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April 28, 2023

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**Re: Support for Proposed Rules RPC 1.8
Comment Deadline 4/30/23**

Dear Justices of the Supreme Court:

ACLU of Washington strongly supports the proposed changes to Rule of Professional Conduct 1.8. The proposed changes will enhance access to justice for those without means and also allow Washington attorneys to take compassionate action for clients who are in difficult circumstances.

The rule change allowing lawyers to pay litigation expenses and court costs for clients who are indigent when the representation is pro bono, or through a legal services organization or law school clinic, will enhance access to justice. The current rule can discourage people who are indigent from pursuing claims due to the formal requirement that clients must pay expenses. The current rule is harmful in that strict adherence to it requires lawyers to tell clients they are obligated to cover expenses, which is a deterrent to many who would otherwise seek justice. The proposed change will free lawyers to pursue meritorious cases without having to tell people who can't pay expenses that the rule requires them to pay, and will free prospective clients from the stress of the possibility of such payments that would be virtually impossible to make. The removal of these stresses will enhance the lawyer-client relationship and, most importantly, allow all involved to seek justice unburdened by those stresses.

The proposed change allowing lawyers to provide modest gifts to indigent clients "for food, rent, transportation, medicine and other basic living expenses" should also be adopted. The current rule that prohibits lawyers from providing this kind of help has required many lawyers to face an unnecessary dilemma: act compassionately and provide modest assistance knowing it violates the rules or callously refuse to help in order to strictly follow the rules. The proposed safeguards against abuse of the ability to help the client financially will adequately protect the public by preventing lawyers from advertising the availability of such gifts or asking clients for reimbursement. The proposed rule will allow lawyers to heed the call of their conscience without adversely affecting the integrity of the

profession.

Sincerely,

La Rond Baker, ACLU-WA Legal Director
Baker@aclu-wa.org

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Proposed Rules of Court - ACLU-WA Comments on RPC 1.8
Date: Friday, April 28, 2023 1:26:08 PM
Attachments: [2023-04-28 - ACLU-WA Comment RPC 1.8.pdf](#)
Importance: High

From: Tracie Hooper Wells <twells@aclu-wa.org>
Sent: Friday, April 28, 2023 1:12 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: La Rond Baker <baker@aclu-wa.org>; Nancy Talner <TALNER@aclu-wa.org>
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Good afternoon:

Please see attached comments from the American Civil Liberties Union of Washington on the referenced proposed court rule.

Best regards,

Tracie Hooper Wells

Paralegal

Pronouns: she/her

American Civil Liberties Union of Washington
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“It is our duty to fight for our freedom. It is our duty to win. We must love each other and support each other. We have nothing to lose but our chains.” *Assata Shakur*