

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED AMENDMENTS TO RPC 1.2—SCOPE OF)	ORDER
REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN LAWYER AND CLIENT COMMENT 18 AND RPC 8.4—MISCONDUCT)	NO. 25700-A- 238
NEW COMMENT 8)	
)	

In response to a request to review ethical obligations of RPC 1.2 Comment 18, and upon the Washington State Bar Association Council on Professional Ethics recommendations of the suggested amendments to RPC 1.2—Scope of Representation and Allocation of Authority Between Lawyer and Client Comment 18 and RPC 8.4—Misconduct New Comment 8, and the Court having considered the amendments and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the suggested amendments as attached hereto are adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the suggested amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

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DATED at Olympia, Washington this day of September, 2018.

madsen, J.

Stem. J.

Fairhunst. Cf.

gomález/

Ju J

RPC 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(a) - (f) (Unchanged)

Comments [1]-[17] (Unchanged)

Special Circumstances Presented by Washington's <u>Marijuana Laws-Initiative 502 (Laws of 2013, ch. 3)</u>

[18] At least until there is a change in federal enforcement policy Under paragraph (d), a lawyer may counsel a client regarding the validity, scope and meaning of Washington's marijuana laws Initiative 502 (Laws of 2013, ch. 3) and may assist a client in conduct that the lawyer reasonably believes is permitted by this statute and the other statutes, regulations, orders, and other state and local provisions implementing them those laws. If Washington law conflicts with federal or tribal law, the lawyer shall also advise the client regarding the related federal or tribal law and policy.

RPC 8.4 MISCONDUCT

It is professional misconduct for a lawyer to:

(a) - (n) (Unchanged)

Comment^a

[1] - [7] (Unchanged)

[8] A lawyer who counsels a client regarding Washington's marijuana laws or assists a client in conduct that the lawyer reasonably believes is permitted by those laws does not thereby violate RPC 8.4. See also Washington Comment [18] to RPC 1.2.