



SCBA NEWS

The Official Publication of the Snohomish County Bar Association -

October 2001

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SCBA NEWS

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**Snohomish County
Bar Association**
P.O. Box 5429
Everett, WA 98206

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Display: Contact Halley Hupp at (425) 388-3056.

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

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Submissions: Contact Joyce Wood or Halley Hupp at (425) 388-3056 or joycew@snoabar.org.

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Advertising and Submissions

SCBA Office: (425) 388-3056 / e-mail: joycew@snoabar.org.

SCBA FAX: (425) 388-3978.

Web site: www.snoabar.org.

Lawyer Referral Service: (425) 388-3018.

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**The X-Part
is taking place
on September 28, 2001.
Remember to R.S.V.P. at
(425) 388-3056**

SCBA Members Calendar of Events

September 2001

25th SCBA Auction Meeting
 28th Court of Appeals CLE luncheon
 28th **Bench Bar Mixer (X-Parté)**

October 2001

15th Deadline SCBA Newsletter
 15th Family Law Section Meeting
 18th SCBA Board of Trustees Meeting
 30th SCBA Auction Meeting

November 2001

8th **Fall Swearing In Ceremony**
 15th Deadline SCBA Newsletter
 15th SCBA Board of Trustees Meeting
 19th Family Law Section Meeting
 27th SCBA Auction Meeting

December 2001

14th Deadline SCBA Newsletter
 17th Family Law Section Meeting
 18th SCBA Auction Meeting
 20th SCBA Board of Trustees Meeting

January 2002

15th Deadline SCBA Newsletter
 17th SCBA Board of Trustees Meeting
 21st Family Law Section Meeting
 29th SCBA Auction Meeting

February 2002

15th Deadline SCBA Newsletter
 18th Family Law Section Meeting
 21st SCBA Board of Trustees Meeting

Superior Court Assignments: October 2001

Presiding Judge: **Judge Linda C. Krese**

Trial Calendar Call: Judge Krese, Dept. 11

Juvenile Court: Judges Wynne and Fair; Commissioner Stewart¹

Civil Motions: Judge Bowden: October 1 – October 5
 Judge Castleberry: October 8 – October 19
 Judge Farris: October 22 – October 31

Criminal Hearings: Judge Knight: October 1 – October 5
 Judge Farris: October 8 – October 19
 Judge Castleberry: October 22 – October 31

Criminal Dept. Judges:² Judges Knight, Thorpe, Allendoerfer, McKeeman, Farris,
 Krese, French, and Bowden

Civil Dept. Judges:² Judges Thibodeau, Castleberry, Hulbert and Cowsert

Ex Parte/Commissioner Civil Motions:¹ Commissioner Brudvik

Family Law Calendars:¹ Commissioners Bedle and Waggoner

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

- 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,
FRED GILLINGS**

It is time once again to party. The biannual X-Part will be held Friday, September 28th. You must sign up in advance by contacting the SCBA office. The X-Part will cap a day long schedule of CLE, bar luncheon, and the Court of Appeals sitting in Everett to hear cases. This is an opportunity for you to learn more about appellate practice, to network with others, or just plain relax and have some fun. As always, the X-Part is free to SCBA members, so there is just no excuse for not signing up. Contact Joyce Wood at (425) 388-3056 so you won't miss out.

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E.Mail: kennethb@Brewelaw.com



**AN UPDATE FROM THE
SCBA EXECUTIVE
DIRECTOR,
JOYCE WOOD**

I want to update you with information that I have received on the bar association in New York. I have been in contact with Audrey Osterlitz from the New York State Bar Lawyer Referral and Marilyn Flood, who is the Executive Director of the New York State Bar Association. They are both fine and say that all of their staff have been accounted for and are safe, even though the office is just around the corner from tower number two. As of 9:00 am September 14, 2001 the offices are open and are fully functioning. There are several problems facing many of their members first and foremost their families and friends, who have been injured or who are presumed dead. Some are trying to get back to their daily practice, but the solo and small firm practitioners will need to reconstruct their offices. The mega firms seem to be doing okay for now. The bar has rejected setting up a fund for now, but they are planning to step up the efforts promoting the Lawyer Assistants Program, so as to provide assistance to those members affected by stress and other emotional problems. They have set up a hotline (1-800-BAR-HELP) for NYSBA to assist members. The calls for legal advice and representation have sky rocketed and there will be a huge backlog of services needed for the general public. The bar is also looking at that problem with the courts.

I know from talking with some of you there is a direct and personal connection to the devastation that has happened in New York. Our own state bar association does have a Lawyer Assistance Program in place for you to access if needed. Their phone number is (206) 727-8200. If any of you have suggestions please let me know. As an organization, I have sent our hopes, sympathies and offer of help to the New York State Bar.

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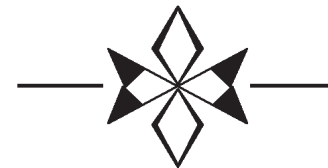
Is pleased to consult and accept referrals regarding

D. U. I.

matters.

Please contact former Snohomish County Prosecutors
Aaron L. Shields or Karen D. Moore
for more information.

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Everett, WA 98201

(425) 252-5600



**A WORD FROM
MARK (PETE) PATTERSON**

**Lawyers Road Review
Traffic:
Freedom isn't Free
An Editorial**

You are listening to KLOS radio. Let's take a look at the roads. All the usual back ups are in place. There is an overturned semi on 405 at Coal Creek with emergency vehicles on the scene, back ups in both directions. The bridges are both a disaster this morning, but the Evergreen Point bridge is your best bet.

Stop what you are doing and think about this. Hundreds of thousands of people in Western Washington scurry about each morning and evening so they can pursue the American Dream. Many say we cling to the American myth of individualism, and that is why we are still in our cars. Maybe so, but where are we going to go if not into our cars? Take a look at any park and ride. It is full, and there are people standing on buses going into Seattle, getting there so they can bring home a paycheck.

In Pierce County there is an accident at the Tacoma Dome, with the back up northbound extending all the way south to Old Military Road. Southbound backups extending to Fife

We really do not want this anymore. We are people, not lemmings. As if cast in performance art, the legislature this summer enacted the morning and afternoon ritual that the people they represent endure. They became paralyzed like the traffic itself, while employers, the people that make those paychecks possible, look for a friendlier environment.

We are getting reports of a woman threatening to jump off the ship canal bridge. Back ups are extending in both directions for several miles.

What does it say about us that people from their cars and Metro buses urged this woman to jump? Someone asked me recently if it was a crime to commit suicide. I do not know the answer but apparently we have come to the point that any lost soul threatening to do so in a manner that slows traffic deserves the death penalty. I do not think we are inherently bad people, selfish and uncaring about the fate of others. I think instead we have had all we can take, and the traffic is driving our employers away and driving us mad, while our leaders seem catatonic.

Someone said madness is when

you keep doing the same thing over and over even though it does not work. We have a right of way extending from Canada to Mexico. It is called Interstate 5. The time has come for elevated rail, monorail, bicycle freeways, or anything else that does not just add another lane. If you build it, they will come. It is time for a strong agency, something akin to IRS, to make it happen. Let's give up some freedom of choice to gain some freedom of movement.

**William R. Sullivan
Attorney at Law**

**MEDIATION OF CIVIL
AND DOMESTIC
MATTERS**

16000 Bothell-Everett
Highway, Suite 160
Mill Creek, Washington
(425) 337-2384

E-mail:
bills@millcreeklaw.com

Title 26 GAL Training

Spokane County will be holding a 28 hour OAC training for Title 26 Guardians Ad Litem in need of this required training or for those wanting to be placed on the Registry for Title 26 Guardians Ad Litem. This training will be in Spokane on Saturday and Sunday October 13,14,20 and 21 from 8 a.m. to 4:15 p.m. at Gonzaga Law School. The cost will be \$220. for 28 hours of CLE credits. This cost will include lunch each day. Would each of you please pass this information to your County Bar members to see if anyone is interested in this training. The contact person in Spokane is Mark Wardrop, Assistant Executive Director of the Spokane County Bar Association. 28 hours of WSBA credits are pending with 3 hours of that 28 likely to be Ethic credits. Mark can be reached at (509) 477-6032 for registration. Thank you.

ELIZABETH A. MICHELSON
Attorney at Law

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EDITOR'S NOTES
BY
HALLEY R. HUPP

The editorial staff sends its heart felt sympathies to the victims of September 11, 2001 and their families.

To show our association's support for the President, our troops, and the citizens of the United States, who will support the upcoming War against Terrorism, we have placed a Waving American Flag on the opening page of our website at www.snobar.org.



We have also included the Stars and Stripes in the shape of the Continental United States on the top of this edition of the SCBA News.

With each day that passes more American Flags find their way on to buildings and homes. It is truly amazing and inspiring how united we can truly all become when the need arises.

The next few years will create new challenges, which undoubtedly will include new legislation. We of the SCBA will be affected not only as citizens, but also as attorneys with clients affected by those new laws.

God Bless America, and let this be a short, but decisive war.

Criminal Defense

**We invite, appreciate, and thank you
for your referrals
in all criminal matters.**

Sharing offices at:

**Frontier Bank Building
2825 Colby Ave. Suite 304
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**Tom Gissberg
Attorney at Law
(425) 258-6761**

**Mickey Krom
Attorney at Law
(425) 339-1377**



News from Snohomish County Legal Services

The 2002 SCBA Auction is sooner than you think. Mark your calendars for the annual auction on March 23, 2002. Make plans to attend it. Contact the Bar Association to donate items or to be a sponsor of the auction. You will be helping Snohomish County Legal Services assist clients like Jim, who is the primary care giver for his three children but has never been legally established as their father. Now that their mother has taken off, he needs help establishing paternity and entering a parenting plan so that he can continue to take care of them.

Thanks to those attorneys who touched our clients' lives recently by agreeing to represent them pro bono: Mike Jacobs, Roger Brodniak, Tom Touhy, Bryan Emmal, Elizabeth Turner Smith, Lisa Clark, Judith Hendricks, Greg Davies, Brad Meagher, Deane Minor, and Doug Ferguson. They are helping their clients with a myriad of legal problems and making a difference in their lives.

In the past month, these committed volunteers spent an evening meeting with our clients in our Family Law Advice Clinic and gave them priceless legal advice and assistance with court documents: Kent Millikan, Mike Mallory, David Kastle, Greg Davies, Brad Meagher, Julie Herber, Ruth Spalter, Judith Hendricks, Lisa Clark, Satwant Pandher, Mark Pouley, and Deane Minor as well as Kay Field at Pathways for Women/YWCA.

Remember to tell clients who need our services to contact us through our referral number, Northwest Justice Project's **CLEAR** telephone line, **1-888-201-1014**. At CLEAR, they will receive initial legal assistance and advice and a referral to us for additional services such as the Family Law Advice Clinic, Divorce Class, or direct representation.

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Continuing Legal Education
LOCATION CHANGE

Attention all SCBA Members

We are having a special CLE on Appellate Practice on Friday afternoon, September 28, 2001 at 1:15 p.m. at the **Howard Johnson Plaza Hotel**.

The presenters will be Appellate Commissioners and the Judges of Division One sitting that morning.

The CLE will actually start with and include a luncheon at noon with the sitting court. Three (3) CLE credits are expected. The cost is \$90.00 for SCBA members and \$135.00 for non-members.

This price includes the cost of lunch.

Division One will begin its day here in Snohomish County by holding court at 9:30 a.m. **in Dept 6 of the Snohomish County Courthouse**. The sitting Court will consist of Acting Chief Judge May Kay Becker, Judge Ronald E. Cox, and Judge Faye Kennedy.

The day s events at the **Howard Johnson Plaza Hotel** will conclude with a free **Bench Bar Mixer (X-Part)** at 4:30 p.m. Members who cannot attend the CLE are still welcome to attend the X-Part .

Please contact Joyce at the SCBA office to **reserve** your place and get further information on the day s events.

SCBA office (425) 388-3056

Regarding Bruce L. Kelly's Letter and the



August 30, 2001

Dear editor:

I read with some interest and empathy the enclosed letter from Bruce Kelly to the Editor of the Herald newspaper which was published Monday, August 27, 2001 relating his recent experience with the local post office. Bruce concludes:

"They [the post office] most certainly know nothing about customer service!"

Perhaps Bruce didn't get the word or perhaps the post office didn't communicate effectively concerning their new improved service and how to access it. I am enclosing a copy of the cover page and letter from the Postal Service regarding its quick service guide published in January of this year in which Anita Bizzoto, Vice President, Pricing and Product Design, talks about the major commitment of the Postal Service to improving customer satisfaction and ease of use in all facets of its activity.

The Postal Service actually made an in-house presentation to our staff. You might want to provide this information to other members of the Bar including Bruce with a short note in the newsletter.

In fact, you might spice up the newsletter by getting permission to republish Bruce's letter to The Herald and invite a response from the local Postmaster.

Very Truly Yours,

ANDERSON HUNTER LAW FIRM, P.S.

G. Douglas Ferguson.

Thank you Mr. Ferguson for your letter. I did contact The Herald and they were unable to give me permission to republish Mr. Kelley's letter before publication. However, readers may read the letter on the internet by going to:

<http://www.heraldnet.com/stories/01/8/27/14211138.CFM>

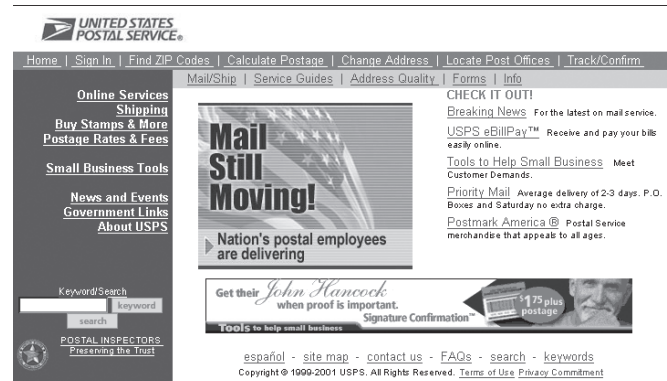
or by going to the SCBA's site at www.snobar.org and then going to the SCBA News section. A link will be provided there.

I did not have a chance to provide the Postmaster with an opportunity to respond; however, you are welcome to do so and we will hold a spot for the response in November's SCBA News.

As for the Quick Service Guide that you mentioned in your letter, I did a little research regarding that and can provide the following sources of information to our readers:

The United States Postal Service's web site can be found at

uspostoffice.com



That site provides many useful links and information for individuals and businesses. This includes online versions of their Quick Service Guides. It also provides a Who We Are section, which among other things gives information on the USPS new customer service plans. You can view:

*2001 Annual Performance Plan (PDF)
Annual Report Board of Governors
Citizen's Stamp Advisory Committee
Comprehensive Statement
Five Year Strategic Plan
Freedom of Information Act (FOIA)
Legal Decisions
Office Of Inspector General
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We welcome a response from any of our readers, as well as, the Postmaster.

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THE SCORE CARD
BY
MATT HUNTER

This year's Snohomish County Bar Association golf tournament was held on September 7, 2001. The afternoon was full of sun and fun for the 47 participants.

Last year's winning team managed to defend their title with another victory. Congratulations to Judge Steve Clough, Kurt Hefferline, Matt Hunter and Doug McNall.

Second place went to Scott Decker, Soloman Kim, Kent Millikan and John Shields.

Placing third was Joe Cunnane, Jim Johanson, Brian Ogishima and Deems Tsutakawa.

The fewest putts award went to Lance Fryrear, Mike Jacobs, Keith Riedl and Vern Seather.

Leigh Bennett and Sharon Friedrich were the long-ball hitters, while Jim Hopkins and Brian Ogishima displayed pinpoint accuracy.

Thanks to all those who played this year. To those of you that did not: please consider joining in next year.

Vicki L. Osgood

was married on

August 25, 2001

and now will be using
her married name:

Vicki L. Oslund.

Eileen C. Sussex

Attorney at Law

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**Memorandum from Pam I. Daniels,
Snohomish County Clerk
to the SCBA Family Law Section
Attorneys**

Regarding:

a) Implementation of Session Laws, Ch 42 L 2001 (EHB 1864), and Ch 65 L 2001 (SB 5348), and new Court Rule, GR 22 (Access to Family Law Court Records) effective October 1, 2001

b) Panel Presentation regarding implementation

The above referenced new rules have a significant impact on the mandatory domestic relations pattern forms and will require your review of all Family Law case filings filed on or after October 1, 2001, to ensure compliance, under RCW Chapters 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, and 26.52 RCW.

You are invited to a panel presentation to the Family Law Section of the Snohomish County Bar Association to discuss plans and procedures for October 1, 2001 implementation of these new rules. The panel consists of Judge Thomas Wynne, Commissioner Tracy Waggoner, County Clerk Pam Daniels, and Clerk's Office managers Mark Allen and Anne Trice. The presentation is scheduled for 12:00pm, Monday, September 17, 2001, in the Kinard Room. The Kinard Room is on the fourth floor of the Snohomish County Courthouse.

The purpose and scope of these new laws are to govern the access to family law case records, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

To this end, per GR 22, all Restricted Personal Identifiers (defined as a party's social security number, driver's license number, telephone number, social security number of a child and date of birth of a child) will be removed from pattern forms and included in a new pattern form entitled "Confidential Information Form". This new form will not be placed in the open court file and access will be restricted. Effective October 1, 2001, a petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under Chapter 42 shall file a properly completed Confidential Information Form or equivalent as described in RCW 26.23.050 to satisfy the requirements of this chapter. Additionally, all Financial Source Documents (defined as income tax returns, W-2s, and schedules, wage stubs, credit card statements, financial institution statements, check registers, as well as other financial information sealed by court order) shall be submitted to the Clerk under a cover sheet titled "SEALED FINANCIAL SOURCE DOCUMENTS" (new pattern form) for filing in the case record of family law cases. All financial source documents submitted in compliance with GR 22 will be automatically sealed by the Clerk. The cover sheet or a copy thereof shall remain part of the public court file. The court may order that any financial source documents containing restricted personal identifiers be sealed if they have not previously automatically been sealed pursuant to this GR 22.

For details, see the new/revised pattern forms posted for review and a brief comment period at: <http://www.courts.wa.gov/forms>. The Session Laws are available to view at: <http://www.leg.wa.gov> and GR 22 is available to view on the State Court's web page at: <http://www.courts.wa.gov>, under "Court Rules", "State Court Rules" and then "Rules effective October 1, 2001".

I encourage you to plan now to avoid delays in document processing on or after October 1, 2001. If you have questions regarding implementation, please contact Mark W. Allen, Case Management/Document Control Manager (425) 388-3620, or Anne Trice, Customer Service Manager, Snohomish County Clerk's Office at (425) 388-3396.

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felony and misdemeanor,
trial and appellate; and**

personal injury, state and federal, trial and appellate.



**MINUTES FROM
THE SECRETARY
RUTH BLANCHARD-
MCLEAN**

JULY 19, 2001

The meeting was called to order by President, Fred Gillings, at 5:20 p.m. Persons present were Dave Kurtz, Joyce Wood, Fred Gillings, Hal Hupp, Jack Follis, Rita Love, Ruth Blanchard-McLean, and Linda Passey.

The minutes of the previous meeting were reviewed. A motion was made and seconded to accept the minutes of the last meeting. Motion passed.

Report of the Executive Director

A written report of the Executive Director, Joyce Wood, was submitted.

Treasurer's Report

We are on budget. There are no unusual expenditures and there is no anticipated need for budget modification.

COMMITTEE REPORTS

Auction Committee

The committee has a base of people working on the auction and have delegated a lot of work and have people reporting back. Rita will be sending a nice letter to encourage donations. We discussed putting a list of contributors on the Bar Association Web Page.

Continuing Legal Education

The Court of Appeals will be at the Naval Commons September 28th from 9:00 a.m. to 12 noon. There

will be a luncheon from 12 noon to 1:30 p.m. At 1:30 p.m. there will be a CLE on Motions Practice and Briefing. This will last until 4:30 p.m. A reception (X-Parte gathering) will follow the presentation.

Membership Committee

This was deferred.

Mission Statement Committee

This was deferred.

Old Business

The baseball tournament is scheduled for July 20, 2001. There are 24 persons signed up.

The SCBA Web Page has been up-dated. Member links and the SCBA News are now online.

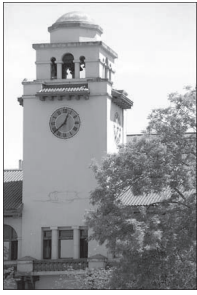
The meeting was adjourned at 6:40 p.m.

**Land Use / Zoning and Real Estate
Related Matters**

Referrals are welcome in Land Use / Real Estate.

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- 2. Easements
- 3. Code Enforcement
- 4. Permit Issues
- 5. Shorelines
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- 7. Administrative Hearings
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1-800-994-9444
e-mail: rradley@mindspring.com



MARK YOUR CALENDARS

Snohomish County Bar Association Fundraiser for Snohomish County Legal Services



What: **The SCBA Dinner Auction**
Where: **The Howard Johnson Hotel**
When: **March 23, 2002, 4:30 p.m.**

What are You Going to Donate?

Do you know someone we should be contacting? Do you have something to donate? Let us know, and give us some ideas of wild and crazy things that will go for big bucks.

We are Accepting Donations Now!

Fill out the form below and mail it to
SCBA, P.O. Box 5429, Everett, WA 98201 or drop it off at the SCBA office located in the
Snohomish County Courthouse, 2nd Floor, Room C206.
You can also call Joyce Wood at (425) 388-3056.

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Address: _____

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Length of time donated, if applicable:

Dates Available, if applicable:

Minimum bid required? If so, how much? _____

Fair Market Value Tax deductible: _____

30 YEARS IS ENOUGH!

ARBITRATION/MEDIATION

I am closing my advocacy practice and thus invite the opportunity to arbitrate your Mandatory Arbitration Rule cases by stipulation, and to arbitrate/mediate your non-MAR cases or assist in settlement conferences. Closing my practice will make it possible for me to perform arbitration and mediation/settlement services at very competitive prices. I look forward to helping you settle your cases without the cost and stress of a trial.

David T. Patterson
(425) 258-4451

SETTLEMENT / ADR

Pre-Suit Settlement Conference
Mediation
Arbitration (Binding/Non-Binding)

Timothy J. Farley

Attorney at Law
8311 212th St SW
Edmonds, WA 98026
(425) 774-8954

Robert W. Warren

Attorney at Law
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Edmonds, WA 98026
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Mr. Farley is an experienced litigation attorney and former Senior Trial Attorney with Allstate Insurance Company and Travelers Property Casualty.

Mr. Warren is a personal injury with over 10 years experience and former State Farm claims adjuster.

Mr. Farley and Mr. Warren offer reasonable rates and creative resolutions for all matters of commercial and personal injury litigation.

Employment

Attention All Attorneys:

The law office of Patterson, Micheli, Spalter is seeking an attorney with an established practice, with or without staff, to join an office share arrangement commencing January 1, 2002. Our office is located in a beautiful circa 1920's home less than 100 yards from the city and county government buildings. A strong work ethic and sense of humor are required. If you are interested, please contact Pete Patterson, Lisa Micheli, or Ruth Spalter at (425) 258-3511.

Paralegal/Legal Assistant:

Primarily family law. Some plaintiff's personal injury and criminal defense. Part time or full time. Experience required. Start date no later than November 1. Dupuis & Schwimmer is a 2-attorney, 4-staff person law firm located in downtown Everett. Fast paced environment. Fax resume and cover letter to (425) 259-7000, or e-mail to dupuis@seanet.com.

Office Space Available

Everett

Office available in large four attorney suite at the Frontier Bank Building in heart of downtown Everett. Included: secretarial space, telephone, facsimile, photocopy machine, kitchen facilities. Garage parking available. Contact Mark Olson or Rod Moody at (425) 388-5516

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