

SCBA NEWS

The Official Publication of the Snohomish County Bar Association -

July 2003



**Happy
4th
of July**

SCBA NEWS

Published by the
**Snohomish County
Bar Association**

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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.

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In this Issue

- *SCBA Calendar of Events*
- *Superior Court Assignments*
- *From the Desk of the President*
- *Cascade Division Announcement*
- *Law Day Report*
- *A Message from the Chief Civil Deputy.*
- *For Lawyers Doing Guardianships and/or Minor Settlements*

SCBA Members Calendar of Events

July 2003

15th Deadline SCBA Newsletter
16th SCBA Softball & Picnic 3pm
17th SCBA Board of Trustees Meeting
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 Rm Law Office Management
15th Deadline SCBA Newsletter
15th Family Law Section Meeting
18th SCBA Board of Trustees Meeting
19th SCBA Golf Tournament
26th CLE Kinard Rm Law & Mental Health
30th Auction Committee Meeting

October 2003

15th Deadline SCBA Newsletter
16th SCBA Bench Bar Mixer
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
25th Auction Committee Meeting

December 2003

5th Getting What You Want From The Commissioner
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 Joseph Thibodeau

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

Juvenile Court: Judges Allendoerfer and Cowser;
 Commissioner Stewart¹

Civil Motions: Judge Wynne: July 1 - July 11
 Judge Farris: July 14 - July 25
 Judge Hulbert: July 28 - July 31

Criminal Hearings: Judge Thorpe: July 1 - July 11
 Judge Hulbert: July 14 - July 25
 Judge Farris: July 28 - July 31

Criminal Dept. Judges:² Judges Thibodeau, Thorpe, McKeeman, Hulbert, Farris, Krese, French and Bowden

Civil Dept. Judges:² Judges Knight, Castleberry, Wynne and Fair

Ex Parte/Commissioner Civil Motions:¹ Commissioner Brudvik

Family Law Calendars:¹ Commissioners Bedle and Waggoner

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**

Atticus Finch Lives

The American Film Institute recently published a list of top heroes and villains from American films. To many surprised people the top hero named was Atticus Finch the attorney from the movie "To Kill a Mockingbird." Frankly, I am not surprised. I have always believed that the legal profession required heroic acts made by people with integrity. But, Atticus beat out Spiderman, Indiana Jones, and James bond.

Despite the fact that many people view the legal profession with disdain, there are still exemplary lawyers who advocate for people's rights and protection. Yes, there are lawyers who deserve the bad press. But just like this list, there are always those lawyers who come out on top because of their true hearts and belief in their work.

I am proud to say that Snohomish County is home to many lawyers with top-notch ideals and work ethics. Many of our lawyers go above and beyond the ordinary to help those oppressed, abused and indigent folks who are in need of good representation.

We still enjoy a small town community atmosphere here in this County. While it is not like the small town where Atticus lives, the atmosphere here contributes to the cooperation between lawyers. That is not to say that the adversarial process is not active. It means that we are civil to one another and considerate in trying our cases.

I remember clearly when I was a new attorney defending a teen in a manslaughter case at juvenile court. I was grateful to my employer to have been given the opportunity to try such an important case

early in my career. But, what I remember most was how courteously the prosecuting attorney treated me. I learned important lessons from that case. One was that I could not continue to have a listed telephone number. I did get hate calls and mail. But, I did not have to bear the problems Atticus Finch faced.

I came into this profession with an altruistic attitude and I believe I still maintain that attitude. I have been burned by a few clients and I have had a few opposing counsels that scorched my toes. But the ultimate outcome is that I am being given the opportunity to serve, just like Atticus!

Are you a believer in Atticus? Do you serve your clients, your community, and your profession? If you live in Snohomish County, the odds are that you do. And if you have not seen the film, rent it tonight. It will inspire you. It will renew your soul and your belief in the honor of your profession.

EFFECTIVE IMMEDIATELY

**the Confirmation Clerk's telephone
number for**

Cascade Division

**has changed to
(360) 435-7747.**

Both sides should call and confirm by 3:00 P.M. Please be advised that the jail requires notice by noon the day before trial if an in-custody defendant needs to be dressed and transported.

WE'RE MOVING



The MARYSVILLE MUNICIPAL COURT is moving to a new location. As of June 18th, our new address will be 1049 State Ave, Suite 205, Marysville, WA 98270.

The Court office will be closed Thursday, June 19th and Friday June 20th as we move into our new facility and will be open for regular business on Monday, June 23rd.

Thank you in advance for your cooperation in this matter and we apologize for any inconvenience this may cause.



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Michael J. Andrews

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

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LAW DAY REPORT
BY
RICHARD OKRENT
CHAIR

This year's law day celebration proved to be a rewarding experience for all of those students who attended. Thirty-four students and their counselors from eleven local schools attended the event. The day included a complete tour of the courthouse and clerks office, job shadowing with the judges and their staff, impromptu briefings by local attorneys, lunch & photo session with the judges, and observations of drug court and the criminal motions calendars.

Summing up the day Ms Elder Career Specialist at Everett High school stated,

Thank you so much for the experience for the Everett High students last week. The whole afternoon was very well organized. We appreciated meeting a variety of persons involved in the legal process. Please share our thanks with the many people who were involved. I wish you could have heard the post-experience 'debriefing' that the students shared. It would have made it well worth all the effort you and the rest of the people gave towards this event.

Ms. Roberts Career Specialist at Cascade High School also wrote,

We loved Law Day! Thank you for a great opportunity. Some of the students would like to write a couple Thank You's. If they wanted to send a thank you to Judge Fair, how do they address it? Does she have a specific floor, etc. that they need to add to the address? Also, two of the girls, Jessica Dickinson and Nashla Romano, had a judge that went home sick and they didn't meet him. They would, however, like to thank his Court Clerk, Jennifer. Thank you so much for all your help!

The Snohomish County
 Bar Association
 wishes to thank the Judges and
 their staffs for their continuing
 partnership in sponsoring this
 event.

Kudos to local attorneys
 Seth Fine, Ruth Westbrook, and
 Ruth Spolter, and executive
 director Joyce Woods
 for staffing Law Day.

**Announcing the Opening on July 7, 2003
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- Complex Child Custody Matters
- Parenting Plan & Child Support Modifications
- Mediation
- Paternity Actions

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 rals for King County family law matters.

Snohomish County Bar Association Golf Tournament



Who: SCBA members and their guests.
Where: Legion Memorial Golf Course, Everett
When: Friday, September 19th 2003.
Tee times begin at 11:00 am
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 Joyce Wood at (425) 388-3056



**A MESSAGE FROM
BARBARA DYKES,
CHIEF CIVIL DEPUTY**

Ever since I started working at the Civil Division of the Snohomish County Prosecuting Attorney's office back in 1990, I've had some difficulty explaining to my non-lawyer friends, and even some of my lawyer friends, where it is that I work. I always say "the Civil Division of the prosecutor's office" and then hasten to add that we defend the County in CIVIL lawsuits, occasionally sue entities on behalf of the County, and give legal advice to county departments. Despite my cogent explanation, I often get blank stares, and am often asked how many people I have put away lately.

Well, that is a little frustrating. But working at the Civil Division is most days, a pleasure and an honor, and only rarely frustrating. And I think that most of my colleagues here would agree. The Civil Division is a large civil law firm (for Everett, anyway) comprised of 23 lawyers and 11 support staff, with the large task of being the County's primary legal advisors. Our office is divided into three sections: municipal, land use and environmental, and litigation and employment. Each unit has one or more lead senior attorneys.

Our municipal unit, comprised of six attorneys, advises most of the county departments and elected officials (with the exception of a few advised by the land use unit). Those entities include everything from the Evergreen Fair to the Department of Human Services to the Finance Department. We have attorneys in the municipal unit who have studied extensively in specialized practice areas as diverse as Indian law, HIPAA, public contracting, bankruptcy, public disclosure, and municipal finance. While the municipal unit's primary role is to provide legal advice to various county officials, our municipal attorneys also do litigation on a fairly frequent basis.

Our land use and environmental law unit, from which I came before taking over the helm as Chief, is comprised of nine attorneys. Although I am not exactly the type of person who brags much, I am very proud of this unit and its accomplishments. This office has built a solid team of attorneys who are known throughout the state for their skills and talents in defending the county on the numerous challenges we receive. This group both gives legal advice to various county entities on land use issues (County Council, Executive, Department of Planning and Development Services, Department of Public Works (certain parts) and the Planning Commission), and represents the County in state and federal court, numerous state administrative boards, and administratively at the local level.

Our litigation and employment unit, comprised of seven attorneys, are the unsung heroes of the County taxpayers. This unit defends the County in litigation and on rare occasion actually brings lawsuits when warranted and requested by our clients. The variety of cases we have in this unit is amazing—while we do have those garden variety personal injury cases and employment cases, we also get some pretty sophisticated cases, with issues as esoteric as Indian law and medical marijuana. Our litigation attorneys become masters of whatever topic may come along, be it GMA impact fees or corrections (jail) litigation. Please rest assured that these folks have saved you taxpayers a lot of money in so many little and large ways that it is difficult to know where to begin.

Finally, the office is head by yours truly and two assistant chiefs—Tom Fitzpatrick and Thomas Herrick (Rick) Robertson. Tom oversees all litigation in the office, and Rick oversees all municipal matters, as well as being primary advisor to the County Council. Janice Ellis, our elected county prosecutor, says she appointed me, among other reasons because of my knowledge of land use, which I guess made her feel a little more secure since she professes to know nothing of land use, but she is a quick study.

My view of this office is that the county is very for-

tunate to have this group, who are without exception, very talented and skilled attorneys. Our skills rival any law firm in downtown Seattle or Everett. Pretty much all of our attorneys could be making a great deal more money working in the private sector, but have chosen to work here because they have a commitment to public service and wish to have an interesting and varied practice. I have said this since I started working here, and I still believe it to be true: this is truly a job where there is never a dull day—there is always something new and different, and just when you think you’ve seen it all, something happens that takes your breath away for good or bad. While you hopefully won’t hear much about us – it’s usually bad if we and not just our clients make it into the newspaper, we’re here and part of the legal community in Snohomish County.

ELIZABETH A. MICHELSON
Attorney at Law

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2003 Upcoming CLEs

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.

September 12, 2003
"Small Law Office Management"

Presenter:

Peter Roberts, M.B.A.,

Washington State Bar Association Practice Management
Advisor

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

- Personnel management issues
- Client fee agreements & engagement letters
- New technology available for your practice of law
- Ethical practice in a small law office
- Professional responsibilities in a small law office
- General prevention maintenance within your practice

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

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

Price: \$55.00 members \$75.00 non-members

(2 credits applied for 1 ethics 1 general)

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

September 26, 2003
“Law and Mental Health”

Presenters:

Rita Love, Attorney at Law

Mike Finkal, City of Seattle Prosecutor

Larry Westbrook, Snohomish County Human Services

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

- Civil Commitments
- Over view of the law RCW 71.05
- Legal criteria for commitment
- Who decides how long
- Ethics with mental health issues
- When mental health issue enter the family law decision

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

When: 9:00 am to 12:00 pm, Continental breakfast.

Price: \$75.00 members \$95.00 non-members

(3 credits applied for 1 ethics 2 general)

R.S.V.P. with the SCBA office
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For Lawyers Doing Guardianships and/or Minor Settlements

By: Hon. Robert C. Bibb, Retired;
Supervisor of Guardianship
Monitoring Program

During my 54 years as a lawyer or judge at times I have encountered those fortunate lawyers whose clients could do no wrong, presumably because they were smart and virtuous enough to retain the fortunate lawyer. For those of us less fortunate and do guardianships or handle settlements or recoveries for incapacitated persons, it would be wise to closely read a recent, and in my view salutary, opinion of Div. I in *Treadwell v. Wright*, 115 Wn.App. 238, 61 P.3rd 1214 (2003).

This decision holds that the lawyer handling these cases does owe a professional duty to the incapacitated person, although the "client" is the Guardian, GAL or parent. The type of cases normally resulting in potential liability to the lawyer are ones in which the liquid assets are not protected by validly evidenced blocked accounts and/or a bond, and the assets are dissipated by the guardian or parent, the lawyer's nominal client. *Treadwell* holds that it is not enough for the lawyer to merely advise and/or furnish forms to the client. The lawyer owes a duty to the incapacitated person to see that it's actually done and properly done! For those of you who have handled these matters in the past, remember - the statute doesn't run during the incapacity of your "other client." So, when Guardianship Monitoring Program (GMP) calls your office to get proper verification of the account, it might be wise to enthusiastically cooperate!

In many minor settlement situations the Plaintiff parties are pro se and the settling defendants' attorney does the legal work with a settlement GAL also involved. Settlement GALs have quasi-judicial immunity under *Barr v. Day*, 124 W.2d 318, 879 P.2d 912. In my view, such cases impose a further duty on the settlement judge to see that someone follows

through to see that the settlement proceeds are properly protected. GMP will recommend to our court that as a condition to eligibility for settlement GAL appointments in cases with no plaintiff's counsel, that the SGAL undertake this function.

Practitioners may anticipate that the judges and commissioners in Snohomish County will be tightening up on bonding and blocked account requirements and the policing thereof in all guardianship cases as well as non-guardianship cases requiring them.

There is a statewide movement to improve the creation, approval, management and supervision of special needs trusts. King County advises that they have an "Addendum" which they are now requiring to be added to the trust instruments as a condition of approval of settlements funding such trusts. The addendum requires filing a signed copy of the trust with the court, accountings, etc. A copy of the addendum may be obtained at the GMP office. GMP is recommending to our court that the addendum or something similar be adopted for Snohomish County.

For those of you interested in the GMP operation, we finished the third year this past May 1. We have had a total for the three years of 1190 referrals, 825 of which were for delinquencies in timely filing required reports and other documents. The balance of referrals were for financial reviews, home visits and "miscellaneous", the latter mainly being requests by guardians and attorneys for assistance, usually in the reporting process, and complaints against guardians, etc. The referral figure does include civil and estate cases involving settlements and recoveries for incapacitated persons to be placed in trusts, structured settlements or blocked accounts and not included in a guardianship report. The Snohomish County Clerk's office advises that there are presently 1237 open Guardianships, including 223 filed in 2002. So, it can be seen that the incidence of delinquencies has been quite high.

We continue to be an all-volunteer office with 17 volunteers serving in various capacities, with over half serving from the beginning.

GMP has developed and has on hand for distribution a number of forms commonly used in Snohomish County guardianship practice, as well as a Guardian's Manual, all of which can be obtained from our office on request.

Our case load is changing, with fewer delinquencies and more financial revisions and guardian assistance. 15% of our delinquencies remain unresolved and are being presently worked on. The court has closed the file, subject to reopening, in many of our earlier referrals where, even with the assistance of volunteer retired law enforcement, we have been unable to locate either the guardian or the ward.

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ATTORNEY
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The Civil Division of the Snohomish County Prosecuting Attorney's office seeks a land use attorney with an interest in advising clients in areas relating to land use and environmental regulation including zoning, State Environmental Policy Act compliance, Growth Management Act compliance and Endangered Species Act compliance. Experience with the Land Use Petition Act, land use damages claims, and administrative hearings board experience is desired, as well as excellent writing and oral communication skills. Experience in computer-aided research and word processing is extremely desirable. Salary dependent upon qualifications. Generous fringe benefits and leave package.

To apply, please submit a letter of interest, resume, writing sample and references to: Shawn J. Aronow, Snohomish County Prosecuting Attorney's Office, 2918 Colby Avenue, Suite 203, Everett, WA 98201. Position open until filled. Snohomish County is an equal opportunity employer.

**IMMEDIATE OPENING FOR
ASSOCIATE ATTORNEYS**

**Established law firm seeks two
associate attorneys. At least two
years experience required. Salary
DOE plus benefits.**

Send resume and cover letter
via mail and fax to:

**Tario & Associates, P.S.
Attn. Diane
119 North Commercial Street
Suite 1000
Bellingham, WA 98225
(360) 733-7092 FAX**



**Anderson Hunter Law Firm, P.S.
seeks a Family Law Attorney with
at least 2-3 years of experience.**

The successful candidate must be able to work independently, have family law trial experience, and be interested in building a family law practice group with the firm.

Please mail or e-mail your resume to
Angela Stahl, Administrator,
Anderson Hunter Law Firm, P.S.,
P.O. Box 5397,
Everett, WA 98206;

astahl@andersonhunterlaw.com.

Visit our website at
www.andersonhunterlaw.com.



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!

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

