
HOUSE BILL 2503

State of Washington 57th Legislature 2002 Regular Session

By Representatives Boldt and Casada

Read first time 01/18/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to the conduct of lawyers; and amending RCW
2 2.48.210, 2.48.220, and 2.48.230.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 2.48.210 and 1921 c 126 s 12 are each amended to read
5 as follows:

6 ~~((Every person before being admitted to practice law in this state
7 shall take and subscribe the following oath:~~

8 ~~I do solemnly swear:~~

9 ~~I am a citizen of the United States and owe my allegiance thereto;~~

10 ~~I will support the Constitution of the United States and the
11 Constitution of the state of Washington;~~

12 ~~I will maintain the respect due to courts of justice and judicial
13 officers;~~

14 ~~I will not counsel or maintain any suit or proceeding which shall
15 appear to me to be unjust, nor any defense except such as I believe to
16 be honestly debatable under the law of the land, unless it be in
17 defense of a person charged with a public offense; I will employ for
18 the purpose of maintaining the causes confided to me such means only as~~

1 are consistent with truth and honor, and will never seek to mislead the
2 judge or jury by any artifice or false statement of fact or law;

3 I will maintain the confidence and preserve inviolate the secrets
4 of my client, and will accept no compensation in connection with his
5 business except from him or with his knowledge and approval;

6 I will abstain from all offensive personality, and advance no fact
7 prejudicial to the honor or reputation of a party or witness, unless
8 required by the justice of the cause with which I am charged;

9 I will never reject, from any consideration personal to myself, the
10 cause of the defenseless or oppressed, or delay any man's cause for
11 lucre or malice.— So help me God.)) The supreme court by rule shall
12 prescribe the form of oath of attorney for applicants for admission to
13 the state bar.

14 **Sec. 2.** RCW 2.48.220 and 1921 c 126 s 14 are each amended to read
15 as follows:

16 ((An attorney or counselor may be disbarred or suspended for any of
17 the following causes arising after his admission to practice:

18 (1) His conviction of a felony or misdemeanor involving moral
19 turpitude, in which case the record of conviction shall be conclusive
20 evidence.

21 (2) Wilful disobedience or violation of an order of the court
22 requiring him to do or forbear an act connected with, or in the course
23 of, his profession, which he ought in good faith to do or forbear.

24 (3) Violation of his oath as an attorney, or of his duties as an
25 attorney and counselor.

26 (4) Corruptly or wilfully, and without authority, appearing as
27 attorney for a party to an action or proceeding.

28 (5) Lending his name to be used as attorney and counselor by
29 another person who is not an attorney and counselor.

30 (6) For the commission of any act involving moral turpitude,
31 dishonesty or corruption, whether the same be committed in the course
32 of his relations as an attorney or counselor at law, or otherwise, and
33 whether the same constitute a felony or misdemeanor or not; and if the
34 act constitute a felony or misdemeanor, conviction thereof in a
35 criminal proceeding shall not be a condition precedent to disbarment or
36 suspension from practice therefor.

37 (7) Misrepresentation or concealment of a material fact made in his
38 application for admission or in support thereof.

1 ~~(8) Disbarment by a foreign court of competent jurisdiction.~~

2 ~~(9) Practicing law with or in cooperation with a disbarred or~~
3 ~~suspended attorney, or maintaining an office for the practice of law in~~
4 ~~a room or office occupied or used in whole or in part by a disbarred or~~
5 ~~suspended attorney, or permitting a disbarred or suspended attorney to~~
6 ~~use his name for the practice of law, or practicing law for or on~~
7 ~~behalf of a disbarred or suspended attorney, or practicing law under~~
8 ~~any arrangement or understanding for division of fees or compensation~~
9 ~~of any kind with a disbarred or suspended attorney or with any person~~
10 ~~not a licensed attorney.~~

11 ~~(10) Gross incompetency in the practice of the profession.~~

12 ~~(11) Violation of the ethics of the profession.)~~ The supreme court
13 shall prescribe rules of procedure governing the discipline, including
14 suspension or disbarment, of members of the state bar.

15 **Sec. 3.** RCW 2.48.230 and 1921 c 126 s 15 are each amended to read
16 as follows:

17 ~~((The code of ethics of the American Bar Association shall be the~~
18 ~~standard of ethics for the members of the bar of this state.))~~ The
19 supreme court shall establish from time to time and enforce rules of
20 professional conduct for the members of the bar of this state, but no
21 such rules of conduct shall prohibit any member from voluntarily
22 revealing information relating to the representation of a client to the
23 extent the lawyer reasonably believes necessary for any of the
24 following purposes:

25 (1) To warn that the client or a third person has made, and still
26 poses, a true and real threat to harm another person, whether or not
27 the threatened person has notice of the potential danger;

28 (2) To prevent the probable death or substantial bodily harm of any
29 person;

30 (3) To prevent the client from committing any crime;

31 (4) To prevent the client from committing a fraud that is
32 reasonably expected to result in substantial injury to the financial
33 interests or property of another and in furtherance of which the client
34 has used or is using the lawyer's services;

35 (5) To prevent, mitigate, or rectify substantial injury to the
36 financial interests or property of another that is reasonably expected
37 to result or has resulted from the client's commission of a crime or

1 fraud in furtherance of which the client has used the lawyer's
2 services;

3 (6) To report, pursuant to chapter 26.44 RCW, evidence of
4 reasonable cause to believe that any child has suffered abuse or
5 neglect;

6 (7) To report, pursuant to chapter 74.34 RCW, evidence of probable
7 cause to believe that any vulnerable adult has suffered abandonment,
8 abuse, financial exploitation, or neglect;

9 (8) To report to appropriate authorities or to others evidence that
10 any lawyer has committed misconduct that if known by the authorities
11 would reasonably be expected to result in the lawyer's suspension or
12 disbarment;

13 (9) To report to appropriate authorities or to others evidence that
14 any judicial officer has committed misconduct that if known by the
15 authorities would reasonably be expected to result in the judicial
16 officer's suspension or removal from judicial office;

17 (10) To report to appropriate authorities or to others evidence
18 that any elected official or executive state officer, as those terms
19 are defined in chapter 42.17 RCW, has knowingly violated any law.

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