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July 29, 2021

BY E-MAIL

Honorable Justices  
The Supreme Court  
State of Washington

**Re: Comment on proposed Rules for Discipline and Incapacity**

Your Honors:

I write to express concerns about the proposed overhauling of the State's lawyer-discipline system. I have been in private practice in Washington since 2008, and a partner in my own small firm since 2016. I recently finished a term as Chair of the King County Solo/Small Firms Law Section. And to frankly disclose my bias, I have had a disgruntled former client, and two pro se parties who were opposing my one of my clients, file grievances against me with the Bar, all of which, thankfully, were quickly dismissed by the ODC. From the perspective of a lawyer who has seen bar grievances used as a way of lashing out when the underlying representation has been unhappy, it is important that meritless grievances be disposed of expeditiously, but also important that the process give both the lawyer and the grievant a fair hearing and grant them respect and dignity in what is always a difficult time. Both parties should not just be heard, but also know that they have been heard. Among other things, if the grievant feels heard, they are less likely to follow up with a malpractice suit. The current system serves these purposes well. What is noticeably lacking in the proposed overhaul, is any reason to change a system that serves so well in the vast majority of cases.

In particular, trimming the review process may seem efficient, but is more likely to lead to bad feelings and further proceedings. Similarly, the option of a non-sanction admonition seems like a useful way for the bar to guide young lawyers, without exposing them to unnecessary shame, loss, and legal risk.

Lastly, I strongly disagree with the change allowing grievances to be closed without prejudice. Finality is vitally important for both parties. The grievant needs to know that bombarding the bar with further requests will not help, so that they can move on. The lawyer needs to be able to tell

their malpractice carrier that a grievance is over and done with, not merely suspended, and needs to be able to stop living in immediate terror that their law license may be stripped from them.

Thank you for your consideration.

Sincerely,



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Emanuel Jacobowitz

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Attached please find a comment on the proposed new RDI rules.

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