

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, June 24, 2014 8:32 AM
To: Tracy, Mary
Cc: Bausch, Lisa
Subject: FW: Proposed Rule RPC 1.2

Sending this to you also since Mary is out today.

Thanks

LM

From: Craig Ritchie [mailto:critch@sequimwa.gov]
Sent: Tuesday, June 24, 2014 8:29 AM
To: OFFICE RECEPTIONIST, CLERK
Subject: Proposed Rule RPC 1.2

This proposed Rule seems like the court is giving legal advice on a very complex legal matter. Aiding and abetting a federal felony will not be any less a felony with a court rule saying it's okay. I would think a good lawyer would prepare a written disclaimer to the client about the legal risks. Lawyers wanting to cash in on the possibilities set forth in I-502 are no different from the State Legislature members who think that the tax revenue from selling marijuana will solve the economic problems of the State. Lawyers still must not break the law.

Consider what would happen if a lawyer, relying on the proposed rule were prosecuted under federal law and convicted of a felony. Would the automatic disbarment for conviction of a felony somehow not apply?

There are many situations where legal advice may border on aiding and abetting some crime. A good faith argument that the law is unconstitutional [Sunday "blue laws," prohibitions on topless dancing establishments (which usually are a misdemeanor in most city codes), loitering laws, tape recording a police encounter], should be a good defense to a Bar complaint for advising a client to break such a law. But we don't see any effort to try to promulgate a Rule of Professional conduct for each of those situations. We should not do so either in the case of I-502 issues.

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