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2007

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Number 4

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Snohomish County Bar Association

## *Another Successful Auction!*



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NEWS

## SCBA NEWS

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## ADVERTISING AND SUBMISSIONS

**Announcements:** *SCBA members only. Contact Joyce Wood at (425) 388-3056 or joycew@snobar.org*

**Classifieds:** *Please contact Joyce Wood for rates and submission guidelines at (425) 388-3056 or at joycew@snobar.org.*

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**Deadline:** *Copy must be received (not postmarked) by the 15th of each month for the subsequent issue. No cancellations will be accepted after the deadline. Please submit a hard copy to the SCBA office at P.O. Box 5429, Everett, WA 98206, as well as a copy in ASCII text of Microsoft Word Format (Mac or PC) by e-mail or on a 3.5 inch disk. WordPerfect users, save your files in either MS Word format or Rich Text format (RTF).*

## CONTACT US

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# SCBA CALENDAR OF EVENTS

## April 2007

6<sup>th</sup> Donut Friday!!!  
 9<sup>th</sup> Young Lawyers Section Meeting  
 15<sup>th</sup> Deadline SCBA Newsletter  
 16<sup>th</sup> Family Law Section Meeting  
 19<sup>th</sup> SCBA Board of Trustees Meeting  
 19<sup>th</sup> Guardianship Section Meeting

## May 2007

4<sup>th</sup> Donut Friday!!!  
 14<sup>th</sup> Young Lawyers Section Meeting  
 15<sup>th</sup> Deadline SCBA Newsletter  
 17<sup>th</sup> Guardianship Section Meeting  
 17<sup>th</sup> SCBA Board of Trustees Meeting  
 21<sup>st</sup> Family Law Section Meeting

## June 2007

1<sup>st</sup> Donut Friday!!!  
 11<sup>th</sup> Young Lawyers Section Meeting  
 15<sup>th</sup> Deadline SCBA Newsletter  
 18<sup>th</sup> Family Law Section Meeting  
 21<sup>st</sup> SCBA Board of Trustees Meeting

## July 2007

6<sup>th</sup> Donut Friday!!!  
 9<sup>th</sup> Young Lawyers Section Meeting  
 15<sup>th</sup> No SCBA Newsletter deadline  
 16<sup>th</sup> Family Law Section Meeting  
 19<sup>th</sup> SCBA Board of Trustees Meeting  
 19<sup>th</sup> Guardianship Section Meeting

## August 2007

3<sup>rd</sup> Donut Friday !!!  
 13<sup>th</sup> Young Lawyers Section Meeting  
 15<sup>th</sup> Deadline SCBA Newsletter  
 15<sup>th</sup> NO SCBA Board of Trustees Meeting  
 26<sup>th</sup> Family Law Section Meeting

## September 2007

7<sup>th</sup> Donut Friday !!!  
 10<sup>th</sup> Young Lawyers Section Meeting  
 15<sup>th</sup> Deadline SCBA Newsletter  
 17<sup>th</sup> Family Law Section Meeting  
 20<sup>th</sup> SCBA Board of Trustees Meeting  
 20<sup>th</sup> Guardianship Section Meeting

# SUPERIOR COURT ASSIGNMENTS

**Presiding Judge:** ..... Judge Thomas J. Wynne  
**Trial Calendar Call and Motions to Continue Trial:** ..... Judge Wynne, Dept. 7  
**Juvenile Court:** ..... Judges Lucas and Fair  
 ..... Commissioner Brudvik<sup>1</sup>  
**Civil Motions:** ..... Judge Downes: April 2 – April 6  
 ..... Judge Knight: April 9 – April 13  
 ..... Judge Castleberry: April 16 – April 20  
 ..... Judge Krese: April 23 – April 30  
**Criminal Hearings:** ..... Judge Krese: April 2 – April 6  
 ..... Judge Cowsert: April 9 – April 13  
 ..... Judge Kurtz: April 16 – April 20  
 ..... Judge Cowsert: April 23 – April 25  
 ..... Judge Kurtz: April 26 – April 30  
**Rotating Sentencings:** ..... Judge Cowsert: April 2 – April 6  
 ..... Judge Knight: April 9 – April 20  
 ..... Judge Allendoerfer: April 23 – April 30  
**Criminal Dept. Judges:**<sup>2</sup> Judges Knight, Allendoerfer, Castleberry, Wynne, Farris, Bowden, Downes and Kurtz  
**Civil Dept. Judges:**<sup>2</sup> ..... Judges Thorpe, McKeeman, Krese and Cowsert  
**Ex Parte/Commissioner Civil Motions:**<sup>1</sup> ..... Commissioner Weiss  
**Family Law Calendars:**<sup>1</sup> ..... Commissioners Bedle, Stewart and Waggoner

**Please note:** All assignments are subject to change without notice and assignments may not change on the first day of the month.

**(Footnotes)**

1 Court Commissioner assignments are for six months duration and change in early January and July.

2 At the discretion of the Presiding Judge, criminal cases may be assigned to Civil Department Judges and civil cases may be assigned to Criminal Department Judges.



FROM THE DESK OF  
THE PRESIDENT,  
JENNIFER GOGERT

The annual auction benefiting Snohomish County Legal Services was a great success this year! SCLS and their Executive Director, Threesa Milligan, spearheaded the auction and did an excellent job making sure the fundraising went well; while the SCBA Auction Chair, Peter Camp, put together the party of the year.

Thank you to everyone who donated, attended, bid, and worked on the planning, set up, and running of the auction - each piece is valuable and your efforts to assure *Shamrocks and Gold* are much appreciated by myself, the SCBA Board, and I am sure also appreciated by Snohomish County Legal Services. *Shamrocks and Gold* was a great fundraiser and a great party - thank you Peter and Threesa for your hard work!

As I look forward to spring, I am realizing that our annual Law Day celebration is coming up in May. This is an educational event which happens at the national level through the ABA. Here in Snohomish County we have a couple of programs that happen, the first, is the mock-trial event out at South District Court, and the second, a judicial job shadow takes place at Superior Court. This year, Beth Cullen, is planning the Superior Court law day - I'm sure she's looking for volunteers so give her a call and lend a hand. Our judicial job shadow is a great opportunity for high school students to see how our bench works, watch trials or commissioner hearings, and have a roundtable discussion with the judges and commissioners during lunch.

We also have judicial evaluations revamped and ready to go out later this spring; so, be on the look out for your ballot and take a few minutes to give some feedback to our bench!

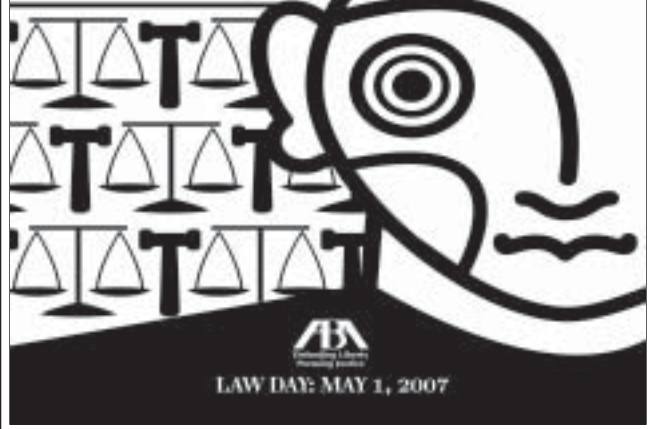
As always, I welcome your suggestions and comments, so please feel free to email me at [jgogert@denomillikan.com](mailto:jgogert@denomillikan.com) or to give me a call at 425.259.2222. ☺

**LAW DAY ~ May 1, 2007**

If you would like to participate in Law Day please contact:

Elizabeth Cullen at (425)388-3032 or  
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LAW DAY: MAY 1, 2007

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THE LAWYER'S ROAD  
REVIEW  
BY PETE PATTERSON

**Stop Global Whining**

A freak snowstorm hit the Everett area February 27<sup>th</sup> 2007 turning downtown into a parking lot. Having a four wheel drive vehicle improved my ability to negotiate my way down the alley from our office, only to meet my partner Ruth Spalter returning in her Toyota Camry after giving up on trying to leave town due to gridlock on the streets. It took me an hour to cross town to my home, Ruth and her intrepid paralegal Janet Chastine adjourned to the Flying Pig to wait it out. This is what I should have done, but perhaps the urge to actually use the four wheel drive the Explorer is equipped with was too much.

This winter has been long and harsh. November saw remarkable flooding. Mt. Rainier National Park was hard hit, roads and campgrounds literally disappearing. We went for more than a week with iced over roads in January. The Chilly Hilly bicycle ride which is supposed to be the kick off for the cycling season was cold and very wet February 25<sup>th</sup>. Meanwhile talking heads on television speak the rightthink about global warming. We have to wonder what they are talking about. I do anyway. Warming?

It is perhaps an inconvenient truth that law school shapes or disciplines a mind to think critically about any particular claim. Prior to law school, we are able to think in terms of art, beauty, and the wonder of the world. We are also more susceptible to fashionable thought, and less likely to consider the source of any statement that otherwise feels right or what we "like".

Now after law school we think in terms of crime and torts. Toughened by the Socratic Method of teaching, one learns quickly to select words carefully, break facts down into smaller parts and examine each element of a claim. Logic, not emotion rules our minds and we thus unemotionally often produce results which do not track the "right speak" of the era.

I am afraid I have approached the question of global warming in the manner of a lawyer. I have measured what I read and heard by the Rules of Evidence. The results are

a skeptical, yet consistent march toward acceptance that mankind does play a role in event of global warming, this time around anyway, but the notion we can do anything about it remains unconvincing. Let us consider some of the testimony:

Heard on the Street: There are those persons who will leap at the concept of global warming to explain everything, including the floods of November. It is a nice easy concept. Human kind always asks "why". We need emotionally to be able to explain our situation otherwise we have to admit it is out of our control. Believing we can change the weather is truly attractive. We really want to believe we are not at the mercy of natural forces. Just a few minutes of cross examination would undermine this link.

Many blamed the class 5 hurricanes of 2005 upon global warming. Oh really? We had no class 5 hurricanes in 2006. Did we do that?

Politicians. Would Al Gore qualify as an expert under ER 702? The inconvenient truth is he would not, although I would enjoy the cross examination. One should note that politicians have something to gain by telling the electorate there is something we can do about anything. "Pay no attention to that snow falling, you all know it is hotter than hell, never mind the science, the sky is falling and I am the man to stop it. " I lump scientists who gain fame by these sorts of statements in places like Kyoto and Paris into the same basket. The secondary gain for big splashy comments is too great.

Newspapers. Have you ever considered that what a newspaper amounts to normally is several pages of hearsay? Haven't most people actually connected with events lamented that "the paper got it wrong?" Eyewitness accounts often are unreliable, and when compounded with the journalists attempt to translate this quickly into a coherent story some things invariably get lost.

Television and Radio. The newspaper problem is compounded here, as the story needs to be distilled into a "sound byte". I have literally heard the talking heads make statements without qualification like "humans cause global warming" which is off the mark even by newspaper accounts. What I fear the most is the Orwellian truism that anything repeated enough in this medium becomes fact.

The CBS broadcast *60 Minutes* spent 20 minutes on global warming last year. While that is better, it is still not enough time to really understand what of climate change can be understood and what cannot be understood at

this time in science. I had the sense the interviewers really wanted the scientists to say what the fashionable sound bite of the day has come to be, that it is global warming is all our fault, or better all the fault of the Bush Administration, but instead were responsible people and gave us something admissible under ER 702.

These scientists interviewed by the *60 Minutes* crew more or less tracked what has been showing up in the pages of *Scientific American* for most of the last decade. What the authors of the well researched articles there say is that there is growing evidence to support a consensus that human activity has contributed to the warming of the earth this time around. The earth has seen periodic and sometimes rapid increase in temperature in the past which has lead to dramatic changes in the environment. The Greenland ice cores from 100,000 years ago show the levels of carbon and methane we have today, and even show a rapid growth in temperature at that time, perhaps in a space as limited as 10 years. Underneath the ice off the coast of northern Canada one finds evidence trees once grew there. We are in one of those upswings, and many of the scientists say we have hastened the increase this time.

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Scientists writing in the February 2007 *Scientific American* lament that their research which shows methane gases from plants tracking CO2 emissions over the last 650,000 years was reported in the media as “Plants cause Global Warming”, which was not their conclusion at all. Instead the evidence shows a relation between temperature, methane and carbon dioxide, and at best one can say the warmer temperatures stimulate plant growth which leads to higher methane emissions which itself contributes to further warming.

Do you get a sense of how complex this is? Now let us return to the question all lawyers and even the politicians want to address: What is the remedy?

It is fashionable to blame the Bush Administration for everything but the authors of *Scientific American* concur signing on to the Kyoto Accords, which the President refused to do, would have been an expensive shortsighted mistake. The Accords made everyone interested in the issue feel good about doing something that might make an impact on temperatures. However the evidence places the estimates of the actual impact of all the effort to curb emissions at something marginal. One article predicted we would end up with the same higher temperatures as if we did nothing, only six years later. Sealing the fate of Kyoto, the slow down in heating would have only occurred if India and China signed on, and then adhered to the protocol.

Where is the Mr. Chandra or Mr. Wang to match our Mr. Gore? There isn't one. They are too busy making money and apparently do not care much about the emissions which are a by product of what we used to call progress. We apparently have decided nonetheless to go it alone, whatever the cost, despite the fact the Indian and Chinese atmosphere is our atmosphere as well. Following last years election, we can see something will come from the Congress. Several states have pledged to work together to “do something”. Even the city of Everett has looked at the question of whether we should commit our treasure to earth friendly buildings. We thus have decided, upon questionable evidence that we can make a difference, and have chosen a remedy which will be undone immediately after our taxes are spent.

Where is the United Nations? Wouldn't that be a more effective forum to debate this rather than the Everett City Council? The 1992 UN Framework Convention on Climate Change is a far off memory, except for it's ineffective implementation at Kyoto. What next? Whatever we do it seems to me that a sober, lawyer like review of the evidence is necessary rather than relying on the chicken little, secondary gain, rightspeak which has dominated the media to make decisions.

The last scientist sound byte allowed on the *60 Minutes* piece probably was the most credible statement: The earth is heating up, like it has before, this time we have something to do with it and we can reduce our contribution to the event, but it is going to heat up no matter what we do. From my expert, *Scientific American* the latest is we can *as a world* reduce our impact on global warming if we take a long term approach and change the technology and economics of industry and thereby stabilize our contributions to green house gases.

For me, I am not trading in the SUV just yet. After all, it may snow again this winter.



## SCBA YOUNG LAWYER DIVISION

Attention Snohomish County Young Lawyers: We will be having our next monthly meeting at the Flying Pig in Downtown Everett on Monday, April 9, 2007 at 5:30 p.m. All members are invited to attend.

Any active member in the *Snohomish County Bar Association* is a young lawyer until the person is 36 years of age or until the fifth year in which any member has been admitted to practice, whichever is later. If you are interested in becoming involved with the SCYLD, please attend our next meeting (second Monday of every month at the Flying Pig - 5:30 p.m.) or email Kari Petrasek at [kpetrasek@bellingram.com](mailto:kpetrasek@bellingram.com). We look forward to seeing everyone on April 9, 2007 at 5:30 p.m. ☺

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## SCBA Family Law Section

What is Collaborative Law? Come to the April 16, 2007 noon CLE meeting and find out! Likely a training session for practitioners in Snohomish County will be developed for later in 2007, similar to the training session recently done in Whatcom County on collaborative law. For some general information on the King County Collaborative Law group, see [www.washcl.org](http://www.washcl.org).

The Family Law Section ad hoc committee on local rule changes has a discussion draft of a mediation rule in family law matters. No, it's not a mandatory mediation rule! It provides for mediation on demand in appropriate circumstances, or by court order. A copy of the discussion draft can be obtained from Lee Tinney. Anyone with input on this issue should contact committee members Lee Tinney, Mike Mallory, Ron Steingold, Bob Getz, Ann Johnson, and Barbara McClintock.

For more Section info, contact Lee Tinney, 425.339.3319 or [lee@leetinneylaw.com](mailto:lee@leetinneylaw.com). ☞

### **Attention SCBA Attorneys:**

We are greatly in need of attorneys who practice law in the following areas: A.D.A./Disability, Civil, Privacy Laws, Identity Theft, *Landlord/Tenant (for tenants)*, *Collection (debtor)*, *Professional License, Slander, Tribal, Employment (ADA commendations, FMLA)*, *Unemployment, Employee Benefits, Social Security (overpayments)*, *Workmen's Compensation and Veterans Administration Law*. Every day we receive calls from clients requesting help with at least one of these issues.

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On behalf of the **Moot Court Honor Board at the University of Washington School of Law**, we invite you to participate as a judge in either the Judson A. Falknor Appellate Advocacy Competition (Falknor) and/or the First Year Appellate Advocacy Competition (1L). These competitions help determine who will be representing the University of Washington at a variety of regional and national appellate advocacy competitions.

There are three ways to help out while getting **3 CLE credits**: Judge for Falknor; Judge for 1L and/or read briefs!

**Falknor will be held: April 23 through April 26 – with briefs read by April 16.**

**1L will be held: May 14 through May 18 – with briefs read by May 12.**

As a judge, your role will be to question the competitors and discuss the arguments presented by the competitors. We will provide a bench brief ahead of time to provide you with background information on the issues. Parking passes, information for effective judging, applicable rules, and evaluation criteria will all be provided on the night of the competition. A reception for competitors and judges will follow the final round.

#### **Falknor Schedule**

*Monday, Tuesday, Wednesday:*

5:30 -5:45 p.m. Check-In/Dinner Provided

6:30 p.m. Competition Round

*Thursday:*

4:45-5:00 p.m. Check-In/Dinner Provided

5:30 p.m. Semi-Final Competition Round

7:15-7:30 p.m. Check-In/Dinner Provided

8:15 p.m. Final Competition Round

Awards/Reception to Follow

#### **1L Schedule**

*Monday, Tuesday:*

5:00-5:15 p.m. Check-In/Dinner Provided

6:00 p.m. Early Competition Round

7:00-7:15 p.m. Check-In/Dinner Provided

8:00 p.m. Late Competition Round

*Wednesday, Thursday:*

5:30-5:45 p.m. Check-In/Dinner Provided

6:30 p.m. Competition Round

Both Falknor and 1L also contain a brief writing component. Therefore if you are not available to judge the oral rounds, a great way to be involved is to grade briefs. The brief score counts for 40% of a team's total score in the preliminary rounds of the competition. It is quite common, for brief scores to decide a round, since oral scores are generally grouped close together.

Thank you in advance for your support. We appreciate the time it takes to mentor the next generation of attorneys in our state, and our competitors benefit from this positive introduction to the fantastic professional community they're about to join. If you choose to participate, please respond via e-mail to: [uwappellatemoots@yahoo.com](mailto:uwappellatemoots@yahoo.com)

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## THE UNETHICAL LAWYER BY SETH FINE

### **“I can’t contact my client!”**

Ms. A had suffered a great tragedy. Her husband had been a passenger in a car driven by his friend Mr. B. A drunk driver had driven through a stop sign and hit their car broadside. Mr. A and B were both killed. The drunk driver survived.

Ms. A asked Lawyer X to probate her husband’s estate and handle a uninsured motorist claim against Mr. B’s insurance. She also asked Mr. X to take similar action on behalf of Mr. B’s estate. Ms. A. said that Ms. B, who lived in Guatemala, had asked her to take care of this.

Mr. X agreed to handle both matters. He promptly contacted the insurance company, telling them that he represented the estates of both Mr. A and Mr. B. He also wrote to Ms. B, asking her to sign papers authorizing him to represent the estate. She did not respond.

A few months later, Mr. X received a letter from Lawyer Y, who claimed that he was representing Ms. B and her husband’s estate. Mr. Y negotiated a \$50,000 settlement with the insurance company. The insurance company made out the check jointly to Mr. Y, Mr. X, and the personal representative of Mr. B. Mr. Y asked Mr. X to endorse the check. Mr. X refused, claiming that he was still owed a fee.

After a two month delay, the insurance company agreed to issue two checks: \$45,000 payable to the personal representative, and \$5,000 payable jointly to the three payees. The \$45,000 was sent to Ms. B. The \$5,000 check remained in Mr. Y’s safe for almost two years, until Mr. X finally agreed to endorse it.

Meanwhile, Mr. X had been contacted by Mr. C, who wanted Mr. X to represent him on two counts of vehicular homicide. Mr. X agreed to take this case. He later claimed that he did not realize this case was connected to the probate matter.

Ms. A went to the arraignment. She was upset to see her lawyer representing the man who had killed her husband. She complained to the prosecutor. The prosecutor called Mr. X and suggested that he had a conflict of interest. Shortly afterwards, Mr. X withdrew from the case and refunded most of his fee.

In disciplinary proceedings, Mr. X was charged with representing Ms. B without authorization. He was also charged with representing Mr. C while having a conflict of interest. The Hearing Officer found both violations. Believing that these violations were committed negligently, the Hearing Officer recommended a reprimand.

By a 9-3 vote, the Disciplinary Board increased the sanction to 6 months’ suspension. The Board determined that both violations were committed knowingly. The three dissenters would have upheld the Hearing Officer’s finding and sanction. The Board’s decision can be appealed to the Washington Supreme Court.

**MORAL:** Being a good guy does not excuse you from ethical obligations. Use your head as well as your heart.

This case was rife with conflicts of interest. In addition to the one that Disciplinary Counsel charged, there was a potential conflict between Mr. A (the passenger) and Mr. B (the driver). There was little likelihood of litigation between them, but that does not eliminate the conflict. When you represent multiple clients, it is vital to think over any possibilities of conflict, however remote. Only then can you warn your clients about them and obtain “informed consent, confirmed in writing,” as required by RPC 1.7.

“The Unethical Lawyer” is based solely on publicly-available records. ☞



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# WSBA

## NEWS FROM THE BOG

### **B&O Tax Issue**

It is hard to conceive a connection between the Rules of Professional Conduct to which we all must adhere and the Business and Occupation tax (B&O) that we all must pay. But the Department of Revenue has found one.

Historically, there were certain expenses of litigation that our clients were always responsible for, a burden that we could not shift (e.g., filing fees, expert witness fees, legal messenger fees, etc.). In some areas of legal practice, particularly “contingent fee” cases, while that was the rule it was often that an attorney was presented with an impoverished client out of work due to an injury who, realistically, was never going to be able to pay these expenses. And collection was not actively pursued.

Recently, after a number of years of study, various updates (in large measure to conform with national “model” rules) to our Rules of Professional Conduct were recommended through the various committee levels and ultimately the Board of Governors to our Supreme Court. One of these was a provision that removed the “fiction” of client’s responsibility for some of these expenses. Your Board of Governors did not see an immediate problem with the state of our rule and, as I understand it, did not recommend a change thereto by the Supreme Court. Having no inkling whatsoever that a rule change in this

area might have any tax consequence, the Court opted for the model rule.

Immediately whereupon the state Department of Revenue has opined that if the client is not completely responsible for such “costs”, then they should not be allowable as a “deduction” from an attorney’s gross revenues on the B & O tax.

The Board of Governors of the WSBA has asked the Supreme Court to immediately “reconsider” its position with respect to the rule in question and return us to our prior status quo. I am sure you will be kept informed in this regard.

### **Death Penalty / Right to Counsel**

A substantial study by a the *WSBA Subcommittee on Public Defense* has generated a thoughtful and in-depth report, “Making Good on Gideon’s Promise”. The report was presented to the Board of Governors over a half-day at its recent meeting in Bellevue. While I detect substantial support for the recommendations, it was tabled to the April BOG meeting to ensure that all the “stakeholders” had been heard from.

One portion of the report could have a substantial impact on the way arraignments and cases are handled in district courts or other courts of limited jurisdiction, particularly as it relates to the “right to counsel” and the requirement for the presence of prosecutors. Changes are recommended to the *Judicial Code of Conduct* to ensure compliance.

In regard to “death penalty” cases, where often the “effective assistance of counsel” becomes an issue on appeal, it was made clear that the WSBA BOG is not being asked to take a position for or against the “death penalty”, rather to pursue improvements in the prosecution and defense of such cases to assure a just and equitable result (my words).

The presenters of the report focused on the recommendations in the report noting that the first 7 recommendations received “unanimous” support from the Committee, No. 8 was adopted with only a single dissent and No. 9 by a “majority”. These recommendations that the WSBA BOG is being asked to actively pursue include the following:

- 1. full funding of all costs for the prosecution and defense of death penalty cases;**
- 2. assignment of a minimum of 2 attorneys to the defense team;**
- 3. mandatory “caseload adjustments” when an attorney is assigned to a death penalty case;**
- 4. rule-making that “flat fees” in death penalty cases are prohibited;**
- 5 full compensation to private practice attorneys assigned to death penalty cases;**
- 6. legislative-mandated multi-discipline study of the death penalty itself;**
- 7. capital case training by AOC for judges;**
- 8. pre-qualification of attorneys for death penalty cases; and**
- 9. adoption, at a minimum, of the federal hourly rate for attorneys of \$163 per hour.**

If you have a position in this regard, please advise our current

BOG representative, Governor Eron Berg (Mt. Vernon) or myself so that your point of view can be expressed at the April *Board of Governors* meeting in Longview.

#### **Local Rules Taskforce**

If you are parochial and only practice in Snohomish County, you may not realize that the rest of the world (or other Superior Courts) actually have different local rules. Some limit the number of pages you can submit on a motion; some the number of interrogatories you can send to the opposing party; some have dramatically different rules regarding the time for filing, responses and replies. It has been felt by many that these variants are now so great as to become “substantive” in effect, not just procedural. This is not the first time this issue has arisen.

The WSBA has created a blue ribbon panel to review this matter. If there are those of you that may wish to serve (particularly any judicial officers reading this), please let the WSBA know (or let me know and I will pass your interest along).

#### **BOG Comes to Snohomish County**

First, the WSBA Board of Governors will again hold their meeting in Everett in December of this year. There will be an opportunity for local members of this area to interact with the 14 members of the BOG and the WSBA officers. The agenda and times will be posted on the WSBA website.

Second, I note with humility that I will take a position as Governor for our 2<sup>nd</sup> Congressional District (Snohomish, Skagit, Whatcom, Island and San Juan counties) on the

WSBA Board of Governors starting with a transitional meeting in July and for the beginning of my 3-year term in September. But while I will continue to report on BOG action and issues in the SCBA newsletter, the substantial time commitment involved will prevent me from continuing as a member of the SCBA Board. I have announced my resignation from that Board effective June 1<sup>st</sup> to President Jennifer Gogert and SCBA members who may wish to fill that position should get in touch with President Gogert, Vice President Peter Camp or our Executive Director, Joyce Wood. I have thoroughly enjoyed my service to the SCBA and recommend it as a rewarding experience to all. Geoff Gibbs, Trustee, SCBA Governor-Elect, WSBA ☺

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*Snohomish County Local Court Rules*

**Snohomish County Superior Court is soliciting requests for additions or revisions to the Snohomish County Local Court Rules.**

Please submit requests to: Bob Terwilliger – Court Administrator  
Snohomish County Superior Court  
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**Snohomish County Superior Court hereby repeals Administrative Order 28-06 – Recording of Court Commissioner Proceedings, effective March 14, 2007.**

Administrative recordings of Superior Court Commissioner proceedings will no longer be made. Recordings made from September 14, 2006 through March 13, 2007 will be maintained as “Court Records” by the Clerk’s Office, as defined by GR 31.

## **Criminal Defense and Military Justice**

I invite, appreciate, and thank you for your referrals in  
all criminal and military matters.

**Michael J. Andrews**

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and Judge Advocate General

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## NEWS FROM SNOHOMISH COUNTY LEGAL SERVICES

by Threesa Milligan, Executive Director

I am again overwhelmed by the generosity of our bar. Thank you so much to all who contributed to the success of this year's auction. Bar members too numerous to name made this possible through their work on planning and executing the auction, their donations of items and their generous bids. The night was lively and I hope you all had a great time. The support we receive from the auction is so important to legal services. Thank you for helping us to keep our doors open.

One thing I love about the auction is that I get an opportunity to present the David Kastle *Pro Bono* Publico Award to an individual or firm for outstanding efforts in providing *pro bono* services to low income persons. The 2007 award went to the very deserving firm of O'Loane, Nunn, Guthrie & O'Loane. Congratulations.

In the midst of our celebration, we are so saddened to learn of the death of Tom Touhy. Tom will be missed as a kind and generous soul who gave of himself to assist those in need. Our sympathy to his family and his many dear friends.

*Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.* Robert F. Kennedy

Thank you to all the attorneys who have volunteered in the past two months to provide service to low income clients. Attorneys who volunteered at our family law clinic are: Cindy Bailey, Ann Brice, Michael Cullen, Greg Davies, Alison Ferguson, Brad Lancaster, Sabrina Layman, Stephen Manning, Lisa Micheli, Karen Moore, Joel Nichols, Michelle Raiford, Rafe Schwimmer, Steve Shea, Aaron Shields, James Shipman, Jody Studdard, Arlene

Taplin, Kristin Thompson, Laurie Ummel, and Diane Weyrick. Thank you also to Kay Field for her work at the Pathways for Women family law clinic and to Chris Crowell and Jenny Heard for their work at the Everett Gospel Mission clinic.

Mario Bianchi and Dennis Burman conducted our Bankruptcy clinics. Thank you to them.


Thank you to our Housing Justice Project volunteer attorneys: Gary Allison, David Kerwin, Michael Kvistad, Scott Peterson, Nick Straley, Chris Young, and Debra Zainwel. Thank you and good-bye to Teresa Barnett, who is now working in the Cowlitz County prosecutor's office.

We are especially grateful to those attorneys who have accepted cases for *pro bono* representation during the past two months. They are: Tom Adams, Gary Brandstetter, Michael Cullen, Alison Ferguson, John Frawley, Lisa Micheli, Deane Minor, Rodi O'Loane, Linda Passey, and Bill Zingarelli.

Our second Attorney of the Month Award goes to Alison Ferguson. Alison is an enthusiastic volunteer at our family law clinic and has gone above and beyond in assisting clients through advice and direct representation. I know she has made a difference in the lives of her clients. ♡

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**Review of significant expectations of the GAL and the attorney. Topics will include the importance of the confidentiality of information, conflicts of interest, unauthorized practice of law, and duties to prospective clients.**

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Access to Justice Board/Washington Young Lawyers Division  
Greater Access and Assistance Project



Young Lawyers Division



March 1, 2006

**Re: Participation on the Snohomish County GAAP Panel**

Dear Fellow Colleague:


On behalf of the Washington State Bar Association's Board of Governors and Access to Justice Board, we would like request your participation in the Snohomish County Greater Access and Assistance Project (GAAP).

Under the GAAP model, attorneys agree to represent eligible, low-income clients on a discounted fee basis. After clients are screened, they are referred to attorneys on the GAAP panel based on the attorney's geographic area and identified areas of practice. After that, other than the reduced rate, representation of a GAAP client is the same as representation of any other non-GAAP client. We are asking that attorneys who agree to represent clients through the GAAP program charge their clients \$50.00 per hour, as established by the WSBA GAAP panel.

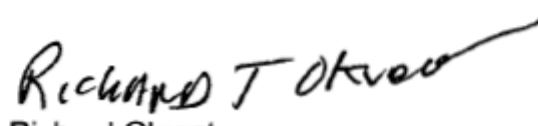
There are many benefits to being on the GAAP panel. There will be free to low cost trainings and/or CLE's for GAAP members. Additionally, there will be opportunities to mentor and be mentored through GAAP. The number of low-income people unable to afford legal representation or to qualify for *pro bono* services is increasing at an alarming rate. We are hoping that with your help we can ensure that more low-income people are able to access the judicial system while providing attorneys with an opportunity for public service.

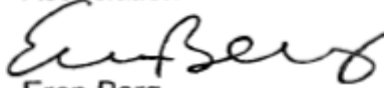
If you are interested in participating in GAAP, or have any questions, please contact Kari Petrasek at (425) 258-6261 or Joyce Wood at (425) 388-3056. Thank you for your interest in GAAP. We look forward to working with you.

Sincerely,

  
Christine Crowell,  
Chair, Access to Justice Board

  
Kari Petrasek  
WYLD Snohomish District Trustee

  
Richard Okrent  
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