

WASHINGTON APPELLATE PROJECT

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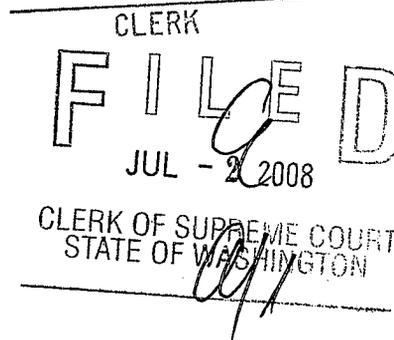
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SUPREME COURT
STATE OF WASHINGTON

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July 2, 2008

BY RONALD R. CARPENTER

Mr. Chief Justice
Supreme Court of the State of Washington
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929



RE: In re the Dependency of A.L.S.B., Supreme Court No. 80759-1

Mr. Chief Justice, and Members of the Court:

The above-referenced case was argued on Tuesday, June 24, 2008. At the argument, in response to a question from Justice Chambers, I stated that my client finished domestic violence treatment in Nevada. Justice Chambers subsequently requested I provide the Court with a supplemental citation to the record verifying this statement. As set forth below, although I believe Judge Schwab was apprised of my client's successful completion of domestic violence treatment, I cannot refer the Court to authority definitively confirming he received this information prior to entry of the findings of fact and conclusions of law on March 31, 2006.

The record in this matter is extremely voluminous, spanning three years of dependency proceedings and nine days of trial proceedings stretching over five months. In attempting to obtain all necessary portions of the record for appellate review, my office encountered unusual problems in obtaining the exhibits. Our efforts to get these from the clerk's office were unsuccessful, and after we learned that obtaining copies from the Court of Appeals would be prohibitively expensive, we obtained copies of the documents that were submitted from the Department of Social and Health Services, from counsel for Mr. Salas, and from Mr. Salas himself.

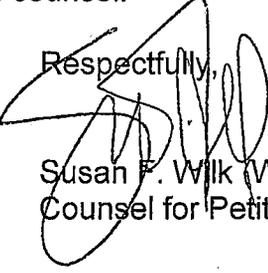
Additionally, as the Court is aware, after refusing to grant the State's termination petition in June 2005 and continuing the proceedings, Judge Schwab retained jurisdiction over the case. Judge Schwab wrote Mr. Salas a letter directing him to address certain requirements in Las Vegas, and Mr. Salas kept him apprised of his compliance with the court's order by submitting documents directly to the court. One of the many documents Mr. Salas submitted was a letter confirming to his graduation from the Safe Nest domestic violence treatment program.

In attempting to comply with this Court's request for supplemental authority, I noticed for the first time that the document from Safe Nest attesting to Mr. Salas's graduation from treatment is dated April 11, 2006 – a week and a half after the trial court entered its findings of fact and conclusions of law on March 31, 2006. It had been my understanding that Mr. Salas completed his domestic violence treatment prior to the entry of findings and conclusions and that proof of this had been provided to the court; otherwise I never would have informed the Court that this was so.

I appear frequently in the various Courts of Appeals and in this Court, and I take my professional obligations extremely seriously. I would never disrespect the Court or undermine my integrity by intentionally misrepresenting the record on review. I can assure the Court that my misstatement in this matter was entirely inadvertent and unintentional.

I appreciate the Court's consideration of this letter and explanation, and convey my apologies to the Court and counsel.

Respectfully,



Susan F. Wilk (WSBA 28250)
Counsel for Petitioner Rogelio Salas

