

April 24, 2020

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APR 27 2020

Washington State
Supreme Court

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

Re: Comment on the Matter of the Proposed Amendment to APR 26—Insurance,
Publication Order 25700-A-1281

Dear Madam Clerk:

I am writing to express my opposition to the proposal to require mandatory malpractice insurance for attorneys.

For most of my professional career, I worked as a public attorney for a county government. I had the privilege of being an elected prosecuting attorney for twelve years. As such, I experienced numerous horrific situations, but the lawyers I encountered (with rare exception) always displayed a high ethical awareness beyond that required by the RPCs.

Consequently, in my estimation, the proposed rule will do more harm than good. I agree with the arguments advanced by Rajeev D. Majumdar, President of the Washington State Bar Association. See his letter dated January 26, 2020. Private practitioners, such as myself, who work on a limited basis (I essentially restrict my practice to pro bono cases), cannot justify the cost of malpractice insurance. Moreover, I am not interested in doing pro bono work in a legal services clinic, especially in light of the COVID-19 situation.

If this proposed amendment is adopted, all I can say for sure is that there will be one less attorney practicing in Washington State.

Sincerely,

Dr. David J. Burke

Dr. David J. Burke
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