

January
2005

Volume 33
Number 1

The official publication of the
Snohomish County Bar Association

S

MARK YOUR CALENDARS

C

GENERAL MEMBERSHIP
MEETING

JANUARY 28TH, 2005

NOON

Everett Transit Center

Fourth Floor

B

ATTORNEY OF THE YEAR

ELECTION OF TRUSTEES

AND OFFICERS

A

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.*

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

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Web site: www.snobar.org.

Lawyer Referral Service: (425) 388-3018.

SCBA CALENDAR OF EVENTS

January 2005

11th Young Lawyers Section Meeting
 18th **Deadline SCBA Newsletter**
 20th SCBA Board of Trustees Meeting
 24th Family Law Section Meeting
 25th Auction Committee Meeting
 28th SCBA Annual general membership meeting

February 2005

8th Young Lawyers Section Meeting
 15th **Deadline SCBA Newsletter**
 17th SCBA Board of Trustees Meeting
 21st Family Law Section Meeting
 22nd Auction Committee Meeting

March 2005

8th Young Lawyers Section Meeting
 15th **Deadline SCBA Newsletter**
 17th SCBA Board of Trustees Meeting
 21th Family Law Section Meeting
 29th Auction Committee Meeting

April 2005

12th Young Lawyers Section Meeting
 15th **Deadline SCBA Newsletter**
 18th Family Law Section Meeting
 21st SCBA Board of Trustees Meeting
 26th Auction Committee Meeting

May 2005

10th Young Lawyers Section Meeting
 16th **Deadline SCBA Newsletter**
 16th Family Law Section Meeting
 19th SCBA Board of Trustees Meeting
 31st **Auction Committee Meeting**

June 2005

11th **SCBA AUCTION**
 14th Young Lawyers Section Meeting
 15th Deadline SCBA Newsletter
 16th SCBA Board of Trustees Meeting
 20th Family Law Section Meeting
 28th Auction Committee 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 Castleberry and McKeeman
 Commissioner Waggoner¹

Civil Motions: Judge Farris: January 3 – January 7
 Judge Knight: January 10 – January 21
 Judge Cowser: January 24 – January 31

Criminal Hearings: Judge Knight: January 3 – January 7
 Judge Farris: January 10 – January 21
 Judge Thorpe: January 24 – January 31

Criminal Dept. Judges:² Judges Knight, Thorpe, Allendoerfer, Wynne, Farris, Bowden, Fair and Downes

Civil Dept. Judges:² Judges Krese, Cowser, Dwyer and Lucas

Ex Parte/Commissioner Civil Motions:¹ Commissioner Bedle

Family Law Calendars:¹ Commissioners Stewart and Brudvik

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,
RUTH WESTBROOK

My husband and I were talking the other night about the things we remember from our childhood. It is amazing that the things that seem inane at the time are the things that have the most profound recollections for us.

We were discussing the taste of fresh vegetables, picked fresh from the garden. He was recalling taking a saltshaker into the garden and the taste of fresh picked cucumbers and tomatoes; or the taste of fresh peas and carrots, right from the garden.

I recalled the smell of my Grandma Ruth baking pies and cookies for the holidays; the smell of fresh baked bread; taking a bowl of cinnamon sugar and sprinkling it over piecrust dough before baking it with Grandma's pies.

How about the smell of the first snowfall? There is something magical about the first snow. We would play in the snow until our fingers and toes were like little blocks of ice. Larry recalls coming in from the cold and the smell of his mittens on his Grandmother's oven door, with the wool drying on the door.

And can any of us fail to remember the excitement of coming downstairs on Christmas morning to the wonderful tree with the presents under the tree. Or the exhilaration as we opened each gift. And the memories of the holiday dinner and, of course, the ever present dishes afterward. I remember my mother telling my Grandma Ruth, "Don't worry about the dishes, Mother. The girls will do them." Whereby my cousins and I were stuck doing dishes for 50 people. Yet somehow on those occasions, it was fun.

Each religion has a special holiday that they celebrate, with the accompanying memories

attached. Yet for some, the memories are not so kind and warm.

There are thousands of children in Snohomish County who are spending this year in foster care. They don't have the same loving memories many of us have of this time of year. Their memories consist of night terrors, memories of being cold because they are sleeping in a car, mom or dad leaving them alone to score another bag or to just run down to the tavern for another beer. Their memories of the holidays consist of nightmares related to hearing their parents fighting or screaming at one another. Or of one or both of their parents physically abusing them, or even worse, waiting for the door to open and knowing that someone is going to creep into your room and do things to you that make you feel so ugly.

At Juvenile Court, there is a program called the VGAL or Volunteer Guardian Ad Litem program. This program collects toys each year to distribute to children who are in foster care. Now it is not nearly as publicized as the Toys For Tots program, which is a good program. However, the children are just as needy, in fact frequently, the gifts donated by the VGAL program will be the only gifts these children will receive.

The program does what it can, but frequently it cannot meet the voluminous requests that are received each year. So some children will go without. It is heart wrenching to think that some child will not find a gift for Christmas, Chanukah, Kwanzaa or whichever holiday the child happens to celebrate. Please, please remember the children and drop a gift off at Juvenile Court in the VGAL office. You may be the only memory a child has this holiday season.

Happy Holidays to All. *



Looking back on 2004, we've had an excellent first year as a Section. We presented 11 CLEs, and now have 60 members. The feedback on the CLE's has been consistently positive. Our members appreciate the benefit of high quality CLEs for minimal expense. This could not be done without the help of many. Here's a big THANK YOU! to those who have volunteered their time and expertise to be speakers at our CLE's this year: **Ann Johnson, Brian Cooper, Kerri Oseguera, Thomas R. Andrews, Commissioner Jacalyn Brudvik, Commissioner Tracy Waggoner, Kenneth E. Brewe, Threesa Milligan, Lee Tinney, Marie Turk, Scott Wessel-Estes, Kim Cummings, Cheryll D. Russell, Michael Andrews, Deane Minor, Sabrina Layman, David T. Patterson, and William Sullivan.**

Upcoming CLEs (all at noon for 1 CLE credit for one hour at the Kinard Room, 4th Floor at the Snohomish County Courthouse):

- Monday, January 24, 2005, "Bankruptcy and Family Law: Discharging Divorce Related Debts," Jay S. Jump, Attorney.
- Monday, February 28, 2005, TBA
- Monday, March 21, 2005, Elder Law Issues in Family Law," Speaker: Elizabeth Turner-Smith, Attorney.
- Monday, April 18, 2005, Spousal Maintenance: Modification, Suspension, Termination," Speaker: Elizabeth Michelson, Attorney.

You should plan to renew or join our Section in 2005. With your general SCBA dues invoice, you should receive a letter that has a tear-off portion on the bottom to elect to join the Family Law Section. Any member of SCBA can become a member of the Family Law Section merely by paying the \$50 annual

dues. As with last year, Family Law Section members may attend and receive credit at the monthly noon CLEs. No payment, no CLE credit!

The annual dues increased from \$30 in 2004 to \$50 for 2005 due to the assessment of actual expense of presenting the CLEs. We plan to continue operating at break-even cost, with expenses consisting only of WSBA CLE registration and other expenses, photocopy expense, and mail expense. We are fortunate to have the CLE location provided at no cost, and our speakers are at no cost. The SCBA organization supports our Section with staff support, and we are able to use the *Bar News* to communicate more widely. Statewide, the average cost is approx. \$36 for one CLE credit, so the opportunity to pay \$50 for 11 credits remains a terrific bargain to our members. Our members also like the convenient location and ability to drop in without pre-registration. Our CLE speakers have been excellent, and the format facilitates regular open discussion of local experience and practice in Snohomish County.

Our Section annual meeting will be on Monday, January 24, 2005, at 1:00 p.m. following the January CLE. The purpose of our Section is "to encourage the interest and participation of lawyers in family law, to develop and conduct programs of value to attorneys and the public in the family law arena, and to improve the legal system and to work to enhance the quality of the legal profession in our county and our state." The annual meeting agenda includes any voting on Section Board members and Officers, and review of activities of the Section.

Practice Pointers:

Review GR 31, which affects all pleadings filed with the Court: Social Security numbers and financial account numbers to be or limited to the last four digits, redacting or omitting driver's license numbers, and the names of children to be limited to their initials

Review In Re Diane Vanderbeek, Supreme Court case, filed 11/24/04, in which a family law attorney was disbarred for billing practices. Take note and don't make the same mistakes!

For more Section info, contact Lee Tinney, 425.339.3319 or lee@leetinneylaw.com. *



**THE LAWYER'S
ROAD REVIEW
PETE PATTERSON**

The Holidays

December 6, 2004 *On board the USS Court
Commissioner, Snohomish County Superior Court,
Commissioners' Division.*

If there are any members of the bar left that have not had the pleasure of a visit to our newest courtrooms, I strongly encourage a visit in December, or right before any major holiday, preferably in the morning so you can hear the arguments.

Our too small courtrooms and too small benches have been replaced with too small court rooms and a bench that the Navy used to land jets on. At a minimum one can see the bench is at least the size of the bridge of the average guided missile frigate. The commissioners have assumed the role of captain. *"Steady as she goes Madam Clerk."*

Of course pre-holiday motions are better than trying to straighten out the visit on the holiday itself. These calls actually come in, I do not have to make this up. As a child, my father would receive calls from unhappy clients on Christmas morning at our home. I think this is where I learned the phrase "Go to Hell."

These calls are not limited to Christmas. Early on in my career while at my parent's house for the 4th of July I had a man call me with his holiday problem, which I could not fix, of course, as it was a holiday, and so he fired me. I do believe I set off some fireworks after that episode. Once during church I received a page of a client's phone number with the numbers "9-1-1" after them and so I left, drove to the office and placed the call. (Drum roll please) There was no emergency.

I just don't know what people think. Perhaps it is the instant gratification world we live in, but for the lawyer this means being on deck in a fight or flight mode all the time.

Actually, it would be better if we could fight AND fly on these holidays to relieve the stress. Consider what must be the thoughts of the average family law client. They must have this idea that somewhere in America there are bunkers of lawyers standing ready to react when a visitation goes bad. The lawyers of course have the client's file to toss into satchel brief cases that sling across their backs as they run out of the barracks when a call comes in. Excited, they leap aboard Vietnam era Huey helicopters and lift off as Jim Morrison sings "The End" and other favorites from *Apocalypse Now*. No use reviewing the file, the papers would fly all over anyway in the blade wash. Time to just be ready.

Suddenly the McDonalds where the exchange gone wrong comes into view, and our pilot, Robert Duvall, yells back into the cabin: "OK people this is going to be a hot LZ, pop the red smoke." We see the Russian made helicopters in the distance touching down in the parking lot just before us, the other side's lawyers leaping out into the fray. Duvall puts the Huey into hover mode and we strap into the rappelling gear as he pumps his fist up and down shouting "Go, Go, Go." We slide down the rope to the surface and begin arguing.

But the case is never decided because the Court Commissioners are all back snug in their homes, with their families, which is where we should be.

Semper Fi everyone and happy holidays. *

**TITLE 13 GUARDIAN AD LITEM
TRAINING**

January 22, 26, and 29, 2005

8:00 a.m. to 4:30 p.m.

cost \$200 per attorney with 22.75 CLE
hours through the Washington State Bar
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SCLS BRINGS IN THE NEW YEAR IN STYLE

An “institution” of Snohomish County Legal Services (“SCLS”) is its Family Law Advice Clinic at the SCLS office in downtown Everett at 2731 Wetmore Avenue, Suite 410.

As of December 1, 2004, this Clinic was staffed by thirty-six (36) stalwart volunteers. May of them, such as Kent Millikan (former President of SCLS), Gail Nunn (SCLS Board Member), Cindy Bailey (SCLS Board Member), David Kastle (former SCLS Board Member), and Russ Juckett, have contributed to this enterprise for well in excess of a decade.

As of December 15, 2004, through the efforts of Lisa Micheli, the chair of the Recruitment/Retention Committee, Cindy Bailey, Gail Nunn, and others, the volunteer list has grown to FIFTY-FIVE (55!) volunteers. WOW.

Some of these volunteers are new to the clinic and others are rejoining the volunteer panel after an absence. To all of the following persons who have recently agreed to participate as a clinic volunteer, either for the first time or after an absence from the panel: WELCOME! and THANK YOU:

Paula McManus
Russ Hermes
Peter Andrus
Geoff Jones
Randy Boyer
Richard Swanson
Max Harrison
Bill Tri
Ximena West
Leonard Kerr
Mike Mallory
Cory Rein
Lee Tinney
Bruce Peterson

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Damon Canfield
Rebecca Torgenson
Doug Wartelle
Sarah Sannes
Michael Andrews

One of the new members was unable to participate in the evening clinic (which as of January will start at a new time of 6:00 p.m.); no problem: she has agreed to see clinic clients during the day. If you are willing to see clinic clients during regular business hours, either in your office or at the SCLS office, please contact Threesa Milligan, our Executive Director, and we will get you signed up.

WHAT DOES IT MEAN TO BE CLINIC VOLUNTEER? Unless you have arranged to take appointments during the day, it means you will come to the SCLS office once or twice per a six (6) month cycle at 6:00 p.m. to assist four to six clients with pressing family law matters, often involving children or domestic violence – or both. Your time commitment is limited to the service you provide that evening, although every volunteer is welcome to agree to assist a client on an ongoing basis.

The Snohomish County residents we assist in this clinic are typically desperate for the help we provide. Volunteers leave the clinic knowing that they have truly made a difference in the lives in many of the clients they have served that evening. Isn't that what we all aspire to do in this honorable profession of ours?

For those of you who have not yet been given an adequate opportunity to volunteer for the Family Law Advice Clinic, take heart: ample other opportunities are available.

If you wish to volunteer for the clinic, please contact Lisa Micheli at: micheli@rockefellerlaw.com.

If you want to preview the experience before committing to a rotation, you can “shadow” a seasoned volunteer to see how the process works. Again, contact Lisa if that is of interest to you.

In addition, SCLS always has a backlog of people needing ongoing legal assistance. These individuals have been screened by Threesa Milligan. The legal problems of these individuals typically are in the family law area, but they also include housing, bankruptcy, and guardianship matters. If you are interested in

helping a client outside of the legal clinic, please contact Threesa Milligan at: threesam@snocolegal.org, to let her know your areas of interest and expertise.

FINALLY, SCLS operates a "Housing Justice Project" ("HJP") that assists defendants in eviction matters at the 10:00 a.m. Court Commissioner's portion of the Civil Motions Calendar at unlawful detainer "show cause" hearings. Currently this program is under the leadership of attorney Julie Rattray, a SCLS staff attorney.

If you want to know about the volunteer opportunities through HJP, please contact Julie Rattray at: julier@snocolegal.org.

Thank you for listening; thank you for caring. All the best in 2005.

Deane W. Minor, President,
Board of Directors of Snohomish County Legal Services *

SCBA DUES ARE DUE

January 1, 2005

or

pay before December 31,
2004 and get the tax write-off
this year.

KEEP THOSE NEWSLETTERS AND
EXPARTE BENEFITS
ROLLING IN

INVOICES HAVE BEEN MAILED. IF
YOU DO NOT RECEIVE ONE PLEASE
CONTACT THE SCBA OFFICE
(425) 388-3056

C.L.E.'S 2004

This is a list of all the CLE's for the year of 2004 that were sponsored by Snohomish County Bar Association. If you have suggestions for CLE's in 2005 please contact your CLE Chair Richard Okrent at (425) 774-2800 or Joyce Wood at SCBA office (425) 388-3056

January 26, 2004	Crimes Against Children
January 30, 2004	Parenting Act
February 23, 2004	Tracing Commingling Reimbursements
March 15, 2004	Dealing With The Adolescent
March 26, 2004	Crimes against Children
April 19, 2004	Special Considerations in Handling the High Income/Wealth Case
May 10, 2004	Urinalysis Procedures & Validity
May 17, 2004	Special Considerations in Handling the Low Income Case
June 21, 2004	Compare & Contrast Custody Actions
July 19, 2004	New Case /Statue Update
July 21, 2004	Chemical Chemistry of Methamphetamine Manufacture
September 9, 2004	Ethics and The Attorney General
September 20, 2004	Military Law And Family Law
October 8, 2004	Adoptions in Snohomish County
November 15, 2004	Same Sex Parents
December 3, 2004	SCBA Year End CLE
December 20, 2004	Post Secondary Education Child Support

SNOHOMISH COUNTY SUPERIOR COURT
COURT COMMISSIONERS' CALENDARS
 EFFECTIVE JANUARY 3, 2005 THROUGH JULY 1, 2005

	DEPT A (CM) (PA/PM) (1 st floor) COMMISSIONER ARDEN J. BEDLE	DEPT B (D2) (1 st floor) COMMISSIONER LESTER H. STEWART	DEPT C (D4)(P1) (1 st floor) COMMISSIONER JACALYN D. BRUDVIK
MONDAY	9:00 – 10:00 AM 10:00 AM Ex Parte ** State Paternity	9:00 AM Family Law Motions	9:00 AM Family Law Motions
TUESDAY	1:00 – 4:00 PM 9:00 – 10:00 AM 10:00 AM Ex Parte ** Ex Parte ** Civil Motions	1:00 PM Domestic Violence 9:00 AM Family Law Motions	1:00 PM Extended Hearing * 9:00 AM Family Law Motions 1:00 PM Extended Hearing * First Tuesday of each month: State Paternity @ 1:00 Dept C
WEDNESDAY	1:00 – 4:00 PM 9:00 – 10:00 AM 10:00 AM Ex Parte ** Ex Parte ** Civil Motions	1:00 Domestic violence 9:00 AM Family Law Motions	9:00 AM Family Law Motions
THURSDAY	1:00 – 4:00 PM 9:00 – 10:00 AM 10:00 AM Ex Parte ** Ex Parte ** Civil Motions	1:00 PM Domestic Violence 9:00 AM Family Law Motions	1:00 PM Pro Se Dissolutions 9:00 AM Family Law Motions
FRIDAY	1:00 – 2:00 PM 2:00 PM 9:00 – 10:00 AM 10:00 AM Ex Parte ** State Paternity Ex Parte ** Civil Motions	1:00 PM Extended Hearing * 9:00 AM Family Law Motions	1:00 PM Domestic Violence 9:00 AM Family Law Motions
	1:00 – 4:00 PM Ex Parte **	1:00 PM Extended Hearing *	1:00 PM Domestic Violence

* **Extended hearings** are those determined by the Court Commissioner to exceed 30 minutes preparation and hearing. ONLY the Court may set matters on the Extended Hearings calendar.

** **Ex Parte:** Attorneys will have priority from 9:00 a.m. to 10:00 a.m. daily. Pro se parties will have priority from 1:00 p.m. to 2:00 p.m. daily. Messengers or staff may present matters not requiring testimony for attorneys.

Civil motions:

The following are heard on the Court Commissioner Civil Calendar: Defaults; Discovery Motions and enforcement thereof; Supplemental Proceedings; Unlawful Detainers/Evictions; Probate; Guardianship & Receiver Actions; Motions to Amend Pleadings.

All other civil motions are heard on the Judges Civil Motions Calendar.

Confirmations: The local court rules require confirmation of ALL motions. Call 425-388-3587 to confirm all motions, including those set in the Presiding Department.

Family Law Motions: Matters set on the Family Law Motions Calendar will later be assigned to a specific Commissioner department. The commissioner department assignments are posted the day of the hearing.

**2005 SNOHOMISH COUNTY BAR
ASSOCIATION
ANNUAL MEETING**

Keynote Speaker

Ronald R. Ward

President Washington State Bar Association

Come make your vote count. The election of Officers will take place at the meeting along with general membership business and lunch.

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 28, 2005

Noon to 1:30 p.m.

Everett Transit Center

RSVP with the SCBA office (425) 388-3056

MEDIATIONS
MEDIATED SETTLEMENTS
ARBITRATIONS

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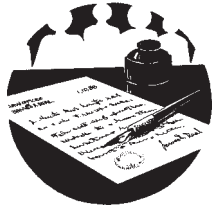
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