

COOPERATION OF LAWYER AND LAW FIRM

(a) Cooperation Required. Any lawyer or law firm who is subject to examination or reexamination under Rule 15.1, and any lawyer employed by or a member of such a law firm, must cooperate with the person conducting the examination or reexamination, subject only to the proper exercise of any privilege against self-incrimination, by:

(1) producing forthwith all evidence, books, records, and papers requested for the examination or reexamination;

(2) furnishing forthwith any explanations required for the examination or reexamination; and

(3) producing written authorization, directed to any bank or depository, for the person to examine or reexamine trust and general accounts, safe deposit boxes, and other forms of maintaining trust property by the lawyer or law firm in the bank or depository.

(b) Failure To Cooperate.

(1) *Noncooperation Deposition.* If a lawyer has not complied with any request made under this rule for more than 30 days, the Office of Disciplinary Counsel may notify the lawyer that failure to comply within 10 days may result in the lawyer's deposition or subject the lawyer to interim suspension under Rule 7.2. 10 days after this notice, disciplinary counsel may serve the lawyer with a subpoena for a deposition. Any deposition conducted after the 10 day period and necessitated by the lawyer's continued failure to cooperate may be conducted at any place in Washington State.

(2) *Costs and Expenses.*

(A) Regardless of the underlying matter's ultimate disposition, a lawyer who has been served with a subpoena under this rule is liable for the actual costs of the deposition, including but not limited to service fees, court reporter fees, travel expenses, and the cost of transcribing the deposition, if ordered by disciplinary counsel. In addition, a lawyer who has been served with a subpoena for a deposition under this rule is liable for a reasonable attorney fee of \$500.

(B) The procedure for assessing costs and expenses is as follows:

(i) The Office of Disciplinary Counsel applies to a review committee by itemizing the cost and expenses and stating the reasons for the deposition.

(ii) The lawyer has 10 days to respond to the Office of Disciplinary Counsel's application.

(iii) The review committee by order assesses appropriate costs and expenses.

(iv) Rule 13.9(f) governs Board review of the review committee order.

(3) *Grounds for Discipline.* A lawyer's failure to cooperate fully and promptly with an examination as required by this rule is also grounds for discipline.

[Adopted effective October 1, 2002; Amended effective January 1, 2014; December 8, 2015.]