

FILED
SUPREME COURT
STATE OF WASHINGTON
JUNE 4, 2021
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED
AMENDMENT TO RPC 6.5—NONPROFIT AND
COURT-ANNEXED LIMITED LEGAL SERVICE
PROGRAMS

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ORDER

NO. 25700-A-1352

Washington State’s Pro Bono Council, having recommended the adoption of the suggested amendment to RPC 6.5—Nonprofit and Court-Annexed Limited Legal Service Programs, and the Court having considered the suggested amendment, and having determined that the suggested amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

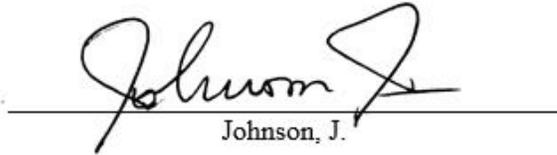
- (a) That the suggested amendment as attached hereto is adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the suggested amendment will be published in the Washington Reports and will become effective September 1, 2021.

ORDER

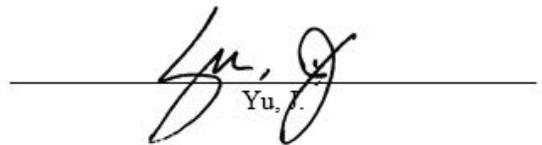
IN THE MATTER OF THE SUGGESTED AMENDMENT TO RPC 6.5—NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS

DATED at Olympia, Washington this 4th day of June, 2021.


González, C.J.

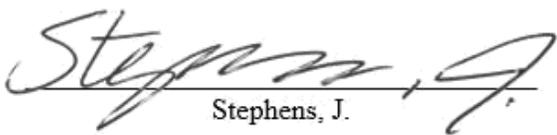

Johnson, J.

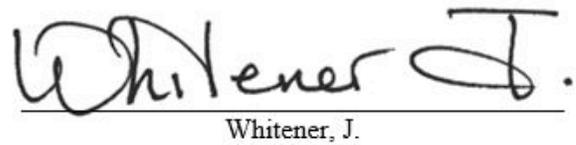

Madsen, J.


Yu, J.


Owens, J.


Montoya-Lewis, J.


Stephens, J.


Whitener, J.

RPC 6.5
NONPROFIT AND COURT-ANNEXED
LIMITED LEGAL SERVICE PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter and without expectation that the lawyer will receive a fee from the client for the services provided:

(1)(2) [Unchanged.]

(3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a), 1.10, or 1.18(c) in providing limited legal services to a client if:

(i) [Unchanged.]

(ii) each client is notified of the conflict and the screening mechanism used to prohibit dissemination of information relating to the representation; such notice, may be given prospectively; and

(iii) [Unchanged.]

(b) [Unchanged.]

(c) Prospective notice shall satisfy the requirements of (a)(3)(ii) only if the assistance provided to both conflicting clients is limited legal service as governed by Rule 6.5.

[Adopted effective October 29, 2002; amended effective September 1, 2006; April 14, 2015.]

Comment

[1][5] [Unchanged.]

Additional Washington Comments (6 - 78)

[8] Providing prospective notice of a potential conflict in accordance with Paragraphs (a)(3)(ii) and (c) would be particularly appropriate in situations where vulnerable client populations may be involved. For example, where a nonprofit or court-annexed limited legal service program is assisting a survivor of domestic violence and the perpetrator of the domestic violence seeks, or previously received, assistance through the same program. In such cases, notification to the perpetrator when the conflict arises could effectively advise the perpetrator that the survivor is contemplating legal action potentially affecting the perpetrator, thus putting the survivor at risk of retaliation.

[Comments adopted effective September 1, 2006; amended effective April 14, 2015; September 1, 2016.]