2023 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 WSBA's Office of Disciplinary Counsel (ODC) and 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 2023 Discipline System Annual Report.



MORE ONLINE

For more information on the WSBA discipline system go to www.wsba.org To view the full 2023 Discipline

System Annual Report, go to bit.ly/4aW13Zd. 🔆

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

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

BY THE NUMBERS PART I

40.771 Licensed Lawyers

27

Public Formal Complaints Filed

Disciplinary Hearings

5

Disciplinary Actions Imposed



Disciplinary & Disability Proceedings Opened

BY THE NUMBERS > PART II

1.759 Grievance Files Opened

1.795

Disciplinary Grievances Resolved

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.1 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 2023, ODC received 1,759 grievances.

NOTE

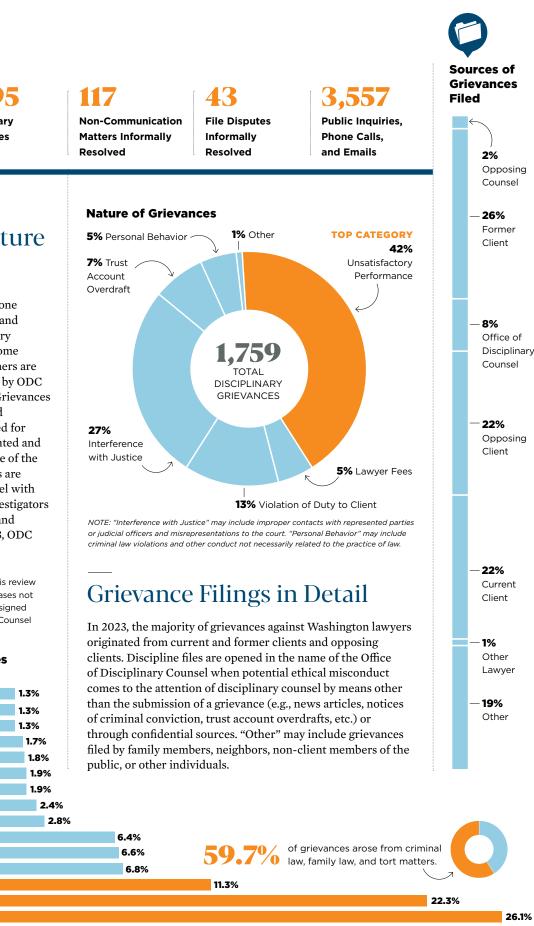
1. Conflicts Review Officers perform this review when required by ELC 2.7. In some cases not subject to ELC 2.7. initial review is assigned to independent Special Disciplinary Counsel under ELC 2.8(b).

Practice Areas of Grievances

Top 15 (by highest percentage)

Criminal Law

Traffic Offenses 1.3% Bankruptcy 1.3% Administrative Law 1.3% Workers/Unemployment Comp 1.7% Immigration 1.8% Labor Law 1.9% Guardianships 1.9% Landlord/Tenant 2.4% Real Property 2.8% Unknown* Estates/Probates/Wills Other** Torts Family Law



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(33,661 active)

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

2023 Snapshot: WSBA Discipline System Annual Report

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 2023, 14 matters were referred to diversion.

In 2023, 42 lawyers were disciplined and five lawyers had more than one disciplinary action, for a total of 47 disciplinary actions.

Disciplinary Actions 47 TOTAL

Admonitions: **1**

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Reprimands: **15**

Suspensions: 19

Resignations in Lieu of Discipline: **6**

Disbarments: 6

BY THE NUMBERS > PART III

24

Programs were

held on discipline

and professional

ODC lawyers and

auditors appeared

conduct where

as speakers.

~

1.900

Calls providing

were fielded by

ethics advice

Professional

37

Ethics education programs were

held around the

state, including

live, webinar, and

webcast events.

Responsibility

Program staff in

fiscal year 2022.

OTHER COMPONENTS Adjunct Disciplinary Counsel Panel

The Adjunct Disciplinary Counsel (ADC) Panel is established by Rule 2.9 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC). Under ELC 5.3(c), disciplinary counsel may assign a grievance to an ADC for investigation under the supervision of the Office of Disciplinary Counsel. In addition, members of the ADC Panel may be called upon to serve as volunteers in the discipline system in a variety of other capacities.

In 2023, the ADC Panel consisted of 32 volunteer lawyer members, who assisted ODC in 16 investigations, one disciplinary proceeding, and six disciplinary related probations.

> MORE ONLINE: Scan the QR code to learn more about the ADC Panel, or visit www.wsba.org/ Legal-Community/Committees-Boards-and-Other-Groups/Adjunct-Disciplinary-Counsel-Panel.



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 licensespecific rules of professional conduct and disciplinary procedural rules. The WSBA administers a discipline system for each of these licenses. At the end of 2023, there were 731 LPOs and 81 LLLTs actively licensed to practice. In 2023, the WSBA received seven disciplinary grievances against LPOs and five 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 these cases, a determination that the lawyer does not have the capacity to practice law results in a transfer to disability inactive status. Although disciplinary procedural rules under the ELC govern disability proceedings, the proceedings are not disciplinary in nature. In 2023, three lawyers were transferred to disability inactive status based on an incapacity to practice law.

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