

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED
AMENDMENTS TO RPC 1.2–SCOPE OF
REPRESENTATION, COMMENT [18] AND 8.4–
MISCONDUCT, COMMENT [8]

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ORDER

NO. 25700-A- 1606

The Washington State Bar Association, having recommended the adoption of the proposed amendments to RPC 1.2–Scope of Representation, Comment [18] and 8.4–Misconduct, Comment [8], and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby


ORDERED:

- (a) That the proposed amendments as attached hereto are adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the proposed amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

ORDER

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RPC 1.2–SCOPE OF REPRESENTATION, COMMENT [18] AND 8.4–MISCONDUCT, COMMENT [8]

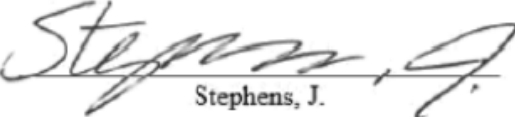
DATED at Olympia, Washington this 10th day of October, 2024.



Johnson, J.



Madsen, J.



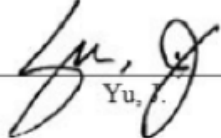
Stephens, J.




González, C.J.



Gordon McCloud, J.



Yu, J.



Montoya-Lewis, J.



Whitener, J.

RPC 1.2
SCOPE OF REPRESENTATION AND
ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(a)-(f) [Unchanged.]

Comments

[1]-[13] [Unchanged.]

Additional Washington Comments (14–18)

[14]-[17] [Unchanged.]

Special Circumstances Presented by Washington's Marijuana Laws Involving Advice and Assistance About Washington Laws

[18] Under paragraph (d), a lawyer may counsel a client regarding ~~Washington's marijuana~~ Washington laws and may assist a client in conduct that the lawyer reasonably believes is permitted ~~by~~ under those laws (for example and without limitation, Washington laws related to reproductive health care services, gender-affirming care, or cannabis). If Washington law conflicts with federal ~~law or tribal law~~, or the law of another jurisdiction, the lawyer shall also advise the client regarding the ~~related federal or tribal law and policy~~. conflicting laws or recommend that the client seek the advice of a lawyer with established competence in the field in question. See Comment 1 to Rule 1.1. If a lawyer counsels or assists a client regarding Washington's laws in these circumstances, that conduct, and the predominant effect of the conduct, shall be deemed to occur in Washington for purposes of these Rules.

**RPC 8.4
MISCONDUCT**

It is professional misconduct for a lawyer to:

(a)-(n) [Unchanged.]

Comments

[1]-[5] [Unchanged.]

Additional Washington Comments (6-8)

[6]-[7] [Unchanged.]

[8] A lawyer who counsels a client regarding Washington laws ~~Washington's marijuana laws~~ or assists a client in conduct that the lawyer reasonably believes is permitted by those laws (for example and without limitation, Washington laws related to reproductive health care services, gender-affirming care, or cannabis) does not thereby violate RPC 8.4. *See also* RPC 1.2 Washington Comment [18].