



WASHINGTON STATE BAR ASSOCIATION

POLICY STATEMENT CONCERNING RPC 1.6 AND RCW 42.17

Approved and Adopted by the Board of Governors on March 17, 1990.

Rule 1.6 of the Rules of Professional Conduct prohibits lawyers, in the absence of client consent, from revealing confidences or secrets of their clients. This Rule may at times prohibit a lawyer from revealing the identity of a client or the fact that the client is receiving legal advice.

The Public Disclosure Act, Chapter 42.17 RCW, requires lawyers and others who seek or hold public office to disclose the identity of governmental, corporate, or other business clients from whom they receive \$5,000 or more during a reporting period. The purpose is to avoid undisclosed conflicts of interest.

The Board of Governors of the Washington State Bar Association suggests that a lawyer seeking or holding public office generally may:

- (1) Disclose the identity of those business, corporate, and government clients whose attorney/client relationship is a matter of public record as a result of court filings, listing in Martindale-Hubbell or other publication, or is otherwise a matter of public knowledge; and
- (2) Seek the consent of other business, corporate, and government clients whose identity is required to be disclosed under the Public Disclosure Act.

To the extent that the identity of such clients cannot be disclosed and consent cannot be secured, or to the extent the above procedures would cause an unreasonable hardship, an application should be presented to the Public Disclosure Commission or complete or partial waiver of the disclosure requirement, specifying the basis for the hardship.

In this manner, both the requirements of RPC 1.6 and Chapter 42.17 RCW will retain their vitality for the benefit of such clients and the public alike.

PUBLIC DISCLOSURE COMMISSION:

Beginning at its session on Friday, March 16, 1990 the Board

7

gave renewed consideration to the inquiry received in February, 1990 from the Executive Director of the State Public Disclosure Commission relating to Commission reporting requirements that lawyers seeking to hold certain elected or appointed public offices must disclose the identity of their clients. In this connection, the Board heard an initial report from its special Sub-Committee, composed of Board members John T. Slater and William P. Bergsten. Following the report by Governors Bergsten and Slater, it was moved and seconded that as an approach to this situation the Board formally establish guidelines to assist attorneys in dealing with the Public Disclosure Commission and in complying with the Rules of Professional Conduct. Extensive discussion was had with regard to the potential content of these guidelines. In the course of this discussion, it was moved,