

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Tracy, Mary](#)  
**Subject:** FW: APR 26 "Purpose" Language  
**Date:** Wednesday, March 4, 2020 12:08:43 PM

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**From:** A. Stevens Quigley [mailto:quigley@attorneydude.com]  
**Sent:** Wednesday, March 4, 2020 11:51 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** APR 26 "Purpose" Language

I carry professional liability coverage.

Whoever wrote the "Purpose" language in the proposed APR 26 may have reason to be upset, but I think the language is not sufficiently even-handed for presentation of a proposed rule.

I think the language is derogatory to a portion of the bar. I think the statistics are unscientific. I think the language is biased and politically charged (perhaps for a reason). And, I think much of argument is irrelevant.

I believe revised "Purpose" language, which is more balanced and fair, should be used before this rule is considered. I have attached a proposed edited version.

I think it is wrong to label lawyers without insurance as irresponsible. Calling it "astonishing" is equally wrong. We do not know why each lawyer does not have coverage. The other people who have commented against the proposal sound like responsible people.

The statement "solo practitioners choosing not to carry malpractice insurance . . . pose the greatest risk to the public, the legal system and access to justice" is a wild statement, seemingly without basis. How is risk defined? Do matters handled by large firms with potentially large damages present greater risk? Unless this statement is backed up by actuarially sound statistical underwriting analysis, the statement should not be made in support of this proposal. And how does the lack of insurance damage the legal system and damage access to justice? To the contrary, possibly there are more lawyers available in the legal system to provide access to justice.

The statement "solo and small firm practitioners represent the largest group of disciplined attorneys and the highest rate of complaints to the [Office of Dispensary Council] is not relevant. (I think the "Purpose" author meant to say Disciplinary, not Dispensary.) Discipline can be for matters other than those resulting in damages. Many complaints are dismissed, so the number of complaints means little. Again, unless this statement is backed up by sound statistics, the statement should not be made in support of this proposal.

"The sheer number of clients exposed without basic protection is staggering" is alarmist argument that is both biased and politically charged (again, perhaps for a reason).

Describing the two states that have mandatory insurance (out of 56 states and territories) as being "progressive", "strong" and protective is also biased and politically charged (perhaps for a reason). Are the other 96% of the states and territories regressive, weak, and non-protective? Stating that "the rest of the world has surpassed us" and stating "the vast majority of all common and civil law countries" are not supported by the third to the last sentence in the paragraph.

The "Purpose" section should also mention that this matter was considered and not supported by the Washington State Bar Association, as reflected by the comment letter submitted by the Bar President.

The omission of this fact in the "Purpose" section is glaring. This omission needs to be rectified.

As I said, whoever wrote the "Purpose" language may have reason to be upset, but the bar is owed a much more even-handed presentation of this proposed rule. As I have also said, I have attached a proposed edit. The Bar President should also be asked to craft a summary of Bar action, which should be added to the "Purpose" so as to give readers an accurate presentation.

~ A. Stevens Quigley, WSBA #5787

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Tracy Mary](#)  
**Subject:** FW: APR 26 "Purpose" Language  
**Date:** Wednesday, March 4, 2020 1:08:47 PM

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**From:** A. Stevens Quigley [mailto:quigley@attorneydude.com]  
**Sent:** Wednesday, March 4, 2020 1:09 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** APR 26 "Purpose" Language

This image should have been at the bottom of the email you received from me.

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## APR 26 - Insurance Disclosure

### Purpose:

In Washington State, it's not a requirement to carry malpractice insurance to be a licensed attorney representing the public. Although the majority of attorneys ~~are responsible and~~ carry malpractice insurance, approximately 14% or 2,752 attorneys in private practice do not. ~~Solo and small firm practitioners represent the largest group, with an astonishing 28% of solo practitioners choosing not to carry malpractice insurance, and yet they pose the greatest risk to the public, the legal system and access to justice. According to the Office of Disciplinary Council (ODC), solo and small firm practitioners represent the largest group of disciplined attorneys and the highest rate of complaints to the ODC.~~

~~To put it into perspective, with so many uninsured attorneys, the sheer number of clients exposed without basic public protection is staggering. In a 12 month period, at just one client a month or 12 clients a year, that number is 33,024 clients exposed to potential harm. These numbers are conservative at best, most attorneys handle more than 1 client a month, and with just 2 or 3 a month that number rapidly approaches 60,000-100,000.~~

~~Currently, only two states in the union have been progressive and strong enough to protect the public and make mandatory malpractice insurance a requirement to~~

~~practice law. Oregon was the first in 1977, and just recently Idaho did in 2018. Traditionally, the American legal and judiciary system has always been one of the world's leaders, but in this area, the rest of the world has surpassed us. The vast majority of all common and civil law countries require malpractice insurance. All Australian States, Canada, the majority of the European Union, and several countries in Asia require malpractice insurance. It should also be noted that the minimums in these countries range from one to two million dollars, far more than what is being proposed here today. In this area it is clear, the rest of the world is far more progressive than we are when it comes to basic public protection systems.~~

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**From:** OFFICE RECEPTIONIST, CLERK [<mailto:SUPREME@COURTS.WA.GOV>]

**Sent:** Wednesday, March 04, 2020 12:59 PM

**To:** 'A. Stevens Quigley'

**Subject:** RE: APR 26 "Purpose" Language

They whole e-mail was forwarded as is.

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**From:** A. Stevens Quigley [<mailto:quigley@attorneydude.com>]  
**Sent:** Wednesday, March 4, 2020 12:57 PM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
**Subject:** RE: APR 26 "Purpose" Language

When the comments were forwarded, was the mark-up of the "Purpose" language at the bottom of the email also forwarded?

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**From:** OFFICE RECEPTIONIST, CLERK [<mailto:SUPREME@COURTS.WA.GOV>]  
**Sent:** Wednesday, March 04, 2020 12:08 PM  
**To:** 'A. Stevens Quigley'  
**Subject:** RE: APR 26 "Purpose" Language

Your comments have been forwarded to the rules committee.

Thank you,

*Receptionist  
Supreme Court Clerk's Office  
360-357-2077*

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**From:** A. Stevens Quigley [<mailto:quigley@attorneydude.com>]  
**Sent:** Wednesday, March 4, 2020 11:51 AM  
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