NEW SECTION

WAC 308-101-215 Sanctions—Attorney misconduct. (1) **Authority.** All attorneys appearing before the law judges within the department of licensing are prohibited from engaging in misconduct that abuses the legal process when practicing before the tribunal. Attorneys who, in the opinion of the presiding or reviewing judge, engage in misconduct during any stage of a department proceeding may be reprimanded or sanctioned.

(2) **Grounds for sanctions.** Misconduct includes, but is not limited to:

(a) Filing documents or media, or raising arguments for an improper purpose, including harassment or delay;

(b) Disruptive, disrespectful, or contemptuous behavior during any proceeding;

(c) Repeated presentation of frivolous motions, arguments, or evidence; or

(d) Engaging in conduct intended to disrupt the tribunal.

(3) **Possible sanctions.**

(a) The presiding judge may report violations to the appropriate licensing authority and/or impose one or more of the following sanctions:

(i) Verbal or written reprimand;

(ii) Excluding the attorney from further participation in the pending proceeding; or

(b) Upon referral from the presiding law judge, a reviewing law judge may temporarily or permanently exclude the attorney from future departmental proceedings if the conduct is egregious or reflects a pattern of unprofessional behavior.

(4) **Procedure.**

(a) The presiding judge must give the attorney notice of the alleged misconduct, the proposed sanction, and a reasonable opportunity to respond, either in writing or orally at hearing.

(b) Sanctions may be initiated by the presiding or reviewing judge.

(c) Any proposed sanction imposed must be stated on the record or in a written order, with the specific reasons and authority identified.

(d) The presiding or reviewing judge, after considering the full record, including any remarks and arguments made by the attorney at issue in their defense, shall render a written decision on the proposed sanction.

(5) **Review.**

(a) An attorney sanctioned under this section may request reconsideration of the final order. Such reconsideration request must be made within 10 days of the final order imposing the sanctions.

(b) If reconsideration is granted, the department's chief law judge, deputy director, or director may review the proposed sanction and take action that includes sustaining, dismissing, staying, or modifying the sanction. This action may also occur on the department's own motion.