

# SCBA NEWS

The Official Publication of the Snohomish County Bar Association

- June 2004



## SWEARING IN CEREMONY

JUNE 17, 2004

4:00 PM

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## SCBA NEWS

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**Snohomish County  
Bar Association**  
P.O. Box 5429  
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**Send changes of address to:**  
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## 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 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 files in either MS Word format or Rich Text format (RTF).*

## Contact Us

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

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

**Web site:** [www.snoabar.org](http://www.snoabar.org).

**Lawyer Referral Service:** (425) 388-3018.

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# SCBA Calendar of Events

## June

8th Young Lawyers Section Meeting  
 15th Deadline SCBA Newsletter  
 17th SCBA Board of Trustees meeting  
 18th SCBA CLE  
 21st Family Law Section Meeting  
 25th Auction Committee Meeting

## July

13th Young Lawyers Section Meeting  
 15th Deadline SCBA Newsletter  
 15th SCBA Board of Trustees Meeting  
 19th Family Law Section Meeting  
 27th Auction Committee Meeting

## August

10th Young Lawyers Section Meeting  
 15th NO SCBA Newsletter  
 16th Family Law Section Meeting  
 19th NO SCBA Trustees meeting

## September

14th Young Lawyers Section Meeting  
 15th Deadline SCBA Newsletter  
 16th SCBA Board of Trustees meeting  
 17th SCBA Golf Tournament  
 20th Family Law Section Meeting  
 28th Auction Committee Meeting

## October

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

## November

9th Young Lawyers Section Meeting  
 15th Deadline SCBA Newsletter  
 15th Family Law Section Meeting  
 18th SCBA Board of Trustees Meeting  
 30th 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 Knight and Castleberry;  
 ..... Commissioner Bedle<sup>1</sup>

**Civil Motions:** ..... Judge Hulbert: June 1 - June 4  
 ..... Judge Fair: June 7 - June 18  
 ..... Judge Krese: June 21 - June 25  
 ..... Judge Hulbert: June 28 - June 30

**Criminal Hearings:** ..... Judge Cowsert: June 1 - June 11  
 ..... Judge Hulbert: June 14 - June 18  
 ..... Judge Dwyer: June 21 - June 25  
 ..... Judge Fair: June 28 - June 30

**Criminal Dept. Judges:**<sup>2</sup> ..... Judges Thorpe, Allendoerfer, McKeeman, Wynne, Hulbert, Farris, Krese and Dwyer

**Civil Dept. Judges:**<sup>2</sup> ..... Judges French, Bowden, Fair and Cowsert

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

**Family Law Calendars:**<sup>1</sup> ..... 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.

<sup>1</sup> Court Commissioner assignments are for six months duration and change in early January and July.  
<sup>2</sup> 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**

Zero based budget and access to justice. For the last several weeks, I have been trying as hard as I could to reconcile these two terms. Frankly, they are not reconcilable. Let me explain.

To the best of my knowledge, which I admit is somewhat limited, zero based budget means that each department of the county will start their budget process with nothing. There is no submission of a budget. They are told that there is X number of dollars to be allocated to county departments and they need to compete for funds. Admittedly, there will be a \$16,000,000.00 budget deficit. So competition will be fevered. Unfortunately, it falls on the shoulders of those least able to speak to shoulder this deficit.

Obviously, criminal cases must take precedent, speedy trial rule and all. This means that civil cases are the cases that frequently get bumped or rescheduled. Then, we complicate the issue further with the court system attempting to ensure that pro se litigants get fair treatment. This tends to lengthen the amount of time needed to address any issues before the court involving a pro se litigant.

The last statistics I have are as follows: there are currently 30,000 active cases within our court system. As of March 2004, there were 7,639 new cases filed. This means there was an average of 2,546.3 filed in the first three months of 2004. These figures were pretty astounding when I received them. But they can be analyzed further.

In the first quarter of this year, there were 31 criminal jury trials, 23 criminal non-jury trials and 7,274 hearings. In the civil (non-domestic) arena, there were 9 jury trials, 14 non-jury trials and 1,446 hearings. In the domestic area there were 58 non-jury trials and 2,197 hearings. In dependency there were 320 Fact Finding trial and 2,956 hearings. In juvenile matters there were 25 non-jury trials and

2,862 hearings. In the adoption and paternity realm there were 10 non-jury trials and 839 hearings. In the mental health field, which frequently spills over into all of the above areas, there were 217 hearings. And in the probate domain there were 198 hearings. I have long maintained that I have no desire to were a black robe and after looking at these statistics, I am *sure* that is a job I do not want.

There is a desperate need for interpreters and good guardians ad litem. And what we are seeing is a decline in good qualified persons. Those that are good have so many cases referred to them that their ability to meet court deadlines is impaired. It is an embarrassment when Skagit County initially pays \$500.00 for a county-pay GAL case and we in Snohomish County only initially pay \$300.00. And these are the cases that will usually take the greatest amount of time and energy.

Our courts are currently seeing an increase in case of approximately 3% per year. I stopped counting the number of complaints that I have received from clients about how slow the wheels of justice grind. But is it any wonder? There is now approximately a 7-8 month waiting period for a civil case to make it to trial call. And even then, there is no guarantee that your case will get out to trial. And it doesn't help when you try to tell your clients that King County and Pierce County are worse. They only know and care about their case.

The law library has been cut back in both space and resource materials. If there is any place that litigants went to educate themselves, this was the place. We have already begun the decline in access to justice for the poor and the working poor; those who can least afford it.

What is the relevance of all these statistics to the zero-based budget? Well, litigants are the ones that frequently do not exercise their voice for an increase of access to justice. Therefore, I believe that it will be our court system that will suffer the greatest when it comes budget time. It is my understanding that currently, we have one unfilled judgeship and with the budget deficit, it is not likely it will be filled any time soon.

We will continue to overwork the 14 judges and 4 commissioners that we have and the general population will continue to blissfully ignore this

crisis, until they have a need to come into contact with the justice system. They will not raise their voices to let our elected officials know that it *IS* important that cases move quickly and smoothly through our judicial system. They will do little, except complain.

What I would like us as a bar association to do is to send a *strong* message to our elected county officials that we are voters and we believe that access to justice and our judicial system are important to us. And we will remember them and how they voted when reelection time comes. ☞



**2004 AUCTION  
A GREAT SUCCESS  
BY RICHARD OKRENT**

Congratulations to all those committee members, sponsors, donors and attendees who made our 2004 bar auction a huge success. Thanks to your efforts we raised \$47,118.97 for the Snohomish County Legal Services. This contribution together with the over \$500,000 in pro bono legal work that our members give each year to Snohomish County legal services demonstrates our associations continue commitment to providing access to justice for our community.

The annual bar auction is the primary social event of our calendar year. It is great way for all of us to meet and network with each other, have a great meal and most importantly have fun. If you missed some of the epic bidding wars from 2004 wait the saga will continue in 2005. This year we hope to add more entertainment to auction event.

Plans are underway for the 2005 auction. We are currently seeking suggestions for new venues, new ideas and of course new contributions. The auction committee needs your help. Service on the committee is a great way to contribute to this event. The committee meets in the Kinnard Room of the Snohomish County Courthouse on the last Tuesday of each month. For more details contact Richard Okrent at 425-774-2800. ☞



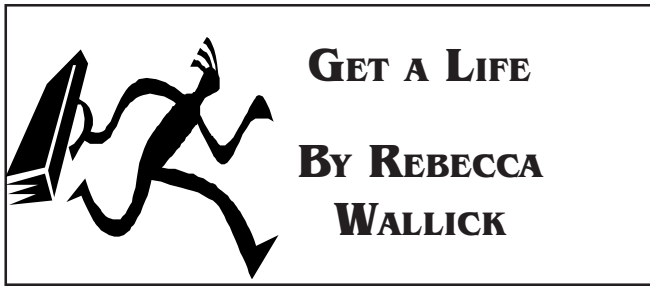
**LAW DAY 2004  
A MESSAGE FROM  
THE CHAIR  
JENNIFER BRIDGES**

May 4<sup>th</sup> Law Day celebration of Brown vs. Board of Education was a great success with the 21 students who attended! Students attended from Arlington, Sequoia, Marysville Alternative, Mariner, Cascade, Jackson, and Lakewood High Schools and spent their day shadowing members of the bench and discussing the Brown decision during lunch. The discussion of Brown, led by Judge Dwyer, was very informative and a wonderful addition to SCBA's Law Day celebration. The students, participating jurists, and volunteer attorneys appeared to enjoy the discussion (and the pizza). This year's success was possible because of the Snohomish County Superior Court Bench's continued commitment to Law Day and the time volunteered by attorneys Heidi L. Hunt and Scott Wessel-Estes. Our executive director, Joyce Wood, and our president, Ruth Westbrook were also instrumental in Law Day this year. If anyone has questions or comments regarding this year's Law Day or would like information regarding participating next year, please call Jennifer Bridges at (425) 259-2275. ☞



**SCBA  
Young  
Lawyer  
Division**

The Snohomish County Bar Association Young Lawyers Division, in conjunction with the Washington Young Lawyer Division of the Washington State Bar Association, will be cosponsoring the next Young Lawyer Express free CLE and weekend getaway to Friday Harbor in the San Juan Islands this September. Stay tuned for details. ☞



*A series of profiles of lawyers and judges in Snohomish County who recognize the value of having a passion outside the law, of the outdoor variety. If you know someone who has a unique or daring outdoor passion that others might find interesting, amusing, or inspiring, let me know at [ultrarnr@juno.com](mailto:ultrarnr@juno.com).*

### **SANFORD KINZER PROFILE**

One of the first things I noticed upon entering Sam's office lobby was the Western theme – the furnishings, the magazines, and most obviously the art photographs on the brick walls depicting cowboys and country settings. It's an elegant yet relaxing office, a nice change from the typical downtown Everett law office.

When Sam walked out to greet me, I noticed that the Western theme carried over to his physical appearance as well. Sam is tall and fit, and carries himself with confidence. Not everyone can get away with wearing cowboy boots with business attire while still appearing professional and lawyerly, but Sam does. If he smoked, he'd make a good Marlboro Man.

Sam hails from LaGrande, Oregon. His grandfather owned a ranch outside town, where Sam and his family spent a lot of time. From age ten through high school, Sam was involved with horses in 4H and competed in junior rodeos. He

always had his own horse during that time.

But then, like so many country kids before him, he left his home town to go to college. And graduate school. And eventually law school. He then lived in Washington D.C. for twelve years. Finally he settled in Seattle. But for 23 years he left his love of horses behind.

When he reached the age of 42 or so, Sam realized he needed to adjust the pace of his life and re-evaluate his lifestyle. He wanted to slow it down a bit, and return to that early connection he had with horses and animals. He found a 40 acre parcel of land in Silvana in Snohomish County. He cleared the land, built a house, barn and arena, and bought a couple of horses and some Angus cows. He began riding and training horses again. He also began riding competitively again.

Today Sam competes primarily in two types of

riding: team roping, and reined cow horse competitions. In team roping, a timed event, Sam and another rider both work to rope a steer set loose in an arena. Using their horses to herd the steer, one rider (the "header") first ropes the horns, then the other (the "heeler") ropes the heels, at which point the clock is stopped and the steer released. In the reined cow horse event, Sam and his horse start out alone in the arena riding a certain pattern—the horse has to perform the pattern with as little direction from the rider as possible. Then a cow is turned loose in the arena, and Sam and his horse work to keep the cow at one end, then




run it down the fence line to the other end, turn it, move it to the middle and turn it in a circle in one direction, then the other, again following a certain pattern. Points are given for each maneuver correctly performed by horse and rider. As you can imagine, both events require a significant amount of training time.

Sam has participated in these competitions for the past nine years or so, traveling as far as Texas on occasion but more frequently riding in Oregon and Washington. He prefers riding Quarter horses. He currently has two mares and breeds them yearly; if the offspring show promise after some initial training, he keeps them. He now has six horses on his place, so apparently at least some are showing promise. Or maybe he just can't bear to part with them.

In addition to competitive riding, Sam enjoys trail riding with his wife Debbie. They ride locally in the Cascade Mountains near their home, and each year try to take a week long pack trip in the Wallowa Mountains of northeast Oregon near Sam's hometown of LaGrande. They use mules to haul their gear and camp near high alpine lakes where the fishing is good and the peace is all-encompassing. Sam and Debbie have two daughters, ages seven and four, and Sam's face lights up when talking about them (he referred to them as "cherubs" when I interviewed him). He admitted that his girls are "slower to take to horses than their father would like" but he hasn't given up the hope that they will eventually share his passion. They're too young to go along on the horse packing trips, but Sam looks forward to the day when they can join him and Debbie.

As part of the Snohomish County Bar Association fund raising auction, Sam and others considered offering a guided horse packing trip. It was a last minute idea and didn't pan out for this year. I can imagine it would be a great adventure. Sure, you'd end up with an incredibly sore butt if you're not used to riding, but you'd also likely have wonderful stories to tell for years to come. Don't pass it up if Sam offers such a trip next year.

It's clear that Sam knows he made the right choice in returning to a lifestyle similar to the one he remembers from his childhood. He enjoys having animals around, caring for them, developing a bond with them, and sharing those values with his wife and children. "The older you get, the more you hearken back to your childhood, that safe harbor," he told me. Sam's been very lucky to have done so. ☺



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**SUMMER SOLSTICE XVIII**

**WHEN:** June 18, 2003  
4:30 - 9:30 pm

**WHERE:** Monte Cristo Ballroom  
1507 Wall Street  
Everett, Washington

**WHAT:** *Food - Drink - Live Entertainment  
- Dancing*



Half way through our first year as a formal Section, and it feels good! Our membership continues to grow. To become a member of the Snohomish County Family Law Section, just send in your \$30 annual dues to:

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

Membership provides you with the opportunity to attend all of the monthly CLEs, offered at noon on the 3<sup>rd</sup> Wednesday of each month at the Kinard Room at the Snohomish County Courthouse.

With growth, we are implementing some changes. We will be advertising our upcoming CLEs in the Bar News and by flyer to section membership. Those who provide us with an email address will get email notice. We will be discontinuing mailing flyers to non-members to save costs.

Any questions, contact Joyce Wood at SCBA, or Lee Tinney at 425.339.3319 or lee@leetinneylaw.com.

**UPCOMING CLEs:**

- **Monday, June 21, 2004, “Compare & Contrast of Custody Actions: Dependency, Paternity, 3<sup>rd</sup> Party Custody, and Marriage Dissolution.”**  
 A panel of speakers including Scott Wessell-Estes, attorney, from the AG

office (dependencies), Marie Turk, attorney, from the Prosecutor’s office (paternity actions), Lee Tinney, attorney (marriage dissolution), and possibly a speaker from the Snohomish County Facilitator Office regarding current handling of 3<sup>rd</sup> party custody actions. 1.0 CLE credit pending.

- **Monday, July 19, 2004, “New Case/ Statute Update,”** Speaker Cheryl D. Russell, Attorney. 1.0 CLE credit.
- **Monday, August 16, 2004, “Elder Law in Family Law Cases,”** Speaker, Elizabeth Turner Smith, Attorney, 1.0 CLE credit pending.

**FAMILY LAW TIDBITS:**

Excellent cites for military info (current wages, garnishment info, retirement pay, etc): <http://www.military.com> and <http://www.dfas.mil/>.

Excellent cites for resources and referrals: <http://www.voaww.org/cil>

Minimum needs standard for one person with obligation to pay shelter costs as of 1/1/04: \$1,036.00. The minimum need standard for one person with shelter provided as of 1/1/04: \$511. WAC 388-478-0015.

Washington State minimum wage as of 1/1/04 is \$7.16/hr. <http://LNI.wa.gov/scs/workstandards/minwage.htm>.

For information on other states with minimum wages: <http://www.dol.gov/esa/minwage/america.htm>. ↻

# **SWEARING IN CEREMONY**

**JUNE 17, 2004**

**4:00 PM**

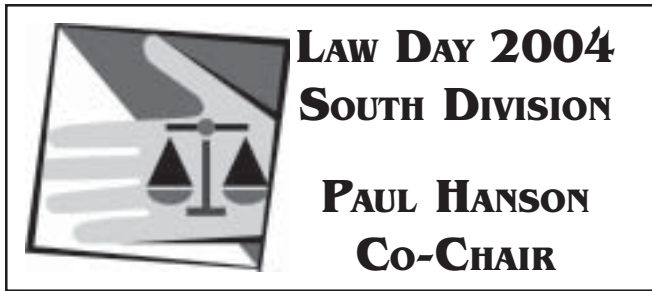
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**LAW DAY 2004 AT SNOHOMISH COUNTY DISTRICT COURT (SOUTH DIVISION)**

Over 800 Edmonds School District fifth graders, teachers, parents and local officials attended the Snohomish County District Court (South Division's) annual LAW DAY activities on Friday, May 14, 2004.

This year the American Bar Association's LAW DAY theme was "To Win Equality By Law - Brown v. Board of Education". 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". They were assisted by real life local volunteer attorneys. The results? 3 guilty verdicts, 6 acquittals and 2 hung juries. Overall, a good day for the "defense"!

LAW DAY Co Chair, SCBA attorney Paul Hanson, recruited local volunteer attorneys to help the students play their trial roles. To the "defense" came real life defenders Anthony Howard, Laura Martin, Carrie Cargas, and Satwant Pandher. Rallying to the Prosecution came real life prosecutors Darrell Johnson, Lorrie Towers, Tammy Bayard, Melanie Thomas, Julie Summers, Alex Rose, and Adam Cornell. Local assistant Attorney General Teresa Otsubo also volunteered. The

judges served free pizza to all volunteers afterwards.

This was the 18<sup>th</sup> annual LAW DAY presentation by the South Division Court. South Division judges Tim Ryan, Jeffrey Goodwin and Carol McCrae, along with Court Clerk/LAW DAY Co Chair Randi Hagen, have once again provided a valuable educational experience to the youth of our community. ☞



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

Dear Snohomish County Bar Member,

The Lawyer Referral Service of the Snohomish County Bar Association would like you to become a member of the LRS. We need input and representation from many areas. For example we have one or two attorneys in Snohomish County that practice law in the following areas: Workman's Comp Federal, Internet, Patent and Copy-write, Military, and Tribal. We only have two or three attorneys in the Snohomish County area that practice law in the following areas: Consumer Protection, Tenant, Workman's Comp, Employment and SSI. We receive on the average of 70 calls a day from clients requesting legal assistance. If you would like to increase your practice in a specific area, LRS is a great way to do that. In an effort to better serve all clients we need you as a member. In this newsletter you will find an application for the LRS. If you have any questions please give me a call at the SCBA office (425) 388-3056. ☞

**From all of the Staff at  
JAMES JOHANSON LAW FIRM, PSC**

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appreciation and gratitude to**

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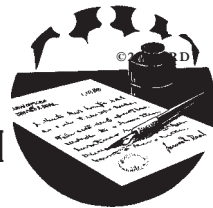
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I would appreciate any and all referrals of  
criminal matters in any of the Snohomish  
County courts...

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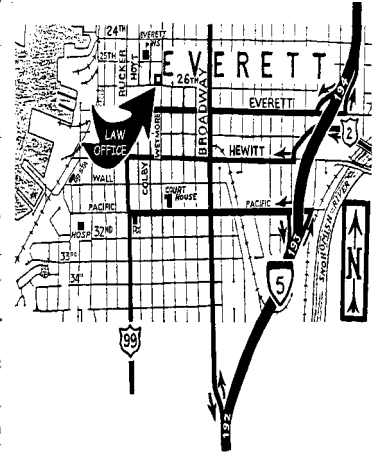
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**MARK YOUR CALENDARS NOW!!!!**

**Snohomish County Bar Association  
Golf Tournament**

Who: SCBA members and their guests.  
Where: Legion Memorial Golf Course, Everett  
When: Friday, September 17<sup>th</sup> 2004. Tee times begin at 11:00 am  
Format: Scramble  
Entry Fee: \$55.00.

**Cost includes Greens fee, post-golf hamburger barbeque, 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 Joyce Wood at 425-388-3056.***

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