

1.6(b)(3), 8.3

May 9, 2005

Lisa Bausch
PO Box 40929
Olympia WA 98504-0929

RE: Proposed Rules of Court

Dear Ms. Bausch:

This letter is to submit additional comments regarding the proposed changes to the Rules of Professional Conduct pursuant to the work of the Ethics 2003 Committee. My comments do not reflect the views of any law firm or employer. They are my personal opinions, submitted as a concerned attorney and member of the Washington State Bar Association.

Although the official comment period has expired, I would ask that the comment period be extended to allow a full airing of opinion concerning these proposed rules. The sheer volume and significance of the proposed changes would mandate an extension in time to comment.

Comments to Proposed RPC:

1) RPC 1.6(b)(3) (Confidentiality of Information) - This rule encourages lawyers to report possible fraudulent behavior by their clients when the client has used or is using the lawyer's services. This rule erodes the attorney-client privilege. It will serve only to chill the interest of business clients in bringing their legal affairs to an attorney. It will also encourage clients to be less than candid with their lawyers about the facts of their case for fear of betrayal. This rule should be rejected.

2) RPC 8.3 (Reporting Professional Misconduct) - This rule now requires rather than recommends reporting instances of misconduct by one's colleagues and judges. This rule is Orwellian. It will create a climate of fear and suspicion throughout the profession. It is totally antithetical to civility, trust, and decency within the profession. Larger firms will need to hire special surveillance attorneys who will constantly spy on other attorneys. Supervisors will be especially vulnerable under this rule, due to the many employees for whom they are responsible. The rule will lead to "totem pole" snitching requirements: the lawyer who failed in his duty to turn someone in will be reported, right along with the original violator. Further, this rule will convince competent people not to become lawyers. Who would want to enter a profession filled with informants and spies? This rule should be rejected.

These two rules deserve a negative vote. They will only lead to an erosion of public confidence and trust in the legal system.

Sincerely,
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