

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: Comment on CR 71 Rule Change by WA Attorney  
**Date:** Friday, April 30, 2021 1:30:17 PM

---

---

**From:** contact@attorneyhoffman.com [mailto:contact@attorneyhoffman.com]  
**Sent:** Friday, April 30, 2021 1:30 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment on CR 71 Rule Change by WA Attorney

**External Email Warning!** This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Dear Justices:

I am writing to voice my concern and opposition to the current pending amendment to CR 71 Withdrawal by Attorney before the Supreme Court.

I have been a Washington State family law attorney since 2012. Many of my clients have not had much money and I have lowered my fees or provided free services on many cases.

Many cases settle between the time period after the pretrial settlement conference and the trial date. Attorneys frequently request the deposits and fees that are required for trial and trial preparation after the pretrial settlement conference.

The approach of trial and the amount of money required to take a case to trial will frequently stimulate substantive conversation leading to resolution before trial. Having attorneys involved with this process is of great value to the entire legal process and system.

If you mandate that an attorney might become an indentured servant if the attorney does not withdraw prior to 90-days in advance of the trial date, then this ability to pursue substantive negotiations with an attorney will effectively cease, necessitating more trials.

Also, what should I expect concerning expert witnesses and malpractice when I would be precluded from withdrawal?

Your rule suggests that I will have to pay those fees so that the client is properly represented in court so that malpractice and ineffective assistance of counsel never come to play. I have a small sole-proprietorship and could never bear those costs.

As a sole-practice, when I extend my time expecting to be paid in the future, but knowing that will never happen, because the case or party warrant the assistance, this makes it so that I cannot take on more work to pay the bills. This should be my decision not the court's.

Within family law, some counties have accelerated trial scheduling for relocation issues and parenting plan modifications. Sometimes with the trial being set within 90 days of an adequate cause hearing or filing of objection.

Many clients want assistance through the temporary orders and adequate cause hearing and this 90-day rule will decrease the number of attorneys willing to take these cases without substantial initial deposits that would offset or at least defray the possibly unpaid time or trial on the case.

For an attorney to properly evaluate the case and assistance that can be provided to a client, this possibility of being kept on the case through and after trial has to be considered.

What I would foresee as the actual result would be more individuals losing their attorneys earlier in the case, more poorly-created filings later in the life of the case, longer dockets before the judges rather than the commissioners, and many more pro-se trials which might otherwise have settled.

There is a possibility that a false impression that attorneys do not care about anything other than money and that judges are willing to create indentured servants of attorneys who already have high overhead and student loans. The public will no doubt enjoy that and praise the judiciary.

Please do not rely on what you consider to be the reasonableness of the parties, opposing attorneys, or judiciary when one of the motions objecting to withdrawal is filed. The "reasonableness" for one stakeholder is "unreasonable" to another and there is no way to resolve that difference. Family law is full of these types of positions.

Please do not create this rule change regarding the 90-day time period. Rejecting this will retain more availability of attorneys to assist the family law parties through their cases, and does not place me and my fellow family law practitioners into the position of servitude which may be created. The ability to provide free services should be retained by me and my clients should be able to continue to hire me to assist according to our contract.

Sincerely,

Robert Eric Hoffman WSBA #35229  
3811 H St.  
Vancouver, WA 98663