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Subject: FW: Proposed Changes to CR 71 potentially limiting an attorney's ability to withdraw up to 90 days before trial
Date: Thursday, April 22, 2021 2:56:11 PM

From: Alexandra Moore-Wulsin [mailto:amoore-wulsin@stratalawgroup.com]
Sent: Thursday, April 22, 2021 2:52 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Changes to CR 71 potentially limiting an attorney's ability to withdraw up to 90 days before trial

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Dear Esteemed Justices,

I have practiced law in King County Washington since 1987. My practice has moved in and out of the public sector and across many practice sectors. The vast majority of my practice time has involved litigation, most recently family law litigation. I have read the proposed changes to CR 71 and wonder if the Supreme Court, in formulating this rule change, has looked at how trials are scheduled in different counties throughout the state. Many counties do not set trial until the parties affirmatively schedule it themselves. Those lucky litigants are in control of when that 90 day lands. Some counties, including King, set the trial date automatically when a case is filed. I remember when this practice was implemented and why. Too many litigants filed and then failed to prosecute their cases, and the courthouse had cases that had been in inactive status for over 7 years. If I am correct, Judge Charles Johnson played a big hand in remedying that problem.

For those counties where a trial date is automatically set, this rule change poses a hardship for solo and small firm practitioners. Equally importantly, it overlooks an easier remedy to the problems the court experiences with these withdrawals. In King County, at the same time that the trial date is automatically set, a deadline for alternative dispute resolution is also automatically set. That deadline currently falls within the 90 days before trial window. Rather than prohibiting counsel from withdrawing in the 90 days before trial, an easier remedy is to automatically set earlier mediation – say three to four months after a case is filed. And to assure that the earlier mediation is productive, the litigants can be ordered to disclose financial documents relevant to the proceeding at hand. For the vast majority of family law cases, this is a simple financial list. This is the easier remedy that would prevent the hardship that practitioners face with this rule change and would alleviate some of the pressure the court experiences when attorneys withdraw.

Thank you for taking the time to read my opinion.

Best regards,
Xana

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