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Snohomish County Bar Association

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News



FROM THE DESK OF THE
PRESIDENT
CORY REIN

It is with tremendous unhappiness that I am now officially confirming that our Association's Executive Director, Joyce Wood, is retiring after more than 25 years leading the Snohomish County Bar Association. She warned us over the years that this day would be coming, but no one believed it until the day actually arrived recently.

Anyone familiar with the Snohomish County Superior Court and the Snohomish County Bar Association knows that Joyce has been the driving force behind the success of our Association. She has been the one constant, always pushing and fighting for the SCBA and its members. Joyce took her role as Executive Director very seriously. She treated members like family. Her service to the SCBA was not bound by traditional work hours—she frequently organized and attended activities and functions beyond the normal work day. She was willing to do whatever was needed to serve the members of our association and to promote the SCBA. She dedicated herself to the success of the SCBA.

Though the Board of Trustees technically is supposed to be running the operation, the reality is that it has always been Joyce actually guiding us and reminding us what we are to be doing and when we are to be doing it. Without her, most things probably wouldn't have gotten done.

Joyce was largely responsible for arranging all the Association's CLEs provided to our membership—a daunting task that requires a certain level of groveling and dogged determination. She has been largely responsible for the revitalization and success of the annual SCBA golf tournament which included stalking potential sponsors, rounding up players, putting together prize packages and trophies, and arranging dinner and other festivities. Because of her energy and effort, the SCBA has been able to donate substantial proceeds each year from the golf tournament to benefit the local non-profit "All Aboard," a worthy organization that provides activities and programs for adults with special needs.

Despite all that she has done for the SCBA, she has never been one to seek out either attention or recognition for her efforts and achievements on our behalf, though she is deserving of both. I encourage all of you to take a moment to wish Joyce well and let her know how much she is and has been appreciated.

It is, frankly, hard to imagine the SCBA without Joyce Wood as the guiding force behind it. How lucky we have been to have had Joyce for this long—she makes saying goodbye hard. ↪

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

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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).

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SCBA CALENDAR OF EVENTS

November 2020

5th Young Lawyers Section Meeting
15th Deadline SCBA Newsletter
16th Family Law Section Meeting
19th SCBA Board of Trustees Meeting
26th & 27th Courthouse Closed

December 2020

3rd Young Lawyers Section Meeting
4th **Guardianship CLE**
15th Deadline SCBA Newsletter
17th SCBA Board of Trustees Meeting
21st Family Law Section Meeting
25th **Courthouse Closed**

January 2021

1st **Courthouse Closed**
7th Young Lawyers Section Meeting
15th Deadline SCBA Newsletter
18th **Courthouse Closed**
21st SCBA Board of Trustees Meeting
25th Family Law Section Meeting

February 2021

4th Young Lawyers Section Meeting
15th Deadline SCBA Newsletter
15th **Courthouse Closed**
18th SCBA Board of Trustees Meeting
22nd Family Law Section Meeting

March 2021

4th Young Lawyers Section Meeting
15th Deadline SCBA Newsletter
15th Family Law Section Meeting
18th SCBA Board of Trustees Meeting

April 2021

1st Young Lawyers Section Meeting
15^h Deadline SCBA Newsletter
15^h Family Law Section Meeting
19^h SCBA Board of Trustees Meeting

SUPERIOR COURT ASSIGNMENTS

See Superior Court Website for Calendar

<https://snohomishcountywa.gov/1338/Calendars-and-Schedules>

**Snohomish County Bar Association and
Northwest Justice Project**

Presents

**Changes To Guardianship Practice In
2020 New Statutes and New Procedures**

December 4, 2020

9:00 a.m. to 4:30 p.m.

Commissioner Tracy G. Waggoner, Snohomish County Superior Court

Sage Graves, Hickman & Menasche

M. Geoffrey G. Jones, Newton Kight, L.L.P.

David Lord, Disability Rights of Washington

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THE LAWYER'S
ROAD REVIEW
BY PETE PATTERSON

The Batmobile: Your Mother Won't Like It

On August 8th 2020 two young lovers were out for a lazy evening drive to Everett's waterfront in the responsible Chevrolet Cruze I had bought for the young man, my son, several years ago. They were struck from behind by an even younger man driving his mothers BMW in what he later told police was "a race with a Subaru".

The Chevrolet was totaled by the insurance company and my son John began to look for a replacement even before the settlement money arrived.

Having been persuaded by this author that a used Maserati was likely a bad idea, and a circa 1970 AMC Javlin might be hard to get parts for, Agent John settled on something more reasonable. Of the \$8000 recovered from the settlement on the Chevy, he paid a private party \$6500 for his next used car.

He is now the owner of what his buddies are calling "The Batmobile", a 1979 Toyota Supra with 130,000 miles on it. Garaged for much of its life, it apparently came with the cover for the vehicle. The new owner reports the heat/fan and radio work perfectly. As a bonus the headlights also work. Featuring a manual transmission, this sports car that came off the line when I was still in high school certainly is more fun than the Chevy.



Showing some wear here and there, the known problems with car at purchase were cosmetic in nature. That and John has never learned to drive a stick. Someone else drove it home for him.

On the way home from the purchase one of the tires blew out. Popping open the trunk they found the spare covered in rust and no tire jack. Fortunately he had borrowed his mother's car to follow behind and that vehicle was fully equipped. Once replaced the spare was found to have almost no air in it and so the

cars drove in tandem very slowly to their house, and the next day repeated the trip to Les Schwab tires. It is good he had some money leftover from the wreck settlement.

Our agent reports "slowly getting used to" the manual transmission. I told him it is like riding a bike. He says he hopes so.

Of course, I am thrilled. His mother is not. I think of this as a chapter in the screenplay whose working title is "The Adventures of J. Hartman Patterson". He is 26, no children, he can afford a mistake but if it is not how much fun is this?

His mother, in contrast, speaks of this purchase with the tone of a narrator in a documentary on some environmental disaster.

Personally I am taken back to my own youth, when *Batman* was not just a comic book but an actual series on television. The character Adam West played was much more of a paladin on television than the DC Comics character whose personal make up was marred witnessing the assassination of his wealthy parents.

I guess this is what I liked about Batman in general; no superpowers, he had authentic issues anyone of us could have and actually owning all the gadgets and the bat cave was just a matter of money. And of course, the car was within reach.

The television series chose a Ford Futura to revise into the hero's tactical assault vehicle, although most people guess it was a Pontiac GTO because that is how it turned out.

Like my son's Toyota, the headlights work but this bit of fiction also comes with smokescreen ejector, oil and tear gas dispensers, ejection seat, shield platings and a missile rack. It's top speed is 330 mph.



There are many, many other iterations of the urban command car in follow on works of fiction, designed for deployment whenever the city of Gotham is threatened. I am guessing the one employed in the television series was the most comfortable.

I have yet to ride in the new iteration of the batmobile, John and I are riding out the Corona virus in separate bubbles. One day I will give a firsthand report. For now, it is enough for me to think about him and the permanent girlfriend once again out on the road playing out the adventure of their lives. ☺



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SHANE A. NYBO

For Immediate Release – October 2, 2020
Contact: Shane Nybo, Court Administrator, 425-388-3761

Superior Court
Announces the Appointment of
Lisa M. Micheli
Superior Court Commissioner

On October 2, 2020, Snohomish County Superior Court Presiding Judge Bruce I. Weiss announced the Superior Court Bench appointed Ms. Lisa M. Micheli as Snohomish County Superior Court Commissioner to replace Commissioner Jacalyn A. Brudvik, who will retire December 31, 2020.

Ms. Micheli's start date will be on January 1, 2021. After joining the court, she will be hearing calendars related to family law (civil motions, domestic violence, dissolution, paternity and child support), guardianship/probate, and mental health and juvenile court matters related to truancy, at-risk youth, and some offender matters.

Ms. Micheli has served as a Snohomish County Superior Court Pro Tem Commissioner, Snohomish County CASA program attorney, Superior Court Guardian Litem Committee, and arbitrator in family law and general civil matters. As a private practitioner, her professional experience includes extensive knowledge family law matters, including divorces, custody, paternity, child support, and adoption matters.

Judge Weiss said, "The bench is eager to work with Lisa in this capacity. She has a wealth of knowledge and many years of practice, which will assist her in the decision making role of a commissioner for the Snohomish County Superior Court."

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Campaign for Equal Justice Update for Fall 2020

It's not justice *if it's not equal.*

It has been quite a year! (Yes, I know that is an understatement.) But despite everything, nature marches on—leaves are turning gold and red, snow is resting on the mountain tops once again, and it rains and rains and rains. It is definitely fall in Snohomish County! And this means **it's time for the 2020 Snohomish County Campaign for Equal Justice's Phone-a-Thon.**

For those of you that may not be familiar, the Campaign for Equal Justice is our state's coordinated, annual fund drive for civil legal aid. We ask lawyers and judges throughout the state to invest in legal aid that creates justice and hope across the state and here in Snohomish County. The Campaign supports 30+ civil legal aid programs across the state who are on the front lines of the COVID 19 crisis helping people with preventing evictions, securing unemployment benefits and supporting Domestic Violence survivors. In 2019, our annual Campaign for Equal Justice funded legal aid for 36,000 families in poverty. Thanks to donors like you, the Campaign raised \$1.8 million to support legal organizations like our own Snohomish County Legal Services.

The Snohomish County's Phone-a-thon this year will be held **virtually over the next few weeks.** We will be having attorneys making calls from the convenience of their homes or offices, or most likely their home offices, when they have time in their schedules over the next 2 weeks. **We are also looking for volunteers to help with the Phone-a-Thon.** We will supply the list of names, phone numbers and some talking points or a script for you. We make it easy for you to ask your friends, colleagues and even opposing counsel to help support this worthy cause. And you also get to pick the times you want to call. If you are interested, please contact Ann Brice at 425.252.0797.

But please don't wait for us to call you---consider making a donation to the Campaign for Equal Justice now. You can give on-line at www.legalfoundation.org or when you renew your Washington State Bar Dues. If you don't opt out when you send in your licensing information, you will be automatically donating \$75.00 to the Campaign for Equal Justice. Think of it as "doing nothing for justice." Consider a donation of \$100. It defends one family against eviction and keeps them housed during this COVID 19 crisis. \$250 secures a domestic violence protection order to keep a family safe. \$500 reinstates veteran or social security benefits that can help move a person off the streets and into stable housing. Or \$1,000 trains a new group of 10 volunteer attorneys, preparing them to service

hundreds of new clients.

Last year in Snohomish County, 322 attorneys and judges raised over \$35,000 during the Campaign. **So far, this year, we have had 135 donors and raised \$17,000. We have a ways to go to match last year amount! But the key is the number of you participating. Let's shoot for 350 members of our legal community participating in this year's Campaign for Equal Justice.**

With every dollar you donated to the Campaign last year, almost \$3.00 came back to Snohomish County Legal Services (SCLS) in the grant that SCLS received from the Legal Foundation of Washington. With your donation to the Campaign, SCLS serves clients through its dissolution clinic, monthly bankruptcy classes and clinic, weekly family law clinic, wills clinic, and, of course, the Housing Justice Project. Even with the hundreds of attorneys who volunteered their time for these clinics, SCLS still needs staff attorneys to help provide advice, education and direct representation. The Legal Foundation grant helps make that possible.

So I thank you in advance for your generosity and time!

---Ann M. Brice, Snohomish County Representative to the Legal Foundation of Washington and the Campaign for Equal Justice. ☺



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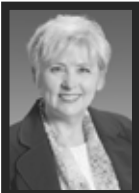
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Snohomish County Superior Court Clerk E-Filing and Business Hours

The Snohomish County Clerk's Office is pleased to announce we will begin accepting electronic filing (e-filing) and electronic service (e-service) of most new cases and subsequent documents beginning December 1, 2020.

Judicial working copies for e-filed documents shall not be submitted electronically and will continue to be required in paper form and presented pursuant to local court rules. Please refer to [SCLCR 30](#) for guidance and exceptions of documents that cannot be filed when using the Clerk's Office online e-filing system.

Effective December 1, 2020, the Clerk's Office business hours will be changed to Monday – Friday from 8:30 a.m. – 4:30 p.m. PST, excluding court holidays. Any paper or electronic documents received outside of the Clerk's Office business hours will be considered received and filed at the beginning of the next business day ([GR 30](#)).

All users of the new e-filing system are encouraged to register and create an account prior to December 1. **Registration** only is NOW open, so please visit www.efilewa.com to register.

For additional information regarding Odyssey eFile WA, including links to the webinars, registration and training information, please visit our website at www.snohomishcountywa.gov/5517/E-Filing.com. Tyler Technologies will be offering free on-line training webinars on how to e-file in mid-November. Continue to check the Clerk's Office website for updates and available training sessions.

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Temporary Reassignment Ends Department 2 Caseload to return to Everett Division

Effective January 4, 2021, Judge Tam T. Bui's courtroom and her caseload, temporarily assigned to Department 2 at our South Division in Lynnwood, is returning to the Everett Division.

3000 Rockefeller Ave., Courthouse Building, 3rd Floor
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We sincerely appreciate the assistance and support provided during the temporary assignment. We will continue to make every effort to ensure that this transition is as seamless as possible for court users and litigants.

If you have questions or concerns, please contact the District Court Administrator, Kathryn Koehler, at 425-388-3895 or Kathryn.Koehler@snoco.org.



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THE FACE OF A LEGAL TECHNICIAN

By: Marya Noyes, 123LLLT, MBA

COVID-19 and limitations of the existing legal business model

Greetings readers. In past articles I have written about an economic analysis of the justice gap. I have described the inelastic nature of the demand curve for legal services which allows legal practitioners to continue to raise their rates with impunity or little to no reduction in demand of their services. I have described decreasing marginal utility and the reasoning behind why those with more than adequate resources tend to minimize the need of those with few economic resources. After all of that, one might assume I have explored the subject of economic analysis of the justice gap until the matter has been utterly exhausted. I could not possibly have any more to write about the issue.

Well, you know what they say about what happens when we assume... (I will just leave the rest of that aphorism for your own edification.) The short answer is, nope. I am not done. There is more to write. A lot more. (Lucky you.) Especially now that our society is experiencing these unprecedented and uncertain times in relation to the Covid-19 pandemic.

At present, consumers, businesses, and governments are dealing with a tremendous amount of stress and economic uncertainty. We are dealing with a pandemic and the resultant economic slowdown from the various and sundry actions governments and consumers have taken in reaction to that pandemic. (For more about this particular subject, please see my previous article on economic uncertainty vs. economic risk)

In the present COVID recession, businesses are closing, and many legal practitioners are facing a reduction in billable hours. I am not writing this article to debate the efficacy of any of the choices made by governments or consumers in reaction to the pandemic. I am only stating the obvious fact that these choices have been made, which leaves service providers and businesses a variety of options in how to react.

Some view the pandemic slowdown as further evidence of the 2020 apocalypse and have consequently resigned themselves to the eventual economic collapse and descent into madness such a development requires. Others I have spoken with have developed a stoic, almost British sense of endurance as the pandemic wears on. They seem to have adopted a courageous and patient demeanor huddling with

their kin in the business equivalent of a storm cellar. Again, I not writing this article to debate the various advantages to either one of these approaches, nor am I attempting to deter anyone from their implementation. Frankly, I see advantages to both. I am writing this article to put forth an additional alternative for consideration.

There is another option available that has not been explored to weather the current economic storm brought upon us by the pandemic. The legal system could begin providing services to the low to moderate income consumers the existing business model fails to reach.

Why? Why would anyone attempt to provide legal services to the 76% percent of consumers with a legal need who do not seek legal assistance? Well, outside of the obvious fact these people make up 76% of the market, I cannot really think of a more compelling reason. As I have stated in previous articles, if legal services behaved like any other industry, service providers would have long since engaged in pricing discrimination to capture the enormous amount of unmet consumer demand. It continues to perplex and amaze me how cavalier the legal industry is about leaving so much money on the table.

How much money specifically? Let's look at the numbers. As most people that live in Washington may or may not know, according to Census.gov at the end of 2019 there were approximately 2.8 million households in Washington State. In 2018, the median household income in Washington was approximately \$70K. According to various sources, the average cost of a divorce in Washington State is over \$20K. One might assume that given this average level of income, most individuals would earn enough money to pay this amount in legal fees, yes? (Remember what I previously stated about assumptions?)

The problem with reliance upon median income numbers is that they do not actually portray what is happening in our population in terms of income. To understand the income levels of most of the population, it is important to review the disparities in income of our state's population. Calculating the median will only provide an average of all available incomes in the state. The median income does not adjust to provide useful information when significant outliers are embedded in the data which can significantly affect the calculated average. For example, if ten lemons are priced at \$1 and one lemon is priced at \$10, then the average price of all 11 lemons is \$1.81. In this example, \$1.81 may be the average price of all 11 lemons, but it is not reflective

continued on page 17

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continued from page 15

of the price of most of the lemons for sale. Most of the lemons are priced at \$1. It is the one lemon that is priced at \$10 which is upwardly skewing the average price of all the lemons for sale.

This sort of phenomena is mirrored in Washington when we measure the state's median income. In fact, according to the Economic Policy Institute, Washington State is one of the worst states in the entire country when measuring for income inequality. (You already knew that. Everyone knows who lives here.)

In our state, the top 1% of income earners (28,000 households) make 24.2 times more than the bottom 99% of the population (2,772,000 households). In fact, in 2018 the average income for the top 1% was \$1.4 million. The average income for 99% of the population was \$57,100. Now, please also consider that in addition to this lower median income over 50% of renters in our state are cost-burdened by their housing expense. (Cost burdened = spending over 30% of household income on monthly housing expense) Considering the aforementioned factors, most households understandably do not have the money available to pay \$20K in legal fees for their impending custody battle.

Why does this matter? It matters because some practitioners are pricing their business at a level in which only an exceedingly small portion of the population can afford their services. When the market contracts, these practitioners are under the impression that they must fight and destroy all perceived competition to survive. Obviously, this conclusion is erroneous as most of the market for their services (2,772,000 households) lies outside of their chosen economic demographic. (28,000 households) Reaching the much larger market will call for an adjustment in their business practices.

What changes can me made? Allow me to submit my firm as one example of a possible practice adjustment which has successfully reached this lower income demographic. I am a Limited License Legal Technician that works at a mid-size family law firm in Everett. I assist clients that cannot afford the services of the attorneys at our firm. If I were not present at our firm, the potential client would still not be able to afford the services of the attorneys at our firm. Upon learning our attorneys rates, most middle-income clients would leave the firm with their legal problem and their money. Of course, this option serves absolutely nobody. The firm would move forward without the additional earned legal fees, and the litigant would most likely proceed to wreak havoc in their case and on the unsuspecting legal system as

only a pro se litigant can do.

In some cases, I may even take on a client only to pass them on to an attorney if a court appearance is necessitated by the case. In this situation, the client is only paying attorney rates for the preparation time and the court appearance. They are not paying the attorney for the full scope of representation. Other times, I may consult with an attorney on an issue that is out of my scope or out of my comfort level. When I do this, my clients are only charged for the attorney's consultation time. They are not paying attorney rates for the entire case.

I present this information for the sole purpose of sharing ideas of which I am most familiar to provide legal services to a different economic demographic. The moral of the story regarding hiring a Limited License Legal Technician is that it has increased our firm's bottom line. With my addition, the firm is making more money and serving a different population than what would be possible prior to my arrival. Your personal solution to income disparity puzzle might differ greatly from the one offered above. Regardless of your firm's particular solution, it is readily apparent that it must compensate for existing economic slowdown and the inequality in our state's household income level if it is to be successful. ☺

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Commissioner Calendar

	Department A Jacalyn Brudvik	Department B Susan Harness	Department C Tracy Waggoner	Department D Patricia Nelson
Monday	9:00-10:30am Ex Parte 10:30am Weapons Surrender 11:00 AM Special Set 1:00-2:30pm Ex Parte	9:00am Domestic Motions 1:00pm Dom. Viol./AH	9:00am Domestic Motions 1:00 PM Special Sets	9:00am State Paternity 10:30am State Paternity 1:00pm Guardianship
Tuesday	9:00-10:30am Ex Parte 10:30am Civil Motions 1:00-2:30 pm Ex Parte	9:00am Domestic Motions 1:00pm Dom. Viol./AH	9:00am Domestic Motions 1:00 PM Special Sets	9:00am Interpreter Moriarty 1:00pm Guardianship Moriarty
Wednesday	9:00-10:30am Ex Parte 10:30am Civil Motions 1:00-2:30pm Ex Parte	9:00am Domestic Motions 1:00pm Dom. Viol./AH	9:00am Domestic Motions 1:00pm Pro Se Dissolutions	9:00am State Paternity* 10:00 AM Special Set 11:00am GAL Comp. 1:00/2:15 State Paternity
Thursday	9:00-10:30am Ex Parte Nelson 10:30am Civil Motions Nelson 1:00pm Ex Parte Nelson 1:00pm Att. Agreed Dissos Nelson	9:00am Domestic Motions 1:00 PM Special Sets	9:00am Domestic Motions 1:00pm Dom. Viol./AH	
Friday	9:00-10:30am Ex Parte 10:30am Civil Motions 1:00-2:30pm Ex Parte	9:00am Domestic Motions 1:00 PM Special Sets	9:00am Domestic Motions 1:00pm Dom. Viol./AH	9:00am Guardianship 1:00pm Interpreter

Family Law Domestic Motions Dept B/C: LIMIT 16 - Confirmation required. All matters will be heard without oral argument unless noted by the Commissioner to be heard telephonically.

Domestic Violence: Telephonic appearance encouraged, however in person appearance is allowed. Petitioners unable to attend should contact the Facilitators office to request a continuance.

Interpreter Calendars: LIMIT 4- Confirmations required. Emergent contempt and custody matters only. telephonic appearance for these hearings.

Attorney Agreed Dissolutions: Confirmations required. Attorney involved default, agreed dissolutions, legal separations and invalidity actions. Written declarations should be submitted in lieu of testimony. Agreed orders must be received one business day prior.

Guardianship and Probate: LIMIT 14 Matters will be heard without oral argument except petitions for new guardianships or hearings noted by the Commissioner to be heard telephonically. New guardianship hearings will be telephonic and the parties should register with CourtCall.

Ex Parte: is open for emergency orders (see <https://snohomishcountywa.gov/5661/Ex-Parte> for more information). All non emergent orders should be delivered to the basket in C-123.

Civil Motions: All matters will be heard without oral argument unless noted by the Commissioner to be heard telephonically. Other restrictions apply to unlawful detainer motions and restoration of firearms. Confirmation still required.

State Paternity: Set only by the prosecutor. Will be heard telephonically. *Only heard the 2nd and 4th Wednesday of the month

Special Sets: Set by Commissioner only

For more information about hearings, appearances, confirmations, please visit:

<https://www.snohomishcountywa.gov/5657/Commissioner-Hearings>

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