

September 27, 2020

**ELIZABETH FITZGEARLD**  
EXECUTIVE DIRECTOR

Susan L. Carlson  
Clerk of the Supreme Court  
Washington Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

**AUDRA MORRISON**  
PROGRAM DIRECTOR

**JESSI ANDERSON**  
LEGAL DIRECTOR

**Re: Letter in Support of WSBA Comment re the Matter of Revised Proposed Amendment to RPC 7.3 and Navigate Law Group Comment on Proposed Changes to RPC 7.3**

CLARK COUNTY VOLUNTEER  
LAWYERS PROGRAM  
100 W 11TH STREET, STE 1  
VANCOUVER, WA 98660  
WWW.CCVLP.ORG

Dear Madam Clerk,

**CONTACT**

JESSI ANDERSON  
LEGAL DIRECTOR  
(360) 823-0423  
JESSI@CCVLP.ORG

As directors of the Clark County Volunteer Lawyers Program we wish to submit this letter of support for both the WSBA Comment dated April 28, 2020, and the Comment submitted by Navigate Law Group dated September 25, 2020, both opposing the proposed changes to Rule 7.3 of the Rules of Professional Conduct regarding solicitation.

As a nonprofit provider of legal services in Washington, we are concerned about the implications of the proposed rule change. In particular, our concern is with the distinction being drawn between different practice areas of law. The proposed change to RPC 7.3 expressly prohibits solicitation from attorneys practicing in the areas of family law, criminal law, bankruptcy law, and personal injury law, but allows solicitation of clients for all other areas of law subject to the restrictions of 7.3(a)(1)-(4). We do not understand a valid reason for making this distinction. If the distinction has been drawn, as supposed by the Committee on Professional Ethics' (CPE) comments, to protect the perceived vulnerabilities of persons needing services in those areas, we find two flaws with that rationale.

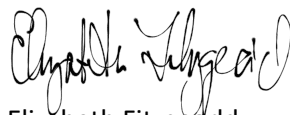
First, as indicated by the CPE's comments, there are many additional areas of law which could possibly include vulnerable clientele which are not prohibited from soliciting clients. Secondly, the idea that individuals requiring family law, criminal law, bankruptcy law, or personal injury law assistance are needing protection, or less likely to be able to appropriately make their own choices regarding whether to engage the services of a particular attorney or not seems paternalistic and slightly insulting. We do not see that there is any need to cut those individuals from the crowd and disallow them from receiving solicitations from legal providers which are otherwise not in violation of services subsection(a)(1)-(4).

Additionally, some attorneys practicing in those precluded fields provide potential clients with no-cost, or low-cost, initial consultations. These introductory consultations are often very helpful for individuals to understand whether they truly have a claim or an argument worth pursuing. Attorneys can help individuals understand at these initial consultations whether they have an action they can pursue without the help of an attorney, or they may point people in the direction of a government agency or social service provider that may be of assistance. If it is determined that an individual has an actionable legal issue, but cannot afford the services of the attorney, they may also inform the client of low-bono or pro-bono resources available, including civil legal aid. Allowing attorneys practicing in the four categories of law excluded by rule 7.3 to solicit in the same manner as all other legal practitioners will likely increase the access of legal services to Washingtonians whether they end up engaging the services of the attorney initiating the solicitation or not.

Further, we would like to emphatically voice our support for CPE's comment enumerated A.5. discussing the confusion created by the proposed rule's sentence construction. The proposed rule is written in such a way as to suggest that solicitation done with non-pecuniary motivation is prohibited. It seems highly unlikely that this was the intention of the construction and would have a chilling effect on our efforts to provide legal aid to our community. We agree with both submitted comments that the proposed rule should be written to make it clear that solicitation efforts when made for non-pecuniary reasons, such as by lawyers working in civil legal aid, should be permitted so long as they do not otherwise violate subsections (a)(1)-(4).

As equal access to legal services for all is at the core of our mission statement, we celebrate this chance to provide support for the comments made by WSBA and Navigate Law Group in opposition to the proposed rule changes to 7.3. We would encourage a change to RPC 7.3 which applies equally across the board of all areas of law.

With Respect,



Elizabeth Fitzgerald  
Executive Director



Audra Morrison  
Program Director



Jessi Anderson  
Legal Director

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Cc:** [Tracy, Mary](#)  
**Subject:** FW: Clark County Volunteer Lawyers Program Comment re: Proposed Amendment to RPC 7.3  
**Date:** Wednesday, September 30, 2020 2:29:04 PM  
**Attachments:** [Letter in Support RPC 7.3-Signed.pdf](#)

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**From:** Elizabeth Fitzgearld [mailto:elizabethf@ccvlp.org]  
**Sent:** Wednesday, September 30, 2020 2:28 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Audra Morrison <audra@ccvlp.org>; Jessi Anderson <jessi@ccvlp.org>  
**Subject:** Clark County Volunteer Lawyers Program Comment re: Proposed Amendment to RPC 7.3

Hello,

**On behalf of Clark County Volunteer Lawyers Program based, I am formally submitting comment on the proposed amendment to RPC 7.3.**

**Specifically, we support the submitted comments by the Washington State Bar Association (WSBA) and Navigate Law Group.**

**If you have any further questions for our organization regarding this comment, please contact our Legal Director, Jessi Anderson, by email at [jessi@ccvlp.org](mailto:jessi@ccvlp.org).**

With Respect,

Elizabeth Fitzgearld  
**Executive Director**  
**Clark County Volunteer Lawyers Program**  
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Vancouver, WA 98660  
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