

**ELC 4.1**  
**SERVICE OF PAPERS**

**(a) Service Required; Transmittal of Other Documents.**

(1) Whenever these rules require service of papers or documents, service must be accomplished as provided in this rule or as otherwise agreed to in writing by the parties. If a hearing is pending and a hearing officer has been assigned, except for discovery, the party also must serve a copy on the hearing officer.

(2) Every written request or other paper or document issued under these rules, which these rules do not require to be served, may be transmitted by postage prepaid mail or electronic means (including email), or may be personally delivered.

**(b) Methods of Service.**

(1) *Service by Mail.*

(A) Unless personal service is required, service may be accomplished by postage prepaid mail. If properly made, service by mail is deemed accomplished on the date of mailing and is effective regardless of whether the person to whom it is addressed actually receives it.

(B) Service by mail may be by first class mail or by certified or registered mail, return receipt requested.

(C) The address for service by mail is as follows:

(i) for the respondent, or their attorney of record, the address in the answer, a notice of appearance, or any subsequent document filed by the respondent or their attorney; or, in the absence of an answer, the respondent's address on file with the Association;

(ii) for disciplinary counsel, at the address of the Association or other address that disciplinary counsel requests;

(iii) for a hearing officer assigned to a matter, at the address of the hearing officer set forth on the notice of assignment of the hearing officer, or such other address as the hearing officer directs; and

(iv) for the chief hearing officer, the Chair, the Board, a review committee, Association counsel, or any other person or entity acting under the authority of these rules, addressed to that person or entity in care of the Clerk at the address of the Association.

(2) *Service by Delivery.* If service by mail is permitted, service may instead be accomplished by leaving the document at the address for service by mail.

(3) *Personal Service.* Personal service on a respondent is accomplished as follows:

(A) if the respondent is found in Washington State, by personal service in the manner required for personal service of a summons in a civil action in the superior court;

(B) if the respondent cannot be found in Washington State, service may be made either by:

(i) leaving a copy at the respondent's place of usual abode in Washington State with a person of suitable age and discretion then resident therein; or

(ii) mailing by registered or certified mail, postage prepaid, a copy addressed to the respondent at their last known place of abode, office address maintained for the practice of law,

post office address, or address on file with the Association, or to the respondent's resident agent whose name and address are on file with the Association under APR 5(f).

(C) if the respondent is found outside of Washington State, then by the methods of service described in (A) or (B) above.

(4) *Electronic Service.*

(A) Unless personal service is required, service may also be accomplished by electronic service of all papers or documents. Electronic service is complete on transmission when made prior to 5:00 p.m. Pacific Time on a day that is not a Saturday, Sunday, or legal holiday. Service made on a Saturday, Sunday, legal holiday, or after 5:00 p.m. Pacific Time on any other day is deemed complete on the first day thereafter that is not a Saturday, Sunday, or legal holiday. If properly made, electronic service is presumed effective.

(B) The address for electronic service is as follows:

(i) if service is on the Office of Disciplinary Counsel, to the assigned disciplinary counsel's e-mail address on file with the Bar, unless a different e-mail address is provided in writing by disciplinary counsel;

(ii) if service is on respondent or any lawyer representing the respondent, to the e-mail address on file with the Bar, unless a different e-mail address is provided in writing by respondent or respondent's counsel.

(C) The e-mail address specified in section (b)(4)(B) of this rule must be sufficient to receive electronic transmission of information and electronic documents.

**(c) Service Where Question of Mental Competence.** If the Superior Court has appointed a guardian or guardian ad litem for a respondent, service under sections (a) and (b) above must also be made on the guardian or guardian ad litem.

**(d) Proof of Service.**

(1) If service is accomplished electronically, by mail, or by other means authorized by this rule, proof of service may be made by a certificate of service.

(2) If personal service is required, proof of service may be made by affidavit or declaration of service, sheriff's return of service, or a signed acknowledgment of service.

(3) Proof of service in all cases must be filed but need not be served.

[Adopted effective October 1, 2002; Amended effective January 1, 2014; September 1, 2022; January 1, 2023.]