

FILED  
JUN - 7 2018  
WASHINGTON STATE  
SUPREME COURT

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED )  
AMENDMENTS TO RPC 1.6— )  
CONFIDENTIALITY OF INFORMATION, RPC )  
7.3—SOLICITATION OF CLIENTS, AND RPC )  
8.4—MISCONDUCT )  
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## ORDER

NO. 25700-A-1222

The Washington State Bar Association, having recommended the adoption of the proposed amendments to RPC 1.6—Confidentiality of Information, RPC 7.3—Solicitation of Clients, and RPC 8.4—Misconduct, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

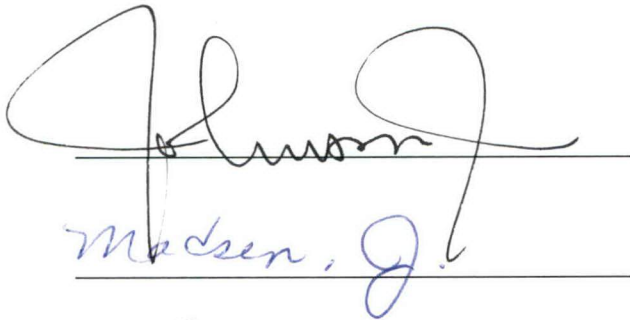
- (a) That the proposed amendments as attached hereto are adopted.
- (b) That the proposed amendments will be published in the Washington Reports and will become effective on September 1, 2018.

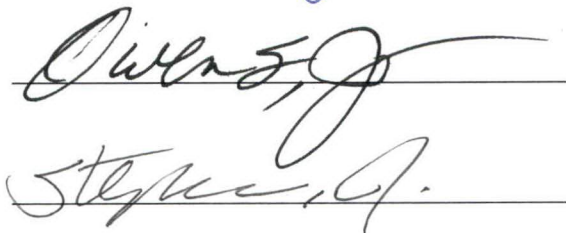
Page 2

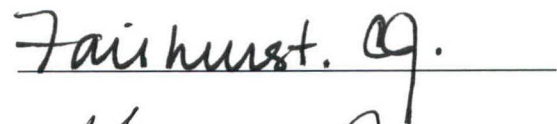
ORDER

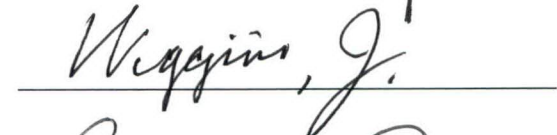
IN THE MATTER OF THE PROPOSED AMENDMENTS TO RPC 1.6—  
CONFIDENTIALITY OF INFORMATION, RPC 7.3—SOLICITATION OF CLIENTS, AND  
RPC 8.4—MISCONDUCT

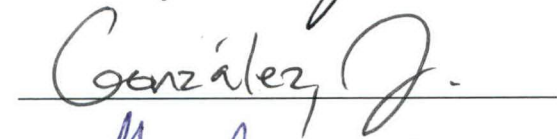
DATED at Olympia, Washington this 7<sup>th</sup> day of June, 2018.

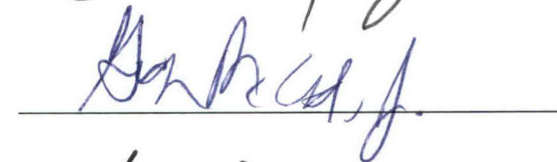
  
Madsen, J.

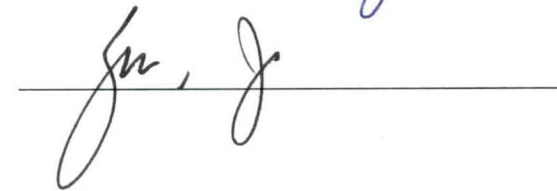
  
Owen, J.

  
Fairhurst, J.

  
Wiggins, J.

  
Gonzalez, J.

  
Smith, J.

  
Jones, J.

1 **RPC 1.6**

2 **CONFIDENTIALITY OF INFORMATION**

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4 (a) A lawyer shall not reveal information relating to the representation of a client unless the  
5 client gives informed consent, the disclosure is impliedly authorized in order to carry out the  
6 representation or the disclosure is permitted by paragraph (b).

7 (b) A lawyer to the extent the lawyer reasonably believes necessary:

8 (1) – (5) Unchanged.

9 (6) may reveal information relating to the representation of a client to comply with a  
10 court order; ~~or~~

11 (7) may reveal information relating to the representation to detect and resolve conflicts of  
12 interest arising from the lawyer's change of employment or from changes in the  
13 composition or ownership of a firm, but only if the revealed information would not  
14 compromise the attorney-client privilege or otherwise prejudice the client; or

15 (8) may reveal information relating to the representation of a client to inform a tribunal  
16 about any client's breach of fiduciary responsibility when the client is serving as a  
17 court appointed fiduciary such as a guardian, personal representative, or receiver.

18 (c) Unchanged.  
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2 **RPC 7.3**

3 **SOLICITATION OF CLIENTS**

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5 (a) A lawyer shall not, directly or through a third person, by in-person, live telephone,  
6 or real-time electronic contact solicit professional employment from a possible client when  
7 a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless  
8 the person contacted:

9 (1) – (3) Unchanged.

10 (b) A lawyer shall not solicit professional employment ~~from a client~~ by written, recorded  
11 or electronic communication or by in-person, telephone or real-time electronic contact  
12 even when not otherwise prohibited by paragraph (a), if;

13 (1) the target of the solicitation has made known to the lawyer a desire not to be  
14 solicited by the lawyer; or

15 (2) the solicitation involves coercion, duress or harassment.

16 (c) – (d) Unchanged.  
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# RULES OF PROFESSIONAL CONDUCT (RPC)

## RULE 8.4 – MISCONDUCT

1 It is professional misconduct for a lawyer to:

2 (a) - (f) [Unchanged.]

3 (g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed,  
4 religion, color, national origin, disability, sexual orientation, honorably discharged veteran or  
5 military status, or marital status, where the act of discrimination is committed in connection with  
6 the lawyer's professional activities. In addition, it is professional misconduct to commit a  
7 discriminatory act on the basis of sexual orientation if such an act would violate this Rule when  
8 committed on the basis of sex, race, age, creed, religion, color, national origin, disability,  
9 honorably discharged veteran or military status, or marital status. This Rule shall not limit the  
10 ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance  
11 with Rule 1.16;

12 (h) in representing a client, engage in conduct that is prejudicial to the administration of justice  
13 toward judges, lawyers, or LLLTs, other parties, witnesses, jurors, or court personnel or officers,  
14 that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race,  
15 age, creed, religion, color, national origin, disability, sexual orientation, honorably discharged  
16 veteran or military status, or marital status. This Rule does not restrict a lawyer from representing  
17 a client by advancing material factual or legal issues or arguments.

18 (i) - (n) [Unchanged.]