

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, April 30, 2018 8:43 AM
To: Tracy, Mary
Subject: FW: Proposed Comment 13 to RPC 4.2

Forwarding.

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, April 30, 2018 8:42 AM
To: 'Wynne, Roger' <Roger.Wynne@seattle.gov>
Subject: RE: Proposed Comment 13 to RPC 4.2

Received 4-30-18.

Supreme Court Clerk's Office

From: Wynne, Roger [<mailto:Roger.Wynne@seattle.gov>]
Sent: Sunday, April 29, 2018 5:27 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Comment 13 to RPC 4.2

I write in my personal capacity to offer a few editorial suggestions for proposed Comment 13 to RPC 4.2.

In the first sentence, the quotation marks around "a pro se lawyer" should be removed. It is neither a term of art nor a definition employed later in the rules.

In the final sentence, I suggest two edits:

On the other hand, a lawyer who is personally involved in a matter and has retained another lawyer to represent him or her is not "representing a client," and is permitted to communicate directly with another person the lawyer knows to be represented in the matter without the consent of ~~the other~~ that person's lawyer, provided the represented lawyer is not acting as co-counsel.

As written, is "the other lawyer" the "lawyer to represent him or her" or the one representing "another person"? The intent is the latter. The text should not prompt the reader to reread the sentence to confirm that intent. Replacing "the other" with "that person's" will add clarity.

I don't believe "cocounsel" is correct. It should be hyphenated, like the rules do with "co-client" elsewhere.

Thank you for considering these suggestions.

- Roger Wynne,
WSBA #23399