PO Box 2463, Mount Vernon, WA 98273 | (360) 230-8101 | www.SkagitLegalAid.org

April 30, 2025

VIA E-MAIL: Clerk of the Supreme Court <supreme@courts.wa.gov>

Justices of the Washington Supreme Court
P.O. Box 40929
Olympia, Washington 98504-0929

Re: **Skagit Legal Aid Comment Opposing Proposed Amendment to RPC 6.1**

Dear Washington State Supreme Court,

Skagit Legal Aid opposes the proposed amendment to Rule of Professional Conduct ("RPC") 6.1 that would add court-appointed representation as an additional category of "pro bono publico service."

As a legal services provider deeply committed to serving low-income and underserved communities, we know firsthand the critical role that true pro bono work plays in closing the access to justice gap. RPC 6.1 appropriately directs that "[e]very lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay," encouraging at least 30 hours per year of legal services provided without fee or expectation of fee to persons of limited means or qualifying organizations. The current rule already recognizes and encourages uncompensated volunteer efforts through traditional pro bono work, clinics, public interest litigation, and systemic advocacy efforts. There is no need to redefine *pro bono* to include paid work.

The proposed amendment would add to the definition of pro bono service: “accept appointments by the court for which a fee is expected and provide representation to individuals who are entitled to counsel at public expense.” This fundamentally distorts the meaning of *pro bono publico* service. Paid public defense work, no matter how vital and honorable, is not pro bono. It is compensated employment. Lawyers who choose to accept court appointments for compensation, whether modest or not, are not donating their services without expectation of payment, as RPC 6.1 requires.

Court-appointed counsel can and already do engage in pro bono work under the current rule. If a court-appointed lawyer wishes to provide representation without seeking payment or

reimbursement, that work properly qualifies as pro bono under the existing rule. There is no gap or injustice to correct here.

Approving this proposal would create arbitrary and unfair distinctions, elevating one form of paid public service above countless others. Government lawyers, nonprofit counsel, legal aid attorneys, and thousands of other lawyers perform important public service roles every day. Yet they are rightly not credited with "pro bono" hours simply by doing their paid jobs. The Court should not choose one group of paid attorneys to reward with pro bono credit while excluding others.

Moreover, the proposed change would create confusion and diminish the aspirational ideal of pro bono service that is foundational to our profession. It would be the first step down a slippery slope toward redefining pro bono to include all compensated public interest work, erasing the bright line that payment, or the expectation of payment, disqualifies legal work from being deemed pro bono.

For these reasons, **Skagit Legal Aid respectfully but emphatically urges the Court to reject** the proposed amendment to RPC 6.1. True pro bono service—uncompensated, volunteer legal work to serve those in need—must remain distinct and protected. We ask the Court to affirm its commitment to that principle.

If you have any additional questions or concerns, please contact Skagit Legal Aid at (360) 230-8101.

Sincerely Yours,

Andrew Dugan
Executive Director, Skagit Legal Aid

Gail Smith
Chairperson, Skagit Legal Aid

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| **From:** | OFFICE RECEPTIONIST, CLERK |
| **To:** | Farino, Amber |
| **Cc:** | Ward, David |
| **Subject:** | FW: Skagit Legal Aid Comment Opposing Proposed Amendment to RPC 6.1 |
| **Date:** | Wednesday, April 30, 2025 3:18:33 PM |
| **Attachments:** | Skagit Legal Aid Comment Opposing Proposed Amendment to RPC 6.1.pdf |

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**From:** Andy Dugan <director@skagitvlp.org>
**Sent:** Wednesday, April 30, 2025 3:02 PM
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
**Subject:** Skagit Legal Aid Comment Opposing Proposed Amendment to RPC 6.1



Good Afternoon,

Please see the attached comment on behalf of Skagit Legal Aid opposing the proposed amendment to RPC 6.1.

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