

FILED
JUN - 7 2018
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED)
AMENDMENT TO RPC 1.15A—SAFEGUARDING)
PROPERTY)
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_____)

ORDER

NO. 25700-A- 1229

The Washington State Bar Association, having recommended the adoption of the proposed amendment to RPC 1.15A—Safeguarding Property, and the Court having considered the amendment and comments submitted thereto, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendment as attached hereto is adopted.
- (b) That the proposed amendment will be published in the Washington Reports and will become effective on September 1, 2018.

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ORDER

IN THE MATTER OF THE PROPOSED AMENDMENT TO RPC 1.15A—SAFEGUARDING
PROPERTY

DATED at Olympia, Washington this 7th day of June, 2018.



Madsen, J.

Owens, J.

Stephens, J.

Fairhurst, C.J.

Magnus, J.

Conzález, J.

Robt. M. Cook, J.

Zu, J.

RPC 1.15A

SAFEGUARDING PROPERTY

1 Washington Comments

2 [1] – [2] Unchanged.

3 [3] ~~This Rule applies to property held in any fiduciary capacity in connection with a~~
4 ~~representation, whether as trustee, agent, escrow agent, guardian, personal representative,~~
5 ~~executor, or otherwise. This Rule does not apply to property held by a lawyer acting~~
6 ~~solely in a fiduciary capacity such as attorney in fact, trustee, guardian, personal~~
7 ~~representative, executor, administrator, or in any similar capacity where the lawyer's~~
8 ~~investment duties as a fiduciary are controlled by statute or other law. If a lawyer is~~
9 ~~acting as both a fiduciary and as the lawyer for the fiduciary, the character of the funds~~
10 ~~controls whether funds should be deposited in a fiduciary account or the lawyer's trust~~
11 ~~account. In some cases, it may be permissible to put funds received in either the lawyer's~~
12 ~~trust account or the fiduciary account. That determination depends in part on the~~
13 ~~substantive law of fiduciary obligations, which is beyond the scope of these rules. The~~
14 ~~conflict of interest rules determine whether it is appropriate for a lawyer who is the~~
15 ~~fiduciary to also serve as the attorney for the fiduciary. See generally RPC 1.7 and RPC~~
16 ~~1.8(a) and comment [8] to RPC 1.8 and *In re Disciplinary Proceeding Against McKean*,~~
17 ~~148 Wn.2d 849, 866n.12, 64 P.3d 1226, 1234n.12 (2003).~~