

RESTRICTIONS ON RIGHT TO PRACTICE

A lawyer shall not participate in offering or making:

(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the rights of a lawyer or an LLLT to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy.

[Adopted effective September 1, 1985; Amended effective September 1, 2006.]

Comment

[1] An agreement restricting the right of lawyers to practice after leaving a firm not only limits their professional autonomy but also limits the freedom of clients to choose a lawyer. Paragraph (a) prohibits such agreements except for restrictions incident to provisions concerning retirement benefits for service with the firm.

[2] Paragraph (b) prohibits a lawyer from agreeing not to represent other persons in connection with settling a claim on behalf of a client.

[3] **[Washington revision]** This Rule does not prohibit restrictions that may be included in the terms of the sale of a law practice pursuant to Rule 1.17, a lawyer's plea agreement in a criminal matter, or a stipulation under the Rules for Enforcement of Lawyer Conduct.

[Comments adopted effective September 1, 2006.]

Additional Washington Comment (4)

[4] The prohibition in paragraph (a) on offering or making agreements restricting a lawyer's right to practice also applies to LLLTs. An LLLT is prohibited from entering into an agreement restricting the right to practice as part of a settlement under LLLT RPC 5.6(b).

[Comment 4 adopted effective April 14, 2015.]