

## Tracy, Mary

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**From:** Hinchcliffe, Shannon  
**Sent:** Friday, April 28, 2017 9:53 AM  
**To:** Tracy, Mary  
**Subject:** FW: Comment on proposed rules ELC 3.3 and 6.6 re Diversion Agreements.

Can you please publish these comments? Thank you.

**From:** Strait, John [mailto:straitj@seattleu.edu]  
**Sent:** Thursday, April 27, 2017 1:41 PM  
**To:** AOC DL - Rules Comments <RulesComments@courts.wa.gov>  
**Subject:** Comment on proposed rules ELC 3.3 and 6.6 re Diversion Agreements.

These two rule changes would cease the current confidentiality of Diversion Agreements as a resolution of a Bar grievance. I oppose ending confidentiality as proposed since it would make diversion agreements far less attractive to potential respondents. As a lawyer and law professor who advises and represents respondents, the loss of confidentiality would also complicate negotiating such a diversion agreement since its public nature under the proposed rules would necessitate the inclusion of additional language which would be designed to minimize the public effect of such an agreement. This will add burdens not only on the respondent lawyer but also on the Bar counsel attempting to reach such an agreed diversion. I have separately joined other comments opposed to these changes. John A. Strait

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