

DOUGLAS A. SCHAFER
www.DougSchafer.com **P.O. BOX 1134** **schafer@pobox.com**
TACOMA, WA 98401-1134
office: 253-383-2167 (cell: 253-376-4124)

FAX COVER PAGE

PAGE 1 OF 7

DATE: 4/29/2003

To: The New York Times Company Legal Dept. Fax: 212-556-4634
Solomon B. Watson, IV, Gen'l Counsel
George Freeman, Asst Gen'l Counsel
Adam Liptak, Senior Counsel

Fm: Douglas A. Schafer, Suspended Attorney Fax: 253-572-7220

Re: Falsehoods in national news story by Adam Liptak titled, "Lawyer Whose Disclosure of Confidence Brought Down a Judge is Punished," published The New York Times (Sunday, April 20, 2003, Late Nat'l Edition, pg. A11)

Attached are pages from Exhibit D-26 from my disciplinary hearing in which I disproved the widely proclaimed allegation my former Judge Anderson's lawyer, Kurt Bulmer, that I had reported his corruption motivated by spiteful retaliation for his denial of my request for attorney fees from the Barovic Estate at a hearing in September 1995. That was a pure fabrication – I never made such a request, I never attended that hearing, nor did I even know what transpired at it until I reviewed the court file and the hearing transcript years later in responding the lies that Bulmer was broadcasting behind my back.

The attached pages include a copy of page 3 my August 5, 1995 invoice to my client Don Barovic with its entry on 7/28/95 that reads "going to courthouse and reviewing file from Hoffman Estate (settled by Grant Anderson)." Accordingly, allegations that I *began* looking into Anderson's fraudulent plundering of the Hoffman Estate out of spite or retaliation for any rulings that he made in September or December of 1995 are contrary to the documented facts.

Judge Anderson's rulings in several cases involving Don Barovic caused harm and expense to that client, who I and two other lawyers were representing, but caused me no harm, expense, shame, or embarrassment. Judge Anderson's rulings caused me to have doubts—particularly when recalling the comments I had heard about him in August 1992—concerning his integrity. (And I later discovered that opposing counsel had contributed to his election campaigns.) After sufficient time had passed that I felt my former client who made those comments would be protected by the statute of limitations from liability for whatever his complicity in Anderson's fraud that may have been, I began looking into Anderson's defrauding of the Hoffman Estate.

I continue to feel that my actions were appropriate under the circumstances that then confronted me.

Schafer Law Firm

Attorney:
Douglas A. Schafer

Washington Building, Suite 1302
1019 Pacific Avenue
P.O. Box 1134
Tacoma, Washington 98401-1134
(253) 383-2167 (Fax: 572-7220)

Exhibit D-26

July 17, 1999

Dick Armstrong, Staff Counsel
Judiciary Committee
Senate
P.O. Box 40482
Olympia, WA 98504-0482

Bill Perry, Staff Counsel
Judiciary Committee
House of Representatives
P.O. Box 40600
Olympia, WA 98504-0600

Milt Doumit, Office of Senate Counsel
Senate
P.O. Box 40482
Olympia, WA 98504-0482

Re: SSCR 8406 (Possible Removal of Judge Grant L. Anderson)

Gentlemen:

In mid-June, I learned from OAC's *Judicial News* clipping service that Judge Anderson's counsel, Kurt M. Bulmer, had distributed on or about May 3 to the Legislature and the media a 15-page booklet seeking, it appears, to prove his client's innocence by vilifying me. They charged that my actions to expose the judge are simply a vindictive response to his alleged refusal to allow me to get paid some money in a case. The enclosed papers demonstrate that to be simply untrue.

I enclose my letter of 6/15/99 to Mr. Bulmer challenging the truth of his allegations and Mr. Bulmer's reply of 7/6/99. I also enclose copies of various papers from the court file from the Estate of Mike Barovic (Pierce County Superior Ct. No. 94-4-00800-8) that preceded and followed the hearing on 9/29/95 before Judge Anderson concerning attorneys' fees. Those papers included invoices that I had billed directly to my client, Don Barovic, who was paying them and did fully pay them, directly to me. (Sure, he would have welcomed reimbursement from his father's estate, two-thirds of which was going to his hostile sisters, but I, frankly, didn't care.) Please note that the copy of my Invoice #3277 dated 8/5/95 that I filed in court included, at page 3, a blacked-out phrase in my time entry for 7/28/95.

Dick Armstrong, Milt Doumit, and Bill Perry

July 17, 1999

Page 2

I enclose a non-redacted copy of page 3 of my Invoice #3277 showing that the blacked-out phrase from my time entry for 7/28/95 read, "going to courthouse and reviewing file from Hoffman Estate (settled by Grant Anderson)." For obvious reasons, I blacked-out that phrase when I appended Invoice #3277 to the Declaration Concerning Attorney Fees Charged to Donald M. Barovic that I filed 9/21/95 for consideration by Judge Grant Anderson. The Hoffman Estate was the one that Grant Anderson and my former client, Bill Hamilton, fraudulently exploited to the detriment of Ocean Beach Hospital, the estate's primary beneficiary.

Though I reviewed the Hoffman Estate court file on 7/28/95 (one week after my very first appearance before Judge Anderson on 7/21/95), I held off then actually beginning to investigate the fiduciary misconduct that I suspected because I thought I'd let the three-year statute of limitations expire on whatever complicity my former client, Bill Hamilton, may have engaged in. He had told me in August of 1992 that he was getting a good deal from Grant Anderson on the bowling alley and would be repaying Grant for it later. After my second appearance before Judge Anderson on 12/15/95, I decided that enough time had elapsed for me to begin that inquiry, as I then did.

Except for the brief time I spent on 7/28/95 initially reviewing the Hoffman Estate court file, I have not billed any client or received payment from any source for the considerable time that I have spent investigating and seeking to fully expose Judge Grant L. Anderson. My motive is simply that I feel a civic duty to expose what I believe to be a corrupt judge.

I remain hopeful that the State Supreme Court will remove Judge Anderson, so that the Legislature need not become involved in the matter. But, if the Court does not, and Legislative members begin to look further into the case, please ensure that my enclosed materials (or a summary of them) receive whatever distribution that may have been given to Mr. Bulmer's allegations.

Further, since Mr. Bulmer alluded to a State Bar disciplinary proceeding against me, I enclose a copy of the recent Formal Complaint and my Answer. I urge everyone to read these and decide for themselves whether I should be disciplined for reporting a corrupt judge (even though the State Bar quickly dismissed my report).

Very truly yours,

Douglas A. Schafer

Enclosures

		<i>Hours</i>
7/27/95	DAS Revising draft of settlement "proposition A-2"; meeting [9:00am - 11:30am] at Jensen's office with D. Barovic and D. Jensen to consider partition strategy; reviewing MAI appraisal reports and composing arguments opposing reliance on referees' report property values; meeting in afternoon with Jensen and Barovic concerning partition strategy and declarations to file; studying MAI appraisal reports in evening.	8.90
7/28/95	DAS Conferring with T. Collins regarding Phase I environmental audits; drafting memo concerning environmental aspects of 40-acre parcel; meeting with D. Jensen and D. Barovic regarding strategy for partition trial, including conferring during meeting with T. Collins; picking up resume and related papers from Saltbush office (T. Collins); conferring with D. Barovic regarding his info from Aquatic Ventures; calling msg to Aquatic Ventures; calling msg to appraiser J. Trueman; going to courthouse and reviewing file [REDACTED] [REDACTED] reviewing papers faxed from T. Collins regarding 1993 health dept. landfill study; trying to reach health dept. staff; conferring with T. Collins regarding study; conferring with J. Trueman regarding Aquatic Ventures, etc.; reviewing boxes of papers received from D. Barovic.	7.60
7/29/95	DAS Meeting Saturday morning in Puyallup with D. Barovic to confer with and obtain statement from J. Berry concerning communications wire dumped in landfill on 40 acre site; viewed other parcels. [6:00am - 8:30am].	2.50
7/31/95	DAS Meeting in courthouse with Jensen and Barovic for partition trial; conferring with opposing counsel and client regarding proposed settlement which was negotiated, accepted, and presented to Judge Anderson; meeting with T. Collins to advise that his testimony not needed; conferring with D. Barovic; faxing settlement document to P. Rhodes.	3.20
8/1/95	DAS Conferring with D. Barovic regarding his meeting with P. Rhodes; conferring briefly with P. Rhodes; reviewing fax received from P. Rhodes; calling message for P. Rhodes.	0.60

		Hours
7/27/95	DAS Revising draft of settlement "proposition A-2"; meeting [9:00am - 11:30am] at Jensen's office with D. Barovic and D. Jensen to consider partition strategy; reviewing MAI appraisal reports and composing arguments opposing reliance on referees' report property values; meeting in afternoon with Jensen and Barovic concerning partition strategy and declarations to file; studying MAI appraisal reports in evening.	8.90
7/28/95	DAS Conferring with T. Collins regarding Phase I environmental audits; drafting memo concerning environmental aspects of 40-acre parcel; meeting with D. Jensen and D. Barovic regarding strategy for partition trial, including conferring during meeting with T. Collins; picking up resume and related papers from Saltbush office (T. Collins); conferring with D. Barovic regarding his info from Aquatic Ventures; calling msg to Aquatic Ventures; calling msg to appraiser J. Trueman; going to courthouse and reviewing file from Hoffman Estate (settled by Grant Anderson); reviewing papers faxed from T. Collins regarding 1993 health dept. landfill study; trying to reach health dept. staff; conferring with T. Collins regarding study; conferring with J. Trueman regarding Aquatic Ventures, etc.; reviewing boxes of papers received from D. Barovic.	7.60
7/29/95	DAS Meeting Saturday morning in Puyallup with D. Barovic to confer with and obtain statement from J. Berry concerning communications wire dumped in landfill on 40 acre site; viewed other parcels. [6:00am - 8:30am].	2.50
7/31/95	DAS Meeting in courthouse with Jensen and Barovic for partition trial; conferring with opposing counsel and client regarding proposed settlement which was negotiated, accepted, and presented to Judge Anderson; meeting with T. Collins to advise that his testimony not needed; conferring with D. Barovic; faxing settlement document to P. Rhodes.	3.20
8/1/95	DAS Conferring with D. Barovic regarding his meeting with P. Rhodes; conferring briefly with P. Rhodes; reviewing fax received from P. Rhodes; calling message for P. Rhodes.	0.60

Schafer Law Firm

Attorney:
Douglas A. Schafer

Washington Building, Suite 1302
1019 Pacific Avenue
P.O. Box 1134
Tacoma, Washington 98401-1134
(253) 383-2167 (Fax: 572-7220)

June 15, 1999

Certified Mail, Return Receipt Requested

Kurt M. Bulmer, Attorney
201 Westlake Ave. N.
Seattle, WA 98109

Re: Your Malicious Lies About Me in Your May 3, 1999, Media Release

Dear Mr. Bulmer:

I recently was shown your May 3, 1999, Media Release that disseminated 14 pages of material that you reportedly had provided to the Washington Legislature in defense of your client Pierce County Superior Court Judge Grant L. Anderson. In that material, you stated:

“Schafer began his attack campaign when Judge Anderson refused Schafer’s request to have an estate pay Schafer’s fees. Schafer had appeared at the last minute and had added nothing to the process, but instead had driven up the costs of the estate so that the amount to go to the heirs was being reduced. A vindictive response to Judge Anderson’s refusal to allow Schafer to get money he was not entitled to is what has motivated Schafer in his attacks. Schafer would like to cloak himself in a robe of public good, but that is a sham. His goal is to punish Judge Anderson for daring to deny his attorney fees.

“When Schafer did not get his fees, he “suddenly” remembered that several years before a client of his had asked him to form a corporation to buy a bowling alley being sold out of an estate being handled by then-lawyer Anderson.”

Mr. Bulmer, your information is mistaken, and you apparently never bothered to verify it before you began maliciously using it to malign me. My only appearances before Judge Anderson were on behalf of Don Barovic. He hired me in early July, 1995, to join with his other lawyers, Richard Jensen and Shawn Hicks, in disputes with his two sisters involving their parents’ substantial estates. I billed Mr. Barovic directly for my services, and

Kurt M. Bulmer, Attorney
June 15, 1999
Page 2

he paid me directly. In early September, 1995, the two sisters filed motions in their father's estate proceeding before Judge Anderson seeking to assess against Mr. Barovic or the estate approximately \$104,800 in legal fees that they had incurred with their three law firms. As a defensive response, Mr. Jensen, Mr. Hicks, and I filed a similar motion on Mr. Barovic's behalf for the legal fees that he had incurred concerning the estate, being \$72,485 to Mr. Jensen's firm, \$34,723 to Mr. Hicks' firm, and \$11,197 to me.

At a hearing on September 29, 1995, Judge Anderson denied the sisters' requested assessment against Mr. Barovic and ruled essentially that each of the three siblings could recover the same amount—about \$52,400—for their incurred legal fees from their father's estate (which estate was to be divided equally among them). Thus, the two sisters' request for legal fees of about \$104,800 from the estate was approved, and Mr. Barovic was awarded half that amount—about \$52,400—for his combined legal fees incurred. Judge Anderson's ruling was not surprising or particularly disappointing. I did not even attend the hearing; I believe Mr. Jensen represented Mr. Barovic there. If anything critical of me was said at that hearing, I have to this day been unaware of it. Mr. Barovic had already paid me \$10,000 before the hearing, and paid me \$5,000 more before the written order from the hearing, a copy of which is enclosed, was entered on November 9, 1995. **Judge Anderson's ruling did not deny or deprive me of any fees** from my client, Mr. Don Barovic, nor did it precipitate my investigate, that I began in mid-December, 1995, into Anderson's mishandling of the Hoffman Estate.

Mr. Bulmer, if you have any evidence to support the above-quoted maliciously false and defamatory accusations that you have publicly made about me, please provide it. Absent your doing so promptly, I will report your misconduct to the appropriate authorities, expose you to the public as the liar that I believe you to be, and begin exploring legal action against you for defamation.

Very truly yours,

Douglas A. Schafer

Enclosure
cc: Mr. Don Barovic
Richard J. Jensen, Attorney
A. Shawn Hicks, Attorney