

Snohomish County Bar

Life Lessons as a Pro Tem

by Honorable Remy Leonard

"Beware the Ides of March."

As a girl growing up in South Everett in the 1970s and 80s, I remember my Grandpa Ray Stephanson Sr. repeating this warning each year, right around President's day. While I did not exactly understand it then, my grandfather's face and tone told me everything I needed to know. Something bad was expected to happen by March 15, so we better be ready for anything.

A quick Googling explained that Kalends, Nones and Ides were ancient calendar markers used to reference dates in relation to lunar phases, and Ides simply referred to the first new moon of each month, which usually fell between the 13th and 15th. The Ides of March once signified the New Year, which meant celebration and rejoicing. The immortal words "beware the Ides of March" are uttered in William Shakespeare's Julius Caesar to the leader by his employed fortune teller, Spurinna. On February 15, 44 BC after Caesar had sacrificed a bull, Spurinna discovered it to have no heart, which was indeed a bad omen. After a series of similar bad omens Spurinna repeatedly warned Caesar that his life would be in danger for the next 30 days, the threat expiring on March 15, hence the warning to beware the Ides of March. And we all know how that story ended. For years I've wondered, is this really a thing? Self-fulfilling prophecy? Seasonal madness? Since my Icelandic/Norwegian family seemed to be as superstitious as the Romans, I didn't want to take any chances. I would always beware the Ides of March, ready for anything.

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MEMBERS NEWSLETTER

MARCH 2022



2021 Volunteer of the Year Awarded to Deane Minor

Snohomish County Bar Association and Snohomish County Legal Services (SCLS) would like to jointly recognize Deane Minor as Volunteer of the Year.

Deane is one of SCLS's most dedicated volunteer attorneys and we would like to spotlight his service over the years. He is a long-time supporter and volunteer at Snohomish County Legal Services. Deane has given thirty years, in fact, of devoted service to the most vulnerable in our community. He not only volunteers at our weekly, Tuesday night Family Law Clinics, he also advocates for civil legal aid on behalf of SCLS, and even biked in our Annual Fundraiser in 2021.

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BAR CALENDAR

SCBA BOARD MEETINGS, 5:15 PM

3/17 5/19 6/16 7/21

3/21/22 CLE for Family Law, Virtual Lunch with Commissioner Waggoner at noon, details next pg

About Bar News

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"Pro Tem" continued from front page

Fast forward to March 2011 AD. The Ides of that March marked the end of my 15-year marriage to my high school sweetheart, and a need to shift my career focus to supporting my two kids. My six years as a criminal Snohomish County DPA, a year of private civil practice in King County, and a decade of

teaching law worked well while mothering the two little humans. But what was next? I loved court. Court is so predictably unpredictable. Rules that govern procedure and conduct and evidence offered with the goal of revealing the truth, bringing forth justice and restoring peace.

I love that our fellow human beings come into court bringing chaos to be sorted out within the bounds of the law. Never a dull moment. The bench seemed like the next step for me, and that usually starts by serving as a judge pro tem.

In my pursuit of the pro tem plan, I talked to my colleagues, attended pro tem trainings and contacted every Snohomish County District/Municipal Court judge to let them know that I was available. Within months I was sitting as a pro tem in each branch of

Snohomish County District Court, six different municipal courts and Tulalip Tribal Court. Each court is so unique, and those who pro tem understand just how different each can be. Sure, the RCWs, case-law, and most court rules are the same. The differences are in

the details, the nuances, the unwritten practices in each court. And then there's the sovereign nation of Tulalip, which is similar in practice to a rural county Superior Court but with its own constitution and code, plus the Indian Civil Rights Act, VAWA, little to no printed case-law and jurisdictional issues with the Feds, infused with rich cultural practices. And I could end up in any combination of courts any given week. I quickly learned that a good pro tem is flexible, graceful, respectful, knowledgeable and decisive in the face of stress and adversity in new and unfamiliar situations. At first it was a bit daunting, and to this day remains exciting and immensely rewarding.



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MEMBER NOTICES

Family Law, March Meeting: 3/21/22, noon to 1 via Zoom
Topic: Bench Bar Conference with Commissioner Waggoner

CLE and conversation with Superior Court Commissioner, Tracy Waggoner
Topics will include:

COVID-related topics: quarantines and make-up times, vaccinating children
Dispute resolution before filing motions
Supporting documentation– page limits and text messages

Family Law, April topic, date tbd

Deputy Prosecuting Attorney Sandra Meeker will be providing an update about changing child support laws, updated decisional authority, and child support enforcement

To reserve your FLS spot, email Patrick Songy, psongy@denomillikan.com

To receive free CLE credit, you must have paid your 2022 bar dues and Family Law Section fee



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In 2015 I was appointed full-time associate judge for the Tulalip Tribes and served in that capacity for five years. That experience showed me the value of a reliable pro tem from a presiding judge's perspective. Judicial service can be tedious and exhausting. Helping parties who are working through trauma and the fallout from traumatic events (including substance use disorder and mental illness) takes its toll. You are making life altering decisions all day, every day, fairly and accurately without bias, all while handling the administration of the court in lean budget times. Judges need regular breaks from the demands of the position to retain their sanity and best serve their communities. In judicial college we learned that mindfulness and self-care were important aspects of any successful jurist, and every judge I know has some outlet that helps them cope with stress and decision fatigue. But none of us would consider taking crucial time off if we thought that the wheels of justice would stop spinning in our absence. We rely on pro tems to give us an opportunity to recharge our judicial batteries. A pro tem who can quickly understand the practices of any given court, roll with the punches on a moment's notice, and not "upset the apple cart" as Judge Clough might say, are invaluable. And in turn, pro tems very quickly learn what it's like to be a judge and whether they have the demeanor, skill set and desire to do the job.

March 2020; brought us all some truly gnarly Ides. I am ready to concede that Spurrina was onto something. By March 15, 2020, our lives were turned upside down. We each have our own unique pandemic story, but our shared experience is that since the Ides of March 2020, nothing has been the same. We have had to re-imagine how we practice law and dispense justice. We have had to quickly adapt our court practices to a different set of constantly changing situations. We have had to be insanely flexible. I believe that many years in the courtroom, and in particular, the honor of serving as a judge pro tem all over our county, helped prepare me for all the chaos that the pandemic brought to our courts. When going through uncertain times I hold fast to my Grandpa Ray's advice. Beware the Ides of March. In life, change is the only constant. Remain flexible and ready for anything. Point yourself toward the courtroom and do your justice. And when you need a break, call a pro tem.

Thank you to Judge Leonard for contributing this article. Please contact us about being one of our guest writers via executivedirector@snobar.org



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WASHINGTON COURTS IN CRISIS

Marya C. Noyes, 123LLLT, MBA

Greetings Readers.

Last week I received a call from a friend attempting to obtain some coherent direction on some local court rules for one our local counties. He also had a few other questions to which he had not been able to obtain any comprehensible answers. Apparently, he had sent several emails and left four messages with the court before contacting me. Not one person answered the phone when he called and the response emails he did receive failed to answer his question. Finally, he drove to the courthouse in person without success. According to him, during his visit he spoke with two different people who could not help him and seemed to be in a bad mood.

In response, I immediately made apologies for whomever he had spoken with and attempted to make a plea for compassion of their plight and the overwhelming undertaking to which the court is



currently being tasked. I explained that not only is our court system facing a hopeless backlog of cases due to the pandemic, according to the Bureau of Justice Statistics, Washington State is ranked 50 out of 50 in state funding for trial courts, prosecution, and indigent defense¹. I explained the people he spoke with were likely doing their best with the resources they had available to them at the time.

I began this article with that little anecdote because I am sure the readers of this newsletter can relate to the aforementioned series of events. Further, I was tasked this month with writing about technology in the law. As attractive as that topic appeared, there are already a tremendous number of articles and books available about implementing technology in a law firm and the advantages of doing as much. (Most of which are written by individuals more conversant on the subject than ¹) Further, while law office technology may help a legal practitioner increase their daily billable hours, none of those hours will make one iota of difference if the court system in which the practitioner is attempting to work has effectively stopped.

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Striking statistic, eh? Washington State. A state that, according to the U.S. Department of Housing and Urban Development, ranks twelfth in the nation in median household income at \$91,600 ², ranks 50 out of 50 in funding its courts. Even more startling, while researching this article I have come to learn that statistic has been true for years. In fact, Chief Justice Gerry Alexander of the Washington State Supreme Court cited it in his 2006 - State of the Judiciary Report based on a statistic measured in 2003.³

The Washington State court funding problem is so dire that on May 14, 2021, the Stritmatter, Kessler, Koehler, Moore Law Firm filed a class action lawsuit against the State of Washington for its historical constitutional failure to properly fund its courts.⁴ Among other things, the Complaint alleges the Washington State legislature has failed to fulfill its duty to adequately fund the third branch of government in violation of Article I section 10 of the Washington State Constitution.

As one might imagine, the pandemic has only exacerbated this already overwhelming problem. We are not alone. In case you thought Washington State was the only court system struggling during

the pandemic, the diagram below provided by the Court Statistics Project, a joint project of the National Center for State Courts (NCSC) and the Conference of State Court Administrators, (COSCA) provides a visual representation of the case backlog experienced by thirteen other states during the pandemic. ⁵

Outside of the mental and emotional cost of unresolved litigation, this backlog has a tremendous financial cost to the economy and our courts. In order to measure some the immediate costs, the Effective Criminal Case Management (ECCM) in conjunction with the National Center for the State Courts has developed a Cost of Delay Calculator. ⁶ The costs of court delays are truly staggering. If curious, I suggest you visit the link to the calculator below. I also suggest you be sitting down when you do.

Obviously, providing a resolution to such a historic problem is likely to take quite a while. Thankfully, because the issue is not new, many courts have conducted research and drafted reports on the implementation of possible solutions to increasing the court's efficiency and effectiveness. For example, on July 8, 2020, the National Center for State Courts is-

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Suit on Paralegal Poisoning her Attorney Continues in Texas

Reprinted from the *ABA Journal* 2/18/22

by Debra Cassens Weiss

A paralegal accused in a lawsuit of falsely claiming that her lawyer boss was depressed to cover up his alleged poisoning can't get his libel claims dismissed, a Texas appeals court has ruled.

The Texas Court of Appeals' Third District in Austin, Texas, ruled for lawyer Arturo Guzman in a Feb. 10 opinion, report Law360 and Bloomberg Law.

Guzman's lawsuit had alleged that the paralegal stole from his law practice, failed to respond to a client complaint and failed to file documents with ethics regulators, which led to his disbarment.

The suit alleges that the paralegal likely tried to poison Guzman with antifreeze the day that he

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"Volunteer of the Year," continued from page 7

He is a partner at Tuohy Minor Kruse PLLC in Everett, WA. Deane's life-long journey of service to the community began when he received his law degree from the University of Washington School of Law. He has an impressive resume which includes graduating from Yale University in 1978. Deane specializes in adoption, business, estate planning and settlement, probate, and real estate law.

As a former Board President of SCLS, Deane was instrumental in establishing the foundation of SCLS. He is an avid supporter of civil legal aid and access to justice. Deane also serves on the board of Campaign for Equal Justice.

In addition to his extensive volunteer service, he is most excited about his current endeavor, where he and his three law partners are mentoring a paralegal through the Rule 6 internship program, to become an attorney through an alternative pathway.

When not practicing law, Deane enjoys long-distance bicycle riding, skiing, reading, and trying to keep up with his grandchildren.

Thank you for your work and service, Deane!

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"Courts," continued from page 7

sued a report labeled, Twelve Essential Steps to Tackle Backlog and Prepare for a Surge in new Civil Cases.⁷ Many of the report's recommendations were very similar to the solutions provided by the Civil Justice Improvements Committee to the Conference of Chief Justices in 2015, in their report labeled, Call to Action: Achieving Justice for All.⁸

Strangely enough, COVID-19 may have provided the inroad needed to resolve this long-standing problem. It appears the excessive backlog created by the pandemic has caught the notice of some of our local politicians and resolving it appears to have gained bipartisan support.⁹ Consequently, this writer suggests expressing your support while the issue is part of the public discourse.

To find your local representative, go to app.leg.wa.gov/DistrictFinder/

Citations:

1 Justice Expenditure and Employment Extracts, 2012 – Preliminary (Table 3); Bureau of Justice Statistics, U.S. Department of Justice, Washington, D.C.

2 Estimated Median Family Incomes for Fiscal Year (FY) 2021 – U.S. Department of Housing and Urban Development <https://www.huduser.gov/portal/datasets/il/il21/Medians2021.pdf>

3 Washington State - State of the Judiciary, January 9, 2006. <https://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/stateOfJudiciary/20060109>

4 Ralson, McNamara and Simon v. State of Washington v. State of Washington <https://www.stritmatter.com/court-funding-legal-documents>

5 Court Statistic Project – Pandemic Caseloads <https://www.courtstatistics.org/interactive-data-displays-nav-cards-first-row/pandemic-data>

6 Cost of Delay Calculator – Effective Criminal Case Management; National Center for State Courts. August 2020. https://www.ncsc.org/__data/assets/pdf_file/0017/53234/ECCM-Cost-of-Delay-Calculator.pdf

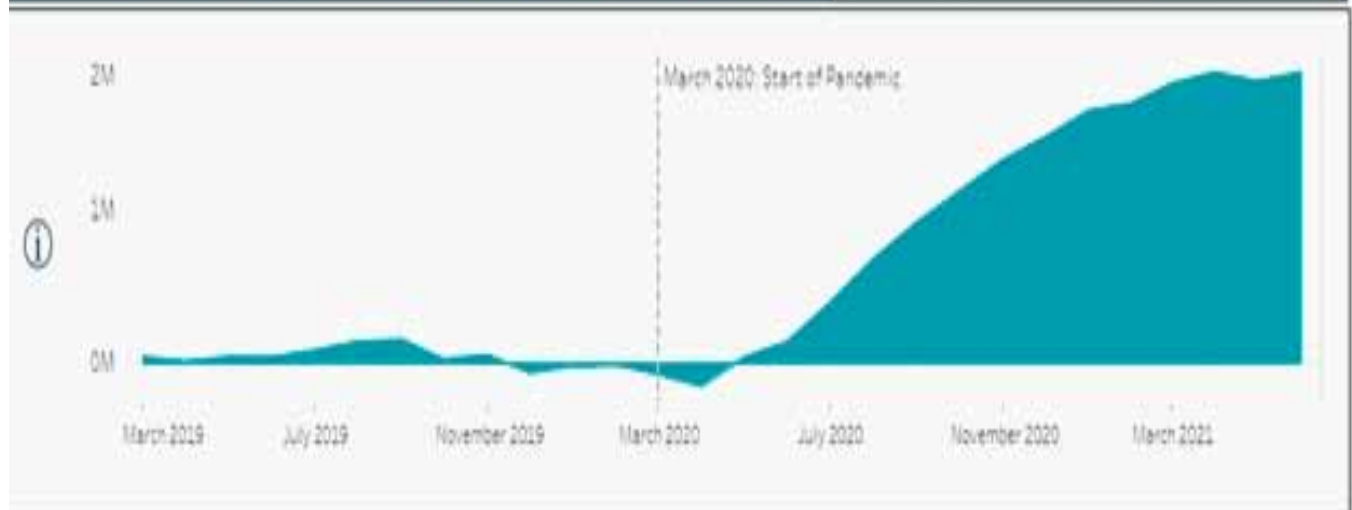
7 Twelve Essential Steps to Tackle Backlog and Prepare for a Surge in New Civil Cases – A Pandemic Resource from CCJ/COSCA, June 8, 2020. National Center for State Courts. https://www.ncsc.org/__data/assets/pdf_file/0011/42230/RRT-Civil-12-steps.pdf

8 Call to Action: Achieving Justice for All – Recommendations to the Conference of Chief Justices by the Civil Justice Improvements Committee. 2016. National Center for State Courts. https://www.ncsc.org/__data/assets/pdf_file/0021/25581/ncsc-cji-report-web.pdf

9 There's bipartisan support for addressing Washington's court backlog – Washington State Wire. Kunkler, Aaron. September 2, 2021. <https://washingtonstatewire.com/theres-bipartisan-support-for-addressing-washingtons-court-backlog/>

Growth of active pending caseloads prior to and during pandemic months

[Click to see growth of active pending and "shadow" cases](#)



Thirteen states responded to the request for data. However, not all states provided data in each subject area. For a more detailed discussion of the information presented here, please see *Pandemic Caseload Highlights: Court filings and dispositions, 2019-2020*. [Click here to access Pandemic Caseload Highlights](#)

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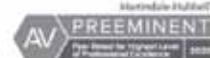
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"Poisoning" continued from page 8

thought that he would be learning more about a suit filed by the unhappy client, who had claimed that some of the firm's checks had bounced.

In an amended lawsuit against the paralegal, Guzman had alleged assault and battery, invasion of privacy, libel and slander, common law fraud and conversion, and breach of contract.

The paralegal, Ashley Szymonek, filed a motion to dismiss, alleging that she was protected by the Texas Citizens Participation Act. The law allows early dismissal of lawsuits against defendants speaking out on matters of public concern.

The trial judge refused to dismiss the suit. Szymonek appealed the judge's refusal to dismiss claims of libel, slander and invasion of privacy.

The appeals court ruled that the law doesn't protect Szymonek because her alleged lies didn't implicate matters of public concern.

The appeals court described Guzman's allegations.

Guzman alleged that Szymonek had told people that he was depressed to lay the groundwork for people to

think that he died by suicide when she likely attempted to poison him with antifreeze in April 2020.

The daughter of Guzman's former wife had gone to his office to check on him the morning of April 29, 2020, after being unable to contact him since the previous morning. The daughter found that all the locks had broken keys in them but was able to enter using a key code supplied by Szymonek.

The daughter was unable to waken Guzman, who had a bloated face and vomit coming out of his mouth. Doctors who treated Guzman at the hospital said he was most likely poisoned by ingesting a large amount of antifreeze. Guzman was in a coma for several days.

Family members had been in contact with Szymonek since the day before, when his responses to text messages seemed out-of-character for him. That night, he did not come home from work. Szymonek allegedly told Guzman's rela-

"Poisoning" continued on page 15



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

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"Poisoning" continued from page 13

tives that he had talked to her about closing his law practice April 28, 2020, and he likely had to rest after an emotional day. She said he was "OK but probably just tired" when she left the office at about 7:30 p.m.

Guzman said he doesn't remember much about April 28.

Guzman concluded that Szymonek was most likely responsible for the poisoning after he left the hospital and contacted her to help his ex-wife at his office.

Szymonek told Guzman's ex-wife that she didn't know much about anything at the office, which led him to think that Szymonek was hiding something and was most likely responsible for his poisoning, his suit said.

A number of financial records were missing when the ex-wife's daughter arrived at the office, Guzman alleged. Thousands of computer files had been deleted.

Guzman later learned that Szymonek had started a new job April 27, 2020, but she said she had to be off April 28 and 29 because of "prior commitments she had with her son," he said in the suit. He also learned that his answer to the state bar's disciplinary complaint had never been sent, and tax documents that he provided Szymonek were never given to his accountant, who didn't file Guzman's taxes for 15 years.

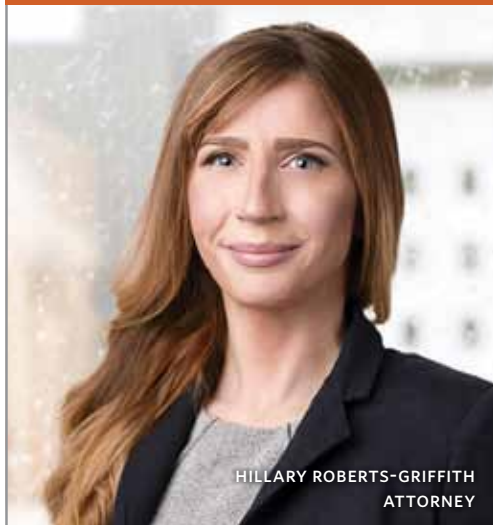


Paralegal A. Szymonek's mugshot. Photo from the Hays County Courts Records Inquiry.

Hays County, Texas, jail records indicate that Szymonek was arrested on a charge of theft of property greater than \$300,000 on Feb. 11, the day after the appeals court ruled. Guzman confirmed to the ABA Journal that the person arrested was his former paralegal.

He admitted to being disappointed that no charge has been filed in connection with the poisoning. He

"Poisoning" continued on page 17



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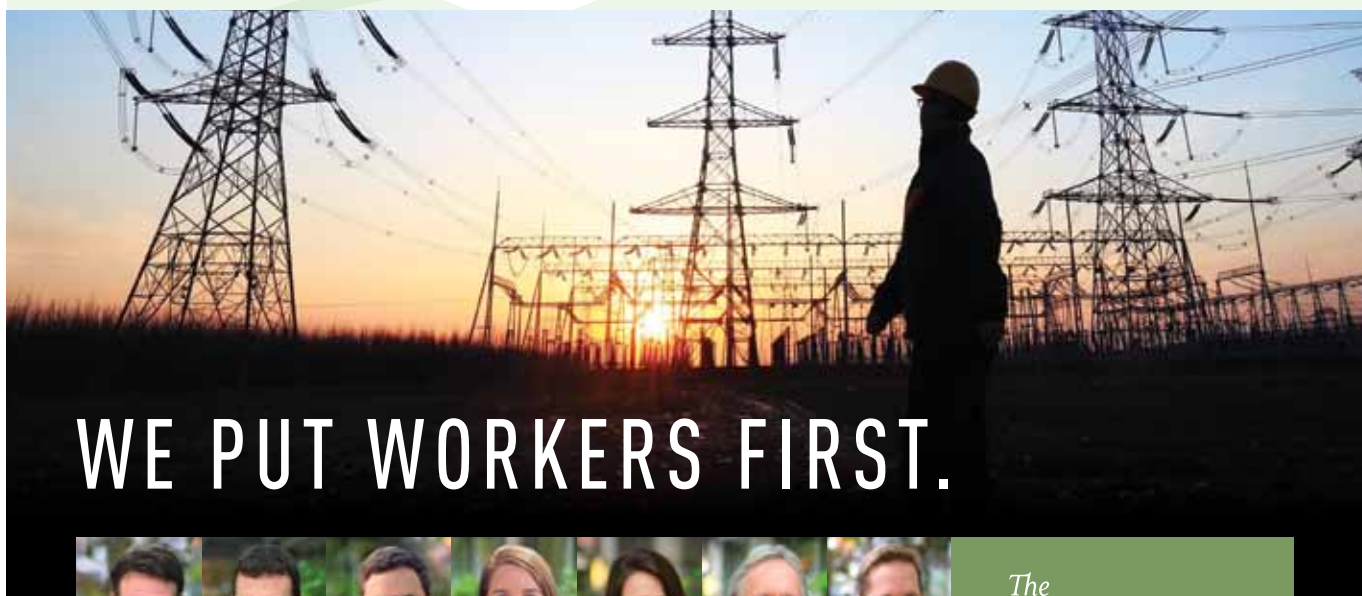
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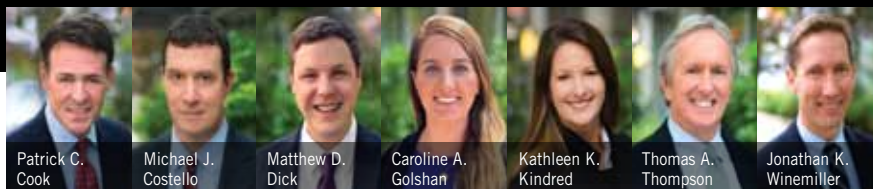
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"Poisoning" continued from page 15

says doctors told him that he almost died, and the lack of charges made him feel as if his life was "very cheap."

Guzman says he was pleased by the appellate ruling.

"I was relieved. I think it vindicates me some. I was glad that the court of appeals was very clear," he told the ABA Journal. "But I understand that this is just the beginning of a marathon."

He expressed gratitude to lawyers Mark Cusack and Tonya Rolland, his former law clerk, for their work on his case.

"It's been an ordeal and these people have been so kind to me," he says.

Guzman is once again practicing law. He says he got his law license reinstated after supplying evidence to ethics regulators that is also part of his court case.

Szymonek did not immediately respond to a message left at her new law firm.

For original article, please visit <https://www.abajournal.com/news/article/lawyer-who-claimed-his-paralegal-likely-tried-to-poison-him-may-proceed-with-suit-court-rules>

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The article above, courtesy of the ABA Journal, was selected based on it's position as the most read piece on the ABA website. SCBA BarNews prefers local writers and member contributions, however.

To share an article or a story idea, please contact us via executivedirector@snobar.org



Snohomish County Legal Services



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Judge Jennifer Langbehn, Snohomish
County Superior Court

The SnoCo Chapter of Washington Women Lawyers Presents

LUNCH WITH A JUDGE

A virtual lunch with Judge Jennifer Langbehn

Monday, March 28, 2022

12:00 p.m. to 1:00 p.m.

Come join us for an informal lunch with a Superior Court judge. The event is limited to 15 WWL members so make sure to reserve your spot quickly. To RSVP, please send an email to kari@petraseklaw.com. A Zoom link will be provided after your RSVP is received. Due to the popularity of these lunches, spots will be reserved for current WWL members only. To become a Snohomish County WWL Chapter member, please visit www.wwl.org/Membership.

For those of you who cannot join us on that day, make sure we have your email address so we can alert you to future lunches with members of the judiciary.

The Snohomish County Chapter of WWL will be having our next
Quarterly Membership Virtual Meeting

Thursday, March 10, 2022

12:00 p.m. to 1:00 p.m.

All members and interested members are invited to come and enjoy your lunch while hearing about what SnoCo WWL has planned.

Please join us using the following zoom link:

<https://us02web.zoom.us/j/85040895370?pwd=MUM1NVFsWGtzMIN0cEpBTdDdLUHNKQT09>

Meeting ID: 850 4089 5370
Passcode: 543889

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Darrell Cochran

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Christopher Love

PCVA partners Darrell Cochran and Christopher Love 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.

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