



From the Executive Director



We are pleased to announce 2023 SCBA the **Board** of **Trustees officers!**

Aimee Trua - President



Michael Chin - Vice President



Kari Petrasek - Treasurer



Krista MacLaren - Secretary





SCBA 2023 Board of Trustees-1

Inside this issue:

The Annual SCBA Dinner Returns! - 3

Ex Parté Social - 7

Preventable Financial Hurdles of the Newly Divorced - 9

SCBA Lawyer Referral Service -24

SCBA Team

Cynthia Daste' Executive Director

Gregory Altringer Office Manager/Referral Coord

Snohomish County Bar Assoc. Board of Trustees

Aimee Trua President

Michael Chin Vice President

Kari Petrasek Treasurer Krista Maclaren Secretary

Colin McMahon Young Lawyers Division

Amanda Effertz Todd Hubbard

Michael Lang

Brian Parker Cory Rein Aaron Shields



Helping Law Firms simplify banking

- Community business checking
- Individual client deposit accounts
- Interest on lawyers trust accounts
- Credit card processing
- Deposit checks from your office
- Lines of credit and credit cards*

^{*} requires approval of credit and required disclosures



Kaye Phinney 425-257-1655 kaye@coastalbank.com MLO#658710

www.coastalbank.com



Bar Calendar

SCBA Board Meetings, 5:15 PM 02/16 03/16 04/20

About Bar News

All editorial material including editorial comment appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or the Board of Trustees. Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

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

Ads, articles, announcements and changes of address all go to director@snobar.org. Submissions are due by the 15th.

Kristin L. Timm

Welcomes referrals for juvenile cases

Felonies, Misdemeanors, and Sex Offenses, Sealing Juvenile Records, Reinstating Drivers' Licenses, Quashing Sex Offender Registration

Law Office of Brice & Timm, LLP 1223 Broadway Everett, WA 98201 425-252-0797

Twenty-two years of Juvenile Court experience



Brice timm@frontier.com

The Annual SCBA Dinner Returns!

Congratulations:

Attorney of the Year
Jane Pak

Judge of the Year George F. Appel

President's Award Laura Shaver















Gilson-Moreau & Associates, P.S.

MEDIATION & ARBITRATION SERVICES

DEAR COLLEAGUES,

Our office is happy to announce that both Rhea Rolfe and Monique Gilson-Moreau are now offering mediation and arbitration services. With both Rhea and Monique having over 35 years of family law litigation experience, they are incredibly familiar and confident with settlement negotiations and well qualified for analysis and mediation of a variety of complex family law issues with attorney represented parties and pro se litigants. Contact our office to schedule your full or half day mediation and be sure to ask about our military/service member discount!



Rhea Rolfe and her whole office are an amazing team of hardworking women. My case went on for several years and August 26, 2018 everyone there was always responsive, reliable, and encouraging. It was humbling to meet a group of lawyers who behaved ethically and were always looking out for the best interest of the child involved in parenting plan updates, as well as keeping us both safe and escape a domestic violence situation. Rhea and her team also helped with deescalation when the other party was sending threats to me and their whole office. On several ocassions, both Rhea and Monique Gilson-Moreau waited with me in the courthouse for my case to be called and anyone knows how hard it is to sit through other hearings nervously awaiting your turn. They were both compassionate and caring and help me have hope for the future for me and my child. They also kept me informed of my options and updated on my case at all times and avoided running up my tab by declining to engage further with the other party, who at some point was sending daily non nonsensical emails to their office. I can't recommend their offices enough. If you are looking for an experienced attorney with integrity who is ready to fight for you without creating unnecessary conflict, look no further. Rhea is an outstanding attorney.



Posted by Holt March 17, 2021

Extremely Helpful and Effective

I reached out to Monique a few years ago for help with a previously litigated case where I was having trouble seeing my son despite having a Parenting Plan in place Monique very quickly understood the situation, made phone calls to the opposing attorney and wrote a letter. Had it not been for Monique's "firmness", this issue would not have been resolved easily or effectively. As it turned out, due to Monique's help, my son's mom came to me willing to and wanting to work out a suitable path forward. And that was something that had not been possible prior to Monique taking the reins. My only regret was not finding Monique earlier in the process, but am thankful to have her help if / when needed now and into the future. Thanks again Monique and team!!

> RATES: \$250-\$300/HR Contact us for more details & for scheduling. Spots fill up quickly!



Rhea J. Rolfe



Monique Gilson-Moreau





Vacant Trustee Seat!

Hello members,

We have one vacant Trustee seat for the January 2023-December 2025 term on the SCBA Board.

The deadline for nominations is Friday, February 3rd.

Members may self-nominate or nominate other members for the positions.

Please submit your nominations to our Executive Director, Cynthia Dasté at <u>director@snobar.org</u>





The SCBA Board of Trustees is pleased to announce an upcoming event:

Ex Parté Social

Please join the Snohomish County Bar Association for our first Ex Parté Social of the year.

Date: February 9, 2023 Time: 5-7:00pm

Anderson Hunter Law 2707 Colby Ave., Suite 1001

Beverages and light appetizers will be provided.

Please RSVP to Cynthia Dasté – <u>director@snobar.org</u> by Thursday, February 2, 2023.

We hope to see you there!



Bring a Seasoned Mediator to the Table

Kenneth E. Brewe

Facilitating settlements in family law matters from Mt. Vernon to Seattle... and everywhere in between.









BREWE LAYMAN P.S.

Attorneys at Law | Family Law

brewelaw.com

Visit brewelaw.com/mediation or contact us for a brochure



Need help with an injury case? We pay referral fees!

- Experienced trial attorneys in areas of motor vehicle collision, insurance bad faith, products liability, construction site injury
- Great client reviews
- ♦ Generous co-counsel fees (in compliance with WSBA RPC 7.3 / 1.5)

Call us to strategize your case!

Phone: 425.212.9165
Email: info@russellandhill.com
Web: russellandhill.com







Brandon@russellandhill.com



Dean@russellandhill.com



Preventable Financial Hurdles of the Newly Divorced By Mihaella Bayla WSBA 51638

A Numbers Person in Family Law?

My journey into divorce mortgage planning started several years ago, when I took a break from practicing law to help my husband open a branch of a national mortgage company. We've always enjoyed working together, and I saw this opportunity as a much needed, year-long sabbatical from running a legal practice.

Prior to this point, I knew little about mortgage lending, but I was rather good with numbers and had a strong understanding of taxation principles. Like most people, I had never heard of divorce mortgage planning. Being a numbers person, I never saw myself involved in family law in any capacity.

A Single-Mom's Impact on Me

Over time, as I started working with clients, I noticed that newly divorced individuals had many more hurdles to overcome when it came to qualifying for a mortgage than two-person households or those who had been single for a while. I was especially affected when I met a single mom, whom I will call Alice.

Alice was newly divorced and wanted to keep the marital home so her young children would not have to move. While she was receiving a substantial monthly alimony payment, the support was only awarded for 36 months total, meaning we could not use this income to help her qualify for a mortgage.

Alice was also working part-time and receiving child support, but without the alimony payments, she did not have enough usable income. Since Alice was unable to refinance the home into her name, she was forced to sell it. I will never forget that heartbreaking conversation.

After meeting Alice, I wondered if her case would've been different if she knew the details of the support income needed to qualify for the mortgage. I started seeking out information about lending guidelines related to divorcing borrowers, and then frequency-bias kicked in: suddenly, I was hearing stories like Alice's on a regular basis.

Found My Niche

Soon, I discovered the Divorce Lending Association, and I was hooked. The more I learned about this intersection of family law and lending, the more I understood how divorce mortgage planning (or lack of planning) can make a significant impact. How often would newly divorced moms like Alice be able to keep their homes or be forced to sell?

This journey became a passion, and I dedicated my career to helping divorcing individuals have access to a safe and affordable dwelling when the divorce is final.

This article will cover some basics regarding support income, lump sum awards, and marital debt. Future



Mr. Pellegrini is an experienced family law attorney whose practice began in Scattle and has expanded to include continuous case actions in Snohomish, Whatcom, King County, Skagit and Island counties

Family Law Mediation & Arbitration

Wayne Pellegrini

Third Street Mediation

PO Box 246 Silvana, WA 98287 360-386-2047

RICO TESSANDORE



legal@ricotessandore.com

FORMER INSURANCE DEFENSE ATTORNEY WELCOMES YOUR REFERRALS

PERSONAL INJURY LITIGATION SETTLEMENT GUARDIAN AD LITEM

SERVING WHATCOM, SKAGIT, SNOHOMISH, ISLAND COUNTIES Licensed in Tulalip Tribal Court

2707 Colby Avenue, Suite 901, Everett, WA 98201 19000 33rd Avenue West, Suite 100, Lynnwood, WA 98036 1200 Old Fairhaven Parkway, Suite 203, Bellingham, WA 98225

Judge Michael T. Downes (Ret.)

is pleased to announce his availability for Arbitrations and Mediations.

Carson Law Group, PLLC

Please contact Chloe Horner for scheduling with Judge Downes: chloe@carsonlawgroup.com 3113 Rockefeller Ave, Everett, WA Tel: 425-493-5000 www.carsonlawgroup.com

— PACIFIC— MEDIATION

James D. Shipman is now conducting his mediation practice as Pacific Mediation, P.S.

- + Twelve years of mediation experience
- + Conducted over 1500 mediations in all aspects of family law
- Thousands of decisions made as a pro tem commissioner or arbitrator on family law cases
- Available for mediations in Snohomish, King, Skagit or Island Counties
- + A Fellow of the American Academy of Matrimonial Attorneys

james@pac-mediation.com | www.pac-mediation.com

February 2023, Volume 59, Page 12

Continued from Page 9

articles will cover equity buyouts, property valuations, how to exclude the current mortgage from the departing spouse's financial profile, escrow refunds, and how to avoid mortgage fraud when advising divorcing clients on the topic of mortgage lending. These articles are not legal or tax advice, but they share information that I believe would be useful to the professional divorce team.

Income

If you've worked with mortgage professionals to help clients identify their borrowing power, you've likely heard that not all income is qualifying income. This means that only certain streams of income can be used to help a client qualify for a mortgage.

The divorce team can impact how a divorcing client's income is structured when it comes to support income and lump sum awards of marital property. These two types of income can be negotiated and adjusted during the divorce process, and thus can affect the client's chance of qualifying for mortgage lending.

Support Income

When determining the amount and duration of spousal support, it's important to understand that length of support income is often more important than the amount received. Why? Because it needs to meet mortgage lenders' "6/36 Rule" before it can be counted as part of the client's qualifying income. This rule specifies that support income must have been received by the borrower for at least six months, and that it will continue to be received for at least another 36 months.

Therefore, if the support income is received for less than 42 months, it will not be considered qualifying income for mortgage purposes.

For Example

If Alice was able to speak with a mortgage professional familiar with divorce mortgage planning, she might have requested that her alimony be extended to at least 42 months to meet the 6/36 Rule and be considered qualifying income.

For a simple refinance, a total award of support income of 42 months might be sufficient, although I advocate for adding one to two months of additional support months, whenever possible. This ensures against any unexpected delays during the lending process that could exhaust the awarded length of support income received.

If the client is hoping to purchase a new property, 46 - 50 months of support income is more prudent, because the client will need additional time to identify a property, win the offer, go through the negotiations process, and then go under contract with the seller.

Depending on market conditions, it can take buyers several months to get under contract for a new home purchase. Then, a buyer would need an additional 36 months of continuing support after the date of purchase, for the support income to be viable for mortgage lending.

Child support income can be disqualified if the review term is listed as two years, instead "according to state law." Unless there's a specific reason to schedule a review of the child support sooner than two years, consider excluding a review date and use more generic wording.



BRIDGING DIVIDES

Michael Charneski Mediator/Attorney Mobile/Serving All of Washington

Affordable Mediation at Your Location.
Innovative, Multi-Tier Fee Schedule.

Thirty-plus years litigating. Practice now limited to mediating civil matters (excluding family law).

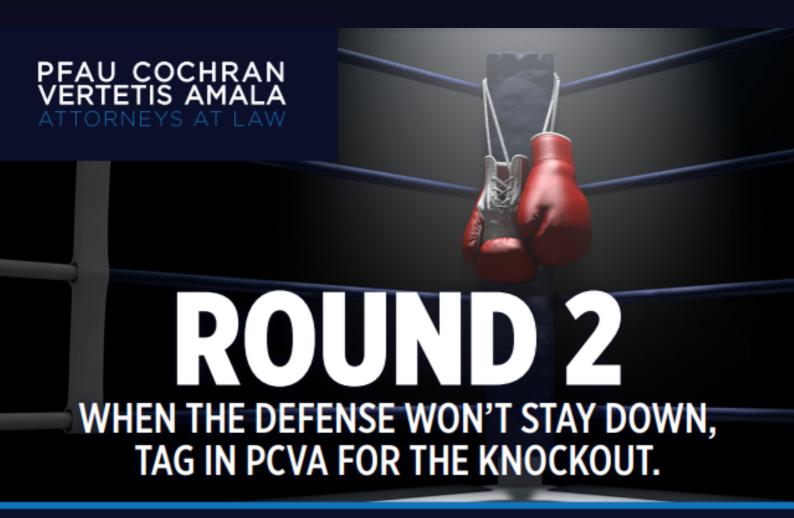
- All damage claims
- Contract and business disputes
- Construction claims/design law
- Eminent domain/property valuation
- Real estate/easements/adverse possession
- Corporate, LLC, and partnership issues
- Injury claims
- Professional malpractice



No travel charge along Bellingham-to-Olympia corridor (inquire about other locations).

Mediation fees vary by amount in controversy.

www.charneskimediation.com 206-920-7963





In the boxing ring that is the court of law, a victory is only the beginning of the fight. Oftentimes, opposing counsel will do whatever it takes to steal the win back, whether that means filing motions post-judgment or taking the case to the appellate level.

PCVA's Appellate Practice Group attorneys are skilled at taking on defendants for "round two." Their unique experience and know-how make

a great difference in successful post-trial procedures, motions, and judgment collections. They excel at developing strategies and will aggressively and fearlessly take on large corporations and insurance giants in complex appeals.

Post-trial and Appellate
Catastrophic Injury • Medical Malpractice • Sexual Abuse

800.349.PCVA

www.pcva.law



Seattle, WA • 701 Fifth Avenue, Suite 4300 • Seattle, WA 98104

Tacoma, WA • 909 A Street, Suite 700 • Tacoma, WA 98402

Continued from Page 12

Maximizing Support Income

Another helpful insight when it comes to support income, is that both alimony and child support income may be grossed up by 25%. Thus, if Alice needed qualifying income of \$1,850, she would have met the requirement with \$1,500 per month in support income.

In addition, alimony payments can be deducted from the payer's income instead of listed as a liability, thus maximizing the paying spouse's purchasing power. This information could be significant while negotiating alimony payments between divorcing spouses as they work on finding solutions that benefit both parties. Alice's spouse might have been more amiable to paying support income if there was a significant reduction of the monthly payment amount.

Lump Sum Awards

In some cases, lump sum cash awards of marital assets are given to divorcing spouses as part of the divorce settlement and/or in lieu of alimony. If the receiving spouse wants to qualify for a mortgage and he/she doesn't have an income, the divorce team may have options in generating qualifying income streams from those assets.

One possible method is to create qualifying income from a Revocable Living Trust. This option requires prior planning and a collaboration between the divorce attorney, the financial professional, the mortgage professional, and often an estate planning attorney. The trust must be secured by funds received incident to divorce and transferred directly into a trust account.

What if Alice, in addition to her alimony income, also received a lump sum award of community property funds? If her goal was to keep the marital home, it may have been possible to use the funds to create qualifying income through a Revocable Living Trust, allowing Alice to refinance her property into her name without any waiting period.

One benefit of using a Revocable Living Trust to create qualifying income is that it often only requires at most, one month proof of receipt, versus the six months proof of receipt with other types of support income.

A drawback is that distributions, whether taken monthly, quarterly, or annually, can create taxable income. Also, transferring assets into a Revocable Living Trust could result in the depletion of retirement assets. Depending on the client's specific financial profile, needs, and wants, using a Revocable Living Trust to create qualifying income for mortgage purposes could be a viable and creative opinion. It is imperative that the divorce team discusses all the pros and cons with the client to ensure this is the most appropriate course of action.

www.PortGardnerLaw.com

PORT GARDNER

LAW GROUP



Port Gardner Law Group is pleased to announce the addition of David Kalisek to our legal team. David grew up in Nebraska, where he completed his undergraduate and law school studies. David started his legal career handling a wide range of practice areas across Nebraska, from litigation to estate planning. David later transitioned to a Seattle firm and began exclusively practicing family law throughout Western Washington. David has assisted a wide variety of family law clients, from professional athletes to families with little or no income, and across a wide range of issues, from dissolution of marriage, child custody and relocation, inter-state custody disputes (UCCJEA), modifications, child support and parenting time disputes. David now lives in Clallam County, where he handles family law matters, as well as estate planning and administration throughout the Olympic Peninsula and Western Washington.

In his spare time, David enjoys boating, fishing, and exploring the outdoors with his wife and three dogs.

Port Gardner Law Group 2918 Colby Avenue, Suite 201, Everett, WA 98201

425.259.5100 (†) 425.789.1214 (f)

Kent Millikan, of counsel Brian Dale, of counsel Stephanie Peterson Joel Nichols



James Pautler Jennifer Gogert Patrick Songy Erika Reichley

Experience, Integrity, Results.



Personal Injury | Family Law | Employment | Mediation & Abritration Probate | Real Estate | Business & Corporation

denomillikan.com | 425.259.2222



We protect what our clients value most:

McKinley Irvin attorneys are known for their relentless pursuit of successful results, whether representing individuals in financially complex divorce or high conflict parenting disputes. But perhaps our most noted distinction is our steadfast commitment to protecting what our clients value most.



McKINLEY IRVIN

FAMILY LAW

SEATTLE | BELLEVUE | KIRKLAND | EVERETT | TACOMA | VANCOUVER | PORTLAND | mckinleyirvin.com





Experience, Integrity, Results.

NOW OFFERING MEDIATION SERVICES

Jennifer Gogert is available to mediate or arbitrate your family law and probate matters. With 19 years of trial experience in the areas of family law, personal injury, and probate litigation, she brings a helpful perspective to clients. Comfortable using a facilitative or evaluative style, her emphasis on forward thinking and understanding your client's goals puts litigants at ease and helps them see the value in durable, client-led resolutions.

To schedule, please call Jelan at 425.259.2222.

Continued from Page 15

Marital Debts

When a lender determines a client's borrowing power, they start by looking at the client's debt-to-income ratio, meaning they compare the client's monthly income against their outgoing monthly expenses. Thus, marital debts can cancel out a client's qualifying income created through careful planning and delicate negotiations.

If a divorcing couple is dividing marital debt, and a debt is assigned to one of the spouses, this is referred to as "court ordered assignment of debt" or "contingent liability." The wording in the settlement agreement or other legal instrument, must be clear as to which spouse will be responsible for that debt. Doing so allows the non-paying spouse to disregard this debt from their debt-to-income ratio.

What About Sharing of Marital Debt?

From a lending perspective, sharing of marital debt can create a lot of problems in the long run. If possible, the divorcing couple may consider exchanging a marital debt for a marital asset instead of continuing to finance a shared debt. However, if a marital debt is to be shared between the spouses until it is paid off, the verbiage in the settlement agreement should spell out what percentage of the payment must be made by each spouse, how the payment must be made, etc. Unless this financial responsibility is clearly spelled out in the legal instrument, each spouse may be legally liable for 100% of each payment, which can negatively impact their finances and ability to borrow funds while the debt remains outstanding.

Student Loans

Special care should be paid to student loans, especially when it comes to defining "current loans" versus "future loans". For example, let's say a divorcing couple has a child currently in college, who just took out a student loan, co-signed by the wife.

The couple agrees that the husband will pay all future student loans. The wife mistakenly thinks the agreement includes the loan she co-signed, since it had not entered the repayment period when the divorce was finalized. Later, while trying to purchase a home, the wife learns that she was legally responsible for that first student loan. This student loan is included in her debt-to-income ratio and may impact her ability to borrow funds.

Student loans can pose additional barriers to mortgage lending, especially for loans that have not yet entered the repayment period or for loans that are in deferment: unless the loan is in an official payment plan, most lenders will compute a monthly payment of half a percent to one percent of the total loan amount. For example, if Alice had a \$50,000 student loan that was in deferment, the lender may impute a \$500 monthly payment that negatively affects Alice's debt-to-income ratio.





Arbitration & Mediation

- 41 years of legal experience
- Arbitrator and mediator in family, civil, and personal injury matte
- Past Pro-Tem Commissioner and Pro-Tem Superior Court Judge
- Serves Snohomish, King, and Skagit Counties

3721 Colby, Everett, WA 98201

425-259-2755

425-252-0588

www.gregorydavieslaw.com

Info: mary.l@gregorydavieslaw.com



PCVA would like to congratulate attorney Andy Ulmer, who was recently elevated to the position of partner with the firm. Andy was hired at PCVA as an associate attorney in 2019 and quickly proved his talent as a dedicated advocate for his clients in the courtroom.

Since joining PCVA, Andy has tried a wide variety of cases to verdict and has become an integral member of our top-ranked trial team. PCVA looks forward to Andy's contributions to the firm's long-standing tradition of representing everyday people against corporations and government entities in matters involving childhood personal injury, sexual abuse and product defect.

Catastrophic Injury • Medical Malpractice • Sexual Abuse

800.349.PCVA

www.pcva.law



Seattle, WA • 701 Fifth Avenue, Suite 4300 • Seattle, WA 98104 Tacoma, WA • 909 A Street, Suite 700 • Tacoma, WA 98402

Continued from Page 18

All marital debt that is meant to be divided through a divorce should be very clearly identified, with clear payment instructions and payment terms, especially when the debt will be shared or when the payments will extend for several years into the future.

The additional time and effort dedicated to helping divorcing clients plan for their home ownership goals, from income to division of debt, can make an incredible impact on the clients' futures. This planning is an integral part of the divorce process, because having a safe and affordable place to live after the divorce is a basic need that must be addressed.

Coming Up

I plan to cover other mortgage planning topics in the future, such as equity buyouts, property valuations, how to exclude the current mortgage from the departing spouse's financial profile, escrow refunds, and how to avoid mortgage fraud when advising divorcing clients on the topic of mortgage lending. If you have topics or questions you would like to have answered, please reach out to me directly.

This is for informational purposes only and not for the purpose of providing legal or tax advice.

Mihaella Bayla, CDLP
Attorney & Certified Divorce Lending Professional
True Lending Company
MBayla@TrueLendingCo.com
425-222-2000







123 2nd Ave S, Suite 230, Edmonds, WA 98020 NMLS:2298394



Mihaella Bayla

Attorney & CDLP NMLS:1956030 (425) 222-2000 MBayla@TrueLendingCo.com

- Collaboratively trained
- Balanced and thorough evaluation for mortgage financing



- Guidance on equity buyouts, refinances and purchase mortgages in a divorce setting
- Identify potential pitfalls for mortgage financing and recommend strategies for departing spouse to obtain mortgage financing



We welcome your referrals on workers' compensation claims

Dimmock Law Group, LLC

Our firm is well-staffed to represent injured workers. We have extensive experience handling claims with the Department of Labor and Industries, self-insured employers, and litigating before the Board of Industrial Insurance Appeals and Superior Court.

Andrew S. Dimmock 2012 34th Street Everett, WA 98201

425-339-1323

BERESFORD • BOOTH

LAWYERS

Since 1946

Beresford Booth has proudly served clients throughout Snohomish County and the Pacific Northwest. With 21 lawyers and growing, we continue to serve from our home office in Edmonds and our newest location in Bothell. We offer a full range of services to clients including startups, large corporations, families and individuals. Our practical, creative and timely solutions help clients address their most important legal needs and solve their most complex challenges.





BERESFORDLAW.COM



425) 776-4100

WILLIAM R. SULLIVAN **MEDIATION - 40/40**

40 Years of Experience 40 Hours of Intensive Mediation Training by the AAML

Bill is an attorney at Mill Creek Law; has over 40 years of experience as a trial lawyer; is a Fellow of the American Academy of Matrimonial Lawyers; has completed 40 hours of intensive training in mediation through the Academy; and has been successfully mediating Family Law, Civil, Commercial and Estate cases for over 25 years.



For scheduling, email Helga Watson at helgaw@millcreeklaw.com or call our firm at the number below. An informational letter with a resume is available upon request.

> 4220 132nd Streeet SE, Suite 201 Mill Creek, WA 98012

Phone: 425.332.2000 | Fax: 425.225.6810 www.millcreeklaw.com



The SCBA Lawyer Referral Service



The LRS is looking for new members to assist in making the legal system more accessible to the public.

We are in need of attorneys who practice in the following areas of law:

Landlord/Tenant

Civil Rights

Internet Privacy

Labor and Industries/Workers Compensation

HIPAA/Privacy

Social Security (all areas)

Taxation

Environmental

Crypto/Blockchain

Elder Law

Any interested parties please contact Gregory Altringer at service@snobar.org

