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STATE OF WASHINGTON

COURT OF APPEALS DIVISION III

No. 269426-III

Consolidated with No. 28655

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IN RE: THE GUARDIANSHIP OF:

DORIS JEAN HOOGSTAD

JENON LAURENE,  
Appellant

v.

LORIE PETERSON,  
Respondent

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RESPONSE BRIEF OF APPELLANT  
JENON LAURENE

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## TABLE OF CONTENT'S

	<u>Page</u>
I. OVERVIEW . . . . .	1
II. ARGUMENT . . . . .	2
A. All Sections of Appellant Brief Relevant . . . . .	2
1. Errors listed under specific categories . . . . .	2
2. Time was requested to complete references . . . . .	3
B. Defense Re-Argues Reviewability Of The Issues . . . . .	3
1. Updates to the Wrongful Actions by the Guardian . . . . .	4
2. Guardian ad Litem not paid for false work product. . . . .	4
C. Guardian Defines Position on Testimony of GAL . . . . .	4
1. Potential suspected belief is not substantive evidence . . . . .	4
2. I/we statements cannot support a court guardian . . . . .	5
D. Mr. Woodard Misrepresents Issue on Real Property . . . . .	5
1. Misstates content John Strohmaier's Affidavit . . . . .	5
2. Mrs. Hoogstad's adamant objection to sell of property . . . . .	6
E. Alleges Interests Are Inextricably Intertwined . . . . .	6
1. Jenon Laurene's SSDI only household income . . . . .	6
2. Accounting shows easy to keep expensed separate . . . . .	6
3. Affidavit of attorney Joseph Delay . . . . .	6

	<u>Page</u>
4. Property Deed recorded to Protect ward . . . . .	6
5. Mrs. Hoogstad Protected own interests . . . . .	7
F. Frauds and Misrepresentation Beget Responses . . . . .	7
1. Guardian ad litem’s intentions defined guardian role . . .	7
2. Guardian filed false motions without confirming info . .	7
3. Ms Laurene’s filings followed false statements . . . . .	7
4. Ms Laurene is her mother’s only access to a voice . . . .	8
5. Expectation ward and accept fraud inconceivable . . . .	8
G. Mr. Wood Claims No Ex Parte Communication . . . . .	8
1. Opening remarks structured to orient session . . . . .	8
2. Given to for interesting agreement solution . . . . .	8
3. Following questions support ex parte . . . . .	8
H. Ms Laurene is Similarly Situated to a Criminal Defendant . .	9
1. Charged by guardian ad litem false testimonies . . . . .	9
2. Guardianship perpetuated alleged exploitation . . . . .	9
3. Judge Borst demanded actual examples . . . . .	9
4. Laws instruct modify when allegations proven false . . .	9
5. Instead guardian pushed agenda to validate GAL . . . .	10
6. Convicted by judicial affidavit without fair hearing . . .	10
I. Guardian Converts Full Social Security Income . . . . .	10

1. Guardian Petersen converts \$45,647.00 social security ...	10
2. Guardian retains rental property income \$12,500.00 . . .	10
3. Guardianship pays self exorbitant fees . . . . .	11
4. Guardians denied compensation for Misfeasance . . . .	11
J. Guardianship Work Product Antithesis of Candor . . . .	12
1. Definition of candor . . . . .	12
2. Guardian makes issue car not a Pontiac . . . . .	12
3. All Guardian accounting claims car a Buick . . . . .	12
4. Guardian inflates value of car . . . . .	13
5. Guardian's sell price mismanagement of estate . . . .	13
6. September and October 2009 transcriptions false . . .	13
K. Defense Work Product is Devoid of Professional Standards .	13
1. Claims Ms Laurene over files and lacks candor . . . .	13
2. Guardianship devoid of fairness and full disclosure . .	13
3. § 9.01 [A] Duties of Attorney for Guardian . . . . .	14
4. § 9.01 [C] Duty Owed the Ward by the Attorney . . . .	14
5. § 16.03 [C] Fees not allowed from estate . . . . .	14
6. Mr. Woodard works to sway court against Ms Laurene	15
7. Mr. Woodard absolves his court activity falsely . . . .	15
8. Repeats irrelevant dissertations at next hearing . . . .	15

	<u>Page</u>
9. Failed to make sure his client served her client . . . .	16
10. Supports conversion of social security funds . . . .	16
11. Paid high fees from converted funds . . . . .	16
12. Real property was only legal source of funds . . . .	16
13. Backdoor garnishment of Ms Laurene’s SSDI . . . .	.17
14. Judge Strohmaier positioned guardian not doing job .	.17
15. Attorney must produce highest fiduciary standard . .	17
16. Knowingly violates Candor Toward Tribunal . . . .	17
17. Defends actions as courts ultimate responsibility . .	17
18. Attorney and guardianship should be denied fees . .	17
 III. CONCLUSION . . . . .	 18
1. Guardian advertises highest professional standard . . . .	.18
2. Member of Guardian Board . . . . .	.18
3. Abuse of judicial process by court officers . . . . .	.18
4. Protection of vulnerable warranted . . . . .	.19
 IV. REQUESTED RELIEF . . . . .	 19

**TABLE OF AUTHORITIES**

<u>CASES</u>	<u>Page</u>
In re Anderson, 97 Wash. 688, 691, 167 P.71 (1917) . . . . .	11
In re Kelly, 193 Wash.109, 120, 74 P.2d 904 (1938) . . . . .	11
In re Anderson, 97 Wash. 688, 691, 167 P. 71 (1917) . . . . .	11
In re Kelly, 193 wash. 109, 120, 74 P.2d 904 (1938) . . . . .	11
In re Carlson, 162 Wash. 20, 29, 297 P. 764 (1931) . . . . .	11
In re Youngkin, 48 Wn2.d 425,431,294 P.2d 423 (1956). . . . .	11
In re Haegal, 150 Wash. 355, 359, 272 P. 978 (1928). . . . .	11
 <u>STATUTES</u>	
RCW 7.21.72.010 (1) (2) (b) (4) (6) Contempt of Court . . . . .	18
RCW 9A.72.010 (1) Materially false statements effecting . . . . .	.9, 10
RCW 9A.72.010 (2) Oath-written statements affect outcomes . . . . .	.9, 10
RCW 9A.72.010 (2)(a) Made pursuant to obtain official instructions . . . . .	10
RCW 74.34.020 (2) (c) Abuse; willful inflicts injury mental or verbal . . . . .	18
RCW11.88.040 (4) Court to personally evaluate . . . . .	5
RCW 11.88.005 Legislative Intent . . . . .	.19
RCW 11.88.090 (13) Guardianship duties . . . . .	18
RCW 11.88.120 (2) Modify or terminate guardianship . . . . .	.19
RCW 11.94.010 Honor ICP choice ..except for just cause . . . . .	19
RCW 11.96A.150 Reasonable fee's to any party . . . . .	13, 19

RULES

Rule 3.3 (a) (1) (3) (b) (d) Candor toward the Tribunal . . . . .17

STANDARD PRACTICE

Rules of Professional Conduct American Bar Association . . . . . 4

SOP 401.15 Have meaningful contact . . . . . 7

SOP 404.2 Effectuate ICP’s residential preferences . . . . . 16

SOP 404.4 Not separate ICP from family . . . . . 16

SOP 404.9 Least restrictive residence . . . . . 16

SOP 406 Highest level of fiduciary responsibility . . . . .18

SOP 406.51 Not allow assets to sit idle . . . . . 16

SOP 406.9 No self Interest in estate management. . . . . 11, 16

SOP 407 Changes of Circumstance . . . . . 9

SOP 407.1 Seek to provide bases to terminate or limit . . . . . 9

SOP 407.2 When warranted guardian shall request court action . . . . 9

OTHER AUTHORITIES

Gerald B. Treacy, Washington Guardianship Law  
(Rel. 8 9/2007 Pub.82755):

§ 9.01 [A] Duties of Attorney for Guardian . . . . . 14

§ 9.01 [C] Duty Owed the Ward by the Attorney for the Guardian . . 14

§ 16.03 [C] Attorneys’ Fees . . . . .14

§ 16.04 [B] Misfeasance . . . . . 11, 13

<u>OTHER AUTHORITIES</u> continued	<u>Page</u>
Social Security Act §207 [42 U.S.C.407] (a) . . . . .	10, 11, 17, 20

APPENDICES

Rules of Professional Conduct Preamble:	
A Lawyer’s Responsibility. . . . .	A1-A3
Kelly Blue Book Buick . . . . .	A4
Kelly Blue Book Pontiac . . . . .	A5
Kelly Blue Book Honda . . . . .	A6
Gerald B. Treacy, Washington Guardianship Law (Rel. 8 9/2007 Pub.82755):	
§ 9.01 [A] Duties of Attorney for Guardian . . . . .	A7
§ 9.01 [C] Attorney Duty Owed the Ward . . . . .	A8-A9
§ 16.03 [C] Attorneys’ Fees . . . . .	A10-A11
§ 16.04 [B] Miffeasance . . . . .	A14
Empire Care and Guardianship: Lori Petersen credentials . . . . .	A15
Empire Care and Guardianship: About Services . . . . .	A16
Empire Care and Guardianship: Mission Statement . . . . .	A17
Superior Court Docket . . . . .	A18
Court Note . . . . .	A18
Rule 3.3 (a) (1) (3) (b) (d) Candor toward the Tribunal . . . . .	A20

## I. OVERVIEW

When this guardianship was filed Doris Jean Hoogstad was a senior 80 year old widow and mother of three who required assistance with all activities necessary for daily living do to short term memory decline in 2006. She is now 85. When Doris Jean Hoogstad required assistance with her life she did not trust her youngest child Sherene and refused to work with her. To prevent Jenon from being able to effectively assist and take care of her mother Sherene filed as a solo agent for a professional guardianship, requesting the guardian ad litem Lin O'Dell on the recommendation of her personal attorney Rusty McGuire.

Lin O'Dell conducted a biased investigation on behalf of the petitioner and middle child Rennard Hoogstad, relating to their false statements and allegations as though they were facts without further investigation. Ms O'Dell gave a case investigation testimony under oath of office comprised of many allegations against Jenon Laurene, the career RN daughter with whom Mrs. Hoogstad had decided to live with so she would not have to live in a nursing home or Alzheimer unit as her husband had to. With no tangible evidence given or asked for Ms O'Dell obtained a court appointed professional guardian against the wishes and best interest of the temporary ward she had been charged to serve impartially.

Ms Petersen has continued to perpetuate the guardian ad litem's frauds and misrepresentations of the guardianship fiduciary responsibility. These actions include conversion of social security income out of the life support of Mrs. Hoogstad, into her personal financial gain. Every action of Lori Petersen assisted by her attorney James Woodard has inflicted an ongoing string of mental and emotional abuses, and physical hardship on the ward she was sworn to protect and serve.

Mother and daughter have been fighting these actions of fraud and misrepresentations for their right to the autonomy of life and their social security to support of their life for the last four plus years.

## **II. ARGUMENT**

### **A. All Sections of Ms Laurene's Brief Are Relevant and Clear**

All references made within the text and appendix of Jenon Laurene's opening Appellant Brief are actual real facts, contained in the record; and are totally relevant to the issues. The attachments also include relevant Washington State and U.S. Federal laws; U.S. and Washington Constitutional rights and provisions; and other authorities.

The Errors are listed under categories stating the specific court officer they are assigned to. Issues Pertaining to Assignments of Error state the court officer they pertain to; or are a general issue applicable to all court officers. Errors assigned to court of origin are the result of the

guardian ad litem's false work product which established the foundation for the original court's rulings and subsequent rulings on all guardian acts.

The Brief was produced in layers. There was not enough time to do complete cross referencing of issues; or all of the exact rules and regulations; or to make exact references to the Clerk's Papers. The Petition to Accept Brief as Presented requested time to make those corrections. Most issues only have the document Ms. Laurene thought the issue was in, listed as an in line note for follow up. Others had the document with the page in it, but not the CP page. Ms Laurene also did not understand the Supplemental Clerk's Papers numbering was separate.

#### **B. Defense Re Argues Reviewability of the Issues**

Mr. Woodard appears to position the guardianship actions which continue to be contrary to RCW's SOP's Certified Professional Guardian Manual and Rules of Professional Conduct are not relevant to the appeal; because they have taken place during the 3+ years after this appeal was first filed. Mr. Woodard filed a Motion for Clarification of Issues on Appeal originally filed on March 17, 2008.

It was ordered "such orders listed in the March 12, 2008 order are appealable as a matter of right". The issues remaining are: 1) Petition for Orders to Issue Citation Removing Guardian & Appointing Successor Guardian. 2) Second Motion Regarding Escrow

As stated in Ms Laurene's oral court argument; all continued false fiduciary actions by this guardianship are ongoing updates to the Wrongful Actions by the Guardian section of: The Petition for Orders Issuing Citation and Appointing Successor Guardian. As such this guardianship is on appeal. Assignments of Errors 13-22 are titled: "Assignment of Errors Regarding Guardianship Actions".

The Second Motion Regarding Escrow is specific to the Guardian ad Litem receiving pay for her false work product. The source of the funds is not the defining issue. Rulings are on the contents of the motion document. The text of the document defines the issues, CP 110.

"Investigation is not conducted in the best interest of the ICP when it is not done impartially and contains many unsubstantiated allegations as facts. Attorney should not be paid for work product which is merely generations of falsehoods; a violation of Washington State Rules of Professional Conduct", A1-A3Preamble: A Lawyer's Resp. Assignments of Errors 1-12 are the result of the guardian ad litem's false work product.

### **C. Guardian Defines Position on the Testimony of the GAL**

Potential suspected belief, emphasized on pages 1-2 of Mr. Woodard's response with excerpts of Lin O'Dell's false work product to support the guardianships position and actions, is not admissible as substantive evidence. Her testimony, CP 78-92, SCP 790-804, was

unsubstantiated hearsay comprised of I/we believe statements of accusations against Ms Laurene's intentions, character, and relationship with her mother. It cannot support imposition of a professional court appointed guardianship, or the subsequent actions of the guardian against the wellbeing, wishes and best interests of the ward.

Pages 20 thru 36 of Appellants Brief address and substantially establish the false work product of Ms O'Dell. As such they support her testimony of false allegations against Jenon Laurene violated the ICP's right to a fair and impartial capacities hearing, to be present to speak for herself and be evaluated by the Court in person, RCW11.88.040 (4).

**D. Mr. Woodard Misrepresents Issue on Real Property**

Mr. Woodard misrepresents the now Lincoln County Superior Court Judge John Strohmaier's Affidavit. In the last 4 lines on page 6 of his Response Brief Mr. Woodard states: "Curiously this Quit Claim Deed is never mentioned in the Affidavit of John F. Strohmaier who, in fact, indicated Mrs. Hoogstad had declined to sign such a deed in his meeting with her on August 8, 2007."

In truth of fact John Strohmaier's Affidavit states: Doris Jean considered having a Quit Claim Deed 'recorded' in Jenon's name with Doris Jean to retain a life estate to prevent this property from being sold.

John Strohmaier's Affidavit is testimony to Mrs. Hoogstad's adamant objection to her property being sold; and her degree of hurt and anger at her two younger children for their treatment of her. He had the conversations with Doris Jean Hoogstad to determine her level of understanding and competency to make such decisions and to execute legal documents, and determined she was, CP 63-65; an action which Judge Borst failed to do as a matter of law.

**E. Alleges Interests Are Inextricably Intertwined**

Due to social security fraud Jenon Laurene's social security disability insurance is the only household income with which to support Mrs. Hoogstad and herself. Therefore it is currently virtually impossible for the Mother and Daughter's interests to be anything but intertwined.

The accounting Ms Laurene filed, CP 234-251 clearly illustrates it had been easy to keep their expenses separate. It was clearly established all of Mrs. Hoogstad's funds were totally accounted to the service of her, with no benefit to Ms Laurene in The Petition for Verification of Accounting heard in this Appellate Court, and referenced in Appellant's Brief.

1) The Affidavit of attorney Joseph Delay, CP 98-100, testifies to his faith in Jenon and advice to get the real property settled and move Mrs. Hoogstad to Seattle. 2) The deed was recorded by attorney David Shotwell as a last resort to protect the interest rights, and wishes of the principal

Mrs. Hoogstad, after an in person interview with her and extensive review of documents filed by both sides on the issues. 3)Mrs. Hoogstad insisted on putting her car in Ms Laurene's name in Nov. 2007 to protect her own interests after she had suffered the shock of being robbed by guardian Petersen of all her personal possessions without warning or consulting her.

**F. Frauds and Misrepresentation Beget Substantial Responses**

Mr. Woodard sates on page 18 of his response "the trial court was essentially protecting the estate of Mrs. Hoogstad by precluding Ms Laurene from filing additional pleadings; to prevent continuing disruption of its orderly administration."

The intention and testimonies of the guardian ad litem defined the subsequent position and actions Lori Petersen willingly enrolled herself in to expanding and perpetuating. Ms Petersen at no time requested or confirmed purported information with Ms Laurene before she scheduled actions and filed documents full of false 'facts' to support her intentions in court motions. Nor did she ever ask Mrs. Hoogstad about her personal feelings, wishes, opinions, needs, or wants, SOP 401.15

Every document generated by Ms Laurene immediately followed Lin O'Dell, Lori Petersen, and or James Woodard's previously filed false statements for the purpose of gaining orders approving actions against the

wishes, and emotional-mental- physical wellbeing of Doris Jean Hoogstad. Each document is supported by evidence of tangible facts.

Ms Laurene is her mother's only access to a voice in these proceedings advocating on behalf of her wishes and actual benefit. She has a legitimate case for her mother in these courts, as Mrs. Hoogstad's eldest and only child concerned with her mother's rights happiness and quality of life. Why this guardianship thinks they have the right to say and do anything they want to obtain their personal desired outcomes; and Mrs. Hoogstad and Ms. Laurene should just accept it without advocating for their personal rights and right to their social security which is the only income to support their life is inconceivable.

**G. Mr. Woodard Claims No Ex parte Communication**

The courts are structured that opening remarks made by the moving party set the orientation of the Court's focus to the purpose and intent of the session just beginning. On October 23, 2009 the court enjoined Ms Laurene by phone into the session already in progress and gave the first part of the session to Mr. Woodard; because he had an interesting possible agreement solution in lieu of taking the car. The Court's following comments and line of questions had nothing to do with the reason the hearing was being held; and resulted in the Court issuing a Judicial Affidavit of judgments against Jenon Laurene, without a single

example of activity being sited to illustrate personal only use of the car, or providing an opportunity for her to file documents and present at a hearing for that purpose. The preceding reasonably supports in court ex parte communications having taken place prior to Ms. Laurene being enjoined.

**H. Ms Laurene is Similarly Situated to a Criminal Defendant**

Jenon Laurene was for all intents and purpose charged by Lin O'Dell's guardian ad litem testimonies, RCW 9A.72.010 (1) of exploiting coercing and abusing her mother Doris Jean Hoogstad; which has continued through Lori Petersen's interpretations of guardianship law, and false document and court testimonies, RCW 9A.72.010 (2) which caused the court to believe her until December 4, 2008, when Judge Borst ordered her to return with actual examples of financial exploitation and APS report of abuse, CP 411-412. Lori Petersen scheduled a hearing and failed to show, A17-A18; after Ms Laurene filed: Objection to Orders as Signed containing Response to guardian's Report and Accounting CP 413-427.

The guardianship was mandated by SOP's 407, 407.1, 407.2 to recommend transfer of their position to Ms Laurene when they learned Jenon Laurene had not acted as Ms O'Dell had alleged and Ms Petersen had believed through the documents filed by Ms Laurene; the Medical Competency Exam, SCP 437-453; Affidavits CP 63-65, 98-100; Declarations of other professionals family and friends, CP 55-77, 306-338;

and Ms Laurene's accounting statements, CP 234-251. Ms Laurene has definitively proven financial self responsibility and clearly accounted for Mrs. Hoogstad's funds with copies of financial records documents and nearly every receipt.

Instead they continued to publish false declarations CP 271-276, 287-288, RCW 9A.72.010 (1) (2) (a) and push agenda in court to obtain official court orders to validate Lin O'Dell's original case allegations RCW 9A.72.010 (2) (a) and secure their positions.

Ms. Laurene was essentially convicted of exploiting with intent to personally gain from her mother's estate by Judge Price's Judicial Affidavit; without any activities by her to back it up; and ordered she could not file for financial restitution for the support of her mother; which is conversion of social security funds, Social Security Act §207 [42 U.S.C.407] (a).

**I. Guardian's Retention of the Full Value of Mrs. Hoogstad's Social Security Income For Purpose of Personal Monetary Gain**

Ms Petersen has retained the full value of Mrs. Hoogstad's social security income. April 2008 thru Nov. 2008: \$1013.00 x 7 months = \$7091.00 and Dec. 2008 thru Sept. 2011: \$1134.00 x 34 months = \$38,556.00 totaling \$45,647.00; \$500 per month rental income since August 2009 thru Sept. 2011 totaling \$12,500.00. That is a total of

\$58,147.00 all converted from the life support of Doris Jean Hoogstad the owner of those funds, Social Security Act §207. [42 U.S.C.407] (a).

The monthly monetary conversions and exorbitant fees she has paid herself, Nov. 2008 CP 277-299, for double entries and work in service of the petitioner and GAL; Feb 2010 SCP 524-541;and Jan. 10, 2011, SCP 813-822; Added to the October 2007 conversion of Mrs. Hoogstad's personal property out of Mrs. Hoogstad's use without conversation; and the mismanagement of costs to the estate for early termination of the security system and abusive use of electricity by the guardian; and the return of her car from her service to sell for attorney fees appears to look like a text book examples of SOP 406.9 and misfeasance.

Gerald B. Treacy, Washington Guardianship Law (Rel. 8-9/2007 Pub.82755) § 16.04 [B] Misfeasance: "The courts have denied compensation for guardians who misappropriated guardianship property, In re Anderson, 97 Wash. 688, 691, 167 P.71 (1917), converted guardianship property to their own use, In re Kelly, 193 Wash.109,120, 74 P.2d 904 (1938); in re Anderson, 97 Wash. 688, 691, 167 P. 71 (1917) were unfaithful to their trust as guardian, In re Kelly, 193 wash. 109, 120, 74 P.2d 904 (1938); In re Carlson, 162 Wash. 20, 29, 297 P. 764 (1931) made unauthorized gifts of guardianship property, CP 111-118, In re Youngkin, 48 Wn2.d 425,431,294 P.2d 423 (1956), and otherwise

mismanaged the guardianship estate. In re Haegal, 150 Wash. 355, 359, 272. P. 978 (1928) Located: A14.

### **J. Guardianship Work Product Antithesis of Candor**

For clarification candid is defined as: Frank open honest truth sincere outspoken forthright and straightforward. Appellant's Brief and all documents filled have clearly revealed this guardianship has been devoid of the appearance of fairness and full disclosure; and that these court guardianship officers have practiced to deceive.

Mr. Woodard devoted significant space stressing the brand of car they were requesting be ordered returned for purpose of sell, to pay attorney fee's is an issue; because per his response testimony Ms. Laurene supposedly several times purposefully withheld the information it wasn't the original car. The facts are: 1) What was at issue was whether the car was needed by Mrs. Hoogstad; and it is. 2) It never occurred to Ms Laurene the brand of car was at issue; because:

In her initial February 2008 report of accounting and each end of year accounting since; Ms Petersen has reported it to be a Buick, Nov. 17, 2008 CP 277-299. It was included in the Objection to Orders as Filed Dec. 15, 2008, with print outs in the attachments of the value of a Buick vs. Pontiac Bonneville, CP 413-427. On Feb. 26, 2010 just 4 months after the supposed hearing for Reconsideration of the return of the car, Ms.

Petersen again accounted for the car as a Buick SCP 524-541, worth \$8475.00, a value far greater than a Kelly Blue Book value. A Buick in 2008 would have been worth approx. \$3705.00, A 4. Pontiac Bonneville was \$3250.00, A 5; she listed the Honda Civic \$3500.00 its value was \$4035.00+, A 6. In 2010, SCP 813-822 she claims to have sold the Honda for \$162.56, § 16.04 [B]. Buick and Pontiac were in Objection to Orders Dec. 2008. Honda was in the Appellate Motion to Reconsider.

Note: Neither transcript submitted by the court recorders for September 23, 2009 and October 23, 2009 hearings, are true and correct transcriptions of what was actually said in court on those days. It is requested this appellate court obtain the certified original court record and conduct an independent audit of the hearings as originally recorded.

**K. Work Product is Devoid of Professional Standards**

On pages 19-20 Mr. Woodard requests attorney fees stating: RCW 11.96A.150 permits the court on appeal to award fees and costs in its discretion from any party to the litigation. "The ongoing and protracted filings by Ms. Laurene, and her lack of candor to the court, the guardian and counsel, merit an award of such fee's in this case."

Appellant's Brief and all documents filled have clearly revealed this guardianship has been devoid of the appearance of fairness and full

of the appearance of fairness and full disclosure; and these guardianship court officers have practiced everything but candor.

The duties of an attorney are clearly laid out in: Gerald B. Treacy, Washington Guardianship Law (Rel. 8-9/2007 Pub.82755):

§ 9.01 [A] Duties of Attorney for Guardian

The attorney for the guardian owes a duty to the ward, as well as to the guardian... to monitor the handling of the guardianship ... and even perhaps to inform the court of unauthorized acts by guardian... RPC 1.6(c) “may reveal to the tribunal confidences or secrets which disclose any breach of fiduciary responsibility by a client who is a guardian”. A 7

§ 9.01 [C] Duty Owed the Ward by the Attorney for the Guardian

.. courts recognize .. attorney may owe a ..ward in proceeding a duty. Court applies a six-element test. Full Reference: A 8. The Washington statutes require the posting of a bond or a creation a blocked account. Six part test Full Reference A 9.

§ 16.03 [C] Attorneys’ Fees

..Attorneys’ fees incurred by the guardian primarily are exclusively to protect or further the guardian’s own personal interests will not be allowed from the guardianship estate. This rule applies, for example, to fees of “special counsel” retained by a guardian to assist the guardian in ‘maintaining his final account and report as filed. A10-A11

At nearly every hearing during these proceedings Mr. Woodard has inappropriately to the proceedings used case presentation for dissertations on topics not on the docket for that hearing, for the purpose of swaying the Courts opinion against Ms. Laurene. July 1, 2009 at a hearing to decide issues on appeal Mr. Woodard's used his argument time to deliver a dissertation entirely about the Quit Claim Deed which was filed on June 11, 2009; falsely claiming he had not learned of the Deed's existence or that it had been filed until that morning when his client informed him; so he had gone into court June 12, 2009 and obtained an order to sell the real property without any prior knowledge of the activity. Ms Laurene requests this court review the document filed in this Court of Appeals III following the hearing to Determine Reviewability: Petitioners Clarifying Addition and Request for Sanctions Following Hearing, and Declaration. The copy of the letter notifying the deed had been filed and faxed to Mr. Woodard's home office on June 11<sup>th</sup> is in those documents.

Mr. Woodard made the same comments in court on September 23, 2009 to Judge Price in his Superior Court opening remarks to sell Mrs. Hoogstad's only transportation for attorney fees. On October 23, 2009 Mr. Woodard got everything he had tried unsuccessfully to get from Judge Borst without a scheduled hearing on the subjects and he claims without ex parte conversation with Judge Price.

Appellant's Brief clearly shows with tangible evidence James Woodard has failed his legal duty to make sure his client served her client with integrity. He has encouraged and assisted her to convert social security funds into 'Estate Funds' to provide money for their fees for work product that does not serve the funds owner. and assisted her attempts to obtain orders to remove Mrs. Hoogstad from the care of her daughter, to skilled nursing in eastern WA, SOP's 404.2, 404.4, 404.9.

He has charged extremely high fees from March 2008 to present producing work product for the benefit and financial gain of guardian Petersen and himself; with the exception of renting the real property being the only action in service of the wishes and best interest of Mrs. Hoogstad. A review of the fee schedules submitted by both in 2008, CP 277-299, and discussed in Objection to Orders, CP 413-427; and 2009 SCP 552-561 starkly reveals the duplicity of both guardian and her attorney.

The only legal source of money for their financial gain was to sell the real property. Had Ms Petersen rented it in the beginning as she was asked to, SOP 406.51, there would have been enough money in addition to Mrs. Hoogstad's social security to pay her expenses plus fun money to enjoy her few remaining productive years; with enough to pay guardian her fee for doing nothing but renting the property and forwarding the S.S. checks. Selling the property was in guardian self interest, SOP 406.9.

As it stands this purported guardianship has simultaneously backdoor garnished Ms Laurene's social security disability insurance, Social Security Act §207 [42 U.S.C.407] (a) her only income; and forced her to deplete her personal \$32K back SSDI, to properly take care of her mother; making it impossible for Ms. Laurene to provide herself necessities like dental care, end of life arrangements, and vitamins. There is no legal money in the reported guardianship estate.

In fact Judge Strohmaier strongly opinioned Lori Petersen was not doing the job of guardian as intended by law he instructed his former practice to release the property deed to an attorney to be filed in order to protect the known wishes of Mrs. Hoogstad, Letter CP 254-259.

The Laws governing payment to attorneys representing a guardian are clear: The work product they produce must be of the highest fiduciary standards in the best interest of the ICP per the ward's known wishes.

He has repeatedly knowingly and purposefully violated Rule 3.3 (a) (1) (3) (b) (d) Candor toward the Tribunal A 19; and the Rules of Professional Conduct. The Preamble: A lawyers Responsibilities is attached with a few highlighted, A1-A3.

His defense of their actions appears to push responsibility for them onto the Courts as ultimately being responsible for the guardian's actions and fiduciary behaviors: "Although governed by statute, guardianships are

equitable creations of the courts and it is the court that retains ultimate responsibility for protecting the subject of the guardianship.”

For all of the above reasons James V. Woodard and the guardianship should be denied fees and expenses and ordered to pay expenses to Jenon Laurene and Doris Jean Hoogstad reasonable time loss.

### III. CONCLUSION

Listed in her credentials Ms Petersen claims to be mental health and dementia certified, A 15; specializing in mental illnesses, emotional disabilities and conditions related to the aging process, A 16; And committed to providing services, while holding to the highest professional standard; etc. A 17. The question is: has she produced this standard of care in the case of Mrs. Hoogstad? RCW 74.34.020 (2) (c) Can she be trusted to produce it with other clients? Ms Petersen has been an instructor for certification of guardians, and sits on the Guardianship Board. As such Lori Petersen should be held to a higher standard of guardianship practice than may otherwise normally be enforced. RCW 11.88.090 (13), SOP 406

The only abuse of judicial process has been by the three court appointed officers of this guardianship through being self serving of their personal agendas and finances. Sanctions should be placed on Lin O’Dell, Lori Petersen, and James Woodard for apparent contempt for the process they took an oath to serve, RCW 7.21.72.010 (1) (2) (b) (4) (6) for:

perjury, fraud, and misrepresentation of the State of Washington's intentions for the purpose of the respective office each currently holds; and each should be banned from representing any vulnerable person in the future.

#### **IV. REQUESTED RELIEF**

All actions of Judge Borst and Judge Price should be overturned. A citation removing guardian Lori Petersen should be issued; and Jenon Laurene, should be appointed successor guardian to her mother Doris Jean Hoogstad, per Mrs. Hoogstad's pre guardianship life arrangements for herself, RCW 11.94.010, in her last POA, Appellant Brief A2 p 4; and as requested of Judge Borst in her letter to him November 2007, RCW 11.88.120 (2), CP 254-260; And per her pre guardianship wishes for herself, RCW 11.94.010.

The Court should order Lori Petersen and or Lin O'Dell and or James Woodard to personally pay, to the ward Doris Jean Hoogstad and her daughter Jenon Laurene, all expenses incurred by them RCW 11.96A.150.to defend their rights and autonomy of life RCW 11.88.005.

The full value of the social security funds belonging to Doris Jean Hoogstad collected by Lori Petersen from June 1, 2008 to present should be awarded returned to their owner for the support of her life per Social Security Act §207. [42 U.S.C.407] (a)

It should be ordered Jenon Laurene be reimbursed for all expenses she paid for the support of Doris Jean Hoogstad out of the social security income, Social Security Act §207. [42 U.S.C.407] (a).

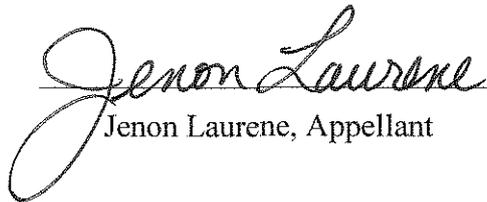
The real property rental income collected by Lori Petersen should be ordered returned to Mrs. Hoogstad, except legitimate expenses.

Further fees to ward-guardian attorney James V. Woodard should be denied; and all fees previously paid to Lin O'Dell GAL, Lori Petersen, and James V. Woodard should be ordered returned to the estate of Doris Jean Hoogstad.

Mrs. Hoogstad should be awarded restitution of the full Kelly Blue Book value of the Honda belonging to her at the time it was taken.

Mrs. Hoogstad should be awarded compensation for the stress of the mental and emotional suffering she endured, caused by the abuses of the three court guardianship officers.

Completed and Signed on the 11<sup>th</sup> day of September 2011.

  
Jenon Laurene, Appellant

## PREAMBLE: A LAWYER'S RESPONSIBILITIES

[1] A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

[2] As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As ~~intermediary between clients, a lawyer seeks to reconcile their divergent interests as an adviser and, to a limited extent, as a spokesperson for each client.~~ As an evaluator, a lawyer acts as evaluator by examining a client's legal affairs and reporting about them to the client or to others.

[3] In addition to these representational functions, a lawyer may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these Rules apply directly to lawyers who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.4. In addition, there are Rules that apply to lawyers who are not active in the practice of law or to practicing lawyers even when they are acting in a nonprofessional capacity. For example, a lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.

~~[3]~~ [4] In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct or other law.

~~[4]~~ [5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

~~[5]~~ [6] As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance, ~~and~~. Therefore, all lawyers should therefore devote professional time and resources and use civic influence in their behalf to ensure equal access to our system of justice for all those who because of economic or

social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

{6} [7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.

{7} [8] A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done. So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

{8} [9] In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an upright ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

{9} [10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

{10} [11] To the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

{11} [12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these

responsibilities compromises the independence of the profession and the public interest which it serves.

~~[12]~~ [13] Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship.

### SCOPE

~~[13]~~ [14] The Rules of Professional Conduct are rules of reason. They should be interpreted with reference to the purposes of legal representation and of the law itself. Some of the Rules are imperatives, cast in the terms "shall" or "shall not." These define proper conduct for purposes of professional discipline. Others, generally cast in the term "may," are permissive and define areas under the Rules in which the lawyer has professional discretion to exercise professional judgment. No disciplinary action should be taken when the lawyer chooses not to act or acts within the bounds of such discretion. Other Rules define the nature of relationships between the lawyer and others. The Rules are thus partly obligatory and disciplinary and partly constitutive and descriptive in that they define a lawyer's professional role. Many of the Comments use the term "should." Comments do not add obligations to the Rules but provide guidance for practicing in compliance with the Rules.

~~[14]~~ [15] The Rules presuppose a larger legal context shaping the lawyer's role. That context includes court rules and statutes relating to matters of licensure, laws defining specific obligations of lawyers and substantive and procedural law in general. The Comments are sometimes used to alert lawyers to their responsibilities under such other law.

[16] Compliance with the Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings. The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law.

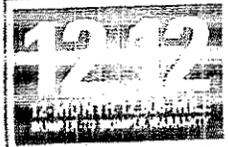
~~[15]~~ [17] Furthermore, for purposes of determining the lawyer's authority and responsibility, principles of substantive law external to these Rules determine whether a client-lawyer relationship exists. Most of the duties flowing from the client-lawyer relationship attach only after the client has requested the lawyer to render legal services and the lawyer has agreed to do so. But there are some duties, such as that of confidentiality under Rule 1.6, that may attach when the lawyer agrees to consider whether a client-lawyer relationship shall be established. See Rule 1.18. Whether a client-lawyer relationship exists for any specific purpose can depend on the circumstances and may be a question of fact.

~~[16]~~ [18] Under various legal provisions, including constitutional, statutory and common law, the responsibilities of government lawyers may include authority concerning legal matters that ordinarily reposes in the client in private client-lawyer relationships. For example, a lawyer for a government agency may have authority on behalf of the government to decide upon



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**Transmission:** Automatic  
**Drivetrain:** FWD

**Selected Equipment**

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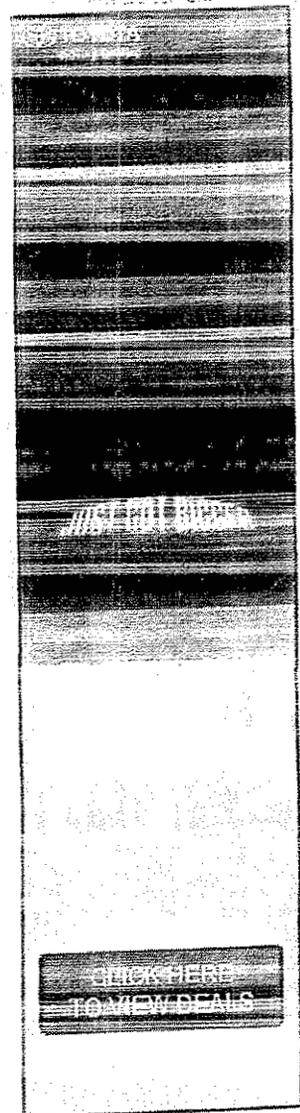
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  - Never had any paint or body work and is free of rust.
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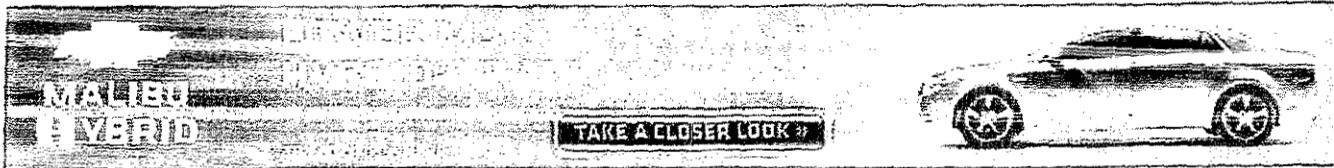
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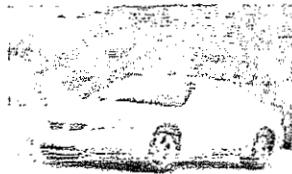
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Condition	Value
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Good	\$3,250
Fair	\$2,775

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 Engine: V6 3.8 Liter  
 Transmission: Automatic  
 Drivetrain: FWD

**Selected Equipment**

**Standard**  
 Air Conditioning      Tilt Wheel      Dual Front Air Bags  
 Power Steering      Cruise Control      ABS (4-wheel)  
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**Vehicle Condition Ratings**

**Excellent (Selected)**

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Good	\$4,035
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§ 9.04 APPLICATION OF TEDRA PROVISIONS TO GUARDIANSHIP PROCEEDINGS

§ 9.05 GUARDIANS AND ABUSE OF VULNERABLE ADULTS ACT

§ 9.06 GUARDIANS AND CIVIL RIGHTS LEGISLATION

A guardian has a duty to protect and preserve the guardianship estate.<sup>0.1</sup> To assist guardians in fulfilling this duty, the legislature gives the courts "full and ample power and authority . . . to administer and settle . . . all matters concerning the estates and assets of incapacitated persons."<sup>0.2</sup> The guardian or limited guardian is said to have a duty to protect the interests of the ward in every way in his or her power.<sup>1</sup>

§ 9.01 DUTIES OF ATTORNEY

[A] Duties of Attorney for Guardian

The attorney for the guardian or limited guardian "owes a duty to the ward, as well as to the guardian."<sup>2</sup> The attorney has a duty to monitor the handling of the guardianship, particularly when the guardian or limited guardian has limited experience or mental capacity,<sup>3</sup> and even perhaps to inform the court of unauthorized acts of the guardian or limited guardian in appropriate circumstances.<sup>4</sup> The attorney may be subject to discipline for failure to file accountings on a timely basis.<sup>5</sup> RPC 1.6(c) provides that an attorney "may reveal to the tribunal confidences or secrets which disclose any breach of fiduciary responsibility by a client who is a guardian."

<sup>0.1</sup> *In re Guardianship of McKean*, 136 Wn. App. 906, 913 (2007) (limited guardian).

<sup>0.2</sup> *In re Guardianship of McKean*, 136 Wn. App. 906, 913 (2007) (limited guardian), citing RCW 11.96A.020(1)(a).

<sup>1</sup> *Burgert v. Caroline*, 31 Wash. 62, 66, 71 P. 724 (1903).

<sup>2</sup> *In re Fraser*, 83 Wn.2d 884, 896, 523 P.2d 921 (1974). Consequently, the attorney should not withdraw as counsel for the guardian, even at the guardian's request, until new counsel has been retained: 83 Wn.2d at 896.

<sup>3</sup> *In re Rohne*, 157 Wash. 62, 76-77; 288 P. 269 (1930).

<sup>4</sup> See *In re Haegele*, 150 Wash. 355, 356-57, 272 P. 978 (1928) (court noting that, on learning that guardian had given away large sums of ward's money without court approval, attorney for guardian "filed a petition informing the court of that fact").

<sup>5</sup> *In re Fraser*, 83 Wn.2d 884, 897, 523 P.2d 921 (1974) (attorney was censured for failure to file guardianship accountings for more than 2 years).

A7

guardian.<sup>10</sup> Finally, the court noted that the attorney-guardian had failed to follow a protective order requiring that he consult with the guardian ad litem before taking any further action in the guardianship.<sup>11</sup>

**[C] Duty Owed the Ward by the Attorney for the Guardian**

While the general rule in Washington is that only an attorney's client may file a claim for legal malpractice, the courts recognize that an attorney may owe a nonclient, including a ward in a guardianship proceeding, a duty even in the absence of this privity.<sup>12</sup> To determine whether an attorney owes a duty to a nonclient, the courts apply a six-element test as enunciated in *Trask v. Butler*.<sup>13</sup> Under the six-part *Trask* test, the court must determine:<sup>14</sup>

1. The extent to which the transaction was intended to benefit the plaintiff;
2. The foreseeability of harm to the plaintiff;
3. The degree of certainty that the plaintiff suffered injury;
4. The closeness of the connection between the defendant's conduct and the injury;
5. The policy of preventing future harm; and
6. The extent to which the profession would be unduly burdened by a finding of liability.

Applying these elements, an appellate court held that an attorney for a guardian owed a duty to the ward to inform the guardian that the Washington guardianship statutes require the posting of a bond or creation of a blocked account.<sup>15</sup> The court's analysis on the six elements was as

<sup>10</sup> *In re Felice*, 112 Wn.2d 520, 772 P.2d 505 (1989).

<sup>11</sup> *In re Felice*, 112 Wn.2d 520, 772 P.2d 505 (1989).

<sup>12</sup> *In re Guardianship of Karan*, 110 Wn. App. 76, 81 (2002).

<sup>13</sup> *Trask v. Butler* 123 Wn 2d 835 (1994). *In re Guardianship of Karan*, 110 Wn. App. 76, 81. (2002).

<sup>14</sup> *In re Guardianship of Karan*, 110 Wn. App. 76, 82 (2002).

<sup>15</sup> *In re Guardianship of Karan*, 110 Wn. App. 76, 82 (2002).

follows:<sup>16</sup>

1. As the primary reason to establish a guardianship is to protect the ward's property for his or her own use, the attorney-client relationship between the guardian and the attorney was established to benefit the ward;
2. Harm to the ward if no bond was posted or blocked account established was foreseeable;
3. The ward having lost three-fourths of her estate, she certainly suffered injury;
4. The attorney bypassed the statutory safeguards protecting a ward from a guardian's squandering of the guardianship estate;
5. Policy considerations favor finding a duty in the interests of preventing future harm; and
6. No burden is imposed on the legal profession by requiring lawyers to inform would-be guardians that Washington statutes mandate either a bond or blocked account.

The court refrained from applying a "bright-line" rule that an attorney who represents a guardian thereby automatically assumes a relationship with the ward.<sup>17</sup>

#### § 9.02 RIGHTS AND DUTIES OF GUARDIAN OR LIMITED GUARDIAN OF THE PERSON

"Consistent with the powers granted by the court,"<sup>18</sup> a guardian or limited guardian of the person is charged with the duty "to care for and maintain the incapacitated person in the setting least restrictive to the incapacitated person's freedom and appropriate to the incapacitated person's personal care needs, assert the incapacitated person's rights"<sup>19</sup>

<sup>16</sup> *In re Guardianship of Karan*, 110 Wn. App. 76, 85-86 (2002).

<sup>17</sup> *In re Guardianship of Karan*, 110 Wn. App. 76, 84 (2002).

<sup>18</sup> The quoted language appears to refer to limited guardians of the person, whose powers, which must be expressly set forth in the order of appointment, may not be as broad as those of a guardian of the person.

<sup>19</sup> The duty to assert the ward's rights may include the right to sue, if no guardian or limited guardian of the estate has been appointed. See RCW 11.92.060(1) ("When there

[B] Reappointment Expenses of Guardian

RCW 11.92.180 does not address the issue whether a guardian or limited guardian may recover expenses incurred on the ward's behalf prior to the appointment of the guardian or limited guardian.

"Expenses incurred before the appointment of a guardian are not a proper charge in the guardian's account, unless first presented to the court for allowance."<sup>23</sup> No reimbursement was allowed to a son-guardian for expenditures incurred by him prior to his appointment as guardian for his father, where the claimed expenses were "only such as an able-bodied son might make on behalf of an old and feeble father."<sup>24</sup>

[C] Attorneys' Fees

The guardian who defends the ward's estate against an adverse claim or vindicates the interests of the ward is entitled to payment of the attorneys' fees from the guardianship estate.<sup>25</sup> Such fees are to be fixed by the court as it deems "just and reasonable."<sup>26</sup> The time devoted by the attorneys is only one factor in determining the reasonableness of fees; evidence should be presented as to any particular problems posed by representing a particular guardian or limited guardian.<sup>27</sup>

An attorney's failure to control or report a careless or misbehaving guardian may constitute grounds for a reduction in attorneys' fees allowed from the guardianship estate.<sup>28</sup>

Attorneys' fees incurred by the guardian primarily or exclusively to protect or further the guardian's own personal interests will not be

<sup>23</sup> *In re Nelson*, 17 Wn.2d 33, 40, 134 P.2d 935 (1943).

<sup>24</sup> *In re Wilber*, 151 Wash. 525, 527, 276 P. 876 (1929). The court in *Wilber* noted that

the son would not be heard to claim an amount as compensation for services in caring for his father which was vastly greater than the total pension received by the father.

<sup>25</sup> *Porter v. Porter*, 107 Wn.2d 43, 56, 726 P.2d 459 (1986); *In re Brown*, 6 Wn.2d 215, 222, 101 P.2d 1003 (1940).

<sup>26</sup> *Porter v. Porter*, 107 Wn.2d 43, 56, 726 P.2d 459 (1986).

<sup>27</sup> *In re Ivarsson*, 60 Wn.2d 733, 744, 375 P.2d 509 (1962). Yet another consideration is the amount of attorneys' fees requested by any co-guardian. 60 Wn.2d at 744.

<sup>28</sup> *In re Rohne*, 157 Wash. 62, 77, 288 P. 269 (1930).

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allowed from the guardianship estate.<sup>29</sup> This rule applies, for example, to fees of "special counsel" retained by a guardian to assist the guardian in "maintaining his final account and report as filed."<sup>30</sup>

Rejecting an assertion by minor wards' father that the trial court abused its discretion in authorizing payments of the guardian's attorney's fees and costs, which, combined with the guardians' fees totaled nearly 100% of the guardianship assets, the court held that such fees were reasonable.<sup>31</sup>

#### [D] Other Expenses

A guardian may be allowed reimbursement from the guardianship estate for the guardian's personal funds expended in taxes to save the ward's real property from forfeiture.<sup>32</sup> Other advances and disbursements made by the guardian to preserve the estate may be allowed as equitable liens against the guardianship property so preserved.<sup>33</sup>

In circumstances in which a guardian is deemed liable to the ward's estate for misfeasance, the court may allow the guardian's legitimate expenditures on the ward's behalf as a set-off against the guardian's liability, depending on the circumstances.<sup>34</sup>

### § 16.04 DENIAL OR REDUCTION OF COMPENSATION

If the court finds the guardian or limited guardian has failed to discharge his or her duties in any respect, the court may deny compensation altogether or may reduce the compensation which would otherwise be allowed.<sup>35</sup> If the court has denied the guardian compensation, the guardian is not entitled to recover "time loss" charges for lost salary at his

<sup>29</sup> *Porter v. Porter*, 107 Wn.2d 43, 56-57, 726 P.2d 459 (1986); *In re Adamec*, 100 Wn.2d 166, 179, 667 P.2d 1085 (1983).

<sup>30</sup> *In re Rohne*, 157 Wash. 62, 77, 288 P. 269 (1930).

<sup>31</sup> *In re Guardianship of McKean*, 136 Wn. App. 906, 917-18 (2007).

<sup>32</sup> *Burgert v. Caroline*, 31 Wash. 62, 66, 71 P. 724 (1903).

<sup>33</sup> *In re King*, 151 Wash. 120, 123, 275 P. 82 (1929).

<sup>34</sup> *In re Kelley*, 193 Wash. 109, 120, 74 P.2d 904 (1938). *But see Freeman v. Freeman*, 154 Wash. 470, 472-73, 282 P. 845 (1929) (no set-off was allowed for father-guardian's expenditures for wards' board, student expenses, insurance premiums, realty improvements, and real estate taxes, where father-guardian treated wards' income as his own).

<sup>35</sup> RCW 11.92.180.

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or her regular job.<sup>36</sup> The courts have denied or reduced the guardian or limited guardian's compensation on a variety of grounds.

#### [A] Parent Serving as Guardian of Ward's Person

It has been held that a mother who serves as guardian of the person of her minor daughter is not entitled to compensation, "as there is no reason why she should be compensated for doing what any mother does."<sup>37</sup> A parent serving as coguardian of the estate of a minor child was held entitled only to a "nominal fee," as the other coguardian, a bank, "does all the work."<sup>38</sup>

#### [B] Mifeasance

The courts have denied compensation for guardians who misappropriated guardianship property,<sup>39</sup> converted guardianship property to their own use,<sup>40</sup> commingled guardianship property with their own,<sup>41</sup> were unfaithful to their trust as guardian,<sup>42</sup> speculated with guardianship assets,<sup>43</sup> made unauthorized gifts of guardianship property,<sup>44</sup> made needless purchases with guardianship assets,<sup>45</sup> made unauthorized, unsecured loans of guardianship property,<sup>46</sup> and otherwise mismanaged the guardianship estate.<sup>47</sup>

<sup>36</sup> *In re Nelson*, 17 Wn.2d 33, 39-40, 134 P.2d 935 (1943).

<sup>37</sup> *In re Ivarsson*, 60 Wn.2d 733, 739, 375 P.2d 509 (1962).

<sup>38</sup> *In re Ivarsson*, 60 Wn.2d 733, 739, 375 P.2d 509 (1962).

<sup>39</sup> *In re Anderson*, 97 Wash. 688, 691, 167 P. 71 (1917).

<sup>40</sup> *In re Kelley*, 193 Wash. 109, 120, 74 P.2d 904 (1938); *In re Anderson*, 97 Wash. 688, 691, 167 P. 71 (1917).

<sup>41</sup> *In re Kelley*, 193 Wash. 109, 120, 74 P.2d 904 (1938); *In re Carlson*, 162 Wash. 20, 29, 297 P. 764 (1931).

<sup>42</sup> *In re Carlson*, 162 Wash. 20, 29, 297 P. 764 (1931).

<sup>43</sup> *In re Kelley*, 193 Wash. 109, 120, 74 P.2d 904 (1938).

<sup>44</sup> *In re Youngkin*, 48 Wn.2d 425, 431, 294 P.2d 423 (1956).

<sup>45</sup> *In re Deming*, 192 Wash. 190, 226, 73 P.2d 764 (1937).

<sup>46</sup> *In re Haegle*, 150 Wash. 355, 359, 272 P. 978 (1928).

<sup>47</sup> *In re Haegle*, 150 Wash. 355, 359, 272 P. 978 (1928).

A14



# Empire Care & Guardianship

P.O. Box 2145  
Spokane, WA 99210  
Phone: 509-838-1933  
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lori@empirecare.com



## Our Team

### ■ Lori Petersen

- Certified Professional Guardian
- BA Business Administration
- BA Marketing/Communications
- Private Business Owner - 20 years
- Real Estate Broker
- Adult Family Home Provider - 5 years
- Mental Health Certified
- Dementia Certified
- DDD Certified

### ■ Kerri Sandifer

- LMT
- Case Manager
- AFH Provider/Manager 12 years specializing in terminal care.
- Dementia Certified
- Mental Health Certified
- AFH Quality Care Consultant - 5 years
- Communications Specialist - 9 years
- Business owner - 15 years

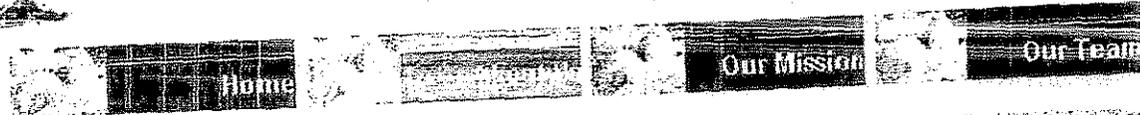
### ■ Mary Lou Rief, RN

- Register Nurse - Geriatric Specialist - 40 years
- Administrator for Home Health agencies -12 years
- Owner of 3 AFH's - 10 years
- Clinical evaluations and assessments
- AFH Quality Care Consultant - 13 years



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## About Us

Empire Care & Guardianship is an agency that provides personal and financial services to a wide variety of people. We act as guardian, trustee, or attorney-in-fact. We also are engaged by banks, attorneys and family members to provide advice or assistance with financial and care issues.

### We specialize in assisting individuals with:

- Physical handicaps
- Mental illnesses
- Emotional disabilities
- Conditions related to the aging process
- Court-ordered settlement trust

Empire Care & Guardianship strive, within the authority given to us, to implement financial arrangements in ways that maximize the use of public benefits and insurance.

Our clients and their families sometimes need assistance with planning for personal supervision for the disabled person's future and well-being or to resolve conflicts within the family.



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A116



# Empire Care & Guardianship

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## Our Mission Statement

Empire Care & Guardianship is an organization committed to providing services to people with disabilities, while holding our work to the highest professional standards.

Our organization encourages a lifestyle optimizing the welfare and dignity of each client as an individual.

We strive to make the best personal, medical, financial and budgeting decisions, while including our clients and their families concerns as much as possible.

Encouraging the individuals personal and financial preferences.

At Empire Care & Guardianship, we feel it is important to care for the body, mind and spirit as a whole.

We respect the validity of the clients concerns.



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A17

101	11-17-2008	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
102	11-17-2008	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
103	11-17-2008 11-18-2008	NOTICE OF HEARING TRIAL DATE ACTION	Notice Of Hearing Trial Date (set By Gdn01) Annual Report @ 9:00 Am	12-04-2008M
104	12-01-2008	DECLARATION	Declaration Kroydan K Chalem	
105	12-01-2008	DECLARATION	Declaration Zady Evans	
106	12-01-2008	DECLARATION	Declaration Alex King	
107	12-01-2008	DECLARATION	Declaration Mark Chaem	
108	12-01-2008	DECLARATION	Declaration Jane Tornatore	
109	12-02-2008	DECLARATION	Declaration Joshua Watler	
110	12-02-2008	DECLARATION	Declaration Dr Abrahamson	
111	12-02-2008	DECLARATION	Declaration Patricia Burgen	
112	12-04-2008	STATEMENT	Statement	
113	12-04-2008	PETITION	Petition	
114	12-04-2008	PETITION	Petition	
115	12-04-2008	DECLARATION	Declaration	
116	12-04-2008	ORDER	Order Re: Hearing On Gdn Report	
117	12-04-2008 12-04-2008 12-11-2008	ORDER APPROVING REPORT MOTION HEARING TRIAL DATE ACTION	Order Approving Report Motion Hearing Trial Date (set By Phone-gdn01) Annual Report-continued @ 2:30 Pm	01-05-2009A
118	12-15-2008	OBJECTION / OPPOSITION	Objection / Opposition	
119	12-15-2008	AFFIDAVIT OF MAILING	Affidavit Of Mailing	
120	12-15-2008 01-05-2009	RESPONSE HEARING STRICKEN:IN COURT NONAPPEAR	Response Hearing Stricken:in Court Nonappear	
121	01-13-2009 01-13-2009	RECUSAL OF JUDGE EX-PARTE ACTION WITH ORDER	Recusal Of Judge Ex-parte Action With Order	
122	01-23-2009	ORDER OF PREASSIGNMENT	Order Of Preassignment	
123	03-24-2009	LETTERS OF GUARDIANSHIP	Letters Of Guardianship	
124	04-22-2009	PETITION	Petition	
125	04-22-2009	ADDENDUM	Rpt	
126	04-22-2009	NOTE FOR MOTION	Note For Motion	05-07-

A18

SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF LINCOLN

PROBATE MINUTES [ ]  
GUARDIANSHIP MINUTES

IN RE:

Hoogstad, Doris Jean

No. 07-4-00025-7

Judge: Philip W. Borst

Date: January 5, 2009

Petitioner

This matter comes on for hearing on a petition for \_\_\_\_\_

The petitioner did  did not  appear in person and was represented by \_\_\_\_\_

The following persons appeared in opposition to the petition and were represented by counsel:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Persons sworn and testified:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(No Service on Senone)*

*(Guardian was not able to contact clerk's office to advise to strike.)*

The following Orders were signed  will be signed upon presentment :

Continued to \_\_\_\_\_

Reporter: \_\_\_\_\_

Bailiff: Katherine Johnson  Vicki Morcom  (Deputy) Clerk \_\_\_\_\_

MTHRG STAHRG STLCON PTMHRG NJTRIAL JTRIAL VOIR RVWHRG (HSTK WA) HCNT \_\_\_\_\_

Rule 3.3 Candor toward the Tribunal

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

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