



WSBA
OFFICE OF DISCIPLINARY COUNSEL

Douglas J. Ende
Chief Disciplinary Counsel

September 12, 2012

Bill Scheidler
1515 Lidstrom Place E
Port Orchard, WA 98366

Re: Your September 11, 2012 records disclosure request

Dear Mr. Scheidler:

By e-mail dated September 11, 2012, directed to WSBA Executive Director Paula Littlewood, you made a request "Pursuant to the Public Disclosure Act, RCW 42.56," to review or copy "all files for all grievances filed against members of the WA State Bar from January 1, 2012, to the present day."

Because the Washington State Bar Association (WSBA) acts under the authority of the Washington Supreme Court, the Public Disclosure Act (RCW 42.56) does not apply to it. The WSBA's disclosure obligations are governed by the WSBA Bylaws. The Bylaws exempt from public disclosure any records "made confidential by the Rules for Enforcement of Lawyer Conduct" WSBA Bylaws § XIV(B). Title 3 of the Rules for Enforcement of Lawyer Conduct (ELC) provides that disciplinary materials are confidential unless specifically defined as public information. Public disciplinary information is defined in ELC 3.1(b). That rule does not identify grievance files as public information; such files are confidential and not subject to disclosure.

I note that you filed a number of grievances in 2012. Should you require documents from any of those files, please let us know, and we will provide you with all documents you are entitled to receive as a grievant.

If you have questions about WSBA public records procedures or objections to this response, please contact WSBA General Counsel Jean K. McElroy.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas J. Ende", with a long horizontal flourish extending to the right.

Douglas J. Ende

cc: Jean K. McElroy, WSBA General Counsel