

September
2004

Volume 32
Number 8

The official publication of the
Snohomish County Bar Association

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NEWS



Snohomish County Bar Association
Golf Tournament

Friday, September 17, 2004

Tee times begin at 11:00 a.m.

An afternoon of fun, camaraderie and a relaxing good time.

SCBA NEWS

Published by the
**Snohomish County
Bar Association**
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Everett, WA 98206

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Printed by the SCBA

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

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

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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

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Lawyer Referral Service: (425) 388-3018.

SCBA CALENDAR OF EVENTS

September 2004

- 9th CLE & Candidates Forum
- 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 2004

- 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 2004

- 9th Young Lawyers Section Meeting
- 15th Deadline SCBA Newsletter
- 15th Family Law Section Meeting
- 18th SCBA Board of Trustees Meeting
- 30th Auction Committee Meeting

December 2004

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

January 2005

- 11th Young Lawyers Section Meeting
- 15th Deadline SCBA Newsletter
- 20th SCBA Board of Trustees Meeting
- 24th Family Law Section Meeting
- 25th Auction Committee Meeting
- 28th SCBA Annual general membership meeting

February 2005

- 8th Young Lawyers Section Meeting
- 15th Deadline SCBA Newsletter
- 17th SCBA Board of Trustees Meeting
- 21st Family Law Section Meeting
- 22nd 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 Castleberry and McKeeman
 Commissioner Brudvik¹

Civil Motions: Judge Allendoerfer: September 1 – September 17
 Judge Hulbert: September 20 – September 30

Criminal Hearings: Judge Cowsert: September 1 – September 3
 Judge Thorpe: September 6 – September 17
 Judge Allendoerfer: September 20 – September 30

Criminal Dept. Judges:² Judges Thorpe, Hulbert, Krese, Bowden, Fair, Cowsert, Dwyer and Downes

Civil Dept. Judges:² Judges Knight, Allendoerfer, Wynne and Farris

Ex Parte/Commissioner Civil Motions:¹ Commissioner Stewart

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.

(Footnotes)

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,
RUTH WESTBROOK

Over the last several years, I have lost my grandmother, my sister, my grandson and a husband. The French family suffered all of these losses in one fell swoop. I extend my deepest condolences to everyone in the French family. I can empathize with their loss more than I would like to be able to do. Judge Charlie French was probably one of the most brilliant writers I have ever had the pleasure of reading. He was witty, bright, educated and could make a point in a pleasing way. ☞



LETTERS
TO THE
EDITOR

From the Editor,
Jennifer Bridges

As Editor of SCBA News, I encourage each of our members to provide feedback regarding our publication by way of letters to the editor. Letters received at the SCBA office by the 15th of each month (which include the author's full name) may be used in the "Letters to the Editor" column in each issue. I am hopeful that this new column will provide for interesting reading and discussion among our members; as well as an avenue for suggestions and constructive criticism of our publication.

It is also my pleasure to thank a few of our members for their contributions to SCBA News. First, Pete Patterson and Rebecca Wallick (our frequent authors) for their respective columns, "Lawyer's Road Review" and "Get a Life." Second, Commissioner Arden Bedle for his informative "Current Family Law Issues" and Richard Okrent for his jaunt into the parallels between law and "The Godfather" trilogy. Other regular contributors include, Ruth Westbrook, Geoff Gibbs, and the Young Lawyers and Family Law sections. Thank you again for your contributions to SCBA News.

I am always looking for good articles, so please let me know if you have an article that needs publishing or know someone who may wish to contribute. I can be reached at (425) 259-2275.

☞

**ATTORNEYS NEEDED FOR WILLS
CLINIC SEPTEMBER 14, 2004**

Snohomish County Legal Services, The United Way and Senior Services of Snohomish County are in the process of organizing a Wills Clinic for Seniors on Tuesday, September 14, 2004 (Specific Time and Location in Snohomish County TBA). Volunteer attorneys who are able to help seniors draft wills, update wills, establish powers of attorney and health care directives are desperately needed. It is anticipated that there will be a short presentation by the attorneys regarding document preparation, followed by individual consultation with clients in need of services and advice. Total time for volunteering is only a few hours out of your work day. Expertise in estate planning is always helpful but is not a requirement as clients will have very limited income and resources. Ideal opportunity for attorneys who would like to give something to our local senior residents of Snohomish County. This is an excellent way to help a large population in the community with a growing need for legal services without a large investment of time. For further information, contact Threesa Milligan at Snohomish County Legal Services, (425)258-9283.

“Ethics

&

The Attorney General”

Ethics CLE Seminar (2.0 Ethics Credits Pending)

- Avoiding the Black Hole of CR 11
- Ethical Traps in Marketing & Business Associations in a Highly Competitive Legal Market
- Recent & Contemplated Changes in the Rules of Professional Conduct

The Honorable Ronald Castleberry

G. Geoffrey Gibbs (Mbr. RPC Comm.)

Forum & Presentations by

Mark Sidran

Mike Vaska

Deborah Senn

Rob McKenna

The Candidates for State Attorney General

(Co-Sponsored by SCBA and Washington Women Lawyers)

Attendance at the CLE - \$75.00

Attendance at the Forum - No Charge

Thursday, September 9, 2004

Seminar: 2 – 4 p.m.

AG Forum: 4 – 6 p.m.

(with No Host Bar)

Howard Johnson Hotel

3105 Pine Street, Everett, Washington

Questions Geoff Gibbs (425) 259-2191

RSVP with the SCBA office (425) 388-3056



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.

TED MUESER PROFILE

[Ted is a Deputy Prosecuting Attorney in the Family Support Unit of the Snohomish County Prosecuting Attorney's office in Everett. I first met Ted when I was arbitrator in one of his support modification cases. A few months later, I was running up a wooded trail in British Columbia, participating in the Diez Vista 50K, when a friend started to introduce me to one of his climbing buddies who was running his first ultra. It was Ted. Small world.]

Ted grew up in a small town in New Jersey, the youngest of three boys. The family did lots of backpacking when Ted was young, in the White Mountains of New Hampshire. The family also downhill skied, the kids all starting as toddlers. Ted's father eventually went on to through hike the Appalachian Trail when he was over the age of 60. It's clear that Ted comes by his lifelong enjoyment of the wilderness and current drive to regularly climb, ski, hike and run in the mountains honestly.

Ted's technical climbing career began when he was eighteen and spent time climbing in the Tetons in Wyoming. After college in Ohio, he didn't know what he wanted to do with his life, other than head west to the mountains. He eventually landed in the

Pacific Northwest, where he feels the best mountains are found. Better even than Colorado's, because here we have rugged, glaciated mountains. The downside, of course, is our weather; often a planned climb is weathered out. Ted finds that he rarely tries winter climbing anymore, because of weather issues, and instead climbs in the North Cascades during our short summer season of mid-July through September. But even summer climbs can have weather surprises. In July of 2003, Ted and some friends attempted a climb of Mt. Goode. The trip started with a full day's travel simply getting within striking distance of the climb: a drive to Chelan; a boat ride to Stehekin at the far end of Lake Chelan; a shuttle bus to the trail head;

and a hike up to their high camp. They proceeded to climb the mountain, getting to about 8000' only to be forced off a thousand feet shy of the summit by a snowstorm—the only storm that summer! Such is the life of a weekend mountaineer.

This group of friends tries to do something similar each summer. Ted then also tries to plan at least one technical climb each summer. He's still looking for something new to climb in 2004. One memorable "killer trip" was a six-day event that included a climb of Mt. Challenger in the far North Cascades. Ted vividly recalls the glacier travel and bushwhacking over lots of



vertical terrain, but knowing some of the people he does these trips with, I'm not surprised. That's what they call fun. Be very wary if Ted ever invites you on one of his outings!

Ted has been married to Laura Mueser (a former GAL in Snohomish County) for ten years, and they have two sons, Will, age seven, and Eric, age three. Laura has always been supportive of Ted's climbing and running, even though she prefers hiking and skiing. She knows well how miserable he can become and annoying to have around the house if he doesn't get

his regular climbing fix, so she's often the one encouraging him to get out there. As a family, they maintain the traditions of Ted's childhood, taking their boys on annual backpacking trips, lots of hikes, and skiing in the winter. Laura took both of the boys cross-country skiing before they were a month old. Ted started teaching Will to downhill ski when he was three; he'll start Eric in a year or two. As Ted points out, the first few years of skiing with your young child are an investment in the future, since the parent doesn't get to do much actual skiing. But, as I countered, he'd better keep his own skills honed or his boys will soon surpass him and he'll be left to ski alone!

Ted admits that his age is starting to catch up with him. He must now train for his more grueling climbs, whereas in his youth he could just head out and climb with confidence. To stay in shape, Ted runs regularly after work, and occasionally participates in an ultra distance trail run for fun. He also does pull-ups. "Three years ago I went to an air show at McChord AFB. A Marine Corps booth was offering prizes in a pull-up contest. I did 15, and won some prize. For the next two years, they kept sending me recruiting materials until I finally called them and pointed out that since I was in my 40s, I was probably past their age limit."

Ted has an impressive climbing resume, including summiting McKinley, although it was like pulling teeth to get him to tell me about some of his exploits. Like so many of the outdoor enthusiasts I know, he never brags on himself and is loathe to appear self-aggrandizing. I first learned of Ted's accomplishments through his friends, who consider him one of the most competent backcountry skiers and climbers they know. He has climbed for nearly 30 years without serious incident. But he did have two close calls a couple of years ago, within the space of a few months, which gave him pause and made him resolve to be more careful. The first incident involved a technical climb of Longs Peak in Colorado. He and his friend had summited and were descending when one of those infamous Colorado mountain lightning storms overtook them. The lightning was flashing all around, and the rain and hail pounded them as they tried to quickly hike back down to tree line. The rainwater ran like a stream down the trail

with them, and Ted remembers suddenly seeing a neon glow all around him and feeling "bee stings" in his heels; the lightning had hit the trail above them and literally electrified it! He jumped off the trail and waited in the trees until the storm passed.

Five months later, in December, Ted and a friend were backcountry skiing in the terrain behind Crystal Mountain. They came upon a group of Mountaineers who had been swept down a slope by an avalanche moments before. Some were shaken but OK, some were injured, and one was missing. Ted and his friend immediately and frantically started digging with their shovels, knowing every second counted – the friend's shovel broke, they dug so hard. They eventually found the missing skier, dug him out and gave him CPR for endless minutes, but unfortunately it was too late.


Ted admits those two incidents scared him, made him more aware of his own mortality, and emphasized that he wants to be here for his wife and two small boys. He's more careful in his winter backcountry skiing, and no longer chooses the more extreme climbing routes. Now, he seeks challenging, but safe routes. Ted quoted a climbers mantra: "There are old climbers, and bold climbers, but no old, bold climbers."

While Ted describes himself as a weekend mountaineer, I think we can all agree he accomplishes much more than the typical weekend warrior in his outdoor pursuits. He's managed to find a great balance in his life, and it shows in his outgoing and friendly disposition, inside and outside the courtroom. Ted finds his work as a prosecutor a perfect compliment to his outdoor activities, in this wry sense: "The key to having a great job is to have a hobby that makes it a relief to get back to the office on Monday."

Addendum: Just after our interview in July, Ted and his regular climbing group did an eight-day traverse of the Klawatti Ice Cap in the North Cascades. They did some climbing and hiking/bushwhacking over rugged terrain in the backcountry; the National Park Service hadn't issued a permit for that area in over two years it's so remote, and they didn't see another soul for the entire trip. Ted described

continued on page 8

Get a Life continued from page 7

the outing as a major grunt but lots of fun. All did not go as planned, however. Here's Ted's report: "We climbed Auster Peak and Eldorado Peak. On the Auster climb, the rock was very rotten. Our group was rappelling off the summit when one of the two rappel anchors popped out. Searching for a new placement, I yanked on a cam and a 300 lb rock came out of the wall and hit my hand. My middle finger was cut to the tendon. We bandaged it up and returned to high camp, where the two doctors in the group stitched it up. As this showed, doctors are much more useful on trips like this than lawyers." By the time Ted returned home and was able to have the wound looked at, it was infected; he became quite sick but after massive doses of antibiotics, is back at work. I suspect Ted won't be giving anyone the one-fingered salute with that hand anytime soon. 

**WYLD Young Lawyer Express:
CLE by the Sea Weekend**

Don't miss this opportunity to earn free CLE credits! Join your colleagues for estate planning and probate, evidentiary and civil procedures practice tips, family law, and much more at Friday Harbor, San Juan Island on September 25, 2004. Approved for 2.75 general CLE credits.

Take advantage of this excellent opportunity to network with other young lawyers. Group activities include kayaking, bowling, and an island scavenger hunt.

For registration and detailed event information, please visit www.wsba.org/lawyers/groups/wyld. We hope you'll join us!


September 24-26, 2004
Friday Harbor Inn
San Juan Island, Washington



**SCBA
YOUNG
LAWYER
DIVISION**

The Snohomish County Young Lawyer Division had a great turnout for the monthly meeting on July 13th at the Flying Pig. The Division discussed the upcoming free CLE event they are co-sponsoring with the WSBA Young Lawyer Division. The event is scheduled for September 25th in Friday Harbor. Anyone interested in attending is encouraged to book a room now by calling the Friday Harbor Inn at (360) 378-4000 and telling them you are with the WYLD. Don't miss this opportunity to earn FREE CLE credits! Join your colleagues for estate planning and probate, criminal law evidentiary and civil procedure practice tips, and more. 2.75 general CLE credits are pending. It will also be an excellent opportunity to network with other young lawyers. Group activities being planned include kayaking, bowling, and an island scavenger hunt. For more information on the CLE By the Sea Weekend, please contact Chris Bell at cbell@bellingham.com.

The Division is also moving forward with Pro Bono opportunities for young lawyers. This is a great chance to gain some additional experience as well as giving back to the community. The Division has been discussing over the last couple of meetings which Pro Bono options to pursue and have decided to become involved with Team Child. Team Child is an organization which offers representation to students in expulsion hearings at local schools. If you are interested in becoming involved, please contact Julie Rattray at julier@snocolegal.org. Jennifer Bridges asked for volunteers from the Division for the SCBA auction committee. If you are interested in serving on this committee, please contact Jennifer at (425) 259-2275.

The Division meets on the second Tuesday of every month. If you are interested in attending, please contact Karin Young at youngkarin@hotmail.com. The next meeting is on September 14th at the Flying Pig in Everett at 5:30. Hope to see you there. 

TRIAL DE NOVO FEE SHOULD REPLACE ARBITRATION FEE

by Ron Steingold

Snohomish County got it wrong when it passed the ordinance requiring a \$220 mandatory arbitration fee. Instead there should be a fee for requesting a trial de novo.

I write this just having received my state compensation for acting as the arbitrator of a case - \$55.76! That was a collection case. My arbitration duties consisted of setting up the initial arbitration date, drafting a letter, reviewing the plaintiff's pretrial statement and writing the notice that the case had settled just before an arbitration hearing was scheduled. It's probable that the debtor finally agreed to pay the debt once the certainty of losing in arbitration could no longer be delayed. So my service as arbitrator resulted in the matter getting resolved efficiently. My fee as an arbitrator is well below my hourly rate in private practice. I'm not complaining because I look at my arbitrator service as a contribution to my community.

The cost to resolve a case through arbitration alone must be less than if the case had been before a judge or jury because an arbitrator is paid less than a judge, because the arbitrator's assistants and administration costs are rolled into the arbitrator's fee as compared to the court system where their salaries are extra, and because with arbitration the county and state pay nothing for the facilities for the hearing. The cost of administering the arbitration process should be relatively small, consisting of sending out standard, computer-generated packets for selecting the arbitrator, notifying parties about the appointment, notifying the arbitrator about the parties and which forms to use and tracking that the arbitration happens. If the purpose of the fee is to address the administration cost then \$220 per case seems ridiculously high. The county and state get a bargain by using an arbitrator instead of a judge, clerk, bailiff, court reporter, security staff, possible jury, the trial coordinator and court facilities.

It should not cost \$220 more to go forward with a case subject to arbitration when cases that have more at stake proceed without that cost. Cases subject to mandatory arbitration are by their nature smaller money cases. From the litigant's standpoint it should not cost more for justice in a smaller case than in a bigger case.

In a smaller case the ratio of litigation costs upfront is higher as a percentage of the possible result. The added cost of arbitration can discourage litigants from using the courts to resolve their disputes.

For example a primary parent who seeks a child support increase will have the burden of paying the arbitration fee upfront as a prerequisite to the process. If that parent is seeking the increase because child support has been inadequate then that parent's difficult financial situation is made worse by having to pay the arbitration fee upfront.

As another example, a homeowner who has been the victim of shoddy home repair work has to pay the costs to correct it plus sue the contractor on the bond in superior court even if the damages are less than the maximum in small claims court. (The homeowner can sue the contractor in small claims court but by statute cannot sue in small claims court on the bond. Without the bond the small claim judgment versus the contractor will often be uncollectible.) Compared to the small claim filing fee of \$20, the filing and arbitration fees in superior court will cost \$330, sixteen and a half times as much, to be paid upfront before that homeowner gets his day in court. Presenting a \$4000 case in the 2 forums is not much different but the cost to get through superior court is disproportionately higher.

I always tell my clients that a judgment is as good as your ability to collect it. Having a greater upfront cost to litigate a smaller case, the risk of not being able to recoup the arbitration cost discourages litigants from filing where the eventual judgment may be uncollectible.

Having a fee for requesting a trial de novo makes more sense. It costs the court system more to administer an arbitration plus a trial de novo than it does to just administer the trial. With a trial de novo fee the cash flow for the second adjudication would come from the losing party in the arbitration. That party has already had a chance to present a case, lost and now utilizes the court's resources for a second adjudication that costs the system extra. It is more fair to have the fee paid by the party having lost once who uses additional court system resources than to require the party who initiates the process to pay a fee and hope to recoup it. Then just like with attorney's fees the trial de novo fee should not be recoverable unless that trial results in an improved position.

Is there interest in the bar and bench to change to a de novo fee? ❧



FROM THE DESK
OF PAM DANIELS
COUNTY CLERK

**Snohomish County Clerk's Office Imaging (EDRMS)
Update - Part II:**
**Important Information Regarding the Filing of
Superior Court Documents**

As previously discussed in the Snohomish County Bar News, the Clerk's Office is in the final development stage of their Electronic Document and Records Management System (EDRMS). The system is projected to be

implemented in late 2004, with public access to digitized records/documents beginning sometime in mid-2005.

The following guidelines and requirements regarding the filing of Superior Court documents in Snohomish County have been established to ensure document quality and long-term preservation of the record. These requirements have been submitted to Superior Court in the form of a local court rule for review and approval. This review will not occur until early 2005. Members of the Bar are asked to conform to the following requirements that become effective October 1, 2004. Documents that do not conform to these standards may be rejected by the Clerk's Office:

- 1) Document Format. The format recommendations set forth in CR 10(e) and GR 14 shall be required. Documents that do not meet the standards may be rejected by the Clerk.
- 2) Document Paper and Print. All original documents filed shall be clear, legible and permanent, and printed or typewritten (a minimum of 10-point type) in black or dark blue ink on non-translucent, non-colored bond paper or other paper suitable for scanning and microfilming. Tissue, thermal, or onionskin paper shall not be used. All original pleadings and other papers shall be first impressions and not carbon copies. Printed, multi-lithed, mimeographed, photocopied, and other comparable reproductions are acceptable. Every original paper filed, except ribbon copies of typewritten documents, shall bear the word "original." Every paper other than the original filed with the Clerk or delivered to a Court must be labeled "copy." The Court may refuse to sign any order not complying with this rule.

The following standards are required to assist the clerk for document scanning purposes: 1) Use of binder clips on large documents; 2) one staple per document (do not staple sub-documents within the pleading); 3) use of bottom tabs only; no colored divider pages; and 4) use of tape within documents (to affix small notes and receipts) instead of staples.

- 3) Unsuitable Materials. Per SCLCR 79(d)(2), whenever any paper or other material is presented to the clerk for filing but is deemed by the clerk to be improper or inappropriate for filing *or scanning*, the clerk shall affix the file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines that the paper or material should not be made a part of the file, the court may order that the unsuitable material be sealed *or, in the case of an inability to scan a document due to its size and failure to meet the requirements of GR 14 and SCLCR 10, the court may order that the document be converted to an exhibit.*

Italicized language reflects changes, recommended by the Clerk, to the local court rule currently awaiting review and approval by Superior Court as discussed above. The Clerk's Office currently applies SCLCR 79(d)(2) when material is filed that cannot be microfilmed. The Clerk may either request the court sign an order converting unsuitable material to an exhibit or may reject the material after filing in the Clerk's Office if the material does not comply with GR 14. If your intent is to ensure the material you are filing becomes a permanent part of the Superior Court record, you will need to ensure that the requirements of CR 10(e) and GR 14, as well as the guidelines above are followed.

The Clerk's Office looks forward to continuing its strong working relationship with the Snohomish County Bar and its members, as well as all customers of the Clerk's Office. Electronic access to Superior Court records will benefit us all, but there is still work to be done to ensure the transition is as smooth as possible and as transparent to all of you as possible.

If you have any questions or would like an update on our EDMRS project, don't hesitate to contact the Clerk's Office. ☞



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LAND USE AND ENVIRONMENTAL LAW ATTORNEY SNOHOMISH COUNTY PROSECUTING ATTORNEY CIVIL DIVISION

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. Three years 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: Millie Judge, Senior Deputy Prosecuting Attorney, Civil Division, Snohomish County Prosecuting Attorney's Office, 2918 Colby Avenue, Suite 203, Everett, WA 98201, or by e-mail to millie.judge@co.snohomish.wa.us. Position open until filled. Snohomish County is an equal opportunity employer.



THE LAWYER'S ROAD REVIEW PETE PATTERSON

Seattle to Portland Bicycle Classic

For me it began at 6:38 AM Saturday morning, and ended at 3:50 PM Sunday afternoon. For Judge Bowden things went much faster. No matter how you time it, "epic" is too small a word.

Leaving Husky stadium, 8000 riders have to be sent out in waves. Winding our way through the U district, over the U bridge and through the arboretum, the bikes that are going to have mechanical failures begin to be seen along the side of the road. Soon we are leaving Seattle proper and get to the first food stop around Kent.

This is really something, thousands of riders and their bikes all stopped at one place; lined up for food, lined up for sun block, lined up for water, and most importantly, lined up for porta-pottys. There are many food stops on the STP. This is good, because unlike the practice of law, this event burns a lot of calories.

On the road again we wind our way down the valley to Puyallup, and THE HILL OF DEATH. Now they tell you there is only one hill on this trip and that is just not true. But this is a significant climb. On to another food stop, feeling great at 50 miles.

Boys lined the course holding out their hands to be high fived by the riders. We passed through little towns with people sitting out in lawn chairs watching us go by. Some had set their sprinklers out for us to ride through to cut through the 90 degree heat. I recall Sarah Hurst telling me of one of her trips in a miserable downpour and thanked God for sun between my own private Hail Mary's asking not to die of heat exhaustion. The Gatorade in your water bottle gets hot under these conditions, but you have to drink it anyway.

Arriving in Centralia I got good and lost looking

for my Dad and the hotel he selected, but eventually got there. Judge Bowden planned to ride to Castlerock the same day, another 40 miles. My helmet was off to him. I did not have that to give. Of course the next day I learned that this means I have 40 more miles to go than he, and paid for it. Ultimately I learned in the courthouse scuttlebutt, (Nora Starr) he actually did the entire thing in one day. He called later to confirm, and encourage me to ride the distance next year. He made it sound like an out of body experience, pouring water over his body into it after about 140 miles in 90 degree weather. Then he got lost in Portland which is apparently more dangerous than being lost in Centralia. He asked some dude for directions and the response was to be asked how much his bike was worth. Recognizing himself a victim of a crime in progress, he got back on the bike and found the finish line.

Good move Judge.

I have a pretty good road bike, but recall Bill Sullivan telling me about riding STP the first time on a knobby tired mountain bike. 206 miles of vibration meant his hand could not sign the credit card receipt for souvenirs at the finish line. I took that lesson and bought Kevlar belted road tires, an effort at my mind trying to reassure my body it was going to be OK.

The body says to the mind in the first 10 miles of the second day, "What!?" But the mind sees the triumph of crossing the Columbia River over the Lewis and Clark Bridge, wonder of the finish line, and the pleasures of the beer garden are held out to the body as the carrot. But the mind has questions about the whole thing as well. The thought "this is just a stunt" crossed my mind several times as I made my way through a beautiful but endless Cowlitz county. I recalled Ken Berger telling me he had done this 13 times, and recalled thinking "Bad Luck". I also thought about how this is climbing Mt. Rainier. If you live here and are the outdoorsy type the STP is pretty much on the list. Most people want to know if we go down the freeway. No. If you look on a map you see little grey lines along or near the I-5 corridor that veer out into the countryside. This is the route.

By far the best part of the trip was crossing the Columbia. They halt traffic and send us across in waves, so that it is only cyclists on the south bound lanes. Then there is a cloverleaf at the end of the bridge, and you see all these cyclists cruising around the leaf and then up river. It is a wondrous thing. The next sign, "Portland 48". I knew then I was going to make it.

There is a melancholy and sense of achievement which sweeps over you when the bridges of Portland come into view, then find yourself on the city streets, then turning into a downtown park with the finish line crowded with friends and family. I swept past Dad trying to take a picture of me as I finished. Hope it comes out. Dad did not need high speed film to capture me as I "swept" past.

The day after I felt every worn. If there is a way for every muscle in a body to be used, I found it that weekend. Not sure I will do this again. I will probably get on the bike again however. Probably.

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2004 Snohomish County Superior Court Bar Poll results:

	Excellent	Good	Average	Poor	Unknown
Position # 8					
David Hulbert	27	25	44	77	3
Eric Lucas	21	37	20	17	81

(2) 251 pts: David Hulbert

(1) 277 pts: Eric Lucas

	Excellent	Good	Average	Poor	Unknown
Position # 13					
Michael Downs	122	38	8	1	7
Michael W. Hall	3	3	16	71	83

(1) 343 pts: Michael Downes

(2) 185 pts: Michael W. Hall

Bar Association News Release

CHART

CHOOSING HEALTHY ALTERNATIVES — RECOVERY AND TREATMENT

We have made two major changes to the CHART Court program. Snohomish County Superior Court has raised the number of potential participants in CHART Court from 100 to 150. In order to accomplish this we have expanded the criteria for entry.

Secondly, we have made the program stronger by adding MRT (Moral Reconciliation Therapy), which will extend the program for most participants from a minimum of 12 months to a minimum of 15 months.

ELIGIBILITY -. All of the previous eligibility criteria remain in effect, except for two modifications:

Current Charge - No longer will all charges of Burglary be excluded. Charges of Burglary in the 2nd degree are allowed. Residential Burglary will be considered, with the consent of the victim, on a case by case basis, if it involves a relative's residence or involves an obviously unoccupied residence entered for food or shelter.

Also allowed, on a case by case basis, will be assault in the 3rd degree, with the consent of the victim (the officer assaulted).

Criminal History - The other major change was deletion of number of prior convictions as a limitation. Previously, we only admitted those with a criminal history of 5 or less, with all simple VUCSA's counting as one. The court and the prosecutor's office are more concerned about the **nature** of the crimes in the criminal history, than the number of them. A defendant with a dozen VUCSA's and PSP 2's, all because of addiction, is certainly the type of person we want to treat to keep out of our jail.

Also, criminal history that is over 10 years old may be excluded, on a case by case basis.

MRT - Moral Reconciliation Therapy is a cognitive-behavioral approach aimed at systematically altering how offenders make decisions - how they think. MRT improves offenders' reasoning and fosters their social and moral growth, so they can make better decisions about what they should or should not do in a given situation (for example, sell drugs or not, go to work or not). MRT is a theoretical approach that has been shown to reduce recidivism in more than 30 states and in Ontario, Canada, and Puerto Rico. MRT is used system-wide in the states of Washington and Oklahoma, and in Oregon's Washington County, and in many of the drug treatment courts in Washington.

Although MRT may be started in Phase 2 for some individuals, it takes from 16 - 20 weeks to complete. Therefore we are now advising new participants that their minimum stay in CHART Court will very probably be 15 months.

All of the other conditions and requirements of the program remain the same.

For further information, please contact:

Garrin Ross
CHART Court Coordinator
(425) 388-3546
Fax: (425) 388-3597
Garrin.Ross@co.snohomish.wa.us

OR
Bonnie Tweten
Deputy Prosecuting Attorney
(425) 388-3690 Fax (425) 388-3572

Snohomish County Superior Court Local Court Rule Changes - 2004

1. New local court rule:

SCLCR 72

FILING OF LAND USE PETITIONS (LUPA)

- (a) **Filing.** ~~A party~~**Parties** filing a Land Use Petition Appeal (LUPA) shall ~~note~~**Note** a ~~motion~~**Motion** and an initial hearing, pursuant to RCW 36.70C.080, within seven days after ~~servicing~~**working papers with the LUPA petition on the parties identified in RCW 36.70C.040(2).** ~~The motion~~**Clerk** and ~~initial hearing~~ will be set no sooner than 35 days and no later than 50 days after service of the parties. At the same time, the party filing the petition shall deliver working copies for the Superior Court Presiding Judge to Court Administration for pre-assignment of a Judge for the initial hearing.
- (b)
- (c) **Motion.** The Motion shall include ~~a minimum of the following information;~~
- (1) Request for pre-assignment for initial LUPA Hearing
 - (2) Specific relief and/or action sought at this time
 - (3) List of the names, e-mail addresses (if known), telephone numbers and mailing addresses; ~~etc.~~ of all other attorneys in the case and/or all other parties requiring notification regarding this case
 - (4) Proposed outline of hearing/filing deadlines based on the filing date as directed by statute.
 - (5) Any other matters required by RCW 36.70C.080
- (c) **Pre-assignment.** The presiding judge will assign the case to a judge who will handle the initial hearing and all other hearings in the case. The assigned judge may reschedule the initial hearing, if necessary, based on the assigned judge's availability.
- (d) **Other parties.** The other parties
Outline. ~~An outline of supporting documentation for the motion (i.e. working papers) shall note all matters required by RCW~~
36.70C.080 to be heard at the initial hearing.
- (d) **Working papers.** All parties will provide working papers to the assigned judge at least 6 court days provided for judicial review prior to the hearing.
- (e)
- (f)

2. REPEAL, in its entirety, SCLCrR 7.2 – Sentencing; Conditions of Payment of Costs, Fees, Restitution and Fines.

SNOHOMISH COUNTY SUPERIOR COURT
COURT COMMISSIONERS' CALENDARS
 EFFECTIVE JULY 6, 2004 THROUGH DECEMBER 31, 2004

	ROOM AS POSTED (CM) (PA/PM) COMMISSIONER LESTER H. STEWART	ROOM 305, 3 RD FLOOR (D3) (P1) COMMISSIONER TRACY G. WAGGONER	ROOM 301, 3 RD FLOOR (D1) COMMISSIONER ARDEN J. BEDLE
MONDAY	9:00 – 10:00 AM 10:00 AM Ex Parte ** State Paternity	9:00 AM Family Law Motions	9:00 AM Family Law Motions
TUESDAY	1:00 – 4:00 PM 9:00 – 10:00 AM Ex Parte ** Ex Parte ** Civil Motions	1:00 PM Extended Hearing * 9:00 AM Family Law Motions 1:00 PM Extended Hearings * First Tuesday of each month: State Paternity @ 1:00 Rm 305	1:00 PM Domestic Violence 9:00 AM Family Law Motions
WEDNESDAY	1:00 – 4:00 PM 9:00 – 10:00 AM 10:00 AM Ex Parte ** Civil Motions	9:00 AM Family Law Motions	1:00 PM Domestic Violence 9:00 AM Family Law Motions
THURSDAY	1:00 – 4:00 PM 9:00 – 10:00 AM 10:00 AM Ex Parte ** Ex Parte ** Civil Motions	1:00 PM Pro Se Dissolutions 9:00 AM Family Law Motions	1:00 PM Domestic Violence 9:00 AM Family Law Motions
FRIDAY	1:00 – 2:00 PM 2:00 PM 9:00 – 10:00 AM 10:00 AM Ex Parte ** State Paternity Ex Parte ** Civil Motions	1:00 PM Domestic Violence 9:00 AM Family Law Motions	1:00 PM Extended Hearing * 9:00 AM Family Law Motions
	1:00 – 4:00 PM Ex Parte **	1:00 PM Domestic Violence	1:00 PM Extended Hearing *

* **Extended hearings** are those determined by the Court Commissioner to exceed 30 minutes preparation and hearing. ONLY the Court may set matters on the Extended Hearings calendar.

** **Ex Parte:** Attorneys will have priority from 9:00 a.m. to 10:00 a.m. daily. Pro se parties will have priority from 1:00 p.m. to 2:00 p.m. daily. Messengers or staff may present matters not requiring testimony for attorneys.

Civil motions:

The following are heard on the Court Commissioner Civil Calendar: Defaults; Discovery Motions and enforcement thereof; Supplemental Proceedings; Unlawful Detainers/Evictions; Probate, Guardianship & Receiver Actions; Motions to Amend Pleadings.
All other civil motions are heard on the Judges Civil Motions Calendar.

Confirmations: The local court rules require confirmation of ALL motions. Call 425-388-3587 to confirm all motions, including those set in the Presiding Department.

Family Law Motions: Matters set on the Family Law Motions Calendar will later be assigned to a specific Commissioner department. The commissioner department assignments are posted the day of the hearing.

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2004

Snohomish County Bar Association Golf Tournament

Entry Form

- Who:** SCBA members and their guests.
Where: Legion Memorial Golf Course
114 W. Marine View Dr. Everett, WA
When: Friday, September 17, 2004. Tee times begin at 11:00 am.
Format: Scramble
Cost: \$55.00 per person. Make checks payable to SCBA.
Deadline: September 10, 2004. First paid, first served. Limited entry.

Cost includes Greens fee, post-golf hamburger barbeque, and prizes. Carts are available for \$11 per player, payable at the course on September 17th.

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

Please submit your name and any others that will be playing with you.
Deliver/send this form and \$55.00 per player to the SCBA office, Rm. C206,
Or
PO Box 5429, Everett, 98206.

1. _____ 3. _____
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