

# SCBA NEWS

The Official Publication of the Snohomish County Bar Association -

June 2002

**↑↑↑**

*Snohomish County*

**New Attorney Swearing In**

WASHINGTON STATE  
BAR ASSOCIATION

**June 5th  
2002**

## SCBA NEWS

Published by the  
**Snohomish County  
Bar Association**

P.O. Box 5429  
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**Send changes of address to:**  
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**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.

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

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

**SCBA FAX:** (425) 388-3978.

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## SCBA Members Calendar of Events

### June 2002

**5th** Swearing-In Ceremony 4:00 p.m.  
**13th** SCBA Board of Trustees Meeting  
**14th** CLE Guardianship 9:00 am  
**17th** Deadline SCBA Newsletter  
**17th** Family Law Section Meeting

### July 2002

**15th** Deadline SCBA Newsletter  
**15th** Family Law Section Meeting  
**18th** SCBA Board of Trustees Meeting  
**18th** SCBA Softball Tournament

### August 2002

**15th** Deadline SCBA Newsletter  
**No SCBA Board Meeting**

### September 2002

**13th** Risk Management CLE  
**16th** Deadline SCBA Newsletter  
**16th** Family Law Section Meeting  
**19th** SCBA Board of Trustees Meeting  
**20th** SCBA Annual Golf Tournament

### October 2002

**4th** Bench Bar Mixer @ Everett Transit Station  
**15th** Deadline SCBA Newsletter  
**17th** Family Law Section Meeting  
**21st** SCBA Board of Trustees Meeting

### November 2002

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

## Superior Court Assignments: June 2002

**Presiding Judge:** ..... Judge Joseph Thibodeau

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

**Juvenile Court:** ..... Judges Wynne and Farris; Commissioner Bedle<sup>1</sup>

**Civil Motions:** ..... Judge McKeeman: June 1 – June 14  
 ..... Judge Allendoerfer: June 17 – June 30

**Criminal Hearings:** ..... Judge Castleberry: June 1 – June 14  
 ..... Judge French: June 17 – June 30

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

**Civil Dept. Judges:**<sup>2</sup> ..... Judges Knight, Thorpe, Allendoerfer and Fair

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

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

**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,  
DAVE KURTZ**

**Swearing In (And Helping Out)**

Once while attending a swearing-in ceremony for new admittees to the Bar, I was standing next to a nonlawyer. After listening to the attorney's oath, the nonlawyer leaned over to me and whispered, "Where the hell did that come from?"

Others may have wondered something similar, or at least found the oath's language "quaint." The relevant statute was passed in 1921 (apparently based on an earlier enactment in 1917). RCW 2.48.210 still reads:

Every person before being admitted to practice law in this state shall take and subscribe the following oath:

**I do solemnly swear:**

I am a citizen of the United States and owe my allegiance thereto;

I will support the Constitution of the United States and the Constitution of the state of Washington;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land, unless it be in defense of a person charged with a public offense; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no

compensation in connection with his business except from him or with his knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So help me God.

The current contents of the oath are found in the Court rules, in APR 5(d). Some changes from the statute have been made. For example:

- (1) While one must abide and support the laws and constitution of the state and nation, the admittee is no longer called upon to swear: "I am a citizen of the United States and owe my allegiance thereto."
- (2) A provision regarding the Rules of Professional Conduct has been added.
- (3) The language is now "gender neutral."
- (4) "So help me God" has been stricken.

However, for the most part, those same words from early last century are still employed today. For example one must still not maintain "any defense except as I believe to be honestly debatable"--that is, unless you're defending "a person charged with a public offense." I gather that my friends in the criminal defense bar are thus authorized to raise defenses, which are "honestly not debatable"--or perhaps, those which are "dishonestly debatable?"

Further, one still swears to "abstain from all offensive personalities." And who among us has ever had occasion to deal with an attorney whose persona was the least bit offensive? Nah...

But seriously now, the oath is more than just "quaint." It is worth recalling its inspirational language, and the idealism, with which we commenced our careers.

One small way to help rekindle some of one's own

fire is to attend the next local swearing in ceremony. It will take place on Wednesday, June 5th, at 4:00 P.M. in Courtroom 201. A reception will follow in the Kinard Room on the 4th floor. The pride, and enthusiasm, of the new admittees will be contagious.

Also on June 5th, WSBA's Pete Roberts plans to be present and to encourage our newest Bar members to sign up for the Lawyer to Lawyer "mentoring" program. Likewise, if you, as an experienced lawyer, have been thinking about volunteering to serve as a mentor, now is a good time. Please get involved and fill out the simple form.

There are copies of the forms on pages 7 & 8 of this edition of the SCBA News. You can also download the forms from <http://www.snobar.org>.

Thanks for your consideration.

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E-Mail: [karenm@BrewLaw.com](mailto:karenm@BrewLaw.com)



**NOTICE FROM THE  
SCBA EXECUTIVE  
DIRECTOR, JOYCE  
WOOD**

**New Attorneys**

The first swearing-in ceremony this year is on June 5th at 4 p.m. It will be held in Courtroom 201 and then SCBA will be hosting a reception after in the Kinard Room on the 4<sup>th</sup> floor of the Courthouse. History has proven that the first swearing-in of the year has a lower number of candidates, so if you have the time please come by and welcome your new colleges to the profession.

DUPUIS & SCHWIMMER, LLP Presents:

**SUMMER SOLSTICE XVI**

This year at the Monte Cristo Ballroom  
1507 Wall Street, Everett, Washington

**June 14, 2002 4:30 - 8:00 p.m.**

*Food - Drink - Live Entertainment*

**Steve Ashlock**

Attorney at Law

is pleased to announce that

**Karen Halverson**

has joined the firm.

Karen comes to us from the Public Defender's Office with over 13 years experience. She has also worked in private practice. Karen received her J.D. from Syracuse University College of Law in 1988.

With over 35 combined years of Criminal practice, we emphasize the following:

All felonies, including sex offenses, precharging investigations, gross misdemeanors, misdemeanors, probation/parole violations, juvenile offenses, extraditions, DUI, DOL hearings, expungements, and infractions.

---

Steven C. Ashlock  
Karen Halverson  
3101 Oakes Avenue, Everett, Washington 98201  
(425) 258-6751



# Lawyer-to-Lawyer Program New Lawyer Information Form

Welcome to the lawyer-to-Lawyer Program! The purpose of the program is to:

- Help the new lawyer bridge the gap between law school and the “real life” practice of law
- Encourage the exchange of ideas
- Foster professionalism and collegiality among members of the Bar
- Help new lawyers achieve career success

The Lawyer-to-Lawyer Program provides the opportunity to learn those things you didn’t learn in law school while developing a relationship with an experienced attorney in your area of practice. And just as new lawyers can learn from those who have been in the practice for several years or longer, so can more experienced attorneys learn from newer members of the Bar.

The Lawyer-to-Lawyer Program is a vital part of new lawyers’ orientation and education during the first years of practice, and, while voluntary, all new lawyers are strongly encouraged to participate in this program. Each participant in the Lawyer-to-Lawyer Program will be matched with a more senior lawyer in your geographic area. Please complete this form and return it to:

Washington State Bar Association  
Lawyer-to-Lawyer Program  
2101 Fourth, Avenue, Fourth Floor, Seattle, WA 98121 • FAX 206-727-8320

Name \_\_\_\_\_ Bar Number \_\_\_\_\_

Current Employer \_\_\_\_\_

Check here if in solo practice                       Check here if working for a government agency

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Area of Practice \_\_\_\_\_

Law School \_\_\_\_\_ Year of Graduation \_\_\_\_\_

Undergraduate School \_\_\_\_\_ Major \_\_\_\_\_

City/geographical area where you grew up \_\_\_\_\_

Special interests or hobbies \_\_\_\_\_

Special requests/preferences (e.g., gender, age, ethnicity) or additional information \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Questions? Please contact Peter Roberts at 206-727-8237 • peter@wsba.or  
Julie Griffiths at 206-733-591 • julieg@wsba.or



# Lawyer-to-Lawyer Program

## Experienced Lawyer (Mentor) Information Form

We learn what we teach

Welcome to the lawyer-to-Lawyer Program! The purpose of the program is to:

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- Foster professionalism and collegiality among members of the Bar
- Help new lawyers achieve career success

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Check here if in solo practice                       Check here if working for a government agency

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Area of Practice \_\_\_\_\_

Law School \_\_\_\_\_ Year of Graduation \_\_\_\_\_

Undergraduate School \_\_\_\_\_ Major \_\_\_\_\_

City/geographical area where you grew up \_\_\_\_\_

Special interests or hobbies \_\_\_\_\_

Special requests/preferences (e.g., gender, age, ethnicity) or additional information \_\_\_\_\_

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 \_\_\_\_\_

Questions? Please contact Peter Roberts 206-727-8237 • peter@wsba.or  
 Julie Griffiths at 206-733-591 • julieg@wsba.or



## REPORT ON LAW DAY



by Linda Passey  
SCBA Law Day Chair

### State Local Coordinator for Snohomish County

Through the efforts of the Snohomish County Prosecuting Attorney's Office Courtroom to Classroom program, the Snohomish County South Division District Court annual Law Day activities, the Snohomish County Clerk's Office mock trial/courthouse tour, the Snohomish County Washington Women Lawyers' middle-school speaker outreach program and the Snohomish County Bar Association job shadowing program, over 2300 students in our county were exposed to innovative, eye opening, fun ways to learn about law. Students participated in a range of events including K-9 demonstrations; presenting mock trials; observing real trials; touring the courthouse, holding cell, law library and clerk's office; classroom talks, questions and answers with attorneys or Judges and one-on-one time with a Judge or Commissioner. This year every level of school – elementary, middle and high schools – had programs offered to them. Thank you to all who organized recruited and/or participated in Law Day activities. Your efforts are greatly appreciated and make an impact on students of all ages.



Photo by Joyce Wood

## LAW DAY 2002 @ THE SOUTH DIVISION OF THE SNOHOMISH COUNTY DISTRICT COURT

by Paul Hanson  
LawDay South, Co-Chair

Seven convictions, three acquittals and two hung juries. These were the final results of the fifth graders' twelve mock criminal trials, presented as part of the Snohomish County District Court (South Division)'s annual LawDay activities on Friday, May 3<sup>rd</sup>.

Almost 900 Edmonds School District fifth graders, teachers and parent volunteers attended the South Division's annual LawDay. Presentations included a legal "Jeopardy" TV quiz game, police dog K-9 demonstrations, "beer goggles" intoxication simulations, the Court's own holding cell, and mock criminal trials. For the mock criminal trials, LawDay Co-Chair, SCBA attorney Paul Hanson, invited other local SCBA attorney volunteers to serve as "judges," "prosecutors," and "defense counsel." Rallying to the defense came attorney volunteers Amy Kaestner, Deanna Dawson, And Darrell Johnson. For the Prosecution came Brent Nagle, Mike Sheehy, Bridget Casey And Teresa Otsubo. Each also took a turn as "judge."

This was the 16<sup>th</sup> annual LawDay presentation by the South Division. This event is part of the American Bar Association's annual LawDay celebration held each May. The ABA's 2002 Law Day theme: Assuring Equal Justice for All.

Once again, South Division judges Stephen Dwyer, Tim Ryan, Carol Mccrae, Court administrator Jerry Cusimano, and LawDay Co Chair/Court Clerk Randi Hagen, have provided a valuable educational experience to the youth of our community.

## News from Snohomish County



### Legal Services



**By Threesa Milligan, Executive Director**

Thanks to those attorneys who have accepted clients for pro bono representation in the past month: Paul Hanson, William Taylor, Mark Pouley, David and Lois Freese, Jenny Heard, Mike Clarke, John Frawley, Cheryl Duffy, Lionel Gelperin, Paula McManus, David Kastle, Richard Swanson, Linda Passey and Satwant Pandher. They are helping their clients with bankruptcies, wills, Social Security termination, dissolution, parenting plan and domestic violence issues.

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: Coreen Forencz, Lisa Micheli, Jenny Heard, Mark Pouley, Russ Juckett, Brad Meagher, Deane Minor, Karen Moore, Kent Millikan, Monty Booth, David Kastle, Teri Jennings, Satwant Pandher, Carolyn Powell, Bob Cole and Darrel Johnson and Kay Field at Pathways for Women. Our Tuesday evening Family Law Advice Clinic routinely provides invaluable service for low income clients. They get a chance to meet with an attorney and have their documents reviewed or get advice about what the next step is or to have the case reviewed and have the attorney recommend that the case be referred out to one of our volunteers who is willing to take a pro bono case. Many clients are able to proceed pro se only because of the assistance they get from an attorney in our advice clinic. Thank you again to all those who continue to give up Tuesday evening hours to help make a difference for these clients.

**COMING SOON:** We are pleased to announce that Snohomish County Legal Services will be offering a monthly pro se assistance Bankruptcy Clinic for Chapter 7. Denice Patrick has been working with our Ishbel Dickens, our legal intern, to set up this new service. We plan to be up and running next month and are excited to have the opportunity to be able to assist clients in this way. Bankruptcy attorneys who are interested should call us right away (if we don't call you first!). For any information about volunteering at Snohomish County Legal Services, please call me at (425) 258-9283.

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**June 14, 2002**  
**“Title 26 CLE”**  
**“REPORT WRITING”**

**Presenters:**

**Barry Althoff, WSBA Professionalism Council**  
(FORMER WSBA CHIEF DISCIPLINARY COUNCIL)

**David Kastle, Snohomish County Attorney**

**Some of the topics to be covered will be as follows:**

Ethical and liability issues for attorneys  
What is useful to the Commissioners?  
Creating a report that is readable  
Lets not testify in your report  
Staying non-judgmental  
What is mandatory in your report?  
Know your local rules

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

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

**Price:** \$45.00 members \$55.00 non-members

**Credits:** 2.0 credits applied for (including 1 ethics)

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# Snohomish County Bar Association Golf Tournament

- Who:** SCBA members and their guests.  
**Where:** Battle Creek Golf Course, Marysville,  
**When:** Friday, September 20<sup>th</sup> 2002.  
Tee times begin at 12:00 noon.  
**Format:** Scramble

More information regarding cost coming soon.

Cost includes Greens fee, post-golf hamburger barbecue,  
and prizes. Carts are not included.

Sign up as an individual group of two, three, or four.  
We'll match up those who sign up with less than four.

Questions or input? Call Matt Hunter at (425) 388-3072.

# **PHILLIPS AND MAZZONE, LAWYERS**

Charles "Guss" Markwell  
has now joined our firm.

## **CHARLES "GUSS" MARKWELL**

Charles "Guss" Markwell, B.S. Psychology, Indiana State University 1994; M.S. Criminology, Indiana State University, J.D. Campbell University 1999. Guss has been in solo private practice since 1999 providing contract prosecuting and public defense for various municipalities throughout Snohomish County, in addition to maintaining a caseload in criminal law, social security, real estate, and general civil litigation. Originally from St. Louis, Mo., prior to becoming a lawyer, Guss was a stand up comic and juggler.

The firm continues to practice in the following areas:  
Family, Personal Injury and Criminal Law

### **PHILLIPS AND MAZZONE, LAWYERS**

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Everett, WA 98201-4011  
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Brian R. Phillips  
Peter Mazzone  
Guss Markwell

Staff  
Jacki Jones

You're Invited to the Annual...

**SNOHOMISH COUNTY  
WASHINGTON WOMEN LAWYERS  
SUMMER GET-TOGETHER**

**Wednesday, June 26, 2002 at 6:00 p.m.**

**Come for friends, food, fun and a good time!**

**Meet Kerry Keefe and Kristi Helgeson of the State W.W.L. Board!**

*For Old Members, New Members, Non-Members, and Want-To-Be-Members*

The Get-Together will be in Edmonds this year so call Vicki Oslund or Sarah Hurst at (425) 259-5106 for more information.



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### **Unpublished Opinions**

The WSBA now provides access to its Unpublished Informal Ethics Opinions database.

<http://www.wsba.org/RPC/ifo/unpublished.htm>

### **Lawyer Directory**

The Directory that is available to the public listing WSBA Attorneys has moved. I suggest checking it out to verify the information being provided to the public. You may also want to add your internet information to their records.

<http://pro.wsba.org/>

### **MCLE Database**

Also added with the move of the Lawyer Directory is the ability to check on your MCLE units.

<http://pro.wsba.org/MemberHome.asp>

### **Resources on Sale for Half Price**

The 2001-2002 Resources membership directory is now on sale for half-price:

\$8.50 – WSBA members (\$9.25 in WA)

<http://store.yahoo.com/wsbastore/reslawdirspe.html>

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# **Criminal Defense**

**I invite, appreciate, and thank you  
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in all criminal matters.**

**Tom Gissberg  
Attorney at Law:**

**Frontier Bank Building  
2825 Colby Ave. Suite 304  
Everett, WA 98201  
(425) 258-6761**

# **New Snohomish County Attorneys Swearing-in June 5th**

The first swearing-in ceremony this year is on June 5th at 4 p.m. it will be held in Courtroom 201. Afterwards the SCBA will be hosting a reception after in the Kinard Room on the 4<sup>th</sup> floor of the Courthouse.

History has proven that the first swearing-in of the year has a lower turn out, so if you have the time please come by and welcome your new colleges to the profession.

## **Criminal Defense and Military Justice**

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

**Michael J. Andrews**

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

**Law Offices of  
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(425) 259-6111

The Snohomish County Bar Association invites you to

**All SCBA members, friends, and family  
are invited to the**



# Second Annual Slip 'n Fall Classic Picnic

**Hosted by Bill Tri & John Follis,  
Tournament Chairs**

**Date:** Thursday Friday, July 18<sup>th</sup>, 2002

**Place:** Forest Park, 802 Mukilteo Blvd., Everett

**Time:** The Barbecue and games begin at 3 p.m.

Come join the fun!

Don't forget

**R.S.V.P. by July 15<sup>th</sup> with the SCBA office  
(425) 388-3056**

**We hope to see you there!**

## Office Space Available

### Edmonds: Downtown

Office available starting in May, 2002, in attractive three-attorney suite located on Sunset and Main Streets in Edmonds. Conference room, copier, FAX. Contact Ann Johnson at (425) 776-6600.

### Everett: Frontier Bank Building

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 at (425) 388-5516

### Everett: Downtown

Single office for rent in multi-attorney firm, located in downtown Everett. Receptionist, conference room, secretary, library/research and other amenities are available and negotiable. Contact Bill Tri or Larry Jelsing at (425) 258-2688

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## Help Wanted

### Associate Attorney:

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