

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Comment re the Matter of the Proposed Amendment to APR 26 - mandatory insurance -- out-of-state members
Date: Monday, March 9, 2020 8:08:57 AM

From: Leslie Budewitz [mailto:Leslie@LeslieBudewitz.com]
Sent: Sunday, March 8, 2020 1:42 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re the Matter of the Proposed Amendment to APR 26 - mandatory insurance -- out-of-state members

Susan L. Carlson, Clerk
Washington State Supreme Court

Dear Madame Clerk:

I am writing to comment on the proposal to mandate malpractice insurance for all members of the Washington State Bar. In my view, as lawyer of nearly 35 years, the WSBA's reasons for rejecting the proposal in favor of other options, still under study, make good sense. My comments are specific, however, to the unique situation of out-of-state members.

I believe that any mandate should specifically exempt those of us who, while still licensed in Washington, do not maintain an active practice in Washington and either practice in a state without a mandatory insurance requirement or maintain a practice in another state that, while private, does not fit the usual categories and require insurance. The current proposal does not do so. As an illustration, I was admitted in 1984; after clerking at the Court of Appeals, Div. II, and practicing for several years in Tacoma and Seattle, I returned to my home state of Montana in 1993. Until late 2017, I was employed by another lawyer maintaining a private practice and was fully insured. That lawyer retired. Now on my own, I handle appellate mediations and serve as local counsel for an out-of-state firm defending litigation in Montana; neither situation requires insurance, Montana does not mandate it, and I do not maintain it. Requiring someone like me to be insured in Washington would serve no purpose and do nothing to protect Washington residents; the expense would probably force me to give up my Washington license or move it to inactive status.

I hope you'll consider the circumstances of out-of-state members in making your determination.

My thanks –

Leslie

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