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DISCIPLINARY BOARD  
REVISED AND EXTENDED ADMINISTRATIVE ORDER IN RESPONSE TO PUBLIC  
HEALTH EMERGENCY  
IN THE STATE OF WASHINGTON

The following Administrative Order is issued pursuant to Washington Supreme Court Orders 25700-B-609 and Order 25799-B-615. This order affects all matters in the discipline and disability system, except those before the Washington Supreme Court. This Order will be sent electronically to the Washington Supreme Court, to all parties in pending discipline and disability matters, and will be posted on the WSBA website.

BACKGROUND AND FACTS

1. On February 29, 2020, Governor Jay Inslee declared a state of emergency for the entire state of Washington due to the public health emergency posed by the coronavirus disease, COVID-19.
2. On March 11, 2020, Governor Inslee issued Proclamation 20-07 prohibiting gatherings of 250 people or more (in King, Pierce, and Snohomish counties), and strongly encouraging mitigation measures in all other large gatherings (including social distancing/6 feet, and frequent cleaning of all surfaces)<sup>1</sup>; Proclamation 20-07 noted further restrictions for events in King County as imposed in a parallel Local Health Order of the same date (see below).

<sup>1</sup> On March 13, 2020, Governor Inslee issued Proclamation 20-11, expanding the restrictions of Proclamation 20-07 to all counties in the state of Washington.

- 1 3. On March 11, 2020, Dr. Jeff Duchin, Health Officer for Public Health – Seattle &  
2 King County, issued a Local Health Officer Order for King County prohibiting  
3 gatherings of fewer than 250 people unless organizers take the following steps: (1)  
4 Older adults and individuals with underlying medical conditions that are at increased  
5 risk of serious COVID-19 are encouraged not to attend (including employees); (2)  
6 Social distancing recommendations must be met (i.e., limit contact of people within  
7 6 feet from each other for 10 minutes or longer); (3) Employees must be screened for  
8 coronavirus symptoms each day and excluded if symptomatic; (4) Proper hand  
9 hygiene and sanitation must be readily available to all attendees and employees; and  
10 (5) Environmental cleaning guidelines from the U.S. Centers for Disease Control and  
11 Prevention (CDC) are followed (e.g., clean and disinfect high touch surfaces daily or  
12 more frequently).
- 13 4. On March 16, 2020, Governor Inslee issued Proclamation 20-14 amending  
14 Proclamations 20-07 and 20-11, pertaining to gatherings of 250 or more, to reduce  
15 the size of the gatherings to 50 people or less, and to prohibit activities of less than  
16 50 people unless organizers comply with social distancing and sanitation measures  
17 established by the United States Centers for Disease Control and Prevention or the  
18 Washington State Department of Health guidelines.
- 19 5. On March 20, 2020, Chief Justice Debra Stephens issued Amended Order 27500-B-  
20 607, which suspends jury trials and other non-emergency matters until after April 24,  
21 2020. The Order requires courts to allow telephonic or video appearances for hearing  
22 scheduled between now and April 24, unless impossible. The Order also allows  
23 courts to “adopt measures to protect health and safety that are more restrictive than  
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1 this order, as circumstances warrant, including by extending as necessary the time  
2 frames in this order.”

3 6. On March 23, 2020, Governor Inslee issued Proclamation 20-25 prohibiting all  
4 gatherings and prohibiting all people in Washington from leaving their homes except  
5 for the limited purposes stated in the Proclamation. Pursuant to Proclamation 20-  
6 25.1, Proclamation 20-25 is effective through at least May 4, 2020.

7 7. On March 24, 2020, Chief Justice Debra Stephens issued Order 25700-B-609,  
8 temporarily authorizing the Chief Hearing Officer and the Disciplinary Board Chair  
9 to issue sua sponte emergency administrative orders relating to discipline and  
10 disability matters, except for those matters before the Washington Supreme Court.  
11 The emergency orders may include modifications of the manner and timing of  
12 hearings and proceedings, depositions, default hearings, motions, settlement  
13 conferences, filing, service, and delivery of other papers by the clerk under the ELC,  
14 and transmission of other documents, papers and communications authorized or  
15 required under the ELC, consistent with the Washington Supreme Court’s Revised  
16 and Extended Order 27500-B-615 (April 13, 2020);

17 8. Based on the current health emergency, good cause exists to issue an administrative  
18 order relating to pending discipline and disability matters, except those before the  
19 Washington Supreme Court.

20 IT IS HEREBY ORDERED THAT:

21 HEARINGS

22 1. All in-person hearings in discipline and disability matters with hearing dates  
23 currently set on or before May 4, 2020 are continued.

1 2. All unexpired deadlines in Scheduling Orders for matters described in paragraph 1  
2 are continued until new or amended Scheduling Orders are issued.

3 3. Hearing Officers should work with the parties to establish new hearing dates for  
4 matters described in paragraph 1 and should issue new or amended scheduling orders  
5 by May 4, 2020.

6 4. For any matters where a hearing date has not been set as of the date of this order, the  
7 hearing should not be set before July 1, 2020.

8 DEPOSITIONS

9 1. Until this order is amended or rescinded, depositions may be held by telephone or  
10 videoconference only.

11 DEFAULT HEARINGS

12 1. Until this order is amended or rescinded, default hearings may proceed by telephone  
13 or videoconference only.

14 DISCIPLINARY BOARD MATTERS

15 1. Sue sponte considerations and stipulation approvals may continue by telephone or  
16 videoconferencing only.

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18 MOTIONS

19 1. Until this order is amended or rescinded, motions may be heard by telephone or  
20 videoconference only.

21 SETTLEMENT CONFERENCES

22 1. Until this order is amended or rescinded, settlement conferences may be held by  
23 telephone or videoconference only.

1 2. Settlement conferences already completed are not subject to this order.

2 ORDERS ENTERED PRIOR TO MARCH 24, 2020

3 1. Orders entered prior to today, and not specifically mentioned in this order, remain in  
4 full force and effect. Obligations in stipulations, probation, diversion agreements,  
5 cost orders, and other similar orders, remain in effect and failure to comply could be  
6 grounds for discipline or other action authorized by the Rules for Enforcement of  
7 Lawyer Conduct.

8 FILING AND SERVICE BY THE CLERK

- 9 1. Until this order is amended or rescinded, all filing should be done electronically,  
10 unless impossible.
- 11 2. Until this order is amended or rescinded, the Clerk may serve orders electronically,  
12 unless impossible.

13 SERVICE AND DELIVERY OF OTHER PAPERS

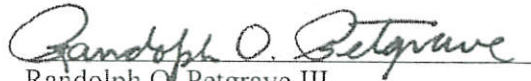
- 14 1. Until this order is amended or rescinded, unless personal service is required under  
15 the Rules for Enforcement of Lawyer Conduct, service of papers under Title 4 of the  
16 Rules for Enforcement of Lawyer Conduct may be accomplished by electronic  
17 means.
- 18 2. Until this order is amended or rescinded, all other documents, papers, and  
19 communications authorized or required under the Rules for Enforcement of Lawyer  
20 Conduct may be transmitted by electronic means.

21 RELIEF

- 22 1. Any party requesting relief from this Order must electronically file a written motion  
23 with the Chief Hearing Officer (matters before a hearing officer) or Disciplinary  
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1 Board Chair (matters before the Disciplinary Board). Motions for relief should be  
2 submitted by email to [onlinefiling@wsba.org](mailto:onlinefiling@wsba.org).  
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5 Dated this 21st day of April 2020.  
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8 Randolph O. Petgrave III  
9 Chief Hearing Officer

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11 Janice Sue Wang  
12 Disciplinary Board Chair  
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