



E-NEWSLETTER

June 2013

ISSUE: 11

CAO pursues refunds for ratepayers

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The 2000-2001 West Coast Energy Crisis — the product of many factors, including market deregulation and energy brokers manipulating the market — is a dim memory to many. But not to City Attorney's Office lawyers who have been working to obtain refunds for Seattle City Light ratepayers.

More than a decade ago, energy prices in the Pacific Northwest and California skyrocketed to astronomical heights. Utilities in this state, including City Light, rely to a large extent on hydroelectric power. The Pacific Northwest was experiencing a drought during the crisis, which significantly reduced the amount of energy generated by the hydroelectric dams. Consequently, City Light was forced to buy electricity from power brokers in the Pacific Northwest and California at vastly inflated prices.

Following a complaint filed in August 2000 by San Diego Gas & Electric, the Federal Energy Regulatory Commission (FERC) imposed a cap on electricity prices on June 20, 2001, that effectively ended the crisis.

In October 2000, Puget Sound Energy (PSE) filed a complaint with FERC in response to San Diego Gas & Electric's complaint. This complaint asserted that the Pacific Northwest and California were part of a substantially integrated wholesale energy market, and that imposing a price cap only in California would disrupt that market. PSE requested that if a price cap was imposed in California it should also be imposed on the Pacific Northwest, and FERC agreed. The City was among a number of parties that intervened in the PSE case, seeking refunds from the sellers from which they had purchased energy at unreasonably high prices. Two parties that had been seeking refunds, the Port of Seattle and the City of Tacoma, have settled their claims and are no longer active participants in the case.

The Federal Power Act (FPA) prohibits the sale of power at unjust or unreasonable prices. The City's case maintains that the Pacific Northwest and California energy markets are strongly interconnected, which means that factors and conditions in one market influence the other. Prices have been found to have been unjust or unreasonable in California prior to June 20, 2001. Given the extent to which the California and Pacific Northwest markets are interrelated, the City argues, this finding also should apply to the Pacific Northwest market.

FERC ruled in 2003 that no refund relief should be granted in the Pacific Northwest, but on appeal the 9th Circuit U.S. Court of Appeals ruled in 2007 that the case should be remanded to FERC for rehearing. To date, City Light has settled its disputes with 13 energy sellers from which it was seeking refunds. CAO attorneys Greg Narver and Engel Lee are working on the case with Jerry Rothrock and Mike Esmond, who are members of a law firm based in Oklahoma. Trial in the Pacific Northwest refund case is set to begin at FERC this August; the City is seeking up to \$100 million in refunds (compared with California's \$1 billion ask).



Veterans Treatment Court graduates its first participants

A year and a half after its launch, Veterans Treatment Court held its first graduation ceremony on April 2, honoring Gregory Rosell and Lawrence Wong for their accomplishments.

The men, who both served on active duty in Vietnam, enrolled in the Seattle Municipal Court program in October 2011. Presiding over the graduation ceremony was Judge Fred Bonner, himself a veteran and key player in the formation of the court.



Assistant City Attorney Jennifer Grant, who supervises the Seattle Municipal Court specialty courts, stated, “These two gentlemen have been dedicated to the program and are great examples of how a specialty court can provide the right level of intervention and oversight.”

Burns Petersen, attorney with the Associated Counsel for the Accused, said, “These two men should be very proud of their success in the Veterans Treatment Court as they both worked hard to meet their responsibilities.”

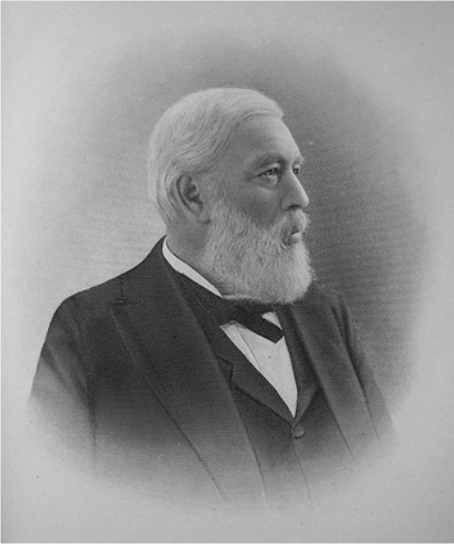
VTC is a specialty court that seeks to combat recidivism among veterans by addressing the mental health and/or substance abuse issues of veterans who commit non-violent crimes. The SMC program is the fifth of its kind in Washington and the first in King County. It resulted from a collaboration among the Seattle Municipal Court, the Seattle City Attorney's Office, Associated Counsel for the Accused, the King County Department of Community and Human Services, the Washington State Department of Veterans Affairs and the U.S. Department of Veterans Affairs.

Washington has the eighth largest veteran population in the United States. Many of these veterans return from duty with either Traumatic Brain Injury or Post Traumatic Stress Disorder from their experiences on active duty. If they do not seek the critical services to address these issues, they find it difficult to reintegrate in society and often interact with the criminal justice system.

Eligible defendants can volunteer to undergo the court-monitored long-term therapeutic treatment program. The focus is rehabilitation through structured support provided by the court through regular visits based on need. Veteran/defendants are connected with health care services as well as other social service resources provided by the federal and state Departments of Veterans Affairs. Defendants are still held accountable for their actions, but are assigned community service hours instead of jail time.

Traditional approaches to enforcing the law can neglect the issues that lead defendants to commit crimes. Non-violent, repeat offenders often have some combination of mental health and substance abuse problems that cause them to continually come into conflict with the law. Punishments like multiple court appearances or jail time are ineffective in solving these issues, and the negative impacts on the community continue. Veterans Treatment Court seeks to break this cycle by focusing on rehabilitation instead of punishment to both improve these individuals' lives and increase public safety.

Corporation Counsel Orange Jacobs



Orange Jacobs was elected corporation counsel in 1890, becoming the first to be chosen by voters instead of by city officials. Born in Geneseo, New York, Jacobs trained as a lawyer in Michigan, and then led a wagon train to the Oregon territory in 1852. In Oregon, Jacobs did a stint as a newspaper publisher while continuing to practice law. He ran in several elections as a Republican, but was repeatedly defeated. In 1859, he moved to Washington Territory.

Once in Washington, Jacobs resumed the practice of law. In 1869, he was appointed to the Supreme Court of Washington where he served for three years before being appointed chief justice. After four years in this position, he was elected as a territorial delegate to the United States Congress, serving two terms.

Clearly a man of unusual talent, Jacobs assisted John J. McGilvra during the latter's time in Washington D.C., providing advice and assistance for McGilvra's attempts to lobby against the railroad interests.

Upon returning to Washington Territory at the expiration of his second term in congress, Jacobs returned to private practice for two years before being elected mayor of Seattle in 1880, then member of the territorial council in 1885 and member of the committee that redrew Seattle's charter in 1889.

Corporation Counsel may seem an odd continuation to a career which included time as a territorial delegate to Congress and chief justice of the territorial Supreme Court, but in 1890 he stood for, and was elected to that office. A member of the more populist wing of the Republican Party, Jacobs was suspicious of the power wielded by the railroads over Seattle's public policy, and early in his term he became opposed to a city ordinance granting Puget Sound Railroad Company the right to lay tracks across the newly built Columbia Street.

The City Council, regretting its earlier ordinance, encouraged Jacobs to pursue a pending lawsuit against the company. Though he opposed the original ordinance, he had doubts about the success of a legal challenge, but agreed to pursue the suit in conjunction with the former legal advisor to the city, Thomas Shepard. The court, to Jacobs' surprise, held for the city. However, Puget Sound Railroad Company continued construction in violation of the court order, and appealed to the territory's supreme court.

The body of which Jacobs had once been chief held for the company, as Jacobs believed it would. Orange Jacobs was now in the unusual position of being personally opposed to the railroad's actions, yet still convinced that they had legal standing. Moreover, as the sitting corporation counsel, he was blamed in the press and in political circles for a loss that he had predicted from the beginning. Perhaps as a result, he was defeated in the next election, though he returned to semi-public life in 1896 as a superior court judge where he served until retirement in 1900.

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

City offers new relicensing program

The City Attorney's Office and the Seattle Municipal Court are offering a new relicensing program for drivers arrested for Driving While License Suspended Third Degree (DWLS3) or No Valid Driver's License (NVOL).

DWLS3 is the most prosecuted misdemeanor in the state, with more than 300,000 citations issued each year. The large majority of these cases lead to conviction, which can jeopardize employability and credit ratings.

The redesigned program is aimed at the most economically marginalized drivers who fall behind in paying their Seattle-only traffic tickets. "The data and experience regarding DWLS3 cases clearly showed that prosecuting these offenses in the traditional manner required a great deal of time preparing the cases for filing and court hearings, assigning public defenders and holding court hearings when truly it is a crime of poverty," said City Attorney Pete Holmes. "This continuing cycle caused increased jail costs due to arrests from the bench warrants, multiple court hearings and an inefficient use of personnel resources."

Eligibility for the program is carefully tailored for success: The individual must be a first-time participant; no accident or other criminal charges can be involved; and the person cannot be on deferred prosecution for a Driving While Under the Influence (DUI) gross misdemeanor.

A Court Ombudsperson assists those in debt to the Court who meet the stringent relicensing program guidelines (<http://www.seattle.gov/courts/relicensing/relicensing.htm>).

The new program, which began in February, is aimed at those people whose licenses have been suspended for not paying ticket fines. The ombudsperson's services are available to individuals who have been charged with DWLS3 and those who have not been formally charged by the City. Participants promise to pay down their debt, maintain law abiding behavior, and not drive without a valid license or insurance while on the program.

Participants will be given two options: Pay off the tickets on a schedule or do community service, if eligible. It will not be mandatory that participants regain their driver's licenses; it is encouraged, but optional. There are specified timeframes, and participants will be monitored for compliance while on the program.

Those who are currently charged with DWLS3 or No Valid Operators License (NVOL) may be able to have the charge dismissed by the Court if they obey all of the conditions.

For more information, contact Lillian Peck, Ombudsperson at Seattle Municipal Court, 206-615-0290, and Mindy Longanecker, Seattle City Attorney's Office, 206-684-8525.



CAO employees returned to the Compass Center in Pioneer Square this spring to prepare lunch under the auspices of Operation Sack Lunch (<http://www.oslserves.org/>) as part of our office's commitment to the City's Race and Social Justice Initiative. Cutting up potatoes were, from left, Stephen Karbowski, Kayleigh McNiel, Fritz Wollett and Jeffrey Caudill. After serving lunch to Compass Center residents, the volunteers took the meals-on-wheels to a City-sponsored feeding center under I-5.

EVENTS

6/3/13 – Pete and East Precinct Liaison Attorney Matthew York will visit precinct headquarters and hot spots, continuing a series of visits of the five Seattle precincts.

6/14/13 — Pete will attend the Celebration of Life for former City Councilmember Richard McIver from 7 to 9 p.m. at the Northwest African American Museum, 2300 S. Massachusetts St., Seattle.

6/18/13 — Pete will participate in the meeting of the state Sunshine Committee meeting from 9 a.m. to 1 p.m. in the John A. Cherberg Building, Conference Room ABC in Olympia.

<http://www.atg.wa.gov/opengovernment/sunshine.aspx>.

6/29/13 — After years of being mistaken for the comedian, Pete will introduce the other Pete Holmes at his show at the Neptune Theater, 1303 NE 45th St., Seattle.

<http://stgpresents.org/neptune>

6/30/13 — Rain or shine, Pete will walk in the 39th annual Pride Parade starting at 11 a.m. at 4th Avenue and Union Street.

<http://www.seattlepride.org/pride-parade.html>

7/25/13 – Pete will participate in the Domestic Violence Prevention Council quarterly meeting in L280 at City Hall.

<http://www.seattle.gov/humanservices/domesticviolence/preventioncouncil/>

LINKS TO NEWS STORIES :

5/10/13 City recovers most of funds from worker's \$1.1M theft -- 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. (Seattle Times)

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

5/2/13 City files light misdemeanor charges against six May Day Demonstrators – This just in from the office of City Attorney Pete Holmes: The City Attorney's Office on Thursday charged six individuals who were arrested in downtown Seattle and held overnight in the King County Jail. Three others who were arrested posted bail overnight and will be considered for charges at a later time. (The Stranger)

<http://www.thestranger.com/slog/archives/2013/05/02/city-files-light-misdemeanor-charges-against-six-may-day-demonstrators>

4/16/13 Why was Pete Holmes in Copenhagen? -- Pete Holmes is Seattle's city attorney and that means his clients include the mayor, the City Council, the police and the public. Pete Holmes previously worked as a private attorney in Seattle for almost 25 years before being elected city attorney in November 2009. He was also an original member of the Seattle Police Department's Office of Professional Accountability Review Board (OPARB) and served as chairman from 2003 to 2008. Ross Reynolds talks with Seattle City Attorney Pete Holmes about the recent retirement of Police Chief John Diaz, the Department of Justice and what he was doing in Copenhagen. (KUOW interview)

<http://www.kuow.org/post/why-was-pete-holmes-copenhagen>

4/3/13 City attorney charges one SPD officer with assault, declines on another -- A Seattle police officer was charged today with assaulting a handcuffed man who was being detained for attacking the officer's wife, who is also a police officer. (Seattle Times)

<http://blogs.seattletimes.com/today/2013/04/city-attorney-charges-one-spd-officer-with-assault-declines-on-another/>

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please click here:
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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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