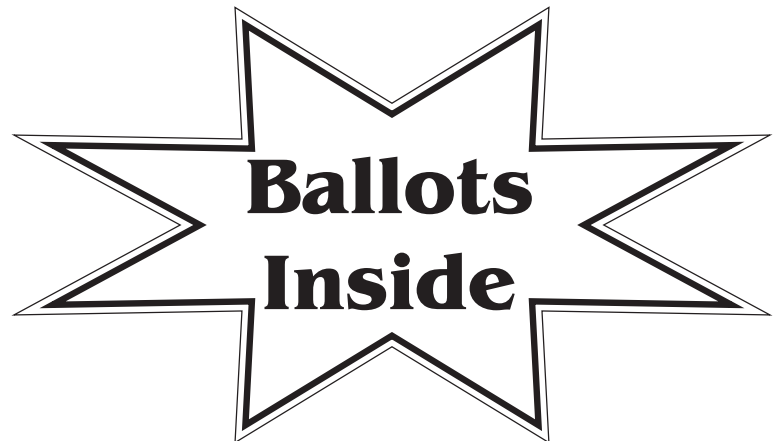


SCBA NEWS

The Official Publication of the Snohomish County Bar Association - December 2002

Candidates for the 2003 Trustee Positions:



SCBA NEWS

Published by the
**Snohomish County
Bar Association**

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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 joycew@snoabar.org.

Submissions: Contact Joyce Wood at (425) 388-3056 or joycew@snoabar.org.

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SCBA Members Calendar of Events

December 2002

6th WSBA BOG Reception
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 Member-
 ship Meeting

February 2003

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

March 2003

17th Deadline SCBA Newsletter
20th SCBA Board of Trustees Meeting
22nd SCBA ANNUAL AUCTION
24th Family Law Section Meeting

April 2003

18th Deadline SCBA Newsletter
17th SCBA Board of Trustees Meeting
21st Family Law Section Meeting
29th SCBA Auction Meeting

May 2003

18th Deadline SCBA Newsletter
16th SCBA Board of Trustees Meeting
19th Family Law Section Meeting
27th SCBA Auction Meeting

Superior Court Assignments: December 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 Wynne: December 2 – December 13
 Judge French: December 16 – December 27
 Judge Fair: December 30 – January 3

Criminal Hearings: Judge French: December 2 – December 13
 Judge Wynne: December 16 – December 27
 Judge Cowsert: December 30 – January 3

Criminal Dept. Judges:² Judges Knight, Thorpe, Castleberry, Hulbert, Krese, French, Bowden, and Fair

Civil Dept. Judges:² Judges Thibodeau, McKeeman, Wynne, and Cowsert

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.

- 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**

Thanks And Congratulations

Back in my younger days as a solo practitioner in Wenatchee, I served as Chelan County Democratic Party chairman. (Some might say that made me the only Democrat in Chelan County.) Elections were lots of fun back then (especially one year when we shook the Apple Capital by taking a legislative race deep into the absentees).

Due perhaps to Tim Eyman, attack ads, and age, campaigns seem less fun nowadays. But elections are no less important—especially to those who have the gumption to run in a contested race.

I wish to commend Terry Simon, Charles Meyer, Trish Lyon, Erica Temple, Roger Fisher, Jim Krider, and Janice Ellis, for participating in this fall’s contested judicial and prosecutor campaigns. We on the sidelines should applaud those who are willing to “bear the slings and arrows of outrageous fortune”, and to stand as candidates for public office.


I particularly want to recognize Charles Meyer and Jim Krider. Public service is never easy, and election results can be painful. But thank you, gentlemen, for your years in the arena.

I also wish to salute the winners. I first had the pleasure of meeting Roger Fisher way back in my Wenatchee days. For a few more weeks, Trish Lyon occupies an office a couple of doors down from mine. Trish treats people with dignity and respect, and she too will make a fine Judge.

Finally, I’ve enjoyed knowing Janice Ellis for a decade or so. Janice was a joy to supervise when I headed the Special Assault Unit in the Prosecutor’s Office. It will be my pleasure soon to be calling her the boss.

She will occupy a position which inevitably opens one to criticism—it goes with the territory. But Janice has a bulldog tenacity, which e.g. made her excel as a college hockey player. Even more important, she possesses the professional skills, fairness, and integrity that the office calls for. “You go, girl!”

P.S. Thanks also to those willing to stand as candidates for SCBA Trustee positions. Members can find a ballot herein, and please be sure to submit yours soon.

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Pictures & Biographies for the Candidates for the 2003 Trustee Positions:



George Appel

George Appel is a Deputy Prosecutor for Snohomish County. He has been a regular employee with the office since 1994, and prosecuted cases in Snohomish County since 1993. He is currently assigned to the violent unit. He has also served in the district court unit, the drug unit, juvenile court, property crimes, and appeals. He now lives in Marysville with his wife and two boys: ages 7 and almost 5.



Ruth Blanchard-McLean

I have served the last three years on the Board of Trustees. I joined the Board of Trustees in order to improve the responsiveness of the Association to its members. As a first step, the Board has made efforts to be more visible to the membership of the Bar Association. My greatest concern now is the need for an expansion of Law Library resources and services to the members of the Bar and to the general public. I am committed to increasing the access to justice for all citizens, whether or not they can afford to hire their own counsel.

My life experience as a wife, mother, nurse, and caregiver give me a unique perspective on the law and the needs of the public. I am aware of the major and minor challenges which people face in dealing with legal issues in their lives. My practice as a Family Law attorney and Guardian ad Litem have reinforced my desire to meet their legal needs.

I currently serve as the Treasurer and Co-Chair of the Auction Committee, which assists in the funding of Snohomish County Legal Services. I have worked diligently on the auction during the last three years and will continue to do so. I believe that Snohomish County Legal Services provides a valuable and necessary service to the needy of our community.

I wish to be re-elected to the Board of Trustees, so that I can continue to serve my fellow members of the Snohomish County Bar Association and the general community of this county.



Tobin Darrow

My name is Tobin Darrow. I have been a Deputy Prosecuting Attorney for Snohomish County since 1991. Prior to that I was a criminal defense attorney in Port Orchard with the firm Crawford, McGilliard, Peterson, and Yelish. For the last two and a half years I have been prosecuting sexual assault cases. I have taught a portion of the Sheriff's Citizen Academy since 1994 and have been a Judge Pro Tem in Everett Municipal Court. I am married to Sandra Walters (who works for the family support division of our office) and we have a daughter who is almost 5. I love to travel and have a keen interest in Western history, politics and economics. I became particularly adventurous this last September and traveled from Beijing to Moscow on the Trans-Siberian railroad. I am interested in getting to know more

members of the local bar association and providing service to it at the same time. I would appreciate your vote for Trustee.



James Okrent

I have been a Bar Trustee for the past three years. I have truly enjoyed my service on the Board of Trustees and will continue to serve if re-elected. I am a strong proponent for accountability and reliability by all members of the Snohomish County Bar. The respect our Association enjoys in the community is a reflection of the high quality of our members.

The Snohomish County Bar Association provides a variety of services to members. The Bar Association provides resources to the legal community such as CLE's, resource materials and other support. In addition, the Bar Association provides access to social events, such as the Bar Mixers and Barbecues, which allow the members of the Bar to meet and share information and contact. The Snohomish County Bar has demonstrated a strong commitment to pro bono representation, especially for indigent women and children.

As an advocate for children and for families in distress, I believe that I bring a perspective to the Bar Association, which might easily be overlooked. These are often the people whose needs are greatest and whose emotional and financial resources are the most limited.

I believe that we can offer more Continuing Education Options to our members; and continuing support for the Law Library, while offering more programs for the members of the Bar and the local community. Our role is increasingly important during these days of tight budgets and conflicting priorities. As we continue to involve ourselves in these efforts, we will enhance the perception of our profession in the wider community of our County and of our State.

I am committed to providing the highest quality of service to Bar Association Members. I respectfully request re-election to the Board of Trustees.



James Shipman

I would respectfully request the members of the Snohomish County Bar Association consider my application for the Board of Trustees for the upcoming year and would like to introduce myself through this brief biography.

I live in Marysville with my wife Laura and our children, Katie (4) and Davis (2). Laura and I are both life-long residents of Marysville. I graduated from Marysville-Pilchuck High School in 1988, Everett Community College in 1993, The University of Washington (*cum laude*) in 1995, and Gonzaga Law School (*magna cum laude*) in 1998. I had the opportunity to receive an offer from the law firm of Bell & Ingram, where I have worked since graduation.

At Bell & Ingram, my practice has focused primarily in family law, business transactional work, and general civil litigation. I have recently helped our senior partner on a number of personal injury matters. I have had the opportunity to get to know many of our family law attorneys over the past few years.

Besides time with my children and Laura (the most important time), I have served on a number of boards and committees in Snohomish County and for WSBA. I have served on the EvCC Foundation Board since 1999, the American Red Cross Board (currently First Vice-Chair) since 1999, the WSBA Character and Fitness Committee (1999-2001), and have belonged to the Marysville Morning Rotary (President 2000-2001). I have also been a part time instructor at EvCC since 1999, teaching Intro to Law.

I hope to have the opportunity to serve on the SCBA Board of Trustees and would appreciate your support. Thank you.

Ballot

*Vote for FOUR trustees -- no more, no less
Complete the arrow next to the name
of the persons you are voting for.*

George Appel ←

**Ruth Blanchard-
McLean** ←

Tobin Darrow ←

Richard Okrent ←

James Shipman ←

Snohomish County Bar Association Trustee Elections

Who Can Vote

All regular voting members and honorary members (judges and retired members) who are licensed to practice law in Washington and are members in good standing (i.e. pay their dues) with SCBA and Washington State Bar, and who reside in Snohomish County or maintain an office therein.

Ballot Procedures

Please vote for **FOUR** trustees no more, no less. The names are listed in alphabetical order. Complete the arrow next to the name of the person you are voting for.

Envelope Process

Place the ballot in a sealed blank envelope marked "ballot." **Do not** have any identification of the voting member on the ballot or on the envelope marked ballot. Place the ballot envelope into a second envelope that **does** identify the member by printing or typing member's name, followed by the member's signature. Then mail the envelope to the **Snohomish County Bar Association, PO Box 5429, Everett, WA 98206**. You can also drop off your ballot at the **SCBA office** located on the 2nd floor of the courthouse, Room #C206. Ballots must be received by the SCBA before **4:00 p.m. on the 19th of December 2002**.

**BALLOTS WILL BE COUNTED AFTER 5 P.M.
ON DECEMBER 19, 2002.**

**"Attorney of the Year" award
to be given at the
January 31, 2003
General Meeting.**

As some of you may remember at the dinner dance, which is now the SCBA/SCLS auction, we used to give an award to an outstanding attorney in the community. We have decided that this award served such an important purpose in recognizing one individual's contribution to the practice of law that we will now be giving this every year at our Annual General Membership Meeting.

This year's meeting will be held on January 31, 2003 at the Everett Transit Station at Noon. Please R.S.V.P. for the meeting with the SCBA office at (425) 388-3056.

We are seeking nominations for an attorney from the general membership, who has gone the extra distance in ensuring that the legal profession is represented to the highest level and justice for all is served.

**The Deadline for nominations is
Noon, January 17, 2003.**

You may FAX, mail, call, stop by, or simply e-mail your nomination to the bar office.

Send it to:

Joyce Wood
SCBA
P.O. Box 5429, Everett, WA 98206
joycew@snoabar.org
(425) 388-3056
FAX 388-3978

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for a long overdue open house.

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our new office in Mill Creek and the return
to practice of

Doug Marsh.

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Hope to see you on
Thursday, November 7, 2002
4:00 p.m. to 7:00 p.m.

Please R.S.V.P. by October 31, 2002

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**2003
SCBA/SCLS
Auction**

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

Well, the hurray and scurry of the wedding is over. And the memories of the honeymoon linger on. We honeymooned at the lovely home of Rita and Rod Love. The home is located outside Orlando. It is a beautiful two bedroom home, complete with all the amenities. The home is located in a wonderful area called the Villages. The Villages has everything that you could ask for. There are, I believe 18 or so golf courses. There is the Villages Hospital. It is a lovely little suburb of Lady Lake. There are so many sights to see in and around The Villages that we were unable to see everything that we wanted to see. And the price for this charming get-away was only \$400.00 at last year's auction for Snohomish County Legal Services.

Which brings me to the actual point of this article. Currently we are very behind in donations for the annual auction. I understand that the economic environment has been one which has caused some consternation and concern. However, I would ask you to think back on the times, either before, during or after law school. I do not believe there were any of us that were not in need. Your contributions, in time and items, makes a difference to those that are truly in need.

People like Cheryl. Cheryl was the victim of domestic violence. Domestic violence that had been documented for the last 32 years, causing permanent brain damage. When Cheryl finally got the courage to truly leave and to file for a dissolution, she was unable to afford an attorney. Snohomish County Legal Services found her an attorney to represent her and she was able to not only obtain her dissolution, but she was able to keep her abusive

husband in jail for the entire year to which he was sentenced.

Please remember Cheryl and any others that you may know personally and contribute to the Snohomish County Bar Association Auction. If you have questions, contact Joyce Wood at (425) 388-3056 or Ruth Blanchard-McLean at (425) 774-2800.



**NOTICE FROM THE
SNOHOMISH COUNTY
SUPERIOR COURT**

Snohomish County Superior Court Emergency Local Rule Change – November 14, 2002 – effective immediately. (This emergency rule will be effective for 90 days, at which time it will be resubmitted to the AOC.)

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

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



**MEMO FROM THE
SNOHOMISH COUNTY
SUPERIOR COURT**

**Pro Tempore Applications are due
December 20th, 2002**

The Snohomish County Superior Court will be adopting a new Pro Tempore List for 2003. At this time applications are being accepting for the following three separate Pro Tempore lists:

1. Superior Court Commissioners' calendars;
2. Juvenile Court Judges' and Juvenile Court Commissioners' calendars; and
3. Civil Commitment calendars.

Interested individuals may at any time apply and ask to have their name placed on the list for Superior Court Judges' calendars and trials.

All applications shall consist of:

1. A resume, which outlines professional knowledge, skills, years of experience, training/certifications, professional affiliations, and professional references.
2. A cover letter, which specifies which of the three lists he or she is applying for. The letter must indicate the number of years of experience in that area of the law. It must also indicate the applicant's ability to accept assignments from the court on short notice.
3. A copy of the applicant's bar card.

Mail applications to:

Superior Court of Snohomish County
Attn: Pro Tempore Positions
3000 Rockefeller Ave, M/S 502
Everett, WA 98201- 4060

The names of the applicants and the application documents **will not be confidential**. Input from the Snohomish County Bar Association, specialty bar groups and general public will be sought regarding the applicants.

If you have any questions please contact Superior Court Administration at (425) 388-3421, ext. 2050.

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News from Snohomish County



Legal Services

**By Threesa Milligan,
Executive Director**

Greetings from Snohomish County Legal Services. Did you know that we serve over 600 individual clients each year? We would never be able to do this without the generous contributions of time, energy and resources from the attorneys who volunteer in our program.

Recently, the following attorneys have accepted clients for pro bono representation:

Tom Adams, Randy Boyer, Christine Crowell
John Frawley, Fred Gillings, Karl Hausman
Christine Hook, Geoff Jones, Michael Mallory
Brad Meagher, Lisa Micheli, Donald Nelson
Gail Nunn, Cory Rein, Madeline Renkins
Richard Swanson

Dennis Burman, Denice Patrick and John Arrabito have all recently volunteered in our Bankruptcy Clinic. Ann Brice, Christine Crowell, Greg Davies, Cheryl Duffy, John Frawley, Geoff Gibbs, Jenny Heard, Teri Jennings, Darrel Johnson, Glenn Kadish, David Kastle, Solomon Kim, Tom Kruse, Sabrina Layman, Jay Leach, Kathryn Martin, Brad Meagher, Deanne Minor, Karen Moore, Linda Passey, Patricia Proebsting, Mark Pouley, Carolyn Powell, Marianna Prock, Richard Shurtz, Rafe Schwimmer, Steven Shea, and James Soukup have all recently volunteered in our Family Law Advice Clinic.

Thank you all so much for your continued commitment to the access to justice cause.

We have a number of new attorneys who have expressed a willingness to take family law cases under

the guidance of a mentor. If you are an experienced family law attorney and are willing to mentor a new attorney (or an attorney new to this practice area), please give me a call.

Time Is Running Out

to get free CLE credits for pro bono work in this calendar year. If you want to find out more about this, give us a call at Snohomish County Legal Services, (425) 258-9283 or e-mail me at threesam@snocolegal.com

Auction Time Is Coming A Knight For Justice Mark This Date



March 22, 2003

Howard Johnson Plaza Hotel
Everett

Invitations will be mailed out in January
2003

We need your ideas for auction items and also your donations for auction items Call Joyce Wood at the SCBA office with your ideas.

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The WSBA Board Of Governors Are Coming To Town

“Local Hero Award” Nomination Form

At the Washington State Board of Governors meeting December 6, 2002, the Snohomish County Bar Association will be hosting a reception at the Marina Village Inn for the Washington State Board of Governors. It will be from 5:00 p.m. to 7:00 p.m.

Also at this event it is expected that a SCBA Attorney will receive a “Local Hero” Award. The Board of Governors recognizes those local lawyers who have distinguished themselves through public and community service. The BOG has denominated them, “Local Heroes.”

If you wish to nominate someone, please fill out the form below and submit to Joyce Wood at the SCBA office by November 19, 2002. The SCBA Board will take action regarding the nominee at its next meeting of November 21, 2002.

Name of Attorney Being Nominated as a “Local Hero”: _____

Reasons: _____

Submitted By: _____

(Optional)

“Unraveling the Knot of Psychiatric Diagnosis”

by Stephen J. Cummings is a licensed clinical psychologist in Seattle

It would be useful for every law office to have a copy of the hardback volume of DSM-IV, the 886-page Bible of “mental disorders.” After years of doing forensic work, it is clear that attorneys know as much about psychiatric diagnosis as psychologists do about case law — knowledge obtained ad hoc on the job long after obtaining one’s professional degree.

The original diagnostic manual was a spiral-bound skinny pamphlet with scanty description that lasted until 1968. Major revisions and expansions to the system began in 1980. There are now hundreds of “mental diseases” listed in an attempt to codify virtually all that can go awry in human behavior. The current edition is complex, seemingly scientific, and full of useful information about each “disorder.” The range of disorders specified runs the gamut from actual physical diseases that affect the mind to vaguer, but no less meaningful problems such as “Identity Disorder.” The usual array of diagnoses familiar to most laypeople to some degree, such as depression, anxiety, and schizophrenia are outlined in great detail, with numerous subclassifications. What has been added is a byzantine catalogue of problems relating to sexual dysfunction, substance abuse, and personality disorders.

In most psychological evaluations, there will be a listing organized according to Axis I and II diagnoses. These are not axes in any geometric sense. They serve to arbitrarily divide mental disorders into (a) Personality Disorders and Learning Disabilities (Axis II) and (b) all other residual disorders (Axis I). A client can have diagnoses on a single axis or sometimes both, depending upon the results of psychological testing and other sources of data. For example, an adult might present with Dysthymic Disorder (Depression) on Axis I along with Avoidant Personality Disorder (Axis II). Such a person would meet diagnostic criteria listed under both categories in the manual, e.g., 6 of 9 listed symptoms under

Dysthymic Disorder qualify for a full diagnosis. The choice by the psychiatric profession about what threshold(s) must be met to fully qualify with such a label is basically decided by consensus of committees, rather than any firm scientific underpinning. What disorders become diagnosable have some political undertones consistent with the values crises of the Zeitgeist, e.g., substance abuse was virtually absent in the original manual.

One attorney contacted me recently to ask about the numerical descriptions for each mental disorder, e.g., (300.40): Dysthymic Disorder. This numerical system is not essential for an attorney’s knowledge, as it is part of a larger codification of the International Classification of Diseases (ICD-10) that includes purely medical diagnoses.

It may be useful to point out that there are also Axes III-IV-V designated on occasion in some psychological evaluations. Axis III basically depicts any significant medical problems that impact a person’s psychological condition, e.g., HIV would clearly contribute to depression. Axis IV ordinarily consists of a list of external stressors globally rated 1 through 7 as to severity, e.g., loss of job, divorce, etc. Finally, a person’s overall psychological functioning is assessed in Axis V by the Global Assessment Scale (GAS). The higher the number, the better we are functioning in social, emotional, interpersonal, and occupational areas. A score below 50, for example, would indicate a moderate degree of dysfunction, and so on.

If you peruse the DSM-IV, there is useful information about each particular diagnosis, some more so than others. There is an attempt to depict etiology, associated diagnoses, differential diagnosis from related conditions and a general descriptive narrative of the particular disorder. Some diagnoses include entire sections and subsections, e.g., Mood Disorders, while others are highly specific and sparse informationally, e.g., Encopresis!

Upon reading a psychological evaluation or results of testing, it would behoove an attorney to simply reference it in the index, and begin reading the at-

tached narrative. Sometimes, the lingo gets a bit complex, perhaps requiring consultation with a mental health professional. Researching the formal delineation of diagnoses is useful, because the lay concept of a condition such as depression may differ considerably from the official psychiatric depiction.

There will undoubtedly be a DSM-V coming out in the next decade, after many meetings and much hoopla about the latest findings. Changes will reflect what has gone on culturally as well as medically in our society since the last revision. It will be intriguing to see what will be added and deleted in a continuing effort to catalogue the malaise in our lives.

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**City of Snohomish
Notice of RFP for
Prosecutorial Services**

NOTICE IS HEREBY GIVEN, that requests for proposal shall be received by the City Manager Larry Bauman at City Hall, 116 Union Avenue, Snohomish, Washington 98290, **until 5 p.m. on Tuesday, December 31, 2002.** The City shall review submitted qualifications and select a finalist attorney for interview.

The City of Snohomish is soliciting proposals to provide prosecutorial services for misdemeanor violations of State law and the municipal code. The City of Snohomish will continue to contract for prosecutorial and public defender services. The City Prosecutor presently works through a subcontract with the office of the City Attorney and it is the City's intent to continue that relationship.

The RFP packet containing submittal requirements may be obtained at City Hall between 9 a.m. and 5 p.m. on weekdays or call Janet Keefe at (360) 568-3115 to have a packet mailed.

Dated this 13th day of November, 2002.

City of Snohomish, Washington
By Torchie Corey, City Clerk

Published: The Herald, November 16, 2002
SCBA News – December edition

**City of Snohomish
Notice of RFP for
Public Defender Services**

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The City of Snohomish is requesting proposals from licensed attorneys, practicing in Snohomish County, to provide public defender services to individuals charged for crimes within the City limits of Snohomish, who are determined to be of indigent status and referred by the Evergreen District Court for legal representation.

The RFP packet containing submittal requirements may be obtained at City Hall between 9 a.m. and 5 p.m. on weekdays or call Janet Keefe at 360-568-3115 to have a packet mailed.

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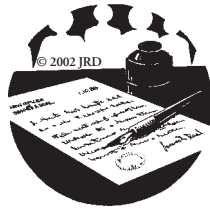
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