

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, August 05, 2014 2:01 PM
To: Tracy, Mary
Subject: FW: Proposed Rule RPC 1.2

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From: Rachel Felbeck [mailto:rachel@felbecklaw.com]
Sent: Tuesday, August 05, 2014 1:59 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: Proposed Rule RPC 1.2

Ladies and Gentlemen:

This is being sent in endorsement of the revision of RPC 1.2 – with respect to the enacted I-502 statute. I note that most of the comments point out that Washington State Law is in conflict with current Federal Law. According to the other comments, thus there should be no opportunity for attorneys to provide advice or counsel to clients who are interested in creating business opportunities within the framework of the statute enacted by the citizens of the State of Washington and, to do so must inherently be a violation of the RPCs. Many states – over 23 at this point, have enacted medical marijuana statutes in violation of federal law. Many states, counties and cities in our country have decriminalized the penalties for possession of marijuana in conflict with federal law mandatory sentencing guidelines. Many states will have, or will likely have, initiatives in the next several years to legalize recreational marijuana in conflict with current federal law.

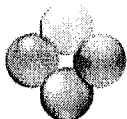
As I understand the purpose of this rule change, it would be to ensure that attorneys who are acting in their capacity as counselors of law are not sanctioned by our state Bar Association for giving legal advice on a statute that has been passed and is enacted within our state. It is both reasonable and appropriate for residents and business owners in Washington to consult with attorneys concerning state laws and attorneys should be free to do so without concern that they will be sanctioned by our Bar Association or by the State Supreme Court for doing so. As pointed out in other comments, any attorney providing advice about Washington State Law with respect to this statute should certainly inform and advise clients that these activities are illegal under Federal Law and the potential risks involved with engaging in such activities.

I urge the State Supreme Court to adopt this proposed revision to RPC 1.2, however, I recommend deleting the first part of the first sentence “At least until there is a change in federal enforcement policy” as that leaves uncertainty for the attorney providing advice on this statute based on the whims and possible changes in federal law, which likely will not affect the law here in Washington unless and until it is specifically held unconstitutional by the US Supreme Court.

Regards,

Rachel Felbeck

Law Office of
Rachel L. Felbeck



**Collaborative Family Law, Mediation, Consultation
and Divorce-Related Services**

5400 Carillon Point – Kirkland, WA – 98033

Office: 425-822-0283

Fax: 425-576-4040

✉ rachel@felbecklaw.com

🌐 <http://www.felbecklaw.com>

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