

FILED

JUN 23 2001

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re)	Public No. 00#00031
)	
DOUGLAS A. SCHAFER,)	ORDER GRANTING MOTION TO
)	QUASH, AND SUSTAINING
Lawyer.)	DEPONENT'S OBJECTIONS TO,
)	SUBPOENA FOR DEPOSITION AND
Bar No. 8652)	DOCUMENTS
_____)	

THIS MATTER came before the undersigned Hearing Officer for a prehearing telephone conference on June 20, 2000, on the Washington State Bar Association's Motion to Quash a Deposition Subpoena dated June 7, 2000, issued by Douglas A. Schafer to attorney Philip R. Sloan and upon Philip R. Sloan's Objection to Subpoena for Deposition and Documents.

The Washington State Bar Association appeared through Disciplinary Counsel Christine Gray. Douglas A. Schafer appeared for himself and through his attorney Shawn Timothy Newman. Mr. Schafer's other attorney, Donald H. Mullins, was unavailable for the conference call. Philip R. Sloan appeared for himself and through his attorney Gary Clower.

The Hearing Officer reviewed the following:

1. Notice of Examination and Subpoena for Deposition and Documents dated June 7, 2000, issued by Douglas A. Schafer to Philip R. Sloan;
2. The Bar Association's Motion to Quash Subpoena dated June 7, 2000, and the Declaration of Christine Gray in support of the Motion;
3. Philip R. Sloan's Objection to Subpoena for Deposition and Documents;

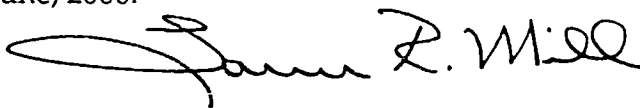
4. Douglas A. Schafer's Reply to Motion to Quash and to Deponent's Objections to Subpoena for Deposition and Documents, together with supporting exhibits; and
5. *In re Grand Jury Proceedings*, 102 F.3d 748 (4th Cir. 1996) provided by Douglas A. Schafer.

The Hearing Officer also reviewed the files and records in this proceeding and heard the arguments of counsel.

For the reasons stated in the Hearing Officer's Order regarding Scope of Discovery, Respondent's Motion for Continuance, and Other Matters dated December 15, 1999, the scope of discovery in this proceeding is limited. The subpoena directed to Philip R. Sloan is outside the previously established scope of discovery in this proceeding. Mr. Schafer is not entitled to learn the contents of his former client's confidential communications to his attorney in order to support the credibility of Mr. Schafer's testimony in his Declaration under Penalty of Perjury dated February 16, 1996.

Accordingly, it is hereby ORDERED that the Bar Association's Motion to Quash the Subpoena dated June 7, 2000, issued by Douglas A. Schafer to Philip R. Sloan is hereby granted and Philip R. Sloan's Objections to the Subpoena are sustained. Mr. Sloan is not required to submit to a deposition or produce any documents.

DATED this 21st day of June, 2000.



Lawrence R. Mills
Hearing Officer

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