

NO. 73117-3-I

COURT OF APPEALS, DIVISION ONE
OF THE STATE OF WASHINGTON

In re the Marriage of:

FRANCISCO ANTONIO CASTILLOS,

Appellant,

and

ISABELLA CASTILLOS,

Respondent.

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COURT OF APPEALS, DIVISION ONE
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BRIEF OF APPELLANT

Law Offices of Dan R. Young
Attorney for Appellant
1000 Second Avenue
Suite 3200
Seattle, WA 98104
(206) 292-8181

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I. ASSIGNMENTS OF ERROR AND ISSUES

A. Assignments of Error

1. The commissioner erred in entering a judgment for attorney's fees in the amount of \$7,728.56 without considering or looking at any declaration, bill, lodestar calculation or any evidence as to how the fees were calculated.

2. The commissioner erred in requiring appellant and his counsel to prepare a Qualified Domestic Relations Order (QDRO) when such QDRO had previously been prepared and filed in the case.

3. The commissioner erred in refusing to consider the impact of appellant's petition to modify maintenance in connection with respondent wife's motion to hold petitioner husband in contempt.

4. The commissioner erred in refusing to permit the husband's counsel to serve the summons and petition for modification upon the ex-wife at the hearing.

B. Issues Pertaining to Assignments of Error

1. Before entering an award for attorney's fees, was the commissioner required to consider the lodestar calculation, the number of hours reasonably spent on the matter, counsel's reasonable billing rate and not just rubberstamp counsel's fee request, unsupported by any declaration or evidence as to how the requested fees were

calculated or derived? (Assignment 1.)

2. Did the commissioner err in requiring appellant husband and his counsel to perform an act—draft the FAA QDRO--which had already been performed? (Assignment 2.)

3. Where one party files a motion to hold the other party in contempt for failure to pay spousal maintenance, should the court consider the fact that a petition for modification of maintenance has been filed by the other party? (Assignment 3.)

4. Did the commissioner err in applying a blanket immunity rule to service of process at the show cause hearing, where the ex-wife brought the motion, was avoiding service of process and the result of the commissioner's ruling hampered justice rather than furthered it? (Assignment 3.)

II. STATEMENT OF THE CASE

The parties were married on July 9, 1981 in Tacoma (CP 9, ¶ 2.4). They separated in November, 2000 (CP 9, ¶ 2.5). A decree of dissolution was entered on July 6, 2012 (CP 3). The decree provided in Exhibit M to the decree that the husband would pay spousal maintenance to the wife in the amount of (a) \$2,500 per month on or before the 15th day of the month, (b) forty percent of the husband's Boeing pension, and (d) a fraction of the husband's retirement annuity to be received from the Federal Aviation Administration (FAA) when the husband retired (CP 7).

At the time the decree was entered, the husband was an engineer with the FAA, after having worked at Boeing for thirty years (1965 - 1995) (CP 63). The husband had net income from three sources: social security (\$1,914 per month), Boeing retirement (\$1,730 per month) and salary from the FAA (\$6,682 per month) (*Id.*). The husband was born in October, 1930, so was 81 when the decree was entered (*Id.*). The husband planned to work indefinitely at the FAA, but was able to work only another eighteen months or so after the decree was entered (CP 63-64). He left the FAA in January, 2014, at the age of 83 (CP 52, 64). The wife was born in January, 1953, so reached the age of 62 years old in January, 2015 (CP 64) and is thus eligible for social security benefits

(CP 52).

The wife filed a motion/declaration for order to show cause re contempt on November 21, 2014 (CP 25-28). The husband was ordered to show cause at a hearing scheduled for December 8, 2014 (CP 23). The hearing was continued to January 16, 2015, in order to serve the husband (CP 50). The motion sought (a) to hold the husband in contempt for failing to pay the spousal maintenance payment of \$2,500 for November, 2014 (CP 27); (b) a judgment for additional travel, lodging and bank expenses and attorney's fees (*id.*); and (c) to require the husband to "fully comply" with the QDRO provisions of the decree of dissolution (CP 28).

The husband filed a petition to modify spousal maintenance in December, 2014, on the basis of a substantial change in circumstances (CP 51-53). He retired from the FAA on February 1, 2014, and his income was reduced from an FAA salary of \$126,608 per year to FAA retirement benefits of \$21,456 per year (CP 70). He also alleged in his petition that he had "significant health issues, including short-term memory loss, incipient dementia, and problems with biological ageing, requiring assisted living" (CP 52). The husband alleged that the above constituted a substantial change in circumstances occurring after the decree of dissolution was entered on July 6, 2012, and requested that

spousal maintenance be reduced by eliminating the \$2,500 per month payment to his ex-wife.¹

The husband tried to contact his ex-wife to advise her of his significantly decreased income, but did not have her address (CP 64). He was aware she lived in the Santa Barbara area, but had no address (CP 64). Even at the time of the hearing the respondent refused to provide her residence address (*id.*). The husband's attorney contacted the ex-wife's attorney, enclosing a copy of the petition for modification of spousal maintenance which had just been filed, to request the wife's attorney to accept service of the petition for modification of spousal maintenance (CP 71). The wife's attorney refused to "formally accept service for Ms. Castillos" (CP 71). Neither the husband nor the husband's attorney knew the wife's address, and the wife refused to provide her address (CP 64).

The husband paid the \$2,500 per month spousal maintenance through November, 2014, the November payment being made in December, 2014 (CP 101). He argued in his petition for modification that the \$2,500 spousal maintenance should be eliminated as of December, 2014, and thereafter (CP 52).

At the show cause hearing on January 16, 2015, the husband

¹The husband remarried after the decree of dissolution was entered. His current wife is retired and has no income.

argued that the commissioner should consider the fact that the husband had filed a petition for modification when considering what amount of maintenance was owed for December, 2014, and January, 2015. The commissioner refused to consider the fact that the husband had filed a motion for modification of spousal maintenance the previous month, without an affidavit of service on file showing service of the petition for modification (RP 9). The husband's counsel then stated that he would serve the ex-wife right then, as the ex-wife was standing at the podium a few feet away from the husband's counsel (RP 9). The commissioner then instructed the husband's counsel to take the papers back, stating that "when a judicial officer sits on the bench, you may serve nobody without asking the person sitting on the bench. And we're not going to do that now" (RP 9). The commissioner then refused to consider the petition for modification (RP 13).

The commissioner then ordered a QDRO to be prepared and completed (RP 13), and stated that she would enter a judgment for attorney's fees "so long as there is an attorney fee declaration declaring the reasonableness of it and how it was calculated" (RP 13).

The order as prepared by the ex-wife's attorney and signed by the commissioner on January 16, 2015, included a judgment of \$7,728.56 for "reasonable/fair" attorney's fees and costs (CP 89)

“pending filing of counsel’s declaration re fees, which shall be provided to counsel & court” (CP 92), with a notation that counsel had “seven day[s] to file declaration (CP 92, ¶ 3.9). The ex-wife’s attorney filed such a declaration seven days later, along with copies of three invoices given to the ex-wife, but which do not add up in any transparent way to \$7,728.56 (CP 103-113).

The order also required the husband and his counsel to “prepare the qualified Domestic Relations Order (QDRO) re his Federal Aviation Administration (FAA) retirement as of the date of his retirement of February, 2014” (CP 92, ¶ 3.8), despite the fact that such QDRO had already been filed with the court on November 13, 2012 (CP 19-22), and the ex-wife’s counsel had been so notified (CP 68, 70).

The husband timely filed a notice of appeal (CP 94-100).

III. SUMMARY OF ARGUMENT

The commissioner completely failed to review any declaration or evidentiary basis before entering a judgment for the full amount of fees sought by the ex-wife. The husband had no opportunity to object to the fees, and the declaration of the ex-wife’s attorney, which declaration was subsequently filed, did not support the amount of fees sought.

The commissioner also ordered the husband to prepare a QDRO

which had already been filed, and of which the ex-wife's counsel had been advised.

The commissioner further applied a stringent form of the immunity doctrine to prevent the husband's attorney from serving the ex-wife with the petition for modification. There are no facts suggesting that permitting such service would have disrupted the proceedings, or that it promoted fairness to prevent such service. Modern legal authority has rejected rigid application of the immunity doctrine.

IV. LEGAL ARGUMENT

A. This Court Reviews the Trial Court's Judgment and Conclusions of Law De Novo.

Issues of law are reviewed on appeal de novo. *Wingert v. Yellow Freight Systems, Inc.*, 146 Wn.2d 841, 847, 50 P.3d 256 (2002). Issues of statutory interpretation are also reviewed de novo. *Hartson Partnership v. Goodwin*, 99 Wn. App. 227, 231, 991 P.2d 1211 (2000). An award of attorney's fees is reviewed for an abuse of discretion. *Chuong Van Pham v. City of Seattle*, 159 Wn.2d 527, 528, 151 P.3d 976 (2007). Discretion is abused when the trial court exercises it on untenable grounds or for untenable reasons. *Id.*

B. The Commissioner Abused Her Discretion in Entering an Award of Attorney's Fees Without Considering Any Evidence and Without Including Appropriate Findings and Conclusions in the Record.

A reasonable attorney fee award is calculated by applying the lodestar method. *Mayer v. City of Seattle*, 102 Wn. App. 66, 81, 10 P.3d 408 (2000), *review denied*, 142 Wn.2d 1029, 21 P.3d 1150 (2001). Under this method, the court multiplies the total number of attorney hours reasonably expended by the reasonable hourly rate of compensation. *Bowers v. Transamerica Title Ins. Co.*, 100 Wn.2d 581, 597, 675 P.2d 193 (1983); *American Nursery v. Wells*, 115 Wn.2d 217, 234, 797 P.2d 477 (1990). In some circumstances, the court may adjust the lodestar fee upward or downward based on a consideration of additional factors. *Scott Fetzer Co., Kirby Co., Div. v. Weeks*, 114 Wn.2d 109, 124, 786 P.2d 265 (1990); RPC 1.5(a).

To withstand appeal, a fee award must be accompanied by findings of fact and conclusions of law to establish a record adequate for review. *Mahler v. Szucs*, 135 Wn.2d 398, 433-35, 957 P.2d 632 (1998); *Eagle Point Condominium Owners Ass'n. v. Coy*, 102 Wn. App. 697, 715, 9 P.3d 898 (2000). "Failure to create an adequate record will result in a remand of the award to the trial court to develop such a record." *Mayer*, 102 Wn. App. 66, 79.

A trial court must be active, not passive, in evaluating attorney

fee awards. *Mahler v. Szucs*, 135 Wn.2d 398, 433-34. “Courts must take an *active* role in assessing the reasonableness of fee awards, rather than treating cost decisions as a litigation afterthought. Courts should not simply accept unquestioningly fee affidavits from counsel.” *Id.* at 434-35. “Trial courts must independently decide what represents a reasonable amount of attorney fees; they may not merely rely on the billing records of the prevailing party’s attorney.” *Nordstrom, Inc. v. Tampourlos*, 107 Wn.2d 735, 744, 733 P.2d 208 (1987). As this Court recently stated, the trial court “must do more than give lip service to the word ‘reasonable.’ The findings must show how the court resolved disputed issues of fact and the conclusions must explain the court’s analysis.” *Berryman v. Metcalf*, 177 Wn. App. 644, 658, 312 P.3d 745 (2013), *review denied sub nom., Berryman v. Farmers Ins. Co.*, 179 Wn.2d 1026, 320 P.3d 718 (2014).

Further, any discussion of reasonable hourly rates must take into consideration the nature of the billing firm and the nature of the work performed. *West v. Port of Olympia*, 146 Wn. App. 108, 123, 192 P.3d 926 (2008). The court of appeals explained that the type of work, rather than simply the resumé of the attorney claiming fees, is relevant. *Id.*

Time spent on unsuccessful efforts in connection with otherwise

successful claims is unproductive and must be excluded. *Pham v. City of Seattle*, 159 Wn.2d 527, 539-40, 151 P.3d 976 (2007).

After this careful review process, the court must support an award of attorney fees with specific findings of fact and conclusions of law. *Mayer v. City of Seattle*, 102 Wn. App. 66, 82-83. Those findings and conclusions must specifically address the challenged time entries and explain why they have been granted or denied. *Id.*

In *Berryman*, this Court rejected an attorney fee award in which the trial court simply filled in the blanks in the prevailing party's proposed order, without examining the request or the opposing party's objections. *Berryman*, 177 Wn. App. at 657. The *Berryman* court reiterated the *Mahler* admonition that trial courts must be active in evaluating fee requests and objections thereto, and remanded for entry of "meaningful" findings and conclusions. *Id.* at 677-78.

In the present case, the wife's attorney asked for an attorney fee award of \$7,728.56 (RP 8). The husband's attorney objected on the basis that no need for the fees was shown and the wife's attorney "has not shown any basis for the calculation of attorney's fees" (CP 65). The commissioner indicated in her ruling at the contempt hearing on January 16, 2015, that she would enter a judgment for attorney's fees in favor of the respondent wife "so long as there is an attorney fee

declaration declaring the reasonableness of it [sic] and how it was calculated” (RP 13). The commissioner then entered a judgment for attorney’s fees in the amount of \$7,728.56 (CP 89), “pending filing of counsel’s declaration re fees, which shall be provided to counsel & court. Seven day[s] to file declaration” (CP 92). The ex-wife’s counsel filed such a declaration on January 23, 2015 (CP 103-113), within seven days of January 16, 2015. There is no evidence that the commissioner looked in the court file or reviewed the declaration.

In other words, the commissioner granted the full amount of attorney’s fees sought by the wife’s counsel, without seeing any declaration or evidence in support of such fee request, and such amount was approved in advance *merely by the filing of a later declaration which presumably supported the amount sought, but which in this case does not*. This procedure clearly (1) does not comply with the mandate that trial courts take an active role in reviewing attorney fee requests, (2) does not provide the husband a meaningful opportunity to make objections to the amount of fees sought, as he has no idea how the fees were calculated, (3) does not provide a mechanism whereby the commissioner can avoid accepting “unquestioningly fee affidavits from counsel,” as required by *Mahler v. Szucs*, 135 Wn.2d 398, 433-34, and (4) does not provide a record upon which this Court

may understand the commissioner's reasons for determining the amount of the attorney fee award so as to establish the basis for a meaningful review of such award.

Accordingly, the attorney fee award should be reversed and remanded to provide a meaningful record of the reasons for the amount of any attorney's fees awarded and an adequate basis for review.

C. A Court Should Not Order a Party to Perform a Useless Act.

The commissioner ordered the husband and his counsel to "prepare the Qualified Domestic Relations Order (QDRO) re his Federal Aviation Administration (FAA) retirement as of the date of his retirement of February, 2014" (CP 92, ¶ 3.8). This language was in the proposed order submitted by the wife's attorney (CP 89-93), which language was unquestionably accepted by the commissioner.

However, the FAA QDRO had already been prepared by the husband and the husband's counsel, signed by the trial court and filed with the court on November 13, 2012 (CP 19-22), over a year earlier. It was signed by the wife herself (CP 22). The husband's counsel even sent the wife's counsel a copy of the FAA QDRO in November, 2014 (CP 68, 70). Consequently, there was no need to prepare and file another QDRO relating to the same employer. The commissioner erred in requiring the husband to perform an act he had already done. The law

does not require a party to engage in a useless act. *Moratti ex rel. Tarutis v. Farmers Ins. Co. of Washington*, 162 Wn.App. 495, 504-05, 254 P.3d 939 (2011).

D. The Commissioner Abused Her Discretion in Not Considering the Husband’s Filing of a Petition for Modification and in Rejecting the Husband’s Attorney’s Attempt to Serve the Wife at the Hearing.

The commissioner stated at the hearing on January 16, 2015, that she would not permit the husband’s attorney to argue the husband’s petition for modification of spousal support as a defense, unless there was an affidavit of service on file (RP 9). The husband’s counsel then stated that he would serve the wife right then (RP 9), as the wife was present in court (RP 3) and standing next to her attorney. The commissioner barred the husband’s attorney from serving the wife, enunciating a rule of law that “[w]hen a judicial officer sits on the bench, you may serve nobody without asking the person sitting on the bench. And we’re not going to do that now” (RP 9). The commissioner refused to consider the modification filing “because there’s no proof of service” (RP 13). There was no reason for the commissioner to make such a ruling.

1. The Commissioner Improperly Provided the Ex-wife Immunity from Service of Process During a Hearing on a Related Matter, When the Ex-wife Had Made it Difficult to Be Served and the Service Was a Highly Relevant Issue to the Hearing Matter.

The privilege of service of process immunity has had an evolving history, with the case law being mixed on the extent to which immunity should apply and certain scholars suggesting that the service of process immunity has outlived its useful life.

The 19th century case of *Person v. Grier*, 66 N.Y. 124, 125 (1876) puts the origins of the service of process immunity in context. The immunity was considered as a way to keep the court free from the disruption of arrests made while attending court, because at that time, the method of service was arrest. “It is the policy of the law to protect suitors and witnesses from arrests upon civil process while coming to and attending the court and while returning home.” *Id.*

Contemporaneously, the service of a simple notice was not considered a disruption to the court. *Ellis v. De Garmo*, 17 R. I. 715, 716, 24 Atl. 579 (1892) (“...a service, amounting to merely a notice, does not obstruct the administration of justice, nor interfere with the attendance or attention of a party to the suit then on trial.”)

By 1916, the U.S. Supreme Court had expanded the privilege, holding that the privilege extended equally to exemption from the service of summons as to exemption from arrest, while acknowledging the differing opinions on the matter. *Stewart v. Ramsey*, 242 U.S. 128, 129, 37 S.Ct. 44, 61 L.Ed. 192 (1916) (“...The true rule, well founded in

reason and sustained by the greater weight of authority, is that suitors as well as witnesses coming from another state or jurisdiction are exempt from the service of civil process while in attendance upon court and during a reasonable time in coming and going.”)

The Washington Supreme Court addressed this issue in *State ex rel. Gunn v. Superior Court of King County*, 111 Wash. 187, 190-91, 189 P. 1016 (1920). There the court considered the issue of service of process immunity and, following the lead of *Stewart*, adopted in a 5-4 decision over a vigorous dissent the then-majority common law rule that non-resident witnesses and litigants are privileged from service of process in an unrelated civil action while temporarily within the state for the purpose of attending the trial of a pending suit.

By 1932, the U.S. Supreme Court narrowed the privilege. *Lamb v. Schmitt*, 285 U.S. 222, 225, 52 S.Ct. 317, 76 L.Ed. 720 (1932), holding that “...the privilege should not be enlarged beyond the reason upon which it is founded, and that it should be extended or withheld only as judicial necessities require.” The Court also provided a test for withholding the privilege: “The test is whether the immunity itself, if allowed, would so obstruct judicial administration in the very cause for the protection of which it is invoked as to justify withholding it.” *Id.* at 228.

Following the lead of *Lamb*, the Washington Supreme Court held in *Anderson v. Ivarsson*, 77 Wn.2d 391 , 394, 462 P.2d 914, 916 (1969) that “...courts *should not and will not* lend the prerogative of the immunity privilege to aid or assist the evasion or avoidance by nonresident suitors or witnesses of valid intrastate responsibilities and obligations beneficially incurred by them in connection with their attendance and participation in intrastate litigation unless the imperatives of the situation permit of no reasonable alternative” (*Italics added*).

The court in *Anderson* found the immunity privilege inapplicable, as the parties seeking to invoke the privilege were former Washington residents who retained substantial interests within the state. The court found no indication that the service of the summons there in any way interrupted, interfered with or hampered the in-court proceedings. Thus the court in *Anderson* did not apply the rigid common law rule as enunciated by the majority in *Gunn*.

Subsequently, in *Warner v. Kressly*, 9 Wn. App. 358, 361, 512 P.2d 1116 (1973), Division III adopted the flexible approach applied in *Anderson* and quoted the following language from *Anderson*:

The privilege of the immunity is, therefore, primarily a privilege of the courts rather than a privilege of the individual, resting, as it does, upon the foundation of judicial convenience and the furtherance of the orderly and

unfettered administration of justice. The exemption provided by the privilege, however, is not one to be arbitrarily and rigorously enforced upon all occasions; but, rather, it can and should be extended or withheld only as judicial necessities dictate.

Warner, 9 Wn. App. at 361 (quoting *Anderson*, *supra*, 77 Wn.2d 391, 393).

In *Warner* the court upheld the service of the summons and denied blanket immunity on the basis that (a) there was no indication “that the service of the summons interrupted the judicial hearing” and (b) there was no “evidence which would indicate that judicial necessities required enforcement of the privilege.” *Id.*

Even apart from the fact that under *Warner* and its reasoning, modern courts do not apply an immunity rule in a rigid way, even under the older version of the immunity rule, there were a number of exceptions to its application. One was where the suit in which immunity was sought related to or arose out of another suit. *Employers Mut. Liab. Ins. Co. of Wis. v. Hitchcock*, 158 F.Supp. 783, 785 (D. Mo. 1958) (“Where the subsequent suit (in which immunity from service is sought), is part of, *or a continuation of*, the cause in which the part was present, the courts have refused to invoke the immunity” [italics added]; *Northern Light Tech., Inc. v. Northern Lights Club* , 236 F.3d 57, 62 (1st Cir. 2001) (this limitation of the

immunity exception has been adopted "by the majority of courts"); *In re Fish & Neave*, 519 F.2d 116, 118 (8th Cir. 1975) (holding that the immunity exception did not apply because "the process sought to be served [was] in connection with the matter for which the individual [was] before the Court"); *ARW Exploration Corp. v. Aguirre*, 45 F.3d 1455, 1460 (10th Cir. 1995) (declining to apply immunity exception in case in which defendant was served with federal court summons when attending deposition in arbitration proceeding arising from same set of facts); 4A Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure*, § 1080 at 423 (3rd ed. 2002) ("There is generally no immunity from service of process when the suit in which the immunity is sought is part of, or a continuation of, the suit for which the person claiming immunity is in the jurisdiction").

Of course, the proceedings before the commissioner in the case at bar arose out of a continuation of the divorce proceeding and subsequent petition for modification, all under the same superior court cause number. The attempted service of process upon the ex-wife was therefore related to earlier proceedings, and would not have come within the scope of the common law immunity doctrine.

The above conclusions are reinforced through a recent article in which the author states that the immunity doctrine is really

unnecessary and should be discarded, because the underlying legal theories have changed:

When the underlying assumptions of a theory change, so must its overlying structure. Immunity from service of process theory developed on the assumption that physical presence alone conferred territorial jurisdiction. Territorial jurisdiction theory, however, is now based on *conceptions of fairness* rather than brute physical power. Territorial jurisdiction theory has thus supplanted the notions underlying immunity-waiver law and makes immunity doctrine unnecessary. [Footnotes omitted and italics added.]

Martinez, *Discarding Immunity from Service of Process Doctrine*, 40 Ohio N.U. L. Rev. 87, 103 (2013). These conceptions of fairness are what drive decisions concerning whether a party has immunity from being served in judicial proceedings.

Here, as in *Warner, supra*, there are no facts indicating that service of a summons would interrupt the hearing before the commissioner or that “judicial necessities required enforcement of the privilege.” In fact, the ex-wife had already been served by the husband’s counsel, and the commissioner told counsel to take the papers back (RP 9). The commissioner gave no reason for enforcing the immunity privilege in the present case, and indeed, there does not appear to be one.

In fact, preventing the husband’s attorney from serving the modification petition upon the ex-wife hampered and delayed the

proceedings. In contravention to *Anderson*, the commissioner refused to consider a defense that would otherwise have been considered, and permitted the ex-wife to delay even longer the period of time that \$2,500 per month would accrue before the court could consider modifying the amount.

E. Appellant Husband Is Entitled to Attorney's Fees on Appeal.

The court has discretion to award attorney fees based on a balancing of the needs of the spouse seeking fees against the ability of the other spouse to pay. RCW 26.09.140; *In re Marriage of Moody*, 137 Wn.2d 979, 994, 976 P.2d 1240 (1999). Fees should be awarded to the husband based on his need and the wife's ability to pay. *See, Marriage of Choate*, 143 Wn. App. 235, 246, 177 P.3d 175 (2008).

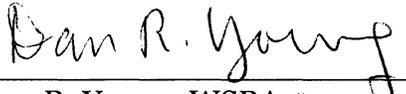
This court should therefore order that Appellant is entitled to attorney's fees on appeal.

V. CONCLUSION

For the reasons set forth above, this Court should reverse the judgment for attorney's fees in favor of the ex-wife, vacate the requirement that appellant draft a QDRO that has already been filed, rule that the commissioner may consider a motion to modify when considering whether a party is in contempt, and award attorney's fees and costs to appellant on appeal.

RESPECTFULLY SUBMITTED this 2nd day of June, 2015.

Law Offices of Dan R. Young

By 
Dan R. Young, WSBA # 12020
Attorney for Appellant Antonio
Castillos

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION I

| | | |
|-------------------------|---|---------------|
| _____ |) | |
| In re the Marriage of: |) | |
| |) | |
| FRANCISCO A. CASTILLOS, |) | |
| |) | NO. 73117-3-I |
| Appellant, |) | |
| |) | DECLARATION |
| and |) | OF SERVICE |
| |) | |
| ISABELLA CASTILLOS, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

I, Dan R. Young, declare to be true under penalty of perjury under the laws of the State of Washington as follows:

1. I am an attorney representing the appellant Francisco Castillos in this action.

2. On June 2, 2015, I sent ^{delivered to Respondent's counsel's office} by the USPS, ~~first class mail with pre-paid postage affixed,~~ a copy of Appellant's Brief in this case to the following:

Emilia R. Castillo
3418 N.E. 65th St., Suite B
Seattle, WA 98115

Dated: June 2, 2015, at Seattle, Washington.

Dan R. Young
Dan R. Young

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STATE OF WASHINGTON
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