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No. 36774-6-III

**COURT OF APPEALS DIVISION III
OF THE STATE OF WASHINGTON**

Matter of Sanctions Judgement against Attorney Robert Critchlow

Appellant Robert Critchlow's Opening Brief

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I.INTRODUCTION

This case involves a black family. Jerome Green is the 54 year old youngest child of Mary Jewel Green and until Jan. 31, 2019 his residence and place of business was at 1704 E. 11th Ave in Spokane, WA. There he lived with his (now 100 year old) mother Mary who purchased this residence in 1969. Mary and Jerome have both resided continuously together since that time. Mary Green is currently blind and has other debilitating medical issues which require extensive care and supervision. For the past twenty years Jerome has taken care of his mother while they shared the expenses and upkeep of their home. Jerome has contributed consistently throughout his employment years to this household budget and has worked in numerous fields including diesel mechanic, intercity bus driver, and civil aviation security specialist and also as a weight station operator in Idaho. Jerome has attended the Washington State Patrol Academy and was placed on a roster for WSP commercial vehicle enforcement sections. Jerome served as a Special Deputy with the Spokane County Sherriff's Office and has received extensive law enforcement training including crisis response and non-violent crisis intervention training. Jerome has also operated his own private investigation business, Alpha Investigations. At one time he owned and operated a bus touring company, Spokane Scenic Tours aka as "The

Magic Bus.” Jerome has also worked at various construction jobs operating heavy equipment and has been regularly in demand for his skills and strong work ethic.

Jerome has also been involved with several non-profit organizations over the years (including those working with “at risk” children) and has regularly volunteered his time to these organizations. He was most recently working on video productions to be shown to children to get them interested in various occupations (firefighting, etc) but has, due to being evicted from his place of business/residence had to “shelve” these projects for the time being. Jerome has been prohibited by court order from removing any “items” including his own property (eg. video equipment) from his own house so this has made it impossible to complete his work on that volunteer project.

On Sept. 27, 2012, Mary Green, recognizing that her son Jerome was the only one of her children (total of six still alive) that was looking after her well being delivered a quit claim deed to him in consideration of “love and affection from mother to son” making Jerome a joint tenant/owner of the residence at 1704 E. 11th Ave, Spokane, WA.

Jerome has three sisters and a brother who live in Spokane but they all decided that the responsibility for caring for Mary Green should belong

to Jerome alone and refused to contribute time or money to the care and comfort of their mother Mary Green. Betty Farley, a neighbor and one time care giver for Mary, confirmed this in her letter dated Nov. 13, 2014 wherein Betty opined that Mary's other children "seem to be too busy to come over and assist with their mother and don't seem really to want to that much." As Mary got older and her medical conditions continued to deteriorate, Jerome had to spend more and more of his time attending to his mother Mary Green's needs. Jerome missed out on several job opportunities because of having to care for his mother.

In 2014 Jerome realized that if he were to be able to continue working that he would have to hire (out of his own pocket) a private care giver who could care for his mother while he was gone. One of these private care givers being personally paid by Jerome was Betty Farley who was eventually hired and publicly paid by the Department of Social and Health Services. Unfortunately, Ms. Farley purportedly failed to complete the training requirements and was terminated as a paid caregiver by DSHS. DSHS then contracted various professional care givers for Mary Green. DSHS originally authorized only 10 hours per week and Jerome was concerned that this was not enough (due to the severity of his mother's medical conditions) and so he sent his first "public record act" request/letter dated July 28, 2016 via his attorney Robert Critchlow to

obtain information on how DSHS calculated these hours. This request from attorney Critchlow was the only public record act request that DSHS answered and all the subsequent letters which were drafted and delivered by Jerome Green himself (pro se) were simply ignored and disregarded up to and including Jerome's last letter dated January 17, 2019.

DSHS's records/responses to Mr. Critchlow's letter explained that DSHS was still counting neighbors and relatives (known as the "shared living rule") in their calculations as to how many in-home care hours Mary J. Green was allowed to receive. This was still being done by DSHS despite the fact that this "shared living" rule was invalidated by the Washington State Supreme Court in the case of *Jenkins v. Wash. D.S.H.S.* 160 Wn.2d 287 (2007) and once again repudiated by the Washington State Supreme Court more recently in *Rekhter Wash. D.S.H.S.* 180 Wn.2d 102 (2014).

Since Jerome was the only one taking care of his mother he needed her Power of Attorney and also to be listed as a signer on Mary Green's bank accounts so he could pay her bills paid and other household expenses. Mary Green devised her entire estate to Jerome in her Will and designated him to be personal representative of her estate because "Jerome Green devoted his entire life to my care and well being."

Jerome's sisters Sherri Green and Danette Hartman, were interfering with Jerome's abilities to pay his mother's bills and eventually forced his mother to sign a document appointing them as POA's on August 20, 2018. Jerome then had to have his mother Mary Green sign another document amending his Power of Attorney dated August 28, 2018. Upon advice of his attorney Robert Critchlow Jerome filed a copy of this POA with the Spokane County Auditor's Office on October 15, 2019.

Mr. Green was serving his own (pro se) written requests (from 2015 to 2019) on the local DSHS office in an effort to get DSHS to allocate more caregiver hours for his mother and also to help him with setting up a mediation with his family members to resolve their issues. Jerome was also concerned about the training requirements for these privately contracted care giver businesses since he had, on numerous occasions, observed very rough handling of his mother by these supposedly professionally trained employees. DSHS told Mr. Green that they did not have any such mediation programs for persons who were receiving "in home" care as opposed to care in institutional settings. Jerome Green's last letters to DSHS which he personally served upon the local office on January 17, 2019 questioned whether DSHS was violating the federal Older American's Act by failing to provide a mediation for the Green family. Jerome also complained in his letters and verbally to DSHS

that he was not a “care provider” but that he was just a son taking care of his mother and that he did not have any formal training as a care provider. Nonetheless DSHS continued to count Jerome as an “unpaid care provider” while at the same time DSHS failed to provide Jerome any training whatsoever to be an in-home care provider.

Soon after Jerome personally served his last letter on the local DSHS office on January 17, 2019 he was summarily and without prior notice evicted from his own residence/place of business on Jan. 31, 2019 by DSHS with an ex parte restraining order issued by without any prior notice to Jerome Green. APS/DSHS investigator Tonya Claiborne falsely stated in this ex parte VAPO petition that there was immediate and irreparable harm to Mary Green because the actions of Jerome Green had left Mary without professional care givers. APS/DSHS knew this was not true since they via (Linda Lane) received a copy of Beneficial Home Care’s termination of services letter wherein Beneficial stated their reasons for termination as “problems with multiple parties.” Finally, This VAPO petition was done without the consent of Mary Green and Mary Green was not even properly served with all the necessary paperwork.

II. STATEMENT OF THE CASE

On Jan. 31, 2019 Washington AAG Dawn Vidoni and DSHS/APS investigator Tonya Claiborne signed, attested caused to be served an ex parte vulnerable adult temporary petition and restraining order upon Jerome Green at his residence and place of business without any prior notice to him [CP 148-204] This order forced him to immediately vacate his own house which he is a co-owner/joint tenant along with the other owner his mother Mary J. Green. [CP 148-204] This petition and declaration from Vidoni and Claiborne alleged that Mary Green was being abused by her son Jerome in that her children were going back and forth having her sign/revoke powers of attorney and that Jerome was feeding and offering liquids to his mother that put her at risk of aspiration. [CP 148-204] This VAPO petition also alleged that DSHS was going to file a petition for a “professional” guardianship of Mary J. Green Commissioner High-Edward made findings of neglect and abuse on the part of Jerome Green [CP 148-204] Commissioner High-Edward also revoked Jerome’s Power of Attorney. Finally the commissioner wrote on the order (pg 2) that “Mr. Jerome Green may have restrictions reviewed if GAL in guardianship case deems it appropriate.”[CP148-204] However, Dianna Evans who agreed to be appointed guardian ad litem in this case refused to assist Jerome in having the VAPO order modified and in fact had refused

to participate at all in the VAPO case proceedings. At the March 29, 2019 hearing Dianna Evans stated “I don’t agree to being appointed in the protection order”[RP 16, lines 20-21] Ms. Evans has not appeared at any of the VAPO hearings even though she signed off on and accepted the appointment as G.A.L on Feb. 22, 2019.[CP 10-16] Evans acted as if she, sua sponte, had the lawful authority to amend the order signed by Commissioner tony Rugel that she had previously agreed to on Feb. 22, 2019. That guardianship GAL appointment order did not contain any statements exempting Ms. Evans from participating in the VAPO case. .[CP 10-16] Further, Dianna Evans admitted that she knew that her appointment as GAL was being contested at the time she was appointed [CP 287-315, Dec. 11, 2019 transcript of Judge Raymond Clary Status conference RP 23, lines, 13-16]

With regard to the DSHS proposed guardianship Comm. High Edward in her oral ruling held that “the guardianship process has a procedure for people who want to **intervene. Mr Green will be entitled to that**, as well as the sisters and then the Court in that hearing would be able to determine who’s going to be guardian.” [CP 148-204, pg.9 of Feb. 22, 2019 commissioner High-Edward transcript, lines 21-24].

Since AAG Vidoni had alleged in the VAPO petition that DSHS was going to file a guardianship petition for Mary Green, attorney Robert Critchlow requested that the court specifically write in the order the exact date that the guardianship petition would be filed so that Mr. Critchlow and Mr. Green would have advance notice and opportunity to prepare. Commissioner High-Edward wrote/ordered AAG Dawn Vidoni to file the guardianship the following Monday Feb. 25, 2019. [CP 148-204] Despite being court ordered to file the petition the following Monday, Feb. 25, 2019 AAG Vidoni left the VAPO hearing and presented her petition (ex parte) that very same afternoon Friday, Feb. 22, 2019.[CP 10-16] In Ms. Vidoni's Response to Jerome Green's Motion to Modify Commissioner's Ruling filed with this court of appeals on Dec. 12, 2019 on page 2, footnote 1, Vidoni denied that she had presented this ex parte order on Feb. 22, 2019 and instead falsely stated that this VAPO hearing ended close to 5 PM and that there was no time for her to go and get an ex parte order from commissioner Tony Rugel. The clerk's minutes of the VAPO hearing [CP 65 in COA case #368564, *Mary Green v. Jerome Green*] clearly show that the hearing concluded at 4:10 PM. Vidoni also falsely stated in her response brief that commissioner Tony Rugel wrote the wrong date (Feb. 22, 2019 instead of Feb. 25, 2019) when he signed the order appointing Evans as guardian ad litem.

Vidoni obtained this ex parte order without giving Jerome Green or any of Mary Green's children an opportunity to appear at and contest the appointment of a guardian ad litem for Mary J. Green, whose legal rights Jerome had been protecting for many, many years. [CP 148-204] Neither Mr. Green, nor his attorney Robert Critchlow were ever provided copies of these guardianship court documents. Indeed, the Spokane County Superior Court Clerk's Office could not even locate the court file and Mr. Green checked with the Spokane County Guardianship Monitoring Office and finally located a copy of this ex parte petition/appointment order appointing GAL Evans.

The DSHS petition for guardianship [CP 1-7] extensively referenced Jerome Green on page 4, par 12 and mentioned that several powers of attorney were made and revoked "possibly via undue influence." The petition alleged that Jerome Green who asserts himself as the alleged incapacitated person's current and acting attorney in fact has not been acting in the alleged incapacitated person's best interest." [CP 1-7] This DSHS petition also stated that DSHS has filed a vulnerable adult petition against Jerome Green and even lists the VAPO superior court case number. [CP 1-7] The DSHS petition (page 4, par 10) requested a full guardianship of the "person" and "estate" of Mary J. Green. The petition (page 4, par.13) nominated attorney Suzanne Bartleson as the "professional" guardian for Mary Green. [CP 1-7] This guardianship petition (page 4, par.12) alleged that Jerome Green has been "financially exploiting" Mary Green. Further AAG Vidoni mislead this ex parte court/hearing by stating

that a previous Power of Attorney held by Jerome Green (dated May 7, 2007) did not contain any language nominating Jerome Green as her proposed guardian instead of referencing the most current POA dated Aug. 28, 2019 which did in fact nominate Jerome Green as her proposed guardian (page 2, par. 4) [CP 1-7] However, Comm High-Edward had purportedly revoked this Jerome Green most current POA at the VAPO hearing without making any findings supporting such a revocation. [CP 148-204] Finally, since Vidoni knew Jerome Green was contesting this guardianship she failed to follow written Spokane County GAL policies requiring her to place a “contested appointment” on the Guardianship Calendar. [Appendix 1-Spokane County GAL Policies] According to these policies each attorney/pro se litigant shall receive the three names of the GAL’s being submitted and has the right to reject one of the names [Appendix 1 pg 3] They shall have “three judicial days to decide on a GAL.” AAG Vidoni did not follow these written Spokane County Guardian Ad Litem Policies providing for a contested hearing on the need for a G.A.L. This failure to provide proper notice of this “contested” hearing caused Jerome Green (via his attorney Robert Critchlow) to file a subsequent motion to strike this improperly obtained GAL appointment order and to request CR 11 sanctions from the attorneys (Vidoni and Evans) who signed off on it. [CP 38-39]

On March 1, 2019 in the guardianship case Jerome Green filed his own pro se form Requesting Special Notice [CP 22-24] and also served this on GAL Dianna Evans and AAG Dawn Vidoni letting them hat he wished for them to

provide him copies of all pleadings and notice of all hearing dates. On March 15, 2019 Jerome also filed his own pro se motions 1) to intervene as a party and/or in the alternative to have the VAPO case joined with the guardianship case and 2) to appoint counsel for his mother [CP 27-35] These motions (along with attorney Critchlow's motion to revise Commissioner High-Edward ruling of Feb. 22, 2019) were all noted and called in ready for the "civil motions judge room 303" to be heard on March 29, 2019. On that date attorney Critchlow and Mr. Green showed up to argue their motions and the case assignment listing indicated that Judge Maryann Moreno was assigned to hear these motions. Mr. Critchlow and Mr. Green went up to Judge Moreno's courtroom on the fourth floor. Mr. Critchlow argued his motion for revision of the Commissioner High-Edward ruling and it was granted, in part. Judge Moreno remanded the case finding that there is "an unresolved issue regarding Mary Green's ability to consent as well as the burden of proof." Mr. Critchlow and Mr. Green were then were told to go down to courtroom 303 where Mr. Green's pro se motions were going to be heard in front of Steve Grovdhal who at the time was representing that he was a "pro tem judge." [CP 129-147 Critchlow declaration with exhibits and pictures, RP 1-38, March 29, 2019 Grovdahl hearing transcript) At that hearing GAL Evanso presented an order appointing her friend Levi Liljenquist as the attorney to represent Mary Green [CP 25]. Further Evans had Liljenquist appointed at his private pay rate even though this is a "county pay" case. [CP 70-71]

Steve Grovdahl had retired as a regular court commissioner on May 15, 2016 [CP 129-147 Critchlow declaration and exhibits filed on April 19, 2019] and he was then hired back by Spokane County to perform temporary duties after the death of Judge James Triplett, first as a pro tem judge, then as a pro tem commissioner. [CP 129-147] GAL Evans misled the court and stated that this guardianship was a “private pay case” [Grovdahl March 29, 2019 transcript, RP 11 ,line 11) and that Mrs. Green “owns her home outright” and that there is “significant equity there.” [March 29, 2019 transcript, RP 11, line 12]. The fact is that Mary Green does not own her own home outright because Jerome Green has been a joint tenant of that residence since Sept. 2012 [CP 205-209] and a copy of that deed was filed with the Spokane County Auditor’s Office the day prior to this hearing on March 28, 2019 [CP 205-209]

Although Mr. Critchlow and Mr. Green did not know it at the time Steven Grovdahl was no longer acting as a “pro tem judge” since his pro tem judge status was revoked on March 15, 2019 by Spokane County Presiding Judge Harold Clarke. [CP 129-147, Critchlow declaration and exhibits filed April 19, 2019] Grovdahl was then appointed on that same day by presiding judge Harold Clarke to act instead as a “pro tem” court commissioner. Yet on March 29, 2019 Grovdahl still had a very large colored sign posted outside his courtroom announcing that he was the “Honorable Steven Grovdahl, Pro Tem Judge.”[CP 129-147-Critchlow Declaration and exhibits] Grovdahl came out without even announcing his name nor his position and went straight into hearing the arguments.

[RP 4 transcript of March 29, 2109 hearing) At that time attorney Critchlow [March 29, 2019 transcript RP 13, line 12] believed that Grovdahl was acting as a pro tem judge and Critchlow referred to him as “judge” and Grovdahl made no correction on the record to deny this. Mr. Critchlow had to find out this additional information from the Spokane County Court Administrators’ Office via a General Rule 31 request for administrative records per his request dated April 11, 2019 sent to Ashley Callan. On April 19, 2019 [CP 129-147] Mr. Critchlow filed his declaration of Robert Critchlow in Support of Notice Striking Motion to Revise Commissioner Ruling which contained these Judge Clarke administrative orders and also pictures Critchlow took showing 1) “Grovdahl Pro Tem Judge” and 2) “Grovdahl Court Commissioner.” On Nov. 5, 2019, Jerome Green discovered that Steve Grovdahl is now using the correct sign [CP 326-28-Declaration and picture taken by Jerome Green] showing that Grovdahl is now representing his correct judicial status as a “pro tem” court commissioner.

At the March 29, 2019 hearing pro tem commissioner Grovdahl denied Mr. Green’s pro se motions to intervene as party and/or consolidate the two cases. GAL Evans also insisted in that order that Mr. Critchlow not be allowed to withdraw his sanctions motion. Evans stated as follows:

MS. EVANS: The sanctions issue was reserved from the last hearing particularly **because I didn’t want the issue struck** (emphasis added in bold)

[Grovdahl March 29, 2019 hearing, RP 23, lines 1-2] AAG Dawn Vidoni took the “same position as Ms. Evans” [RP 23, lines 9-11] Finally, Evans drafted the order that was signed by Grovdahl and this order stated that Mr. Critchlow’s CR 11 motions for sanctions “**shall be heard on April 5, 2019.**”[CP 73-74, pg 2]

Mr. Critchlow and Mr. Green only realized after the hearing was over while waiting out in the hallway for Dianna Evans to bring them the order she had drafted for Mr. Critchlow’s perusal and signature, that Grovdahl was acting and signing these orders as a regular “**ct commissioner**” rather than a “pro tem judge” nor even as a “pro tem court commissioner” [CP 73-74]

After filing his notice of appearance [CP 37] on March 22, 2019 in the guardianship case Mr. Critchlow filed motions on behalf of Jerome Green to strike the Spokane County created/authorized GAL appointment order/form as unconstitutional on its face and unconstitutional and as applied and for CR 11 sanctions to be assessed against the attorneys (Evans and Vidoni) who had each signed off on and presented this ex parte order without providing Jerome Green nor any of Mary Green’s children an opportunity to appear and contest this appointment. This motion to strike was also held in front of Grovdahl the following Friday, April 5, 2019 and Grovdahl did the same thing. He still had his big colored sign outside his courtroom announcing that he was an honorable “pro tem judge” [CP129-147] He once again came out to the bench and went

straight into hearing the motions without announcing his true judicial status. [RP 18, April 5, 2019 hearing] Indeed Grovdahl was unprepared for this hearing and even admitted that **“this is the time and place for, well I don’t know what it’s set for.”**[April 5, 2019 hearing, RP 18, lines 17-18] It was clear that Grovdahl had not read the file materials. Grovdahl even thought Mr. Critchlow had brought a motion to remove the GAL and Mr. Critchlow had to correct him:

MR CRITCHLOW: Your honor it’s not a motion to remove the guardian ad litem. It’s a motion to strike the guardian ad litem order.

[April 5, 2019 hearing, RP 35, liens 1-3] Mr. Critchlow confronted Grovdahl about the irregularities of this hearing [April 5, 2019 transcript RP 18-38] particularly actions representing that he was a “pro tem judge.” Grovdahl never mentioned the administrative order signed by Judge Harold Clarke appointing Grovdahl on March 15, 2019 as a **“pro tem court commissioner”** which delineated his specific list of duties including that he was serving on a temporary basis. [CP 129-147, Critchlow declaration, exhibit 7-administrative order appointing Grovdahl pro tem commissioner] This administrative order had specifically set forth in detail what duties could be performed by pro tem commissioner Grovdahl under his appointment and none of these duties included hearing any matters concerning guardianships,

nor for that matter hearing any civil motions on the regular civil motions docket. [CP 129-147,exh 7] Even GAL Dianna Evans also admitted and understood that a pro tem commissioner could not hear any guardianship matters. Indeed, Evans specifically stated in her Guardian Ad Litem Responses to Motion for Revision dated April 12, 2019 [CP 278-275] where she attested on page 2 par 4 as follows:

Pro tem commissioners cannot hear guardianship matters but Commissioner Grovdahl is duly appointed and has no restriction in hearing this matters. **See LSRP 98.22**(Emphasis added in bold)

Grovdahl denied Mr. Critchlow's motion to strike the GAL order and to sanction attorneys Vidoni and Evans. Instead, Grovdahl ordered sanctions imposed against Mr. Critchlow for raising in good faith these constitutional issues of due process, notice and opportunity to be heard. [RP 18-38, April 5, 2019 hearing transcript]

III. ASSIGNMENT OF ERRORS

A. PRO TEM COMMISSIONER STEVEN GROVDAHL HAD NO JURISDICTION TO ISSUE THE ORDERS AND JUDGMENT SANCTIONING ATTORNEY ROBERT CRITCHLOW BASED ON SPOKANE COUNTY SUPERIOR COURT LSPR 98.22(a)

Spokane County Superior Court Local Rule LSPR 98.22(a) provides as follows:

Guardians Ad Litem. When the appointment of a guardian ad litem is required, the appointee shall come from the guardian ad litem registry maintained by the Superior Court Guardianship Monitoring program. In order to be placed on the registry a person must present a written statement of their

qualifications, WSP background check resume, cover letter and complete a training program approved by the court. The Spokane County superior court judges shall appoint a committee of and/or court commissioners and interested members of the Spokane County bar association to maintain the registry and provide training to those persons who wish to participate in the program. Initials from the Guardianship Monitoring Program on the Order to Appoint Guardian Ad Litem is required before presentment. Orders to Appoint Guardian Ad Litem may be presented to the Guardianship Calendar or to Guardianship Commissioner. **Guardianship orders shall not be signed by a pro tem commissioner.** To remain on the Guardian Ad Litem Registry the Guardian Ad Litem must attend the entire annual mandatory training, provide statement of qualifications and WSP background check by annual deadline. (Emphasis added in bold)

A local rule, like the civil rules of superior court has the force and effect of statutory law. See generally *Batten v. Abrams*, 28 Wn. App. 737 (Div. III, 1981)[local rule being overlooked invalidates the order granting terms] This Spokane County Local Rule uses the terms “shall not be signed” when referencing guardianship orders being signed by pro tem court commissioners. Unless clear contrary intent exists the word “**shall**” in a statute is a **mandatory** directive. *Morris v. Palouse River & Coulee City R.R.*, 149 Wn. App.366 (Div. III, (2009) citing *Kabbae v. Dept. of Social and Health Services*, 144 Wn. App. 432, 441 (2008). Further, jurisdiction over the subject matter of an action is an elementary prerequisite to the exercise of judicial power. *Bour v. Johnson*, 80 Wn. App. 643 (Div. II, 1986) citing *In Re Buehl*, 87 Wn.2d 649, 655 (1976). A judgment is void if entered without subject matter jurisdiction. *Bour v. Johnson*, *supra* citing *In*

Re Ortiz, 108 Wn.2d 643, 649 (1987). A judgment is considered void as opposed to merely erroneous when “the court lacks jurisdiction of the parties or the subject matter.” *Doe v. Fife Mun. Court*, 74 Wn. App. 444 (Div. II, 1994) citing *Bresolin v. Morris*, 86 Wn.2d 241, 245 (1975).

In the case under review, **pro tem commissioner Steve Grovdahl** intentionally misrepresented his judicial status when he held hearings on the Mary Green guardianship case on March 29, 2019 and again on April 5, 2019 while holding himself out to be a “pro tem judge” even though he had been terminated on March 14, 2019 from that position by presiding judge Harold Clarke. [CP 129-147, exhibit 5 of Critchlow declaration filed on April 19, 2019] Steve Grovdahl was **still holding himself out** as a “pro tem judge” to all the litigants, including Mr. Green and his attorney Robert Critchlow who believed this to be his judicial status. There was a large colored sign prominently posted outside his courtroom announcing that he was **“Honorable Pro Tem Judge Grovdahl.”** [CP 129-147, exhibit 5, Critchlow declaration filed April 19, 2019] Grovdahl did not announce his judicial status before proceeding with either of these hearings nor did he obtain the express written or verbal consent of the litigants. Indeed at the hearing on April 5, 2019 attorney Robert Critchlow and Jerome Green both voiced their objections and Mr. Green even stated that **“there is no**

jurisdiction in making any type of ruling.” [RP 7, lines 2-14, transcript of April 5, 2019 hearing]

Grovdahl was continuing to mispresent his status since he was only a “pro tem” court commissioner during the March 29, 2019 hearing and, once again, at the April 5, 2019 hearing. On April 19, 2019 attorney Robert Critchlow filed and served his Notice Striking Motion for Revision and Declaration in support thereof with attached exhibits/administrative records showing Grovdahl’s correct judicial status (pro tem commissioner) These records also included a picture taken of the “Grovdahl Pro Tem Judge Sign” posted outside his courtroom. ” [CP 129-147, exhibit 4, Critchlow declaration and exhibits] That particular sign was taken down and a large new colored sign announcing “Grovdhal Court Commissioner” (not pro tem) was put up in its place. [CP 129-147, exhibit 9, Critchlow declaration] This sign stayed up until a new judge was appointed and sworn in for that courtroom in May 2019. The most current sign outside Grovdahl’s ex parte courtroom 303 correctly states that he is a “pro tem” court commissioner [CP 326-28 Jerome Green declaration and picture dated Nov. 7, 2019] Further, Dianna Evans testified under oath in her Guardian Ad Litem Response to Motion for Revision dated April 12, 2019 [CP 278-285] at page 2, par 4:

Jerome Green, through counsel, appears to take great issue with the authority vested in Commissioner Steven N. Grovdahl. As he is a properly appointed commissioner he is authorized to hear these matters pursuant to RCW 2.245.050 as guardianships are classified as probate matters and are also routinely heard on the guardianship docket in Room 202 by court commissioners. **Pro tem commissioners cannot hear guardianship matters but commissioner Grovdahl is duly appointed and has no restriction in hearing this matter. See LSPR 98.22[emphasis added in bold]**

The above declaration by Evans was filed April 12, 2019. At this time Ms. Evans had not yet received Mr. Critchlow's Notice Striking Motion for Revision and declaration dated April 19, 2019 with his accompanying declaration and exhibits showing that Grovdahl was (despite his misrepresentations) only a pro tem commissioner and not a pro tem judge as the sign outside his courtroom indicated. As such pro tem commissioner Grovdahl's sanctions orders and judgment against attorney Robert Critchlow are void and the denial of the constitutional right to a fair tribunal is a "structural error" that requires reversal regardless of prejudice. *State v. Blizzard* 195 Wn.Ap.717 (Div. III, 2016) citing *Williams v. Pennsylvania* 195 L. Ed. 132 (2016). Based on the foregoing analysis the sanctions judgment should be voided or vacated.

B. PRO TEM COMMISSIONER GROVDAHL'S NEGLIGENT AND/OR INTENTIONAL MISREPRESENTATION OF HIS JUDICIAL STATUS TO THE LITIGANTS AFFECTS THE INTEGRITY OF THE JUDICIAL PROCESS AND CONSTITUTES STRUCTURAL ERROR SO THAT THE

SANCTIONS ORDER/JUDGMENT MUST BE VOIDED OR VACATED.

The Critchlow declaration in support of Notice Striking Motion to Revise Commissioner Ruling dated April 19, 2019 [CP 129-147], in addition to containing various administrative orders concerning Steve Grovdahl also included pictures of signs that Mr. Critchlow took outside Grovdahls courtroom one that first stated “Grovdahl Pro Tem Judge” and then one later stating “Grovdahl Court Commissioner.” The “Grovdahl Pro Tem Judge” sign was the sign that was up during both the March 29, 2019 and April 5, 2019 hearings. The “Grovdahl Pro Tem Judge” sign was replaced by a “Grovdahl Court Commissioner” sign after Mr. Critchlow filed and served his declaration/exhibits dated April 19, 2019. [CP 129-147] Mr. Critchlow received these administrative orders via his April 11, 2019 GR 34 public records request made to Spokane county superior court administrator Ashely Callen. [CP 129-147, exhibit 2] Mr. Critchlow made his GR 34 public information request on April 11, 2019 when he noticed that the March 29, 2019 and April 5, 2019 orders signed by Grovdahl were being signed by him as a “court commissioner” [CP 73-74] rather than as a “pro tem judge” as the sign outside his courtroom clearly stated.[CP 129-147],

At the time of the April 5, 2019 hearing in front of Grovdahl Mr.

Critchlow did not yet know the true judicial status of Grovdahl.

Nonetheless Mr. Critchlow stated his concerns on the record:

MR. CRITCHLOW: We were here last Friday on a motion to revise and Mr. Green's pro se petitions. The docket list out in the hall said that Judge Maryann Moreno was going to hear those motions So we went up to courtroom her courtroom 401 we argued the motion and then we were told Mr. Green's motions were going to be held down here in your courtroom.

Now the **sign outside of your courtroom says that you're acting as pro tem judge**, and its my understanding that you retired as a court commissioner and that you came back specifically to act as a pro tem judge and nothing else. And so I assumed that you came out on the record, you didn't announce whether you were a pro tem judge, **you didn't announce whether you were a court commissioner and you simply started to proceed into the case.** And the arguments were made by the lawyers and then you issued several orders. And after I left the courtroom **I noticed that you had signed as a court commissioner**

Now I was under **the impression, due to the sign outside your courtroom that you were acting as a pro tem judge even though you failed to disclose that on the record**
(emphasis added in bold)

[Grovdahl April 5,2019 hearing, RP 19, lines 6-24, RP 20, lines 1-3] Mr.

Critchlow and his client Jerome Green both stated their objections on the record:

MR CRITCHLOW: Now you can go ahead and hear these motions but we're not going to participate. Mr. Green has never consented to you as a pro tem judge on this case. Will you clarify that for the record Mr. Green?

MR. GREEN: I do clarify from our last hearing and I still [sic] that there's no jurisdiction in making any type of ruling.

MR CRITCHLOW: Just do you consent to-

MR. GREEN: No, I do not consent.

MR. CRITCHLOW:--judge, pro tem Judge Grovdahl hearing matters on this case?

MR GREEN: I do not consent.

[Grovdahl April 5, 2019 hearing, RP 21, lines 11-19] Not only were these objections to jurisdiction placed on the oral record Mr. Critchlow also wrote on the written order prepared by GAL Evans “**objected to based on no jurisdiction of commissioner.**”[CP 115]

These issues of Grovdahl misrepresenting his judicial status to the litigants go to the integrity of the judicial process and the denial of the constitutional right to a fair tribunal and constitute “structural error” that requires reversal regardless of prejudice. *State v. Blizzard* 195 Wn.Ap.717 (Div. III, 2016) citing *Williams v. Pennsylvania* 195 L. Ed. 132 (2016). Based on this the sanctions order/judgment should be voided or vacated.

C. AAG DAWN VIDONI INTENTIONALLY AND VEXATIONOUSLY DISOBEYED COMMISSIONER HIGH-EDWARD'S ORDER THAT VIDONI FILE THE GUARDIANSHIP PETITION ON FEB. 25, 2019 AND PROVIDE NOTICE SO THAT JEROME GREEN OR HIS SIBLINGS COULD BE PRESENT TO CONTEST THE APPOINTMENT OF THIS GUARDIAN AD LITEM THEREBY LEAVING JEROME GREEN NO OTHER CHOICE BUT TO FILE A

MOTION TO STRIKE THE GAL APPOINTMENT ORDER BASED ON THESE DUE PROCESS VIOLATIONS.

Since AAG Dawn Vidoni had alleged in her VAPO petition that DSHS was going to file a guardianship petition for Mary Green commissioner High-Edward (pursuant to request by attorney Critchlow) ordered Vidoni to file the guardianship petition the following Monday Feb. 25, 2019.[CP 148-204] Despite being court ordered (in writing) to file the Guardianship petition the following Monday, Feb. 25, 2019 Vidoni left the VAPO hearing and presented her petition (ex parte) that very same day Friday, Feb. 22, 2019 to Commissioner Tony Rugel who signed an ex parte order appointing Dianna Evans as guardian ad litem for Mary J. Green. [CP 10-16] Evans approved the order by telephone. Both Vidoni and Evans did this without giving Jerome Green or any of Mary Green's other children an opportunity to appear and contest the appointment of a guardian ad litem which is a violation of the state and federal constitutional due process rights to prior notice and opportunity to be heard. This also was a clear violation of Spokane County superior court local rules and Spokane county guardianship and guardian ad litem policies. LSPR 98.22(i) provides as follows:

(i) Appointments

- (1) Guardian Ad Litem in Title 11 cases (guardianship) will be appointed pursuant to statute (RCW 11.88) **and** the policies

and procedures established by the Guardianship Registry Committee. The policies are available from the Guardianship Monitoring Program (amended effective 04/13/17)[emphasis added in bold and underline]

GAL Dianna Evans [CP 287-315, Judge Clary status conference transcript of Dec. 11, 2019, RP 23, lines 13-16] was also aware that Jerome Green (and his attorney Robert Critchlow) were contesting this guardianship but still both Evans and Vidoni failed to follow written Spokane County GAL policies [Appendix 1, pg 2-3] which provides as follows:

Contested Appointment

Attorneys/pro se litigants **shall** schedule a Motion to Appoint Guardian Ad Litem (GAL) on the guardianship calendar. The parties must have contacted the Guardianship Monitoring Program prior to scheduling the hearing to obtain the next 3 GAL names. After the attorneys/pro se litigants **receive notification** of the three available GAL's each attorney/pro se litigant has the right to reject one of the names on the list and if they do not reject any of the proposed GAL's the court shall select the first GAL available on the list.(emphasis added in bold)

According to these Spokane County guardianship policies, each attorney/pro se litigant shall be provided notice and the right to receive the three names of the GAL's submitted and the right to reject one of the names. They shall have notice of "three judicial days to decide on a GAL." [Appendix 1 page 3 of policies] Vidoni and Evan did not follow these written Spokane County guardian ad litem policies about contested GAL appointments. Neither of these experienced (and specifically trained) attorneys and officers of the court complied with the legal requirements and for appointing a GAL for Mary J. Green.

Although this ex parte GAL appointment order was presented (and signed) on Feb. 22, 2019 by Commissioner Tony Rugel it was not formally filed until the following Monday February 25, 2019. No formal motion and notice for appointment of GAL was set on that Monday and the Green family was deprived of the right to contest the appointment of a GAL thereby forcing Jerome Green (through his attorney Robert Critchlow) to file a motion to strike the GAL Appointment order. None of Mr. Greens' siblings were notified that a GAL was going to be appointed prior to this ex parte appointment. Most of the Green children received notification of the guardianship petition (but not notice of the appointment of a GAL for their mother) but even then this list of siblings was incomplete¹. [CP 265-66 Jerome Green declaration re: AAG Vidoni letter cc'd to Green children] Based on this the sanctions judgment should be voided or vacated.

C.THERE MUST BE FINDINGS THAT ROBERT CRITCHLOW FAILED TO CODUCT A REASONABLE INQUIRY INTO THE LAW AND/ OR FACTS SUPPORTING HIS MOTION TO STRIKE BEFORE CIVIL RULE 11 SANCTIONS CAN BE ASSESSED AND NO SUCH FINDINGS WERE MADE BY PRO TEM COMMISSIONER GROVDAHL.

In imposing CR 11 sanctions it is incumbent upon the court to make findings and specify the sanctionable conduct in its order. The court must

¹ Two of Jerome's siblings, Carlos and Jeffrey Green never received any notice of this guardianship petition for their mother Mary Green filed by AAG Dawn Vidoni.

make a finding that either the attorney failed to conduct a reasonable inquiry into the law or facts or the paper was filed for an improper purpose. *Biggs v. Vail*, 124 Wn.2d 193 (En Banc, 1994) citing CR 11 and *Bryant v. Joseph Tree, Inc.*, 119 Wn.2d 210, at 219-20 (En Banc 1992) “The individual’s right to protection of his good name reflects no more than our basic concept of the essential dignity and worth of every human being—a concept at the root of any decent system of ordered liberty” *Johnson v. Ryan*, 186 Wn. App. 562 (Div .III, 2015) quoting *Gertz v. Robert Welch Inc.* 418 U.S. 323, 341 (1966)

There were no such findings made by pro tem commissioner Grovdahl either in his oral ruling or in the order that was prepared and submitted by Dianna Evans on April 5, 2019. [CP 114-115] The “findings” section (pg one) of this order reads as follows:

- 1) There is a profound misunderstanding of the law on guardianships. The motions and memorandums filed are pieced together without the presentation of accurate law.
- 2) These motions are absolute frivolous and have resulted in an increase in fees needlessly.

Under the “order” (pg 2) section there are additional statements as follow:

- 4) The filings of Jerome Green brought through his counsel Robert Critchlow are legally and factually without merit. There is clear overreaching by Robert Critchlow and a clear denial/rejection of the relevant law in this matter.
- 5) The motions brought by Robert Critchlow are clearly frivolous and square fly fit within the scope of of CR 11 and sanctions are appropriate here as all aspects of this guardianship have been legally and procedurally correct.

7) The motion to strike GAL order, remove to non Spokane county judge are denied both on the substantive content of the motions and due to their frivolousness.

The above findings are conclusions only and do not set forth the details of any conduct by Mr. Critchlow which could violate CR 11. In his memorandum supporting his motion to strike Robert Critchlow cited well established Washington law that requires a due process right have a contested hearing before the appointment of a guardian ad litem [CP 40-51] In his memo Critchlow wrote, inter alia, as follows (pages 2-3):

Case law provides that whenever the issue of a party's competence to understand the legal proceedings is raised, the trial court **should conduct a hearing** to determine whether the party is mentally competent **or requires a GAL**. *Marriage of Blakely, id*, citing *Tai Vinh Vo v. Pham*, 81 Wn. App. 781 at 786 (1996). The hearing must allow the alleged incapacitated person the **opportunity to present evidence** on the question of mental capacity. *Marriage of Blakely, id*, citing *Tai Vinh Vo v. Pham, id*. If the alleged incapacitated person or his or her attorney resists the appointment of a GAL, the **court must hold a hearing with an opportunity for the alleged incapacitated person to be heard**. *Marriage of Blakely, id*, citing *Graham v. Graham*, 40 Wn.2d 64, 68 (1952) The Washington Supreme Court in *Graham v. Graham, id* at 68 explained:

That a guardian ad litem should **not** be appointed by the court **unless a full and fair opportunity** is given to the alleged incompetent to defend and be heard. There **is something fundamental** in the matter of a litigant being able to use his personal judgment and intelligence in connection with a lawsuit affecting him, and not having a guardian's judgment and intelligence

substituted relative to the litigation affecting the alleged incompetent. Furthermore, there is **something fundamental** in a party litigant being able to employ an attorney of his voluntary choice to represent him in court and in being free to accept or reject the advice of such an attorney. The **interposition of a guardian ad litem** could very well substitute his judgment and inclinations and intelligence for an alleged incompetent's. (Emphasis added in bold)

For a party that has a liberty or property interest, due process requires, at a minimum, notice and opportunity to be heard. *Guardianship of Cornelius*, 181 Wn. App. 513 (Div. II, 2014) citing *Soundgarden v. Eikenberry*, 123 Wn.2d 750, 768 (1994). Notice must be reasonably calculated to inform the affected party of the pending action and of the opportunity to object. *Guardianship of Cornelius, supra*, citing *State v. Dolson* 138 Wn.2d 773,777 (1999). The opportunity to be heard must be meaningful in and time and manner. *Guardianship of Cornelius, supra*, citing *Morrison v. Dept of Labor and Idus.*, 168 Wn. App. 269, 273 (2012).

[CP 40-51] In her response memorandum [CP 58-62] AAG Vidoni wrote that (page 3,par 2) **“Mr Green seems to confuse appointment of a guardian ad litem with appointment of a guardian.”** This is not true. Mr. Critchlow's memo clearly addresses the right for a hearing on the issue of appointing a “guardian ad litem” and not the issue of appointing a “guardian .Indeed, his motion was to **“strike the GAL appointment order”** and it is abundantly clear that these issues were the ones submitted by Critchlow to the court for consideration. GAL Evans response memorandum [CP 63-69] is equally elusive in failing to address the fact that no contested hearing was held before

her appointment as GAL for Mary J. Green. The Evans response² simply rambles on about the requirements of CR 11 and, like Vidoni, Evans goes on to discuss the notice requirements for **appointing a “guardian”**, not the requirements for appointing a **“guardian ad litem”** which was the specific issue that attorney Critchlow had put before the court. In other words both attorneys dodged the constitutional issues of notice, due process, and opportunity to be heard, most likely because they had no legal response to same. Evans, like Vidoni knew that the appointment of a GAL for Mary Green was being **“contested”** [Judge Clary status conference of Dec. 11, 2019, RP 23, lines 13-16] and yet they both (Vidoni and Evans) failed to address why they did not follow the well established case law, court rules and written Spokane County Guardian Ad Litem policies and set the Mary Green matter on a “contested” motion docket and give notice of same before appointing a GAL for Mary Green.

So what exactly is the “relevant law” and “accurate law” which Mr. Critchlow has rejected? This court of appeals is left to speculate since there is nothing either in Vidoni’s response [CP 58-62] nor Evan’s response [CP 63-69] to Mr. Critchlow’s motion to strike which addresses this so-called “relevant law” and “accurate law” referred to in this sanction ruling and order.

² Evans also complains on page 6, par 7 that Mr. Critchlow did not comply with the *Biggs v. Vail*, 124 Wn2 193 (2009) ‘safe harbor’ requirements before filing his CR 11 motion. The safe harbor notice is intended to allow the other party to withdraw the offensive pleading. In this case there could be no withdrawal since the order appointing GAL had already been signed by Commissioner Tony Rugel and could not simply be withdrawn.

Further, nothing in the Grovdahl oral ruling specifies which law is “**inaccurate**” nor does it specify which “**relevant law**” Mr. Critchlow has rejected. Based on this failure to set forth in detail the reasoning behind his ruling the sanctions judgment should be voided or vacated.

D. ROBERT CRITCHLOW CANNOT BE SANCTIONED UNDER CIVIL RULE 11 SIMPLY BECAUSE HE DID NOT PREVAIL ON HIS MOTION TO STRIKE THE G.A.L. APPOINTMENT ORDER.

A court cannot subject an attorney to CR 11 sanctions simply because the attorney did not prevail on his claim. *Bryant v. Joseph Tree, Inc.*, 119 Wn.2d 210 (En Banc, 1992) citing CR 11 and *John Doe v. Spokane & Inland Empire Blood Bank*, 55 Wn. App. 106,11 (1989) Pro tem commissioner Grovdahl ruled that Mr. Critchlow had a “gross misunderstanding of the law” and so Critchlow’s motion to strike the GAL appointment order and sanction attorneys Vidoni and Evans was denied. The fact that Critchlow’s motion was denied is insufficient to impose CR 11 sanctions. Based on this the sanctions orders and judgment should be voided or vacated.

E. ROBERT CRITCHLOW’S DUE PROCESS RIGHTS WERE VIOLATED BY JUDGMENT CREDITORS VIDONI, EVANS AND LILJENQUIST SINCE THEY NEVER FILED NOR NOTED FORMAL MOTIONS FOR CR 11 SANCTIONS IN CLEAR VIOLATION OF WELL ESTABLISHED COURT RULES AND PRO TEM COMMISSIONER GROVDAHL IGNORED MR.CRITCHLOW’S OBJECTION TO THESE VIOLATIONS.

In order for Civil Rule 11 sanctions to be assessed this must be done by the court “**upon motion** or upon its own initiative” CR(a) 4. Dianna Evans, Dawn Vidoni and Levi Liljenquist all failed to file and note for hearing their own CR 11 motions to have Mr. Critchlow sanctioned. Evans and Vidoni simply filed responsive memorandums to Mr. Critchlow’s motion to strike the GAL appointment order [CP 63-69, CP 58-62]. Levi Liljenquist did not file anything in response to the motion to strike yet he still submitted a bill for these sanctions.

Motions shall be in “writing” and shall state with particularity the grounds therefor and shall set forth the relief or order sought. CR 7 They must comply with the rules on “captions” CR 7 (b)(2) which identify the “nature of the pleading.” CR 10(a). At the April 5, 2015 sanctions hearing Mr. Critchlow complained as follows:

MR. CRITCHLOW: **There’s no actual motion** for Civil Rule 11. She references it in her pleadings so there’s actually **no motion that’s been filed or noted** (emphasis added in bold)

[April 5, 2015 sanctions hearing RP 24, lines 20-23] Pro tem commissioner Grovdahl simply ignores Mr. Critchlow’s objection as to proper notice (formal motion and note for hearing) and allows Dianna Evans to proceed with her oral argument on sanctions. Further, Grovdahl does not indicate that he is assessing sanctions against Mr.

Critchlow on his (court) own initiative and completely fails to address Mr. Critchlow's objections about the fact that neither GAL Evans nor AAG Vidoni filed any formal CR 11 motions, nor did they formally and timely³ note these motions for hearing. After this April 5, 2019 sanctions hearing GAL Evans then prepared an order (no caption) [CP 114-115] On the bottom of the second page where Mr. Critchlow signed this order he also wrote his **“objection based on no jurisdiction of commissioner.”**

SECOND TYPE WRITTEN ORDER ON SANCTIONS-On April 19, 2019 Robert Critchlow filed and served on Vidoni and Evans his Declaration in Support of Jerome Green Notice Striking Motion to Revise Commissioner Ruling.[CP 129-147] Exhibit 5 of this declaration is an administrative order dated March 15, 2019 by Judge Harold Clark terminating Steven Grovdahl as a pro tem judge. Exhibit 7 is an administrative order signed on March 15, 2019 by Judge Harold Clark appointing Grovdhal as a pro tem commissioner. Even though an order for sanctions had already been submitted on April 5, 2019 Dianna Evans took it upon herself to prepare (typewritten) yet another Order of Motions for CR 11 Sanctions and Attorney Fees which was dated May 10, 2019 [CP 239-43] Evans did this well after she had been advised via the Critchlow

³ Spokane county local rules require 12 days notice before a motion can be heard.

Declaration/Exhibits filed and served on April 19, 2019 that Grovdahl was only a pro tem commissioner and not a regular commissioner. Even so Evans still listed Grovdahl in her second sanctions order as a “commissioner” rather than a “pro tem commissioner” Further, Evans falsely states in the opening paragraph of her order that **“this matter having come regularly for hearing on the Guardian Ad Litem’s Motion for CR 11 sanctions”** Apparently Evans was trying to rectify the fact that neither she nor Vidoni nor Liljenquist had filed CR 11 motions nor properly noted same for hearing. Evans knew this was a problem since Critchlow had previously objected to their lack of CR 11 motions at the April 5, 2019 sanctions hearing. Finally Evan’s May 10, 2019 order was presented ex parte to Grovdahl for signature without noting it for hearing so that Mr. Critchlow could be present. Had this second order on sanctions been properly set for a presentment hearing Mr. Critchlow would have 1) lined out the phrase about Evans motion coming regularly 2) added the term “pro tem” in front of “commissioner” for Grovdahl’s signature and 3) written in his same objections he included in the previous order, viz. “based on no jurisdiction of commissioner.” By her wrongful conduct Dianna Evans prevented Mr. Critchlow from making sure that the court record was correct, and intentionally and maliciously falsified the court record.

CR 11 requires either a motion by one of the parties or that the court state that it is doing it on its own initiative. Neither occurred in this case and the “court exceeded its procedural powers in light of the posture of the case” which “results in an abuse of discretion.” *Swan v. Landgren*, 6Wn.App. 713 (Div. III, 1972) citing *Friedlander v. Friedlander*, 80 Wn.2d 293 (1972) Mr. Critchlow’s due process rights were violated by the wrongful actions and conduct of judgment creditors Vidoni, Liljenquist and Evans and these sanction orders and judgment should be voided or vacated.

F. NOT ONLY WERE NO FORMAL CR 11 MOTIONS FILED BY THESE JUDGMENT CREDITORS AGAINST MR. CRITCHLOW DIANNA EVANS TOOK IT UPON HERSELF TO DEPRIVE MR. CRITCHLOW OF THE ‘SAFE HARBOR’ PROVISIONS OF THE CR 11 CASELAW.

Not only did Dianna Evans not formally serve Mr. Critchlow with any CR 11 motion for sanctions nor any note for hearing, she took it upon herself (sua sponte) to deprive Mr. Critchlow of the ‘safe harbor provisions’ set forth in CR 11 caselaw. The caselaw in Washington construing CR 11 contemplates that the party seeking sanctions should allow the other party a ‘safe harbor’ amount of time to contemplate the filing of the allegedly offensive pleading and potentially withdraw it upon reflection thereof. See generally *Biggs v. Vail*, 124 Wn.2d 193 (En

Banc, 1994). Footnote 2 of *Biggs, supra* describes this safe harbor procedure as follows:

Rule 11 of the Federal rules of Civil Procedure has recently been rewritten to provide judges with more flexibility in sanctioning violations and to encourage early and informal settlement.(citations omitted). We share the federal court's concern that sanctions be reserved for **egregious conduct and not be viewed as simply another weapon in a litigator's arsenal**. We adopt as our own the advice of the advisory committee that, in most cases "counsel should be expected to give informal notice to the other party, whether in person or by telephone call or letter of a potential violation before proceeding to prepare and serve a CR 11 motion." (citations omitted) Such informal notice is **not a substitute for a CR 11 motion** but evidence of such informal notice or lack thereof, should be considered by the trial court in fashioning an appropriate sanction.(Emphasis added in bold)

Here the Washington Supreme Court not only articulates that a formal CR 11 motion must be filed but also some informal notice (typically a letter demanding that the offensive pleading be withdrawn) must be given prior to any CR 11 sanctions hearing. In this case Mr. Critchlow filed and served his motion to strike the GAL appointment order on Mar 22, 2019 and timely set the hearing for April 5, 2019. [CP 36-39] Mr. Critchlow's note for hearing indicated that it was to be set in front of and heard by the "**civil motions judge**." [CP 52] AAG Vidoni and GAL Evans filed their responses to Mr. Critchlow's motion to strike on March 29, 2019 [CP 63-69, CP 58-62] Neither Evans nor Vidoni filed

CR 11 motions with these responses apparently believing that they could ask for sanctions in their responses without formally filing CR 11 motions and timely noting same for hearing. Levi Liljenquist did not file any CR 11 motion, nor did he file any note for hearing nor did he file any written response to Mr. Critchlow's motion to strike.

At the March 29, 2019 hearing in front of pro tem commissioner Grovdahl (hearing on Jerome Green's motions for intervention, etc) Dianna Evans demanded that Mr. Critchlow's CR 11 motion "shall be heard on April 5, 2019" and made sure this was included in her order [CP 73-74 March 29, 2019 order] At this March 29, 2019 hearing Evans stated as follows:

I would like to clarify in an order today that the hearing next week will go because I'm sure that my response will help outline the frivolous of the motion that been filed and I **have concerns that it will be struck and I think it inappropriate to allow it to be struck** (emphasis added in bold)

[March 29, 2019 hearing, RP 12, lines 19-24. After Mr. Critchlow reviewed the order out in the hall (after the hearing was concluded) he saw that Grovdahl was signing as a "commissioner" rather than a pro tem judge. This prompted Mr. Critchlow to send a GR 34 public records request on April 11, 2019 to the Spokane County Superior Court Administrator's Office to obtain information on Grovdahl's judicial

status [CP 129-147]. At the next hearing on April 5, 2019 Evans states as follows:

MS. EVANS: The sanctions issue was reserved⁴ from the last hearing particular because I didn't want the issue struck.

[Grovdahl April 5, 2019 hearing, RP 23, lines 1-2] The fact of the matter is that Mr. Critchlow's CR 11 motion was not noted for March 29, 2029 but was in fact noted for April 5, 2019 [CP 52] so nothing was reserved and Critchlow's motion was timely and properly noted. On March 29, 2019 Evans wrote on the pro tem Grovdah order that Mr. Critchlow's CR 11 motion for sanctions **"shall heard on April 5, 2019"** None of these judgment creditors Vidoni, Evans nor Liljenquest ever filed or timely noted for hearing their own CR 11 motions. At the April 5, 2019 sanctions hearing Mr. Critchlow objected to this as follows:

MR. CRITCHLOW: **There's no actual motion** for Civil Rule 11. She references it in her pleadings so there's actually **no motion that's been filed or noted** (emphasis added in bold)

[April 5, 2019 sanctions hearing, RP 24, lines 20-23] Later in the hearing Mr. Critchlow once again objects that **"the only motion that has been properly noted is our motion to strike the guardian ad**

⁴ It appears that Evans believes that when she makes oral statements at a court hearing then these oral statements thereby become, ipso facto, a substitute for formal motions and notes for hearing and can thus be referenced as such at any subsequent hearings.

litem order.'[RP 32, lines 21-22] Despite two clear objections by Mr. Critchlow as to lack of any formal motions, pro tem commissioner Grovdahl continues to hear an oral request for sanctions by Evans and Vidoni rather than properly filed and noted CR 11 motions by them. In her response to Mr. Critchlow's objections Dianna Evans states:

I want all of the issues filed by the proponent that were today because the alternative is we'll walk out of this room and they note it up again and I'm really concerned of having to continue to come in.

[RP 33, line 25, RP 34, lines 1-2] None of these judgment creditors had the authority to dispense with the clearly established law and court rules requiring the timely noting and filing of formal motions to argue for CR 11 sanctions. Mr. Critchlow's due process rights were violated and these sanction orders and judgment should be voided or vacated.

G. ATTORNEYS DIANNA EVANS AND LEVI LILJENQUIST VIOLATED THE RULES AGAINST 'SELF-DEALING' WHEN THEY SUBMITTED THEIR BILLS FOR THE CRITCHLOW SANCTIONS AT THEIR PRIVATE PAY RATES INSTEAD OF THE COUNTY PAY RATE OF \$60/HOUR AND THEY SHOULD NOT BE ALLOWED TO PROFIT FROM THEIR OWN WRONGS.

On August 23, 2019 Levi Liljenquist (appointed attorney for Mary Green) was allowed to withdraw from his participation in this case via an ex parte order presented by GAL Dianna Evans to Spokane County superior court judge Annette Plese. Ex parte contact by GAL's is strictly prohibited and can result in the removal of the GAL from the

case with forfeiture of all fees earned to date and ultimately removal from the GAL registry per RCW 11.88.093, GALR 2(m). Evans listed the reason for the new attorney Michael Breeson was that (pg. 1 of order) “the formerly appointed attorney is resigning from this position.” This order included payments to Levi Liljenquist of \$791.20 (pg.2) “**as the matter is a public pay matter at this time**” reiterating Ms. Evans continuing belief that at the conclusion of the guardianship case the billing rates for these attorneys and GAL’s can be changed from public to private pay .

At the previous March 29, 2019 hearing in front of pro tem commissioner Grovdahl Evans first stated her belief as follows:

The second issue that needs to be address in order to address issues moving forward is whether this is a private pay case or county pay case. **That can be addressed at the end of this guardianship** but I am required as guardian **to advise this court that this is a private pay case**. Mrs. Green owns her own home outright. There’s significant equity there.(emphasis added in bold)

[RP 11, lines 6-12] At this March 29, 2019 hearing GAL Evans did not seek nor obtain any order changing this case from a “county pay” to a “private pay” case. She also had her friend Levi Liljenquist appointed by Grovdahl at his private pay rate of \$175.00/hr instead of the county pay rate of \$60/hr.

[CP 70-71] Grovdahl did not question the reason for the different rate of pay nor did he make any findings for changing the case from a county pay rate to private pay rate. He simply signed the order that was presented to him. [CP 70-71] Further, Evans has submitted billing statements for work she did starting Feb. 27, 2019 (after her appointment as “county pay” GAL) to April 19, 2019 showing her billing a rate of \$185./hour instead of the county pay rate of \$60/hour [CP 224-229]. Eight (8) of the twenty-six (26) entries were devoted to the sanctions against Mr. Critchlow All of this conduct by GAL Evans and attorney Liljenquist constitute interests that are “**adverse**” to the Mary Green estate and are by definition “**self dealing**”⁵.

Evans submitted a total amount of \$2,368.00 in her sanctions judgment summary using her private billing rate of \$185/hour instead of the \$60/hour county approved rate. Liljenquist did the same thing submitting a total amount of \$420.00 for the sanctions judgment summary at \$175.00/hour instead of the \$60/hour county approved rate.

⁵ GALR(2)(e) states “A guardian ad litem shall avoid self-dealing or association from which a guardian ad litem might directly or indirectly benefit, other than compensation as guardian ad litem.

Liljenquist had engaged in “self-dealing” and submitted his sanctions bill of \$420.00 (at the rate of \$175/hr instead of \$60/hr) on April 15, 2019. In his last billing (perhaps realizing that he had been “self- dealing” with his earlier billing) filed August 23, 2019 [CP 319-325] Liljenquist makes an adjustment on the last page of his billing statement by writing for the entry dated April 30, 2019 “**credit for 2.4 hours billed at \$175 rate in April.**” Liljenquist then deducted \$276.00 of this improper billing from his total bill that he submitted.

There has been clear “**self-dealing**” on the part of judgment creditors Evans and Liljenquist and the court rules and statues state that these attorneys should not be allowed to profit from their wrongdoing. Based on this these sanctions orders and judgment should be voided or vacated.

H. AS A MATTER OF LAW ROBERT CRITCHLOW CANNOT BE SANCTIONED UNDER CR 11 FOR RAISING CONSTITUTIONAL ISSUES OF DUE PROCESS ABOUT CONTESTED APPOINTMENTS OF GUARDIAN AD LITEMS.

GAL Dianna Evans admitted at the status conference on Dec. 11, 2019 that she knew her appointment as GAL was “contested” [Judge Clary Dec. 11, 2019 status hearing transcript, RP 23, lines 13-16] In his memo supporting his motion to strike the order appointing Evans as GAL Mr. Critchlow cited the well-established due process cases of *Graham v.*

Graham, 40 Wn.2d 64, (1952); *Marriage of Blakely*, 111 Wn. App. 351

(Div. III, 2002) and *Tai Vinh Vo v. Pham*, 81 Wn. App. 781 (1996)

Assuming without conceding that Grovdahl had such authority to sanction

Mr. Critchlow, an attorney cannot as a matter of law be sanctioned for

raising a “constitutional question.” *State ex rel. Quick-Ruben v. Verharen*,

136 Wn.2d 888 (1998) citing *Hicks v. Edwards*, 75 Wn. App. 156, 163

(1994)[raising a constitutional question is nor more a violation of CR 11

than it is of RCW 4.84.185]

VII. ROBERT CRITCHLOW IS ENTITLED TO AN AWARD OF ATTORNEY FEES AND EXPENSES OF THIS LITIGATION AS CONSEQUENTIAL DAMAGES (ABC THEORY) DUE TO THE WRONGFUL ACTS OF DIANNA EVANS, DAWN VIDONI AND LEVI LILJENQUIST MAKING MR. CRITCHLOW A PARTY TO A DIFFERENT CASE NOT RELATED TO THE ORIGINAL CAUSE OF ACTION.

VIII. ROBERT CRITCHLOW IS ENTITLED TO AN AWARD OF ATTORNEY FEES AND EXPENSES OF THIS LITIGATION UNDER THE EQUITABLE THEORY OF PROCEEDURAL BAD FAITH AND VEXATIOUS CONDUCT ON THE PART OF DIANNA EVANS, DAWN VIDONI AND LEVI LILJENQUIST WHICH AFFECTED THE INTEGRITY OF THE COURT SYSTEM AND IF LEFT UNCHECKED WOULD ENCOURAGE FUTURE ABUSES.

In this case attorney Robert Critchlow was wrongfully sanctioned by pro tem commissioner Grovdahl and a judgment was entered ordering Mr. Critchlow to pay attorney fees as “sanctions” to Dianna Evans, Dawn Vidoni and Levi Liljenquist. Mr. Critchlow’s due process right were violated in the process since none of these judgment

creditors had actually filed their own CR 11 motions for sanctions, nor had they timely noted these matters for the hearing that was held on April 5, 2019. No sanctions were sought against Mr. Critchlow's client, Jerome Green. Instead these attorneys asked Grovdahl, (without any factual basis) to make a specific finding that Mr. Critchlow had brought his CR 11 motion on his own accord (presumably without consulting with his client Jerome Green and/or obtaining his client's consent) At the April 5, 2019 hearing GAL Evans speculated as follows:

I think based on the pleadings I've received it's clearly counsel coming up with these strange filings. And if the court assigns a fee, which is customarily assigned to the proponent, not counsel, then the proponent is going to have those fees ultimately covered by Mary Green. And so I think that that wouldn't serve justice here. I think the court should seriously consider, and though its unique and not often done, sanctioning the attorney specifically.

[RP 26, lines 19-25, RP 27, lines 1-2] Pro tem commissioner Grovdahl failed to address this issue raised by Evans in his oral ruling. Nonetheless, Diana Evans, sua sponte and wrongfully inserted the following findings on page 2, par 6 of this April 5, 2019 order she had personally drafted:

This court must protect the interest of Mary Jewel Green and thus will assess the fees and costs associated with responding to these meritless motions to Robert Critchlow directly

[CP 114-115, first sanctions handwritten order dated April 5, 2019]

This order was approved and signed by Dawn Vidoni. Although Mr. Critchlow signed this order drafted by Dianna Evans he noted his **“objection based on no jurisdiction of commissioner.”**[CP 115] Mr. Critchlow filed an appeal of these sanctions orders and judgment and the case was recently recaptioned by the court of appeals by its order dated Feb.18, 2020 to reflect the fact that it is actually a separate case and is to be now captioned as *In Re:*

Sanctions Judgement Against Attorney Robert Critchlow

ABC EQUITABLE THEORY-Attorney fees may be a proper element of consequential damages where the acts of omissions of a party to an event have exposed another (who was not a party to the original event) to litigation by third parties. *Armstrong Construct. Co. v. Ralph E. Thomson et. al*, 64 Wn.2d 191 (1964) citing *Murphy v. Fidelity Abstract and Title Co.*, 114 Wash. 177 and *Wells v. Aetna Ins, Co.*, 60 Wn.2d 880 (1962). An attorney fee award to an attorney who appears pro se should include compensation for the attorney’s own time spent in the litigation. *Leen v. Demopolis*, 62 Wn. App. 473 (Div. I, 1991)

EQUITABLE THEORY OF PROCEEDURAL BAD FAITH WHICH AFFECTS THE INTEGRITY OF THE COURT SYSTEM AND IF LEFT UNCHECKED WILL ENCOURAGE FUTURE ABUSES

A Washington court has the inherent power to assess litigation expenses including attorney fees against an attorney for bad faith litigation conduct. *State v. Anaya*, 95 Wn. App. 741 (Div. I, 1999) citing *Wilson v. Henkle* 45 Wn. App. 174-75 citing *Roadway Express Inc. v. Piper* 447 U.S. 752 (1980) The court's inherent power to sanction is "governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *State v. Anaya*, 95 Wn. App. 741 (Div. I, 1999) quoting *Gonzales v. Surgidev Corp.* 120 N.M. 151, 899 P.2d 594,600 (1995).

Procedural bad faith is unrelated to the merits of the case and refers to "**vexatious conduct during the course of litigation.**" *Hedger v. Groeschell*, 199 Wn. App. 8 (Div. I, 2017) citing *Rodgerson Hillier Corp. v. Port of Port Angeles*, 96 Wn. App. 918, 928 (1999) quoting Jane P. Mallor, *Punitive Attorney's Fees for Abuses of the Judicial System*, 61 N.C.L. Rev. 613,644 (1983) Procedural bad faith misconduct includes dilatory tactics during discovery, failure to meet filing deadlines, misuse of the discovery process and **misquoting or omitting material portions of documentary evidence** (emphasis added in bold) *Rodgerson Hillier Corp. v. Port of Port Angeles*, 96 Wn. App. 918 (1999) *supra*, citing *Lipsig v. National Student Mktg. Corp.* 663 F. Supp. 178, 181 (D.C. Cir. 1980)

Mr. Critchlow was not a party to this guardianship case but only the attorney representing Jerome Green. Due to the wrongful acts, vexatious conduct and procedural bad faith of Dawn Vidoni, Dianna Evans and Levi Liljenquist, Mr. Critchlow was drawn into litigation as a party in a separate case and has had to defend himself against these wrongfully entered sanctions orders and judgment. This vexatious conduct and procedural bad faith acts are as follows:

- 1) Failing to provide Mr. Critchlow and his client Jerome Green notice and opportunity to be heard before obtaining an ex parte order appointing a GAL for Mary J. Green forcing Mr. Critchlow to thereby file a motion to strike that ex parte order.
- 2) Obtaining a CR 11 sanctions order and judgment (based on this motion to strike) without filing a formal motion.
- 3) Obtaining a CR 11 sanctions order and judgment without timely filing a formal note for hearing.
- 4) Obtaining a CR 11 sanctions order by relying on their responses to Mr. Critchlow's CR 11 motion and misstating Mr. Critchlow's argument about notice and hearing requirements for a contested GAL appointment and instead arguing that Critchlow misunderstood the notice requirements for appointment of a guardian which was not his argument.
- 5) Evans having her friend Levi Liljenquist appointed at his private pay rate even though this was a county pay case and Liljenquist using that rate of \$175/hr to bill for these sanctions.
- 6) Evans and Liljenquist's "self-dealing" by submitting their bills at much higher private pay rates instead of the county pay rate.
- 7) Evans falsification of the court record by drafting a second sanctions order which falsely stated that the sanctions hearing had come regularly (properly and timely noted) and based upon

Evans motion when no such motion had been filed by her nor had the matter been properly noted.

- 8) Evans improperly including a finding in the April 5, 2019 (first) sanctions order, page 2, par 5 that “all aspects of this guardianship have been legally and procedurally correct” to try and protect her personal interests⁶ instead of following the rules and guidelines for GAL’s.
- 9) Evans improperly including a finding in the April 5, 2019 order (with no basis in fact or the court’s oral ruling) that “it is clear that the influence behind these filings is counsel and thus the fees are appropriately assessed against him directly.”

Dianna Evans drafted an order to include a finding she inserted (and made up herself) that **“it is clear that the influence behind these filings is counsel and thus the fees are appropriately assessed against him directly.”** This finding, which has no support in the court’s oral ruling or any factual basis whatsoever suggests that Mr. Critchlow was not consulting with nor obtaining the consent of his client Jerome Green when Critchlow filed his motion to strike the GAL appointment order. Nothing could be further from the truth. Indeed, Mr. Green was present and could have testified at this April 5, 2019 sanctions and could have been questioned about this but neither pro tem Grovdahl nor any of these judgment creditors chose to do so. There is absolutely no basis in fact or the court record for this particular finding and it was wrongfully created

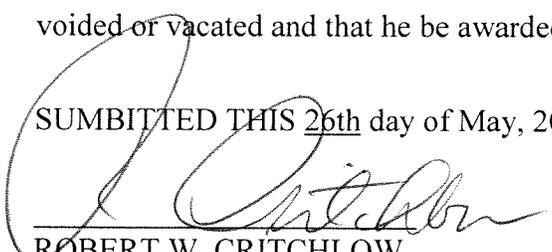
⁶ GALR 2(e) states that a guardian ad litem shall avoid any actual or apparent conflict of interest or impropriety in the performance of guardian ad litem responsibilities.

out of whole cloth to the detriment of Mr. Critchlow who thereby was involuntarily made a party to an entirely different case. Evans, et al improperly used the court system to make up these findings and also committed fraud upon the court system by drafting a second sanctions order which falsely stated that the order was properly (timely filed and noted) upon her motion when Evans had never filed any such motion. Both Evans and Liljenquist also misused the judicial system by submitting sanctions billing statements based on their own private pay rates (thereby “**self-dealing**”) instead of the county pay rate of \$60.00 per hour. Based on the foregoing equitable theories and court records Robert Critchlow is entitled to an award of attorney fees and expenses due to the vexatious conduct and procedural bad faith perpetrated in this case.

IV. CONCLUSION

Based on the foregoing facts, court records and applicable law Robert Critchlow requests that the sanctions judgment against him be voided or vacated and that he be awarded costs and attorney fees.

SUMBITTED THIS 26th day of May, 2020.



ROBERT W. CRITCHLOW

WSBA# 17540

Attorney Pro Se

DECLARATION OF MAILING

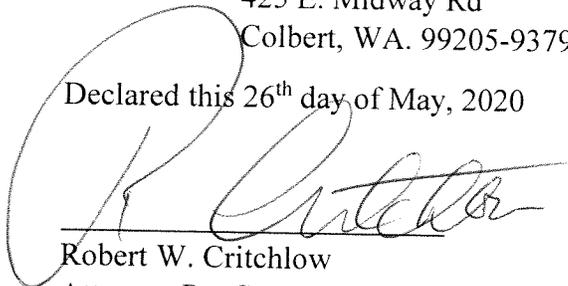
I HEREBY DECLARE under penalty of perjury of the laws of State of Washington this 26th day of May, 2020 done here in Spokane County, WA. that I personally mailed, postage prepaid, Robert Critchlow's Opening Brief on Sanctions Judgment to the following persons/offices/entities:

A.A.G. Dawn Vidoni
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Services/Adult Protective Services
WASH. STATE ATTORNEY GENERALS OFFICE
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Dianna J. Evans, A.A.L.
Guardian Ad Litem for Mary J. Green
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Levi E. Liljenquist, A.A.L.
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Declared this 26th day of May, 2020



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Appendix 1A

SPOKANE COUNTY SUPERIOR COURT

Statement of Policies and Procedures regarding Guardians Ad Litem in RCW Title 11.88 matters

I. General Policy

Any individual who wants to serve as a Guardian Ad Litem (GAL) in any matter under RCW Title 11.88 must be a member of the Guardianship Guardian Ad Litem Registry (Registry).

II. Qualifications

In addition to any qualifications required by statute, the following shall be the qualifications for the Spokane County Registry:

a. Attorneys: A resident of the state of Washington, a member of a State and/or District of Columbia Bar Association in good standing and three years experience in the practice of law.

b. Non-attorneys:

1. Graduate level degree in any of the following fields: social work, law, psychology, nursing, counseling, psychiatry or equivalent field; and current license or certification by the State of Washington in the following areas: social worker, mental health therapist, marriage and family counselor, nurse, psychologist, psychiatrist or medical physician in good standing; and
2. Must have professional experience in dealing with disabled individuals.

c. All applicants: Shall be of high moral character, and shall not have any:

1. Felony convictions or any convictions involving theft, dishonesty, or moral turpitude;
2. A professional certification or license suspension or revocation;
3. A pending investigation or action for either (1) or (2).

III. Administration

The Spokane County Superior Guardianship Monitoring Program shall maintain a registry of those qualified to serve as a GAL. The Registry will be updated as new applications are received and approved, upon review by the Committee at the next quarterly meeting.

Applications for initial placement on the Registry shall be reviewed by the Guardianship Registry Committee of the Superior Court at the next quarterly meeting. The Committee shall

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review initial applications and annual updates to determine compliance with the Registry policies and statutory requirements.

The Registry shall be continuously open for new applications. Spokane County will offer training for new applicants once a year if four persons, or more, preregister for the session. Spokane County will also consider new applicants who have successfully completed training in counties where the local Bar Association is hosting the training and follows statute. If a private party is hosting the training, this committee would need to review the training agenda. Successful applicants will be notified of their placement on the Registry and the date thereof. Newly approved applicants will be placed at the bottom of the Registry.

The Guardianship Monitoring Program Coordinator shall maintain a separate file for each person on the Registry. The file shall include the statement of background information and qualifications required under RCW 11.88.090, verification of completion of training, together with all correspondence (including evaluations) with reference to the person's service as a GAL and any action thereon by the Court.

The information contained in the file maintained under subsection 2.4 shall be open for public inspection. Review of the file shall occur in the Guardianship Monitoring Program office.

IV. Appointment of GAL from registry:

Uncontested Appointment

Where the alleged incapacitated person is not represented by counsel, attorneys or pro se litigants shall contact the Coordinator to receive the first three available GAL names on the Registry list and shall select one to serve as GAL. The GAL selected shall be named in the Petition for Guardianship and Order Appointing Guardian ad Litem. The Coordinator shall initial the original Order Appointing Guardian ad Litem prior to its presentation to the Court.

Under extraordinary circumstances the attorney or pro se litigant may move for the appointment of a specific GAL with particular expertise pursuant to RCW 11.88.090(4)(a). The motion shall specifically address the particular qualifications which are needed. In the event that the motion is granted by the court, the attorney or pro se litigant shall provide a copy of the Order Appointing Guardian ad Litem to the Coordinator following entry.

Contested Appointment

Attorneys/pro se litigants shall schedule a Motion to Appoint a Guardian Ad Litem (GAL) on the Guardianship calendar. The parties must have contacted the Guardianship Monitoring Program prior to scheduling the hearing to obtain the next 3 GAL names.

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After the attorneys/pro se litigants receive notification of the three available GALs, each attorney/pro se litigant has the right to reject one of the names on the list and if they do not reject any of the proposed GALs, the Court shall select the first GAL available on the list.

If the attorneys/pro se litigants each reject a different name from the three available names given, the third GAL not rejected shall be appointed. If the attorneys/pro se litigants reject the same GAL, the Court will decide the GAL appointment from the remaining two names. If the attorneys/pro se litigants reject all three names, the next GAL available on the Registry shall be appointed.

Under extraordinary circumstances the attorney/pro se litigant may move for the appointment of a GAL with a particular expertise pursuant to RCW 11.88.090(4)(a). In the event the court grants the motion and the GAL selected is not one of the three names originally given, the attorney/pro se litigant shall prepare findings and an order outlining the reasons for the appointment of a GAL with particular expertise.

The attorneys/pro se litigants shall have three judicial days to decide on a GAL and present the Order. If the Order is not presented within three judicial days, the Court will release the GAL names to be considered for other cases.

If two different parties approach the GMP for GAL names on the same individual, all inquiries shall be given the same 3 GAL names.

The attorneys/pro se litigants may request the background information and hourly rate of the GALs from the Guardianship Monitoring Program at the time the attorneys/pro se litigants receive the three names.

The Order Appointing GAL must be initialed by the Guardianship Monitoring Program before being submitted to the Guardianship commissioner or full time Court Commissioner. Once the Order is signed, the GAL appointed shall be moved to the bottom of the Registry. The two names not chosen shall remain at the top of the Registry list.

Generally, a GAL will be required to accept county pay cases. If a GAL declines the appointment, he/she will be placed at the bottom of the Registry. If the GAL has previously accepted two county pay cases within the last 12 months, the GAL may decline the appointment and will remain in the same position of the Registry.

V. Retention on the Registry

A GAL shall remain on the Registry unless he or she fails to comply with the policies and procedures set forth herein or the person is removed or suspended as set forth in section VIII below.

Each GAL must submit the update of background information statement annually due January 2nd or date set in the reminder letter or email. The Coordinator will send out one reminder letter or email a month or so before deadline. If the GAL does not prepare an annual update and WSP

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background check by the deadline, he/she will be suspended from the Registry. Once the required documents are submitted the Coordinator will forward to the Committee at the next quarterly meeting and it shall be determined if the GAL should be reinstated on the Registry or other action is required.

Each GAL must attend all required training otherwise, the GAL will be removed from the Registry immediately. He/She will be suspended from the Registry until training is obtained. The training certificate shall be submitted and the Coordinator will forward to the Committee at the next quarterly meeting if the GAL should be reinstated on the Registry or other action is required.

If a GAL requests to be removed from the Registry, he/she shall do so in writing and submit the letter or email to the Coordinator.

- VI. Evaluation Procedure - See LSPR 98.22
- VII. Complaint Procedure - See LSPR 98.22
- VIII. Discipline Procedure - See LSPR 98.22