

# WASHINGTON STATE BAR ASSOCIATION

Office of Disciplinary Counsel

## Updated 10/25/2021

Due to the Coronavirus (COVID-19) pandemic, the Office of Disciplinary Counsel of the Washington State Bar Association is conducting our business as much as possible through electronic communications. Please communicate with us by sending messages and required information to the email address of the assigned disciplinary counsel on the matter. If there is not an assigned disciplinary counsel or you do not have disciplinary counsel's email address, send email to [intake@wsba.org](mailto:intake@wsba.org). If you are filing a grievance, please use our [E-Grievance Form](#).

## FREQUENTLY ASKED QUESTIONS ABOUT THE GRIEVANCE PROCESS

Below are frequently asked questions about our authority and steps in the grievance process. For information on what it means to file a grievance, read [Lawyer Discipline in Washington](#). If you need a lawyer, find legal help under Resources for the Public.

### Can you tell me if a lawyer is licensed in Washington?

Yes. To check the status of a lawyer's license please see the [Legal Directory](#).

### Can you tell me if a lawyer was the subject of public discipline?

Yes. See the [Legal Directory](#) or you may make a [public records](#) request for copies of public discipline records. Unless there is a public disciplinary proceeding, grievances are confidential. Disability proceedings are not disciplinary proceedings; most aspects of disability proceedings are strictly confidential.

### Can you help me communicate with my lawyer?

Yes. If your lawyer does not return your telephone calls, write to your lawyer and ask him or her to call you. Please submit a [Request for Assistance](#) form instead of filing a grievance against your lawyer about a communication problem.

### Can you help me get my client file from my lawyer?

Yes. A lawyer cannot withhold your file if this materially interferes with your legal interests. If your lawyer does not return your file, write to your lawyer and ask him or her to do so. Also,



see [WSBA Advisory Opinion 181](#). Please submit a [Request for Assistance](#) form instead of filing a grievance against your lawyer about a fee dispute.

### **Can you help me if my lawyer mishandled my money?**

Yes. If, after a reasonable inquiry, you think your lawyer mishandled your money or property, you should act promptly. File a grievance with our office and seek independent legal advice. If you think your lawyer committed a crime, you should contact your local police department or prosecuting attorney. You may be eligible for some compensation from the [Client Protection Fund](#). You can ask for an application by calling 206-443-9722.

### **Can filing a grievance resolve my fee dispute?**

No. You should not expect to receive a refund of fees as a result of filing a grievance. Discuss your concerns about fees with your lawyer. For information about dispute resolution centers, please see [Resolution Washington](#). The WSBA's [Alternative Dispute Resolution Section](#) offers a directory of private, professional individuals and organizations that provide alternative dispute resolution services.

### **Can I file a grievance against a judge?**

Our office generally cannot consider grievances against judges based on their actions in a judicial capacity. The [Commission on Judicial Conduct](#) (CJC) considers issues of judicial misconduct and disability. See [Rule 8.5\(c\)](#) of the Washington Supreme Court's Rules of Professional Conduct. You can contact the CJC at P.O. Box 1817, Olympia, Washington 98507-1817. Complaints against administrative law judges should be made to the Chief Administrative Law Judge, Office of Administrative Hearings, P.O. Box 42488, Olympia, Washington 98504-2488. Complaints against federal judges should be made to the Clerk of the U.S. Court of Appeals, P.O. Box 193939, San Francisco, California 98119-3939. Complaints about federal administrative law judges should be made to the federal agency involved.

### **Can I file a grievance against someone who is not licensed to practice law?**

No. Our office reviews complaints against lawyers. The WSBA's Regulatory Services Department receives and reviews complaints against [Limited Practice Officers](#) (a legal professional licensed to select and prepare documents in real estate or personal property closings) and [Limited License Legal Technicians](#) (a legal professional licensed in a defined scope and practice area to assist clients, currently only family law). The [Practice of Law Board](#) reviews complaints alleging the unauthorized practice of law.

### **Can I file a grievance against a notario?**

No, not with our office. To verify whether an individual is licensed to practice law in Washington, please see the [Legal Directory](#). For more information about notarios, we recommend that you review the information on the [American Bar Association](#) (ABA) and [Washington Attorney General's Office](#) websites.

**Is the grievance I file confidential?**

Your grievance is confidential when you file it, but we will provide your grievance to the lawyer, and may provide it to others if we investigate. In some circumstances, such as when a grievance file is ordered to hearing, information related to your grievance may become public.

**Can the lawyer charge me for the time it takes to respond to a grievance?**

No. Under [Rule 2.13](#) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct, a lawyer may not seek to charge a fee or recover costs from a grievant for responding to a grievance.

**Can the lawyer sue me for statements in the grievance that the lawyer considers harmful?**

No. Under [Rule 2.12](#) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct, communications to disciplinary counsel acting under authority of the ELC are absolutely privileged and no resulting lawsuit may be filed against a grievant providing information.

**Can I file grievances against more than one lawyer?**

Yes. You can file multiple grievances but each grievance is a separate matter. **Please use a separate grievance form for each lawyer and do not list multiple lawyers on a form.** This applies whether you mail the grievances to us or file the grievances electronically.

**Can I file a grievance against a law firm or association of lawyers?**

No. The disciplinary rules apply to an individual lawyer's license.

**What can I do if my grievance is dismissed?**

If your grievance is dismissed, you can request review by a [review committee](#) of the [Disciplinary Board](#), which consists of both lawyers and non-lawyers. You must request review in writing, and mail, email ([intake@wsba.org](mailto:intake@wsba.org)), or deliver your request to us within 45 days of the dismissal date. If your grievance is dismissed, we typically destroy the file three years after the original dismissal.

**What happens if I request review of my dismissed grievance?**

A [review committee](#) of the [Disciplinary Board](#) can consider disciplinary counsel's dismissal of a grievance and uphold the dismissal, order further investigation, or order other action. We encourage you to send us additional information promptly. A review committee makes a decision based on the documents submitted and then issues an order without a detailed explanation. Neither you nor the lawyer can attend a review committee meeting, and a review committee's deliberations are not public. The decision of a review committee cannot be appealed.

**What does "judicial finding of impropriety" mean in a dismissal letter or review committee order?**

A judicial finding of impropriety means that a judge considered the issue you raised in your grievance and decided that there was misconduct by the lawyer.

**What happens if you investigate my grievance?**

If we investigate your grievance, we gather additional information. We cannot predict how long it will take to complete the investigation. After investigation, disciplinary counsel may dismiss your grievance or recommend that a [review committee](#) of the [Disciplinary Board](#) order an admonition or hearing. For less serious misconduct, we can divert a grievance from discipline if a lawyer agrees to a diversion contract, which if successfully completed results in dismissal of the grievance. If a review committee orders a hearing, an appointed hearing officer makes the decisions that follow. Generally, you can attend any hearing related to the grievance as hearings are public. We may call you as a witness and ask you to testify under oath.

**What is diversion?**

For less serious misconduct, we can divert a grievance from discipline if a lawyer agrees to a diversion contract, which may include requirements of legal education, counseling, ethics consultation, etc. If successfully completed, diversion results in dismissal of the grievance. If the lawyer fails to complete a diversion contract, the grievance is reinstated and it may result in public disciplinary action.