

# Scott E. Stafne

## Attorney at Law

Scott Erik Stafne is a third-generation lawyer. Mr. Stafne and the members of Stafne Trumbull, LLC care about the law, its process and its evolution.



Mr. Stafne graduated summa cum laude from De Pauw University and was awarded the Taylor Scholarship Award. Stafne graduated fourth in his class from the University of Iowa Law School in 1974, and was the recipient of the Phi Delta Phi scholarship award. He holds a Masters of Law degree in Law and Marine Affairs from the University of Washington. He is a member of Phi Beta Kappa and the Order of the Coif.

Mr. Stafne was a pioneer in representing fishermen and fish processing companies with regard to the Magnuson Fishery Conservation and Management Act (200 mile limit law) enacted in 1976. As part of this representation he was appointed as an industry advisor to the Pacific Coast Fishery Council Industry Advisory Board and as an observer to the bilateral treaty negotiations between the United States and Canada with regard to the conservation and management of salmon. Stafne also authored several white papers with regard to the sablefish and salmon fisheries. He also represented the first US-Soviet joint venture company in obtaining its license to fish off the Alaska Coast.

Stafne also has significant experience in litigating personal injury claims on behalf of plaintiffs, including those arising out of admiralty and maritime law. In 1992 he became involved in Land Use law as a result of his interest in Twin Falls, Inc., and brought one of the first cases before a Growth Management Hearing Board. He has also represented the homeowners of Twin Falls Estates in subsequent land use matters before administrative agencies and the courts.

Where the cause is just, Stafne Trumbull, LLC has been generous in providing pro bono or reduced fee services. Mr. Stafne is admitted to practice before the United States Supreme Court, the Ninth and Seventh Circuit Courts of Appeal, and all Washington courts. In 2012, Stafne ran for Position 2 of the Supreme Court of Washington, but was defeated by Justice Susan Owens in the primary.

Mr. Stafne has participated in published appeals in many areas of the law:

#### CONSTITUTIONAL LAW:

*Briggs v. Seattle School District No. 1, 165 Wn. App. 286 (2011) review denied 2012 Wash.*

*LEXIS 319 (Wash., Apr. 24, 2012)*

Whether Superior Court had the authority under the Constitution to hear an appeal in the absence of a record which complied with RCW 28A 645.020?

*Weikal v. Department of Fisheries, 37 Wn. App. 322 (1984)*

Whether granting licenses to only some crab fisherman to take crab from state waters violated equal protection and/or special privileges and immunities clauses?

*Mandamus Action in US Supreme Court*

Whether a United States District Court Judge had authority to issue an injunction prior to the completion of judicial review where the statute specifically precluded District Court from doing so?

#### LAND USE LAW:

*Stafne v. Snohomish County, 174 Wn. 2d 24 (2012)*

Growth Board had jurisdiction over municipality's denial of a docket request pursuant to Growth Management Act

*Stafne v. Snohomish County*, 156 Wn. App. 677 (2011)

Appeal to Growth Board would have been futile as Growth Board had held it had no jurisdiction to hear appeals of denial of docketing decisions.

#### MARINE RESOURCES LAW:

*Washington Trallers Association v. Kreps*, 466 F. Supp. 309 (1979) rev'a 645 F. 2d 684 (1981)

Whether Secretary of Commerce provided fishermen and public with sufficient information about fishery plan to enable intelligent comment, as contemplated by Fishery Conservation and Management Act and federal regulations?

#### MARITIME LAW:

*Sample v. Johnson*, 771 F. 2d 1335 (1985)

Whether claims of longshoremen were moot because they were not likely to recur? Whether claims of longshoremen for wrongful failure to pay compensation against employer were barred by the exclusivity of Longshoremen and Harbor Workers Compensation Act?

#### ADMIRALTY LAW:

*Loya v. Stawood Hotels*, 3583 F. 3d 656 (2009) cert. denied 2010 U.S. LEXIS 9124 (2010)

Whether the forum non conveniens doctrine should be applied to American spouse and children bringing an action against U.S. defendants for the death of an American off the high seas of Mexico?

*In re Petition of ABC Charters*, 558 F. SUPP. 367 (1983)

Does laches preempt Washington statutory probate claims limitation period for personal injury occurring within admiralty jurisdiction?

## PERSONAL INJURY LAW:

*Perkins v. Childrens Hospital, 72 Wn. APP. 149 (1993)*

Whether a principal of a dual agent is discharged from liability where settlement agreement contemplated otherwise?

*Nelson v. Schutz, 141 Wn. APP. 466 (2008)*

Whether attorney committed malpractice by failing to timely file under probate statutes?

## MISDEMEANOR LAW:

*Perdang v. State, 38 Wn. APP. 141 (1984)*

Court held judge had no discretion not to apply compromise of misdemeanor statute because he did not like compromise statute.

## GROWTH MANAGEMENT ACT:

*Twin Falls, Inc. v. Snohomish County, CPSGMHB Case No. 93-3-0003*

Twin Falls is a final decision and order of the Growth Board determining the meaning of Forest Land under Growth Management Act. This decision was overturned by legislature shortly after it was made.

- My Judicial Philosophy -

Judicial power applies already existing law to already existing facts. Power can be abused when judges fail to apply the law to the actual facts. Unless decisions are anchored to the facts of a dispute, a judge is exercising pseudo legislative power.

The exercise of judicial power requires reasoned and published decisions regarding disputes. A courts power is based on the peoples trust that the judge is making a decision based on the law. You, the people, need to understand the reasons for judges decisions. Therefore they must be stated and published.

Scott Stafne is the mentor / owner of the “Jackie Stafne Peregrine Falcon Rookery / Reserve”, one of the most successful in the nation. Jackie was Scott’s mother. An avid outdoorsman, Stafne has achieved many environmental and preservation objectives. He has also worked to protect natural resources, such as the black cod fishery and native salmon runs.

Scott Stafne lives in the foothills of the Cascade Mountains, has a wonderful all natural garden and is an avid art collector, (especially of local artists). The firm proudly displays an office-wide gallery of their works.

**Note From Scott Stafne:**

Lately, I have been receiving a lot of personal emails asking me to consider working on specific cases. I am flattered that people seek my advice. However, we have recently restructured our law firm in a way that we believe best promotes our efforts to effectively wage war against the banks. This requires that I not become involved in cases until they are adequately vetted by our firm’s other attorneys and staff. Most often I do not become involved in foreclosure cases until we are writing briefs before trial and appellate courts. Where a case presents novel issues, I will work with our team of lawyers in developing new legal theories.

I tell you this because of my weaknesses. I tend to be mono-focused on the task at hand. I can work 12 hour days on a brief and never look at my email. When I do get around to doing so, I concentrate on the email that I immediately recognize as important to those matters which appear as snapping alligators before me.

**Our firm wants to help people. If you think you may need legal help, or want to explore that option, please feel free to call us at 360-403-8700 to arrange for a consult.**

Scott