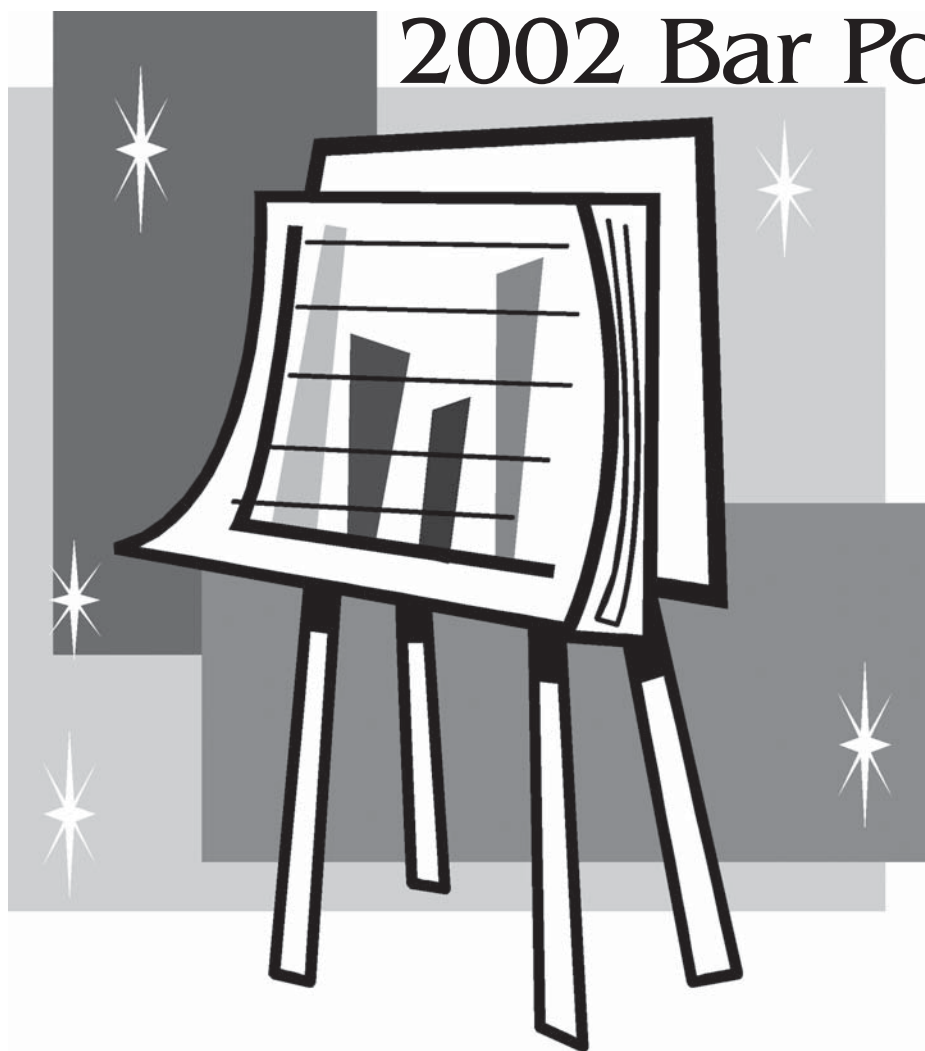


SCBA NEWS

The Official Publication of the Snohomish County Bar Association -

October 2002

2002 Bar Poll Results



SCBA NEWS

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P.O. Box 5429
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Halley (Hal) Hupp

Editor
scbaweb@hotmail.com

Joyce Wood

Executive Director
joycew@snoabar.org

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SCBA Members Calendar of Events

October 2002

11th Bench Bar Mixer Everett Transit Station
15th Deadline SCBA Newsletter
17th SCBA Board of Trustees Meeting
21st Family Law Section Meeting
29th SCBA Auction Meeting

November 2002

6th Swearing-In
15th Deadline SCBA Newsletter
18th Family Law Section Meeting
21st SCBA Board of Trustees Meeting
26th SCBA Auction Meeting

December 2002

16th Deadline SCBA Newsletter
16th Family Law Section Meeting
17th SCBA Auction Meeting
19th SCBA Board of Trustees Meeting

January 2003

15th Deadline SCBA Newsletter
16th SCBA Board of Trustees Meeting
27th Family Law Section Meeting
28th SCBA Auction Meeting
31st SCBA Annual General Membership Meeting

February 2003

17th Deadline SCBA Newsletter
20th SCBA Board of Trustees Meeting
24th Family Law Section Meeting
25th SCBA Auction Meeting

March 2003

14th Deadline SCBA Newsletter
17th Family Law Section Meeting
21st SCBA Board of Trustees Meeting
25th SCBA Auction Meeting

Superior Court Assignments: October 2002

Presiding Judge: Judge Joseph Thibodeau

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

Juvenile Court: Judges Allendoerfer and Farris; Commissioner Brudvik¹

Civil Motions: Judge Thorpe: October 1 – October 4
 Judge Knight: October 7 – October 18
 Judge Hulbert: October 21 – October 31

Criminal Hearings: Judge McKeeman: October 1 – October 4
 Judge Hulbert: October 7 – October 18
 Judge Knight: October 21 – October 31

Criminal Dept. Judges:² Judges Knight, Thibodeau, Thorpe, McKeeman, Krese, French,
 Bowden and Fair

Civil Dept. Judges:² Judges Castleberry, Wynne, Hulbert and Cowsert

Ex Parte/Commissioner Civil Motions:¹ Commissioner Stewart

Please note: All assignments are subject to change without notice and assignments may not change on the first day of the month.

- 1 Court Commissioner assignments are for six months duration and change in early January and July.
- 2 At the discretion of the Presiding Judge, criminal cases may be assigned to Civil Department Judges and civil cases may be assigned to Criminal Department Judges.



**FROM THE DESK OF
THE PRESIDENT,
DAVE KURTZ**

9/11 (and 10/11)

Nearly everyone my age can recall where he or she was when President Kennedy was shot. Likewise, last year's events on 9/11 are indelibly impressed upon our memories.

For me and for three brethren of the Bar we will always remember our location on September 11, 2001. We were on the fifth floor of the Courthouse, picking a jury in a first degree murder case. Ironically enough, the two defendants therein were religious cultists, who essentially claimed that they had killed at God's direction.

Given the circumstances, motions were understandably made that morning to continue the trial. But the case rightly went forward, as did most Court proceedings in our area. Terrorists back East did not bring a halt to our judicial system out West.

Nonetheless, 9/11 did "change everything." And it gave one a renewed sense of perspective and appreciation for what is truly important in life.

The recent 9/11 commemorations have reminded us of the impact of that horrible day twelve months ago. But, as before, this year on 9/11 there were other events, comparatively minor and mundane, yet still significant.

One of those events on September 11, 2002, was the announcement of the results of the 2002 Bar Poll.

Many thanks are owed. First, we appreciated the cooperation of all the candidates in promptly participating.

Second, thanks to everyone who voted. A broad cross-section of Bar members sent in ballots—more

than double the number of those who participated during the last comparable election four years ago.

Third, I want to commend all who helped to count the ballots and release the results. Our Association does not officially endorse candidates, nor should it. But, it is right and proper that the public at least know the preferences of the candidates' professional colleagues.

And now, let me turn to an upcoming event on 10/11. In the cosmic scheme of things it too is relatively minor—but it should be fun—and provides a fine opportunity for professional fellowship. Yes with bows to Pete Patterson the X-Parté is back!

This year's Bench/Bar Mixer will take place on Friday evening, October 11, beginning at 5:00 PM. The location is the new Everett Transit Station. There's more than just buses there; indeed our venue on the second floor is reportedly very nice. The food and drink will be good; the price is right (free); and it's a great chance to mingle in a collegial setting. See you there.

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2002 BAR POLL RESULTS

*The results below were released on
September 11, 2002*

SNOHOMISH COUNTY PROSECUTING ATTORNEY:

Janice Ellis: 133, or 85.8 %

James H. Krider: 22, or 14.2%
(Incumbent)

Ratings for Ellis:

Excellent:93; Good:35; Average:10; Poor:1;
Unknown:16.

Ratings for Krider:

Excellent:11; Good:12; Average:42; Poor:87;
Unknown:3.

EVERETT DISTRICT COURT, POSITION #1:

Roger M. Fisher: 102, or 67.1%
(Incumbent)

Erica W. Temple: 50, or 32.9%

Ratings for Fisher:

Excellent:46; Good:41; Average:32; Poor:28;
Unknown:5.

Ratings for Temple:

Excellent:14; Good:29; Average:29; Poor:32;
Unknown:48

EVERGREEN DISTRICT COURT, POSITION #2:

(With three candidates, members were asked to rank in order their first, second, and third choices. Pursuant to SCBA By-Laws, the results were then tabulated by a “weighted ballot process”: 3 for the first choice, 2 for second, 1 for third.)

Patricia “Trish” Lyon

1st choice: 92 (or 61.7%) x 3 =276
2nd choice: 36 x 2 = 72
3rd choice: 21 x 1 = 21
TOTAL: 369

Terry H. Simon

1st choice: 30(or 20.1%) x 3 = 90
2nd choice: 90 x 2 =180
3rd choice: 29 x 1 = 29
TOTAL: 299

Charles R. Meyer

(Incumbent)
1st choice: 27 (or 18.1%) x 3 = 81
2nd choice: 23 x 2 = 46
3rd choice: 99 x 1 = 99
TOTAL: 226

Ratings for Lyon:

Excellent:39; Good:50; Average:21; Poor:5;
Unknown:34.

Ratings for Simon:

Excellent:11; Good:45; Average:34; Poor:5;
Unknown:54.

Ratings for Meyer:

Excellent:6; Good:17; Average:32; Poor:86;
Unknown:8.

The number of attorneys submitting ballots this year was 156. Bar Poll results are a compilation of the preferences and opinions by individual SCBA members (those eligible to vote total 586); the results are not the official position of the Association itself.

Attention all Members

Mark your calendars and collect on those benefits that all paid up members are entitled to:

THE BENCH BAR MIXER (aka X-Parté)



October 11, 2002

At the New Everett Transit Station

5:00 pm to 7:00 pm

As an added bonus for this event we will be hosting a private wine tasting provided by Jeff Wicklund from the Wick-Ed Wine Cellars in Everett

You must R.S.V.P. with the SCBA office to attend
(425) 388-3056



Dear Editor:

I have been practicing family law in Snohomish County for 25 years, and over the past decade or so, I have come to the conclusion that McDonald's has sold many of the billions of burgers purchased during that period as a result of family law issues.

Parents in both divorces and non-marriage parenting cases have become increasingly contentious over the years. This has necessitated a need for a "neutral" spot for visitation pickup and delivery. The number of family law cases in my practice and the practices of my colleagues which require the finding of a safe place for the visitation exchange to occur has increased dramatically in the past few years. One wonders if split-family relationships are becoming more violent, or if it is just that parents are becoming more aware of avenues to voice their concerns over what they consider inappropriate behavior.

In any case, more and more split-family visitation plans seek out a neutral place for the visitations to occur. And what location could be more ideal than a McDonald's? The reasons for such a location choice are obvious:

1. There is one in nearly every community, and sometimes even multiple sites to choose from.
2. The hours that the usual McDonald's is open will almost always cover all visitation hours, regardless of the parenting plan in question.
3. If the children get hungry, or if the other parent is late in arriving, the food is cheap.
4. There are play areas for the children while they wait.
5. And lastly, there seems to be an almost church-like aura to a McDonald's. Except for boisterous

kids, people are rarely loud and unruly. Everyone knows where to line up, what food is available, what it will cost, and where to sit.

The ritual-like atmosphere lends a tranquility to visitation exchanges. As much as anyone may dislike or distrust the other parent, it would be improper to make a scene, and there are usually lots of witnesses to verify which parent is acting badly. But it is not only the angry parents who utilize McDonald's as a neutral spot. More and more parents are living further apart geographically, and mid-point transfer spots are being utilized. Where else to go but a McDonald's so often conveniently located in every possible neutral location?

I'm sure the McDonald's owners didn't have these visitation issues in mind when franchises began popping up in every conceivable nook and cranny of our nation. And the owners might not, to this day, realize what a bonanza they have on their hands. But billions and billions of family attorneys know it to be true.

*Richard W. Swanson
Marysville, WA*

November 6th Swearing-In Ceremony

The second swearing-in ceremony this year is on November 6th at 4 pm, it will be held in Courtroom 201 and then SCBA will be hosting a reception after in the Law Library 1st floor of the Courthouse. 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.



**2003
SCBA/SCLS
Auction**

**By Ruth Blanchard-McLean,
Auction Chair**

On one of the last weekends of the month of August my fiance and I decided to utilize one of the items he had purchased at last years SCBA Auction, which benefits Snohomish County Legal Services. He had purchased passes to Emerald Downs Racetrack, so on a sunny Saturday, we went to Emerald Downs.

When we arrived, we were directed to our seating area. Our seats were in the area adjacent to the Track Club Members area. We had a wonderful view of the racetrack.

Well, we did not do too badly. Everyone at the track was exceptionally polite and eager to answer any of our questions. And the food was excellent and reasonably priced. It was a relaxing afternoon, well spent.

Day excursions, such as this, or a four hour sail boat tour to the San Juans; or a meal prepared by this county's own Rita Love and Geoff Gibbs; or a honeymoon spot, such as Orlando are some of the items that have been available to the participants of the Snohomish County Auction. And that time is here again.

The auction has been scheduled for March 22, 2003, so please, please mark your calendars. It will again be held at the Everett Howard Johnson's Hotel. The theme of the evening will be "A Knight for Justice."

In preparing for the upcoming event, we need all available hands. Please volunteer for the Auction Committee. The meetings are once per month and

only will take about one hour of your time. We are carrying on the tradition established by our past Auction Chair, Rita Love, of scheduling the meeting on the last Tuesday of each month, so that people can schedule their attendance well in advance.

Snohomish County Legal Services fills a gap for many low income person that would otherwise go unrepresented. Their work is without a doubt a good cause. Let us pull together as a legal community and make this the best auction ever. If you have questions or suggestions, please contact Joyce Wood at (425) 388-3056 or the auction chair, Ruth Blanchard-McLean, at (425) 774-2800.



**2002 SCBA Golf
Tournament
Results:**

by Matt Hunter

Forty-eight SCBA golfers gathered at Battle Creek Golf Course in Marysville on Friday, September 20th. We enjoyed terrific weather and a lot of laughter. As groups finished and scores were totaled, it looked as if we might have a tally mess comparable to a Florida election. There were four teams tied at 64 and only one was satisfied with the designated tie-breaker system. Just as a riot began to develop, this year's champion team came in and quickly silenced the rebels by posting a 58. That appears to be a record score for the annual tournament. Look for a new set of names on the trophy cup residing in the SCBA office. Congratulations to Paul Reni, John Arrabito, Brad Moore, and Bob Jackson. Special thanks to Joyce Wood for her endless help and a salute to Aimee Trua for single-handedly holding up the women's representation. For those of you that missed out on the fun please plan to play next year. Lastly, a new tournament chairman is needed for next year; please contact Joyce to find out about the salary and benefit package.

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PETE PATTERSON'S LAWYER'S ROAD REVIEW

What I did on my Summer Vacation

I drove 4,172 miles across the west through National Parks and back to the California coast and then back home in a Ford Iron Box and a tent trailer with 2 kids and 3 mountain bikes, an epic American family vacation.

We saw every license plate except North Dakota and New Hampshire, so I submit my field report to this column, observations on how the rest of the country does their road trips.

I hate to be the one to bring you all up to date on current events, but the primary vehicle found in most campgrounds is the minivan. Camped next to us at the south rim of the Grand Canyon was a family of 6, all emerging from a Dodge Grand Caravan with all their gear; two tents, sleeping bags, the stove, etc.

They had no external car top carrier or trailer. It was enough to make you proud to be an American.

Next rolls in a beefed up Nissan Xterra with California plates. Big tires of course, but also these pretentious flood lamps on a rack across the roof, and a decal on the back window that read "Xterraexperience.com" On the roof is piled a huge amount of equipment and you can see the gear smashed against the windows in the back. For just a moment I thought these people were just staying the night there, on their way to some really rugged spot elsewhere.

Then the car doors opened and this family of 3 emerged. As I watched them unload things like the aluminum table (as if there are no picnic tables at

campsites in National Parks) , I realized these folks just plain got sold a pile of stuff they do not need. After a while I felt sorry for them.

This is not to say the SUV does not have it's place, but frankly many are too small and I did not see that many. The exceptions of course are the Ford Expedition and Excursion, as well as the Chevy Suburban. These vehicles have enough room to actually be useful. We saw many more Xterra's when we got to San Diego and the rest of the California coast, mostly in town in Safeway parking lots.

But as for the National Parks, other than the Zeppelin self-propelled, self-contained RVs, there were a lot of trucks, because trucks can haul a lot of gear or tow trailers.

What warmed my heart were the people there in little sedans who slept in little mountain tents, suitable for backpacking. There were a lot of these folks, and they were not necessarily locals. One afternoon I was cycling through the village on the South Rim when we spotted a subcompact with Rhode Island plates. The guy had his window down and I asked the young fella if he really drove that thing all the way from Rhode Island. He squinted in the midday sun and looked at me like "of course I did" and said, "Well...Yeah." A profile in courage.

So the epilogue for this summer, as it relates to this column, is as follows:

People are not dumb in general. They can figure out that they ought to leave the SUV home when they go camping in National Parks, because most of the places you are allowed to go are paved, just like the parking lots at Safeway. You need enough room for your gear, and generally the minivan will do. If you really want to rough it, bring the mountain tent and your commuter car.

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**FILINGS FROM THE
SNOHOMISH
COUNTY CLERK,
PAM DANIELS**

**Snohomish County Clerk Pam Daniels
Receives Clerk of the Year Award**

Snohomish County Clerk, Pam Daniels, was recently presented the “County Clerk of the Year” award by the Washington State Association of County Clerks (WSACC). The Clerks Association presents this highly coveted award in years when they believe a County Clerk has demonstrated a commitment to service “beyond the call of duty.”

In presenting the award the Clerks noted that in her role as Legislative Chair for WSACC during the 2001-2002 session, Daniels exhibited highly effective leadership in the passage of legislation authorizing Youth Courts and increasing the ability to collect restitution owed to crime victims. Governor Locke signed both bills into law.

Daniels is involved in numerous state and local committees including Access to Justice, Washington State Bar Association’s Public Legal Education Council, Juvenile Court Integration, Public Trust and Confidence in the Courts, and Equal Justice Coalition. Locally, Daniels is widely recognized for her active involvement in Snohomish County programs focusing on alternatives for at-risk youth, working for victims of domestic violence, as well as, law and justice integration programs for service improvements and efficiencies.

The Clerks also honored Senator Jeralita ‘Jeri’ Costa (Everett/Marysville) and Representative Pat Lantz (Gig Harbor) for their valuable leadership on clerks’ legislation in 2002.

New Partnership

The Snohomish County Clerk’s Office is pleased to announce a partnership with both the Tulalip Tribal Court and Stillaguamish Tribal Court. The partnerships are based on the implementation of Full Faith and Credit specifically related to Domestic Violence Protection Orders. Tribal members involved in and issued a Protection Order in tribal court can now request their order to be registered with the Clerk’s Office without ever having to make a trip to the courthouse. Tribal Court personnel will inform all petitioners of their right to register and the benefits of doing so. All required forms are available at the Tribal Court and upon completion are faxed to the Clerk’s Office. Tribal Court personnel and Clerk’s Office Staff coordinate to ensure all necessary forms are completed and received by each office. Upon receipt of a complete packet the Clerk’s Office forwards copies to the Snohomish County Sheriff’s Office for entry into State and National law enforcement databases.



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News from Snohomish County



Legal Services

By **Threesa Milligan,** **Executive Director**

I want to take this opportunity to thank the attorney volunteers who continue to show commitment to pro bono work by assisting low income people in our county. Many of our clients face barriers such as little or no ability to speak English, illiteracy, and physical or mental disabilities. All of these barriers limit their meaningful access to justice. Because of your work these individuals are getting their day in court.

Thank you to the following attorneys who recently volunteered in our Family Law Clinic:

Cindy Bailey, Ken Brewé, Michael Clarke, Bob Cole, Greg Davies, John Frawley, Geoff Gibbs, Serena Hart, Kirsten Haugen, Jenny Heard, Judith Hendricks, Grant Hopper, Darrell Johnson, Russ Juckett, Glenn Kadish, Jay Leach, Kathryn Martin, Brad Meagher, Dean Minor, Gail Nunn, Linda Passey, Cory Rein, Rafe Schwimmer, Richard Shurtz, Jim Soukup, Ruth Spalter, Bill Sullivan, Yvette War Bonnett, Bruce Weiss, and Joe Wilson

Thank you to Denice Patrick for her work in the Bankruptcy Clinic.

A very special thanks to the following attorneys who have accepted cases for direct representation: Ken Brewé, Lisa Clark, Michael Clarke, Doug Ferguson, John Frawley, Lionel Galperin, Fred Gillings, Jenny Heard, Judith Hendricks, Glenn Kadish, Brad Meagher, Rodi O'Loane, Linda Passey, Mark Patterson, Jr., Jim Soukup and Joe Wilson.

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E-mail: solomankim@qwest.net

Will Search

Searching for last will and testament of Charles Robert Dean McDowell, known as Robert D. McDowell; died August 12, 2002. Mr. McDowell was a resident of Lynnwood, Washington, and owned property in Snohomish county. Amy McDowell and Margie Burnett have been appointed administrators of his estate. Anyone having information concerning a document purporting to be the last will and testament of Mr. McDowell is advised to contact Michele M. O'Loane; 2702 Colby Ave., Suite 1204, Everett, WA 98201; phone (425) 258-6860; fax (425) 259-6224; attorney for administrators.

Upward & Onward!

Lawrence Lucarelli, formerly with Monte Wolff's Law Firm, is now with the U.S. Customs Service assigned to the Federal Defense school in Georgia.

A former Army JAG officer, Mr. Lucarelli will now be serving as an instructor and Field Agent for the U.S. Customs Service.

Larry is a very bright and dedicated attorney and according to Monte, was selected after an extensive screening process in competition with several candidates.

WANTED: Paralegal work.

B.A., economics; paralegal certificate, Edmonds CC. Completed internships with WSBA and Jury Verdicts NW. Worked five years as legal secretary (2 years IP, 3 years business law) and 10+ years as technical writer/editor. Experienced researcher, indexer, proofreader. Comfortable with people from diverse cultures and a wide variety of professions, from day laborers to Ph.D.'s. Able to multitask, report to multiple people, and persist pleasantly. Accustomed to showing up every day and on time, being productive (key 80 wpm) and focused, meeting deadlines, and paying attention to details.

Temp-to-hire arrangement acceptable. Projects considered. L.I.B@att.net, (425) 303-8279.

Office Space Available

Edmonds: At Sunset and Main

Two offices available immediately in attractive suite at Sunset and Main Streets in downtown Edmonds. Conference room, copier, fax, other amenities and great location. Contact Ann or Diane at (425) 776-6600.

Edmonds: Near the Courthouse

One nice office space left! Located across from Edmonds courthouse. Only \$375 per month. Heat & utilities included! Contact Chris Williams at 425-778-1151.

Everett: Frontier Bank Building

Office available in large four attorney suite at the Frontier Bank Building in heart of downtown Everett. Included: secretarial space, telephone, facsimile, photocopy machine, kitchen facilities. Garage parking available. Contact Mark Olson at (425) 388-5516

Everett: Downtown

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

Criminal Defense and Military Justice

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

Michael J. Andrews

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

**Law Offices of
Cogdill Nichols Rein**
3232 Rockefeller Avenue
Everett, WA 98201
(425) 259-6111

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

