

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

Rajeev Majumdar, President

April 24, 2020

Justice Charles Johnson
Chair of the Supreme Court Rules Committee
Washington Supreme Court
PO Box 40929
Olympia, WA 98504-0929

**re: Comment of Support re: Withdrawal of Proposed Amendment to RPC 6.5 Comment [8] —
Request of Washington Access to Justice Board Pro Bono Council**

Dear Justice Johnston:

On November 6, 2019, the Supreme Court published Comment [8] to RPC 6.5 proposed by the Washington Access to Justice Board Pro Bono Council (PBC) with a comment deadline of April 30, 2020 via Order No. 25700-A-1270.

On November 19th, 2019, the WSBA Board of Governors (BOG) asked the Committee on Professional Ethics (CPE) to recommend to the BOG prior to its April 17-18 2020 meeting whether and how to comment on the PBC proposal. At the December 5, 2019 CPE meeting a subcommittee was formed to study the PBC proposal; thereafter CPE review, analysis and collaborative communication with the PBC ensued.

Due to the disruption caused by the COVID-19 outbreak, on March 19, 2020, the PBC notified the CPE that it could not timely finalize a revised proposal and had submitted a request to the Supreme Court to withdraw the proposal. On March 26th, the Office of Legal Services and Appellate Court Support confirmed for the PBC that the Supreme Court Rules Committee had received and was processing a request by PBC to withdraw the PBC proposal. However, the Rules Committee is not scheduled to meet regularly until May 11, 2020 and did not promulgate any emergency order to end the proposal comment period due to the COVID19 crisis and other circumstances.

At the Board of Governors April 17, 2020 meeting CPE Subcommittee Chair Brooks Holland reported the Committee's position that the proposal is moot because the proponent has requested that the Court withdraw the proposal and intends to submit a revised proposal in the fall. Subcommittee chair Holland reported that the CPE recommendation is that the BOG support the request of the Pro



Bono Council in their request to withdraw their proposed new comment. The motion to adopt the CPE's recommendation passed unanimously.

Consequently, the WSBA is formally making comment to support the idea that the Court should grant the Pro Bono Council's request to withdraw their proposed Comment [8] to RPC 6.5

In Service,



Rajeev D. Majumdar
WSBA President



From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: To Justice Charles Johnson, Chair of Supreme Court Rules Committee - re: RPC 6.5, Comment 8
Date: Friday, April 24, 2020 3:22:55 PM
Attachments: [Letter President Majumdar to Rules Committee RPC 6.5 Comment withdrawal request 4.24.20.pdf](#)
Importance: High

This yours? 😊

From: Rajeev Majumdar [mailto:rajeev@northwhatcomlaw.com]
Sent: Friday, April 24, 2020 3:21 PM
To: Johnson, Justice Charles W. <Charles.Johnson@courts.wa.gov>
Cc: Stephens, Justice Debra L. <Debra.Stephens@courts.wa.gov>; OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; Terra Nevitt <terran@wsba.org>; Jeanne Marie Clavere <jeannec@wsba.org>
Subject: To Justice Charles Johnson, Chair of Supreme Court Rules Committee - re: RPC 6.5, Comment 8
Importance: High

Dear Justice Johnson,

Please find attached a comment/request to the Court's Rules Committee from the WSBA in support of the proponent's request to withdraw their submitted proposed Comment 8 to RPC 6.5.

The Clerk of the Court has been copied for submission into the record, and a hard copy will not be transmitted pursuant to Publication Order 25700-A-270, as our comment is less than 1500 words.

Warmly,

Rajeev D. Majumdar, President
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