

## Tracy, Mary

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**From:** Sullins, Nan  
**Sent:** Tuesday, July 08, 2014 5:14 PM  
**To:** Tracy, Mary  
**Subject:** FW: Comment on Proposed Amendment to RPC 1.2

Please post under comments.

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**From:** Hugh Spitzer [spith@u.washington.edu]  
**Sent:** Tuesday, July 08, 2014 4:05 PM  
**To:** AOC DL - Rules Comments  
**Cc:** artlachman@lawasart.com; whisner@uw.edu; Thomas R. Andrews  
**Subject:** Comment on Proposed Amendment to RPC 1.2

Ladies and Gentlemen:

This is a purely technical comment on the drafting of the proposed adjustment to RPC 1.2 in connection with the recent enactment of Initiative 502. This comment reflects solely my views and not the views of the University of Washington or any client of the law firm with which I am affiliated.

The proposed comment refers to "this initiative and the statutes, regulations, orders and other...provisions implementing them." My technical comment to the language is that Initiative 502 is now a statute, promulgated as Chapter 3, Laws of 2013. Since the measure has been enacted, and is now a statute rather than an initiative proposal, it might make sense to add the word "other" before the word "statutes" in the rule, and to refer to the measure's location in Washington Statutes. To reflect this, the language might be adjusted to read as follows:

### Special Circumstances Presented by Washington Initiative 502

[18] At least until there is a change in federal enforcement policy, a lawyer may counsel a client regarding the validity, scope, and meaning of Washington Initiative 502 (**Chap. 3, Laws of 2013**) and may assist a client in conduct that the lawyer reasonably believes is permitted by this statute initiative and the other statutes, regulations, orders and other state and local provisions implementing them.

Thank you for your consideration.

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