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Subject: FW: Support for proposed Changes to RPC 1.8 – Conflict of Interest: Current Clients: Specific Rules
Date: Friday, April 28, 2023 2:24:42 PM

From: Evangeline Stratton <estratton@fvaplaw.org>
Sent: Friday, April 28, 2023 1:46 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Support for proposed Changes to RPC 1.8 – Conflict of Interest: Current Clients: Specific Rules

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We urge adoption of the proposed amendment to Rule of Professional Conduct 1.8(e) that will permit legal aid and pro bono lawyers to pay certain costs and expenses of litigation for indigent clients.

We are Family Violence Appellate Project (FVAP). FVAP is a California and Washington state non-profit legal organization whose mission is to ensure the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by helping them obtain effective appellate representation. FVAP provides legal assistance to survivors of abuse at the appellate level through direct representation, collaborating with pro bono attorneys, advocating for survivors on important legal issues, and offering training and legal support for legal services providers and domestic violence, sexual assault, and human trafficking counselors. FVAP's work contributes to a growing body of case law that provides the safeguards necessary for survivors of abuse and their children to obtain relief from abuse through the courts.

FVAP clients often have increased economic needs, partly as a result of their unmet legal needs and their status as survivors of domestic violence. Our clients are frequently unable to pay basic litigation costs, such as paying to file a Notice of Appeal, or to receive a copy of their court file/clerk's papers, or pay a transcriptionist for a verbatim report of proceedings. These expenses often run into the thousands of dollars. Without help to pay such costs, they risk losing their access to Washington courts and to life-saving protections that they are otherwise legally entitled to receive.

Allowing pro bono and legal aid lawyers to assist to pay some costs of indigent clients without expecting repayment would improve the fairness and quality of legal representation in Washington while expanding access to justice for low-income clients. The proposed amendment largely tracks, with some modifications, American Bar Association Model Rule of Professional Conduct 1.8(e).

We believe that the Washington Supreme Court should adopt the proposed amendment to RPC 1.8(e). Our communities are not well served if costs stop domestic violence survivors from pursuing otherwise meritorious claims needed to protect their safety.

Thank you.

Evangeline Stratton | Senior Managing Attorney, Washington

Pronouns: she/her/hers [The Importance of not Misgendering Someone](#)

FAMILY VIOLENCE APPELLATE PROJECT

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