

Filed June 27, 2002

Bar No. 8652

SUPREME COURT
OF THE STATE OF WASHINGTON

In the Matter of the Disciplinary Proceeding Against
DOUGLAS A. SCHAFER,
an Attorney at Law.

RESPONDENT LAWYER'S
SECOND STATEMENT OF
ADDITIONAL AUTHORITIES

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**RESPONDENT LAWYER’S SECOND
STATEMENT OF ADDITIONAL AUTHORITIES**

Pursuant to RAP 10.7, the following additional authorities are submitted without argument:

Crews v. Buckman Laboratories International, Inc., Supreme Court of Tennessee, Docket No. W2000-01834-SC-R11-CV, ___ S.W.3d ___ (Tenn., May 24, 2002) available at <<http://www.tsc.state.tn.us/OPINIONS/tsc/PDF/022/crewsjuliabeth.pdf>> accessed 6/27/02. The Court said, “With little imagination, one could envision cases involving important issues of public concern being denied relief merely because the wrongdoer is protected by the lawyer’s duty of confidentiality.” (Slip Op. pg. 10) Rejecting such a result, the Court held that an in-house staff lawyers’ duty of confidentiality did not prohibit her from reporting to appropriate state officials that her employer’s general counsel was engaged in the unauthorized practice of law, nor did it prohibit her from revealing confidences and secrets in her retaliatory discharge action against her employer for having done so. The Court summarily amended its Disciplinary Rule consistently. (Slip Op. pg. 10)

Link to opinion.

Republican Party of Minnesota v. White (536 U.S. ___, Docket No. 01-521 (June 27, 2002)) (Slip Opinions available at: <http://www.supremecourtus.gov/opinions/01slipopinion.html>) Holding that Minnesota’s judicial ethics rule restricting the flow of relevant information to voters about judicial candidates violates the First Amendment. “Debate on the qualifications of candidates is at the core of our electoral process and of the First Amendment freedoms, not at the edges.” (Slip Op. pg. 16) “We have never allowed the government to prohibit candidates from communicating relevant information to voters during an election.”(Slip Op. pg. 16) “The legal profession ... and all interested citizens can use their own First Amendment freedoms to protest statements [that disclose flaws in the judicial candidate’s credentials.] Indeed, if democracy is to fulfill its promise, they must do so.” (J. Kennedy Concurring Slip Op. pg 4.))

Link.

Respectfully submitted this 27th day of June, 2002.

Douglas A. Schafer, Attorney No. 8652