

ORIGINAL

FILED

JAN 25 2000

DISCIPLINARY BOARD

BEFORE THE DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re)	Bar No. 8652
)	
DOUGLAS A. SCHAFER,)	
)	
Lawyer)	ORDER DISMISSING COUNTS II AND III, DENYING MOTION TO BIFURCATE, AND GRANTING STAY
)	
)	

THIS MATTER came before the undersigned Hearing Officer for a prehearing telephone conference on January 21, 2000.

Appearances. Douglas A. Schafer appeared pro se and through co-counsel Shawn Timothy Newman. The Washington State Bar Association appeared through Disciplinary Counsel Christine Gray. The telephone conference was reported by court reporter Michelle Atkins at the request of the Bar Association.

Materials Received and Considered. The Hearing Officer received and considered the following communications:

1. Ms. Gray's letter dated January 6, 2000.
2. Ms. Gray's letter dated January 13, 2000.
3. Mr. Schafer's letter dated January 14, 2000 moving for bifurcation and continuance of the hearing, together with copies of correspondence from the Clerk of the Supreme Court of the State of Washington and to the Disciplinary Board.
4. Mr. Newman's facsimile memorandum dated January 20, 2000, with a copy of his Notice of Appearance/Association of Co-Counsel for Mr. Schafer.

5. Ms. Gray's letter dated January 20, 2000, opposing Mr. Schafer's motion for a continuance of the hearing date.

6. Ms. Gray's letter dated January 20, 2000, opposing Mr. Schafer's motion for bifurcation of the hearing.

The Hearing Officer also considered the files and records in these proceedings, the applicable legal authority, and the arguments of counsel.

Order. The Hearing Officer hereby orders:

1. Dismissal of Counts II and III of the Formal Complaint. The Bar Association has indicated it will not be introducing evidence at the hearing to prove Counts II and III of the Formal Complaint and does not object to dismissal of those counts. Accordingly, Counts II and III of the Formal Complaint against Mr. Schafer are hereby dismissed with prejudice and without costs.

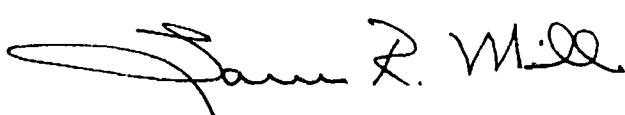
2. Denial of Motion to Bifurcate. Mr. Schafer has no prior disciplinary record. Bifurcated proceedings are not necessary to ensure a fair and orderly proceeding. Accordingly, Mr. Schafer's motion to bifurcate, pursuant to RLD 4.12(b), is hereby denied.

3. Stay of Proceedings. Mr. Schafer has filed in the Supreme Court of the State of Washington a motion for discretionary review of the Hearing Officer's Order dated December 15, 1999. In addition, Mr. Schafer has filed with the Washington State Bar Association Disciplinary Board a request to review the Hearing Officer's Order dated December 15, 1999. The Washington Supreme Court has directed the Bar Association to file a written response to Mr. Schafer's motion for discretionary review by February 7, 2000, and has advised counsel that the motion will be considered by the Court on March 2, 2000, on the Court's en banc conference agenda.

The disciplinary hearing is scheduled to begin on February 14, 2000. Mr. Schafer has moved for a continuance of the hearing, and the Bar Association opposes any further delay.

The Hearing Officer finds, pursuant to RLP 4.10(e), that Mr. Schafer has shown good cause for a postponement of the hearing for a short time in order to allow the Washington Supreme Court to consider Mr. Schafer's motion for discretionary review. Accordingly, the Hearing Officer hereby stays these disciplinary proceedings (except for Mr. Schafer's motion to be filed relating to enforcement of a subpoena directed to Julie Ann Shankland), including the hearing date and all prehearing deadlines, until the Washington Supreme Court has either granted or denied Mr. Schafer's pending motion for discretionary review. When the Washington Supreme Court has either granted or denied Mr. Schafer's motion for discretionary review, counsel shall advise the Hearing Officer and the disciplinary hearing shall be rescheduled as soon as possible, unless these disciplinary proceedings are further stayed by order of the Washington Supreme Court.

DATED this 24th day of January, 2000.



Lawrence R. Mills
Hearing Officer

CERTIFICATE OF SERVICE

1000 Second Avenue, 30th Floor
Seattle, WA 98104-1064

I certify that I caused a copy of the order dismissing to be delivered to the Office of Disciplinary Counsel and to be mailed to Lawrence R. Mills, Respondent/Respondent's Counsel at 1000 Second Avenue, 30th Floor by Certified/first class mail, postage prepaid on the 25th day of January, 2000.

Julie Shankland
Clerk/Counsel to the Disciplinary Board

Courtesy copy also mailed to
co-counsel Shawn Neuman