From: OFFICE RECEPTIONIST, CLERK
To: Linford, Tera
Subject: FW: Opposition to Proposed Changes to CR 71
Date: Friday, April 23, 2021 10:39:19 AM

From: Susan Alexander [mailto:susanalexander99@aol.com]
Sent: Friday, April 23, 2021 10:34 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to Proposed Changes to CR 71

I respectfully oppose the proposed changes to CR 71. I am a family law practitioner and have been in practice for 30 years. Most parties in family law cases are not ready to proceed to mediation and settle their cases more than 90 days prior to trial. Clients often take months to come to terms with the devastating emotional impact of losing time with their children, the demise of a marriage or partnership, and the financial losses that come with any kind of family law proceeding.

Many cases involve issues of parental fitness and risk to the children, and it takes months for a parenting evaluator or GAL to conduct a parenting investigation and to issue their report with recommendations. It takes months for parents with limitations, such as mental health issues, substance abuse, or domestic violence just to name a few, to be evaluated; and then it takes months for a parent to have the chance to progress in a treatment program and to change treatment programs if need be. It is premature to try to settle a case before all parties have an opportunity to judge whether treatment has remediated the issues or if more services are needed. At each of these intervals, often a new motion is required, which takes days for an attorney to prepare and weeks before the actual hearing is held. Frequently a motion is required to have a parenting evaluator or GAL appointed; a motion is required to require a parent to be evaluated for a condition which impacts their parenting fitness; a motion is required to ensure compliance with treatment recommendations and/or to suspend a parent's time if the issues are not being adequately addressed and a child is still at risk. This is not a process than can be artificially rushed because of court deadlines.

For cases which involve children, a temporary parenting plan or residential schedule needs to be followed for months spanning a school year and summertime for parents to see how the children are able to adapt to moving between the parents' residences; to determine if it is possible for the parents to achieve the level of close cooperation

needed to make a shared residential schedule work; and to make an assessment of changes that need to be implemented so a final parenting plan schedule will solve problems that arose during the temporary parenting plan.

People deal with the grief and loss in different ways, at different times, and frequently changes that need to be made (such as assessment and treatment) only begin after a case is filed and after court orders are entered. The decisions a client may make 4 months into a case, or 7 months into a case may differ significantly from the decisions they make 11 months into a case.

Family law clients frequently run out of funds well prior to a mediation, and many family law attorneys (me included) will stay with the case through a mediation out of a sense of duty to the client and for the welfare of their children even knowing that the work will be unpaid. However, continuing representation without hope of payment through a mediation is a far cry from taking a case to trial knowing that the trial work will be unpaid. The proposed amendment to CR 71 will force family law attorneys to withdraw well before cases are ready to be resolved at mediation, simply because of the risk that they may be forced to stay on a case through trial without being paid. Clients will be harmed, not benefited, by the imposition of an artificial turning point of 90 days prior to trial. Many more clients will be forced to represent themselves at mediation as well as at trial because attorneys will need to withdraw earlier than they would otherwise, because we cannot run the risk of being forced to represent a client through trial without the possibility of payment for our services. I urge you to reject the proposed amendments.

Regards,

Susan Alexander
Law Offices of Susan Alexander, P.S.
15600 NE 8th Street, Suite B1 #174
Bellevue, WA 98008
425-830-1426

http://www.susanalexanderlegal.com/