FILED
SUPREME COURT
STATE OF WASHINGTON
MARCH 24, 2020
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF TEMPORARILY DELEGATING AUTHORITY TO THE WSBA DISCIPLINARY BOARD CHAIR AND CHIEF HEARING OFFICER TO ADOPT EMERGENCY ORDERS RELATED TO THE RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELCs)

O R D E R

NO. 25700-B-609

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have urged increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee has issued a proclamation directing Washington residents to stay at home except to meet essential needs and has prohibited most gatherings of any size, while continuing to encourage using telephonic, video or other means of conducting business without in-person contact; and

WHEREAS, pursuant to this Court's Amended Emergency Order 27500-B-607, issued March 20, 2020, Washington courts and judicial branch agencies have already taken important steps to protect public health while ensuring continued access to justice and essential court services; and it may become necessary for the Washington State Bar Association to suspend operations further or otherwise significantly modify their operations that administer the lawyer and disability system under the Rules for Enforcement of Lawyer Conduct (ELCs).

Now, Therefore, the Court finds that the following order should be entered.

IT IS HEREBY ORDERED:

(a) The Court retains exclusive responsibility to administer the lawyer discipline and disability system under Rule for Enforcement of Lawyer Conduct (ELC) 2.1; however, in order to continue the administration of lawyer discipline and disability while ensuring the health and safety of participants, the court temporarily authorizes the Chief Hearing Officer and the Disciplinary Board Chair to issue sua sponte emergency administrative orders relating to discipline and disability matters, except for those matters before the Washington Supreme Court. The emergency orders may include modifications of the manner and timing of hearings and proceedings, depositions, default hearings, motions, settlement conferences, filing, service, and delivery of other papers by the clerk under the ELC, and transmission of other documents, papers and communications authorized or required under the ELC, consistent with the Washington Supreme Court's Amended Order 27500-B-607 (March 20, 2020);

(b) This temporary delegation of authority expires at such time as the public health emergency has abated to the extent that the WSBA can resume normal operations;

(c) Nothing in this order prevents the court from issuing additional orders related to the administration of the lawyer discipline and disability standards;

(d) Emergency orders issued by the Chief Hearing Officer and the Disciplinary Board Chair shall be forwarded to the Supreme Court and posted on the WSBA.org website.

(e) This order is effective immediately and will be published on the Washington Court's website.

DATED at Olympia, Washington this 24th day of March 2020

For the Court

CHIEF JUSTICE