

Dennis C. Cronin

Summary Resumé

724 N. Monroe Street Spokane, WA 99201 (509) 328-5600

PROFESSIONAL RATING

AV® Preeminent Nationally Recognized Peer Review Rating: Martindale-Hubbell Judicial Edition since 2010
Highest Available Rating in Legal Ability and Ethical Standards

JUDICIAL EVALUATION RATINGS

Joint Asian Judicial Evaluation Committee <i>Representing the memberships of the Asian Bar Association of Washington, Korean American Bar Association, South Asian Bar Association, Filipino Lawyers of Washington, and the Vietnamese Bar Association</i>	Exceptionally Well Qualified	2018
Latina/Latino Bar Association	Exceptionally Well Qualified	2018
Loren Miller Bar Association	Exceptionally Well Qualified	2018
QLaw	Exceptionally Well Qualified	2018
Spokane County Bar Association	Well Qualified	2017
Spokane Washington Women Lawyers	Well Qualified	2017

LICENSED AND ADMITTED TO THE PRACTICE OF LAW

State of Washington: Rule 9 Legal Intern	1984
State of Idaho: Rule 123 Legal Intern	1985
Washington State Bar Association	1986
United States District Court Eastern District Washington	1986
United States Court of Appeals Ninth Circuit	1989
United States Supreme Court	1990
Spokane Tribe of Indians, Spokane Tribal Court	2003
Pro Hac Vice in Idaho and Oregon	Many years ago

CIVIC SERVICE

City of Spokane Ethics Commission Chair <i>Member Appointed by the Honorable David Condon</i>	2017 - present
City of Spokane Human Rights Commission Chair <i>Appointed by the Honorable Mary Verner</i>	2008 - 2010
City of Spokane Human Rights Commission Member <i>Member Appointed by the Honorable Dennis Hession</i>	2007
Northwest Mediation Center Vice President <i>Executive Board Member</i>	2018 2015 - present
Northwest Mediation Center Advisory Council Member	2014 - present
West Central Resiliency Convergence Sponsor <i>Promoting Inner-City Neighborhood Resiliency through Sustainable Systems</i>	2012
West Central Neighborhood Project Hope <i>Inner-City Youth Jobs Not Jails Program Stipend and Scholarship Sponsor</i>	2009, 2012, 2016
Spokane County District 3 Voter Protection Team <i>Many Years Ago</i>	2008
Spokane N.A.A.C.P. Volunteer General Counsel	
Spokane Martin Luther King Jr. Outreach Center Volunteer General Counsel	
American Civil Liberties Union Spokane Chapter Board Member	

PROFESSIONAL SERVICE

Spokane County Bar Association Family Law Section Subcommittee Co-Chair	2018
<i>Court's Proposed Changes to LSPR 94.04: Co-Chairs Julie Watts and Karen Schweigert</i>	
Association of Family and Conciliation Courts/WA Chapter	
<i>President</i>	2017
<i>Executive Board Member</i>	2015 - present
Team Child Executive Board Member	2016 - 2017
WSBA Family Law Section Executive Committee Member	2013 - 2016
Spokane County Superior Court Liaison Committee Member	2008 - present*
Spokane County Bar Association Family Law Section Chair	2007 - present
Spokane County Superior Court LSPR 94.04(1)(12) Family Law Mediator	2006 - present
Spokane County Superior Court Guardian ad Litem Committee Member	2003 - present*
Spokane County Superior Court Parental Alienation Subcommittee Member	2012
Spokane County Bar Association District Court Judicial Evaluation Panel Member	2011
Spokane County Superior Court Guardian ad Litem CLE Subcommittee Member	2010
Spokane County Juvenile Court Dependency Working Group Member	2009 - 2010
Gonzaga University Law School Linden Cup Moot Court Judge	2008, 2012
Spokane County Superior Court Pro Se Video Working Group Member	2008 - 2009
Spokane County Superior Court Unified Family Court Committee Member	2006 - 2009
Spokane County Superior Court Family Court Improvement Subcommittee Member	2006 - 2009
Washington State Bar Association Sentencing and Corrections Committee Member	1992 - 1995
<i>*When meetings are called</i>	

Additional Service:

Gonzaga University Law School Linden Cup Moot Court Judge
 Spokane Chapter American Civil Liberties Union Board Member
 Spokane County Bar Association Professionalism Award Committee Member
 Spokane County Superior Court Pro Bono Subcommittee Member
 Spokane Martin Luther King, Jr. Outreach Center Volunteer General Counsel
 Spokane N.A.A.C.P. Volunteer General Counsel

PROFESSIONAL ASSOCIATIONS

Federal Bar Association Eastern District of Washington	
Lincoln County Bar Association	
Loren Miller Bar Association	
Spokane County Bar Association	
<i>Alternative Dispute Resolution, Diversity, Family Law and LGBT Law Sections Member</i>	
<i>Volunteer Lawyers Program</i>	
Spokane County Bar Association Family Law Section Chair	2007 - present
Spokane County Bar Association LGBT Law Section Founding Member and Trustee	2016 - present
QLaw of Washington	2015 - present
Washington State Association for Justice	
<i>Eagle Member</i>	2016 - present
Washington State Bar Association	
<i>Alternative Dispute Resolution, Criminal, Family Law, Juvenile, LGBT, Military and LoBono Sections Member</i>	
Washington State Bar Association LGBT Section Trustee	2015 - present

Washington State Bar Association Family Law Section Executive Committee Member	2013 - 2016
Washington Women Lawyers – Spokane Chapter Ally Member	Many Years

HONORS AND RECOGNITIONS

Professional

Spokane County Bar Association Annual Diversity Section Emcee: <i>2018 Annual Diversity Section CLE/Carl Maxey Scholarship Awards Luncheon</i>	February 2018
WSBA APEX Award Nominee: Excellence in Diversity	2016
WSBA Family Law Executive Committee <i>Appreciation of Service Recognition</i>	2016
Spokane Coeur d'Alene Living Magazine Top 100 Lawyers	2015, 2016, 2017
Avvo® 10.0 <i>Criminal Defense and Family Law</i>	2015 - present
Martindale-Hubbell Top Rated Appellate Lawyers in Ethical Standards and Legal Ability present	2015 -
Martindale-Hubbell Judicial Edition AV Rating <i>Highest Possible Rating in Both Legal Ability and Ethical Standards Reflecting the confidential opinions of members of the Bar and Judiciary</i>	2011 - present
Martindale-Hubbell BV Distinguished Rating <i>Very High Rating in Both Legal Ability and Ethical Standards Reflecting the confidential opinions of members of the Bar</i>	2010
WSBA Pro Bono Commendation	2008 - present
Super Lawyers List by Law and Politics	2000
Martindale-Hubbell BV Rating <i>Peer Review Rating reflecting the confidential opinions of members of the Bar</i>	1997 - 2009
Who's Who in Practicing Attorneys	1989
Spokane Legal Services Center Reginald Heber Fellow	1986
University Legal Assistance Clinician Recognition <i>One of the two highest-graded clinicians in the history of the Clinic</i>	1985

Civic

Better Business Bureau A+ Rating	2014 - present
Boy Scouts of America Golden Eagle Club	2015 - 2017
City of Spokane Certificate of Appreciation For Service to the Citizens of Spokane <i>as Chair of the City of Spokane Human Rights Commission</i>	2010
Friends of the Black Lens (Non-Profit) <i>Corporate Friend</i>	2017- present
Gonzaga University Inauguration of President Thayne McCullough <i>Fairfield University Delegate of President Arx, S.J.</i>	2010
OutSpokane Pride Parade and Festival <i>Business Grand Marshal</i>	2017
NAACP National <i>Lifetime Membership Recognition</i>	2016
NAACP Spokane <i>Annual Meeting Sponsor</i>	2016, 2017
Phi Alpha Theta Honor Society for Conspicuous Attainments and Scholarship	1981
The Black Lens <i>Corporate Sponsor</i>	2017- present
Unity in the Community <i>Journey for Justice Coalition Participation Coordinator Platinum Recognition</i>	2017 2016, 2017

Campaign for Equal Justice Annual Contributor
L. Carl Maxey Spokane Bar Association Scholarship Annual Contributor

CONTINUING LEGAL EDUCATION Organization, Facilitation and Presentations

Implicit Bias Mandatory Judicial Training for Administrative Law Judges <i>Office of Administrative Hearings Spokane Webinar Site Co-Facilitator with Kitara Johnson and Gonzaga Law School Professor Genevieve Mann in collaboration with Just Lead Washington, Access to Justice Board: Justice Without Borders Committee</i>	October 2017
SCBA Hot Topics in Family Law <i>CLE Organizer and Presenter: Parenting Coordination for High Conflict Families</i>	October 2017
Jury Diversity in Washington: A Hollow Promise or Hopeful Future? <i>Administrative Office of the Courts: Spokane Organizer and Facilitator of local group discussion for livestream presentation from Olympia</i>	May 2017
SCBA Family Law Section CLE March 2017 Expanded Perspectives of Domestic Violence in Family Law <i>Co- Presenter with Shaun T. Greer of Associated Industries</i>	March 2017
WSAJ Presents: The Encore Spokane Screening of KSPS Carl Maxey: A Fighting Life with Special Guests Panel: The Living Legacy of L. Carl Maxey <i>Organizer and Moderator in cooperation with WSAJ, KSPS, The Maxey Family, Lou Maxey, Maxey Law Offices, P.S., The Law Office of D.C. Cronin, and Gonzaga University School of Law</i>	February 2017
AFCC CLE Organizer hosting Western Washington Board CLE Faculty <i>Eastern Washington Advanced Title 26 Family Law GAL Training</i>	2016
SCBA Family Law Section Title 26 Family Law GAL Training Organizer	2016
SCBA Family Law Section Title 26 Family Law GAL Training Presenter: <i>Title 26 Investigations; Law and Practice, Family Dynamics - Putting it all Together</i>	2016
SCBA Family Law Section Autumn CLE Co-Presenter: 2015 Case Law Summaries	2015
SCBA Family Law Section Autumn CLE Organizer: 2015 Hot Topics	2015
SCBA Family Law Section Autumn CLE Organizer and Moderator: "Serving up Family Law with an Extra Helping of Ethics"	2014
SCBA Co-Presenter with Peter S. Lineberger: "The Uniform Child Custody and Jurisdiction and Enforcement Act"	2013
SCBA Family Law Section Autumn CLE Organizer: "Staying in the Lines When Your Case is Outside the Box"	2013
SCBA Family Law Attorneys, Title 26 Guardians, and Clinicians CLE Co-Organizer	2012
SCBA Family Law Section CLE Co-Presenter with the late Mark Mays, PhD, JD: "Dangers Amidst the Dandelion Fields: Negotiating the Judicial System: Ethical, Legal and Clinical Aspects of Forensic Evaluations"	2012
WSBA Family Law Section CLE Midyear Presenter: "20 Family Law Cases You Need To Know", now copyrighted by the WSBA	2011
CLE Presenter: "The Feres Doctrine: Service Members' Relief Act"	2009
CLE Presenter: "Contempt: A Drastic Extraordinary Equitable Remedy"	2009
CLE Presenter: "Lis Pendens for the Family Law Practitioner"	2008
CLE Presenter: "Contempt"	1996
WSTLA CLE Co-Presenter with William C. Maxey: "Police Shooting and Discovery: Motion to Block Discovery Under 42 U.S.C.S §1983 and <u>Harlow v. Fitzgerald</u> "	1995

PRACTICE TIPS AND CASE REVIEW BLOGS

Practice Tips are distributed upon request to local attorneys, judges, legal and social justice advocates to foster discussion and promote rigorous study of the rule of law and the policies and procedures designed to administer those laws.

2017

The Justices Weigh in on LGBTQA + Bias
Temporary Orders and the Appearance of Arbitrary Preference
50/50 Placement – The Case of No Presumption for Relocation
Fraught with Danger: Take your time and seek utmost clarity with Pensions and Retirements!
Hatred and Contempt
Alternate Judicial Resolution Experiments

2016

When is Enough Too Much?
Children's Interests within Non-Parental Cases in Division III
Best Interests and Appellate Burdens
The Old Forms vs. The New Forms
Email and the New Ethical Rules
Hello, Is Anyone Home – Vicariously Maybe?
Hey, Just Text Me
Dastardly Form Compliance
Recently Published and Unpublished Opinions in Family Law

2015

Local Rules and Domestic Case Scheduling Orders
Memories: Smokin' in the Jury Room and Other Local Rules and Legends
Family Law Discovery, Contempt and Presentation of Orders
The CPS Family Assessment Response Pilot Project
The Doctrine of State Action Anti-trust Immunity
Spousal Maintenance, Voc Rehab and Other Considerations
Some Perils of Scribbled and Rushed CR2A Agreements

2014

Child Tax Exemptions and Insurance: What You Don't Know You Didn't Know
Rules: A Humpty Dumpty Perspective
Evidence: The Doctrine
Discovery Protective Orders for Victims of Domestic Violence and Basic Reasons for Discovery before Mediation
Recent Case Law and Legislative Round Up

2013

A Review of Critiques of the Collaborative Law Process
Case Law Round Up
Analysis of Recent Opinions of Note

2012

Appellate Court Opinion Review
Summer Decisions from the Appellate Courts and The Input of Children in Divorce
Presumptions and Burdens in Family Law Relocations
The Bueckling Decision and Legislative Restraints on the Exercise of Jurisdiction
How to Properly Withdraw from Active Representation
Recent Case Law Review
Some Pleading Errors That Are Correctable and Not Necessarily Lethal to Your Case

2011

Analysis of the Interplay of I-864 Affidavit for Support of an Immigrant Spouse in a Dissolution Action
Some Thoughts Regarding Tax Ramifications of Home Foreclosure in Dissolution Proceedings

Dennis C. Cronin

Curriculum Vitae Summary

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Innocent Spouse Relief Under IRS Code and Separation Contracts
 Parental Alienation Syndrome
 Case Law Review Around the Nation and at Home: Literature and Articles
 A Review and Analysis of De Facto Parentage and Non Parental Custody in Washington
 The Ethical Challenges of Using Email in a Family Law Practice
 Admitting Discovery Materials and Electronic Communications Into Evidence and Other Opinions of Note
2010
 Pitfalls to Avoid with Qualified Domestic Relations Orders

EMPLOYMENT HISTORY

The Law Office of D.C. Cronin <i>Owner and President, Attorney and Mediator</i>	2003 - present
Spokane County Superior Court <i>Commissioner Pro Tempore</i>	2005 - 2015
Hearrean and Cronin, P.S. <i>Co-Founder and Managing Partner</i>	2001 - 2003
Maxey Law Offices, P.S. <i>Associate and General Counsel</i>	1987 - 2001
Spokane Legal Services <i>Rule 9 Legal Intern/Associate Attorney</i>	1986 - 1987
Kootenai County Idaho Public Defender's Office <i>Rule 123 Legal Intern</i>	1985 - 1986
Gonzaga University Legal Assistance Clinic <i>Rule 9 Legal Intern</i>	1984 - 1985

EDUCATION

Holy Cross Catholic High School	Diploma	1978
Fairfield University, History Major (South East Asia Emphasis)	BA	1982
Gonzaga University Legal Assistance Clinic		1984 - 1985
Gonzaga University School of Law	JD	1985
Northwest Mediation Center	Certificate	2006
Pepperdine School of Law/Straus Institute for Dispute Resolution Court-Based Mediation of Family Law Matters	Certificate	2009

APPELLATE CASES PUBLISHED AND NON-PUBLISHED

For more than 30 years Dennis has advocated for clients with issues encompassing a wide range of facets of the law, including most sections of RCWs 4, 7, 9.9A, 11, 13, 26, and Administrative Law, Civil Rights, Criminal Law, Education Law, Environmental Law, Federal & State Labor Law, Federal Tort Claims Act, Martial Law, Mental Health, Poverty Law and Real Property. Below are summaries of Published and Non-Published Opinions, from 1986 through 2017, reflecting some of his appellate practice.

Federal District and Ninth Circuit

Civil and Voting Rights

Farrakhan v. Locke, 987 F. Supp. 1304 (E.D. Wa. 1997), *aff'd in part, reversed in part, and remanded*, 338 F. 3d 1009 (9th Cir. 2003) *and rehearing denied and en banc denied* by 359 F. 3d 1116 (9th Cir. 2004), *cert. denied and motion granted*, 543 U.S. 984, 125 S. Ct. 477, 160 L. Ed. 2d (2004), *summary judgment granted*, **Farrakhan v. Gregoire**, LEXIS 45987 (E.D. 2006), *rev'd*, 590 F. 3d 989 (2010) *and vacated, review and rehearing en banc granted* by 603 F. 3d 1072 (2010) *and aff'd* by 623 F. 3d 990 (2010).

Plaintiffs challenged the validity of felon disenfranchisement alleging minorities were disproportionately prosecuted and sentenced resulting in disproportionate representation and vote denial and/or vote dilution on the basis of race, in violation of the Voting Rights Act and Constitution. This case received national attention and was cited in other circuit opinions, articles, and local and national news media (print and audio). See 338 F.3d 1009 (2003)

Ethics and Professional Responsibility

Alexiou v. United States (In re Subpoena to Testify Before the Grand Jury), 39 F.3d 973 (9th Cir. Wn. 1994), *cert. denied*, 115 S. Ct. 1825 (1993).

Attorney allegedly deposited a counterfeit \$100.00 bill received from a client to his law firm bank account. Upon demand to reveal the client's identity, the attorney resisted on ethical grounds. The U.S. Attorney issued a grand jury subpoena and the Federal Court was asked the court to quash the subpoena. Held an appeal may be taken from a motion to quash under the circumstances presented, but client identity is not protected.

Criminal

United States v. Fifer, 27 Fed. Appx. 892, 2001 U.S. App. LEXIS 27099 (9th Cir. Mont. 2001)

Defendant appealed indictment, sentencing and failure to provide special verdict form. Affirmed.

Washington State Supreme Court

Election Campaigns and Political Law

Becker v. County of Pierce, 126 Wn. 2d 11, 890 P. 2d 1055 (1995)

A candidate defeated in a primary election for state auditor sought a declaratory judgment invalidating the primary and general elections. Less than three weeks after oral argument in this case, committee hearings were conducted in both houses of the Washington State Legislature to amend RCW 29.62.030. The legislature changed the law while the case was pending, rendering the case moot.

Washington State Court of Appeals

Criminal

State v. Rehn, 117 Wn. App. 142, 69 P.3d 379 (Div. III 2003)

Passenger made allegedly incriminating responses to questions asked without Miranda warnings. Trial court denied motion to suppress. Affirmed.

State v. Ford, 2000 Wn. App. LEXIS 2066 (Wn. Ct. App. Oct. 24, 2000)

Appeal from criminal conviction for second degree murder. Affirmed.

State v. Johnson, 96 Wn. App. 813, 981 P.2d 25 (Div. III 1999)

Trial court entered an order setting restitution more than 180 days after sentencing. Reversed.

State v. Lloyd, 1998 Wn. App. LEXIS 289 (Wn. Ct. App. Feb. 26, 1998)

Defendants convicted of first degree kidnapping. One defendant convicted of second degree robbery. Affirmed.

State v. Jones, 82 Wn. App. 871, 920 P.2d 225 (Div. III 1996)

Then a case of first impression in Division III involving the defense of multiple personalities (dissociative disorder). The trial court acquitted Ms. Jones after a bench trial, but convicted Ms. Jones' alternate personality, thus requiring Ms. Jones' incarceration. Affirmed.

Domestic Relations

In re: Marriage of Aldrich, 2017 Wash. App. LEXIS 1097 (Division III) (Unpublished)

Successful appeal of denial of petition for modification of spousal maintenance and attorney fees.

In re: Marriage of Lehman, 2017 Wash App. LEXIS 589 (Division III) (Unpublished)

Affirmed trial court in appeal of child support decision and reversed and remanded to trial court in second appeal of trial for entry of clearer findings of fact.

In re: Adoption of C.W.S., 2016 Wash. App. LEXIS 2764 (Div. III) (Unpublished)

Successful defense of an appeal by natural parent of trial court termination of her parental rights in a step parent adoption claiming use of the adoption statutes to terminate her rights violated equal protection because the adoption statutes do not require proof the State offered necessary services to her whereas the parental termination statutes in a dependency action demand such proof. Appeal denied. Discretionary Review Denied.

In re: Moore and Brown, Division III Case No: 32307-2-111 (Aug 31, 2016)(Div. III) (Unpublished)

Successful defense of appeal of Judgment and Order Establishing Parenting Plan and Child Support and parallel appeal of CR 11 sanctions against trial counsel. After protracted proceedings in the Court of Appeals and review by the Supreme Court, the appeal was ultimately dismissed.

In re: Parentage of Ruff, 168 Wn. App. 109, 275 P.3d 1175 (Div. III 2012) Reversed and remanded.

The first published case in Washington to explain Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) emergency jurisdiction process to transfer jurisdiction from one court to the other, and the consequences of a failure to properly do so. This case was also the first Washington case to address UCCJEA attorney fees in a jurisdictional dispute.

In re: Marriage of Vigil, 162 Wn. App. 242, 255 P.3d 850 (Div. III 2011), reconsideration denied by In re Marriage of Vigil, 2011 Wn. App. LEXIS 1842 (July 26, 2011), review denied by In re Marriage of Vigil, 173 Wn. 2d 1005, 268 P.3d 943, 2011 Wn. LEXIS 928 (Nov. 21, 2011)

Trial court affirmed in bifurcation of dissolution proceedings in extraordinary circumstances after bankruptcy was filed on the eve of trial acknowledging the trial court did not have jurisdiction to dispose of the parties' property at the time set for trial.

In re: Marriage of Kranches, 2011 Wn. App. LEXIS 1926 (Div. III) (Unpublished)

Successful argument on an issue involving first case clearly articulating and defining the standard for a determination of "unsound mind" in a CR 60(b) proceeding.

In re: Custody of A.C., 165 Wn.2d 568, 200 P.3d 689 (2009)

(Assisting counsel on briefing, research, and preparation for argument).

Finding the trial court erred in exercising jurisdiction and violated the goals and provisions of the Uniform Child Custody Jurisdiction and Enforcement Act, reversing the trial court and Court of Appeals custody decision.

In re: Marriage of Dodd, 120 Wn. App. 638, 86 P.3d 801 (2004)

Whether the trial court on revision properly imputed median wage income to father in a child support modification action. Affirmed the trial court, after the trial court revised the ruling of the court commissioner in favor of father.

In re: Marriage of Wilson, 2000 Wn. App. LEXIS 2157 (Div. III) (Unpublished)

Trial court valued wife's retirement based on a statement balance one month before separation and the home value based on appraisal. The trial court also considered husband's ability to make repairs in reaching its valuation and distribution. Affirmed.

In re: Marriage of Barlow, 1997 Wn. App. LEXIS 306 (Div. III Unpublished)

Father's child support obligation was temporarily reduced based on a finding of substantial change of circumstances after father's income decreased following injuries incurred in an auto accident where father was allegedly intoxicated. Affirmed.

In re: Geestman, 1997 Wn. App. LEXIS 1194 (Div III)(Unpublished)

Issue as to the parties' date of separation (defunct marriage) and validity of a community property agreement. Affirmed.

In re: Marriage of Luckey, 73 Wn. App. 201, 868 P.2d 189 (Div. III, 1994)

Holding the trial court did not abuse its discretion in valuing professional goodwill and in fixing visitation rights and spousal maintenance and that the appealing spouse was not entitled to attorney fees for her appeal and clarifying profile evidence is not admissible in a dissolution action and re-enunciating the often heard phrase "the purpose of spousal maintenance is to support a spouse, usually the wife, until she is able to earn her own living or otherwise become self-supporting." Affirmed.

Employment and Labor

Spokane v. AFSCME, 76 Wn. App. 765, 888 P.2d 735 (Div. III 1995)

A case involving the “right to strike” and issuance of a writ of prohibition preventing Spokane County employees from commencing a work stoppage in a wage dispute. The trial court denied the writ. Division III held employees were not acting in excess of jurisdiction by threatening to strike, thus there was no entitlement to writ of prohibition.

Juvenile/Parental Rights

Yuille v. State, 111 Wn. App. 527, 45 P.3d 1107 (Div. III 2002)

Parents sought summary judgment for conduct allegedly resulting in the false accusation of factitious disorder (Munchausen Syndrome by Proxy) and State’s removal of children. Affirmed with dissenting opinion for reversal.

In re: Welfare of Kevin L., 45 Wn. App. 489, 726 P.2d 479 (Div. III 1986)

Reversing a termination of parental rights and establishing a private person can file a dependency, the importance of the social file, and the provision of services. This case also delineated the parens patriae powers of the State. Reversed trial court’s termination.

Litigation

Spratt v. Crusader Ins. Co., 109 Wn. App. 944, 37 P.3d 1269 (Div. III 2002), review denied by 147 Wn. 2d 1003, 53 P.3d 1007, 2002 Wn. LEXIS 580

Plaintiff and pub owner each sought a declaration the maximum liability coverage under a liquor liability policy was a total of \$2 million. The trial court granted the motion for summary judgment. Reversed.

Estate of Lee v. City of Spokane, 101 Wn. App. 158, 2 P.3d 979 (Div. III 2000), review denied by 142 Wn.2d 1014, 16 P.3d 1263, 2000 Wn. LEXIS 842.

A wrongful death and excessive use of force action brought by decedent’s relatives arising from a fatal shooting by police officers and competing motions for summary judgment. Affirmed in part. Reversed in part.

Anderson v. Taylor, 1999 Wn. App. LEXIS 2189 (Wn. Ct. App. Dec. 28, 1999)

Anti-harassment petition brought by town council member against town marshal. Trial court found petitioner did not carry her burden of proof on some events and others were privileged. Affirmed.

Long v. Harrold, 76 Wn. App. 317, 884 P.2d 934 (Div. III 1994)

A case explaining the difference between voidable judgments and void judgments involving a motion to vacate. Reversed.

OTHER NOTABLE CASES

Alleged Excessive Use of Force

With co-counsel, Thomas Milby Smith, a case was brought alleging excessive use of force in the shooting of Sidney McDermott. In the Eastern District of Washington before the Honorable Robert Whaley, the Estate of Sidney McDermott vs. Spokane County survived summary judgment and resulted in a hung jury.

The case is significant to me as it is an example of making government accountable to the citizens. The jury found the case had merit and refused to award the City of Spokane any damages on the City's counterclaim for malicious prosecution.

Alleged Intimidation Litigation

My client secured a divorce when her son was very young, in part, due to allegations of domestic violence. For nearly fourteen years, she raised her son without the assistance of the father, who reappeared seeking primary residential placement. My client believed the petition was a perpetuation of the alleged domestic violence.

A rarity in domestic litigation, my motion for appointment of counsel to represent the child's interests was granted. The 2012 trial resulted in the successful dismissal of the petition for major modification of the placement decree and the successful defense of relocation. The judge also restrained the father from contact with my client and her son, effectively a de facto termination, and increased his monthly child support responsibility.

Judge Price described this case as one of the most extreme examples of intimidation litigation the Court had ever seen, and awarded my client approximately \$15,000.00 in sanctions for intransigence. One of the reasons this case is significant to me is the successful defense of an alleged victim of domestic violence.

Alleged Racial Profiling and False Arrest

Stanley Tensley sued the City of Spokane for racial profiling and false arrest. The City was defended by Rocky Treppiedi. As reported in *The Spokesman Review*:

"Stanley Tensley claimed he was unjustly beaten by police in February 1997 near Pittsburg and Fourth Avenue and falsely imprisoned on charges of obstructing an officer and resisting arrest. Police reports said Tensley refused to take his hands out of his pockets when they encountered him that night while responding to a neighborhood traffic incident. Witnesses said the officers beat Tensley with their fists and a flashlight. Then police Chief Terry Mangan and the department's Office of Professional Standards, an internal investigative body separate from the Citizen's Review Commission, ruled the officers were justified in the force they used to arrest him. Tensley filed a \$50,000 claim against the City in October 1998 and a civil rights lawsuit in Spokane Superior Court four months later. In a press release at the time of Tensley's arrest, Treppiedi called Tensley a "known gang member" ...

The Spokane Chapter of the NAACP cited the case as an example of police bias against black males. Tensley's lawyer, Dennis Cronin, requested police documents and an Internal Affairs report on the incident. It took the city 17 months to produce the records—far beyond the statutory limits in the state's Public Records Act. The records were produced after Cronin threatened in July 1998 to file a public records lawsuit. The city's charges against Tensley of resisting arrest and obstruction were dismissed and his claim was settled in July 2000."

I believe this was a significant case as the case involved allegations of racial profiling and civil rights violations in a predominately Caucasian community.

Alleged Racial Profiling and False Arrest

Mr. Jerome Sanders filed suit for false arrest and defamation resulting in the successful defense of his reputation. As an African American man, Mr. Sanders alleged he was wrongfully identified as a gang member based upon profiling, was falsely arrested and, thereafter, jailed for ten days. As reported in *The Spokesman Review*:

“...prosecutors quickly dropped the charge after they learned the 34 year old Sanders was working at a Telec Inc. a telephone equipment manufacturer in Liberty Lake at the time of the robbery. Treppiedi told the media Sanders had “gang associations” a charge Sanders, the local NAACP chapter and Spokane Police Department’s Special Investigations Unit all denied at the time. Sanders filed suit in January 1998, blaming his arrest on “racist stereotyping” of young blacks in Spokane. He said his lawsuit was an effort to halt a pattern by Spokane Police of identifying blacks as gang members but not backing their claims up in court.”

As I recall, as a consequence of this suit and other reasons, the City and Mr. Treppiedi began development of a policy and procedure for identifying alleged gang members and correcting erroneous identification similar to those existing at that time in Multnomah County.

Alleged Sexual Orientation Harassment

Boyd Hunter and Forest Campman vs. Stevens County and the Northeast Tri County Health District and subsequently vs. Roger and Darlene Hayward. In 1992, 1993, and 1996, Mr. Hunter and Mr. Campman received representation for protection from harassment and for personal injury from a polluted ground well. I asked my friend, Thomas Milby Smith, to represent Mr. Hunter. I represented Mr. Campman. It was alleged pollution by neighbors and others was designed to harass Mr. Hunter and Mr. Campman due to Mr. Hunter’s and Mr. Campman’s sexual orientation and their twenty year de facto marriage.

As they alleged, beginning in July 1991, various county employees and agencies had ignored health hazards imposed by neighbor’s garbage, dead animals, and ground water pollution. It was alleged as a result of omissions by various local environmental agencies, Mr. Hunter and Mr. Campman lost their sole source of drinking water, the enjoyment of their secluded land in Stevens County, and suffered humiliation and emotional distress.

The case against the Tri County Health District subsequently settled out of court. And, as subsequently reported in *The Spokesman Review*, the Northeast Tri County Health District began cracking down on sanitation and sewage laws.

As concerns the neighbors, Roger Hayward and Darlene Hayward, although the case resolved with an uncollectible default judgment, principle was important. As reported in *The Spokesman Review*, Judge Larry Kristiansen awarded Mr. Hunter and Mr. Campman:

...“the second largest court award in Stevens County history for three years of vicious harassment by their neighbors . . . Hunter, 47, and Campman, 48, had lived peacefully on an isolated mountaintop near Springdale, Wash., for 15 years until the Haywards moved next door in August 1991 . . . Hunter and Campman . . . filed the lawsuit against the Haywards after they were unable to get help from the Stevens County Sheriff’s Department, the prosecutor’s office or the Northeast Tri County

Health District. They believe authorities ignored them because they are homosexual.”

Although more than twenty five years ago, I believe a significant case was made for human rights and dignity.

Bench Trial Acquittal

In the matter of State v. Hart, Mr. Hart was charged with sexual abuse. In 1999 the case was tried before Judge Larry Kristiansen in Stevens County. Martin Rollins was the prosecutor. Mr. Hart was acquitted in a bench trial. Mr. Hart took the stand and testified in his own defense. The trial lasted several days with witnesses from DSHS, CPS and law enforcement. In my opinion, Mr. Hart was acquitted based upon the cross examination of the State’s witnesses, the fact Mr. Hart was innocent, and the work and testimony of the late R. Mark Mays, PhD, JD.

The case remains significant to me as a lesson in preparation. In my opinion, the cross examination of all of the State’s witnesses was possible based upon the thorough discovery on Mr. Hart’s behalf.

Concurrent Sentencing/Mental Health

In 1994, together with Carl Maxey, I represented Michael Borgardts in the matter of State v. Borgardts before the Honorable James Murphy, Ret., and secured a concurrent sentence of 20 years. The case riveted our community and was difficult on several levels. As reported in *The Spokesman Review*:

...“three mental health experts testified for the defense, saying Borgardts was delusional, a manic depressive who threw birthday parties for a make believe son. . . . Friends and relatives said he claimed to be a race car driver and a member of a rock band. For 11 years, he told his mother about an imaginary son in Hawaii. Borgardts hung out with off duty police officers at the Spokane Police Guild and told his buddies that his son had died and that he couldn’t afford the funeral. Officers at the club passed a hat. . . . ‘The fact is’ Cronin said, ‘the testimony is three to one and that our experts have read far more, investigated far deeper, researched more and spent more credible years in practice. . . .’ Murphy gave Borgardts the highest standard range sentence for both crimes--20 years for attempted first degree murder and 12 years for second degree murder but he ordered them served concurrently, in part, because he believed Borgardts clearly met the legal criteria for diminished capacity”...

The case was significant to me as I learned a new perspective about violence, domestic violence, mental illness, and psychology.

PRACTICE AREA SUMMARY

Over thirty years ago, as a young attorney I was hired directly out of Spokane Legal Services by Carl Maxey, Eastern Washington’s first African American attorney and our community’s celebrated civil rights leader. My legal training and professional experiences during those years still impact my personal and professional decisions to this day and serve as the foundation for my persistence for Justice.

It was during the nearly daily court appearances, and under Mr. Maxey's tutelage, I learned significant professional and personal lessons regarding the value of preparation, the importance of rigorous research and respectful professionalism. Carl Maxey also reinforced my belief the legal profession should first and foremost be grounded in knowledge and respect of the rule of law and equity and respect for each person's dignity. In addition to regular appearances in Spokane courts, under Mr. Carl Maxey's direct mentorship and supervision, I learned various areas of practice, including criminal, family, civil, appellate, juvenile, and administrative law at the state and federal levels and served as the foundation for assuming the responsibility of serving as the attorney for the firm, and for Mr. Maxey personally.

Later, assuming duties for domestic relations cases within the firm, I served as a Title 26 Guardian ad Litem in Adams, Pend Oreille, Spokane, and Stevens Counties. As a member of the team, I had the opportunity to observe how different counties implemented administration of their courts and to expand my courtroom experience before other judges in various Washington counties. I regularly travelled and appeared on behalf of the Maxey Law Office in several Washington courts including Adams, Asotin, Benton, Chelan, Clark, Columbia, Dayton, Douglas, Ferry, Franklin, Garfield, Grant, Island, King, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Pierce, Snohomish, Stevens, Thurston, Whatcom, Whitman, Yakima, and Walla Walla Counties, and other courts including federal, Idaho and Oregon Pro Hac Vice, with varying degrees of emphasis in the following areas:

RCW 4 - Personal Injury, minor settlements, wrongful death, survival actions, insurance defense, police malpractice, livestock injuries, consumer protection act, civil sexual abuse, legal malpractice, medical malpractice, educational malpractice, police malpractice, jail malpractice, workers compensation and contribution and indemnity.

RCW 7 - Common Law Writs of Certiorari, Prohibition, Mandamus, Quo Warranto, and Writs of Habeas Corpus, as well as cases of contempt, ejectment, declaratory relief, partition, nuisances, injunctions, crime victim compensation, mediation and arbitration.

RCW 9.9A - Criminal representation from misdemeanors to felonies including homicides. Sentencing in all criminal areas including post-conviction relief.

RCW 11 - Guardianships, trusts, will contests, simple wills, trusts, Uniform Trust Act. (i.e., TEDRA).

RCW 13 - All sections of the chapter including shelter care, dependency, termination, CAPTA, juvenile offenders, at risk youth, and children in need of services.

RCW 26 - All sections of the chapter including dissolution of marriage, legal separation, invalidity of marriage, child support, post-secondary support, modifications, domestic violence, interstate custody, paternity, committed intimate relationships, separation contracts, pre-nuptial agreements, contempt, non-parental custody, adoption, relocations, name changes, and non-traditional families.

Administrative - CAPTA, daycare licensing, foster care licensing, utilities, WSCLB violations, the Mariel Cuba boat immigration, prison grievances, professional licenses, state claims, and unemployment.

Business - Partnerships, corporations.

Civil Rights - Cases regarding age, race, culture, sexual orientation, gender, employment including the right to work and the right to representation, and criminal history discrimination involving coroner, prosecutor, city, county, state government, Grant County jail, and the Spokane County jail.

Criminal - Felony cases including first degree murder, narcotics, controlled substances, homicide, kidnapping, rape, robbery, burglary, personal restraint petitions, gangs, drive-by shootings, extradition, fugitives, and child rape/molestation as well as misdemeanors and infractions.

Education Law - Truancy, expulsion, disability, wrongful termination, personal injury.

Environmental Law - Tri-County Health District pollution.

Federal & State Labor Law - Unions.

Federal Court - Wrongful death, civil rights, criminal defense, 42 U.S.C.S §1983

Federal Tort Claims Act - EEOC and employment discrimination.

Government Redress - State and local causes of action and tort claims for personal injury and other wrongs, public records requests.

Martial Law - Court Martial and Article 15 under the UCMJ at Fairchild Air Force Base.

Mental Health - Insanity, Diminished Capacity, Multiple Personality (Dissociative Disorder), Munchausen's Syndrome by Proxy (Factitious Disorder), Involuntary Commitment, and many areas of DSM-5, Sacred Heart and Eastern State Hospital Commitments.

Poverty Law: Public entitlements and assistance.

Real Property: Timber trespass, adverse possession, quiet title, landlord tenant, tenant rights, nuisance, condemnation.

Voting Rights - State and federal.