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SCBA NEWS

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SCBA NEWS

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**Snohomish County
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SCBA Members Calendar of Events

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
26th 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
26th CLE Kinard Rm Law & Mental Health

October 2003

15th Deadline SCBA Newsletter
16th SCBA Board of Trustees Meeting
20th Family Law Section Meeting
24th CLE Kinard Rm Bankruptcy & Collections
28th Auction Committee Meeting

November 2003

15th Deadline SCBA Newsletter
16th SCBA Board of Trustees Meeting
20th Family Law Section Meeting
21st CLE Everett Transit Ctr. Family Law Tool Box
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 Waggoner¹

Civil Motions: Judge Krese: June 2 - June 13
 Judge Thorpe: June 16 - June 27
 Judge Wynne: June 30

Criminal Hearings: Judge Knight: June 2 - June 13
 Judge Wynne: June 16 - June 27
 Judge Thorpe: June 30

Criminal Dept. Judges:² Judges Thibodeau, Thorpe, McKeeman, Castleberry,
 Wynne, Hulbert, Krese and Bowden

Civil Dept. Judges:² Judges Knight, Farris, French and Fair

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.

- 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**

On the Agenda

I thought I would write this month's article about the issues your trustees are currently dealing with. After all the work we do is at your bequest. Therefore, it is only fitting that we share with the general membership our current agenda.

We are winding down from the last auction. Examining what went well and what needs changes. Ruth Westbrook passed the torch to Geoff Gibbs who will be chairing the auction next year. But, our sigh of relief that the auction is done is short lived. Now is the time we start gearing up for next year. If there are hardy souls that wish to join us in preparation, please step forward now. The success of the auction is predicated on early planning.

At issue this month is also the subject of whether our Bar Association wants to have sections like the State Bar. There are a number of family law practitioners that meet regularly. They wish to be recognized as an official section. There has also been in the past a group of "new" lawyers that have met regularly. The family law group meets monthly for CLE brown bag meetings. Formal recognition of these activities would provide continued ability to have CLE credits assigned to each seminar. This has always been a great benefit for lawyers in Snohomish County. A committee has been assigned to study the issue and resolve it within 30 days.

Another issue that is currently under study by the trustees is whether we should form a Snohomish County Bar Foundation. We receive requests for funding from different sources during each fiscal year. At present we address them on an Ad Hoc basis. These requests take time to evaluate. At

present the trustees make the decision of whether to donate monies to these causes, and if we donate, how much to give. A foundation would be better equipped to evaluate the requests and make decisions regarding donations. In communicating with other bar associations similar in size to Snohomish it appears that we should consider a foundation. With a foundation our members would also have opportunity to give tax-deductible donations in a number of ways. We could have a memorial fund or other designated method to give honor to attorney past and present. Next month the trustee meeting will have Jeff Capoletto as a guest to give a presentation to learn more about foundations. If we do move in that direction, the State Bar Association and the American Bar Association will be on hand to help us.

We are also studying the options to conduct a biannual audit of the bar association's fiscal records. We currently have a C.P.A. inspection as well as professionally prepared tax returns, however, the inspection is not a full audit. We have some options that would be cost effective. The board is currently considering options. We have never had a fiscal discrepancy. Nor are we questioning current methodology. We just want to bring our association up to par with like organizations.

This information should provide some insight as to the agenda your Board of Trustees deal with on a monthly basis. The committees work on the various issues during the month and report back at each board meeting. There are a number of other agenda items from the last meeting that I did not discuss. But I wanted to give the members a feel for the kind of work we do on your behalf. Many of the committees are still in need of people. The membership and auction committees both need your help.

Joyce Wood sets the agendas. If any member wishes to have an item set on the agenda please call either Joyce or myself. We are here to serve the membership.

DUPUIS & SCHWIMMER, LLP Presents:

SUMMER SOLSTICE XVII

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

CLEs

The first CLE of the year was held May 2, 2003. Our presenters were knowledgeable and presented their material with excellent humor. It was an extremely enlightening CLE and we wish to thank them immensely.

The next CLE is June 6, 2003, in the Kinard Room. It is 2 hours long and has been approved for 2 ethics. The topic is Ethics in Litigation and it will be presented by W. Mitchell Cogdill, Attorney at Law and Leland G. Ripley, Attorney at Law. For those of you who may have reporting requirements this year you may want to consider this CLE, for the credits as well as the important topic.

Future potential CLEs are on Sept 12, 2003 in the Kinard Room, a 3 hour CLE with 3 general credits applied for on Small Law Office Management, presented by Pete Roberts, from the WSBA; Law & Mental Health, at a still yet undetermined time; on Oct 24, 2003, in the Kinard Room, a 2 hour CLE, with 1 ethics credit and 1 general credit applied for on Bankruptcy & Collections In Your Practice; on Nov 21, 2003, at the Transit Center, a 3 hour CLE with 1 ethics credit and 2 general credits applied for on Family Law Tool Box.

We have received some input as to CLEs that our members would like to see offered. However, should anyone have any additional ideas, we would welcome them. We are still trying to put together 2 more CLEs this year.

After attending a GAL training in Seattle several weeks ago, I think our members are getting a bargain when we talk about our CLEs.

The King County Bar Association was advertising an upcoming 3 credit CLE for \$155.00. Our members pay substantially less, do not have to travel to Seattle and do not have to hassle with finding and paying for parking at a whopping \$22.00 per day.

Consider attending the next SCBA CLE. You will get more than the benefit of the bargain.

MICHAEL D. MAGEE

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**SNOHOMISH COUNTY
SUPERIOR COURT:
EMERGENCY LOCAL
RULE CHANGE**

**Law Day 2003 at
South Division
Snohomish County
District Court**

Snohomish County Superior Court Emergency Local Rule Change – May 12, 2003 – effective immediately.

This is a resubmittal of a previous emergency rule change. This emergency rule will be submitted as a permanent rule change on July 1, 2003.

SCLCR 7 (b)(2)(I)(1) Time of Hearing – additions are underlined

1. Times, days, and locations of various motions shall be as set forth in an administrative order of the court. All Family Law/Domestic Motions shall be noted for hearing on a Court Commissioner's calendar. However, motions for summary judgment and motions to revise the ruling of a court commissioner shall be noted on the Judge's Civil Motion calendar and motions for pre-assignment, motions regarding trial settings, motions regarding the timeliness of the demand for jury, and motions for trial continuance shall be noted before the Presiding Judge. The following are to be noted on the Court Commissioner Civil Calendar: Defaults, Discovery Motions & enforcement thereof, Supplemental Proceedings, Unlawful Detainer or Eviction, Probate, Guardianship & Receiver actions, Motions to Amend Pleadings and Petitions for Restoration of the Right to Possess Firearms. All other civil motions shall be noted on the Civil Motions Calendar.

**By Paul Hanson
South Division LAW DAY Co-Chair**

Over 550 Edmonds School District fifth graders, teachers, parents and local officials attended the South Division's annual LAW DAY activities on Friday, May 2nd.

This year's ABA LAW DAY theme was "Independent Courts Protect Our Liberties." Presentations included a legal version of the "Jeopardy" TV quiz show, police K-9 dog demonstrations, "beer goggles" intoxication simulations, the Court's own holding cell, and mock criminal jury trials.

Eleven 20 minute very condensed jury trials were held with the students serving as "judges," "prosecutor's," "defense counsel," and "bailiffs." The results? Six guilty verdicts, five acquittals.

Co Chair, SCBA attorney Paul Hanson, invited other real life volunteer local attorneys to help the students play their trial roles. To the defense came Satwant Pandher, Jennifer Kleven, Kimberly Watson and Arlene Anderson. For the prosecution came Darrell Johnson, Laura Twitchell, Diane Nipert, and Michelle Gehlsen. Assistant Attorney General Teresa Otsubo and pro tem judge/Edmonds councilperson Deanna Dawson also volunteered their time. The judges served free pizza to all volunteers afterwards.

This was the 17th annual LAW DAY presentation by the South Division. South Division judges Stephen Dwyer, Tim Ryan and Carol McCrae, along with Court Clerk/Co Chair Randi Hagen, have once again provided a valuable educational experience to the youth of our community.

The National Multiple Sclerosis Society Epic Mountain Bike Challenge

Multiple Sclerosis (or MS) is a chronic, often disabling disease that attacks the central nervous system. For unknown reasons Washington State has one of the highest incident rates of MS in the country. I have a client with MS. The grace and dignity in which this woman lives her life, despite periodically severe symptoms, is an inspiration to me. We need to support these people, particularly those who function and contribute to society, despite the debilitating effects of the disease, like my client for whom I ride.

So, I will be out there representing the Snohomish County Bar Association, June 28, 2003, at Fall City doing 30 miles through the Weyerhaeuser Tree Farm for MS. I have been advised to bring bactine, but I think I will need a week of intensive care instead. Please schedule no hearings within 7 days of this event.

Insofar as mountain biking is more attitude than it is sport, being paired with a fund raiser for MS is a natural. I am asking for the members of the Bar to make a modest contribution, one at a time or by firm, to assist the National Multiple Sclerosis Society with research into causes and prevention, therapy and rehabilitation, and understanding the disease process.

To obtain a Pledge Form, contact me at (425) 258-3511, or write to Rockefeller Law Office, P.O. Box 12057, Everett, WA 98206-2057. Thank you and God Help Me.



ELIZABETH A. MICHELSON Attorney at Law

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Lawyers Road Review

Mustang *Redux*

It is the end of an era.

Prophetically, about a month ago I announced that the Mustang had lost some of its draw. Stated more plainly, I realized I was driving around in an old car. I took a poll to see what people thought of selling it. The opinions fell along gender lines.

The women all said, "What? Are you kidding? This is your identity, who you are. This is a chick magnet!" The men all said *it is time*. Trial law being what it is, I had no time to actually go about the process when it was brought to my attention that a C clamp was missing from the transmission during an oil change. This led to a visit with Roy, my mechanic, and a decision to tune the old girl up as it looked like I was going to keep it for at least a while.

Then came the "talk." Roy took the opportunity to really look at this car. He began by suggesting I had a choice; I could send my kids to college, or *his* kids to college. Starting with suspension and braking systems, I needed to redo this car again if I was going to drive it as much as I had been.

At 208,000 miles we recounted what had been replaced and decided it was easier to talk about what had not been fixed; the steering wheel, one axle, the speedometer and believe it or not, the dome light. It is a little like the B-52 bomber, constantly rebuilt and sent out for another mission. The difference is, I do not have the budget of the Pentagon.

My choices were clear: 1) Spend money I did not have. 2) Drive it a little inside a restrictive insurance policy. 3) Sell. (3) does not really appeal to me, particularly in light of our former law librarian, Carol Best's story of weeping when her 1968 VW bus was driven away by a new owner. My car came off the

line in November 1969, so there must be something about that decade.

1969. If you do not remember it you are too young to practice law. Steppenwolf and The Doors, all a long time ago; 34 trips around the sun; 238 in dog years. Like I said, Steppenwolf.

So I found myself at (2) and driving my other car, the iron box minivan known as the Aerostar. Roy doesn't like this car either, particularly the transmission. So, I wandered into the market and seeing what the other lawyers are driving. Whatever it was to replace the iron box, it has to tow my boat, etc.

Karen Moore flies a zeppelin called the Ford Excursion, sometimes called the *Graf Spee*. Let's hope it does not end like the *Hindenburg*. Oh the humanity. This thing is so large, the rear view mirrors have to be folded in while parked to prevent accidents caused by passing motorists.

Recently Karen was due in the Court of Appeals and found the Excursion was so tall, she could not get it into a parking garage in downtown Seattle. Eventually she drove to valet parking at Nordstrom's and let those boys deal with it. She's a smart person, but I like to park my own car. I have had the same experience in the Aerostar since I added bike racks to the roof. No, the next car has to be smaller than an airship, tow the boat, and as much fun as the Mustang.

Stay tuned. Any comments may be sent to pete@rockefellerlaw.com

Next month: The market.



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**The Snohomish County Bar Association
invites you to the Third Annual
Slip 'n Fall Classic Picnic**

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

Date: Thursday, July 16th, 2003

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 14th with the SCBA office
(425) 388-3056**

We hope to see you there!

June 6, 2003 CLE

Ethics in Litigation

Approved for Two Ethics Credits

Presenters:

W. Mitchell Cogdill,
Law Firm of Cogdill, Nichols, Rein & Wartelle

Lee Ripley,
Private practice with emphasis on legal ethics

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:
useful updates on recent cases

Where: *Sno.Co.Courthouse, 4th Floor, Kinard Room*

When: *9:00 am to 11:00 am with continental breakfast*

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

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

(425) 388-3056

2003 Upcoming CLEs

June 6, 2003

Kinard Room 2 hours

2 ethics credits approved

“ETHICS IN LITIGATION”

W. Mitchell Cogdill, Attorney at Law

Leland G. Ripley, Attorney at Law

Sept 12, 2003

Kinard Room 2 hours

1 ethics 1 general applied

“SMALL LAW OFFICE MANAGEMENT”

Pete Roberts, WSBA

Sept 26, 2003

Kinard Room 3 hours

1 ethics 2 general applied for

“LAW & MENTAL HEALTH”

Mike Finkle, City of Seattle Prosecutor:

Civil Commitments

Larry Westbrook, Snohomish County

Human Services

Rita Love: View from the Bench

Oct 24, 2003

Kinard Room 2 hours

1 ethics 1 general applied for

“BANKRUPTCY & COLLECTIONS IN YOUR PRACTICE”

Mary Schmitt, Attorney at Law:

Bankruptcy

John Shields, Attorney at Law: Ethical

Collections

Nov 21, 2003

Transit Center 3 hours

1 ethics 2 general applied for

“FAMILY LAW TOOL BOX”

Bridget Lewellen, GAL: Role of the GAL

Richard Okrent, Attorney at Law:

Dependency

Rick Corbin, Attorney at Law: Tax Issues

Commissioner Arden Bedle: Updates on

Family Law Issues

Dec 5, 2003

Transit Center 3.5 hours

2 ethics & 1.5 general applied for

“GETTING WHAT YOU WANT FROM THE

COMMISSIONER AND THEN SOME”

Rita Love & Geoff Gibbs

Motions Practice-Cynthia Bailey

DV cases law, Practice & Procedures-

Dave Kastle & DV Facilitator for Snoh.

Co.

January 30, 2004

Transit Center 3 hours ??

This CLE also includes the general membership meeting luncheon, elections, and attorney of the year award.

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Snohomish County Law Library



View from the Director's Chair

By Lettice Parker

Well . . .

I think I missed a month since my last column. Things have been rather hectic in the law library. Most of my time has been taken up with ever increasing numbers of *pro se* patrons that come to the courthouse everyday. During the quiet interludes I have spent the remaining time printing and faxing invoices for attorney accounts. After nearly six weeks of this singular activity by the time you read these words I expect all the invoices to be done. As you may recall this is the first time the law library is charging an annual fee (\$36 a year) to attorneys with accounts. At the time of this writing the response has been favorable (meaning lawyers are paying the fee). I am guessing there is some grumbling, but I have not heard it. I am of the opinion that most lawyers in Snohomish County want to support the law library and are paying the fee to demonstrate that support. Speaking for myself and the Board, your support is *greatly appreciated!*

Once I have the final figures I will report in this column how much money is generated by the annual fee. The original estimate based on 275 accounts was \$7425. (This was based on the pro-rated amount of \$27 for the remaining nine months of 2003).

And while I'm on the topic –

Money! Money! Money!

While the law library cannot claim first prize for having the largest budget overrun in the county it represents nearly a quarter of our overall total budget. Although the supplemental budget request was turned down, the law library is climbing out of the hole. To date I have managed to pay off \$32K of the debt. The plan is to have it all paid off by the end of August. I am also pleased to report at this time that the law library is current with its 2003 invoices. While it is still too early to tell I do not anticipate having a horrendous carryover of 2003 expenses into 2004. So not only is the law library managing to pay off its debt, it is simultaneously managing not to fall behind.

Of course this minor financial miracle has its own price: the cancellation of more than 100 ongoing titles from the law library's collection and the cancellation of nearly twenty major series of books that will only be available online after the law library moves. But who wants to dwell on those pesky unpleasant details.

Westlaw

My apologies for not having a better segue into Westlaw, but I just could not come up with anything clever and biting. However, the Westlaw bit is good – maybe. It was pointed out to me several weeks ago that the *Northwest Personal Injury Reports*, *Washington Arbitration Reports* and *Washington Public Employment Relations Commission Decisions* were not included in our Westlaw Patron Access subscription. The problem has been solved. *Washington Public Employment Relations Commission Decisions* are available online. The database identifier is: **WALB-ADMIN**. Coverage in the database begins with 1976 and **WALB-CS** is a related database containing Washington labor and employment cases.

Because *Northwest Personal Injury Reports & Washington Arbitration Reports* are published by a third party they are no accessible through Westlaw. I have re-subscribed to them on CD. Once the disc arrives

it will be installed on the law library's third PC, the one currently used for word processing.

Looking forward lets talk about –

The Move

September is the designated month for the move. I have no exact date, but I'm guessing it will be some time after Labor Day (moving the law library cannot interfere with the final long summer holiday weekend). Next to the 2004 budget "The Move" is my next large priority. In the coming weeks expect to see shifting books. I want to move everything going down the hall into the main room. I also want to organize some sort of silent auction, if possible, to sell some of the smaller multi-volume treatises and sets (I'd like to see them go to "good homes" in a manner of speaking). There may also be some freebies, like the *Federal Report, 1st* volumes 1 – 300 if someone can pick them up and take them away. They are currently at Records Management over on Wall Street.

You might come in and find me snapping pictures. I want to keep a photographic journal of the move. Pictures might come in handy to remember what the law library looked like before it moved.

Well, I hear the Mission Building clock striking four and I'm up against a deadline. So, until next time, stop in, say hello and ask if I have the *Northwest Personal Injury Reports & Washington Arbitration Reports* yet.

Swearing-In Ceremony

The first swearing-in ceremony this year is on June 12th at 4 p.m, it will be held in Courtroom 201. 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.

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