

Faulk, Camilla

From: Lawrie & Gilbert [lglaw@qwest.net]
Sent: Thursday, February 28, 2008 1:46 PM
To: Faulk, Camilla
Subject: Proposed RPC Rule 1.15A rule change

Dear Ms. Faulk:

I noted that the Attorney's Eagle Eye Bulletin (February 27, 2008 edition at Page 5) sets forth a proposed Rules of Professional Conduct 1.15A and the Washington Comments thereto ([8]) states that (Payment of advanced fees) "cannot be deposited into a general account and then transferred to the trust account. Similarly, credit card payments of earned fees, of retainers meeting the requirements of Rule 1.5(f)(1) and of flat fees meeting the requirements of Rule 1.5(f)(2) cannot be deposited into the trust account and then transferred to another account."

I fully understand the first sentence relating to not putting unearned funds into the General account and then transferring them to the Trust account. I personally went through a huge go-round with the bank when they set up our credit card machine and it turned out it went directly into the General account each time. Now it is set up so that any credit card payment must go into the Trust account. However, there is no way for a law firm to designate to the credit card company on an individual transaction that this payment must go into the General account rather than the Trust account. There is only one credit card machine and one designated account. This rule change would make it impossible to accept credit cards in payment of fees already earned. Frankly, this makes little sense. Beyond that, how does placing it into trust and then writing a check from Trust to General in any way endanger the client or create a misuse of the client's funds?

If I have misconstrued this matter, I would appreciate it if you would give me a call at 206-728-0500 and set me straight!

Thank you for your attention to this matter.

Very truly yours,

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