

	Comment Deadline	Brief Description of Proposed Rule Published for Comment
Appeals	April 30, 2021	<p data-bbox="667 384 1240 420">Standard 14 – CrR 3.1, CrRLJ 3.1, JuCR 9.2</p> <p data-bbox="667 459 1377 567">Provides uniform guidance to attorneys who handle appeals for cases where there is a constitutional right to appellate counsel.</p>
Attorney Discipline	April 30, 2021	<p data-bbox="667 596 1271 632">New Rules for Discipline and Incapacity (RDI)</p> <p data-bbox="667 672 1295 707">Replaces the Rules for Lawyer Discipline (ELC).</p> <p data-bbox="667 747 1365 783">In the RDI system, a matter would proceed as follows:</p> <p data-bbox="667 823 1417 1157"><u>ODC Intake and Investigation.</u> ODC would review and/or investigate all grievances (called “complaints” in the RDI) involving all license types. Disposition options would include closure, diversion, or recommendation for the filing of a statement of charges. Closure decisions would not be subject to adjudicative review. Upon receipt of new or additional post-closure information from a complainant, ODC would have the authority to reopen a complaint in appropriate circumstances.</p> <p data-bbox="667 1197 1406 1533">Authorization Panels. An ODC request that a matter be ordered to a hearing would be considered by a three-person ORA Authorization Panel, composed of a professional adjudicator accompanied by volunteers from the pool, including one public member and, where practicable, one practitioner of the same license type. An Authorization Panel would have authority to order the filing of a statement of charges or the initiation of incapacity proceedings or to deny such requests.</p> <p data-bbox="667 1572 1417 1833">Hearing Stage. An ORA hearing adjudicator would conduct and preside over all disciplinary and incapacity hearings. ORA adjudicators would also approve all stipulations, subject to final Supreme Court approval. Volunteer lawyers on the Volunteer Adjudicator Pool may also serve as settlement officers to assist in the resolution of matters by stipulation.</p> <p data-bbox="667 1873 1370 1908">Appeal Panel. An intermediate appeal from a hearing</p>

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	<p>adjudicator’s recommendations, as well as matters on interlocutory review, would be reviewed by a joint ORA adjudicator-volunteer panel. Five-person ORA Appeal Panels would be composed of a professional adjudicator accompanied by volunteers from the pool, including at least one public member and, where practicable, at least one practitioner of the same license type.</p> <p>Final Appellate Review/Supreme Court Orders. The Supreme Court would consider final appeals and order discipline for all license types.</p> <p><i>Editor’s Note: Of particular concern for me is that it removes the prior, though largely ignored, procedure for the issuance of “advisory letters.” Many prosecutors have received such “advisory letters” with respect to closing arguments. “Advisory letters” that have been issued based upon a COA opinion that was later reversed by the supreme court have not been withdrawn by the WSBA.</i></p> <p>Advisory Letters. ODC routinely includes educational language in dismissal letters in an effort to bring problematic but not necessarily unethical conduct to the attention of a licensee. This approach serves the same purpose and achieves the same result as advisory letters currently issued by a review or discipline committee, but the latter requires a far more cumbersome process. The suggested RDI would therefore eliminate review and discipline committee advisory letters.</p>
Court-Annexed Limited Legal Service Programs	<p>April 30, 2021</p> <p>RPC 6.5</p> <p>Eases conflict provisions for attorneys or other licensed legal services technicians who are employed as court house facilitators or similar court-annexed services.</p>

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Legal Financial Obligations	April 30, 2021	<p>New GR 39</p> <p>This proposed rule creates a process whereby a defendant may request remission or reduction of LFOs (except for restitution and victim penalty assessment). Defendants may also request removal of LFOs from collection, payment by other forms of community restitution and additional time to pay. This proposed rule cites to existing authority regarding the disposition of hearings related to the imposition of LFOs and does not create new authority directing the outcome of a petition requesting remission of LFOs. [Editor’s Note: <i>proposal lumps together fines and costs in a manner that is contrary to statutory authority and constitutional provisions and authorizes the court to consider the motion ex parte without input from the prosecution.</i>]</p>
Organization as Client	April 30, 2021	<p>RPC 1.13 and RPC 1.16, Comment [4]</p> <p>Incorporates the holding of <i>Karstetter v. King County Corrections Guild</i>, 193 Wn.2d 672 (2019), regarding the unique employment expectations of in-house counsel and lawyers with comparable employment relationships.</p> <p><i>[Editor’s Note: Both of these rules should include an express acknowledgment of the status of prosecuting attorneys as “lawyers by law, not by choice.”]</i></p>
Release of Accused Persons	April 30, 2021	<p>CrR 3.2 and CrRLJ 3.2</p> <p>This proposal would require trial courts to release anyone charged with a non-violent crime on personal recognizance if he or she has not previously failed to appear on the new offense, is not on probation, and is not on pretrial release for an older crime.</p>
Withdrawal by Attorney in Civil Cases	April 30, 2021	<p>CR 71</p> <p>Addresses situations in which a party’s attorney withdraws 90 days or less before the trial date so that the court has an opportunity to deal with the situation.</p>