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# SCBA NEWS

The Official Publication of the Snohomish County Bar Association - January 2004

Vol. 32 No. 01

## It's A Whole New Year !



New By-Laws

New Trustees

New Editor

New Officers

## SCBA NEWS

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**Snohomish County  
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P.O. Box 5429  
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## Advertising and Submissions

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

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

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

**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 98026, 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 fields in either MS Word format or Rich Text format (RTF)..

## 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.

## Attorney of the Year!

As some of you may remember at the dinner dance, which is now the fundraising auction for Snohomish County Legal Services, we gave various awards. One of those awards was "Attorney of the Year" to recognize an outstanding attorney in our community. We will be giving this every year at our Annual General Membership Meeting.

This years meeting will be held on January 30, 2004 at the Everett Transit Station at Noon. RSVP with the SCBA office (425) 388-3056.

We are requesting a nomination of an attorney from the general membership that has gone the extra distance to insure that his or her legal profession is represented to the highest level and justice for all is served. Contact Joyce Wood.

**DEADLINE FOR NOMINATIONS IS NOON JANUARY 23, 2004.**

**YOU MAY FAX, call, MAIL, E-MAIL, OR STOP BY THE SCBA OFFICE.**

# SCBA Members Calendar of Events

## January 2004

- 5th Judicial Bar Polls due by 5pm
- 13th Young Lawyers Section Meeting
- 13th Auction Committee Meeting
- 15th Deadline SCBA Newsletter
- 15th SCBA Board of Trustees Meeting
- 26th Family Law Section Meeting
- 27th Auction Committee Meeting
- 30th CLE Everett Transit Ctr. Honorable Applewick
- 30th **SCBA ANNUAL GENERAL MEMBERSHIP MEETING**

## February 2004

- 10th Young Lawyers Section Meeting
- 16th Deadline SCBA Newsletter
- 19th SCBA Board of Trustees Meeting
- 23rd Family Law Section Meeting
- 25th Auction Committee Meeting
- 27th CLE Time-For-Trial Rules Seth Fine/Karen Halverson

## March 2004

- 6th SCBAAUCTION
- 9th Young Lawyers Section Meeting
- 15th Deadline SCBA Newsletter
- 15th Family Law Section Meeting
- 26th CLE: Crimes Against Children Lisa Paul
- 30th Auction Committee Meeting

## April 2004

- 16th Young Lawyers Section Meeting
- 15th Deadline SCBA Newsletter
- 19th Family Law Section Meeting
- 23rd CLE Family Court Investigations Writ Habeas Corpus
- 27th Auction Committee Meeting

## May 2004

- 11th Young Lawyers Section Meeting
- 17th Deadline SCBA Newsletter
- 17th Family Law Section Meeting
- 21st SCBA CLE
- 25th Auction Committee Meeting

## June 2004

- 8th Young Lawyers Section Meeting
- 15th Deadline SCBA Newsletter
- 17th SCBA Board of Trustees meeting
- 21st Family Law Section Meeting
- 25th Auction Committee Meeting

# Superior Court Assignments

**Presiding Judge:** ..... Judge Thomas J. Wynne

**Trial Calendar Call and Motions to Continue Trial:** ..... Judge Thomas J. Wynne, Dept. 7

**Juvenile Court:** ..... Judges Knight and Cowser;  
 ..... Commissioner Bedle<sup>1</sup>

**Civil Motions:** ..... Judge Bowden: January 1 - January 9  
 ..... Judge Castleberry: January 12 - January 23  
 ..... Judge Fair: January 26 - January 30

**Criminal Hearings:** ..... Judge Castleberry: January 1 - January 9  
 ..... Judge Bowden: January 12 - January 23  
 ..... Judge Hulbert: January 26 - January 30

**Criminal Dept. Judges:<sup>2</sup>** ..... Judges Allendoerfer, Castleberry, Wynne, Hulbert, Farris, French, Bowden, and Fair

**Civil Dept. Judges:<sup>2</sup>** ..... Judges Thorpe, McKeeman and Krese

**Ex Parte/Commissioner Civil Motions:<sup>1</sup>** ..... Commissioner Waggoner

**Family Law Calendars:<sup>1</sup>** ..... Commissioners Stewart and Brudvik

\* 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,  
RITA LOVE**

Another year is coming to a close and that gives us time to reflect on where we are at in our lives. It is a good time to review the past and look to the future.

I often tell family law clients to think about their future and try to envision where they will be in five years. And I ask them how they can prepare to attain their goals.

It is a good idea to take my own advice. While we never know for sure what tomorrow will bring, we can set goals and prepare ourselves as best we can. The importance of setting goals is obvious to me. It gives my life organization. And I need all the organization I can get.

There are have varying types of goals for me. I have professional goals such as how to serve my clients and the community in a better fashion. Another professional goal is how to make better use of my education. I am also planning on upgrading my computer skills to enhance my practice.

Family goals are also included. One is to prepare for my newest grandchild who is due in May. That goal includes knitting sweaters and crocheting blankets. Enjoying the hockey games at the new Everett Civic Center, as often as I can, with my family is another ongoing goal.

I have personal goals as well. This year I plan on learning to play the piano. I paid for some of my children to have music lessons. Now it is my turn. I also plan on finishing my latest oil painting and finding more time to paint. And last but not least I plan on spending some summer days fishing.

When you look back over the past year... Could you learn from your experiences? Where do you want to be in five years? Have you set you goals for next year?

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## FROM THE DESK OF **THREESA MILLIGAN**

*"No person was ever honored for what he received. Honor has been the reward for what he gave." — Calvin Coolidge*

Snohomish County Legal Services has an impressive honor roll of attorneys who have continued to give of their time and expertise to the hundreds of low income clients who come through our program. Thank you so much for those who volunteered in the final quarter of 2003:

Attorneys who conducted Bankruptcy Clinics: Patrick Hussey, Denice Patrick and Dennis Burman  
Attorneys who volunteered their time at the Family Law Clinic: Karen Moore, Yvette WarBonnett, Mike Mallory, Lisa Clark, Nick Straley, Deane Minor, Mark Pouley, Glenn Kadish, Brad Meagher, Russ Juckett, Patricia Probesting, Chris Crowell, Tom Kruse, Monty Booth, John Frawley, Serena Hart, Kent Millikan, Sabrina Layman, Jenny Heard, Bob Cole, Teri Jennings, Kathryn Martin, Darrel Johnson, and Ann Brice.

Attorneys who volunteered at the Housing Justice Project: Jenny Heard, Deane Minor, Sarah Hurst, Chris Crowell, Nick Straley, Ishbel Dickens and Julia Kellison.

In addition to the volunteer work at our clinics, many of our volunteers have taken pro bono cases this quarter and are representing clients in family law, housing, bankruptcy and other matters. Thanks so much to Jenny Heard, Henry

Templeman, Lisa Micheli, Joel Nichols, Tom Kruse, Aaron Shields, Richard Shurtz, Joe Wilson, Tom Tuohy, Denice Patrick, Deane Minor, Ian Millikan, Cindy Bailey and Karen Moore.

This has been an especially busy year for legal services and, although we do not have the final statistics, we know that we have assisted more clients this year than in any previous year, having surpassed last year's numbers in October of this year. We receive many touching thanks from our clients who know what a difference you make in their lives. A recent client sent a letter thanking the attorney who assisted her, saying "I wanted to say thank you for your help in keeping my home. I know you were very busy and I appreciate you taking the time to help me... I admire your commitment to help those in need. It is hard to keep your dignity while going through these proceedings but you treated me so well. I know it won't be long before everything in my life is back to normal and I hope I can pass on your generosity."

**CLE CREDITS:** I know that many of you need to count your pro bono hours for CLE credits. If you did not attend a CLE sponsored by legal services this year, you will need to watch one of our videos. Please call us at 425 258-9283 to set this up. You can claim a total of 6 general credits for the training and pro bono work.

To all of you who purchased wreaths for our holiday fund-raiser, thank you so much. We plan to do this again next year so make a note to get your wreaths from us! A big thank you as well to ABC Legal Messengers who delivered the order forms to their route at no cost to us.

Threesa Milligan  
Executive Director  
Snohomish County Legal Services

## **SCBA 2004 Trustee Election Results**

### Congratulations!

<b>Jennifer Bridges</b>	<b>69</b>	<b>Ron Doersch</b>	<b>56</b>
<b>Peter Camp</b>	<b>61</b>	<b>Geoff Gibbs</b>	<b>86</b>
<b>Tobin Darrow</b>	<b>88</b>	<b>Rico Tessedore</b>	<b>72</b>

## **Everett Law Firm Seeks Secretary**

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- Fluency in Spanish desirable
- Salary varies depending on experience.

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Former Special Assistant U.S. Attorney  
and Judge Advocate General

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## **JOB ANNOUNCEMENT**

### **MUNICIPAL LAW ATTORNEY SNOHOMISH COUNTY PROSECUTING ATTORNEY CIVIL DIVISION**

The Civil Division of the Snohomish County Prosecuting Attorney's office seeks candidates for a position in its Municipal Law group.

This group provides comprehensive legal services to county departments, boards and commissions on a broad variety of legal issues, excluding land use and general litigation. Duties will include providing legal advice, contract review, legislative drafting, and some litigation.

The successful candidate will have a strong interest in or aptitude for public and administrative law, excellent research, analytic, and oral and written communication skills. The ability to work well with a team of attorneys, support staff and county personnel and officials is also essential. Experience in computer-aided research and word processing is extremely desirable.

Salary is dependent upon qualifications. Generous fringe benefits and leave package. Snohomish County is an equal opportunity employer that values and encourages diversity in its work force. The Prosecuting Attorney is committed to accomplishing this goal.

### **To apply:**

Please submit a letter of interest, resume, writing sample and references to: Thomas H. (Rick) Robertson, Assistant Chief Civil Deputy, Snohomish County Prosecuting Attorney's Office, 2918 Colby Avenue, Suite 203, Everett, WA 98201. Position open until filled.



## **SCBA Young Lawyer Section**

### **Monthly Report**

On December 16, 2003 the section met at 6:00 pm at the Flying Pig on Colby Ave.

Planning for the next year of this group will focus on increasing membership, which has lead to a change in the by-laws draft of a new category of membership titled Student member. There was also the change in the draft to add trustees for a total of seven.

There are also the plans for the SCBA Website to have area just for the Young Lawyers Section. There was a decision at the meeting of who the Young Lawyers Section Board of Trustees will be after they are formally recognized as a section of the SCBA.

The following are the trustees: Amy Allison, Chris Bell, Brice Howard, Laura Kruse, Roberta Madow, Scot Swanson, Karen Young. The next meeting for the section will be on January 13, 2004 at 6:00 pm at the Flying Pig.

# 2004 SNOHOMISH COUNTY BAR ASSOCIATION ANNUAL MEETING

Come make your vote count. The election of Officers will take place at the meeting along with general membership business and lunch. Also on the agenda will be major by-laws changes, there is available to all members a copy of the proposed by-laws in the SCBA office and or we can send you a copy via your choice of delivery.

Also, back by popular demand:

Award for “Attorney of the Year” will be presented at this annual meeting.

Please make you nomination known to the SCBA office.

Come join the action!

Friday, January 30, 2004

Noon to 1:30 p.m.

Everett Transit Station  
3201 Smith St

R.S.V.P. with the SCBA office (425) 388-3056

## Article XI. SCBA Sections

### 1. DESIGNATION

The Snohomish County Bar Association may authorize Snohomish County Bar Sections by application to the Snohomish County Board of Trustees. The Board of Trustees is authorized to create the section subject to the approval of the entire membership at the annual meeting.

A Snohomish County Bar Section is designated as an interest group of Snohomish County Attorneys who have a desire to promote professionalism and education in a particular area or subsection of the law. The Executive Director shall maintain a list of all current sections. A section once established shall continue until discontinued as provided in these Bylaws, in the section bylaws or as determined by the Board of Trustees.

### 2. BYLAWS

Each section shall have bylaws consistent with these Bylaws. Section bylaws or amendments thereof shall become effective when approved by the Board of Trustees.

### 3. ESTABLISHING SECTIONS

The Board of Trustees shall consider the establishment of a new section on its own motion or on a petition and report endorsed by proposed members of the section. The report shall show substantial compliance with the following requirements:

1. At least six (3) months prior to the meeting at which action upon the proposal is contemplated the proponents thereof shall have filed with the Executive Director a statement setting forth:
  - a. The contemplated jurisdiction of the section, which shall be within the purposes of the Bar and not in substantial conflict with the jurisdiction of any existing section, standing committee or special committee, the continuance of which is contemplated after the section is established;
  - b. Proposed bylaws of the section, which shall contain a definition of its jurisdiction;
  - c. The names of the proposed committees of the section;
  - d. A proposed budget for the section for one year of its operation;
  - e. A list of members of the Bar who have signed statements that they intend to apply for membership in the section;
  - f. A statement of the need for the proposed section.

### 4. BUDGET

Each section shall submit an annual budget request to the Board of Trustees.

# Is your client crazy?

By Lisa Adriance, Ph.D.

## CRIMINAL JUSTICE AND MENTAL HEALTH: RECOGNIZING THE NEED FOR ACCURATE ASSESSMENT

How often do you sit across from a new client, listening to his or her story, gathering the facts you need and wonder if they have a mental health problem? After a DUI and a failed relationship, why would someone continue to drink, showing up in your office with a second DUI and potential job loss? What do you make of a case in which a seemingly high functioning middle age woman goes into a rage one day and assaults a police officer? And what about the 16 year old boy who sits in your office, staring blankly into the distance, silent and still. Is he mentally ill or just 16?

### **Case example:**

*A 42 year old woman (Cathy) was arrested and charged with assault after she hit the principal of her son's school. They had been discussing recent concerns regarding her son's behavior and the principal spoke firmly and assertively regarding school policy. As she became increasingly upset about the principal's position and what she perceived to be unfair treatment of her son, she raised her voice, became quite agitated and eventually hit the principal in the arm.*

*Cathy's attorney sensed some problems with Cathy's quick temper and her rage toward men in authority. The attorney learned that Cathy had been severely abused by her step-father, and raped and beaten by a male neighbor in early adulthood. She has had problems managing her anger since childhood and she tends to be impulsive and to use poor judgment.*

*The attorney requested that Cathy obtain a psychological evaluation to better explain her current functioning, her risk for re-offense and treatment recommendations. After an evaluation, a psychologist concluded that Cathy suffers from Post-traumatic Stress Disorder (PTSD) and that among other symptoms, she becomes very angry and impulsive when situations remind her of her traumatic history.*

*In this case, she felt overpowered by the male principal's authority and his reluctance to listen to*

*her explanations. The psychologist recommended treatment for Cathy's symptoms of PTSD and anger management classes to help her control her rage. The attorney was able to present this information to the court and treatment was mandated along with a period of probation. If treatment is successful, this may be Cathy's only interaction with the legal system.*

According to a Human Rights Watch recent report, one in six people in US prisons are mentally ill and approximately half of all mentally ill prison inmates are incarcerated for non-violent crimes. Furthermore, prisons currently house three times as many mentally ill individuals as mental hospitals. What mental illnesses show up in our prisons and jails? Everything from depression and anxiety to schizophrenia, severe personality disorders and very often, substance abuse. In fact, in 1997, at least 700,000 of the 10 million people in US jails had a "serious mental illness". Approximately, three out of four of these people also had a substance abuse disorder.<sup>1</sup>

### **Case example:**

*A 37 year old man experiences depression and severe anxiety. In fact, he feels awkward and anxious most of the time and especially in situations where he may be expected to interact with others. His depression and anxiety interfere with his ability to function at work, within his family, and at church. Though he pushes himself to get up in the morning and move through the day, he suffers from feelings of panic, hopelessness and guilt and often uses alcohol to decrease his depression and anxiety and to help him function socially. In fact, when he is intoxicated, he can attend sports events with his friends as well as other social activities and feel "normal" and accepted. Unfortunately, his use of alcohol to self-medicate his symptoms has led to excessive drinking and ultimately to DUIs. He has been sent to substance abuse treatment programs, but his severe anxiety and depression keep him from participating in group treatment and he fails to complete these programs. After his 2nd DUI, his attorney*

**(Continued at the top of Pg. 11)**

ney sent him for a psychological evaluation to determine the extent to which his mental health problems influence his alcohol use. He was diagnosed with Alcohol Dependence, Major Depression, and Social Phobia. A referral was made to a psychiatrist for medication to address his symptoms. Recommendations were also made for psychotherapy and a return to substance abuse treatment once his symptoms are better controlled. His attorney uses this evaluation to seek a deferred prosecution sending the client to treatment in place of jail.

The co-existence of a mental illness with a substance abuse problem is referred to as dual-diagnosis. While there are many theories regarding the co-occurrence of psychiatric and substance abuse problems, it is noteworthy that a psychiatric disorder can triple the risk of developing a substance abuse disorder. The table below shows the lifetime prevalence of co-occurring substance abuse and psychiatric disorders.

**Prevalence of Co-occurring substance abuse and psychiatric disorders <sup>2</sup>**

Psychiatric Disorder	Alcohol		Drug	
	A*	D*	A*	D*
Schizophrenia	10%	24%	15%	13%
Antisocial Personality	22	52%	11%	31%
Panic Disorder	7%	22%	3%	13%
Major Depression	5%	12%	7%	11%

\*Abuse \*Dependence

The accurate assessment of mental health problems, including dual-diagnosis can inform the course of criminal justice proceedings. As a result, psychologists and attorneys are working together in increasing numbers to achieve the goal of presenting a more informed case and achieving a more just outcome.

When consulting with a psychologist, attorneys may ask for a psychological and substance abuse evaluation of their client. It is essential that the psychologist have expertise in both areas. Not all psychologists do. A thorough evaluation should consist of a psychosocial history of the client including history of psychiatric illness and treatment, drug and alcohol abuse or dependence and treatment, significant medical history, and previous legal involvement as well as general background and family history. Psychologists will ask to review records and speak with treatment providers. They may also conduct psychological

testing in order to provide an accurate diagnosis. Their report should then include a summary of the information gathered, a complete diagnosis and recommendations for treatment as appropriate. This information can then be utilized by attorneys seeking deferred prosecution and/or in exploring significant influential factors in their client's case.

Attorneys frequently face the question of what role mental illness and or substance abuse has played in their client's case. These are important questions to answer to the benefit of the client, the criminal justice system and the community. With increasing force and frequency, organizations, agencies, and institutions are attempting to address the intersection of mental illness, dual-diagnosis, and criminal justice. One helpful resource is The Consensus Project which was developed to aid "local, state and federal policy makers, mental health and criminal justice professionals improve the response to people with mental illness who become involved in, or are at risk of involvement in, the criminal justice system." The Consensus Project helps defense counsel and prosecutors to access mental health information and resources in the community and to work collaboratively with each other, judicial officers, mental health professionals and other stakeholders to assure a systematic approach to improving the criminal justice response to people with mental illness.

Exciting new directions are being taken in research, policy, treatment and sentencing. Accurate psychological assessment is a key factor in the progress currently being made. To refer a client for a psychological evaluation or to find a consulting psychologist, call the Washington State Psychological Association referral line at (800) 275-9772.

*Lisa Adriance, Ph.D. is a licensed Clinical Psychologist with Robinson Nedelman Psychological Associates in Everett, WA. (dradriance@robinsonnedelman.com)*

1 Criminal Justice/Mental Health Consensus Project website- Fact sheets.

[www.consensusproject.org](http://www.consensusproject.org)

2 Harvard Mental Health Newsletter. Harvard Medical School. August 2003, Volume 20, Number 2.

3 Criminal Justice/Mental Health Consensus Project website.

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# Mark Your Calendar Now!

Annual Bar Auction  
Saturday, March 6, 2004  
Howard Johnson Hotel

## Bid It Again, Sam

Starring \_\_\_\_\_

(Insert your name)

Featuring Classic Hollywood Greats  
Come "in character", as an "extra" or as  
yourself.

Over 40,000 people in Snohomish County are living in poverty. Each year, the Snohomish County Bar Association brings lawyers, judges and other business leaders and professionals together for an auction to assist access to justice, in our county. This year, the need is critical and the Board of the Snohomish County Bar Association has decided that 100% of the upcoming auction proceeds should go to support the efforts of Snohomish County Legal Services.

Your donation will help make this event a success. But we need to hear from you regarding your donation. Contact Auction Chair Geoff Gibbs (425) 259-2191 or Joyce Wood (425) 388-3056 TODAY regarding your donation.

Mark your calendar for Saturday, March 6, 2004.

**The Snohomish County Council has passed:  
AMENDED ORDINANCE NO. 03-140**

**ADDING A NEW CHAPTER TO THE SNOHOMISH COUNTY CODE  
ESTABLISHING A FEE FOR FILING A REQUEST FOR  
MANDATORY ARBITRATION**

WHEREAS, RCW 7.06.010 requires mandatory arbitration of civil actions in counties with a population greater than 150,000 and Snohomish County is such a county;

WHEREAS, RCW 36.18.016 (23) provides that the local legislative authority may establish by ordinance a fee for filing a request for mandatory arbitration in an amount not to exceed two hundred twenty dollars to be assessed against the party filing a statement of arbitrability to be used solely to offset the cost of the mandatory arbitration program; and

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new chapter is added to the Snohomish County Code to read:

**CHAPTER 4.98  
MANDATORY ARBITRATION FEE**

4.98.010 Fee.

At the time that a party files a statement of arbitrability pursuant to Snohomish County Superior Court Local Mandatory Arbitration Rules (SCLMAR) and RCW 7.06.010, the County Clerk shall collect from the party filing the statement a fee of two hundred twenty dollars (\$220.00).

4.98.020 Use of fees.

All fees collected under SCC 4.98.010 shall be used solely to offset the cost of the Snohomish County Superior Court Mandatory arbitration program.

PASSED this 19<sup>th</sup> day of November, 2003.

The revised Note for Trial Setting & Initial Statement of Arbitrability will look like this:

This case [ ] is [ ] is not arbitrable. **Please note that as of 12-19-2003 there is a mandatory fee of \$220.00 which must be paid at the time of filing this document** with the County Clerk. Documents that indicate the case IS arbitrable that are submitted without the fee will be returned to the submitting party.

**The Law Offices of Burman & Passey have separated.**

**Dennis Lee Burman, Attorney at Law**

1103 Ninth Street, P.O. Box 1620  
Marysville, WA 98270  
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dburman@premier1.net

(Please note new phone and FAX numbers and street address.)

Areas of practice will continue to be chapter 7 bankruptcy, misdemeanor criminal, wills, and probate.

**The Law Office of Linda Passey**

1612 - 4<sup>th</sup> Street, #100, P.O. Box 1479  
Marysville, WA 98270  
(360) 653-6902 FAX (360) 653-4594  
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Areas of practice will continue to be all aspects of family law, adoption, dependencies, wills, and probate.

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