

WSR 25-09-116
RULES OF COURT
STATE SUPREME COURT
[April 2, 2025]

IN THE MATTER OF THE PROPOSED ) ORDER
AMENDMENTS TO RPC 1.5—FEES; ) NO. 25700-A-1628
RPC 5.4—PROFESSIONAL )
INDEPENDENCE OF A LAWYER; )
AND RPC 7.3—SOLICITATION OF )
CLIENTS )

The Washington State Bar Association Committee on Professional Ethics, having recommended the adoption of the proposed amendments to RPC 1.5—Fees; RPC 5.4—Professional Independence of a Lawyer; and RPC 7.3—Solicitation of Clients, and the Court having considered the proposed amendments, and having published the proposed amendments for comment, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j) (1), the proposed amendments will be published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 2nd day of April, 2025.

Stephens, C.J.
Johnson, J. Yu, J.
Madsen, J. Montoya-Lewis, J.
Gonzalez, J. Whitener, J.
Mungia, J.

RPC 1.5
FEES

(a) - (d) [Unchanged.]

(e) A division of a fee between lawyers who are not in the same firm may be made only if:

(1) ~~(i) The division is in proportion to the services provided by each lawyer or each lawyer assumes responsibility for the representation;~~

~~(2) (ii) The client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and~~

~~(3) (iii) The total fee is reasonable.; or~~

~~(2) the division is between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or one of the county bar associates of this state.~~

(f) [Unchanged.]

Comment

[Unchanged.]

RPC 5.4
PROFESSIONAL INDEPENDENCE OF A LAWYER

(a) - (d) [Unchanged.]

Comment

[1]-[2] [Unchanged.]

Additional Washington Comments (~~3-4~~ 3-5)

[3]-[4] [Unchanged.]

[5] Notwithstanding Rule 5.4, there are circumstances when a lawyer can share a fee with a not-for-profit lawyer referral service. See Rule 7.3 (b) (2) and Comment 15.

RPC 7.3

SOLICITATION OF CLIENTS

(a) [Unchanged.]

(b) A lawyer shall not compensate, or give or promise anything of value to, a person who is not an employee or lawyer in the same law firm for the purpose of recommending or securing the services of the lawyer or law firm, except that a lawyer may:

(1) [Unchanged.]

(2) pay the usual charges of a legal service plan or a not-for-profit lawyer referral service and share a fee, including a portion or percentage of a fee, with a not-for-profit lawyer referral service that qualifies under Section 501 of the Internal Revenue Code or Washington's Nonprofit Corporation Act, or is a program sponsored by a non-profit organization or a court as authorized under Rule 6.5(a);

(3)-(5) [Unchanged.]

(c)-(d) [Unchanged.]

Comments

[1]-[12] [Unchanged.]

*Paying Others To Recommend a Lawyer*

[13]-[14] [Unchanged.]

[15] A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer referral service. A "legal service plan" is a prepaid or group legal service plan or a similar delivery system that assists people who seek to secure legal representation. A "lawyer referral service," on the other hand, is any individual or entity that operates for the direct or indirect purpose of referring potential clients to lawyers, regardless of whether the term "referral service" is used. The "usual charges" of a legal service plan or not-for-profit lawyer referral service are fees that are openly promulgated and uniformly applied. Not-for-profit lawyer referral services are understood by the public to be consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. A lawyer also may share a fee, including a portion or percentage of a fee, in exchange for a referral from not-for-profit lawyer referral services, because these services help to facilitate access to justice and, if they operate under Section 501 of the Internal Revenue Code or the Washington Nonprofit Corporation Act, the service will use the fee only to defray reasonable operating costs. The fee paid by a client who is referred by the service, however, should not exceed the total charges that the client would have paid if the lawyer referral was not involved.

[16] [Unchanged.]