

ORDER

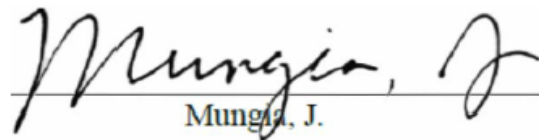
IN THE MATTER OF THE PROPOSED AMENDMENTS TO RPC 1.16—DECLINING OR
TERMINATING REPRESENTATION

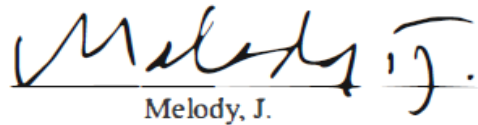
DATED at Olympia, Washington this 4th day of June, 2026.


CHIEF JUSTICE


Johnson, J.


González, J.


Mungia, J.


Melody, J.


Montoya-Lewis, J.

**SUGGESTED AMENDMENTS TO THE RULES OF PROFESSIONAL CONDUCT
RULE 1.16(a) and accompanying COMMENTS [1] and [2]**

RPC 1.16 DECLINING OR TERMINATING REPRESENTATION

(a) A lawyer shall inquire into and assess the facts and circumstances of each representation to determine whether the lawyer may accept or continue the representation. Except as stated in paragraph (c), a lawyer shall not represent a client or, where the representation has commenced, shall, notwithstanding RCW 2.44.040, withdraw from the representation of a client if:

(1)-(3) [Unchanged.]

(4) the client or prospective client seeks to use or persists in using the lawyer's services to commit or further a crime or fraud, despite the lawyer's discussion pursuant to Rules 1.2(d) and 1.4(a)(5) regarding the limitations on the lawyer assisting with the proposed conduct.

(b)-(d) [Unchanged.]

Comments

[1] Paragraph (a) imposes an obligation on a lawyer to inquire into and assess the facts and circumstances of the representation before accepting it. The obligation imposed by paragraph (a) continues throughout the representation. A change in the facts and circumstances relating to the representation may trigger a lawyer's need to make further inquiry and assessment. For example, a client traditionally uses a lawyer to acquire local real estate through the use of domestic limited liability companies, with financing from a local bank. The same client then asks the lawyer to create a multitier corporate structure, formed in another state to acquire property in a third jurisdiction, and requests to route the transaction's funding through the lawyer's trust account. Another example is when, during the course of a representation, a new party is named or a new entity becomes involved. A lawyer should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest, and to completion. Ordinarily, a representation in a matter is completed when the

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1 | agreed-upon assistance has been concluded. See Rules 1.1, 1.2(c), and 6.5. See also Rule 1.3,
2 | Comment [4].

3 | *Mandatory Withdrawal*

4 | [2] A lawyer ordinarily must decline or withdraw from representation if the client demands
5 | that the lawyer engage in conduct that is illegal or violates the Rules of Professional Conduct
6 | or other law. The lawyer is not obliged to decline or withdraw simply because the
7 | client suggests such a course of conduct; a client may make such a suggestion in the hope
8 | that a lawyer will not be constrained by a professional obligation. Under paragraph (a)(4),
9 | the lawyer's inquiry into and assessment of the facts and circumstances will be informed by
10 | the risk that the client or prospective client seeks to use or persists in using the lawyer's
11 | services to commit or further a crime or fraud. This analysis means that the required level of a
12 | lawyer's inquiry and assessment will vary for each client or prospective client, depending
13 | on the nature of the risk posed by each situation. Factors to be considered in determining the
14 | level of risk may include (i) the identity of the client, such as whether the client is a natural
15 | person or an entity and, if an entity, the beneficial owners of that entity, (ii) the lawyer's
16 | experience and familiarity with the client, (iii) the nature of the requested legal services,
17 | (iv) the relevant jurisdictions involved in the representation (for example, whether a
18 | jurisdiction is considered at high risk for money laundering or terrorist financing), and (v)
19 | the identities of those depositing into or receiving funds from the lawyer's client trust account
20 | or any other accounts in which client funds are held. For further guidance assessing
21 | risk, see, e.g., as amended or updated, Financial Action Task Force Guidance for a Risk-
22 | Based Approach for Legal Professionals, the ABA Voluntary Good Practices Guidance
23 | for Lawyers to Detect and Combat Money Laundering and Terrorist Financing, A
24 | Lawyer's Guide to Detecting and Preventing Money Laundering (a collaborative publication
25 | of the International Bar Association, the American Bar Association and the Council of
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**SUGGESTED AMENDMENTS TO THE RULES OF PROFESSIONAL CONDUCT
RULE 1.16(a) and accompanying COMMENTS [1] and [2]**

1 Bars and Law Societies of Europe), the Organization for Economic Cooperation and
2 Development (OECD) Due Diligence Guidance for Responsible Business Conduct,
3 and the U.S. Department of Treasury Specially Designated Nationals and Blocked Persons
4 List.

5 [3] [Unchanged.]

6 *Discharge*

7 [4]-[6] [Unchanged.]

8 *Optional Withdrawal*

9 [7]-[8] [Unchanged.]

10 *Assisting the Client upon Withdrawal*

11 [9] [Unchanged.]

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