

WSR 26-02-018
RULES OF COURT
STATE SUPREME COURT
[December 4, 2025]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1672
ELC 9.2—RECIPROCAL DISCIPLINE)
AND DISABILITY INACTIVE)
STATUS; DUTY TO SELF-REPORT)

The Supreme Court Clerk and Deputy Clerk, having recommended the suggested amendments to ELC 9.2—Reciprocal Discipline and Disability Inactive Status; Duty to Self-Report, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2026.

(b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar, and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2026. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 4th day of December, 2025.

For the Court

Stephens, C.J.

CHIEF JUSTICE

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
SUGGESTED AMENDMENT TO ELC 9.2

- 1. Proponent: Supreme Court Clerk (Sarah Pendleton) and Deputy Clerk (Reza Pazooki)
2. Spokesperson Sarah Pendleton, Washington State Supreme Court Clerk
3. Purpose: This proposed amendment would clarify the authority and deadline for the Washington State Bar Association (WSBA) to file a reply to a respondent lawyer's response to an order to show cause regarding the imposition of identical discipline or transfer to disability inactive status in other states.

Currently, in practice, the Washington Supreme Court affords the WSBA 10 days from the date of the respondent lawyer's filing of a response to an order to show cause to submit a reply. However, the right to file a reply and the 10-day timeframe are not explicitly stated in the existing rule, which may lead to uncertainty for the parties and the Court. Additionally, because the WSBA's reply serves as its first substantive brief in the matter, 10 days is insufficient to prepare a thorough response. It is therefore proposed that the rule be amended

to provide the WSBA 30 days from the date the response is served and filed to submit its reply.

Furthermore, the current rule does not allow the respondent lawyer to file a sur-reply. Therefore, it is proposed that the respondent lawyer be permitted 10 days from the date the WSBA's reply is served and filed to submit a sur-reply.

The proposed amendment would expressly memorialize this practice, providing clear guidance on the applicable deadline. Memorializing this deadline in the rule would promote consistency, procedural fairness, and transparency in proceedings under ELC 9.2, benefiting both respondent lawyer and the WSBA.

4. **Is a Public Hearing Recommended?** The proponent does not believe a public hearing is necessary.

5. **Is Expedited Consideration Requested?** The proponent does not believe that expedited consideration is necessary.

ELC 9.2

**RECIPROCAL DISCIPLINE AND DISABILITY INACTIVE STATUS;
DUTY TO SELF-REPORT**

(a) - (b) [Unchanged.]

(c) Supreme Court Action. Except in circumstances set forth in subsection (g), upon receipt of a copy of an order demonstrating that a lawyer admitted to practice in this state has been disciplined or transferred to disability inactive status in another jurisdiction, the Supreme Court orders the respondent lawyer to show cause within 60 days of service why it should not impose the identical discipline or disability inactive status. Disciplinary counsel must personally serve this order, and a copy of the order from the other jurisdiction, on the respondent under rule 4.1 (b) (3). Disciplinary counsel may file a reply to the respondent's response to the order to show cause within 30 days after service of the response. The respondent may file a sur-reply to disciplinary counsel's reply within 10 days after service of the reply.

(d) - (g) [Unchanged.]