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March 30, 2004

Mr. David W. Savage, President  
Washington State Bar Association  
2101 Fourth Avenue, Fourth Floor  
Seattle, WA 98121-2330

**Re: Final Report of the Special Committee for the Evaluation of the Rules of Professional Conduct**

Dear President Savage:

I am pleased to deliver to you the final report of the Special Committee for the Evaluation of the Rules of Professional Conduct, which was appointed by the Board of Governors late in 2002. If the Board finds this report acceptable, the Committee respectfully requests that the Board forward it to the Supreme Court with the Board's recommendation for adoption.

Our task has been to review the Model Rules of Professional Conduct as approved by the ABA House of Delegates in 2002, with changes approved in 2003, and to make recommendations concerning changes, if any, to Washington's existing Rules of Professional Conduct. The Committee decided at the outset that if its recommendation is to depart from the Model Rules in any way, the Committee would articulate the reason for doing so. The Committee also decided to recommend adoption of comments to the rules to provide further guidance to lawyers. You will see those decisions reflected in the Committee's final report.

The report includes an overview and summary that identifies the most dramatic changes from our existing rules and important departures from the Model Rules. It also includes an explanatory memorandum that summarizes the issues considered by the Committee with respect to each rule and the rationale adopted by the Committee in its final vote. Two blacklined versions of the Committee's proposed rules show differences from the Model Rules and from Washington's existing Rules of

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Professional Conduct. We have included as appendices the reports of the subcommittees, the minutes of each full Committee meeting and a compilation of those minutes according to the rules discussed. We hope that you will find here the resources that will be most useful to the Board in considering the Committee's report.

The members of the Committee, experienced lawyers representing a broad diversity of practice areas and a nonlawyer citizen, undertook this task with discipline, diligence, and dedication to the precepts that underlie a lawyer's responsibility to clients, courts and the public. The Committee's deliberations were held in open meetings. Careful attention was paid to the guidance provided by the Model Rules, the history of the rules of ethics in Washington, Washington's current rules, and the challenges of the changing landscape of legal practice. The Committee's discussions were spirited, towards the goal that all views receive a full airing. They were marked by thoughtfulness, clarity, candor, mutual respect and a desire for excellence. The Committee's final report reflects a rigorous review of ethical issues facing individual lawyers and our legal system, and sets out in a comprehensive way the Committee's recommendation for improving the rules that govern lawyers' conduct.

I would like to express my thanks to each member of the Committee, the Supreme Court and Bar Association liaisons, and to Bar staff, for their extraordinary efforts and dedication to this work. It has been a privilege and an honor for me to work with all of them. I would also like to thank the Board of Governors for the excellent support that this Committee has received over the many months of its work. The Bar's support has made it possible for us to reach out to lawyers across the state and to the public, and to prepare a final report that we believe reflects the diligence and thoroughness that the Committee brought to its task.

Respectfully submitted,



Ellen Conedera Dial, Chair

Enclosures

cc: Committee Members  
Justice Mary Fairhurst  
Governor Joni Kerr