

ORDER

IN THE MATTER 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

DATED at Olympia, Washington this 5th day of September, 2018.

Johnson
Madsen, J.
Awen, J.
Stegman, J.

Fairhurst, C.J.
Wiggin, J.
Conrater, J.
John McElroy, Jr.
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 Marijuana Laws Initiative 502 (Laws of 2013, ch. 3)

[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

[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.