

IN THE SUPREME COURT OF THE  
STATE OF WASHINGTON

IN THE MATTER OF THE	)	
DISCIPLINARY PROCEEDINGS	)	MOTION TO FILE
AGAINST	)	AMICUS CURIAE
DOUGLAS A. SCHAFER	)	BRIEF
<u>WSBA # 8652</u>	)	

COMES NOW, Cheryl C. Mitchell, and respectfully moves the Washington State Supreme Court for an order permitting her to file an Amicus Curiae Brief in the above-captioned case. Pursuant to RAP 10.6, the following are addressed by the applicant:

1. Statement of applicant's interest and the person or group applicant represents: The applicant's interest is that she is an elder law attorney, having been admitted to the Washington State Bar in 1984. The applicant believes that there are significant public policy considerations in the case now before the court. The applicant represents herself, an attorney licensed to practice law in Washington State.
2. Applicant's familiarity with the issues involved in the review and the scope of the argument presented or to be presented by the parties: The applicant is familiar with the issues and the arguments presented to the Court and has read the briefs of Douglas Schafer and the brief of the Washington State Bar Association.
3. The specific issues to which the amicus curiae brief will be directed: The brief will be directed specifically to the application of RPC

1.6 and RPC 8.3 in the context of guardianship proceedings. The brief will also address the scope of RPC 1.6 when the client intends to commit a fraud on the court or perpetrate a crime.

4. The applicant's reason for believing that additional arguments is necessary on these specific issues: The applicant, having read the briefs of the parties, believes that issues involving abuse of elderly wards and the specific role of the courts in guardianship proceedings should be brought to the attention of the Court, as these issues have not been explored by the briefs which have been filed. Further, the issue of the application of the Rules of Professional Conduct in guardianship proceedings will be addressed.

The applicant also makes the following affidavit in support of her Motion:

AFFIDAVIT OF CHERYL C. MITCHELL

State of Washington            )  
                                          )  
County of Spokane            )        s.s.

I, Cheryl C. Mitchell, being first duly sworn upon oath, hereby depose and state:

1. I am an attorney licensed to practice law in the State of Washington. My WSBA Number is 14621; I was admitted in 1984.
2. For approximately the past fifteen years I have focused my legal practice on elder law, estate planning, guardianship and probate. During those fifteen years, I have served as the attorney for guardians, as a

guardian, as a guardian ad litem. I have also been involved in several guardianship cases involving fraud, abuse and financial exploitation.

3. I am a founding member of the National Academy of Elder Law Attorneys. I am a co-author of the following publications: *Elder Law and Practice with Forms*, Volume 26 of the Washington Practice Series, published by West Group; The Guardianship Chapter of the ElderLaw Portfolio Series, published by Aspen Law and Business; and "Elder Abuse: Recognition and Remedies," published by the Washington State Bar Association in the Washington State Bar News, in November, 1998.

Dated this \_\_\_\_ day of January, 2002.

\_\_\_\_\_  
Cheryl C. Mitchell, WSBA 14621

STATE OF WASHINGTON            )  
                                                  ) s.s.  
County of Spokane                )

I certify that I know or have satisfactory evidence that CHERYL C. MITCHELL is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of January, 2002.

\_\_\_\_\_  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at Spokane.  
My commission expires:\_\_\_\_\_.