

FILED

MAR - 8 2017

WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF THE)
 SUPREME COURT PROCEDURE TO REVIEW)
 THE MCLE BOARD'S FINDINGS AND ORDER)
 ISSUED AFTER A MCLE NONCOMPLIANCE)
 HEARING PURSUANT TO APR 11(i)(8)(iv))
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ORDER

NO. 25700-*B-565*

The Supreme Court having created the procedure to review the MCLE Board's findings and order issued after a MCLE noncompliance hearing pursuant to APR 11(i)(8)(iv) and having determined that the procedure will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) The following procedure is hereby adopted to consider matters pursuant to APR 11(i)(8)(iv)

Except to the extent that APR 11 provides otherwise:

- (1) The burden of demonstrating the invalidity of the MCLE Board action is on the party asserting invalidity;
- (2) The validity of the MCLE Board action, after such a non-compliance hearing required in APR 11(i)(7), shall be determined in accordance with the standards of review provided in this order as applied to the MCLE Board action at the time it was taken;

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ORDER

IN THE MATTER OF THE ADOPTION OF THE SUPREME COURT PROCEDURE TO REVIEW THE MCLE BOARD'S FINDINGS AND ORDER ISSUED AFTER A MCLE NONCOMPLIANCE HEARING PURSUANT TO APR 11(i)(8)(iv)

(3) The court shall grant relief from the MCLE Board's order, after the required information is provided pursuant to APR 11(i)(8), only if it determines that:

- (i) The MCLE Board has erroneously interpreted or applied the law;
- (ii) The MCLE Board order is not supported by substantial evidence when viewed in light of the record before the court, which includes the record or a narrative report submitted pursuant to APR 11(i)(8), the MCLE Board certification, transcripts and other documents submitted pursuant to APR 11(i)(8)(i)-(iv); or
- (iii) The order is arbitrary or capricious.

(4) If the court grants relief from the MCLE Board's order, it may grant an extension, modification, and/or waiver for a period of time defined by the court's order.

DATED at Olympia, Washington this 8th day of March, 2017.

	
	
	
	
	