

# SCBA NEWS

The Official Publication of the Snohomish County Bar Association -

May 2003

## LawDay 2003



# May 1

## SCBA NEWS

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

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SCBA News is published monthly by the Snohomish County Bar Association, P.O. Box 5429, Everett, WA 98206.

**Send changes of address to:**  
Snohomish County Bar Association  
P.O. Box 5429, Everett, WA 98206

## Advertising and Submissions

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

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

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**Deadline:** Copy must be received (not postmarked) by the 15th of each month for the issue following. No cancellations will be accepted after the deadline. Please submit 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 1/2 inch disk (or by e-mail to joycew@snoabar.org). *WordPerfect users, save your files in either MS Word format or Rich Text Format (RTF).*

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## In this Issue

- *SCBA Calendar of Events*
- *Superior Court Assignments*
- *From the Desk of the President*
- *Vice President's View*
- *A Message from Mark Roe,*  
*Chief Criminal Deputy Prosecutor*
- *News from Snohomish County*  
*Legal Services*

# SCBA Members Calendar of Events

## May 2003

**2nd** CLE Estate & Tax Kinard Room  
**15th** Deadline SCBA Newsletter  
**15th** SCBA Board of Trustees Meeting  
**19th** Family Law Section Meeting  
**27th** Auction Committee meeting

## June 2003

**6th** **CLE Kinard Room Litigation**  
**16th** Deadline SCBA Newsletter  
**19th** SCBA Board of Trustees Meeting  
**23rd** Family Law Section Meeting  
**24th** Auction Committee Meeting

## July 2003

**15th** Deadline SCBA Newsletter  
**16th** **SCBA Softball & Picnic**  
**17th** SCBA Board of Trustees  
**21st** Family Law Section Meeting  
**29th** Auction Committee Meeting

## August 2003

**15th** Deadline SCBA Newsletter  
  
 NO SCBA Board of Trustees Meeting  
  
**21st** Family Law Section Meeting  
**26<sup>th</sup>** Auction Committee Meeting

## September 2003

**12th** **CLE Kinard Room**  
**15th** Deadline SCBA Newsletter  
**15th** Family Law Section Meeting  
**19th** **SCBA Golf Tournament**  
**18th** SCBA Board of Trustees Meeting  
**30th** Auction Committee Meeting

## October 2003

**3rd** **CLE Kinard Room**  
**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 Joseph Thibodeau

**Trial Calendar Call and Motions to Continue Trial:** ..... Judge Thibodeau, Dept. 10

**Juvenile Court:** ..... Judges Allendoerfer and Cowser;  
 ..... Commissioner Waggoner<sup>1</sup>

**Civil Motions:** ..... Judge Castleberry: May 1 - May 2  
 ..... Judge McKeeman: May 5 - May 16  
 ..... Judge Knight: May 19 - May 30

**Criminal Hearings:** ..... Judge French: May 1 - May 2  
 ..... Judge Castleberry: May 5 - May 16  
 ..... Judge French: May 19 - May 30

**Criminal Dept. Judges:**<sup>2</sup> ..... Judges Thibodeau, Thorpe, McKeeman, Castleberry,  
 ..... Wynne, Hulbert, Krese and Bowden

**Civil Dept. Judges:**<sup>2</sup> ..... Judges Knight, Farris, French and Fair

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

**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,  
RITA LOVE**

**A Sigh of Relief**

The good news from Iraq is that the major events of the war are all but over. As the parent of a Marine I am very grateful to hear that news. My son was not sent overseas since he is an instructor, but nevertheless, I feel for all parents with children in combat.

It will still be a long time before we see all of our troops return. Please continue to support our families with military.

In my practice I felt the impact of the war in a number of cases. I had hurried custody actions, step-parent adoptions, guardianships, wills and yes, dissolutions of marriages. Our legal practices are very much shaped by the community and national happenings. The emphasis on a speedy result because of the war taxed our ability to serve our clients.

Can we ever be prepared for all that life throws at us? The answer is probably not. But that should not stop us from trying. Service to our clients has many different meanings. It can be providing good legal advice, or drafting legal documents that are in the best interest of the client. It can also be providing resources to help the client recover from the psychological trauma that ensues with court involvement. Or perhaps suggesting resources to start them back to financial recovery through job placement or financial advisors.

Our military families, especially the reservists, face many hardships. Step up to the plate. Find information and resources to provide to them through your practice. Be a counselor in every sense of the word.

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**RUTH BLANCHARD-  
MCLEAN'S  
VICE PRESIDENT'S  
VIEW**

**The 2003 Auction**

Well, another auction has come and gone. I would like to take this opportunity to thank everyone who rendered so much assistance to this worthwhile cause. For those of you that did not have the chance to attend, there were several new ideas.

One of the first new ideas was one presented to me by Kristen Haugen. She recommended doing pictures. Her husband, Jim Haugen donated his time and business to this idea. Van, an employee of Jim's, donated his time. We charged \$5.00 per picture and the pictures were back before the end of the evening. We kept the \$5.00, making \$125.00. Thank you so much Kristen, Jim and Van.

Nick Straley produced a video about SCLS. This video featured one of SCLS's clients. The video was very well done and explained so much about SCLS. I think it answered questions some of us may have had, but were afraid to ask. Additionally, the client that was featured in the video was present at the dinner. This gave a personal touch to our purpose. Thank you Nick.

Special thanks go to the Law Offices of David Kastle. David donated staff time to calling for donations in the last few weeks prior to the auction. Thank you David and staff.

Richard Okrent enlivened the auction as the announcer. While those of us who regularly work with Richard know of his wicked sense of humor, there were some that were surprised by it. Additionally, for those of you that know Richard, let me tell you he looks good in a tux! Thank you so much Richard for jumping in and filling in for us.

Also, we had professional auctioneers that assisted us in the auction. Mike Mallory indicated to us that he was beginning to feel like he had taken on a permanent position and felt that the auctioneers would do an excellent job and give him the opportunity to sit out the auction (actually I think he really wanted the opportunity to eat a warm meal). A big thanks goes to Stokes and Company for their wonderful efforts on our behalf.

Thanks also go to the auction committee and the volunteers. Without them, the auction could never happen. A very special thanks goes to Joyce Wood. She is always there and always goes above and beyond the call of duty. As does her wonderful and tolerant husband Larry. There are just too many people to thank individually. You know who you are, so thank you.

By the way after expenses were deducted the final total was \$42,728.00. When the time comes that we need to stand up and be counted, we can count on Snohomish County and the Snohomish County Bar Association to come through. Way to go Snohomish County!

And now I bid a fond farewell to the auction. I am turning the reins over to the competent hands of Geoff Gibbs and Richard Okrent. Good luck guys.

**Swearing-In Ceremony**

The first swearing-in ceremony this year is on June 12th at 4pm, it will be held in Courtroom 201 and then SCBA will be hosting a reception after in the Law Library 1<sup>st</sup> floor of the Courthouse. History has proven that the second swearing-in of the year has a higher number of candidates, so if you have the time please come by and welcome your new colleges to the profession.

**SCBA PRESENTS**  
**“Estate Planning Issues”**

**Friday, May 2nd, 2003**  
(2 general credits approved)

**When:** 9:00 am to 11:00 am

**Where:** Kinard Room, Snohomish County Courthouse, 4th Floor

**Cost:** SCBA Members, \$50; Non-Members, \$70

**Our presenters will be:**

JEFFREY CAPELOTO - Anderson Hunter Law Firm

BARRY MEYERS – Barry Meyers Law Firm

**Outline:**

Basic Estate Planning Issues  
Planning for Estates with Wealth  
Special Trusts

R.S.V.P. with the SCBA office  
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## **A Message from Mark Roe, Chief Criminal Deputy**

Hi. I'm Mark Roe, the brand spankin new Chief Criminal Deputy at your Prosecutors office. Some of you know me, some don't, but as a second banana of Snohomish County's largest law firm, I've been asked by Joyce to write something now and then, and thought I'd start by tellin everyone a little about why we're always hoggin your courtrooms and judges (or at least how we manage to do that so well).

There are close to 50 attorneys on the Criminal side. When people pick up the phone to call 911, the cops do the hard work, and we get quoted in the paper! Gotta like that. Our Criminal division is divided into District Court (where I go when i get nailed speeding like I did a couple months back), Felony non-violent/drug charging unit, Felony non-violent trial teams, Violent trial teams (a separate team for domestic violence cases), and Special Assault (a polite way of saying "every nasty and tragic thing anyone ever did to a kid, and other sex cases). I'll start where we do:

**District Court:** There are 9 attorneys plus a supervisory attorney in District Court. Everything misdemeanorwise, from DUI, to less serious domestic violence cases, gets handled by district court. It is predominanty where a baby prosecutors develop their gross and fine motor skills, and the cases are a little less like priceless vases you keep on a high, high shelf. It's a laugh a minute land of thousands of misdeeds, by hundreds of misunderstood individuals, who nonetheless create way more than their share of havoc for the average citizen. It is short-staffed, and vastly overworked. It is a place where the lawyers lights burn the latest the most often. It is also where most of the general public come into contact with our office.

**Non-violent/Drug charging unit:** When your door

gets kicked in while you are at Disneyland being a good parent, a bad guy will steal your stuff. He'll steal it generally to pay for drugs. He'll also sell your hard-earned possessions dirt cheap, but fortunately to someone completely willing to tell the police all about it when he too gets arrested for something (follow me so far?). A police officer or detective will try to make sense of it all, sometimes even providing a flow chart of who did what and who told whom, and then send the whole can-o-worms to us. Maybe they even swiped some of your checks, and papered the county with em, leaving your credit rating ruined, just when you were gonna buy that retirement villa in Darrington. Anyway, our charging unit figures out what we can prove, and decides what to charge. We generally charge a portion of the conduct in an attempt to encourage the guy to accept responsibility and plead guilty. If, despite being guilty, he declines our gracious offer, we promise, and then try to deliver the kitchen sink if he wants to go to trial. Some counties do it the other way round, charging every single thing, and agreeing to dismiss all sorta stuff to get a plea. They utilize the "you get more flies with honey" theory. We utilise the "make em a reasonable offer and if they wanna roll the dice..." theory. Both have their proponents. Our method dates back to the Seth Dawson days, so it's nothing new.

After charging, the case is assigned to a trial deputy, who negotiates, and failing that, tries the case. This is where the courtroom hoggin sometimes comes in. The defendant has right to a speedy trial. By court rule, that means 60 days if he's in jail, 90 if he's not. Of course, the only defendant who really wants a speedy trial, is the one who is sure you've already violated his right to have one, but I'll leave that for another time, this is too long already!

In our violent units, both domestic violence, and non, the cases go directly from the police, to the supervisor of those units, who review the cases, and assign them to a trial deputy. The trial deputy will have the job of interviewing witnesses, and deciding what to charge and offer. If the case is a ":deadline", the supervisor has a couple days to make a decision. A case becomes a deadline when police arrest the guy,

and we want him held in jail while we make a decision. We aren't allowed to both keep the guy in jail, and take our own sweet time charging the guy. These deadline cases are the ones you generally read about in the newspaper. The menu runs from bar assaults and robberies, to kidnappings and murders. The domestic violence unit includes all of those things, with the added hominess of people who supposedly love each other, though you'd never know it.

The Special assault unit gets all the child molestation and rape cases. We try to meet with and interview each victim, and much of our charging decision is often based on that interview. Many of these cases end up being one persons word (and usually a kids) against another's. They are gut-wrenching and difficult. The worst for me has always been literally having to gently pull a little kid into court to face a guy who told her he'd kill her if she ever told anyone about their "secret". It ain't quite like coachin little league.

There ya have it. A general overview. We are lawyers like you, but what we do is pretty specific. Sometimes a victim will want a lot more than we can give, just like one of your clients. The difference is, we have to take the case. Oftentimes we can't do exactly what the victim wants us to. And what about what the defendant wants us to do? Well, that goes without saying. My point is that we rarely have customers completely happy with their experience, and wanting to "shop with us again". Even if we did everything right, and the victim is satisfied, they still had something bad happen to em, or we wouldn't have seen them here in the first place. All we strive for is some satisfaction that a measure of justice got done, and that we acted honorably in the process. Though sometimes we get them, we don't expect hugs either.

What's the "up" side? A lot of the time our job is pretty exciting. They write books, and make TV shows and movies about what we do, and we do it for real. The only difference is it takes longer in real life, and we're not as good lookin.

I wrote this to get acquainted. If there is some par-

ticular issue you would like me to address, let Joyce or me know. If you never wanna read any of my drivel again, that's ok too. I'll get over it.

See ya round the courthouse. I'm the goofy tall bald guy with the big nose and the bad wardrobe.

PS: When i write briefs or other "official business" i actually do try to use punctuation, upper case letters, and everything. honest...

**ELIZABETH A. MICHELSON**  
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YOU ARE CORDIALLY INVITED  
TO THE SNOHOMISH CHAPTER OF WASHINGTON  
WOMEN LAWYER'S ANNUAL SUMMER PARTY

**Where:** The Everett Transit Station

**When:** Thursday, June 12<sup>th</sup>, from 5:00 to 9:00 P.M.

Come for Great Food, Witty Conversation, and, at the same time, do a good deed, as we are asking everyone who comes to bring a canned good or dry food stuff for donation to the Snohomish County Food Bank.

FOOD FOR BOOZE!!! Yes-your read that right-Food for Booze. Bring at least two items to donate to the Food Bank, and you get a coupon for one free drink at the non-hosted bar.

Special Guests: The New Admittees

Extra Special Guests: The Judges of Snohomish County

We hope to see you there!!!

Please call Denice L. Patrick, at 425-775-9700, to RSVP.

June 6, 2003

# “Ethics in Litigation”

**Presenters:**

W. Mitchell Cogdill,  
*Cogdill, Nichols & Rein Law Firm*

Lee Ripley,  
*Private practice with emphasis on legal ethics*

(Two ethics credits approved)

**Some of the topics that will be covered are as follows:**

-Ethical and liability issues for attorneys  
when litigation happens

-The finer points of litigation:  
updates on recent cases you can use

**Where:** *Sno.Co.Courthouse, Kinard Room, 4<sup>th</sup> Floor*

**When:** *9:00 am to 11:00 am, Continental breakfast.*

**Price:** *\$65.00 members \$85.00 non-members*

**R.S.V.P. with the SCBA office**

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## News from Snohomish County



### Legal Services

Threesa Milligan, Executive Director

How can we ever thank you all for your wonderful participation and support at this year's auction? All of us at Snohomish County Legal Services are blown away by the enthusiasm of our volunteers and supporters. You truly do make a difference in the lives of Snohomish County low income residents.

This quarter, the following attorneys have accepted clients for pro bono representation: Jeff Capeloto, Deane Minor, Paul Hanson, David Kastle, Scott Decker, Terry Simon, Gail Nunn, Jenny Heard, Tim Robbins, David Pelter, Russ Hermes, Joe Wilson, Bruce Keithley, Kara Kruse, Tim Bigsby, Jo Noack, Satwant Pandher, Karen Moore, Geoff Jones, Mike Mallory, Brian Dale, Renee Warren, Diego Gavilanes, Dennis Burman, Judith Hendricks, and Doug Ferguson. These attorneys are representing clients in dissolution, third party custody matters, other family law matters, bankruptcy, housing and consumer matters.

Thank you to Dennis Burman, Denise Patrick, and Patrick Hussey who conducted the Bankruptcy clinics this quarter. Thank you also to Chris Crowell and Nick Straley, who have volunteered at the Housing Justice Project.

Our Family Law Advice Clinic has been ably staffed by Julie Herber, Sabrina Layman, Darrel Johnson, Greg Davis, Glenn Kadish, Brad Meagher, Deane Minor, Tom Tuohy, Brad Cattle, Jeep Carperter, Judith Hendricks, Teri Jennings, Jim Soukup, Bill Sullivan, Cindy Bailey, Bruce Weiss, Kent Millikan, Gail Nunn, Ken Brews, Mike Mallory, Satwant Pandher, Karen Moore, Rafe Schwimmer, Geoff Gibbs, Ruth Spalter, Nick Straley, and Jay Leach.

Thank you so much for your time and efforts. Darrel Johnson and Kay Field continue to do awesome work at our clinic through Pathways for Women.

Since the beginning of 2003, we have been receiving record numbers of referrals of clients whose needs range from simple legal questions (is there such a thing?) to cases that are heartbreakingly compelling and complex. If you have not accepted a case for referral for a while and haven't heard from me, please give me a call and let me know that you are willing to take a case. I guarantee I have a client for you! Call me at (425) 258-9283 or e-mail me at threesam@snocolegal.com. I hope to hear from you soon.

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## **Law Day Student Experience Set to Go May 1st**

The Fourth Annual Snohomish County Law Day celebration will start May 1, 2003. Sponsored by the Snohomish County Bar Association in association with the Snohomish County Superior Court, the Law Day experience offers local high school students from our county a unique opportunity to obtain a birdseye view of Judicial decision making. This year twenty-eight local high school students will be able to job shadow with our judges. Each student is assigned to a Superior Court Judge or Commissioner to spend the day with. This program, now in its fourth year, has been extremely popular with the local high schools. The students learn more in that day than they can from a course on the law or from reading a textbook. This is a great way for the Bar and the Judiciary to educate our youth on the role of law in our society. The celebration includes lunch and a photo session with the judges and commissioners. Thanks in advance to the judges and commissioners for making Law Day a success.

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

