

May  
2020

Volume 48  
Number 5

The official publication of the  
Snohomish County Bar Association

Superior Court of the State of Washington  
for Snohomish County

**JUDGES**  
ANITA L. FARRIS  
ERIC Z. LUCAS  
DAVID A. KURTZ  
BRUCE I. WEISS  
GEORGE F.B. APPEL  
JOSEPH P. WILSON  
RICHARD T. OKRENT  
JANICE E. ELLIS  
MARYBETH DINGLEDY  
MILLIE M. JUDGE  
CINDY A. LARSEN  
JENNIFER R. LANGBEHN  
PAUL W. THOMPSON  
ANNA G. ALEXANDER  
EDIRIN O. OKOLOKO

**SNOHOMISH COUNTY COURTHOUSE**  
M/S #502  
3000 Rockefeller Avenue  
Everett, WA 98201-4060  
(425) 388-3421

**PRESIDING JUDGE**  
BRUCE I. WEISS

**COURT COMMISSIONERS**  
JACALYN D. BRUDVIK  
TRACY G. WAGGONER  
PATRICK M. MORIATRY  
SUSAN E. HARNES

**SUPERIOR COURT ADMINISTRATOR**  
SHANE A. NYBO

For Immediate Release – April 1, 2020  
Contact: Shane Nybo, Court Administrator, 425-388-3761

Superior Court  
Announces the Appointment of  
Patricia J. Nelson  
Superior Court Commissioner

On March 31, 2020, Snohomish County Superior Court Presiding Judge Bruce I. Weiss announced the Superior Court Bench appointed Ms. Patricia J. Nelson as Snohomish County Superior Court Commissioner to replace Commissioner Susan C. Gaer who retired March 6, 2020.

Ms. Nelson's start date will be on May 1, 2020. After joining the court, she will be hearing calendars related to family law (civil motions, domestic violence, dissolution, paternity and child support), and guardianship/probate as well as mental health and juvenile court matters related to truancy, at-risk youth, and some offender matters.

Ms. Nelson has more than 35 years of experience in criminal defense, dependency/termination, family law, and civil litigation. She has served as a pro-tempore commissioner for the Snohomish County Superior Court. As a private practitioner, her professional experience includes extensive knowledge.

Judge Weiss said, "We are looking forward to Ms. Nelson joining our bench as our newest Court Commissioner. She has been working as a Pro Tem Commissioner for our court for many years and is hard-working, intelligent, and will seamlessly fill the position."

S

C

B

A

News

Published by the  
**Snohomish County  
Bar Association**  
P.O. Box 5429  
Everett, WA 98206

**Jacob Gent**  
Editor

**Terri Callantine**  
Magazine Production  
& Website

**Joyce Wood**  
Executive Director  
joycew@snobar.org

Snohomish County Bar  
Association Officers

**Cory Rein**  
President

**Todd Hubbard**  
Vice President

**William Sullivan**  
Treasurer

**Jacob Gent**  
Secretary

Trustees

**Amanda Effertz**

**John Follis**

**Ian Johnson**

**Kari Petrasek**

**Danielle Pratt**

**Stephen Ritchie**

**Aaron Shields**

**Aimee Trua**

© 2020 by  
Snohomish County Bar Association.  
Printed by the SCBA

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. 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

## INSIDE THIS ISSUE

- ★ **Calendar of Events**
- ★ **From the Desk of the President**
- ★ **Lawyers Road Review - Flight of the Stirling - Part 2**
- ★ **The Face of a Legal Technician - Tragedy of the Commons**
- ★ **Announcements**
- ★ **Advertisements**

## ADVERTISING AND SUBMISSIONS

**Announcements:** SCBA members only. Contact Joyce Wood at (425) 388-3056 or joycew@snobar.org.

**Classifieds:** Please contact Joyce Wood for rates and submission guidelines at (425) 388-3056 or at joycew@snobar.org.

**Submissions:** Contact Joyce Wood at (425) 388-3056 or at joycew@snobar.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 to the SCBA office at P.O. Box 5429, Everett, WA 98206, Microsoft Word Format (Mac or PC) by e-mail. WordPerfect users, save your files in either MS Word format or Rich Text format (RTF).

## CONTACT US

**SCBA Office:** (425) 388-3056 / e-mail: joycew@snobar.org

**SCBA Fax:** (425) 388-3978

**Web site:** www.snobar.org

**Lawyer Referral Service:** (425) 388-3018

Like us on Facebook



## SCBA CALENDAR OF EVENTS

### May 2020

7<sup>th</sup> Young Lawyers Section Meeting  
15<sup>th</sup> Deadline SCBA Newsletter  
18<sup>th</sup> Family Law Section Meeting  
21<sup>st</sup> SCBA Board of Trustees Meeting  
25<sup>th</sup> Courthouse Closed

### June 2020

4<sup>th</sup> Young Lawyers Section Meeting  
15<sup>th</sup> Deadline SCBA Newsletter  
15<sup>th</sup> Family Law Section Meeting  
18<sup>th</sup> SCBA Board of Trustees Meeting  
25<sup>th</sup> Aqua Sox game

### July 2020

2<sup>nd</sup> Young Lawyers Section Meeting  
3<sup>rd</sup> Courthouse Closed  
15<sup>th</sup> No Deadline SCBA Newsletter  
16<sup>th</sup> SCBA Board of Trustees Meeting  
20<sup>th</sup> Family Law Section Meeting

### August 2020

6<sup>th</sup> Young Lawyers Section Meeting  
15<sup>th</sup> Deadline SCBA Newsletter  
20<sup>th</sup> SCBA Board of Trustees Meeting  
24<sup>th</sup> Family Law Section Meeting  
28<sup>th</sup> SCBA Golf Tournament

### September 2020

3<sup>rd</sup> Young Lawyers Section Meeting  
7<sup>th</sup> Courthouse Closed  
15<sup>th</sup> Deadline SCBA Newsletter  
17<sup>th</sup> SCBA Board of Trustees Meeting  
21<sup>st</sup> Family Law Section Meeting

### October 2020

4<sup>th</sup> Young Lawyers Section Meeting  
15<sup>th</sup> Deadline SCBA Newsletter  
15<sup>h</sup> Family Law Section Meeting  
18<sup>h</sup> SCBA Board of Trustees Meeting

## SUPERIOR COURT ASSIGNMENTS

**Presiding Judge:** Judge Bruce I. Weiss  
Trial Calendar Call and Motions to Continue Trial Dept. 10

**Juvenile Court:** Judge Judge  
Judge Wilson  
Commissioner Waggoner

**Please note: Due to COVID-19 calendars have been reduced or combined and all assignments are subject to change without notice. A weekly Consolidated Calendar Schedule is posted on the Superior Court website. Check Odyssey Portal to determine which jurist will be covering the calendar where your case is scheduled. Review the latest Emergency Order and watch the Superior Court website for further updates.**

**Ex Parte/Commissioner Civil Motions:<sup>1</sup>** Commissioner Harness

**Family Law Calendars:<sup>1</sup>** Commissioners Brudvik, Moriarty, Nelson



FROM THE DESK OF THE  
PRESIDENT  
CORY REIN

This month's column will be kept (very) short, consistent with the dramatic cutbacks in all of our daily lives under the current circumstances.

Several members of our association have already battled, or are currently in a battle with, Covid-19. For those of you who have contracted Covid-19, or who have family members or close friends who have, I'm certain I speak for all members in wishing you, your family members and close friends the very best including a speedy recovery.

Some changes with the Court need to be announced. Commissioner Susan Gaer is retiring, and Marysville attorney and Snohomish County bar member Patricia Nelson has been appointed to fill her

seat. Patty has been great to work with as opposing counsel and came highly recommended by our membership.

Ending this (very) short column on a positive note, I do find that these uncertain, disturbing times have brought out the best in our members. My own personal experience is that I have found opposing counsel far more willing to extend courtesies that in the past might not have been automatically extended. Interactions with other members seem more collegial. Our members seem genuinely interested in and concerned about each other in a way that may not have existed before Covid-19, and, as Martha Stewart would say, "that's a good thing." ☺

*Kent Millikan, of counsel*  
Brian Dale  
Stephanie Petersen  
Joel Nichols



James Faudler  
Jennifer Gogert  
Patrick Songy  
Adam Steel

**DENO MILLIKAN LAW FIRM, PLLC**



**Probate - Real Estate - Family Law - Personal Injury - Estate Planning Construction  
Employment/Labor - Criminal Defense - Collaborative Law - Post-Conviction Relief  
Mediation & Arbitration - Business & Corporations**

3411 Colby Avenue  
Everett, WA 98201

Available for Referrals, Associations and Consultations  
[www.denomillikan.com](http://www.denomillikan.com)

Ph (425) 297-2222  
Fwx (425) 297-2030



THE LAWYER'S  
ROAD REVIEW  
BY PETE PATTERSON

## Flight of the Stirling

### Part Two: Into the Valley of Death

*Recall last month we traced the true story of the crew of a Short Stirling bomber detailed from their base in Suffolk to bomb the Fiat Aircraft Works in Turin Italy. This required the notoriously low flying bomber to find a way through the Alps, laden with bombs and fuel. We pick up the story with the last few lines of last month's chapter:*

"Peak dead ahead Skipper!" called out the mid-upper gunner Flight Sgt. Douglas Cameron. "Watch out. Dead ahead!" Middleton deftly skirted the peak, the Stirling was said to be a wonder to fly despite it's now obvious shortcomings. The rear gunner Sgt. Harold Wray Gough reported the rock wall past by in what seemed like inches.

The Stirling flew on, deeper and deeper into the gorge. "It's coming to a dead end," Middleton reported, and opened the bomb bay doors to jettison the weight of the bombs, desperate for altitude.

Suddenly Sgt. John W. Mackie, the front gunner barked into the intercom "It's there! Look to starboard!"

The crew could see through a pass the flares earlier RAF crews had dropped to illuminate the target. Middleton banked the ship to the right and began the decent to the valley that held the city. He closed the bomb bay doors and began to set up for his run.

Calling out to flight engineer Sgt. Jeffery for a fuel report, Middleton learned if they followed orders and bombed from a low altitude they would just have enough to get back to the English coast. Middleton pressed the nose of the ship down, down, to 5000 feet, and they began to take anti-aircraft or flak hits. Asking the Scottish co-pilot Leslie Hyder to assist as the lateral control had been impacted, he reported in a thick accent "We're OK, Chaps," and continued to descend to 2000 feet as they crossed over the marshalling yards.

Suddenly an explosion rocked the cockpit between Middleton and Hyder and the bomber went into a dive. Middleton lost consciousness. Hyder recovered just in time to pull the Stirling out at 800 feet and again his heavy accent come over the intercom, "Ok, I've got her," notwithstanding his own wounds. Too low to

bomb, Hyder brought the ship up to 1500 feet for the bomb run.

Middleton regained consciousness despite grievous wounds, including a smashed right eye and exposed skull, and flew repeated passes over the target to ensure identification, three in all. The motto of Bomber Command was carried out despite the wounds; Strike Hard, Strike Sure. The 149 Squadron motto, *Fortis nocte* - Strong by Night, he emulated.

Middleton ordered Hyder back to the rest bed for first aid. Hyder was assisted by Flight Sgt. Cameron from the mid-upper gun mount. Makie left the front turret to survey the scene, and found Middleton alone, bleeding, and piloting the aircraft. There was some talk of heading south for North Africa, but after yet another fuel report he assisted by setting the compass heading back to the Alps, this time without bombs or as much fuel, but with holes in the wings.

Hyden's wounds were barely dressed when he left the first aid station for the co-pilot's seat, concerned Middleton might again lose consciousness. Both men were bleeding heavily from multiple hits. The shell that had impacted them blew out the windscreen on the pilot's side. Ice cold wind blew in at 150 knots. They had 500 miles yet to travel to England.

All extra weight was jettisoned, even the guns and ammunition, despite having yet to fly over German occupied France. The rear turret had been largely wrecked by a flak shell in any case. The moon mercifully appeared, and the now lighter Stirling passed through the Alps with greater clarity of vision.

Once over France, a head wind afflicted the stricken bomber and crew. Fuel again became the chief concern. Many doubted they would even make it to the English Channel for ditching, yet a crash land in occupied France may just save the life of the pilot. But Middleton decided it was more important to get the crew back to England, even if they had to rely upon the Air Sea Rescue Service. And so he flew on.

Somewhere over France, a miracle occurred. The wind came back around to cease the headwind, and instead moved to the northwest. Yet they were still over occupied France. Search lights roamed for the craft representing this engine sound the Germans heard in the sky. Suddenly the cockpit was ablaze in light, not from a flak burst this time but from multiple ground lights; the bomber was "coned" making it an easier target for further flak. The surviving crew reported later the impacts of the shots were like a dentist's automatic hammer on teeth.

*Next month the conclusion of Flight of the Stirling: The English Channel.* ♪

# Cunnane Law

Dedicated to protecting your legal rights.

## CLIENT DISABLED FROM WORK?

We help clients with Long Term Disability claims  
— (ERISA and Non ERISA). Get on claim!



Joe Cunnane and John Deane

Joseph Cunnane

Principal Equity & Disability Attorney

425.672.7100 | [joe@cunnanelaw.com](mailto:joe@cunnanelaw.com)

100 2nd Ave S, Suite #210 | Edmonds, WA 98020

[www.cunnanelaw.com](http://www.cunnanelaw.com)

## PORT GARDNER LAW GROUP

[www.PortGardnerLaw.com](http://www.PortGardnerLaw.com)



Reach Brian at [Brian@portgardnerlaw.com](mailto:Brian@portgardnerlaw.com)

Port Gardner Law Group is pleased to announce that Brian Parker has joined us as an associate attorney. Brian hails from Clark County, where he practiced for over a decade in the areas of family law, criminal law, probate, and civil litigation, and received multiple kudos for his work as a Title 26 guardian ad litem. A judge once called Brian's office to say a GAL report Brian had written was one of the best he had seen. **Brian is now on the Snohomish County GAL registry and he welcomes your referrals.**

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

425.299.9100 (t) 425.789.1214 (f)

## THE FACE OF A LEGAL TECHNICIAN

By: Jeanne M. Barrans, WSBA 114LLLT

Thanks again to Marya Noyes, for her contribution, her sense of humor, her knowledge, and her willingness to share with the rest of us.

### Tragedy of the Commons

Marya C. Noyes, 123LLLT, MBA

Greetings readers. I hope this article finds you and your family well. Obviously, quite a bit has taken place in the world at-large regarding the COVID-19 virus situation since I wrote my last article. As we have all noticed, the emergence of the virus on the public landscape has had created a variety of differing effects: some tragic, some predicted, and some very unexpected.

Were this pandemic a thought experiment, collectively we probably could have predicted that the various and sundry political parties would each blame each other for the emergence of a natural pathogen. Further, we probably could have predicted that certain sections of society would claim that attempts to inhibit the transmission of this disease were the result of a vast conspiracy put forth by the entire world to inhibit their personal religious expression. Maybe even some of us could have predicted that a large swath of society would mostly focus on the economic ramifications of such large change in employment and buying patterns. But I wonder, how many of us would have predicted that in the panic surrounding a respiratory illness, we would collectively run out of toilet paper?

Am I about to write about toilet paper and the justice gap? Yes. I am. And, as with most things, there is an economic model that explains the emergence of this lack of toilet paper problem. It is known as, "Tragedy of the Commons."

Regardless of what may be considered an absurd example to exemplify my point, as I stated at the end of last month's article, I had already planned to write about this economic theory. I was just a bit stuck in my search for an example to which everyone could relate and/or care about. As it happens, this same economic theory applies to pollution and any overuse of a publicly available resource.

While examples of this theory in action abound, not everyone knows or even cares about most of them. For example, you may have no interest whatsoever in the fact that the Ohio river has caught fire 13 times, or that humans have depleted 1/3 of the world's natural fisheries which will eventually disrupt the entire food chain. Why should you care? You don't live in Ohio, nor is it your fault that fisherman can't figure out how to moderate themselves. I say this in jest however, it is true that some illustrations are not exactly compelling to many people.

Frankly, I could bludgeon you further with my frustrated examples, but you get the idea. I was just about

to settle for a second-rate analogy, when a beacon of light appeared. Society collectively ran out of toilet paper. Suddenly, I was presented with a universally relatable situation. Everyone cares about toilet paper. (I hope.)

Now to fully understand why this economic concept matters, we must first detour though how we got here. (I hate to be one of those, ask me the time and I will tell you how to build a watch sort of people, but this really does underpin most of America's belief in free enterprise. So, listen up.) In a capitalistic society it is generally "understood" that an unregulated market or laissez-faire economic philosophy will lead to the greatest benefit for all concerned. Any interference in the free market independently reaching equilibrium will inevitably result in a loss to both buyers and sellers.

The theory that markets are driven to greater societal benefit by an "invisible hand" originated from Adam Smith, the father of modern economics, in his well-known work, *The Theory of Moral Sentiments*. If the book is not well known to you, you clearly never took economics in college. Shoot me an email. I will lend you my copy. If you have insomnia, it might help you sleep.

If you are not familiar, Adam Smith was a Scottish economist and philosopher better known for his magnum opus work, *An Inquiry into the Nature and Causes of the Wealth of Nations*, frequently shortened into, *The Wealth of Nations*. Now, what most people don't know is that Adam Smith published, *The Theory of Moral Sentiments* in 1759. Yes, seventeen years prior to the founding of our country. As one might imagine, we have learned a few helpful pieces of information about the workings of the free market since the book was originally written by Mr. Smith over 261 years ago. Further, the current usage of Mr. Smith's "invisible hand" goes far beyond anything alluded to in his writings. Honestly, I could go on and on about how the misapplication of this concept has been used to justify any number of society's excesses; however, lucky for you, I am running out of room and must save the rest of my tirade for a future article.

One of the helpful tidbits that economists have learned in the past 200 years is that there are often beneficial reasons to "interfere" in the free market. For example, requiring doctors to have medical training and licenses instead of just selling their skills to whomever can rub two nickels together seems to have some societal benefit. Another take on laissez-faire capitalism that is most relevant to this discussion originated in an essay written in 1833 by British economist William Foster Lloyd; it was later popularized in America by Garrett Hardin in his 1968 paper in *Science Magazine* named, "*Tragedy of the Commons*."

The concept is simple. The theory alleges that in dealing with a shared resource, individual users acting in

*continued on page 9*

# ***WORKERS' COMPENSATION***

We welcome and appreciate your referrals of 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 & Industries, self-insured employers, and litigating matters before the Board of Industrial Insurance Appeals and Superior Court.

### **Andrew S. Dimmock**

2012 - 34<sup>th</sup> Street  
Everett, Washington 98201  
425-339-1323



**EXPERIENCE  
TENACITY  
JUDGMENT**

**DISPUTE  
RESOLVED**

**ADR Solutions**

- All panelists are former Washington State Superior Court judges
- Mediation, arbitration, hearing officer, special master and litigation consultation
- Talented and responsive staff
- Comfortable mediation conference rooms
- Arbitration courtroom with audio/visual technology and party breakout rooms

**JdR**  
Judicial Dispute Resolution, LLC

Joshua Green Building - 1425 Fourth Avenue - Suite 300  
Seattle, Washington 98101 - 206.223.1669 - [jdrllc.com](http://jdrllc.com)

<b>CHARLES S. BURDELL JR.</b> Former King County Superior Court Judge	<b>PARIS K. KALLAS</b> Former King County Superior Court Judge	<b>GEORGE FINKLE</b> Former King County Superior Court Judge	<b>LARRY A. JORDAN</b> Former King County Superior Court Judge
<b>STEVE SCOTT</b> Former King County Superior Court Judge	<b>LINDA LAU</b> Former Appellate and Superior Court Judge	<b>BRUCE HELLER</b> Former King County Superior Court Judge	<b>PALMER ROBINSON</b> Former King County Superior Court Judge



*continued from page 7*

their own self-interest are not led by an “invisible hand” for the benefit of society, as originally alleged by Mr. Smith in 1759. In fact, these users behave contrary to the common good by depleting or spoiling the shared resource for all by their collective self-interested actions. (Ah ha! If you are following along, we just made it to the point in the article where the toilet paper shortage example becomes relevant.) Specifically, while no one person went to the store and individually bought out all the toilet paper (I think), the self-interested actions of minority of individuals made the resource virtually unavailable to the rest of us.

While you may concede that this theory applies to our collective toilet paper shortage, overgrazing and possibly pollution in general, you may be wondering how in the world I am tying it to the justice gap. Certainly, one’s right and ability to seek justice in their own case does not interfere or even reduce the capacity of another from doing same. Right?

Why that may be the case, the justice gap is simply the difference between those who can afford legal counsel and those who cannot. I alleged in my second article that currently there is interference inhibiting the legal marketplace from reaching a price-quantity equilibrium, and that this interference is the cause of the aforementioned “justice gap.” For those following along,

the economic term for the gap is “Deadweight loss.”

In the legal field, there are many selfless individuals who continuously launch themselves into the justice gap. They are to be commended for their continuous, tireless action in the name of those who lack legal representation. They provide legal counsel, when going without it can have disastrous consequences for everyone concerned.

Unfortunately, there will never be enough of these altruistic individuals to meet the existing need for their services. I allege this because of the previously mentioned, Tragedy of the Commons. Instead of individual efforts being directed by an “invisible hand” for the societal good, I posit that these generous folks will always be outnumbered by the collective self-interested actions of the system’s users. I also make this allegation because if my theory were wrong, the justice gap would not exist. And it does, so... Clearly, our system of counting on a few generous individuals to close the justice gap for the rest of us does not work. If we are serious about closing the justice gap, then the evidence would suggest that we are going to have to make a substantive change to the legal marketplace itself.

Next month I intend to focus on the possible size of the opportunity available in the legal marketplace. Who knows? Jeanne may want to take a break and have someone write a cookie recipe. (Not my strong suit.) Stay tuned. ☺

## Gregory L. Davies

### Arbitrations and Mediations



Snohomish County Superior Court Local Rule 94.04(c)(3) requires for family law cases filed after September 1, 2018, in which a Compliance Schedule is set, the parties must file proof of compliance with the ADR requirement by **filing a Notice of ADR Compliance no later than 8 months from filing the case or prior to confirming the trial, whichever comes first.**

- 38 years of legal experience
- Arbitrator and mediator since 1987 in family, civil, and personal injury matters
- Past Pro-Tem Commissioner and Pro-Tem Judge in Superior Court
- Available in Snohomish, Skagit, and King Counties
- Greg is also available for family law and probate referrals.

For scheduling, email Mary at [mary.l@gregorydavieslaw.com](mailto:mary.l@gregorydavieslaw.com) or call 425-259-2755.

Gregory L. Davies, Attorney, PLLC  
3721 Colby Avenue  
Everett, WA 98201  
425-259-2755  
425-252-0588

[gregorydavieslaw.com](http://gregorydavieslaw.com)

The American Academy of Matrimonial Lawyers (AAML) is an association of prominent family law attorneys throughout the United States. The rigorously vetted and prestigious membership roster includes attorneys who are consistently recognized by judges and attorneys as the preeminent family law practitioners in their regions.

**1623**  
**1623 LAWYERS NATIONWIDE  
 ARE MEMBERS OF AAML**

**29**  
**29 OF THOSE LAWYERS ARE  
 FROM WASHINGTON STATE**

**4**  
**4 OF THE 29 LAWYERS ARE  
 FROM BREWE LAYMAN**

**BREWE  
 LAYMAN P.S.**  
*Excellence in the practice of family law.*

---

Brewer Layman P.S. | Diligent. Adept. Tenacious  
 Seattle | Everett | Mount Vernon | 425.252.5167  
 breweblaw.com



**Helping Attorneys Simplify Banking**

- Community Business Checking
- NMLA Accounts
- Competitive Merchant Service Rates
- Coastal Remote Capture\*
- Local Bankers who make your banking easy and efficient



**www.coastalbank.com**

Kaye Phinney  
 425-257-1855 - kaye@coastalbank.com

\*Special Member Capture Requires Credit Approval

Space available

Advertise your professional services here

Contact SCBA office  
 JoyceW@snohar.org

---

# **VIRTUAL**



APPROVED BY SNOHOMISH SUPERIOR COURT

Due to COVID-19, we temporarily suspended IN-PERSON Successful Co-Parenting seminars for Snohomish County during March and April 2020.

We are now proud to announce that the court administration has approved our plan of a VIRTUAL classroom with a participatory experience launched on May 2nd, 2020

We will continue to offer this training on the same dates and times of our previous calendar. We might add additional events for convenience to potential participants.

This new platform allows more than a typical online training or a video conference. Some benefits are:

- No risk of contagion,
- No transportation required,
- Comfort of your own home,
- Interactive in real-time,
- Break out rooms,
- Chat,
- Knowledge evaluation,
- Attendance roll,
- Polling and surveys.

Overall, our program allow these additional advantages:

- Online calendar of events,
- Online registration and payment,
- Related resources at [www.SuccessfulCo-Parenting.club](http://www.SuccessfulCo-Parenting.club)
- Printed handouts sent in advance,
- No price increase,
- Sliding scale for low income participants.

We are ready to go back to IN-PERSON training when the right time comes, or include both options for the future, as the court mandates.

[www.SuccessfulCo-Parenting.com](http://www.SuccessfulCo-Parenting.com)

**Bilingual Cust Service: Txt/Voice (360) 399-6429 [contact@SuccessfulCo-Parenting.com](mailto:contact@SuccessfulCo-Parenting.com)**

## **FAMILY LAW INFORMATION RE: COVID-19**

The following suggestions are information only and are provided in an effort to offer general information as to how existing parenting plans are impacted by issues related to COVID-19 and various orders entered by this court, the Supreme Court of Washington, Governor Inslee, the Snohomish Health District, and others. These guidelines should not be considered an order of the court and should not deter any party from seeking relief from the court if necessary or desired.

All issues related to parenting and child support will be considered on a case by case basis, and no decision will be made by the court until the issues have been properly submitted and the court has had an opportunity to make a fully informed decision.

### **CHILD SUPPORT**

You must continue to pay your child support obligation. If you are unable to pay your child support obligation, you may seek relief from the Court, or discuss your options with the Washington State Division of Child Support at (800) 442-5437 if the State of Washington is involved as a party in your case. However, the obligation remains outstanding. A parent may not withhold parenting time from a parent for failing to pay child support.

### **PARENTING PLANS**

#### **PARENTS SHOULD TRY TO REACH AGREEMENTS FIRST REGARDING PARENTING PLAN ISSUES. AGREEMENTS SHOULD BE AS COMPLETE AS POSSIBLE AND BE REDUCED TO WRITING**

All parents are urged to try to resolve issues arising because of COVID-19 by working together to reach agreements on rearranging parenting time and modifying exchanges **if necessary** to protect their families and children, while still assuring that eventually each parent will get all of the parenting time they are entitled to under court orders.

Absent special facts, both parents will be entitled to all the parenting time granted in the parenting plan eventually, so your disputes are only over when the time will occur not whether it will occur. You should be guided in your agreements by what will be best and safest for your children and families.

Put your agreements in writing, even if just by text or email. To the extent possible, a full agreement, that sets out the new schedule, and specific times for make-up visitation will reduce confusion and disagreements in the future.

Telephone calls, skype, email and other electronic forms of contact are not a substitute for parenting time and do not suffice generally as makeup time. However, to help reduce stress and anxiety your children may experience due to changes in their routine or to reduce worry about their family members' health, if a parent must miss regular parenting time due to the COVID-19 crisis, both parents should work together to be sure the children get some contact by electronic means so there are no long periods without contact.

#### **PARENTING PLANS ARE COURT ORDERS THAT GENERALLY MUST BE FOLLOWED**

Parenting plans are court orders and the residential parenting time must be followed and permitted if possible. Unless exchange of the children poses a real and substantial health risk that you can show by facts specific to your case, the mere existence of the COVID-19 pandemic is not by itself generally a sufficient reason to not go forward with court ordered parenting time. Even if the other parent is COVID-19 positive, once they are well and sufficient time has passed so that health professionals believe it is safe, visitation should resume.

If a parent fails to exchange a child in violation of a court order, that parent could be held in contempt of court and penalized unless the court finds the parent acted in good faith and had justifiable factual reasons to believe there was an actual and substantial health risk specific to that case. Likewise, if you make a motion to the court to reduce or stop parenting time, the court will examine whether you are acting in good faith and looking at all the surrounding circumstances to determine if there are actual facts to prove a substantial health risk justifying a change to your parenting plan. The court may consider whether a person in one of the households has tested positive for COVID-19, whether a medical professional has recommended ceasing visitation for a specific period of time, and whether a good faith offer for equal makeup time was made.

If you need to proceed to court, you must supply actual facts specific to your case to support your position, not just generalized worries. You also need to remember the issue is not whether a parent gets their court ordered time, but when they get it. Parenting time lost due to COVID-19 will generally need to be made up later and that could occur in large blocks or over many consecutive weekends, which may not be as desirable as your current parenting plan.

There may be limited circumstances where it becomes impossible to follow a parenting plan, for example because the exchange requires the child to fly and the airline has cancelled the flights. The parents should strive to agree to schedule a makeup time when travel will become possible or less risky again, and in the meantime, they should liberally assure the children have videoconferencing or telephone access to the parent who does not have the children.

### **IF SCHOOL IS CLOSED WHAT SECTIONS OF THE PARENTING PLAN APPLY? DO I FOLLOW THE SUMMER SCHEDULE OR THE SCHOOL SCHEDULE?**

Although children are not attending school in person, school is not on summer break, and schools are implementing remote learning. The school year remains in session and the school schedule applies until the school year has ended. Parents should consider which parent(s) is/are available to provide care for children who are out of school and need supervision, and to facilitate remote learning. If this can be accomplished within the current parenting plan schedule, there may be no reason to make temporary changes. If this cannot be accomplished in both households, within the current schedule, then parties should consider making moderate changes to ensure that your child's supervision and education are being well served.

### **EXCHANGES "AFTER SCHOOL" OR "AT SCHOOL"**

If your plan indicates that the exchange will occur after school or at school, communicate with the other parent and find an agreed upon place and time to exchange the child. Use the time in your parenting plan, or if no time is specified other than after school, use the time school would normally get out when school is in session. If you cannot exchange the child at someone's home, find a public place as close to the school as possible to make the exchange.

### **PARENTING TIME IN PUBLIC PLACES**

The Governor has indicated nonessential gatherings should not occur. If your parenting plan provides for parenting time occurring in a public place, parenting time should continue at locations that are permitted under the health and safety guidelines of the state, such as a large park or nature hike following social distancing guidelines.

### **SUPERVISED PARENTING TIME**

If parenting time is ordered to be supervised and the supervisor is unavailable due to COVID-19-related issues or government orders, the parties should work collaboratively to ensure parenting time continues in a manner that promotes their children's safety and wellbeing, such as finding an alternate supervisor or agreeing to equal makeup supervised time set for a later date with video or telephone contact in the meantime.

### **SICK CHILD**

If your child is sick with something regular (not requiring medical assistance or displaying COVID-19 symptoms), the child should be exchanged regularly unless your parenting plan states that a sick child stays with one parent or the parents otherwise agree.

### **OTHER PARENT IS NOT PROTECTIVE**

You may feel that the other parent is not following social distancing or other guidelines as well as you are. This is not a basis to withhold parenting time generally. Each parent is able to use their own best judgment about what to do when they have the child, so long as their actions are not violating the law or seriously endangering a child.

For more information, court-wide announcements and emergency orders related to COVID-19 can be found at [www.snohomishcountywa.gov/superiorcourt](http://www.snohomishcountywa.gov/superiorcourt) . Please check frequently as operational matters involving the court have changed quickly.

Beresford Booth is a full-service law firm based in Edmonds. We provide first-class legal services to clients in Snohomish County and throughout the Pacific Northwest. Our clients range from startup companies to large enterprises, and we are pleased to provide individuals and families with all manner of legal services.

Since 1946

William O. Kessler  
Business Lawyer  
Beresford Booth PLLC

"My experience with Beresford Booth has been nothing short of exemplary. They are prompt, thorough, and they get the job done. I do not hesitate for a moment in recommending them for assistance in legal matters."

Tyler J. Campbell, CIC  
Executive Broker  
Insurance Services Group, Inc.

**BERESFORD  BOOTH PLLC**  
LAWYERS

Business | Real Estate | Employment | Estate Planning & Probate | Divorce & Family | Litigation  
425.776.4100 [BeresfordLaw.com](http://BeresfordLaw.com)

**Superior Court of the State of Washington  
for Snohomish County**

**JUDGES**

ANITA L. FARRIS  
ERIC Z. LUCAS  
DAVID A. KURTZ  
BRUCE I. WEISS  
GEORGE F.B. APPEL  
JOSEPH P. WILSON  
RICHARD T. OKRENT  
JANICE E. ELLIS  
MARYBETH DINGLEDY  
MILLIE M. JUDGE  
CINDY A. LARSEN  
JENNIFER R. LANGBEHN  
PAUL W. THOMPSON  
ANNA G. ALEXANDER  
EDIRIN O. OKOLOKO

**SNOHOMISH COUNTY COURTHOUSE**

M/S #502  
3000 Rockefeller Avenue  
Everett, WA 98201-4060  
(425) 388-3421

**PRESIDING JUDGE**

BRUCE I. WEISS

**COURT COMMISSIONERS**

JACALYN D. BRUDVIK  
TRACY G. WAGGONER  
SUSAN C. GAER  
PATRICK M. MORIARTY  
SUSAN E. HARNES

**SUPERIOR COURT ADMINISTRATOR**

SHANE A. NYBO

Re: SCLSPR 94.04 Family Law Proceedings

On September 1, 2018, SCLSPR 94.04 was amended to require completion of ADR/Mediation within 8 months from the time of filing. A compliance hearing date is set at the time of filing to monitor compliance with this rule. Additional compliance hearings will be set if parties are not in compliance at the time of their initial compliance hearing.

SCLSPR 94.04(c)(3)(D) details possible sanctions for failure to comply with the ADR/Mediation deadline. Beginning in May of 2020, the non-compliance hearings will follow a sanction schedule for failure to comply with the ADR/Mediation schedule. Sanctions may begin at \$50 per party at the first hearing for failure to comply, then increase to \$100 per party at the second hearing and result in dismissal at the third hearing for continued failure to comply. Exceptions to this sanction schedule will be at judicial discretion.

The amended rule contains a mechanism to file a motion for the continuance of the compliance schedule for any of the following reasons:

1. The Confirmation of Service timeline was extended and the parties need more time to comply with the requirements.  
For use when alternative service has been authorized, or respondent(s) could not initially be located, but has now been found.
2. The parties have proof of scheduled mediation that will occur after the compliance hearing date.  
Identifying the date, and the e-mail or other confirming correspondence from the mediator, will allow the Court to continue the hearing until after the date set for mediation.
3. A Guardian ad Litem has been appointed to the case and more time is needed for investigation and/or a report prior to mediation.  
In this case, the continuance should be requested at the hearing where the GAL is appointed, and a separate motion and hearing is not required.
4. The parties report the following extenuating circumstances that require more time to comply with the timelines: \_\_\_\_\_  
The Court has received requests for continuances based on outstanding or complicated discovery issues, the illness of a party or counsel, the need for an evaluation, or other extenuating circumstance.

An Order for Continuance of Domestic Compliance Schedule must be entered to accurately continue the hearing. If the hearing is continued in a different order, your hearing may not be continued appropriately. The ADR Compliance Hearing is court confirmed and will only be stricken upon proof of compliance with the ADR/Mediation requirement (including proof of exemption), Notice of Settlement or completion of the case. All forms, motions and orders related to the Domestic Compliance Schedule are located on the Snohomish County website: <https://www.snohomishcountywa.gov/438/Superior-Court-Forms>



## Become An Attorney-Broker

The listing and selling of real estate is the practice of law. 103 Wn.2d 623. It is compatible with regular law practice.

It produces related legal work. Related legal work produces listings and sales. Join the KW Attorney-Broker Team. Learn relevant MLS rules and customs. Become a more complete real estate attorney. It is a good career path for new attorneys. The team does the flyers and yard signs. You counsel your clients. Earn more money and so have more time to deliver comprehensive representation. from the very beginning to close of escrow. Meanwhile, referrals are welcome.

**James Robert Deal**  
Real Estate Attorney  
Real Estate Managing Broker

425-774-6611 James@JamesDeal.com KW Everett

[WashingtonAttorneyBroker.com/Become-An-Attorney-Broker](http://WashingtonAttorneyBroker.com/Become-An-Attorney-Broker)



MOORE LAW GROUP PLLC

Personal Injury | Wrongful Death | Insurance Bad Faith

We're ready to **help** on your **tough** cases.  
Contact us to discuss a referral or association.



Joseph W. Moore  
2722 Colby Avenue, Suite 607  
Everett  
(425) 998-8999  
[joseph@moore.law](mailto:joseph@moore.law)

[www.moore.law](http://www.moore.law)

## 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 JAG Corps Officer

**Law Offices of  
Cogdill Nichols Rein Wartelle Andrews**

3232 Rockefeller Avenue  
Everett, WA 98201  
(425) 259-6111



# **\*\*SAVE THE DATE\*\***

## **2020 SCBA GOLF TOURNAMENT**

### **Proceeds Benefit the Snohomish County All Aboard Program**

**Their mission is to provide recreational, social, and educational activities for adults with special needs and help them develop an active, positive, and inclusive lifestyle.**

**Who:** SCBA members and their guests.  
**Where:** Harbour Pointe Golf Course  
**When:** Friday, August 28, 2020. Shot Gun Start 12:00 p.m.  
**Format:** Scramble  
**Cost:** \$125.00 per person. Make checks payable to SCBA  
**Deadline:** August 20, 2020. First paid, first served. Limited entry.

Cost includes Greens fee, post-golf buffet and of course prizes.

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 \$125.00 per player to the SCBA office, Rm. C306  
Or  
SCBA, P.O. Box 5429, Everett, 98206

For more information call SCBA office (425) 388-3056

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

# 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.



**MILL CREEK LAW**  
EXPERIENCE • COMMITMENT • SOLUTIONS



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

4220 132nd Street SE, Suite 201  
Mill Creek, WA 98012

Phone: 425.332.2000 | Fax: 425.225.6810  
[www.millcreeklaw.com](http://www.millcreeklaw.com)



## Akiona Law, PLLC Welcomes Attorney Katherine E. Peterson!

After obtaining her license to practice in 2012, Katherine E. Peterson dedicated herself to becoming a well-rounded attorney. Backed by 14 years of legal experience, Katherine knows what makes cases successful and what gives her clients the best chance at achieving their goals. And, Katherine strives to do just that!

Katherine's passion is helping people effectively manage family legal matters. She is a strong advocate who retains a reasonable and realistic perspective helping each client understand their options. Her focus is on the client, with a combination of budget-consciousness and integrity that few other attorneys match. Katherine understands how to work through the stresses, complexity and uniqueness of each individual case. When your case depends on a legal professional you can trust, Katherine is the one to call.

**Akiona Law, PLLC**  
Family Law/Divorce Attorneys  
3216 Wetmore Ave, Ste. 201 Everett, WA 98201  
425-512-9161  
[www.akionalaw.com](http://www.akionalaw.com)  
[katherine@akionalaw.com](mailto:katherine@akionalaw.com)

**PACIFIC  
MEDIATION**

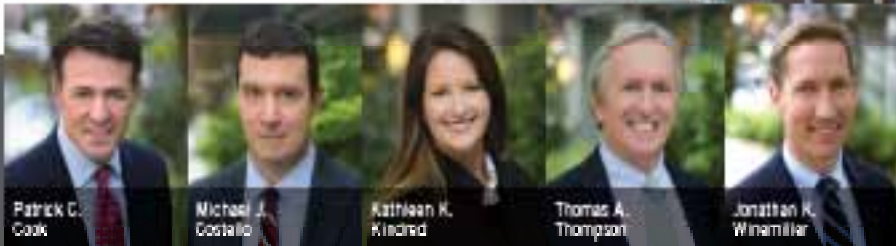
**James D. Shipman is now  
conducting his mediation practice as  
Pacific Mediation, P.S.**

- + 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](mailto:james@pac-mediation.com) | [www.pac-mediation.com](http://www.pac-mediation.com)



**We're built on  
over 80 years of  
helping **workers**.**



*The*  
**WALTHEW  
LAW FIRM**

We know Workers' Comp.  
If you know someone injured on the job, we can discuss their rights and options.

Seattle & Everett  
[Walthew.com](http://Walthew.com)

206-623-5311  
Se Habla Español

# JUDGE RONALD L. CASTLEBERRY (Ret.)

is pleased to announce his availability for  
**Arbitrations and Mediations**

Please contact Connie Senyitko at ADAMS & DUNCAN  
to schedule hearings with Judge Castleberry.  
425.339.8556 - [connie.senyitko@AdamsLawyers.com](mailto:connie.senyitko@AdamsLawyers.com)



## ADAMS & DUNCAN, INC., P.S.

3128 COLBY AVENUE  
EVERETT, WASHINGTON 98201

TELEPHONE: (425) 339-8556

FACSIMILE: (425) 339-2353

[www.AdamsLawyers.com](http://www.AdamsLawyers.com)



## 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.

206.971.5335 Seattle  
425.252.5167 Everett  
360.419.9191 Mount Vernon

**BREWE LAYMAN P.S.**

Attorneys at Law | Family Law

[brevewlaw.com](http://brevewlaw.com)



Visit [brevewlaw.com/franidiction](http://brevewlaw.com/franidiction)  
or contact us for a brochure

# ***THIRD STREET MEDIATION***

***WAYNE P. PELLEGRINI***

Family Law Mediation

605 State Ave.

Marysville, WA 98270

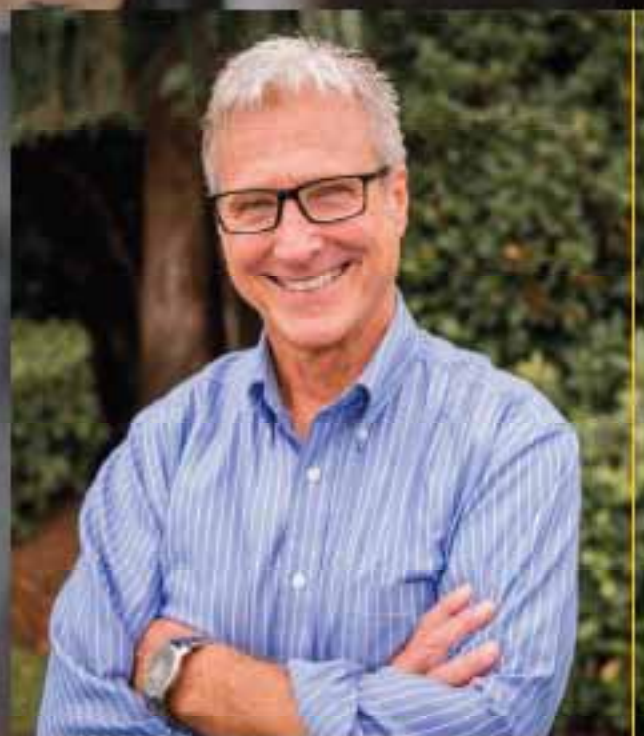
(360) 386-2047

[www.thirdstreetmediation.com](http://www.thirdstreetmediation.com)

Experienced

Knowledgable

Dedicated



## File & Deliver Judge's Working Papers

SNOHOMISH COUNTY SUPERIOR COURT

**Before Noon: \$25.00**

**By end of day: \$15.00**

Snohomish County Superior Court currently accepts copies for original filing without a GR-17. Call us first then email documents.

Ask us about fronting filing fees.

**pugetsoundps@live.com**  
**425.239.8145**

Process Serving, Sale Crying, Trustee Sale Posting



**Puget Sound Process Service**  
1616 Hewitt Ave. #217  
Everett, WA 98201  
website: pugetsoundps.com  
Since 1996



**SALISH MEDIATION**

EXPERIENCE, INTEGRITY, SOLUTIONS

**ARDEN J. BEDLE**

Former Superior Court Commissioner (Ret.)

P.O. Box 194

MONROE, WA 98272

SALISHMEDIATION@GMAIL.COM



*Nunn Vhan & Lang, PLLC*



*Gail B. Nunn Mediation Services*

Divorce, Parenting Plans and Child Support,  
Elder Care, and Probate  
Call 425-258-6860  
gail@nvllaw.com

# RAIFORD LAW PLLC

*We Welcome Your Divorce & Family Law Referrals*

Awarded 10 Best Female Attorneys Client Satisfaction Award for 2016 from the American Institute of Family Law Attorneys

**Everett Office**  
3306 Wetmore Avenue  
Everett, WA 98201

**Seattle Office**  
1001 4th Avenue, Suite 3200  
Seattle, WA 98154

Phone: 425-320-4207 | Fax: 425-320-4208  
michelle@raifordlaw.net

## 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  
Brice\_timm@frontier.com

*Eighteen years  
Juvenile Court  
experience.*



### Shared Office Space in Downtown Everett

Shared Office space available in Key Bank Tower with established Attorney. Lease includes:

- § 11x12 Office Suite with windows
- § Receptionist to greet clients
- § Internet
- § Conference Room with unparalleled views of Puget Sound
- § Janitorial Services
- § Desirable, convenient location with easy access to Snohomish, Skagit & King County Courts

If interested, contact Brandy Ellis at [brandyLellis@gmail.com](mailto:brandyLellis@gmail.com) or (425) 778-9800.





## WE PROTECT WHAT OUR CLIENTS VALUE MOST.

For decades, McKinley Irvin has helped clients navigate through some of life's most difficult challenges. Our 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



Super Lawyers®



425.258.4208 | EVERETT | SEATTLE | BELLEVUE | TACOMA | VANCOUVER | PORTLAND | [MCKINLEYIRVIN.COM](http://MCKINLEYIRVIN.COM)

# MORE THAN 25 YEARS OF RELATIONSHIPS IN THE LEGAL COMMUNITY.

### **A true partner to attorneys in the Puget Sound.**

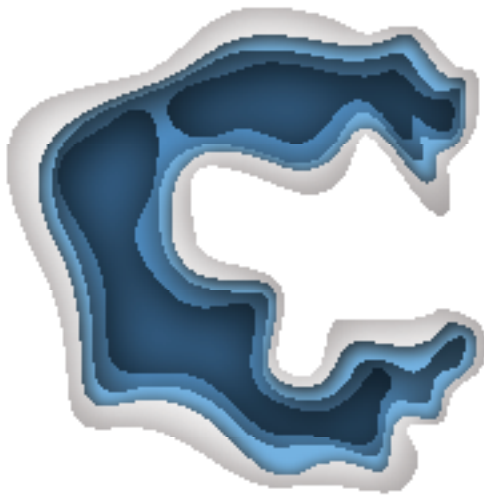
At Columbia Bank, our team of legal service experts has been building relationships with law firms and related organizations for years. We work with hundreds of firms as well as Snohomish County Legal Services and the Legal Foundation of Washington to provide financial advice and counsel to help members of the local legal community succeed and thrive.

Commercial Banking – Legal Services Team 425-691-6016  
[ColumbiaBank.com](http://ColumbiaBank.com)

Member FDIC  Equal Housing Lender







## Judge Michael T. Downes (Ret.)

is pleased to announce his availability for  
Arbitrations and Mediations.

### Carson Law Group P.S.

Please contact Chloé  
Wehmeyer at Carson Law  
Group P.S. for scheduling  
with Judge Downes.

3115 Rockefeller Ave, Everett W.A.  
chloe@carsonlawgroup.com  
Tel: 425-493-6000  
Fax: 425-493-6004

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

