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4 DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

5 ADMINISTRATIVE ORDER IN RESPONSE TO PUBLIC HEALTH EMERGENCY IN THE
6 STATE OF WASHINGTON-RESUMPTION OF HEARINGS
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8 PLEASE TAKE NOTICE THAT the Chief Hearing Officer continues to adjust
9 disciplinary and disability proceeding operations before hearing officers to address continued
10 concerns regarding the Coronavirus (COVID-19).

11 The following Administrative Order is issued by the Chief Hearing Officer pursuant to
12 Washington Supreme Court Order 25700-B-609. This order affects all matters in the discipline
13 and disability system currently pending before hearing officers. This Order will be sent
14 electronically to the Washington Supreme Court, to all parties in pending discipline and disability
15 matters, and will be posted on the WSBA website.

16 Previous Administrative Order dated May 6, 2020 continued all in-person hearings
17 through July 6, 2020 and provided that depositions, default hearings, motions, settlement
18 conferences, and consideration of Disciplinary Board matters be conducted by telephone or
19 videoconference only.

20 HEARINGS MAY RESUME IN PERSON, BY REMOTE MEANS, OR BY HYBRID
21 MEANS AS ORDERED BY THE HEARING OFFICER UNDER THE CONDITIONS SET
22 FORTH IN THIS ORDER

23 In order to facilitate the fair and timely resolution of disciplinary proceedings, while
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1 protecting the health and safety of volunteer adjudicators, the parties, and disciplinary system
2 staff, the hearing officers and parties may conduct hearings (scheduling of hearings, depositions,
3 default hearings, motions, and settlement conferences) in any of the following formats: in person,
4 by remote means (by telephone or videoconference), or by hybrid means (includes in-person and
5 remote components). For hearings before a hearing officer, the hearing officer shall order the
6 format of the hearing after consideration of current local and state public health requirements, the
7 needs of the case, and the preferences of the parties. If an in-person or hybrid hearing is ordered,
8 the parties must comply with current local and state public health requirements for in-person
9 events. Members of the public who wish to attend a hearing may only attend by telephone. A
10 telephone option must be provided to members of the public.

11 IN-PERSON, REMOTE, AND HYBRID PROCEDURES WILL BE SET BY THE
12 HEARING OFFICER

13 The Chief Hearing Officer will develop guidance to assist participants with in-person,
14 remote, and hybrid proceedings before hearing officers. The guidance will be provided to all
15 parties and will also be available on the WSBA website, and may be updated from time to time.
16 The hearing officer, or the hearing officer’s designee, shall enforce such guidance during the
17 conduct of the hearing. For the purposes of this Order and all guidance documents, “in-person
18 participants” include persons appearing in the physical presence of a hearing officer during the
19 conduct of a hearing or persons using Washington State Bar Association offices during the
20 conduct of a hearing to appear remotely.

21 PROOF OF VACCINATION OR NEGATIVE COVID TEST FOR IN-PERSON
22 PARTICIPANTS

23 All in-person participants of a hearing before a hearing officer must show either proof of
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1 full vaccination against COVID-19 or proof of a negative COVID-19 test administered within 72
2 hours of the hearing to a designated staff person in the WSBA's Office of General Counsel. A
3 person is considered fully vaccinated against COVID-19 two weeks after either the second dose
4 of the Pfizer-BioNTech or Moderna vaccine or one dose of the Johnson & Johnson J&J/Jansen
5 vaccine. WSBA shall not maintain physical records of such proof.

6 Acceptable proof of vaccination include: a CDC vaccine card or photo of vaccine card;
7 documented proof of vaccine from medical record or vaccine provider; proof of vaccine from
8 another state or county; printed certificate or digital record from MyIRMobile.com or other app.
9 Please do not provide documentation of medical or religious exemptions.

10 Any type of COVID-19 test administered by a testing provider is acceptable. Testing
11 providers are required to use FDA-authorized or approved COVID-19 tests. The negative result
12 must be within the past 72 hours. Rapid tests used without the supervision of a testing provider
13 will not be accepted.

14 A remote option must be provided for participants who do not provide accepted proof of
15 vaccination or a negative COVID-19 test.

16 MASKING FOR IN-PERSON PARTICIPANTS AND ATTENDEES

17 At the hearing officer's discretion after consultation with the parties, a hearing officer may
18 order all persons participating in an in-person hearing to wear a face covering over the nose and
19 mouth at all times, except while seated and actively drinking. Where masking is required, persons
20 who are not able to wear face coverings should attend remotely or request an accommodation.
21 The face coverings should also cover the nose and mouth while speaking or testifying. However,
22 masking requirements when ordered do not apply while an in-person participant is alone in an
23 enclosed office space.

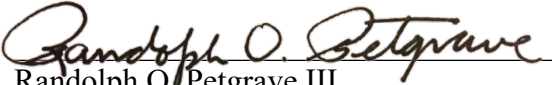
1 ORDERS ENTERED PRIOR TO TODAY

- 2 1. Orders entered prior to today, including prior Administrative Orders in Response to
3 the Public Health Emergency issued by the Chief Hearing Officer and Disciplinary
4 Board Chair, and not specifically mentioned in this order, remain in full force and
5 effect. This Order modifies prior Administrative Orders only to the extent that this
6 Order now permits the resumption of in-person and hybrid disciplinary and disability
7 proceedings before hearing officers. Obligations in stipulations, probation, diversion
8 agreements, cost orders, and other similar orders, remain in effect and failure to
9 comply could be grounds for discipline or other action authorized by the Rules for
10 Enforcement of Lawyer Conduct

11 RELIEF

- 12 1. Any party requesting relief from this Order must electronically file a written motion
13 with the Chief Hearing Officer and the assigned Hearing Officer or Settlement Hearing
14 Officer, depending on whether the hearing to be held is a disciplinary or disability
15 hearing or a settlement hearing.

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18 Dated this 23d day of March, 2022.

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22 Randolph O. Petgrave III
23 Chief Hearing Officer
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