



E-NEWSLETTER

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Dynamic duo saves the City millions

In closing arguments, the plaintiff asked for \$38 million in economic damages and “suggested” non-economic damages of up to \$108 million. Gulp! This wasn’t just any torts case – the plaintiff was a teenager who, through no fault of her own, had been left a quadriplegic when her companion of May 18, 2006 crashed a Cadillac Seville into a rock retaining wall. The car had been in the Seward Park parking lot after closing hours when Seattle police officers on routine patrol stopped to investigate. After one officer tapped on the window of the Cadillac with a flashlight, Omar Tammam put the car in reverse and sped out of the lot, with police following at a safe distance. Tammam fled the scene, with Channary Hor trapped inside the car. The case turned on whether the two police officers had engaged in a negligent pursuit.

After deliberating three hours, the jury of nine women and three men rendered its verdict: total vindication for the City. Tammam, who earlier pleaded guilty to vehicular assault and felony hit and run, did not respond to a summons to appear at the civil trial; the jury assessed his responsibility at \$17.4 million.

The finding – that the “tragic occurrence” was solely Tammam’s doing – was far from assured. But the fact that the jury had decided the case fairly quickly – after a 16-day trial – was a good omen. Co-counsel Bob Christie, who had been brought in to assist Torts attorney Rebecca Boatright, actually predicted after closings June 27 that the jury would return a defense verdict the next day. Of course, he added, “I’m paid to be optimistic.”

Boatright, who shepherded the case for the City, is “so grateful to Pete and Jean for the opportunity to bring Bob Christie on board. As plaintiff had three attorneys working full-time on the case (one whose sole job was to churn out motions for sanctions and motions to compel), adding Bob to the team was invaluable. Bob epitomizes confidence, class, and grace under pressure; he is a generous teacher and I am a better lawyer because of this experience.”

Christie’s firm was one of three selected to represent the City in police action cases after Holmes terminated the exclusive contract with Stafford Frey Cooper in 2010.

Though the victory is sweet for the City, everyone associated with the trial understands that, as Boatright eloquently expressed, “Channary Hor remains a gravely injured victim of Omar Tammam’s selfish criminal acts and that will never change. It’s a reminder to all of us who did stupid things when we were teenagers how lucky we are to have survived them, and it’s a reminder to all of us who are parents to remain vigilant and aware of who our children are seeing, where they are going, and what they are doing.”

Boatright also expressed her gratitude to “Chief [Clark] Kimerer and [Interim Chief Jim] Pugel, who either never waned in their confidence in us (me) or hid it well)” As Civil Division Chief Jean Boler wrote, “Kudos to Becca Boatright for all of the hard work she put into the Hor Trial....she is a consummate professional.”

MOVING FORWARD ON I-502

Education first, enforcement second

As you know, Section 21 of I-502 makes it a class 3 civil infraction — punishable by a relatively small fine, but no jail time or criminal record — to open or consume marijuana in view of the general public. It's within SPD's discretion to decide how to issue infractions, whether for jaywalking, speeding, or smoking marijuana on the sidewalk. Pete supports a measured system of warnings to encourage voluntary compliance with Section 21 before issuing citations.

Unlike criminal prosecutions, the City Attorney's Office only becomes involved with infraction citations if they're challenged in court, and Pete has promised that we will represent the City if I-502 infractions are issued and challenged (as we do with most other infractions). As Pete has already promised with all infractions, we will monitor for evidence of racially disproportionate application—as plainly occurred under the prior, wrong-headed policy of criminalized marijuana prohibition. This is why Pete further advocated in his letter to the Liquor Control Board for renters (and tourists) who might not have a private home where they can use marijuana without violating a rental agreement, suggesting options for legal nonresidential use including private smoking clubs and other models.

Under I-75, we distinguish I-502 infractions from criminal prosecutions for personal marijuana possession primarily because Seattle's voters overwhelmingly supported I-502—which created the "public use" infraction—long after voting for I-75. Civil infractions for public marijuana use weren't contemplated when I-75 passed over nine years ago. There are also concerns about exposing the general public to second hand marijuana smoke, distinct from I-75's concerns about using criminal law enforcement tools (arrest, prosecution, jail sentences, and criminal records) to target personal marijuana use.

Pete supports a proposed city ordinance mirroring the language of Section 21 of I-502 to keep the revenue from any infractions issued under this provision in Seattle, thus offsetting some of the local costs we'll incur implementing I-502. This is a common practice with other types of infractions, which often have parallel provisions under both state and city law. More importantly, Pete believes that as an elected official, he should back our SPD officers with a clear statement that ALL provisions of I-502 are to be enforced in Seattle, as we turn away from the ineffective, costly—and racist—past that was our War on Marijuana.

Washington voters changed the world in last November's vote to legalize, regulate and tax marijuana for adult recreational use. They deserve faithful implementation of all parts of I-502, ensuring that marijuana is both legal and regulated. We have already ended arrest and prosecution for possession, but before the first license to produce, process, and sell marijuana has been issued, we must remember that the world—not to mention the Federal Government—is also watching to see if we're serious about both legalizing AND regulating marijuana.

City submits recommendations on draft I-502 rules

In June City Attorney Pete Holmes submitted specific recommendations to the Washington State Liquor Control Board's draft rules for implementing Initiative 502, which Holmes championed last year as a prime sponsor of New Approach Washington.

"As Washington's largest city, with the largest number of medical marijuana facilities and strong public opinion favoring legalization, Seattle looks forward to partnering with the Board to regulate this new industry," Holmes said in the letter on behalf of the City of Seattle.

Aside from supporting "the overall structure and content of the draft rules," Holmes agreed the board should consider applicants' prior marijuana growing and delivery convictions on an individual basis. "This approach supports I-502's primary goal of displacing illegal competitors," he said. "Moreover, it is well established that America's war on marijuana results in racially disproportionate arrests and convictions — it is encouraging to see that the Board is working to undo some of the harm caused by those past discriminatory practices."

While agreeing with the board's plans in large part, Holmes suggested a variety of changes to the draft rules dealing with the 1,000-foot rule, marijuana products' availability to children, landlords of marijuana businesses, outdoor grows and waste disposal. More study is needed, he said, regarding medical marijuana, non-residential use and private clubs delivery.

Holmes also emphasized the City's need to "share in the State's revenue. Implementing and enforcing I-502 will be a costly venture for government at all levels, from business licensing and zoning to law enforcement and other public health and safety considerations."

Click here to read Holmes' letter: http://www.seattle.gov/law/news/pr/13June10_LCBMJRulesSeattleComments.pdf

Click here to read the proposed rules: <https://lcb.app.box.com/proposed-rules>

You can provide input via email at rules@liq.wa.gov
The Liquor Control Board is holding public hearings on the proposed rules around the state, including one session from 6 to 9 p.m. on Aug. 6 at Seattle Center, Northwest Rooms, Olympic Rooms.

Corporation Counsel James E. Bradford

A CANDIDATE FOR GOVERNOR WHO IS
DIFFERENT.



Editor's note: This is the fourth in a series of portraits of Seattle's city attorneys (formerly called corporation counsel).

James Bradford, one of only two corporation counsels to lose an election in the 20th century, was also one of the Law Department's most politically active leaders. A progressive, rather than a Republican or Democrat, Bradford championed prison reform, opposed business interests, and formed a Non-Partisan League to combat what he saw as political corruption amongst the major parties.

First appointed corporation counsel in 1911 to fill an unexpired term, Bradford was part of a nationwide progressive movement that rejected the domination of politics by the wealthy or politically well-connected. While corporation counsel, he tried unsuccessfully to enforce the minimum wage guaranteed by ordinance in Seattle, but

found that organized opposition and intimidation by employers proved too great a stumbling block. In addition to his support for the minimum wage, Bradford also argued forcefully in favor of jail reform. In a 1913 report to the mayor of Seattle, Progressive Party ally George Coterill, Bradford urged the mayor to recognize that alcoholism and drug addiction were medical, rather than legal problems and that they were best addressed by medical professionals.

In addition to these stances, unorthodox for their day, Bradford opposed a charter amendment that would have forced him to seek authorization from the city council before initiating legal action on behalf of the city, which he saw as an attempt to make his office "a mere puppet of the city council."

Though he was successful in killing the amendment, Bradford's iconoclastic streak eventually cost him his office. In 1916, he was defeated by Hugh M. Caldwell, losing a long-shot run for Governor of Washington that same year. Two years later, he lost a mayoral election as well, after which he returned to private legal practice.

The Great Depression brought a resurgence of populist feeling and social policy, however, and Bradford was appointed state director of the Federal Housing Authority in 1934. Charged with implementing New Deal provisions in Washington, Bradford was finally given the opportunity to implement the kind of reform he had long supported. His position as director of a federal agency, moreover, made him immune from the business interests that had stymied him during his stint in Seattle government.

He left his post at the FHA in 1938, returning to private practice for good. He remained a practicing attorney for many years, with a reputation as a constitutional lawyer. He retired in 1956. He remains one of the more colorful heads of Seattle's Law Department, unwilling to compromise his convictions even when they earned him enemies in City Hall.



Pete, at far left, was present when Gov. Jay Inslee signed a tougher DUI bill aimed at repeat offenders. CAO attorneys who worked throughout the 2013 legislative session to stiffen the penalties were Chief of Staff Darby DuComb, Deputy Chief of Staff John Schochet, Criminal Division Chief Craig Sims, East Precinct Liaison Matt York and DUI prosecutor Rachel Cormier-Anderson.

CAO employees make the City whole

“Almost all of the \$1.1 million allegedly stolen by a city employee who managed water-main extension projects has been recovered. The employee still faces 70 criminal theft charges,” the Seattle Times reported May 10.

Now, with even the \$30,000 insurance deductible returned to the City Treasury, the City’s recovery effort has ended and a round of thanks is in order.

“Mr. Phan not only stole from ratepayers, he sullied the reputation of his fellow public servants,” the City Attorney told the many employees who worked on the project. “Our prompt and tenacious response not only demonstrated effective interdepartmental collaboration, we simultaneously restored ratepayer trust in us all. (We also learned some important lessons and obtained new skills in the process.) I’m proud of our interdepartmental team.”

http://seattletimes.com/html/localnews/2020963593_phanrecoverfundsxml.html

EVENTS

8/6/13 Seattle Night Out

As is his tradition, Pete will visit neighborhoods during the annual event. He also hopes to stop by the Seattle Police Foundation's SPD Picnic at the Precinct program for the West Precinct, at McGraw Square and Stewart Street.

8/12/13 Bench Bar

Pete will participate in the monthly meeting of the stakeholders of Seattle Municipal Court.

8/16/13 Family Justice Center Community Stakeholders Meeting

The City’s Human Services Department, SPD, the City Attorney’s Office, the Seattle Police Foundation and community DV programs are exploring the possibility of opening a co-located domestic violence response center within Seattle based on the Family Justice Center model.

9/17/13 Sunshine Committee Meeting

Pete will attend the quarterly meeting of the statewide committee from 9 a.m. to 1 p.m. in the John A. Cherberg Building in Olympia.

9/22/13 – 9/26/13 NACOLE

Pete travels to Salt Lake City for the annual convention of the National Association for the Civilian Oversight of Law Enforcement.

9/27/13 Initiative 502 implementation

Pete will take part on a panel that addresses a national group of agency directors who head state administrative hearings agencies.

LINKS TO NEWS STORIES:

6/10/2013 Seattle city attorney suggests changes for Washington's draft marijuana rules — Seattle City Attorney Pete Holmes – a sponsor of the effort to legalize marijuana under I-502 – has crafted the city's legal-eagle suggestions for amending the Washington State Liquor Control Board's draft marijuana rules. (seattlepi.com)

<http://blog.seattlepi.com/marijuana/2013/06/10/seattle-city-attorney-suggests-changes-for-washingtons-draft-marijuana-rules/>

6/17/2013 Supreme Court refuses to hear appeal of \$1 verdict in SPD case — Ending a long-running legal battle, the U.S. Supreme Court refused on Monday to hear a case in which the city of Seattle spent \$600,000 to challenge a lawsuit and \$1 award to a man who was held at gunpoint by an off-duty police officer. (Seattle Times)

http://seattletimes.com/html/localnews/2021209163_supremedecisionxml.html

7/2/2013 Why Pete Holmes Is Funnier Than Me — If you've ever Googled me without using "Seattle" or "City Attorney," you know that I have a Google problem. Thankfully not one of Dan Savage's making, but a Google problem nonetheless. (The Stranger)

<http://slog.thestranger.com/slog/archives/2013/07/02/why-pete-holmes-is-funnier-than-me-besides-the-fact-that-walking-into-a-bar-is-funnier-than-taking-the-bar>

7/15/2013 -- Appeals judges probe Sodo arena decisions — A three-judge panel of the State Court of Appeals had plenty of questions for lawyers during a hearing Monday on an appeal brought by the local longshore workers union against the Sodo location for a new sports arena. (Seattle Times)

http://seattletimes.com/html/localnews/2021400648_arenaappealxml.html

7/26/2013 Seattle city attorney wants ban on using pot in public -- Seattle City Attorney Pete Holmes wants to enforce the state's prohibition on public pot consumption.

(Seattle Times) http://seattletimes.com/html/localnews/2021474951_potpublicxml.html

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To view the 2012 annual report,
please click here:
[http://www.seattle.gov/law/docs/
AnnualReport_latest.pdf](http://www.seattle.gov/law/docs/AnnualReport_latest.pdf)

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The Seattle City Attorney's Office is committed to providing the City of Seattle with the highest caliber legal advice to help protect the health, safety, welfare, and civil rights of all.

The City Attorney's Office has four divisions:

The Civil Division represents the City in lawsuits and advises City officials as they develop programs, projects, policies, and legislation. The sections within the Civil Division include torts (claims), governmental affairs, land use, environmental protection, labor and employment, and contracts/utilities.

The Criminal Division represents the City in prosecuting traffic infractions, misdemeanors, and gross misdemeanors in Seattle Municipal Court. The types of cases prosecuted by the Criminal Division include driving under the influence, traffic infractions, domestic violence, theft, assault, and trespassing.

The Administration Division staff provide budgeting, accounting, human resource, clerical and information technology services for the City Attorney's Office.

The Precinct Liaison Division assigns an assistant city attorney as a liaison to each of the City's five police precincts as another way of addressing public safety and neighborhood livability problems.

How to apply for an internship/externship in the Civil and Criminal Divisions: [http://
www.seattle.gov/law/volunteer_program/](http://www.seattle.gov/law/volunteer_program/)



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