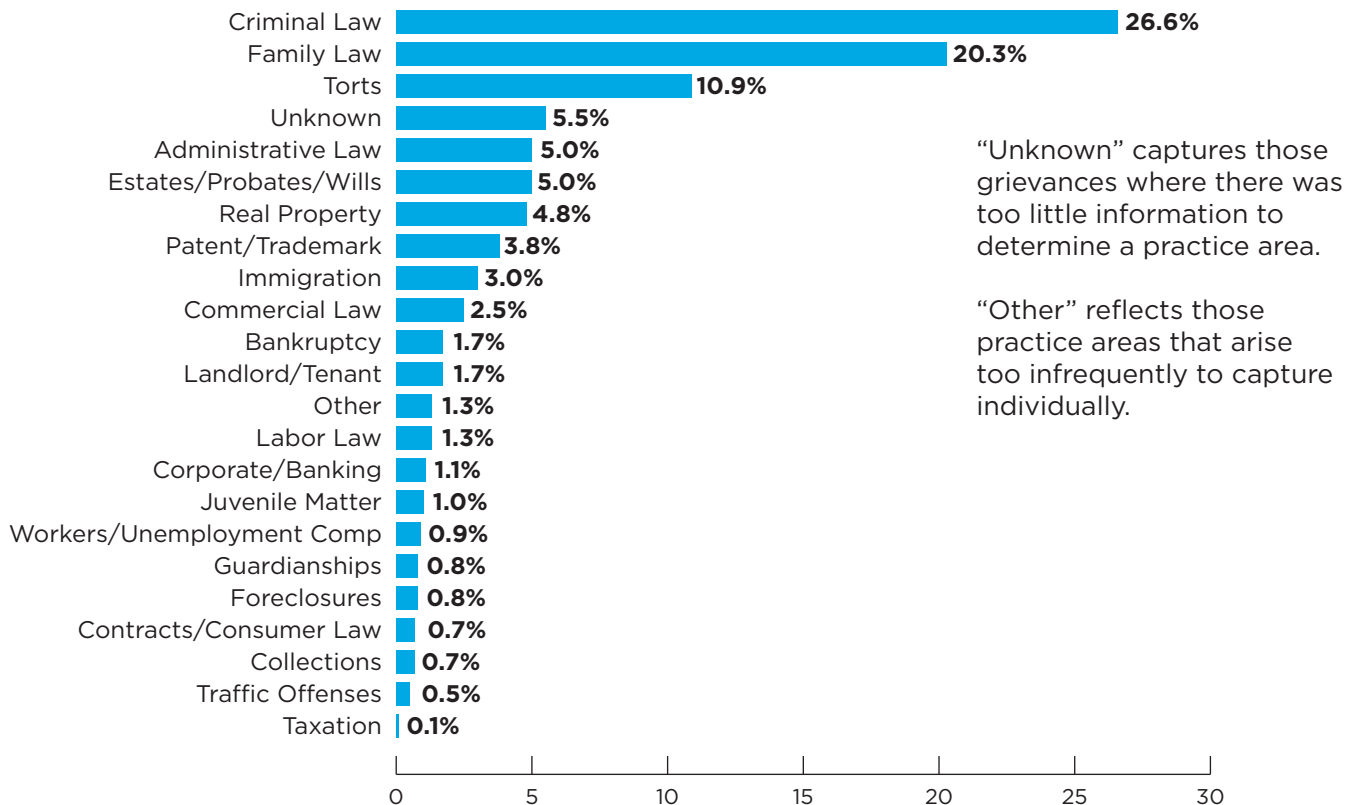
Grievances Received vs Number of Licensed Lawyers



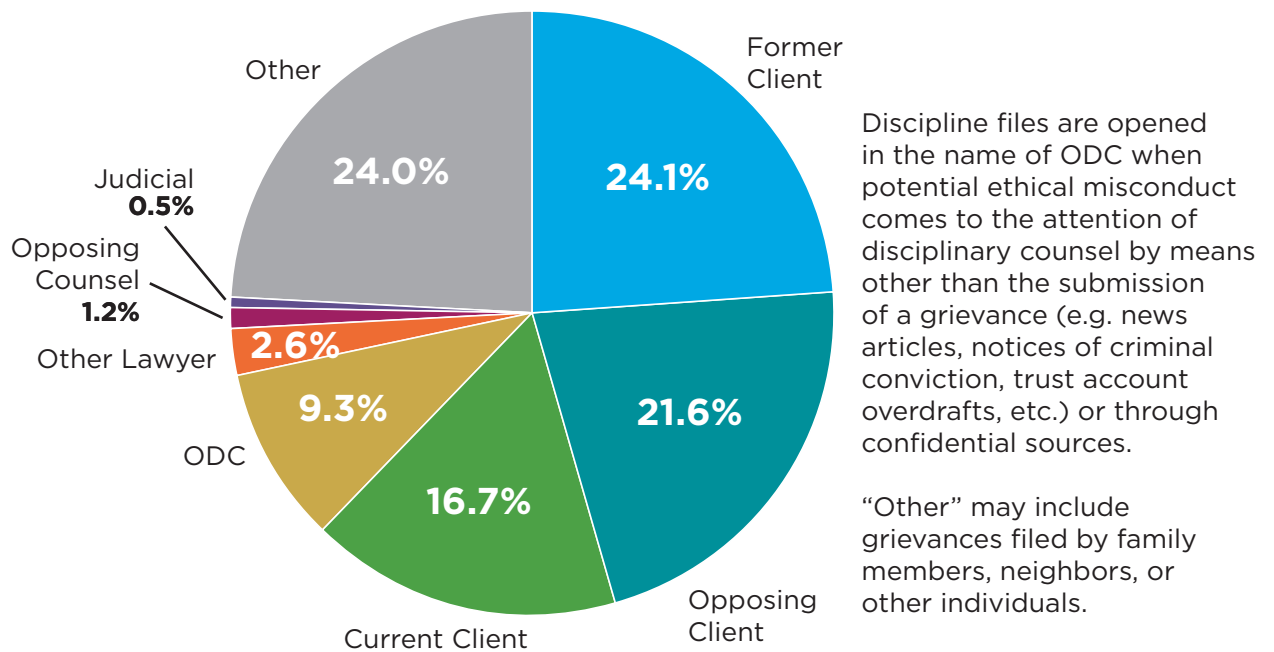
Nature of Grievances



Practice Area of Grievances



Sources of Grievances Filed



Diversion

For less serious misconduct, ODC may divert a grievance from discipline if the lawyer agrees to a diversion contract. A successfully completed diversion results in dismissal of the grievance. If the lawyer fails to complete the diversion contract, the grievance is reinstated and may result in public disciplinary action.²

Diversions	2016	2017	2018
New Diversions	15	11	26
Completed Diversions	21	17	11
Failed to Complete Contract	1	2	1

² Total completed diversions include diversions entered into in the prior reporting year but completed in the reporting year.

Auditor Activities

Washington lawyers who maintain client trust accounts must hold those accounts with financial institutions that report any overdraft of funds to the WSBA. Auditors in ODC assist in the investigation and resolution of grievances opened because of overdraft notices. Auditors also assist in the investigation of grievance files involving trust account issues and conduct random examinations of lawyer trust accounts to ensure compliance with the ethics rules.

Auditors assist in the investigation and resolution of grievances opened because of overdraft notices.

Auditor Activities	2016	2017	2018
New Overdraft Files	93	96	106
Overdraft Files Closed	114	98	105
Investigation File Assignments	31	30	16
Random Examinations	80	80	80
Re-examinations	4	1	2

Lawyer Hearings and Appeals

Review Committees

In 2018, the review committees of the Washington Supreme Court's Disciplinary Board met 21 times to consider 558 matters, including review of dismissals; admonition, advisory letter, and hearing recommendations; and other requests, e.g. deferrals, orders for costs, and other non-routine matters.

The review committees met 21 times to consider 558 matters.

Review Committee Decisions	2016	2017	2018
Dismissals	367	527	466
Orders to Hearing	90	100	51
Other (Deferrals, Costs, etc.)	30	31	17
More Investigation	30	35	19
Advisory Letters	12	5	4
Admonitions	3	1	1

Hearing Officers

In fiscal year 2018,³ 33 volunteer lawyers appointed by the Washington Supreme Court served as hearing officers. In calendar year 2018, 45 disciplinary and five disability hearing files were opened.

33 volunteer lawyers served as hearing officers.

Hearing Officer Work	2016	2017	2018
Hearings Held	17	17	11
Stipulations Approved	13	12	10
Settlement Conferences Held	13	13	7

³ The WSBA's fiscal year is October 1 through September 30.

Disciplinary Board

The Disciplinary Board considered 29 disciplinary and disability matters (excluding denials of sua sponte review) and ordered the transfer of eight lawyers to disability inactive status.

The Disciplinary Board considered 29 disciplinary and disability matters.

Disciplinary Board Matters	2016	2017	2018
Cases Reviewed by Appeal	4	5	2
Stipulations Considered	26	28	27
Oral Arguments	4	5	1

Washington Supreme Court

The Supreme Court heard six oral arguments, including on interim suspension petitions, and issued four published opinions on appeals of Disciplinary Board decisions. It also reciprocally disciplined 18 lawyers and suspended 18 lawyers on an interim basis.

Supreme Court Decisions	2016	2017	2018
Interim Suspensions	13	19	18
Reciprocal Discipline Ordered	16	16	18
Oral Arguments	1	4	6
Published Opinions	1	2	4

Final Outcomes in Lawyer Discipline Cases

Disciplinary Actions

Disciplinary “actions,” which include both disciplinary sanctions and admonitions, result in a permanent public disciplinary record. In order of increasing severity, disciplinary actions are admonitions, reprimands, suspensions, and disbarments. A suspension from the practice of law may be for any period of time not to exceed three years, and may include conditions to be fulfilled by the lawyer before reinstatement. A disbarment revokes the lawyer’s license to practice law. Disbarred lawyers are precluded from seeking readmission to the Bar for five years after disbarment. Only the Washington Supreme Court may order suspension, disbarment, or reinstatement.

Lawyers may also resign in lieu of discipline if they do not wish to defend against allegations of misconduct. A lawyer who resigns in lieu of discipline may not seek reinstatement to the practice of law in Washington.

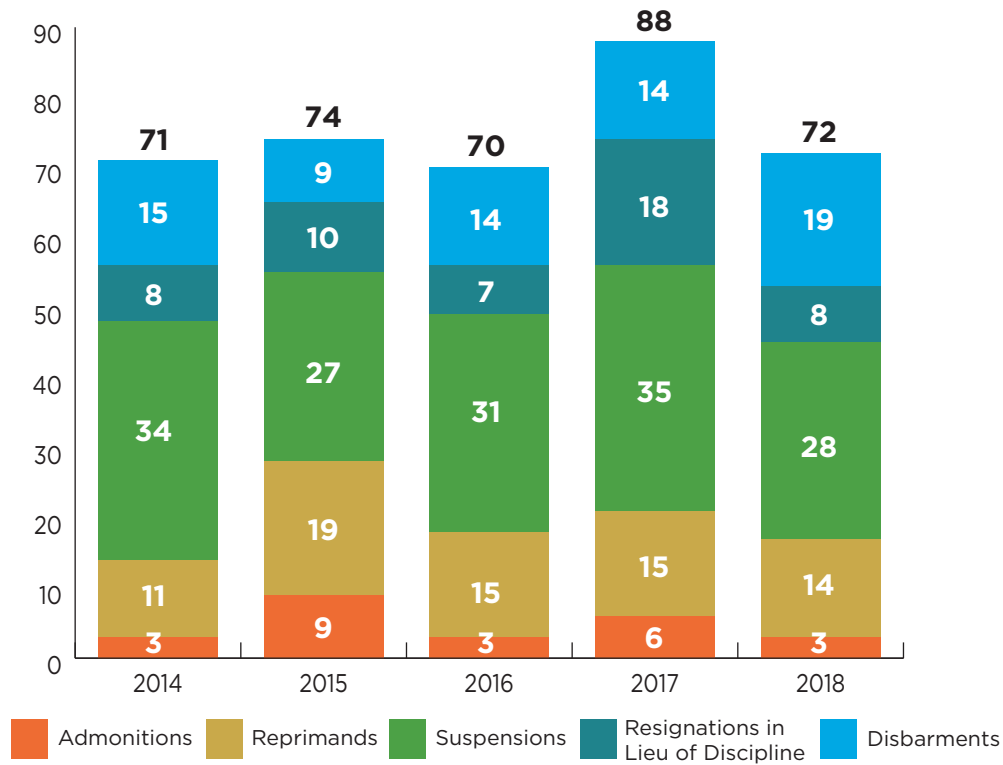
Review committees of the Disciplinary Board also have authority to issue an advisory letter when it is determined that a lawyer should be cautioned. Advisory letters are neither a sanction nor a disciplinary action and are not public information. For less serious misconduct, a lawyer may be diverted from discipline.

Disciplinary “actions” include both disciplinary sanctions and admonitions. In order of increasing severity, disciplinary actions are admonitions, reprimands, suspensions, and disbarments.

In 2018, 72 lawyers were disciplined. The following chart reports the number of disciplinary actions imposed over the last five calendar years.

In 2018, 72 lawyers were disciplined.

Disciplinary Actions

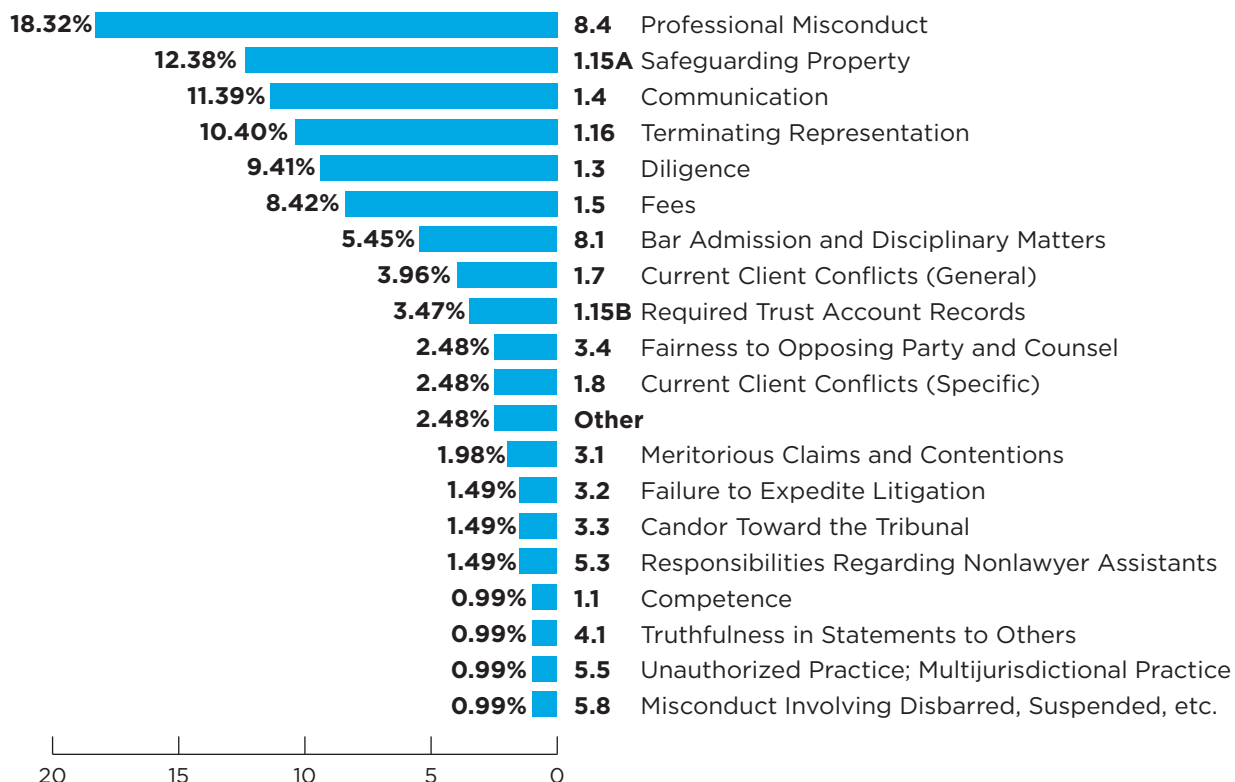


Ethics Rules Violations

In 2018, the most common rule violations in disciplinary proceedings related to professional misconduct (RPC 8.4),⁴ safeguarding client property and trust accounting (RPC 1.15A, 1.15B), communication (RPC 1.4), terminating the representation (RPC 1.16), diligence (RPC 1.3), and fees (RPC 1.5). The following chart details the RPC violations found in 2018 by percentage.^{5,6} To review these and other RPC, visit the Washington Supreme Court's website at www.courts.wa.gov.

The most common rule violations in disciplinary proceedings related to professional misconduct (RPC 8.4).

2018 Ethics Rules Violations



⁴ RPC 8.4 violations may include, among other misconduct, criminal conduct, dishonesty, and conduct prejudicial to the administration of justice.

⁵ The Ethics Rules Violations graph does not reflect multiple repeat rule violations in the same proceeding. Additionally, the chart does not reflect reciprocal discipline matters, as the applicable ethics rules vary among jurisdictions.

⁶ "Other" reflects those RPC that individually amounted to less than .98% of the RPC found in 2018, including RPC 1.2 (scope of representation and allocation of authority), RPC 3.6 (trial publicity), RPC 3.8 (special responsibilities of a prosecutor), RPC 4.2 (communication with a represented person), and RPC 4.4 (respect for the rights of the third persons).

Lawyers Disciplined

2018 Supreme Court Disciplinary Opinions*

In re Disciplinary Proceeding Against Cottingham
In re Disciplinary Proceeding Against Jensen
In re Disciplinary Proceeding Against Placide
In re Disciplinary Proceeding Against Waechter

DISBARMENTS (19)

Brinkman, April Boutillette - #36760
Burns, Paul James - #13320
Dugas, Evin Garner - #21729
Goss, Dennis Xavier - #33628
Grey, Francis - #36428
Hahm, Kyung - #30711
Hawes, Jason Christopher - #31256
Jensen, Russell James Jr. - #40475
Kandratowicz, Aaron James - #44304
Keith, Brian Malcom - #14404
La Rocco, Robert Joseph - #42536
Locker, Joshua B. - #38719
Morris, Ernest Saadiq - #32201
Neal, Christopher Lee - #33339
Noonan, Catherine Gwynne - #30765
Perry, Megan M. - #47621
Placide, Carlene M. - #28824
Waechter, William H. - #20602
Walberg, Lorn - #32730

RESIGNATIONS IN LIEU OF DISCIPLINE (8)

Huhs, Roy Elbert Jr. - #6058
Jacob, Michael Lucien - #11622
Krull, David J. - #22483
Oldfield, Thomas Henry - #2651
Parker, Jeffrey Thomas - #22944
Siefkes, Michael John - #31057
Williams, Paul H. - #31684
Willmore, Catherine Susan - #33459

SUSPENSIONS (28)

Anderson, Kenneth Mark - #14246
Beckett, Kristian Scott - #43812
Bosket, Lyle Bradley - #35707
Brendgard, William Robert - #21254
Brown, Shari Ann - #32935
Budigan, William Clay - #13443
Cottingham, David Carl - #9553
Davis, Erica Nicole - #30035
Fjelstad, Eric Jon - #19633

Holloway, Harry III - #2536
La Rocco, Robert Joseph - #42536
LaDow, David E. - #7685
Landry, Larry James - #16792
Larvik, Cory James - #29017
Lawson, Peter Carl - #28886
Marsh, Samuel Campbell - #43756
Mears, Traci E. - #30463
Menendez, Arturo David - #43880
Parry, Theodore Robert - #15203
Peters, Allen R. - #24988
Pitner, Noel James - #36158
Ramsdell, Charles Michael - #26164
Smith, Jacob Brian - #45482
Smith, Jill J. - #41162
Stratemeyer, Douglas Allen - #21638
Vis, David E. - #20599
Weber, Matthew B. - #31308
Wilton, Sandra - #22891

REPRIMANDS (14)

Baran, Todd Scott - #34637
Bjornson, David Hunter - #15228
Cooper, Matthew Ian - #13100
Daraee, Hafez - #33412
Gross, John E. - #41282
Kacena, James Leo - #33889
Mallonee, Hester Catherine - #11896
Mills, Scott - #48548
O Rourke, James F. Jr - #35213
Romero, Queta - #38986
Romero, Queta - #38986
Trigsted, Joshua Randall - #42917
White, Krista L. - #8612
Young, John Graeme - #12890

ADMONITIONS (3)

Cooney, Patrick Thomas - #37594
Corkern, Jesse R. - #38226
Lindquist, Mark Evans - #25076

*For more information, please visit wsba.org or our webpage on [Professional Discipline](#).

Other Components of the Discipline System

Other Conditions of Discipline

Sanctioned or admonished lawyers may be placed on probation for a fixed time period. Conditions of probation may include alcohol and drug treatment, medical care, psychiatric care, office practice or management counseling, and periodic audits. Other conditions of discipline may include paying restitution to victims and paying the costs of the disciplinary proceeding. A suspension order may also impose conditions that must be complied with prior to reinstatement.

Other conditions of discipline include probation, restitution, and paying the costs of the proceeding.

Files Opened for Other Conditions Imposed	2016	2017	2018
Probation	27	36	28
Restitution	9	21	19
Costs	50	68	48

Lawyer Disability Matters

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 due to a 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. It is also possible for a lawyer to stipulate to a transfer to disability inactive status, and a transfer is required following judicial determination of a lawyer's incapacity, such as involuntary commitment. Although disciplinary procedural rules under the ELC govern disability proceedings, the proceedings are not disciplinary in nature.

Special procedural rules apply when it appears a lawyer may be incapable of practicing law due to mental or physical incapacity.

Transfers to Disability Inactive	2016	2017	2018
Total	8	3	8

Client Protection Fund

Administered by OGC

The Client Protection Fund Board was established to promote public confidence in the administration of justice and the integrity of the legal profession. Its purpose is to relieve or mitigate a financial loss sustained by a client resulting from a WSBA member's dishonesty or failure to account for money or property entrusted to the WSBA member. The dishonesty or failure to account must have been in connection with the member's practice of law or role as a fiduciary in a matter related to the member's practice of law. The Fund is financed by a \$30 annual WSBA lawyer-member assessment imposed by order of the Washington Supreme Court. In 2018, the Fund gave over \$926,400 in gifts.

The Client Protection Fund Board's purpose is to relieve or mitigate a financial loss sustained by a client resulting from a WSBA member's dishonesty or failure to account for money.

CLIENT PROTECTION FUND ⁷	2016	2017	2018
Number of Requests Granted	44	47	46
Of These, Number of Lawyers Involved	16	19	18
Total Gifts	\$253,228	\$439,273	\$926,434

⁷ The [Client Protection Fund](#) reports on the WSBA fiscal year, which is October 1 to September 30.

Funding the Discipline System

License fees fully fund the discipline system – there is no public funding.

Discipline System Revenue and Expenses⁸	2016	2017	2018
REVENUE			
Recovery of Discipline Costs	\$138,768	\$95,491	\$84,661
Discipline History Summaries	\$13,878	\$12,991	\$15,899
Misc ⁹	\$2,454	\$2,990	\$4,360
Total Revenue	\$155,100	\$111,472	\$104,920
EXPENSES			
Investigation/Prosecution	\$5,485,110	\$5,374,154	\$5,607,782
Disciplinary Board Expenses	\$329,353	\$221,609	\$241,434
Hearing Officer Expenses	\$32,590	\$34,660	\$34,368
Total Expenses	\$5,847,053	\$5,630,423	\$5,883,584
Net Total Expenses	\$5,691,953	\$5,518,951	\$5,778,664

⁸ Discipline system expenses are based on the WSBA fiscal year.

⁹ Miscellaneous revenue includes audit and Ethics School revenue.

Other Licensed Legal Professionals and the Discipline System

Limited practice officers (LPOs) and limited license legal technicians (LLLTs) are also licensed to practice law by the Washington Supreme Court through regulatory systems administered by the WSBA. LPOs may select, prepare, and complete forms for use in a loan, extension of credit, sale, or other transfer of real or personal property. LLLTs are licensed to assist clients in certain limited legal matters approved by the Washington Supreme Court. Currently, family law is the only approved practice area, although additional practice areas are being evaluated.

A Washington Supreme Court-mandated regulatory board oversees each limited license: the Limited Practice Board for LPOs and the Limited License Legal Technician Board for LLLTs. Each licensee is subject to license-specific rules of professional conduct and disciplinary procedural rules. The WSBA administers a discipline system for these licenses.

The key differences between the lawyer discipline system and the limited license discipline systems are as follows: (1) each regulatory board acts as the intermediate appellate body, akin to the Disciplinary Board, to review hearing records and stipulations; (2) a discipline committee of each regulatory board serves the function of a review committee; and (3) RSD staff and the chair of each discipline committee conduct initial review of grievances and make intake decisions.

For both licenses, possible disciplinary actions include revocation, voluntary cancellation in lieu of revocation, suspension, reprimand, and admonition.

To learn more about licensed legal professionals, visit www.wsba.org.

Separate Washington Supreme Court-mandated regulatory boards oversee LPOs and LLLTs. The WSBA administers a discipline system for each of these licenses.

Statistical Information

LPO Disciplinary Statistics	2016	2017	2018
Number of Active Licensees	766	792	814
Disciplinary Grievances Received	3	2	3
Disciplinary Grievances Resolved	3	4	4
Matters Diverted	0	1	0
Disciplinary Actions Imposed	0	1	1

LLLT Disciplinary Statistics	2016	2017	2018
Number of Active Licensees	19	25	35
Disciplinary Grievances Received	0	0	3
Disciplinary Grievances Resolved	0	0	3
Disciplinary Actions Imposed	0	0	0

Limited License Practitioners Disciplined

Voluntary Cancellation in Lieu of Revocation

Barrett, Jenny - #475LPO

Coordinated Disciplinary and Regulatory Proceedings Initiative

In late 2015, the WSBA Executive Management Team and the WSBA BOG initiated discussions about coordinating all regulatory and disciplinary systems for all licenses to practice law (lawyer, LPO, LLLT) authorized by the Court and administered by the WSBA. Among the motivations for coordinating the systems was the realization that administering three separate systems for three license types was neither an efficient nor an effective use of license fees. Subsequently, workgroups of WSBA employees from ODC, OGC, and RSD convened to develop recommendations regarding the feasibility of both a coordinated admissions/licensing system and a coordinated discipline system. Amendments to the Admission and Practice Rules (APR) designed to coordinate the admission/licensing systems were adopted by the Court with an effective date of September 1, 2017.

In June 2017, after seeking and incorporating input from various stakeholders, WSBA employees prepared and submitted for the Court's initial consideration a proposed model for a coordinated disciplinary and regulatory proceedings system. In addition to coordination of the three systems, a core concept of the initiative is the creation of a professionalized adjudicative system for all disciplinary and regulatory hearings. In July 2017, the Court approved in concept the proposed coordinated discipline system.

After Court approval of the concept, a workgroup of WSBA employees from ODC, OGC, and RSD began the process of drafting the coordinated disciplinary proceeding rules. In addition, those admission and licensing processes that involve adjudicative proceedings are also part of this undertaking. When the draft rules are finalized, WSBA employees will seek additional stakeholder feedback in advance of review by the BOG and eventual submission of a set of suggested coordinated-system rules to the Supreme Court under GR 9.

A WSBA employee workgroup is currently drafting rules for a coordinated disciplinary and regulatory proceedings system.