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Subject: FW: COMMENT RE PROPOSED APR 26 - OPPOSED TO MANDATORY INSURANCE
Date: Wednesday, April 29, 2020 3:30:24 PM

From: Lisa Scott [mailto:scottatty@outlook.com]
Sent: Wednesday, April 29, 2020 2:51 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: COMMENT RE PROPOSED APR 26 - OPPOSED TO MANDATORY INSURANCE

Dear Supreme Court:

I am writing to comment on proposed APR 26, which would require all attorneys to carry malpractice insurance at certain minimum levels. I am strongly opposed to this rule. Once again, it is a solution in search of a problem. The number of uninsured lawyers is already low, so there is not a large number of uninsured attorneys in practice here in WA. Proponents of the rule continually equate lack of insurance with incompetence. Just because an attorney does not carry insurance, he/she is not automatically (a) committing malpractice that causes financial harm, and (b) unable to compensate a client if they did. Where is the evidence that being uninsured causes more attorney malpractice? If I let my car liability insurance lapse, I wouldn't suddenly become a bad driver out there on the highways causing mayhem.

Most attorneys, such as myself, are already insured, and intend to remain insured as long as the coverage is affordable. I have had insurance since 1995 and never had a claim. However, the rule would require me to double my coverage, since I carry only the minimum the insurance company offers. If this rule passes, it would increase my expenses and I would likely need to raise my rates. Working in family law, I try to keep my prices reasonable, but if my costs go up I would need to raise my rates, possibly pricing out many clients. Plus, as I near retirement age, I would be more likely to quit completely rather than practice part-time if this rule is in effect.

The Bar and courts should trust lawyers to be responsible and decide what is best for them, and not micromanage us at every opportunity. This rule is a gift to the insurance companies and the trial lawyers, both of whom would benefit by more insurance being bought. Especially during this Covid-19 crisis and aftermath, the last thing we practicing attorneys need is heavy-handed and expensive mandates to be able to continue in business.

Thank you for your consideration.

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