

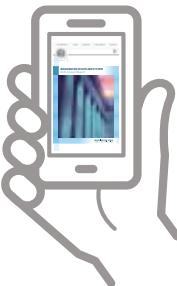
## 2020 SNAPSHOT

# WSBA Discipline System Annual Report

Annually, the Washington State Bar Association publishes a report on Washington's discipline system. This report summarizes the activities of the system's constituents, including the Office of Disciplinary Counsel (ODC), the WSBA's Office of General Counsel (OGC), the Disciplinary Board, hearing officers, and the Client Protection Fund. The report also provides statistical information about discipline for those licensed to practice law in Washington for the calendar year. These pages provide an informal overview of the 2020 Discipline System Annual Report, which is now available on the WSBA website at [www.wsba.org](http://www.wsba.org).

### MORE ONLINE

To view the full 2020 Discipline System Annual Report, go to [bit.ly/2020-Discipline-Report](https://bit.ly/2020-Discipline-Report).



### BY THE NUMBERS PART I

32,949

Actively Licensed Lawyers

21

Public Formal Complaints Filed

3

Disciplinary Hearings

47

Disciplinary Actions Imposed

1

Supreme Court Opinion

### STRUCTURE

## How the Lawyer Discipline and Disability System Works

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. Under the Supreme Court's mandate in General Rule 12.2, the WSBA is committed to administering an effective system of discipline in order to fulfill its obligations to protect the public and ensure the integrity of the profession. The prosecutorial and investigative functions of the discipline system are discharged by ODC, while the adjudicative functions are handled by the Disciplinary Board and hearing officers, which are administered by OGC.



#### WSBA Office of Disciplinary Counsel (ODC)

- 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 (Administered by OGC)

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



#### Disciplinary Board (Administered by OGC)

- Reviews recommendations for proceedings and disputed dismissals
- Serves as intermediate appellate body
- Reviews hearing records and stipulations



#### Washington Supreme Court

- Has exclusive governmental responsibility for the system
- Conducts final appellate review
- Orders sanctions, interim suspensions, and reciprocal discipline

### BY THE NUMBERS PART II

1,417

Grievance Files Opened

1,331

Disciplinary Grievances Resolved

95

Non-Communication Matters Informally Resolved

68

File Disputes Informally Resolved

2,198

Public Inquiries, Phone Calls, Emails, and Interviews

### A CLOSER LOOK

## Number and Nature of Grievances

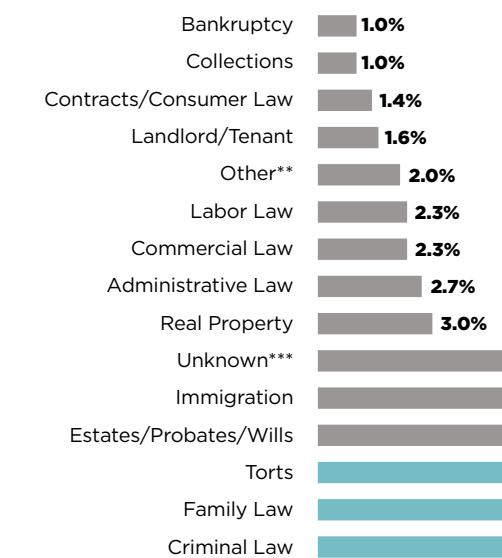
ODC's intake staff receives all phone inquiries and written grievances and conducts the initial review of every grievance.<sup>1</sup> After initial review, some grievances are dismissed, and others are referred for further investigation by ODC investigation/prosecution staff. Grievances that are not 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 2020, ODC received more than 1,400 grievances.

#### NOTE

- Conflicts Review Officers perform this review when required by ELC 2.7.

### PRACTICE AREAS OF GRIEVANCES

Top 15 (by highest percentage)



### NATURE OF GRIEVANCES

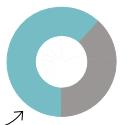
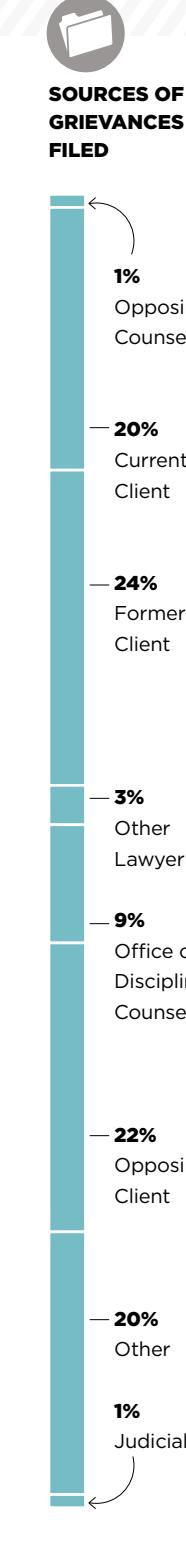
In 2020, the most common grievance allegations against Washington lawyers related to unsatisfactory performance and interference with the administration of justice.

## Grievance Filings in Detail

In 2020, 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 (e.g., news articles, notices of criminal conviction, trust account overdrafts, etc.) or through confidential sources. "Other" may include grievances filed by family members, neighbors, non-client members of the public, or other individuals.

NOTE: \*\*\*"Other" reflects those practice areas that arise too infrequently to capture individually. \*\*\*\*"Unknown" captures those grievances where there was too little information to determine a practice area.

61.2% of grievances arose from criminal law, family law, and tort matters.

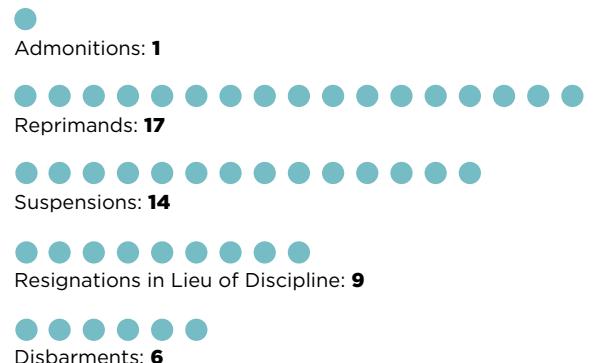


## A CLOSER LOOK

## Disciplinary Actions Taken

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. If a lawyer should be cautioned, review committees of the Disciplinary Board have authority to issue an advisory letter, which 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 2020, 18 matters were referred to diversion.

In 2020, 43 lawyers were disciplined and four lawyers had more than one disciplinary action, for a total of 47 disciplinary actions.

**DISCIPLINARY ACTIONS: 47 TOTAL**

## MORE ONLINE

For more information on the discipline system go to [www.wsba.org](http://www.wsba.org). To view the full 2020 Discipline System Annual Report, go to [bit.ly/2020-Discipline-Report](https://bit.ly/2020-Discipline-Report).



## PANDEMIC RESPONSE

## COVID-19 and the Discipline System

The WSBA's physical office closed to the public in March 2020, at which time the vast majority of the WSBA staff began working 100 percent remotely, a situation that persisted through the end of the year. Shortly after the office closure, the Washington Supreme Court, as well as the chief hearing officer and disciplinary board chair, entered orders regarding modified procedures during the pendency of the COVID-19 public health emergency for matters in the licensed legal professional discipline and disability system. In April and May new grievance numbers dropped significantly, but rebounded to roughly pre-COVID-19 levels in June. Other developments included temporary suspension of the random trust account examination program and a series of hearing officer decisions to continue existing hearing dates or postpone the scheduling of new hearings. Although two default hearings were conducted, there were no adversarial disciplinary hearings held between April and December 2020.

## OTHER COMPONENTS

## LPO and LLLT Discipline System

Limited practice officers (LPOs) and limited license legal technicians (LLLTs) are also authorized to practice law in Washington, through regulatory systems administered by the WSBA. A Washington Supreme Court-mandated regulatory board oversees each limited license. Each licensee is subject to license-specific rules of professional conduct and disciplinary procedural rules. The WSBA administers a discipline system for each of these licenses. At the end of 2020, there were 823 LPOs and 47 LLLTs actively licensed to practice. In 2020, the WSBA received three disciplinary grievances against LPOs and no disciplinary grievances against LLLTs.

## 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, because of 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. In 2020, seven lawyers were transferred to disability inactive status based on an incapacity to practice law.