



Free Civil Legal Aid

TACOMAPROBONO
www.tacomaprobono.org

February 3rd, 2020

Paige Hardy
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Support of New Proposed Comment 8 to the Rule of Professional Conduct 6.5

Ms. Hardy,

On behalf of Tacomaprobono, I am writing to express our full support of the New Proposed Comment 8 to the Rule of Professional Conduct 6.5. This addition would increase desperately needed access to civil legal aid for survivors of domestic violence.

We are forced to turn away approximately ten percent of clients who seek our services but have case conflicts because we do not feel safe utilizing the current version of RPC 6.5 requiring notification. We feel compelled to reject cases rather than accept these clients and notify their opposing parties because telling an abuser that their partner is seeking legal help poses grave danger to a domestic violence survivor.

In order to illustrate the issue, here is one common scenario that arises: we host a free legal assistance at a legal clinic for domestic violence survivors. A survivor applies for help with a parenting plan. The opposing party to the survivor's case is the other parent, who has a history of domestic violence against the survivor. The opposing party received legal help with a different attorney through another legal clinic organized by us. A program staff member later reviews the intake materials from both clinics and notices the conflict. Once the staff member does so, RPC 6.5 requires the program to notify both parties of the conflict and of the screening mechanisms in place to maintain confidentiality. When the abuser is notified of the conflict, they assume--accurately, as it turns out--that the other

parent is seeking legal help, likely relating to the abuser's parental rights. This knowledge puts the abuse survivor in immediate danger of retaliation.

So, even though a party's name is not disclosed, the opposing party may well be able to figure out who the conflicting client is, especially if they have, or previously had, a domestic relationship with one another – which could be extremely dangerous. As an organization, we are presented with a difficult choice: reject the survivor of domestic violence and essentially deny them service completely (with limited civil legal aid in our community there is often nowhere else to turn) or put their safety at risk by notifying their abuser of the potential conflict.

The proposed comment clarifies that non-profit and court-annexed legal services providers may fulfill the obligation to notify both parties of a conflict by communicating at the time of screening and intake that the other party may also receive legal help through the organization. This would be immensely helpful and allow us to safely increase access to civil legal aid.

Sincerely,



Carly Roberts
Executive Director

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: RPC 6.5, New Proposed Comment 8 - Tacomaprobono Letter of Support
Date: Monday, February 3, 2020 1:56:42 PM
Attachments: [image001.png](#)
[RPC 6.5, Proposed Comment 8 - Tacomaprobono Support.pdf](#)

From: Carly Roberts [mailto:Carly@tacomaprobono.org]
Sent: Monday, February 3, 2020 1:55 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: RPC 6.5, New Proposed Comment 8 - Tacomaprobono Letter of Support

To Whom It May Concern:

Please see the attached letter of support in favor of the New Proposed Comment to RPC 6.5.

Sincerely,

Carly A. Roberts, J.D.

Executive Director

TACOMAPROBONO

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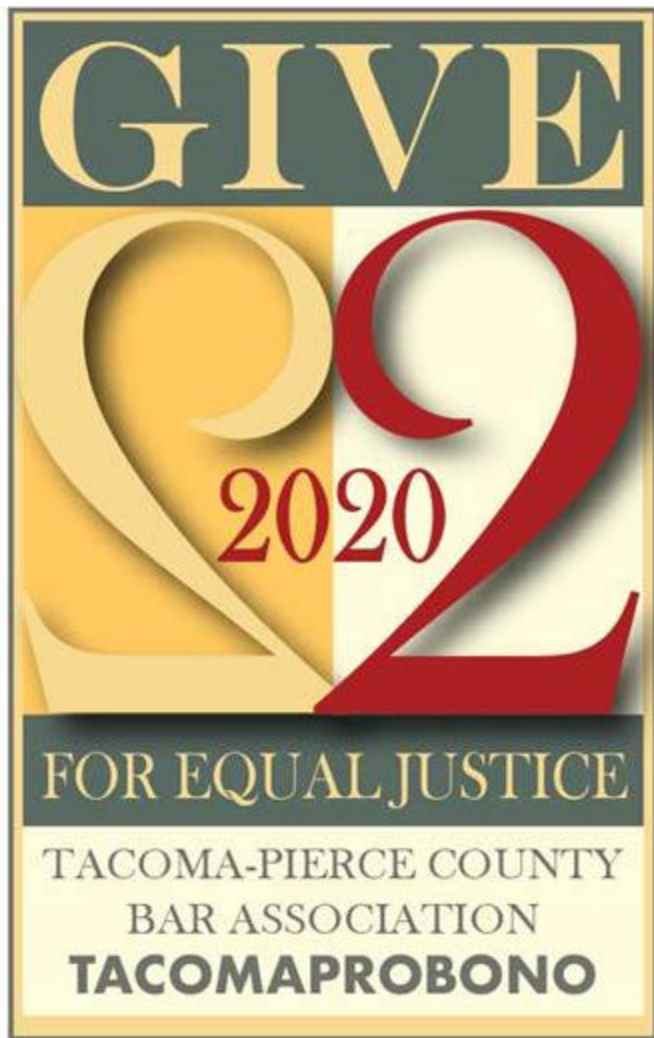
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