

**Comparison of Newly Adopted Washington Rules of Professional Conduct  
with ABA Model Rules**

	WASHINGTON
	<p>Rules as adopted by Washington Supreme Court to be effective 9/1/06.                  Rule 1.8(e) amended effective 4/24/07.                  Variations from the Model Rules are noted.                  Rules only; Comment comparison not included.</p>
Adds	<p>Fundamental Principles of Professional Conduct*</p> <p>The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and the capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible. Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct. In fulfilling professional responsibilities, a lawyer necessarily assumes various roles that require the performance of many difficult tasks. Not every situation which a lawyer may encounter can be foreseen, but fundamental ethical principles are always present as guidelines. Within the framework of these principles, a lawyer must with courage and foresight be able and ready to shape the body of the law to the ever-changing relationships of society. The Rules of Professional Conduct point the way to the aspiring lawyer and provide standards by which to judge the transgressor. Each lawyer must find within his or her own conscience the touchstone against which to test the extent to which his or her actions should rise above minimum standards. But in the last analysis it is the desire for the respect and confidence of the members of the legal profession and the society which the lawyer serves that should provide to a lawyer the incentive for the highest possible degree of ethical conduct. The possible loss of that respect and confidence is the ultimate sanction. So long as its practitioners are guided by these principles, the law will continue to be a noble profession. This is its greatness and its strength, which permit of no compromise.</p> <p>* These <i>Fundamental Principles of the Rules of Professional Conduct</i> are taken from the former Preamble to the Rules of Professional Conduct as approved and adopted by the Supreme Court in 1985. Washington lawyers and judges have looked to the 1985 Preamble as a statement of our overarching aspiration to faithfully serve the best interests of the public, the legal system, and the efficient administration of justice. The former Preamble is preserved here to inspire lawyers to strive for the highest possible degree of ethical conduct, and these <i>Fundamental Principles</i> should inform many of our decisions as lawyers. The <i>Fundamental Principles</i> do not, however, alter any of the obligations expressly set forth in the Rules of Professional Conduct, nor are they intended to affect in any way the manner in which the Rules are to be interpreted or applied.</p>
Preamble	[1]: replaces “legal system” with “court”

	<p>[2]: replaces “zealously” with “conscientiously and ardently”</p> <p>[4]: deletes “or other law”</p> <p>[8]: replaces “zealous” with “conscientious and ardent”</p> <p>[9]: replaces “zealously” with “conscientiously and ardently”</p>
Scope	<p>[17]: deletes “Furthermore,” replaces remainder of sentence after “attach only” with “the client-lawyer relationship is formed,” adds “add Washington Comment [11] thereto” after “Rule 1.18” and replaces “may be” with “is” in last sentence</p> <p>Adds [22]: Nothing in these Rules is intended to change existing Washington law on the use of the Rules of Professional Conduct in a civil action. See <i>Hizey v. Carpenter</i>, 119 Wn.2d 251, 830 P.2d 646 (1992).</p> <p>Adds [23]: The structure of these Rules generally parallels the structure of the American Bar Association’s Model Rules of Professional Conduct. The exceptions to this approach are Rule 1.15A, which varies substantially from Model Rule 1.15, and Rules 1.15B and 5.8, neither of which is found in the Model Rules. In other cases, when a provision has been wholly deleted from the counterpart Model Rule, the deletion is signaled by the phrase “Reserved.” When a provision has been added, it is generally appended at the end of the Rule or the paragraph in which the variation appears. Whenever the text of a Comment varies materially from the text of its counterpart Comment in the Model Rules, the alteration is signaled by the phrase “Washington revision.” Comments that have no counterpart in the Model Rules are compiled at the end of each Comment section under the heading “Additional Washington Comment(s)” and are consecutively numbered. As used herein, the term “former Washington RPC” refers to Washington’s Rules of Professional Conduct (adopted effective September 1, 1985, with amendments through September 1, 2003). The term “Model Rule(s)” refers to the 2004 Edition of the American Bar Association’s Model Rules of Professional Conduct.</p>
Rule 1.0	<p>(d) “Fraud” or “fraudulent” denotes conduct that has a purpose to deceive and is fraudulent under the substantive or procedural law of the applicable jurisdiction, except that it is not necessary that anyone has suffered damages or relied on the misrepresentation or failure to inform.</p>
Rule 1.1	Identical
Rule 1.2	Identical
Rule 1.3	Identical
Rule 1.4	Identical
Rule 1.5	<p>Adds (a)(9): the terms of the fee agreement between the lawyer and the client, including whether the fee agreement or confirming writing demonstrates that the client had received a reasonable and fair disclosure of material elements of the fee agreement and of the lawyer’s billing practices.</p> <p>(b): adds to end “Upon the request of the client in any matter, the lawyer shall communicate to the client in writing the basis or rate of the fee.”</p> <p>(c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. If a fee is contingent on the outcome of a matter, a lawyer shall comply with the following:</p>

	<p>(1) A contingent fee agreement shall be in a writing signed by the client;</p> <p>(2) A contingent fee agreement shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal; litigation and other expenses to be deducted from the recovery; and whether such expenses are to be deducted before or after the contingent fee is calculated. The agreement must clearly notify the client of any expenses for which the client will be liable, whether or not the client is the prevailing party;</p> <p>(3) Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination; and</p> <p>(4) A contingent fee consisting of a percentage of the monetary amount recovered for a claimant, in which all or part of the recovery is to be paid in the future, shall be paid only</p> <p>(i) by applying the percentage to the amounts recovered as they are received by the client; or</p> <p>(ii) by applying the percentage to the actual cost of the settlement or award to the defendant.</p> <p>(d)(1): replaces “divorce” with “dissolution or annulment of marriage” and “alimony” with “maintenance”</p> <p>(e)(1): replaces “performed” with “provided”</p> <p>(e)(1)(i) – (iii): same as MR (e)(1) – (3)</p> <p>Adds (e)(2): the division is between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or of one of the county bar associations of this state.</p>
<p>Rule 1.6</p>	<p>(b): deletes “may reveal information relating to the representation of a client”</p> <p>(b)(1) shall reveal information relating to the representation of a client to prevent reasonably certain death or substantial bodily harm;</p> <p>(b)(2) may reveal information relating to the representation of a client to prevent the client from committing a crime;</p> <p>(b)(3) – (6): adds to beginning “may reveal information relating to the representation of a client”</p> <p>(b)(6): deletes “other law or”</p> <p>Adds (b)(7) may reveal information relating to the representation of a client to inform a tribunal about any client’s breach of fiduciary responsibility when the client is serving as a court-appointed fiduciary such as a guardian, personal representative, or receiver.</p>
<p>Rule 1.7</p>	<p>(b)(4): adds to end “(following authorization from the other client to make any required disclosures)”</p>
<p>Rule 1.8</p>	<p>(e) A lawyer shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to a client, except that:</p> <p>(1) a lawyer may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided</p>

	<p>the client remains ultimately liable for such expenses; and</p> <p>(2) in matters maintained as class actions only, repayment of expenses of litigation may be contingent on the outcome of the matter.</p> <p>(g): replaces “in a writing signed by the client” with “confirmed in writing”</p> <p>(h)(1): adds “permitted by law and” after “unless”</p> <p>(j) A lawyer shall not:</p> <p>(1) have sexual relations with a current client of the lawyer unless a consensual sexual relationship existed between them at the time the client-lawyer relationship commenced; or</p> <p>(2) have sexual relations with a representative of a current client if the sexual relations would, or would likely, damage or prejudice the client in the representation.</p> <p>(3) For purposes of Rule 1.8(j), “lawyer” means any lawyer who assists in the representation of the client, but does not include other firm members who provide no such assistance.</p> <p>Adds (l) A lawyer who is related to another lawyer as parent, child, sibling, or spouse, or who has any other close familial or intimate relationship with another lawyer, shall not represent a client in a matter directly adverse to a person who the lawyer knows is represented by the related lawyer unless:</p> <p>(1) the client gives informed consent to the representation; and</p> <p>(2) the representation is not otherwise prohibited by Rule 1.7.</p>
Rule 1.9	Identical
Rule 1.10	<p>(a): adds “Except as provided in paragraph (e)” to beginning</p> <p>Adds (e) When a lawyer becomes associated with a firm, no other lawyer in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under Rule 1.9 unless:</p> <p>(1) the personally disqualified lawyer is screened by effective means from participation in the matter and is apportioned no part of the fee therefrom;</p> <p>(2) the former client of the personally disqualified lawyer receives notice of the conflict and the screening mechanism used to prohibit dissemination of information relating to the former representation;</p> <p>(3) the firm is able to demonstrate by convincing evidence that no material information relating to the former representation was transmitted by the personally disqualified lawyer before implementation of the screening mechanism and notice to the former client.</p> <p>Any presumption that information protected by Rules 1.6 and 1.9(c) has been or will be transmitted may be rebutted if the personally disqualified lawyer serves on his or her former law firm and former client an affidavit attesting that the personally disqualified lawyer will not participate in the matter and will not discuss the matter or the representation with any other lawyer or employee of his or her current law firm, and attesting that during the period of the lawyer’s personal disqualification those lawyers or employees who do participate in the matter will be apprised that the personally disqualified lawyer is screened from participating in or discussing the matter. Such affidavit shall describe the procedures being used effectively to screen the personally disqualified lawyer. Upon request of the former client, such</p>

	affidavit shall be updated periodically to show actual compliance with the screening procedures. The law firm, the personally disqualified lawyer, or the former client may seek judicial review in a court of general jurisdiction of the screening mechanism used, or may seek court supervision to ensure that implementation of the screening procedures has occurred and that effective actual compliance has been achieved.
Rule 1.11	Identical
Rule 1.12	Identical
Rule 1.13	<p>Adds (h) For purposes of this Rule, when a lawyer who is not a public officer or employee represents a discrete governmental agency or unit that is part of a broader governmental entity, the lawyer's client is the particular governmental agency or unit represented, and not the broader governmental entity of which the agency or unit is a part, unless:</p> <p>(1) otherwise provided in a written agreement between the lawyer and the governmental agency or unit; or</p> <p>(2) the broader governmental entity gives the lawyer timely written notice to the contrary, in which case the client shall be designated by such entity. Notice under this subsection shall be given by the person designated by law as the chief legal officer of the broader governmental entity, or in the absence of such designation, by the chief executive officer of the entity.</p>
Rule 1.14	Identical
Rule 1.15A	<p>Safeguarding Property of a Client</p> <p>(a) This Rule applies to (1) property of clients or third persons in a lawyer's possession in connection with a representation and (2) escrow and other funds held by a lawyer incident to the closing of any real estate or personal property.</p> <p>(b) A lawyer must not use, convert, borrow or pledge client or third person property for the lawyer's own use.</p> <p>(c) A lawyer must hold property of clients and third persons separate from the lawyer's own property.</p> <p>(1) A lawyer must deposit and hold in a trust account funds subject to this Rule pursuant to paragraph (h) of this Rule.</p> <p>(2) A lawyer must identify, label and appropriately safeguard any property of clients or third persons other than funds. The lawyer must keep records of such property that identify the property, the client or third person, the date of receipt and the location of safekeeping. The lawyer must preserve the records for seven years after return of the property.</p> <p>(d) A lawyer must promptly notify a client or third person of receipt of the client or third person's property.</p> <p>(e) A lawyer must promptly provide a written accounting to a client or third person after distribution of property or upon request. A lawyer must provide at least annually a written accounting to a client or third person for whom the lawyer is holding property.</p> <p>(f) Except as stated in this Rule, a lawyer must promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive.</p> <p>(g) If a lawyer possesses property in which two or more persons (one of which</p>

	<p>may be the lawyer) claim interests, the lawyer must maintain the property in trust until the dispute is resolved. The lawyer must promptly distribute all undisputed portions of the property. The lawyer must take reasonable action to resolve the dispute, including, when appropriate, interpleading the disputed funds.</p> <p>(h) A lawyer must comply with the following for all trust accounts:</p> <p>(1) No funds belonging to the lawyer may be deposited or retained in a trust account except as follows:</p> <p>(i) funds to pay bank charges, but only in an amount reasonably sufficient for that purpose;</p> <p>(ii) funds belonging in part to a client or third person and in part presently or potentially to the lawyer must be deposited and retained in a trust account, but any portion belonging to the lawyer must be withdrawn at the earliest reasonable time; or</p> <p>(iii) funds necessary to restore appropriate balances.</p> <p>(2) A lawyer must keep complete records as required by Rule 1.15B.</p> <p>(3) A lawyer may withdraw funds when necessary to pay client costs. The lawyer may withdraw earned fees only after giving reasonable notice to the client of the intent to do so, through a billing statement or other document.</p> <p>(4) Receipts must be deposited intact.</p> <p>(5) All withdrawals must be made only to a named payee and not to cash. Withdrawals must be made by check or by bank transfer.</p> <p>(6) Trust account records must be reconciled as often as bank statements are generated or at least quarterly. The lawyer must reconcile the check register balance to the bank statement balance and reconcile the check register balance to the combined total of all client ledger records required by Rule 1.15B(a)(2).</p> <p>(7) A lawyer must not disburse funds from a trust account until deposits have cleared the banking process and been collected, unless the lawyer and the bank have a written agreement by which the lawyer personally guarantees all disbursements from the account without recourse to the trust account.</p> <p>(8) Disbursements on behalf of a client or third person may not exceed the funds of that person on deposit. The funds of a client or third person must not be used on behalf of anyone else.</p> <p>(9) Only a lawyer admitted to practice law may be an authorized signatory on the account.</p> <p>(i) Trust accounts must be interest-bearing and allow withdrawals or transfers without any delay other than notice periods that are required by law or regulation. In the exercise of ordinary prudence, a lawyer may select any bank, savings bank, credit union or savings and loan association that is insured by the Federal Deposit Insurance Corporation or National Credit Union Administration, is authorized by law to do business in Washington and has filed the agreement required by ELC 15.4. Trust account funds must not be placed in mutual funds, stocks, bonds, or similar investments.</p> <p>(1) When client or third-person funds will not produce a positive net return to the client or third person because the funds are nominal in amount or expected to be held for a short period of time the funds must be placed in a pooled</p>
--	--

	<p>interest-bearing trust account known as an Interest on Lawyer's Trust Account or IOLTA. The interest accruing on the IOLTA account, net of reasonable check and deposit processing charges which may only include items deposited charge, monthly maintenance fee, per item check charge, and per deposit charge, must be paid to the Legal Foundation of Washington. Any other fees and transaction costs must be paid by the lawyer.</p> <p>(2) Client or third-person funds that will produce a positive net return to the client or third person must be placed in one of the following unless the client or third person requests that the funds be deposited in an IOLTA account:</p> <p>(i) a separate interest-bearing trust account for the particular client or third person with earned interest paid to the client or third person; or</p> <p>(ii) a pooled interest-bearing trust account with sub-accounting that allows for computation of interest earned by each client or third person's funds with the interest paid to the appropriate client or third person.</p> <p>(3) In determining whether to use the account specified in paragraph (i)(1) or an account specified in paragraph (i)(2), a lawyer must consider only whether the funds will produce a positive net return to the client or third person, as determined by the following factors:</p> <p>(i) the amount of interest the funds would earn based on the current rate of interest and the expected period of deposit;</p> <p>(ii) the cost of establishing and administering the account, including the cost of the lawyer's services and the cost of preparing any tax reports required for interest accruing to a client or third person's benefit; and</p> <p>(iii) the capability of financial institutions to calculate and pay interest to individual clients or third persons if the account in paragraph (i)(2)(ii) is used.</p> <p>(4) As to IOLTA accounts created under paragraph (i)(1), lawyers or law firms must direct the depository institution:</p> <p>(i) to remit interest or dividends, net of charges authorized by paragraph (i)(1), on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, monthly, to the Legal Foundation of Washington;</p> <p>(ii) to transmit with each remittance to the Foundation a statement, on a form authorized by the Washington State Bar Association, showing details about the account, including but not limited to the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, and the amount of service charges deducted, if any, and the balance used to compute the interest, with a copy of such statement to be transmitted to the depositing lawyer or law firm; and</p> <p>(iii) to bill fees and transaction costs not authorized by paragraph (i)(1) to the lawyer or law firm.</p> <p>(5) The provisions of paragraph (i) do not relieve a lawyer or law firm from any obligation imposed by these Rules.</p> <p>(j) The Legal Foundation of Washington must prepare an annual report to the Supreme Court of Washington that summarizes the Foundation's income, grants and operating expenses, implementation of its corporate purposes, and any problems arising in the administration of the program established by</p>
--	---

	paragraph (i) of this Rule.
Adds Rule 1.15B	<p><b>Required Trust Account Records</b></p> <p>(a) A lawyer must maintain current trust account records. They may be in electronic or manual form and must be retained for at least seven years after the events they record. At minimum, the records must include the following:</p> <p>(1) Checkbook register or equivalent for each trust account, including entries for all receipts, disbursements, and transfers, and containing at least:</p> <p>(i) identification of the client matter for which trust funds were received, disbursed, or transferred;</p> <p>(ii) the date on which trust funds were received, disbursed, or transferred;</p> <p>(iii) the check number for each disbursement;</p> <p>(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and</p> <p>(v) the new trust account balance after each receipt, disbursement, or transfer;</p> <p>(2) Individual client ledger records containing either a separate page for each client or an equivalent electronic record showing all individual receipts, disbursements, or transfers, and also containing:</p> <p>(i) identification of the purpose for which trust funds were received, disbursed, or transferred;</p> <p>(ii) the date on which trust funds were received, disbursed or transferred;</p> <p>(iii) the check number for each disbursement;</p> <p>(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and</p> <p>(v) the new client fund balance after each receipt, disbursement, or transfer;</p> <p>(3) Copies of any agreements pertaining to fees and costs;</p> <p>(4) Copies of any statements or accountings to clients or third parties showing the disbursement of funds to them or on their behalf;</p> <p>(5) Copies of bills for legal fees and expenses rendered to clients;</p> <p>(6) Copies of invoices, bills or other documents supporting all disbursements or transfers from the trust account;</p> <p>(7) Bank statements, copies of deposit slips, and cancelled checks or their equivalent;</p> <p>(8) Copies of all trust account client ledger reconciliations; and</p> <p>(9) Copies of those portions of clients' files that are reasonably necessary for a complete understanding of the financial transactions pertaining to them.</p> <p>(b) Upon any change in the lawyer's practice affecting the trust account, including dissolution or sale of a law firm or suspension or other change in membership status, the lawyer must make appropriate arrangements for the maintenance of the records specified in this Rule.</p>
Rule 1.16	(a): adds "notwithstanding RCW 2.44.040" before "withdraw"
Rule 1.17	(a): did not adopt
Rule 1.18	<p>(b): adds to end "or except as provided in paragraph (e)"</p> <p>(c): changes to "except as provided in paragraphs (d) and (e)"</p> <p>Adds (e) A lawyer may condition conversations with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the</p>

	matter. The prospective client may also expressly consent to the lawyer's subsequent use of information received from the prospective client.
Rule 2.1	Identical
Rule 2.2	Identical
Rule 2.3	Identical
Rule 2.4	Identical
Rule 3.1	Identical
Rule 3.2	Identical
Rule 3.3	<p>(a)(2): same as former MR but adds "unless such disclosure is prohibited by Rule 1.6" to end</p> <p>(a)(3): same as MR (a)(2)</p> <p>(a)(4): ends MR (a)(3) after first sentence</p> <p>(b): same as MR (c) but replaces "paragraphs (a) and (b)" with "paragraph (a)" and ends after "proceeding"</p> <p>(c) If the lawyer has offered material evidence and comes to know of its falsity, the lawyer shall promptly disclose this fact to the tribunal unless such disclosure is prohibited by Rule 1.6.</p> <p>(d) If the lawyer has offered material evidence and comes to know of its falsity, and disclosure of this fact is prohibited by Rule 1.6, the lawyer shall promptly make reasonable efforts to convince the client to consent to disclosure. If the client refuses to consent to disclosure, the lawyer may seek to withdraw from the representation in accordance with Rule 1.16.</p> <p>(e): same as former MR (c)</p> <p>(f): same as MR (d)</p>
Rule 3.4	(f): did not adopt
Rule 3.5	Identical
Rule 3.6	<p>Adds Appendix</p> <p>Guidelines for Applying Rule of Professional Conduct 3.6</p> <p>I. Criminal</p> <p>A. The kind of statement referred to in Rule 3.6 which may potentially prejudice criminal proceedings is a statement which relates to:</p> <p>(1) The character, credibility, reputation or criminal record of a suspect or defendant;</p> <p>(2) The possibility of a plea of guilty to the offense or the existence or contents of a confession, admission or statement given by a suspect or defendant or that persons refusal or failure to make a statement;</p> <p>(3) The performance or results of any investigative examination or test such as a polygraph examination or a laboratory test or the failure of a person to submit to an examination or test;</p> <p>(4) Any opinion as to the guilt or innocence of any suspect or defendant;</p> <p>(5) The credibility or anticipated testimony of a prospective witness; and</p> <p>(6) Information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial.</p> <p>B. The public has a legitimate interest in the conduct of judicial proceedings</p>

	<p>and the administration of justice. Lawyers involved in the litigation of criminal matters may state without elaboration:</p> <ol style="list-style-type: none"> <li>(1) The general nature of the charge or defense;</li> <li>(2) The information contained in the public record; and</li> <li>(3) The scheduling of any step in litigation, including a scheduled court hearing to enter a plea of guilty.</li> </ol> <p>C. The public also has a right to know about threats to its safety and measures aimed at assuring its security. Toward that end a public prosecutor or other lawyer involved in the investigation of a criminal case may state:</p> <ol style="list-style-type: none"> <li>(1) That an investigation is in progress, including the general scope of the investigation and, except when prohibited by law, the identity of the persons involved;</li> <li>(2) A request for assistance in obtaining evidence and information;</li> <li>(3) A warning of danger concerning the behavior of a person involved when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and</li> <li>(4) (i) The identity, residence, occupation and family status of the accused;</li> <li>(ii) information necessary to aid in apprehension of the accused;</li> <li>(iii) the fact, time and place of arrest; and</li> <li>(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.</li> </ol> <p>II. Civil</p> <p>The kind of statement referred to in Rule 3.6 which may potentially prejudice civil matters triable to a jury is a statement designed to influence the jury or to detract from the impartiality of the proceedings.</p>
Rule 3.7	Adds (a)(4) the lawyer has been called by the opposing party and the court rules that the lawyer may continue to act as an advocate.
Rule 3.8	(d): deletes “unprivileged”
Rule 3.9	Changes to “Rules 3.3(a) through (e)”
Rule 4.1	Identical
Rule 4.2	Identical
Rule 4.3	Identical
Rule 4.4	Identical
Rule 5.1	Identical
Rule 5.2	Identical
Rule 5.3	Identical
Rule 5.4	<p>(a)(4): did not adopt</p> <p>Adds (a)(5) a lawyer authorized to complete unfinished legal business of a deceased lawyer may pay to the estate or other representative of the deceased lawyer that proportion of the total compensation that fairly represents the services rendered by the deceased lawyer.</p> <p>(d)(2): adds after “officer” “(other than secretary or treasurer)”</p>
Rule 5.5	Identical
Rule 5.6	Identical

Rule 5.7	Identical
Adds Rule 5.8	<p>Misconduct Involving Disbarred, Suspended, Resigned, and Inactive Lawyers</p> <p>(a) A lawyer shall not engage in the practice of law while on inactive status, or while suspended from the practice of law for any cause.</p> <p>(b) A lawyer shall not engage in any of the following with an individual who is a disbarred or suspended lawyer or who has resigned in lieu of disbarment:</p> <p>(1) practice law with or in cooperation with such an individual;</p> <p>(2) maintain an office for the practice of law in a room or office occupied or used in whole or in part by such an individual;</p> <p>(3) permit such an individual to use the lawyer's name for the practice of law;</p> <p>(4) practice law for or on behalf of such an individual; or</p> <p>(5) practice law under any arrangement or understanding for division of fees or compensation of any kind with such an individual.</p>
Rule 6.1	<p>Title: does not include "Voluntary"</p> <p>First paragraph: replaces "to provide" with "to assist in the provision of," replaces 50 with 30, deletes "legal" after "pro bono publico"</p> <p>(a): deletes "a substantial majority of the (50) hours of legal services"</p> <p>(a)(2): replaces "civic" with "civil"</p> <p>(b): replaces "any additional services" with "pro bono publico service"</p> <p>(b)(1): deletes "civil liberties or public rights"</p> <p>Deletes last paragraph</p> <p>Adds "Pro bono publico service may be reported annually on a form provided by the WSBA. A lawyer rendering a minimum of fifty (50) hours of pro bono publico service shall receive commendation for such service from the WSBA."</p>
Rule 6.2	Identical
Rule 6.3	Identical
Rule 6.4	Identical
Rule 6.5	<p>(a): adds to end "and without expectation that the lawyer will receive a fee from the client for the services provided"</p> <p>(a)(1): adds 1.18(c) after 1.9(a) and "except that those Rules shall not prohibit a lawyer from providing limited legal services sufficient only to determine eligibility of the client for assistance by the program and to make an appropriate referral of the client to another program" to end</p> <p>Adds (a)(3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a), 1.10, or 1.18(c) in providing limited legal services to a client if:</p> <p>(i) the program lawyers representing the opposing clients are screened by effective means from information relating to the representation of the opposing client;</p> <p>(ii) each client is notified of the conflict and the screening mechanism used to prohibit dissemination of information relating to the representation; and</p> <p>(iii) the program is able to demonstrate by convincing evidence that no material information relating to the representation of the opposing client was transmitted by the personally disqualified lawyers to the lawyer representing the conflicting client before implementation of the screening mechanism and notice to the opposing client.</p>

Rule 7.1	Identical
Rule 7.2	(b)(2): deletes “or qualified” and second sentence (b)(4): deletes “or a nonlawyer professional”
Rule 7.3	(a): adds “directly or through a third person” after “shall not” Adds (a)(3) has consented to the contact by requesting a referral from a not-for-profit lawyer referral service. (c): did not adopt
Rule 7.4	(d) A lawyer shall not state or imply that a lawyer is a specialist in a particular field of law, except upon issuance of an identifying certificate, award, or recognition by a group, organization, or association, a lawyer may use the terms “certified”, “specialist”, “expert”, or any other similar term to describe his or her qualifications as a lawyer or his or her qualifications in any subspecialty of the law. If the terms are used to identify any certificate, award, or recognition by any group, organization, or association, the reference must: (1) be truthful and verifiable and otherwise comply with Rule 7.1; (2) identify the certifying group, organization, or association; and (3) state that the Supreme Court of Washington does not recognize the certification of specialties in the practice of law and that the certificate, award, or recognition is not a requirement to practice law in the state of Washington.
Rule 7.5	Identical
Rule 7.6	Identical
Rule 8.1	First paragraph: adds “or reinstatement” after “bar admission”
Rule 8.2	(a): adds “or record” after “integrity”
Rule 8.3	(a) and (b): replaces “shall” with “should” (c) This Rule does not permit a lawyer to report the professional misconduct of another lawyer or a judge to the appropriate authority if doing so would require the lawyer to disclose information otherwise protected by Rule 1.6.
Rule 8.4	Adds: (g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination is committed in connection with the lawyer’s professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this Rule when committed on the basis of sex, race, age, creed, religion, color, national origin, disability or marital status. This Rule shall not limit the ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance with Rule 1.16; (h) in representing a client, engage in conduct that is prejudicial to the administration of justice toward judges, other parties and/or their counsel, witnesses and/or their counsel, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. This Rule does not restrict a lawyer from representing a client by advancing material factual or legal issues or arguments;

	<p>(i) commit any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;</p> <p>(j) willfully disobey or violate a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear;</p> <p>(k) violate his or her oath as an attorney;</p> <p>(l) violate a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter; including, but not limited to, the duties catalogued at ELC 1.5;</p> <p>(m) violate the Code of Judicial Conduct; or</p> <p>(n) engage in conduct demonstrating unfitness to practice law.</p>
Rule 8.5	Identical

**Copyright © 2010 American Bar Association. All rights reserved. Nothing contained in these charts is to be considered the rendering of legal advice. The charts are intended for educational and informational purposes only. Information regarding variations from the ABA Model Rules should not be construed as representing policy of the American Bar Association. The charts are current as of the date shown on each. A jurisdiction may have amended its rules or proposals since the time its chart was created. If you are aware of any inaccuracies in the charts, please send your corrections or additions and the source of that information to John Holtaway, (312) 988-5298, [jholtaway@staff.abanet.org](mailto:jholtaway@staff.abanet.org).**