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Subject: FW: Proposed Mandatory Malpractice Insurance
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From: becky boughton [mailto:beckyb.esq@gmail.com]
Sent: Monday, August 17, 2020 4:49 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Mandatory Malpractice Insurance

To the Honorable Justices of the Washington Supreme Court:

Please consider my comments below explaining my objections to the proposed mandatory malpractice insurance.

I am a licensed Washington State attorney but do not practice law in my current federal position. Prior to obtaining my license in Washington, I practiced in Idaho (SS, special education, wills and trusts, resigned license in 2019) and Illinois (disability law protection/enforcement, licensed since 2006, currently inactive status).

As the former Executive Director for Kitsap Legal Services (KLS) until 2015, I appreciate the valuable services retired and inactive attorneys provide to the local low-income community and individuals with disabilities. I purposely recruited retired, unemployed, or other inactive attorneys as they are a wealth of knowledge and experience. They were able to take on complicated, time intensive cases. One of the attractive features for these attorneys was that our program offered legal malpractice insurance on behalf of any clients assisted. These attorneys often had limited income and paying for malpractice insurance was prohibitive.

Few low-income clients have the necessary skills to navigate court procedural requirements. If these attorneys do not volunteer due to mandatory malpractice insurance, it will be devastating to clients' ability to have a fair day in court.

While working at KLS, retired/inactive/unemployed attorneys provided services for a multitude of civil legal matters such as:

- Family law; dissolutions, paternity, parenting plans, child support
- Domestic violence; ensuring the survivor is safe and proper restraining orders are in place (often required additional assistance with housing and family law issues)
- Landlord tenant: shelter is a basic need and illegal evictions caused a spiral of negative consequences to unassisted individuals and families
- Consumer, driver's license, and bankruptcy; all contribute to the many layers of financial challenges that keep individuals in poverty
- Immigration; often involves language barriers and multiple legal issues— one unemployed volunteer was fluent in Spanish and assisted numerous families and

individuals

- Disability; special education, Social Security Disability Insurance – individuals with disabilities have little chance of gaining a favorable outcome without assistance (one of our retired attorneys not only represented clients but also spearheaded a CLE to train other attorneys to assist clients with SSDI applications and issues).
- Administrative law: DSHS and CPS

In a few years when I retire, my plan is to volunteer for legal-aid services. But I will not have an active practice. Practicing law without malpractice insurance would be foolish which is why I will only volunteer for legal-aid programs which provide malpractice insurance for services rendered.

Thank you for your consideration and again I request that you reject mandatory malpractice insurance for Washington State attorneys.

Very respectfully,

Rebecca Boughton
Washington State Bar #47371