

# | skellengerbender |

RITA L. BENDER  
RBender@skellengerbender.com

April 26, 2017

*Via email: supreme@courts.wa.gov.*

Dear Members of the Court:

I send this comment with regard to the pending proposed changes to ELC 3.3 and 6.6. These provisions address the current diversion program. I suggest that the proposal pending may be counter-productive. Diversion is available to attorneys in circumstances in which the infraction is understood to be minor, and is not reflective of on-going attorney misconduct. The attorney is provided the opportunity to acknowledge the misconduct and take action to avoid further violation of the Code.

This option permits the lawyer to take steps to improve conduct, which may include such things as better law office management, time management, counseling to address a life crisis or mental health issues. The improvements are obviously beneficial both to the attorney and to present or potential clients. The confidentiality presently afforded by the rules is the incentive to the attorney to address the existing impediments to appropriate attorney conduct.

Please consider these concerns. I urge that you not accept the proposed changes to ELC 3.3 and 6.6.

Respectfully,



Rita L. Bender  
WSBA 6573

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Wednesday, April 26, 2017 4:01 PM  
**To:** Tracy, Mary  
**Subject:** FW: Letter from Rita Bender to Members of the Court re ELC 3.3 and 6.6  
**Attachments:** Letter from Rita Bender to Members of the Court.pdf

This one's for you!

**From:** Morgan Nadeau [mailto:MNadeau@skellengerbender.com]  
**Sent:** Wednesday, April 26, 2017 3:52 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Rita Bender <RBender@skellengerbender.com>  
**Subject:** Letter from Rita Bender to Members of the Court re ELC 3.3 and 6.6

Attached please find a letter written by Rita Bender to the Members of the Court regarding the pending proposed changes to ELC 3.3 and 6.6. Please distribute this letter to all members of the court per Ms. Bender's request. Please let me know if you have any questions.

Thank you for your help in this matter,

*Morgan C. Nadeau*

skellenger bender

Administrative Assistant

PHONE 206.623.6501 | FAX 206.447.1973

[mnadeau@skellengerbender.com](mailto:mnadeau@skellengerbender.com) | [www.skellengerbender.com](http://www.skellengerbender.com)

1301 Fifth Ave., Suite 3401 | Seattle, WA 98101

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