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I. INTRODUCTION

This appeal involves an attorney compensation and fee disgorgement order that was entered in the context of a guardianship action commenced under Washington's Guardianship statute (chapter 11.88 RCW). Petitioner Daniel Quick was appointed as independent attorney for Keiko Decker, who at the time was alleged to be incapacitated because she was exhibiting symptoms of dementia and was vulnerable to financial exploitation. Quick was appointed pursuant to RCW 11.88.045(2), which provides:

During the pendency of any guardianship, any attorney purporting to represent a person alleged or adjudicated to be incapacitated shall petition to be appointed to represent the incapacitated or alleged incapacitated person. Fees for representation described in this section shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180. (Emphasis added.)

RCW 11.92.180 authorizes the court to allow compensation "as the court shall deem just and reasonable."

The disgorgement order was entered in the context of these statutory provisions and the following unique circumstances:

- Quick was appointed Decker's attorney pursuant to RCW 11.88.045 and a court order that set the terms of his representation. The order authorized Quick to charge \$250 per

hour and required Quick to consult the court before incurring time in excess of 10 hours. (Appendix A, CP 32-33.)

- Quick subsequently represented to the trial court that “the alleged incapacitated person [Decker] wishes to vigorously contest the guardianship hearing and needs counsel to prepare a defense;” Quick thereafter represented that he needed “further authority from the Court for an additional 40 hours to prepare for the final guardianship hearing/trial and/or negotiated a lesser alternative to the guardianship.” (Appendix B, CP 422.)
- Based upon the above representation, the trial court entered a stipulated order approving the requested additional hours, providing a total fee of \$12,500 (50 hours at \$250/hour). This stipulated order, which was drafted and presented by Quick, further provided that Quick “shall not spend more than forty (40) hours representing Ms. Decker without prior court approval. (Appendix B, CP 422-24.)
- Decker was adjudicated incapacitated. (Appendix C, CP 84-96.)
- After Decker was adjudicated incapacitated, Quick requested approval for his fees. In his Petition, Quick advised the trial court that, contrary to the court orders that set the terms for his compensation and without prior notice to the trial court, Quick invoiced and collected fees in the amount of \$118,110.

This appeal does not challenge the court order adjudicating Decker incapacitated, nor does it contest the necessity of a Guardian to protect

Decker from exploitation. There is no claim that Decker was denied an opportunity to be heard or to defend. Rather, this appeal exclusively addresses whether the trial court had authority under RCW 11.88.045 and RCW 11.92.180 to review the fees charged by Quick and, under the circumstances of this case, limit Quick's compensation to \$30,000.

Construing the plain language of the applicable statutes, Division II of the Court of Appeals concluded that court oversight of Quick's fees is indeed authorized by RCW 11.88.045 and that the trial court was within its discretion as authorized by RCW 11.92.180 to limit Quick's fee. Quick has failed to establish that review is warranted under RAP 13.4 and his Petition should be denied.

II. STATEMENT OF THE CASE

A. The Proceeding Before The Trial Court.

Keiko Decker is an elderly Japanese woman who was adjudicated incapacitated pursuant to chapter 11.88 RCW because she exhibits symptoms of dementia, has difficulty managing her personal affairs and is vulnerable to financial exploitation. (Appendix C, CP 84-96.) Decker continues to live in her home, but the court appointed a Limited Guardian, accountant Maurice Laufer, to protect and assist Decker in managing financial and personal matters. (*Id.*) Ultimately, the adjudication was without contest; however, the appointment followed a petition initiated by

Adult Protective Services (“APS”), a division of Washington’s Department of Social and Health Services (“DSHS”). (CP 13-17.)

Though Keiko Decker ultimately consented to a Guardian through an Agreed Guardian Order and without appearing at the hearing, she initially resisted. At the outset, she expressed her opposition to the Guardian ad Litem (“GAL”) who was appointed by the court to investigate and make recommendations as to whether Decker’s circumstances necessitated a guardian. Based on her resistance to and apparent lack of understanding of the proceeding, the GAL determined that it was in Decker’s best interest to be represented by independent counsel, preferably someone who speaks Japanese and is knowledgeable of Japanese culture. (CP 27-51.) Daniel Quick represented that he had the necessary qualifications and that he was willing to serve as her attorney if successfully appointed by the court. (*Id.*)

The court oversight imposed by the Guardianship statute extends to those representing a person alleged to be incapacitated. Specifically, RCW 11.88.045(2) directs that, during the pendency of any guardianship, any attorney purporting to represent a person alleged to be incapacitated must petition to be appointed to represent the alleged incapacitated person. It further provides that fees for such representation shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180.

The GAL petitioned for and received a court order appointing Quick as Decker's independent counsel. (CP 27-31; 32-33.) The order set terms for Quick's representation. It initially limited Quick's representation to 10 hours at a rate of \$250 per hour. The order further provided that additional hours required court approval. (Appendix A, CP 32-33.)

One month later, Quick prepared and presented to the trial court an Agreed Fee Order to obtain additional authorization. (Appendix B, CP 422-26.) Quick represented to the court that, at his client's instruction, he intended to "vigorously defend the guardianship," and that he required "an additional 40 hours to prepare for the final guardianship hearing/trial and/or to negotiate a lesser restrictive alternative to the guardianship." (CP 422.) The court accepted and entered the Agreed Fee Order. The combined orders provided Quick with authority for a total of 50 hours at a rate of \$250 per hour (\$12,500 total). The Agreed Fee Order, as drafted by Quick, also expressly required prior court approval for additional authority and court approval for payment of fees. The Agreed Fee Order directs:

Independent legal counsel shall be paid at private expense, with fees for representation subject to the Court's approval pursuant to RCW 11.92.180 and SPR 98.12. Legal counsel for Keiko Decker shall bill at the rate of \$250 per hour, and shall have further forty (40) hours of authority to represent Ms. Decker.

Independent legal counsel shall not spend more than forty (40) hours representing Ms. Decker without prior court approval. (Emphasis added.)

(CP 423-24.)

Without prior approval and in direct contravention to the court orders, Quick incurred, invoiced and received payment for attorney fees that grossly exceeded the \$12,500 authorized. Unbeknownst to the GAL, Adult Protective Services and the court, Quick invoiced and received payment of \$118,110. After the court deemed Decker incapacitated, the Guardian was appointed and Quick was discharged, Quick petitioned for approval of \$135,248 in fees, \$118,110 of which had already been invoiced to and collected from Decker. (CP 152, 334-35.)

Contrary to Quick's assertion in his Petition, the GAL did challenge the reasonableness of Quick's fees.¹ The GAL responded to Quick's fee petition through a Supplemental Report. (CP 514-19.) The GAL recommended that the court deny Quick's fee request based on numerous concerns. (CP 515.) Those concerns included that

¹ Though the guardianship proceeding spanned 23 months after the Petition was filed in November 2010, there was relatively little litigation activity. Several status conferences were continued pending receipt of the requisite medical report. (CP 34, 454-47.) Quick served APS with a single written discovery request on April 4, 2012 and filed a jury demand on the same day. (CP 275, 285.) Other than interim reports of the GAL, and the petition to appoint Quick as independent counsel, and continuance requests, no substantive pleadings had been presented the court for consideration prior to the May 9, 2012 GAL report. (CP 34-37, 449-451, 454-57.) APS subsequently filed a motion to dismiss in favor of a lesser restrictive, which Decker contested through Quick; and Quick filed a motion to dismiss claiming APS failed to prosecute the action. (CP 44-51, 52-59, 78, 467-74, 475-77.) Quick's briefing was not extensive on these motions. Quick attempted to challenge the Commissioner's rulings on the motions, but these motions were never considered because Quick failed to properly confirm the hearings. (CP 275-75, 322-23, 517.) A more complete description of the litigation activity in this matter is set forth at pages 18 to 23 of the Guardian's Response Brief submitted to Division II.

- there was substantial duplicative time in which Quick was accompanied by a paralegal or associate;
- there were substantial payments to a contract attorney (in excess of \$7,000)² without invoices, detail or approval;
- there was substantial time charged for work on revision motions that were not properly confirmed for hearing and thus never considered by the court;
- there was substantial time (in excess of 60 hours) incurred solely for preparation of the fee petition;³ and
- Quick did not present invoices that matched the multiple payments made by Decker.

(CP 516-19.) The GAL's most prominently stated concern, however, was that the fees incurred (\$135,248 -- \$118,110 already paid by Decker) grossly exceeded the \$12,500 collectively authorized by the court through the Initial Fee Order and the Agreed Fee Order and were incurred without prior court approval. (CP 515.)

Commissioner Dicke, who previously presided over the only two dispositive motions filed in this guardianship, entered the order adjudicating Decker incapacitated and was well-acquainted with the matter, determined that Quick's fees were excessive. (CP 331, 350-51, 367-68.) Based on review of the billing records, the court-approved hourly

² Quick's invoices reveal that he charged and received payment from Decker a total of \$8,600 for contract attorney fees paid to Thiel Keaton. (CP 212, 214, 226.)

³ Quick's invoices reveal that \$13,562 (52.26 hours) was charged to Decker to prepare and present the fee petition to the Commissioner. (CP 243-45.)

rate (\$250), knowledge of the specific guardianship proceeding and extensive experience with guardianship matters, Commissioner Dicke determined that \$30,000 was a reasonable fee for this matter that never went to trial. (*Id.*) Despite that Quick failed to obtain prior approval, the Commissioner still approved additional fees, more than doubling the previously authorized hours that Quick represented would allow him to “prepare for the final guardianship hearing/trial.”⁴ Commissioner Dicke also order Quick to, within six months of the order, pay to the Guardian the fees paid over the \$30,000 approved. (CP 331.)

Quick moved to revise Commissioner Dicke’s order (CP 334-380), but his motion was denied by the Honorable Jack Nevin (CP 381). Quick appealed Commissioner Dicke and Judge Nevin’s orders. (CP 383-90.)

B. Division II’s Decision.

Before Division II, Quick argued that the trial court did not have authority to review or reduce his fees under RCW 11.88. 045 as applied by *In re Guardianship of Beecher*, 130 Wn. App. 66, 121 P.3d 743 (2005). (Opening Brief at pp. 25-31.) Citing *Mahler v. Szucs*, 135 Wn.2d 398, 957 P.2d 632 (1998), Quick also argued that “the trial court erred both by failing to go through the lodestar factors and by failing to make a proper record with findings and conclusions.” (*Id.* at p. 21.)

⁴ See CP 422.

Division II rejected Quick's arguments. The Court noted that *Beecher* did not control as its facts are distinguishable. (Opinion at p. 11.) *Beecher* was never adjudicated incapacitated. "Since *Beecher* never lost her capacity to contract, there was no basis in which to invalidate her contract with [her attorney]." (Opinion at p. 12, *quoting Beecher*, 130 Wn. App at 73.) Applying RCW 11.88.045(2), Division II concluded:

Because Decker was adjudicated incapacitated, *Beecher* does not apply to this case. Instead, the plain language of the statute makes clear that the court had authority to oversee and reduce Quick's fees. We do not look beyond the plain language of the statute if it is clear.

(Opinion at p. 11.)

With regard to Quick's challenge under *Mahler*, the Court focused on the requirements and guidance provided by the guardianship statutes specifically applicable to this case. Quick was appointed pursuant to RCW 11.88.045(2), which expressly provides that fees for representation by independent counsel "shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180." RCW 11.92.180, in turn, authorizes compensation "as the court shall deem just and reasonable." Under this statutory framework, a court may consider the lodestar factors for reasonable hours and reasonable fees at arriving at a just and reasonable result, but it is not required to do so. (Opinion at pp. 16-17.) Division II held that the record revealed that the trial court properly exercised its

discretion within this statutory framework and affirmed the trial court's compensation and fee disgorgement order. (Opinion at p. 19-21.)

III. ARGUMENT AGAINST REVIEW

A. The Court of Appeals Decision Does Not Raise A Significant Constitutional Issue.

It appears that Quick no longer claims that *Beecher* is dispositive. He does not contest in his Petition Division II's conclusion that *Beecher* is factually distinguishable from this case.

Quick now focuses his challenge on his claim both the trial court and Division II decisions "conflict with the State and Federal constitutions." (Petition at p. 7.) Notably, though Quick's purported constitutional grounds for reversing the fee disgorgement order are at the forefront of his Petition, such was not the case for his arguments to the trial court (*see* CP 145-53, 334-37) or in his opening brief to the Court of Appeals.⁵ The trial court orders that Quick now claims unconstitutionally restricted Decker's right to defend were not included in Quick's Notice of Appeal (CP 383-90), nor were they mentioned in his Assignments of Error (*see* Opening Brief at pp. 2-3).

It was not until the Reply Brief that Quick shifted to claim

⁵ Though Quick would periodically mention Decker's due process rights in passing, Quick's legal discussion of Decker's due process rights were relegated to a footnote in his Opening Brief. (*See* Opening Brief at p. 25, n. 13.)

infringements on Decker's constitutional rights as a basis to challenge the disgorgement order. (*See Reply* at pp. 13-21.) It is in this context that the Court of Appeals considered Quick's standing *sua sponte*.

The Court of Appeals determined that Quick does not have standing to assert or vindicate Decker's due process rights because he failed to demonstrate that Decker's ability to protect her own constitutional interests was hindered. *Opinion* at pp. 13-14. Quick did not argue that the incapacity determination was erroneous or that Laufer cannot protect her interests. *Id.* at 14. The Court thus did not entertain Quick's due process based challenge, appropriately noting: "As a fundamental principal, we refrain from constitutional issues when a case can be decided on nonconstitutional grounds." (*Opinion* at p. 13, *citing Isla Verde Int'l Holdings, Inc. v. City of Camas*, 146 Wn.2d 740, 752, 49 P.3d 867 (2002)). The Court proceeded to decide the case based on construction and application of the relevant statutory provisions.

Significantly, Quick does not claim in his Petition that the Court of Appeals' analysis and conclusion with regard to his standing to assert Decker's constitutional rights is incorrect. Rather, without citation to authority, Quick claims that he nonetheless has "an absolute right to challenge the legal authority of the trial court to make orders affecting him." (*Petition* at p. 12.) But Quick does not have a constitutional right to

compensation; and, regardless of the scope of his representation, Quick accepted the terms for compensation that were established through the Agreed Fee Order that Quick himself prepared. Quick is without standing to claim that his fees were limited (either by direct application of the statute or application Initial and Agreed Fee Orders) in contravention to Decker's due process rights.

Moreover, Decker was not deprived of any substantive rights without due process. Decker was afforded the opportunity to appear and object at the hearing where she was adjudicated incapacitated. With the benefit of Quick's advice, she voluntarily elected not to personally appear (other than through her attorney) (CP 85); and she voluntarily elected to cease her objection to the guardianship. (CP 85.) The trial court never limited Decker's participation or defense; and there is no challenge to the order adjudicating Decker incapacitated. The cases cited by Quick do not apply, as those cases each address circumstances in which individual substantive rights were in fact deprived without due process. *In re Matter of Quesnell*, 83 Wn.2d 224, 517 P.2d 568 (1974) (holding GAL could not override appellant's jury demand and waive appellant's right to jury trial in civil commitment proceeding); *In re Matter of Houts*, 7 Wn. App. 476, 499 P.2d 1276 (1972) (holding that appellants attorney and GAL could not, with authorization from his clients, stipulate to terminating parental

custody without their presence at the hearing); *Graham v. Graham*, 40 Wn.2d 64, 240 P.2d 564 (1952) (court could not appoint GAL over objection of appellant without a hearing).⁶

The question of whether the trial court had authority to review and limit Quick's fees is a purely statutory question. The Court of Appeals appropriately based its decision upon its construction of the plain language RCW 11.88.045(2) and RCW 11.92.180. Quick's Petition does not properly present constitutional grounds to challenge the court's authority and review is not warranted under RAP 13.4(b) (3).

B. The Court Of Appeals Decision Does Not Conflict With A Decision Of This Court Or The Court Of Appeals "Regarding Determining Reasonable Attorneys' Fees."

Citing *Mahler, supra, In Re Guardianship of Hallauer*, 44 Wn. App. 795, 797, 923 P.2d 1162 (1986), and *In re Guardianship of Lamb*, 173 Wn.2d 173, 184, 265 P.3d 876 (2011), Quick next argues that, under Division II's decision, "no principled analysis is required for fee awards in a guardianship." (Petition at p. 10.) Quick's mispresents Division II's analysis and holdings.

In determining the appropriate analysis to be applied to fee determinations in this context, the Court of Appeals was mindful that

⁶ Quick also cites *Beecher, supra*. *Beecher* was not, however, decided on constitutional grounds, but was decided based on application of the guardianship statute to the specific facts of that case.

“statutory guardianships are “equitable creations of the courts and it is the court that retains ultimate responsibility for protecting the ward’s person and estate.”” Opinion at p. 15, *quoting Lamb*, 173 Wn.2d at 184 and *Hallauer*, 44 Wn. App. at 797. In overseeing guardianship proceedings, a court must weigh the competing concerns of individual autonomy and protection of incapacitated persons.” Opinion at p. 15 *citing* RCW 11.88.005.

Quick was appointed pursuant to RCW 11.88.045(2), which expressly provides that fees for representation by independent counsel “shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180.” RCW 11.92.180, in turn, authorizes compensation “as the court shall deem just and reasonable.” Division II held that, under this statutory framework, a court may consider the lodestar factors for reasonable hours and reasonable fees at arriving at a just and reasonable result, but it is not required to do so. (Opinion at pp. 16-17.) Other factors and circumstances may be relevant to determining fees that are “just and reasonable,” to include trial court orders regarding attorney compensation.

Based upon the record, including the reasons articulated in the Commissioner’s oral ruling, Division II concluded that the trial court appropriately exercised its discretion within the relevant statutory framework:

The trial court balanced Decker's right to contest a guardianship and protect her autonomy by paying an attorney, and the competing need to protect Decker's estate from excessive fees. These considerations are central to the trial court's responsibility to protect the ward's person and estate. *Lamb*, 173 Wn.2d at 184.

We hold the trial court's award reflects a previously agreed hourly rate and a number of hours that weighed the competing equitable concerns, including Quick's actual efforts and the order limiting his hours. This method of calculation and the ultimate award of fees was just and reasonable.

(Opinion at p. 19.)

Division II's decision does not conflict with *Mahler*, but considers and applies it in the context of the requirements and guidance set forth in the guardianship statutes.

Division II's decision likewise does not conflict with *Hallauer* or *Lamb*. To the contrary, the Court of Appeals considers and appropriately applies these cases as relevant to its ruling.

Hallauer addressed a fee award under RCW 11.76.070, which is a fee shifting statute granting trial courts discretion to award fees to parties that successfully initiate accounting actions. The case did not address the "just and reasonable" standard set forth in RCW 11.92.180 and applied by Division II. *Hallauer* holds "the first step in calculating fees in an accounting action is to determine what actions materially benefited the estate." 44 Wn. App. at 799. *Hallauer* confirms that "although governed

by statute, guardianships are equitable creations of the courts and it is the court that retains ultimate responsibility for protecting the ward's person and estate.” *Id.* at 797. *Hallauer* also confirms that, in the context of guardianships, “an award of fees is not simply payment for ‘work actually performed,’” but critical court scrutiny is required. *Id.* at 800. *Hallauer* is not, however, inconsistent with Division II’s analysis and holdings.

Quick fails to offer any analysis why Division II’s decision conflicts with *Lamb, supra*. Like *Hallauer*, the court in *Lamb* applied the foundational guardianship principles that Division II embraced – that guardianships are equitable creations and that it is the court’s responsibility to protect the ward’s person and estate. 173 Wn.2d at 184. In *Lamb*, the court addressed a fee request by professional guardians for payment from individual guardianship estates for general political advocacy work. None of the advocacy work was directly related to the guardianship estates from which the guardians sought to be paid. The court held that the guardians’ general advocacy activities did not directly benefit the estates from which they sought payment and, thus, compensation could not be authorized pursuant to RCW 11.92.180. *In re Lamb*, 173 Wn.2d at 190-96. Division II’s decision does not conflict with either the analysis or holdings set forth in *Lamb*.

Quick has failed to demonstrate that Division II's decision conflicts with a decision of the Court or another Division of the Court of Appeals and review is not warranted under RAP 13.4(b)(1) or (b)(2).

C. Quick's Petition Does Not Does Not Present An Issue Of Substantial Public Interest.

At this exclusion of RCW 11.88.045(2), which expressly requires any attorney representing an alleged incapacitated person to receive court approval and, further, expressly provides that fees for such representation "shall be subject to approval by the court pursuant to RCW 11.92.080," Quick myopically focuses on RCW 11.88.045(1)(b), which provides

Counsel for an alleged incapacitated individual shall act as an advocate for the client and shall not substitute counsel's own judgment for that of the client on the subject of what may be in the client's best interests. Counsel's role shall be distinct from that of the guardian ad litem, who is expected to promote the best interest of the alleged incapacitated individual, rather than the alleged incapacitated individual's expressed preferences.

Labeling Division II's decision as "Paternalistic-Materialistic" Quick seems to argue that an attorney cannot fulfill his role as independent counsel if court oversight of his representation is allowed as provided by RCW 11.88.045(2).

Initially, it is worth noting that Quick's argument makes several assumptions that are not supported by the record. First, he assumes that his client's "directives" could not have been achieved for less than the

\$118,110 that be billed and collected from Decker without notice to the trial court. Recall that, once the GAL learned from Quick's fee petition that Quick had actually invoiced and collected substantial fees grossly in excess of the trial court's authorization orders, the GAL presented several specific concerns regarding the reasonableness of the fees charged in light of the work actually performed. (CP 514-19.) Regardless, because Quick failed to comply with the Agreed Fee Order that he himself drafted, and did not seek advance court authorization before grossly exceeding his authority, it requires pure conjecture to conclude, as Quick urges, that the trial court would have precluded Decker from asserting any substantive objection or defense. Quick fails to demonstrate that court oversight and representation as contemplated by RCW 11.88.045(1)(b) are mutually exclusive.

Quick's argument further ignores the equitable nature of guardianship proceedings, the broad discretion afforded courts in administering such proceedings (RCW 11.92.010, RCW 11.96A.020) and, most importantly, the court's responsibility to protect the real part in interest of these proceedings – the alleged incapacitated. *Guardianship of Matthews*, 156 Wn. App. 201, 209-10, 232 P.3d 1140 (2010). The legislative intent that the guardianship statute be implemented in a manner that not only balances and protects the liberty and autonomy of persons

subjected to these proceedings, but also balances and protects these same persons from physical and financial harm. RCW 11.88.005. Again, Quick fails to demonstrate that court oversight, as implemented by Division II, precludes representation as contemplated by RCW 11.88.045(1)(b).

Finally, though never argued in the briefing below, Quick asserts in his Petition: “If Mr. Quick truly was taking unfair economic advantage of Mrs. Decker as was claimed at the end of the proceedings, it was incumbent on APS and the GAL to initiate a vulnerable adult protection action under that statute.” (Petition at p. 18.) Quick offers no citation for “that statute,” but presumably he is referring to the Abuse of Vulnerable Adults Act, chapter 11.74 RCW.

Quick presents no authority to support his claim that the only means for court oversight of an attorney appointed by court order in a guardianship proceeding initiated pursuant to chapter 11.88 RCW is through a another separate action pursuant to the Abuse of Vulnerable Adults Act. His unsupported argument defies all notions of judicial efficiency. Moreover, his position, if accepted, would serve to completely delete and eliminate all meaning to that portion of RCW 11.88.045(2) that provides that fees for representation of an alleged incapacitated “shall be subject to approval by the court pursuant to RCW 11.92.080.” The long established rules of statutory construction require that each word and

phrase be given meaning and effect. *Chelan County. v. Fellers*, 65 Wn. 2d 943, 946, 400 P.2d 609, 611 (1965). Quick's argument is negated by this statutory construction mandate.

Division II's decision does not preclude attorneys appointed pursuant to RCW 11.88.045(2) from fulfilling their responsibilities as described in RCW 11.88.045(1)(b). Quick's Petition does not present an issue of substantial public importance and review is not warranted under RAP 13.4(b)(4).

IV. RAP 18.1(J) REQUEST FOR ATTORNEYS' FEES

Pursuant to RAP 18.1 and RCW 11.96A.150, the Guardian requested the court below to award Decker's Estate the attorneys' fees. The Court of Appeals granted this request, holding "equity requires that Decker's estate receive reasonable attorney fees reflecting Laufer's expenses in defending this appeal." (Opinion at p. 20.) Pursuant to RAP 18.1(j), the Guardian requests that the Decker Estate also be awarded reasonable attorneys' fees incurred responding to this Petition for Review.

V. CONCLUSION

Quick failed to establish that review is warranted under RAP 13.1 and the Guardian respectfully requests that Quick's Petition be denied.

Dated this 9th day of September, 2015.

Respectfully submitted,

GORDON THOMAS HONEYWELL LLP

By _____
Margaret Y. Archer, WSBA No. 21224
Attorneys for Guardian Maurice Laufer

APPENDIX A

ORDER APPOINTING INDEPENDENT LEGAL COUNSEL FOR ALLEGED INCAPACITATED PERSON

**Entered June 22, 2011
("Initial Fee Order")**

CP 32-33



11-4-00294-5 36652273 ORAP 06-23-11

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A.M. JUN 22 2011 P.M.
PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

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

In the Guardianship of:) Case No.: 11-4-00294-5
)
) ORDER APPOINTING
KEIKO DECKER,) INDEPENDENT LEGAL COUNSEL
) FOR ALLEGED INCAPACITATED
An Alleged Incapacitated Person.) PERSON

ORDER

This matter, having come on regularly for hearing upon the Verified Petition of Stephen J. DeVoght, the court appointed Guardian ad Litem for KEIKO DECKER; and the Court having reviewed the pleadings before it. It is hereby,

Ordered that Daniel F. Quick, telephone number (206) 787-1417, be and he is hereby appointed independent legal counsel for Keiko Decker; and it is further

Ordered that independent legal counsel shall be paid at private expense, with fees for representation subject to the Court's approval pursuant to RCW 11.92.180 and SPR 98.12. Legal counsel for Keiko Decker shall bill at the rate of \$250 per hour, and shall have 10 hours of authority to represent Ms. Decker. Independent counsel shall not spend more than 10 hours representing Ms. Decker without prior court approval.

In the event that payment from public funds are sought for services herein, the attorney, by accepting this appointment, agrees to be bound by all rules and procedures of

*ORDERTO APPOINT INDEPENDENT LEGAL
COUNSEL FOR AIP- 1*

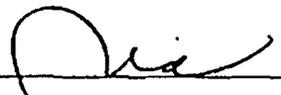
STEPHEN J. DEVOGHT, GAL
P.O. Box 2537
VASHON, WASHINGTON 98070
206-819-2944

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this court regarding limits for payment at public expense. Fees for time are limited to 10(TEN) hours at the rate of \$250.00 per hour without further court order entered before incurring the additional time. Such court order will be with notice to all parties and the GAL. If the AIP later is discovered to have assets exceeding \$3,000.00, the attorney for the AIP may petition to have his/her fees paid at private expense and shall reimburse the county for any fees received.

Dated and signed in open court this 22 day of June, 2011



Judge/Court Commissioner

PRESENTED BY:
email authorization
Stephen J DeVoght, WSBA #36133
Guardian ad Litem

FILED
IN COUNTY CLERK'S OFFICE
A.M. JUN 22 2011 P.M.
PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

NOTICE OF PRESENTATION:
Margaret M Kennedy
~~ASA~~ Attorney General, WSBA # 27558
Attorneys for Petitioner

ORDERTO APPOINT INDEPENDENT LEGAL
COUNSEL FOR AIP-2

STEPHEN J. DEVOGHT, GAL
P.O. Box 2537
VASHON, WASHINGTON 98070
206-819-2944

APPENDIX B

**AGREED ORDER AUTHORIZING
ADDITIONAL HOURS FOR LEGAL COUNSEL
OF ALLEGED INCAPACITATED PERSON
Entered July 29, 2011
("Agreed Fee Order")**

CP 422-426



11-4-00294-5 36869398 AGOR 08-02-11

FILED
IN COUNTY CLERK'S OFFICE

A.M. JUL 29 2011 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY DEPUTY

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

In the Guardianship of:

No. 11-4-00294-5

KEIKO DECKER,

AGREED ORDER
AUTHORIZING ADDITIONAL
HOURS FOR LEGAL COUNSEL
OF ALLEGED INCAPACITATED
PERSON

An Alleged Incapacitated Person.

STIPULATION

The undersigned hereby stipulate to entry of the following order on behalf of the parties due to the following reasons:

1. The alleged incapacitated person wishes to vigorously contest the guardianship hearing and needs counsel to prepare that defense;
2. By Court Order dated June 22, 2011, Daniel F. Quick was appointed independent legal counsel for the AIP, Keiko Decker; and
3. Under the Court Order dated June 22, 2011, Daniel F. Quick needs further authority from the Court for an additional 40 hours to prepare for the final guardianship hearing/trial and/or to negotiate a lesser restrictive alternative to the guardianship.

AGREED ORDER AUTHORIZING
ADDITIONAL HOURS FOR LEGAL
COUNSEL - 1

DANIEL QUICK, PLLC
The Columbia Center
701 5th Avenue #4720
Seattle, Washington 98104
(206) 787-1417

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DATED this 27th day of July, 2011.



Daniel Quick, WSBA #26064
Attorney for Keiko Decker

See Attached

Stephen De Voght, WSBA # 36133
Guardian ad Litem

See Attached

Margaret Kennedy WSBA # 27558
Assistant Attorney General
Attorney for Petitioner

ORDER

Based on the foregoing Stipulation, it is ORDERED that

1. Daniel F. Quick, telephone number (206) 787-1417, is appointed to continue as independent legal counsel for Keiko Decker under the Court Order June 22, 2011, and shall be authorized to spend an additional forty (40) hours for work on this matter on behalf of the AIP, Keiko Decker;
2. Independent legal counsel shall be paid at private expense, with fees for representation subject to the Court's approval pursuant to RCW 11.92.180 and SPR 98.12. Legal counsel for Keiko Decker shall bill at the rate of \$250 per hour, and shall have further forty (40) hours of authority to represent Ms. Decker.

AGREED ORDER AUTHORIZING
ADDITIONAL HOURS FOR LEGAL
COUNSEL - 2

DANIEL QUICK, PLLC
The Columbia Center
701 5th Avenue #4720
Seattle, Washington 98104
(206) 787-1417

3. Independent legal counsel shall not spend more than forty (40) hours representing Ms. Decker without prior court approval.

DATED this 29th day of July, 2011.


Honorable Judge/Court Commissioner

Presented By:

Approved as to Form,
Notice of Presentation Waived


Daniel Quick, WSBA #26064
Attorney for Keiko Decker

See Attached
Stephen De Voght, WSBA # 36133
Guardian ad Litem

FILED
IN COUNTY CLERK'S OFFICE

A.M. JUL 29 2011 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

See Attached
Margaret Kennedy, WSBA # 27558
Assistant Attorney General
Attorney for Petitioner

AGREED ORDER AUTHORIZING
ADDITIONAL HOURS FOR LEGAL
COUNSEL - 3

DANIEL QUICK, PLLC
The Columbia Center
701 5th Avenue #4720
Seattle, Washington 98104
(206) 787-1417

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DATED this ___ day of July, 2011.



Daniel Quick, WSBA #26064
Attorney for Keiko Decker

Stephen De Voght, WSBA # 36133
Guardian ad Litem

Margaret Kennedy
Margaret Kennedy WSBA # 27538
Assistant Attorney General
Attorney for Petitioner

ORDER

Based on the foregoing Stipulation, it is ORDERED that

1. Daniel F. Quick, telephone number (206) 787-1417, is appointed to continue as independent legal counsel for Keiko Decker under the Court Order June 22, 2011, and shall be authorized to spend an additional forty (40) hours for work on this matter on behalf of the AIP, Keiko Decker;
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AGREED ORDER AUTHORIZING
ADDITIONAL HOURS FOR LEGAL
COUNSEL - 2

DANIEL QUICK, PLLC
The Columbia Center
701 5th Avenue #4720
Seattle, Washington 98104
(206) 787-1417

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3. Independent legal counsel shall not spend more than forty (40) hours representing Ms. Decker without prior court approval.

DATED this ____ day of July, 2011.

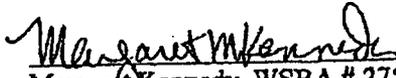
Honorable Judge/Court Commissioner

Presented By:

Approved as to Form,
Notice of Presentation Waived

Daniel Quick, WSBA #26064
Attorney for Keiko Decker


Stephen De Voght, WSBA # 36133
Guardian ad Litem


Margaret Kennedy, WSBA # 27358
Assistant Attorney General
Attorney for Petitioner

AGREED ORDER AUTHORIZING
ADDITIONAL HOURS FOR LEGAL
COUNSEL - 3

DANIEL QUICK, PLLC
The Columbia Center
701 5th Avenue #4720
Seattle, Washington 98104
(206) 787-1417

APPENDIX C

**AGREED ORDER APPOINTING LIMITED
GUARDIAN OF PERSON AND LIMITED
GUARDIAN OF ESTATE
Entered May 7, 2013
("Agreed Guardian Order")**

CP 84-96

Interested Parties	Address	Relation to IP
Jim Work	2832 Chambers Bay Drive Steilacoom, WA 98388	Family Friend

This Matter came on regularly for hearing on a Petition for Appointment of Guardian or Limited Guardian of KEIKO DECKER, the Alleged Incapacitated Person

- The Alleged Incapacitated Person was present in Court;
- The hearing was conducted outside of the courtroom at the location of the Alleged Incapacitated Person;
- The Alleged Incapacitated Person's presence was waived for good cause shown other than mere inconvenience and she was represented by her court-appointed attorney, Daniel Quick, at all times during the hearing to appoint the limited guardian of the estate for Keiko Decker. The Court finds that there is good cause not to require the attendance of Mrs Decker at the hearing

The Guardian ad Litem was present. The following other persons were also present at the hearing. Attorneys for Ms. Decker, Daniel Quick and Niomi Fisseha; Steve DeVoght, GAL; Assistant Attorney General Natalie Cooper; Maurice E. Laufer, proposed Guardian; Eileen Peterson, counsel for proposed guardian.

The Court considered the written report of the Guardian ad Litem and the Medical report of Dr. Stegman, the psychological report of Dr. Hill, the testimony of witnesses, remarks of counsel, and the documents filed herein. Based on the above, the Court makes the following

1. Findings of Fact

1.1 Notices

All notices required by law have been given and proof of service as required by statute is on file.

1.2 Jurisdiction

The jurisdictional facts set forth in the petition are true and correct, and the Court has jurisdiction over the person and/or estate of the Alleged Incapacitated Person.

1.3 Guardian ad Litem

The Guardian ad Litem appointed by the Court has filed a report and supplemental reports with the Court. The reports are complete and comply with the requirements of RCW 11 88 090

1.4 Alternative Arrangements Made By the Alleged Incapacitated Person

[] The Alleged Incapacitated Person did not make alternative arrangements for assistance, such as a power of attorney, prior to become incapacitated.

[x] The Alleged Incapacitated Person made alternative arrangements for assistance, but such arrangements are inadequate in the following respects:

Mrs. Decker executed a power of attorney instrument that is not in effect due to questions of Ms. Decker's capacity at the time she executed this document. Ms. Decker does not have the current capacity to execute a power of attorney instrument at this time.

[] (Name) _____ has been acting in a fiduciary capacity for the Alleged Incapacitated Person and should NOT continue to do so for the following reasons:

1.5 Capacity

The Alleged Incapacitated Person, KEIKO DECKER, is:

[] incapable of managing his or her personal affairs.

[] incapable of managing his or her financial affairs

[] The Alleged Incapacitated Person is in need of a full Guardianship over the [] person [] estate.

[X] The Alleged Incapacitated Person is capable of managing some personal and/or financial affairs, but is in need of the protection and assistance of a limited Guardian of the [X] person [X] estate in the areas as follows: Mrs. Decker is an 80 year old widowed woman who lives alone in her own Lakewood, WA home. She has been diagnosed with some dementia symptoms. She also suffers from other medical conditions which are detailed in the Sealed Guardian Ad Litem Report and Supplemental Report. With the assistance of a house cleaner and neighbors, Mrs. Decker has been able to provide for many of her activities of daily living including providing herself with meals and housekeeping.

Mrs. Decker is no longer able to appropriately manage her finances including the payment of her bills and taxes. She has a demonstrated inability to provide for her financial safety. She is at significant risk of financial harm based on her inability to independently manage her financial affairs.

Mrs. Decker has also recently been in a number of minor car accidents and should no longer be permitted to drive. She requires the assistance of a paid driver or taxi service to ensure she has transportation in order to transport her to and from appointments, the grocery store, or other locations.

Mrs. Decker may also need future assistance with medical decision making and in home care. The Guardian should notify the Court if Mrs. Decker needs additional assistance with her personal and healthcare needs. If a doctor determines that Mrs. Decker is unable to make her own informed consent decisions, the Guardian should have the power to make those decisions.

1.6 Guardian

The proposed Guardian is qualified to act as Guardian of the Person and/or Estate of the Incapacitated Person Proposed Guardian's address, phone numbers and email address are as follows

P.O. Box 44063, Tacoma, WA 98448
Address: ~~4903 108th St SW #A, Lakewood WA 98499, PO Box 39477, Lakewood, WA 98496~~
Phone No(s). Business (253) 588-3101 Personal 253-279-4447
Email: maurie@melauffer.com

1.7 Guardian ad Litem Fees and Costs

The Guardian ad Litem was appointed at [] county expense estate expense and shall submit a motion for payment of fees and costs pursuant to the local rules.

The Guardian ad Litem has requested a fee of \$ 4084.50 for services rendered and reimbursement of \$ 37.00 for costs incurred while acting as Guardian ad Litem Fees in the amount of \$ 4084.50 and costs in the amount of \$ 37.00 are reasonable and should be paid as follows

\$ 4084.50 by the Guardian from the guardianship estate and/or
 \$ _____ by _____ for the following reason(s): _____

1.8 Bond

The assets of the Alleged Incapacitated Person

- are unknown, and Bond shall be reviewed at review of inventory.
- total less than three thousand dollars (\$3,000) and no bond is required
- exceed three thousand dollars (\$3,000), and a bond is required.
- exceed three thousand dollars (\$3,000) and should be placed in a blocked account with an insured financial institution or bonded, unless the guardian is a bank or trust company.
- are to be held by a nonprofit corporation authorized to act as Guardian, and the Court waives any bond requirement.

1.9 Right to Vote

The Alleged Incapacitated Person is [] is not capable of exercising the right to vote.

II. Conclusions of Law

Based upon the above findings and fact, the court makes the following conclusions of law:

1 **2.1. Incapacitated Person**

2 KEIKO DECKER is an Incapacitated Person within the meaning of
3 RCW Chapter 11 88, and a
4 [] Full [X] Limited Guardian of the Person, and/or
[] Full [X] Limited Guardian of the Estate should be appointed

5 **2.2 Guardian**

6 Maurice Laufer is a fit and proper person as required by RCW 11.88.020 to be appointed as a
guardian.

7 **2.3 Powers and Limitations of the Guardian**

8 The powers and limitations of the Guardian should be as follows

- 9 A. The powers and duties of a guardian of the estate pursuant to the provisions of
10 Chapter 11.92 RCW; including statutory trust powers.
- 11 B. To undertake the management of the financial affairs of the incapacitated person,
12 including but not limited to contracting for and incurring obligations on behalf of the
13 incapacitated person becoming representative payee of any income from Social
14 Security, Veteran's Administration, or Civil Service income to which the
15 incapacitated person is entitled. and any other sources of revenue or income;
- 16 C. To locate and gather assets;
- 17 D. To enter any safe deposit box(es) held in the name of the incapacitated person
18 (individually or with another), and inventory and/or remove any contents there from,
19 and to maintain and/or close said box(es) or to add items thereto, or to drill open the
20 safe deposit box(es) in the event the keys to the box(es) are misplaced or missing, as
21 deemed by the guardian to be in the incapacitated person's best interests;
- 22 E. To close any financial accounts, including bank accounts held individually or jointly
23 with another, and to make withdrawals, deposits or transfer of funds into or out of
24 any such accounts, without the necessity of obtaining the written authority of any
25 other person named on any such joint accounts;
- F. To establish guardianship account(s);

- 1 G. To proceed to expend funds as necessary for the benefit of the incapacitated person
2 subject to review by the Court;
- 3 H. To convert all holdings, including but not limited to, savings accounts, money
4 market accounts, IRAs, mutual funds, stocks, bonds, cash, automobiles, mobile
5 homes, and any other personal property, including pensions, annuities, 401Ks, and
6 any other income, into the name of said guardian for the purposes of the
7 guardianship; and all other reasonable duties required of a guardian;
- 8 I. Any bank, savings and loan, credit union, stock brokerage, insurance company, or
9 other institution holding assets of the incapacitated person, including but not limited
10 to cash, investments, stocks, bonds, certificates, funds, safe deposit box or personal
11 property, shall release information or deliver the assets to the guardian as directed by
12 the guardian;
- 13 J. The guardian is further authorized to remove the incapacitated person's name from
14 any joint bank account and/or financial account and change the mailing address of
15 any bank and/or financial statement to any address the guardian may request. In the
16 event that an asset has signatories or co-owners in addition to the incapacitated
17 person, the guardian shall have the authority to block all access to such account, safe
18 deposit box or property until true ownership has been discovered;
- 19 K. The guardian is authorized to enter any dwelling, residence or storage area rented or
20 owned by the incapacitated person, or access the land or property owned or rented
21 (individually or with another) by the incapacitated person without the necessity of
22 obtaining the written authority of any other person named on any such dwelling,
23 land, property or storage area;
- 24 L. If it appears that the sale of real estate will be necessary to pay for the incapacitated
25 person's expenses, the guardian shall have the authority to retain a real estate

1 appraiser to appraise said real estate, in order to petition the court for authority to sell
2 the real property;

3 M. The guardian is authorized to make disbursements for nursing home care, medical
4 expenses and incidental expenses on behalf of the incapacitated person;

5 N. The guardian shall also have authority to arrange pre-need cremation or burial
6 arrangements as may be necessary;

7 O. The guardian shall have the authority to obtain any and all information and records
8 from DSHS or other government agencies or entities;

9 P. The guardian shall have the authority to apply for any government assistance needed
10 by the incapacitated person and to assist the incapacitated person in accordance with
11 statute to accomplish receipt of benefits the incapacitated person is entitled to. The
12 guardian shall have the authority to make arrangements for income tax reporting and
13 making payment of income taxes. The guardian shall have the authority to invest
14 and reinvest guardianship assets as provided in Ch. 11.100 RCW without further
15 order of the court. The guardian shall have the authority of a trustee, as provided in
16 RCW 11.98.070 for a period of time not exceeding one year from the date of this
17 order or until the filing of the next annual report.

18 Q. The guardian shall make out and file within three (3) months after its appointment a
19 verified inventory of the estate of the incapacitated person as required by RCW
20 11.92.040(1), and file annually an accounting as required by RCW 11.92.040(2). A
21 review hearing upon filing of the inventory is required.

22 R. The guardian shall report to the court within thirty (30) days any substantial change
23 in the incapacitated person's condition, or any change in residence of the
24 incapacitated person.

25 S. The term of review shall be annual.

T. This guardianship shall continue in effect until terminated pursuant to RCW 11.88.140

U. The Guardian for Mrs. Decker should also have the ability to disable Mrs. Decker's car as necessary if it is determined that she is unsafe to drive.

V. Mrs. Decker's stated wishes should be considered by the guardian in making any financial decisions on her behalf.

W. Mrs. Decker retains the right to remain in her home or the residence of her choice.

X. The Guardian shall have explicit power to provide Mrs. Decker with funds (pocket money for cabs, meals, hair etc.) in a manner that he deems appropriate.

2.4 Limitations and Restrictions Placed on the Incapacitated Person

The limitations and restrictions placed on the Incapacitated Person should be as follows:

- The right to vote is revoked.
- The right to marry or divorce is revoked
- The right to make or revoke a will is revoked
- The right to enter into a contract is revoked.
- The right to buy, sell, own, mortgage, or lease property is revoked.
- The right to possess a license to drive is revoked.
- The right to consent to or refuse medical treatment is revoked
- The right to decide who shall provide care and assistance is revoked.
- The right to make decisions regarding social aspects of your life is revoked
- Other: The Guardian shall have the authority to disable Mrs. Decker's vehicles in order to limit her ability to drive.
- If a doctor determines that Mrs Decker is unable to make her own informed consent decisions, the guardian shall have that power.

III. Order

The court orders

3.1 Prior Power of Attorney

Any Power of Attorney of any kind previously executed by the Incapacitated Person:

- is not canceled.
- is canceled in its entirety.

[] is canceled in its entirety except for those provisions pertaining to health care.

1
2 **3.2 Appointment of Guardian**

3 Maurice Laufer is appointed as:

- 4 [] Full [X] Limited Guardian of the Person and/or
- 5 [] Full [X] Limited Guardian of the Estate of KEIKO DECKER,

6 and the powers and limitations of the Guardian and the limitation and restrictions placed on the Incapacitated Person shall be as set forth in paragraphs 2.3 and 2.4 of the Conclusion of Law.

7 **3.3 Letters of Guardianship/Limited Guardianship**

8 The Clerk of the Court shall issue letters of

- 9 [] Full [X] Limited Guardianship of the Person and/or
- 10 [] Full [X] Limited Guardianship of the Estate to KEIKO DECKER, upon the filing of an oath.

11 [x] Guardian must complete and file proof of completion of Mandatory Guardian Training or obtain an order waiving training.

12 **3.4 Guardianship Bond and Security**

- 13 [X] Guardianship bond in the amount of \$20,000 or
- 14 [] Bond is waived.
- 15 [X] Bond shall be reviewed at review of inventory
- 16 [X] The Guardian shall have access to the following accounts

17 The exact nature of Mrs. Decker's estate is unknown. The Court will address the
18 issue of blocked accounts at the 90 day hearing upon the Guardian's filing of the
19 initial Inventory.

20 All other accounts shall be blocked and the guardian shall file a Receipt of Funds into Blocked Account, form WPF GDN 04.0600, with the Court no later than 30 days from the date of this order:

21 If bond is waived, the Guardian is required to report to the Court if the total assets of the
22 Incapacitated Person reaches or exceeds Three Thousand Dollars Pursuant to RCW 11.88.100,
23 the Guardian of the Estate shall file a yearly statement showing the monthly income of the
24 Incapacitated Person if said monthly income, excluding moneys from state or federal benefits, is
25 over the sum of Five Hundred Dollars per month for any three consecutive months.

24 **3.5 Report of Substantial Change in Income or Assets**

25 Within 30 days of any substantial change in the Estate's income or assets, the Guardian of the Estate shall report to the Court and schedule a hearing. The purpose of the hearing will be for the

1 Court to consider changing the bond or making other provision in accordance with RCW
11.88.100.

2 **3.6 Inventory**

3 Within three months of appointment, the Guardian of the Estate shall file a verified inventory of
4 all the property of the Incapacitated Person, which has come into the Guardian's possession or
5 knowledge. The inventory shall include a statement of all encumbrances, liens, and other secured
6 charges on any item. A review hearing upon filing of the inventory [X] is required [] is not
7 required.

7 **3.7 Disbursements**

8 On or before the date the inventory is due, the Guardian of the Estate shall also apply to the Court
9 for an Order Authorizing Disbursements on behalf of the Incapacitated Person as required by
10 RCW 11.92.040.

10 **3.8 Personal Care Plan**

11 Within three (3) months after appointment, the Guardian of the Person shall complete and file a
12 Personal Care Plan that shall comply with the requirements of RCW 11.92 043(1) A review
13 hearing is required.

13 **3.9 Status of Incapacitated Person**

14 Unless otherwise ordered, the Guardian of the Person shall file an annual report on the status of
15 the Incapacitated Person that shall comply with the requirements of RCW 11 92 043(2).

15 **3.10 Substantial Change in Condition or Residence**

16 The Guardian of the Person shall report to the Court within thirty (30) days any substantial
17 change in the Incapacitated Person's condition, or any change in residence of the Incapacitated
18 Person.

18 **3.11 Designation of Standby Guardian**

19 The Guardian shall file a written notice designating a standby Guardian. The notice shall comply
20 with the requirements of RCW 11.88.125.

21 **3.12 Authority for Investment and Expenditure**

22 The authority of the Guardian of the Estate for investment and expenditure of the Incapacitated
23 Person's estate is as follows:
24 See paragraph 2.3 above.
25

1 **3.13 Duration of Guardianship**

2 This Guardianship shall continue in effect:

- 3 until (date) _____; OR
- 4 until terminated pursuant to RCW 11 88 140,
- 5 until further order of the court. The necessity for the Guardianship to continue shall be periodically reviewed.

6 **3.14 Discharge/Retention of Guardian ad Litem**

- 7 The Guardian ad Litem is discharged; OR
- 8 The Guardian ad Litem shall continue performing further duties or obligations as follows
The Guardian ad Litem shall provide written comment on the issues reserved at the ninety (90) day review hearing

9 **3.15 Notice of Right to Receive Pleadings**

10 The following persons are in the categories of persons described in RCW 11.88.090(5)(d). The
11 Guardian shall notify them of their right to file with the Court and serve upon the Guardian, or the
12 Guardian's attorney, a request to receive copies of pleadings filed by the Guardian with respect to
13 the Guardianship:

14 Name: _____

15 Address: _____

16 Name: _____

17 Address: _____

18 **3.16 Guardian Fees**

- 19 DSHS cases: The Guardian is allowed such fees and costs as permitted by the
20 Washington Administrative Code in the amount of \$ _____ per month as a deduction
21 from the Incapacitated Person's participation in the DSHS cost of care. Such fees are
22 subject to Court review and approval. This deduction is approved for the initial 12month
23 reporting period and 90 days thereafter, from the date of this order to _____.
The Guardian may petition for fees in excess of the above amount only on notice to the
appropriate DSHS Regional Administrator per WAC 388.71; OR

- 24 Non-DSHS cases: The Guardian shall petition the Court for approval of fees. The
25 Guardian may advance himself/herself \$ 400 per month, subject to Court
review and approval. *He will charge \$150 per month for financial matters and \$40 per hour for matters regarding the guardian of the pers.m.*

26 **3.17 Guardian ad Litem Fee**

- 27 Fees and costs are approved as reasonable; OR

The Guardian ad Litem fees and costs are approved as reasonable in the total amount of \$ ~~4845~~ They shall be paid from the Guardianship estate assets, the County, other source(s) as follows:

3.18 Legal Fees

The legal fees and costs of Daniel Quick PLLC should be reserved until the 90 hearing and shall be paid from the:

Guardianship estate assets. The Attorney for Ms. Decker is discharged.

Daniel Quick PLLC May petition the court for additional fees and costs up until the 90 day hearing.

3.19 Guardian's Report

The Guardian's report shall cover the:

12 (twelve)-month 24 (twenty-four)-month 36 (thirty-six)-month

period following the appointment. The Guardian's report is due within 90 days of the end of the reporting period and shall comply with the requirements of RCW 11.92.040(2) 11.92.043(2).

3.20 Reserved Issues.

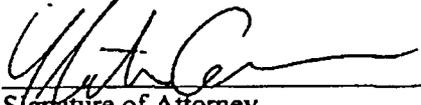
At the ninety (90) day review hearing, the Guardian shall address the issue of recovery of assets.

Dated: 5/7/13



Judge/Court Commissioner

Presented by:



Signature of Attorney

NATALIE K.A. COOPER, WSBA #343168
Printed Name of Attorney, WSBA/CPG #

PO Box 40124
Address

360-586-6485 / 360-586-6659
Telephone/Fax Number

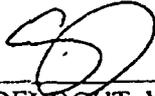
Olympia, WA 98504-0124
City, State, Zip code

NatalieC@atg.wa.gov
Email Address

Approved for Entry

Approved for Entry:

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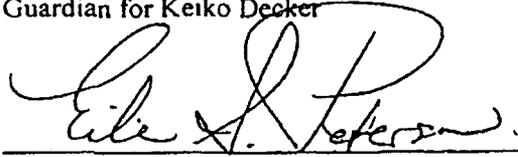
STEPHEN DEVOGHT, WSBA #36133
Guardian ad Litem for Keiko Decker

represented by counsel

MAURICE E LAUFER
Guardian for Keiko Decker



DANIEL QUICK, WSBA #26064
Attorney for Keiko Decker



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WASHINGTON STATE SUPREME COURT

In the Guardianship of
KEIKO DECKER,
An Incapacitated Person.

NO. 91929-1
CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on this 16th day of September, 2015, I
did serve true and correct copies of the following:

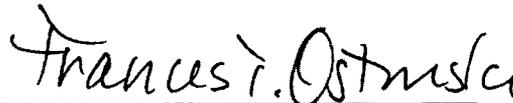
1. Guardian Maurice Laufer's Response to Petition for Supreme Court Review; and
2. Certificate of Service.

via email and U.S. Mail, First Class, Postage Prepaid by directing
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Dated this 16th day of September, 2015, at Tacoma,
Washington.



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Subject: RE: In the Guardianship of Keiko Decker, Case No. 91929.1

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Subject: In the Guardianship of Keiko Decker, Case No. 91929.1

Attached for filing in the above-entitled matter please find Guardian Laufer's Response to Petition for Supreme Court Review with Appendices and Certificate of Service. Thank you for your assistance in this matter.

Frances Ostruske



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