From: OFFICE RECEPTIONIST, CLERK
To: Linford, Tera
Subject: FW: Comments Against Proposed Amendment to CR 71
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From: shyde@genesislawfirm.com [mailto:shyde@genesislawfirm.com]
Sent: Wednesday, April 28, 2021 1:31 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments Against Proposed Amendment to CR 71

Good afternoon,

After reviewing the proposed amendment to CR 71, which creates new requirements for attorneys withdrawing within 90 days of trial, I feel compelled to ask the Court to decline this amendment in its current form. As a new family law practitioner I have made a point to speak with more experienced attorneys about the process of family law cases, particularly with concerns of cost. My practice focuses on more affordable solutions in family law and, as a result, cases that head to trial may not be affordable for my clients. This at times means withdrawing prior to trial because of the financial position of the client. If the court system is to step in and say the attorney cannot withdraw and must proceed through trial, it creates a number of perverse incentives: (1) the attorney may be more likely in mediation to suggest accepting an offer to try and avoid incurring legal expenses that cannot be recovered from the client, or (2) the client may be less inclined to accept an offer to settle because they know the attorney *must* represent them and will not be able to force the client to pay their fees and costs.

I do understand the purpose of this rule change, and I believe it is an admirable endeavor. However, I believe it can be addressed in a way that will not create uncertainty and disparity for clients and attorneys alike. The schedule for civil cases and family law cases differs substantially, as do the local requirements from many counties. If the Court is inclined to adjust the rule, it should shorten the window for withdrawal *at least* in family law cases. 90 days is often well ahead of trial preparation; for example, in Snohomish County the discovery cutoff date for all actions under Title 26 is 14 days before trial. This could force an attorney to continue representation through discovery, pretrial motions for temporary orders, and other costly actions.

The legislature and court system has undertaken great lengths to make family law more accessible to the layperson. These efforts are undercut by this amendment. I ask the Court to consider the

thoughts of a young practitioner concerned about the viability of such a rule.

Respectfully,

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