

1.16(d)

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*"The Truth is Your Best Weapon" - Gandhi*

STATE OF WASHINGTON  
CLERK OF THE SUPREME COURT  
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BY: C. J. HARRIS  
CLERK

February 1, 2005,

Clerk of the Supreme Court,  
PO Box 40929,  
Olympia, WA 98504-0929

Re: Proposed Rules of Court  
RPC 1.16(d)

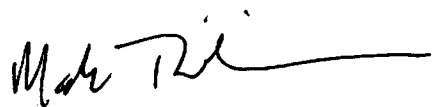
Dear Sir or Madam:

This letter is my comment on the proposed Rule 1.16(d) (currently RPC 1.15) of the Rules for Professional Responsibility, as published in last week's Supreme Court advance sheets (153 Wn.2d, #1). The provision for retention of client files by a withdrawing attorney should also state that consideration of disputes and complaints over the client files by the WSBA should be expedited.

Retention of files by attorneys who place liens on former clients is authorized by RCW 60.40.010. The WSBA, however, has interpreted the current RPC 1.15 to require the attorney to give up the files if there is any possibility that retention will interfere with self-representation by the client or by a new attorney. If the client needs the files for further legal proceedings in the matter from which the retaining attorney withdrew, it is likely that the client could need the files immediately. If the client had to wait for the usual disciplinary process, he won't get his files until long after the need has passed. If the goal of the RPC is to assure good service to the client as well as the discipline of errant attorneys, its procedures should meet the needs of the client. Therefore, proposed RPC 1.16(d) should be amended to state that complaints about retention of files will be expedited. In addition, it could state that a presumption exists that the client is entitled to his papers under proposed RPC 1.16(d) if there is further action pending in the matter for which the file-retaining attorney was employed.

Thank you for your attention to this issue.

Very respectfully,



Mark Didrickson

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