



E - NEWSLETTER

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ISSUE: 5

CAO: Behind the scenes on May Day

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Since taking office in 2010, City Attorney Pete Holmes has emphasized emergency preparedness. Staff is attending personal preparedness training and lawyers are being trained on how to support the City in an emergency.

Prior to May Day, information emerged that certain individuals might try to disrupt the marches, but it was not really clear who or by what means. Civil Division Attorney Bill McGillin drafted proclamations and emergency orders in advance of the marches, so the City would be ready to protect the marchers should crime and violence arise.

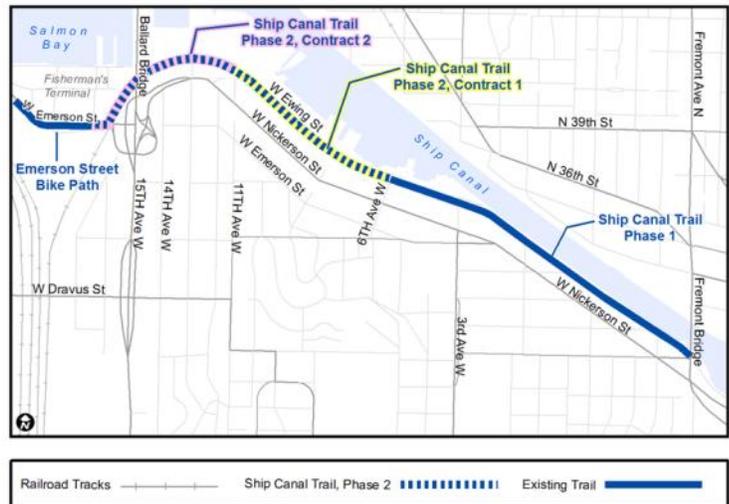
As May Day unfolded, Precinct Liaison Sumeer Singla (West) was able to bring emerging information at the Seattle Police Department to our EOC responders and in-house police action lawyers. The combined legal team of precinct liaison, emergency responders and police action lawyers allowed the City Attorney's Office to quickly and accurately assess the situation, review emerging police tactics, identify legal issues and provide guided support to SPD throughout the day. Singla says he is "thankful for the wonderful team of Marcia Nelson, Bill McGillin, Brian Maxey, Dominique Jinhong, and Bob Scales who helped me preplan for numerous potential legal issues before the May Day Protest. On the day of the protest, this same team was instrumental in helping SPD effectively respond to emerging real-time information and draft the appropriate proclamation in record time. I am proud to work for an office that can assemble such a brilliant team at moment's notice; all worked tirelessly to assist their client."

The coordinated effort was a great success for SPD and the City Attorney's Office. West Precinct Captain and Incident Commander Joseph Kessler says, "The entire City Attorney's Office and our West Precinct liaison, Sumeer Singla, did an amazing job in guiding us through the process both prior to, during and after the events of May Day. The work that the City Attorney's Office did in

Ship Canal Trail: Patience and Perseverance

Most Seattle residents are aware of the Burke-Gilman Trail and many have cycled, walked or run on some portion of the trail. Fewer people are aware of the existence of another multi-purpose trail in Seattle: the Ship Canal Trail.

On a cold, sunny Saturday just before Thanksgiving 2011, cyclists and officials gathered for a formal ribbon-cutting and dedication of the Ship Canal Trail. This trail now provides an alternative to busy roads for cyclists and pedestrians along the south shore of the Ship Canal between the Fremont Bridge and the Emerson Street bike path near Fisherman's Terminal. The older members of the enthusiastic pre-Thanksgiving crowd were eager to try out the trail after waiting for more than 20 years for completion.



History and Negotiations:

In the 1980s, a trail along the south side of the Ship Canal was the vision of a committed group of citizens, City officials and City employees. In April 1987, after many public meetings, then Mayor Charles Royer recommended Open Space Policies for the City, one element of which was an Urban Trails Policy. In 1988, a City team (led by then Bicycle-Pedestrian Program coordinator Pete Lagerway and now-retired Assistant City Attorney Judy Barbour) negotiated a Joint Statement of Principles with Burlington Northern Railroad for development of a comprehensive agreement for the City's acquisition of property rights for urban trails. The following year, the team negotiated the Burke-Gilman Trail Agreement, a detailed framework for acquisition and railbanking of abandoned railroad right of way, including much of the property now occupied by the Ship Canal Trail. The team was ably assisted by a local private attorney, Charles Montange, whose extensive knowledge of "rails to trails" issues was critical to the City's success. The same year (1989), King County voters approved funding for acquisition of property rights for the Ship Canal Trail (along with many other important park and trail projects) via the 1989 King County Regional Open Space and Trails Bond proposal.

Ship Canal Trail supporters were hopeful that acquisition work would begin immediately after passage of the 1989 bond proposal, but Burke-Gilman Trail issues demanded the attention of trail gurus Barbour and Lagerway. In 1991, Lagerway and DeWayne Ticeson from the Engineering Department (SDOT's predecessor) and Assistant City Attorney Judy Nevins were tapped to begin the long negotiating process with Burlington Northern Railroad for Phase I of the Ship Canal Trail (from the Fremont Bridge to 8th Avenue West). Barbour and Montange provided frequent advice and counsel. By the end of 1995, Phase I of the Ship Canal Trail was paved for public use, but negotiations for Phase II property (from 8th Avenue West to the Ballard Bridge), led by SDOT's Stuart Goldsmith, were just beginning.

Trail projects are never as straightforward as one hopes and Phase II of the Ship Canal Trail proved to be a very complicated project. With advice from Montange and Assistant City Attorneys Nevins and Marya Silvernale (now retired), Goldsmith negotiated with multiple parties to piece together the Phase II corridor. The grueling, nearly eight-year negotiation and acquisition process for Phase II required balancing trail needs with railroad company requirements, federal law, and the interests of abutting property owners. While Phase I only required acquisition from one property owner (the railroad), Phase II included acquisition and railbanking of abandoned railroad corridor, purchase of land adjacent to active railroad corridor, purchase of easements from private landowners, purchase of land from other public entities, purchase of a crossing easement from the railroad, relocation of water lines, and relocation of railroad track.

Trail users loved their dead-end trail, but wondered if it would ever be completed. Sometimes the City team wondered the same thing.

Trail Completion:

In 2003, the City finally acquired all necessary property rights for Phase II. Goldsmith, Silvernale and Montange spent Christmas Eve 2003 securing railroad signatures on the final purchase agreement. No one anticipated that it would take eight more years to secure permits from the railroad, complete trail design, and work through access and logistical issues with adjacent businesses and track relocation and crossing construction issues with the railroad. SDOT's Project Manager Sue Byers, with continuing assistance from Goldsmith (now an SDOT Supervisor), got Phase II trail construction started in 2010, while working with abutting property owners and the railroad on last-minute issues. Assistant City Attorneys Nevins and Theresa Wagner provided legal advice.

Phase II trail construction was finally completed in October 2011, tantalizing pedestrians and cyclists, but the trail was fenced off from public use until just before the trail ribbon-cutting. We know of a few enthusiasts who couldn't resist trying the new pavement in advance of the ceremony. The gala ribbon-cutting reunited long-time trail supporters and many of the people who worked on trail negotiations over the past 20+ years. We missed Barbour and Silvernale, but were delighted to see old friends Lagerwey and Montange.

Take a walk or a bike ride on the Ship Canal Trail. You'll enjoy the trip.

CAO works behind the scenes on May Day

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laying the groundwork for the speedy implementation of the proclamation no doubt assisted us in preventing significant damage to the downtown core. Thanks again for all of your work."

In the coming month, the City Attorney's Office will be providing proclamation and emergency order training to its EOC responders and participating in the regional June earthquake exercise.

Future of the Law Institute

On April 10 and April 17, the City Attorney's Office hosted four students from Renton High School and Chief Sealth International High School who were a part of the Future of the Law Institute. The students enjoyed a day of observing proceedings in Seattle Municipal Court and even toured the jail holding facilities. Civil Division Attorney Tara Gillespie provided a basic primer on Tort litigation and walked them through the famous "McDonald's hot coffee case."



The students also had the opportunity to have candid conversations with Pete Holmes, which all stated was the highlight of their day.

They not only met with our attorneys, they toured the court, spoke with SPD community outreach officers, precinct liaisons, DV advocates and many others; thus they got a varied look at the entire legal system.



The Future of the Law Institute, sponsored by the King County Bar Association, is a year-long program for minority and economically disadvantaged high school students interested in learning more about a career in the law. FLI provides students with substantive legal workshops, career-counseling and opportunities to meet with legal professionals.

There was such a positive response from everyone involved that the City Attorney's Office plans to participate in this job shadow with FLI again next year.

Domestic Violence Unit finds common ground with law enforcement officers from abroad

Under the auspices of the State Department's International Visitor Leadership Program, a dozen police officers from points east and west visited the Criminal Division's Domestic Violence Unit in April. As DVU Leader Cindi Williams recounted, "The questions the delegates posed to us ended up being the most interesting part of the discussion, as they prompted a discussion about the differences between our criminal justice systems. One delegate asked about the influence of religion on our laws. Another seemed surprised that racist speech is not a criminal offense; he had witnessed a mentally ill man yelling overtly racist comments on the street the day before and had found it very disturbing. This transitioned into a brief discussion about the distinction between protected speech and hate crimes, as the two are not distinguished in many other countries."



CeaseFire names Holmes civic leader of the year

City Attorney Pete Holmes received the annual Ancil Payne Civic Leader of the Year award from Washington CeaseFire on May 22 for showing consistent courage and purpose in efforts to reduce gun violence in the state.

CeaseFire's 25th annual luncheon, at the Washington Athletic Club in downtown Seattle, featured Mayor Mike McGinn as the keynote speaker. Also recognized was McGinn's predecessor, Greg Nickels, who launched the City's effort to ban guns from areas of parks, community centers and other facilities where children are likely to be present. It's a struggle that continues under the direction of McGinn and Holmes despite rejection by the courts.



From left, CAO Chief of Staff Darby DuComb, former Mayor Greg Nickels and Pete Holmes.



"Seattle has not attempted to ban firearms for all City property," said Holmes, "just parks and playgrounds frequented by families with children. The notion that Seattle can't protect its most vulnerable residents on the City's own property is inimical to the principles of local autonomy. Every Washingtonian should be alarmed that state law has been interpreted to prevent such reasonable common-sense local controls." City Councilman Nick Licata, who introduced Holmes at the luncheon, pledged, "We're all going back [to Olympia] and we're going to get that law changed."

The CeaseFire award is named for the longtime board member and former King 5 president. Also recognized May 22, as citizen activist of the year, was Megan McQueen.

EVENTS

6-5 and 6-6: Pete and others in CAO will participate in the Evergreen Earthquake Exercise at the Seattle Emergency Operations Center.

6-7: Pete will attend the Northwest Indian Bar Association dinner at Campion Ballroom at Seattle University.

http://www.nwiba.org/pages/2012_NIBA_banquet.html

6-9: Pete will attend the Equal Rights Dinner at the Washington State Convention Center. Registration/payment info:

<https://washingtonunited.fastercampaigns.com/gala>

LINKS TO NEWS STORIES:

5/3/2012 - [City seeks dismissal of lawsuit in 'Mexican piss' case](#) . Seattle city attorneys have asked a federal judge to dismiss a lawsuit stemming from a police officer's threat to beat the "Mexican piss" out of a Latino man, saying the language was intended to control him during a robbery investigation and not to offend. (*Seattle Times*)

4/23/12 - [Force claim against Seattle Police dismissed](#). A federal jury sided with a Seattle police officer, saying he was justified in using a Taser against a man who was trying to flee in the Central District. (*seattlepi.com*)

5/22/12 - Seattle's one functioning wing of government. Seattle City Attorney Pete Holmes, who oversees all misdemeanor prosecutions and acts as the city's lawyer, has issued his annual report for 2011. It's a good read and a reminder that we have one bravely led floor at City Hall that is both capable of pushing the envelope and accomplishing an agenda. (And, yeah, that's a dig at our timid, innovation-is-the-enemy city council and bold-yet-bungling mayor.) Holmes has his ups and down, of course. He's tempered the hogwild police union by bringing police defense work in-house, unsuccessfully sued a cop, negotiated terms with the state to build a \$4.2 billion tunnel, wasted a bunch of money trying to stop the public from voting on that tunnel, successfully sued to shut down a strip club, helped hash out rules for medical marijuana dispensaries, and lots more. Grade that report card how you will, but Holmes is uncommonly accomplished. (*The Stranger*)

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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.

With more than 90 lawyers, the City's Law Department is one of the largest law offices in Seattle and is the third largest public law office in the state.

The City Attorney's Office is made up of three 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.

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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