

**NOTICE OF DISCIPLINARY ACTION, INTERIM SUSPENSION,
OR TRANSFER TO DISABILITY INACTIVE STATUS**

(a) Notice to Supreme Court. The counsel to the Board must provide the Supreme Court with:

- (1) a copy of any decision imposing a disciplinary sanction when that decision becomes final;
- (2) a copy of any admonition, together with the order issuing the admonition, when the admonition is accepted or otherwise becomes final; and
- (3) a copy of any transfer to disability inactive status; and
- (4) a copy of any resignation in lieu of discipline.

(b) Other Notices. The counsel to the Board must also notify the following entities of the imposition of a disciplinary sanction or admonition, a transfer to disability inactive status, a resignation in lieu of discipline, or the filing of a statement of concern under rule 3.4(f) as follows, in such form as may appear appropriate:

- (1) the lawyer discipline authority or highest court in any jurisdiction where the lawyer is believed to be admitted to practice;
- (2) the chief judge of each federal district court in Washington State and the chief judge of the United States Court of Appeals for the Ninth Circuit; and
- (3) the National Lawyer Regulatory Data Bank.

(c) Bar News Notice and Web Site Notice.

(1) *Preparation and content.* Notice of the imposition of any disciplinary sanction, admonition, resignation in lieu of discipline, interim suspension, or transfer to disability inactive status, or the filing of a statement of concern under rule 3.4(f) must be published in the Washington State Bar News or other official publication of the Washington State Bar Association and on any electronic or other index or site maintained by the Association for public information. Association counsel has discretion in drafting notices for publication in the Washington State Bar News or other official publication of the Washington State Bar Association and on the web site, and should include sufficient information to adequately inform the public and the members of the Association about the misconduct found, the rules violated and the disciplinary action imposed. For a transfer to disability inactive status, reference will be made to the disability inactive status, but no reference will be made to the specific disability. For an interim suspension, the basis of the interim suspension will be stated. All notices under this subsection should include the respondent lawyer's name, bar number, date of admission, the time frame of the misconduct, the rules violated, and the disciplinary action. Association Counsel must serve a copy of the draft notice under this subsection on respondent and disciplinary counsel under rule 4.1 and review any comments filed with Association counsel within five days of service, but Association counsel's decision about the content of the notice is not subject to further review.

(2) *Finality.* Except as specified in section (c)(3), discipline notices published in the Bar News or other official publication of the Washington State Bar Association and posted on the WSBA web site are final and may not be modified following publication.

(3) *Modification.* A respondent lawyer who is the subject of a discipline notice may file a written request with Association counsel seeking modification of a discipline notice posted on the WSBA web site. A notice may be modified only in the following circumstances:

(A) a criminal conviction, court judgment, or order relating directly to the disciplinary action imposed and referenced in the discipline notice has been subsequently expunged, vacated, or otherwise conclusively nullified;

(B) the expungement, vacation, or nullification occurred after the notice was published;

(C) there are no ongoing or pending proceedings relating to the conviction, judgment, or order; and

(D) the fact of the expungement, vacation, or nullification is undisputed and can be conclusively established without an investigation.

The respondent seeking modification bears the burden of establishing each of the above factors. If Association counsel determines each factor has been established, a supplemental note may be added regarding the expungement, vacation, or nullification, but the original discipline notice must otherwise remain unchanged. The supplemental note is not published in Bar News. The decision whether or not to add a supplemental note, and the content of a supplemental note, is solely within the discretion of Association counsel and is not subject to review.

(d) Notices to News Media of Suspension, Disbarment, Resignation in Lieu of Discipline, Interim Suspension, or Disability Inactive Status. In addition to the notices published under subsections (b) and (c) of this rule, notice in such form as may be appropriate of the disbarment, suspension, resignation in lieu of discipline, interim suspension, or transfer to disability inactive status of a lawyer must be provided to the news media in a manner designed to notify the public in the county or region where the lawyer has maintained a practice. For a transfer to disability inactive status, reference will be made to the disability inactive status, but no reference may be made to the specific disability. For an interim suspension, the basis of the interim suspension will be stated.

(e) Notice to Judges. The Association must promptly notify the presiding judge of the superior court of the county in which the lawyer maintained a practice of the lawyer's disbarment, suspension, resignation in lieu of discipline, interim suspension, or transfer to disability inactive status, and may similarly notify the presiding judge of any district court located in the county where the lawyer practiced, or the judge of any other court in which the lawyer may have practiced or is known to have practiced.

[Adopted effective October 2, 2002; Amended effective January 1, 2014.]