

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Comment re Proposed RPC 1.4
Date: Friday, April 23, 2021 10:39:32 AM

From: Ken Masters [mailto:ken@appeal-law.com]
Sent: Friday, April 23, 2021 10:36 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re Proposed RPC 1.4

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Dear Justice Johnson & Rules Committee Members:

The GR 9 for this proposal seems to suggest that it is an adequate substitute for mandatory malpractice insurance. It is not.

This proposal will not protect anyone from the immense losses caused by irresponsible attorneys who do not carry the necessary insurance. It appears to be a work around, allowing malpracticing lawyers to continue avoiding financial responsibility for the very real harms they inflict. Indeed, this proposal offers nothing to clients who may have lost everything.

On its face, I do not object to the wording of the proposed rule. But the proposal does have a serious – if hidden – flaw: who will advise the potential client as to the wisdom of signing the required written consent to irresponsibility? When a client is looking for a lawyer, they do not wish to be forced to hire another lawyer to advise them as to whether to hire this new, uninsured lawyer. Virtually no one would do that – and very few could even afford it. And so these unprotected and vulnerable citizens – who after all *need a lawyer* – will unknowingly sign-away the only protection they might have had against attorney malpractice. Merely requiring “informed” consent to irresponsibility is not a solution to the problem.

If this proposal is used to once again kick the can down the road on mandatory malpractice insurance, it will do far more harm than good. Yet this Court has before it what appears to be the most comprehensive study of the need for legal-malpractice insurance ever conducted in the United States. This model report presents an opportunity for this Court to lead the nation in protecting our citizens. In the exercise of its plenary authority over the practice of law in Washington, this Court should accept this opportunity to require financial responsibility for injured clients.

The citizens of Washington State deserve real protection from lawyers whose representation falls below a reasonable standard of care. It is not too much to ask.

Thank you for considering my comments.

Best,



Ken Masters

Founder



Mail: 321 High School Road NE, D-3 #362, Bainbridge Island, WA 98110

Office: 241 Madison Avenue North, Bainbridge Island, WA 98110

Phone: 206-780-5033

Email: ken@appeal-law.com

URL: www.appeal-law.com

Effective April 1, 2021, our new mailing address is 321 High School Road NE, D-3 #362, Bainbridge Island, WA 98110.