

WSR 21-13-061
RULES OF COURT
STATE SUPREME COURT
[June 4, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO CR) NO. 25700-A-1353
71—WITHDRAWAL BY ATTORNEY)

The Superior Court Judges' Association, having recommended the adoption of the suggested amendments to CR 71—Withdrawal by Attorney, and the Court having considered the suggested amendments;

Now, therefore, it is hereby

ORDERED:

That the suggested amendments as shown below are rejected.

DATED at Olympia, Washington this 4th day of June, 2021.

Johnson, J.
Owens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

CR 71

WITHDRAWAL BY ATTORNEY

(a) Withdrawal by Attorney. Service on an attorney who has appeared for a party in a civil proceeding shall be valid to the extent permitted by statute and rule 5(b) only until the attorney has withdrawn in the manner provided in sections (b), (c), and (d). Nothing in this rule defines the circumstances under which a withdrawal might be denied by the court.

(b) Withdrawal by Order. A court appointed attorney may not withdraw without an order of the court. The client of the withdrawing attorney must be given notice of the motion to withdraw and the date and place the motion will be heard.

(c) Withdrawal by Notice. Except as provided in sections (b) and (d), an attorney may withdraw by notice in the manner provided in this section.

(1) Notice of Intent To Withdraw Filed More Than 90 Days Before Trial Date. The attorney shall file and serve a Notice of Intent to Withdraw on all other parties in the proceeding. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least 10 days after the service of the Notice of Intent to Withdraw on all other parties (including an additional three (3) days if notice is served by mail). The notice shall include a statement that the withdrawal shall be effective without order of court unless an objection to the withdrawal is served upon the withdrawing attorney before prior to the effective date set forth in the notice. If notice is given before trial, the notice shall include the date set for trial and, if available, attach a current case schedule. The notice shall include the names and last known addresses of the persons represented by the withdrawing attorney, unless disclosure of the address would violate the Rules of Professional Conduct, in which case the address may be omitted. If the address is omitted, the notice must contain a statement that after the attorney withdraws, and so long as the ad-

dress of the withdrawing attorney's client remains undisclosed and no new attorney is substituted, the client may be served by leaving papers with the clerk of the court pursuant to rule 5 (b) (1).

(2) Notice of Intent to Withdraw Filed 90 Days or Less Before Trial Date. If an attorney's notice of withdrawal is filed 90 days or less before the trial date, a copy of the notice shall be provided to the assigned judge, if there is one or, if not, the department Chief Judge or Presiding Judge as applicable, at the time of filing. If the notice does not contain a substitution of counsel as provided in subsection (d), the withdrawing attorney shall confirm in the notice that the client has been:

(i) provided a copy of the current case schedule,

(ii) informed in writing about how to obtain his/her client files by the withdrawal's effective date, and

(iii) if a family law case, notified in writing of how the client can locate local family law rules. In other respects, the notice shall comply with subsection (1) above.

(23) Service on Client. ~~Before~~ Prior to service on other parties, the Notice of Intent ~~t~~To Withdraw shall be served on the persons represented by the withdrawing attorney or sent to them by certified mail, postage prepaid, to their last known mailing addresses. Proof of service or mailing shall be filed, except that the address of the withdrawing attorney's client may be omitted under circumstances defined by subsection (c) (1) of this rule.

(34) Withdrawal Without Objection. The withdrawal shall be effective, without order of court and without the service and filing of any additional papers, on the date designated in the Notice of Intent ~~t~~To Withdraw, unless a written objection to the withdrawal is served by a party on the withdrawing attorney prior to the date specified as the day of withdrawal in the Notice of Intent ~~t~~To Withdraw, or the court notifies the parties of further proceedings to address withdrawal.

(45) Effect of Objection. If a timely written objection is served, withdrawal may be obtained only by order of the court.

(d) Withdrawal and Substitution. Except as provided in section (b), an attorney may withdraw if a new attorney is substituted by filing and serving a Notice of Withdrawal and Substitution. The notice shall include a statement of the date on which the withdrawal and substitution are effective and shall include the name, address, Washington State Bar Association membership number, and signature of the withdrawing attorney and the substituted attorney. If an attorney changes firms or offices, but another attorney in the previous firm or office will become counsel of record, a Notice of Withdrawal and Substitution shall nevertheless be filed.