



American Insurance Association

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April 28, 2005

VIA ELECTRONIC MAIL (Lisa.Bausch@courts.wa.gov)

Clerk of the Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929

www.aiadc.org  
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SUPREME COURT  
STATE OF WASHINGTON  
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BY C.J. MERRITT  
CLERK

Re: Proposed Changes to RPC 1.8

Dear Clerk:

The American Insurance Association (AIA) appreciates the opportunity to comment on these proposed changes to the Rules of Professional Conduct.

Founded in 1866 as the National Board of Fire Underwriters, AIA is a national trade association representing major property and casualty insurers writing business across the country and around the world. AIA members write nearly 40% of the total property and casualty insurance premium in Washington annually, representing over \$3 billion dollars in premium.

AIA is pleased that the Washington State Bar Association has adopted and proposed to the Supreme Court the inclusion of the American Bar Association's comment 12 on Rule 1.8. That comment recognizes the uniqueness of the insurance relationship and the obligations of insurers to defend their insureds. The duties to defend and to indemnify are almost universally assumed by the insurer in liability policies. Commensurate with these obligations, insurers have the explicit and implicit right to control the defense within the bounds of good faith and as provided by law. This comment is an important recognition of these longstanding principles and relationships both in Washington and throughout the United States.

Thank you for consideration of our comments.

Very truly yours,

James J. Whittle  
Senior Counsel

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Chairman

MIKE MCGAVICK  
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GREGORY E. MURPHY  
Vice Chairman

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