

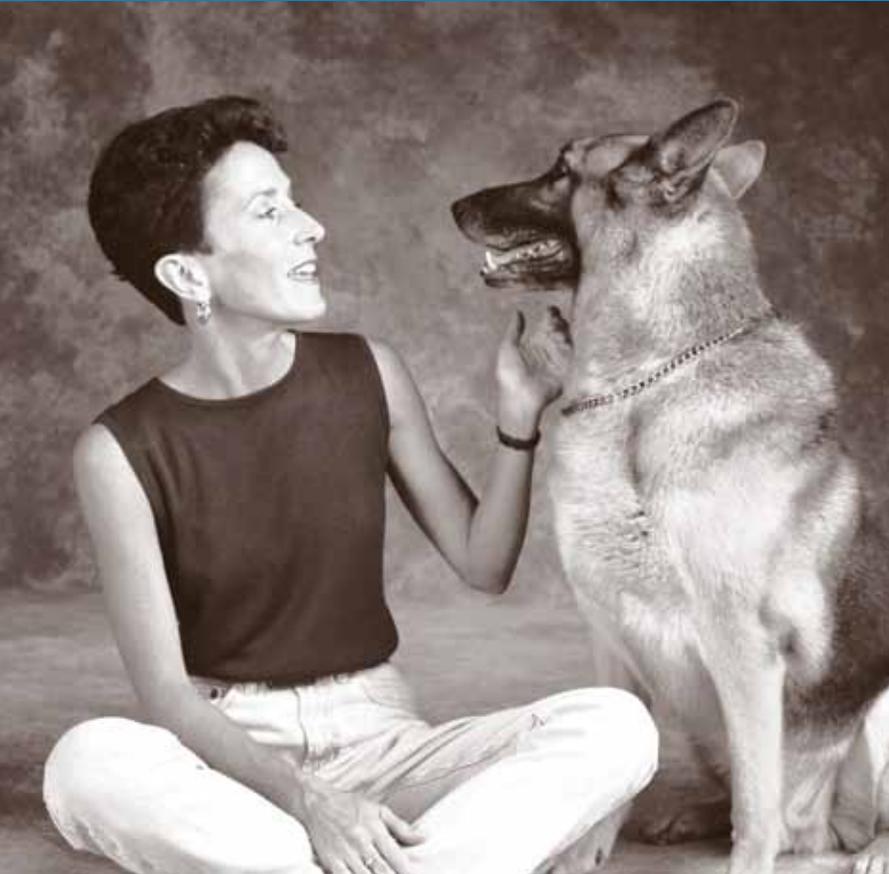
Washington State

BarNews

The Official Publication of the Washington State Bar • AUGUST 2006



Ensuring equal access



***for people
with
disabilities***

***Important announcement
about RPCs • p.45***



The Artichoke: Bad for business.

The Artichoke: Found in abundance within the trust and investment departments of large, publicly held banks.

Characterized by: Forcing clients to peel away countless layers before gaining access to an actual decision maker.

How to avoid it: Refer your clients to the Wealth Management & Advisory Services experts of Washington Trust Bank. They'll have direct access to a trusted advisor who will tailor your solutions to fit their specific needs—all without subjecting them to tiresome, unnecessary layers. It's the way we've been doing business in the Northwest for 104 years.

To find out how Wealth Management & Advisory Services from Washington Trust Bank can assist your clients, give us a call today.

Washington Trust Bank 

COMMERCIAL BANKING • PRIVATE BANKING • WEALTH MANAGEMENT

Trust Administration • Investment Management • Estate Settlement • Retirement Planning

Seattle (206) 667-8954 • Bellevue (425) 709-5500 • Portland (503) 778-7077
Spokane (509) 353-2265 • Idaho (208) 343-5000

watrust.com/goodforbusiness

Not a deposit product or other obligation of the Bank, nor guaranteed by the Bank. Not insured by the FDIC or any agency of the Federal Government. Represents possible investment risk, including loss of value.



HALL-CONWAY-JACKSON, Inc.

INSURANCE BROKERS

*Serving the Washington Legal Community
for over 40 years*

Our Professional Liability Program is underwritten by a highly rated insurer who has insured lawyers for over 30 years. As a full-service Broker, **Hall-Conway-Jackson** offers a variety of programs including:

- Lawyers Professional Liability for full-time firms
- Part-time and Moonlighting Practices
- Intellectual Property and Class Action Practices
- Employment Practices Liability
- Director's and Officers Liability
- Employee Benefits: Health, Disability, and Life Insurance
- Business Owners: Building and Offices
- Surety and Bonding Services
- Personal Lines: Homeowner's, Auto, Boat, and Specialty Coverages

*We Welcome Broker Inquiries.
For a Quote or to Learn More, Contact:*

(800) 877-8024
(425) 368-1200

Spencer Ehrman
sehrman@hallcj.com
21540 30th Drive S.E.
Bothell, WA 98021

Today's Choice...
To Insure Tomorrow's Profits

IT'S THE Work Wirelessly Without Hotspots NETWORKSM

Get a **FREE** PC Laptop Card.

With any new 2-year business agreement (5 lines plus) and BroadbandAccess plan activation.

Plus, get **UNLIMITED** BroadbandAccess

for Internet browsing, email & intranet access for only \$59.99 monthly access.

Offer valid with new 2-year agreement with qualifying voice plan.



5740 PC Card

Set Your Laptop Free With BroadbandAccess.

- Access the Internet or your company intranet wirelessly almost anywhere from within the BroadbandAccess coverage area.
- Send email and download vital information over the nation's largest high-speed wireless broadband network.
- Use BroadbandAccess in more than 181 major metropolitan areas covering more than 148 million people — no hotspots required.

Contact your local Verizon Wireless Business Sales Representative or visit a Verizon Wireless Communications Store. Get set up without leaving your office by calling 1.800.VZW 4 BIZ.



VERIZON WIRELESS IS THE NETWORK FOR LAW

Corporate Discounts • Dedicated Service Teams • Industry-Specific End-to-End Solutions • Leading-Edge Voice and Data Technologies

LOCAL BUSINESS SALES REPRESENTATIVES

ARIZONA

Phoenix
Tim McCallum
480-763-6425

Tucson

Stephan Hecker
520-407-3001

CALIFORNIA

Northern California
925-279-6760

Southern California
866-861-5096

COLORADO

Colorado Springs
Durango - Pueblo
Craig Rauenzahn
719-322-4600

Denver

Shane Caldwell
303-694-5663

Durango
Grand Junction
Western Slope
Shawntel Wells
970-210-4727

Fort Collins - Greeley
Loveland - Sterling
Mike Mekelburg
970-222-2644

HAWAII

Ajay Dugar
808-295-5515

IDAHO

Cody Rohovit
801-450-3400

MONTANA

Ken Hill
406-396-4300

NEVADA

Las Vegas
Tim Hanson
702-270-5706

Northern Nevada
925-279-6760

NEW MEXICO

Mark Francis
505-816-6814

OREGON

Sarah Feldesman
503-502-1212

TEXAS

El Paso
Patricia Arrellano
915-621-4441

UTAH

Doug Whiting
801-952-7853

WASHINGTON

Greater Seattle
Puget Sound - Tacoma
Eddie Ellard
206-300-6526

Spokane

Wally Dakar
509-954-9995

Tri-Cities - Walla Walla
Yakima

Christina Churchman
509-954-9995

WYOMING

Casper - Rock Springs
Shawntel Wells
303-594-9229

Cheyenne - Laramie

Joe Essert
307-630-5191

There's only one reason to choose a wireless company for your business. It's the Network.SM

Our Surcharges (incl. 2.31% Federal Universal Service (varies quarterly), 5c Regulatory & 40c Administrative/line/mo. & others by area) are not taxes (details: 1-888-684-1888); gov't taxes & our surcharges could add 4%-26% to your bill. \$25 Activation fee per line.

IMPORTANT CONSUMER INFORMATION: Subject to Business Agreement, Calling Plan & credit approval. \$175 termination fee per line, other charges & restrictions. Cannot combine with other offers. Coverage & offers not available in all areas. Not eligible for corporate discounts. Speed claim based on our network tests with 5 MB FTP data files without compression. Typical upload speeds of 60-80 kbps. Actual throughput speed varies. If more than 5 GB/line/month, we presume use is for nonpermitted uses and will terminate service; see brochure for details. Network details, coverage limitations & maps at verizonwireless.com. ©2006 Verizon Wireless



FEATURES

14 People First: Ensuring Equal Access for People with Disabilities

Excerpted from "Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts"

31 Pro Bono Publico: What Have You Done (Reported) Lately

by Dan Young

33 WSBA Members Reporting 50 or More Hours of Pro Bono Service in 2005

37 Building Public Faith in the Courts: Judicial Performance Evaluations

by Mary Wechsler



COLUMNS

11 President's Corner

Number 115 and Counting

by S. Brooke Taylor

DEPARTMENTS

7 Letters to the Editor

40 Zeitgeist Postcard

Two Wheels Good; Four Wheels Bad: A Lawyer Joins the Chain Gang

by Steven Reisler

44 FYI

52 Disciplinary Notices

LISTINGS

50 Announcements

55 Professionals

57 Calendar

58 Classifieds

Visit our website:

the **DUI** firm.com



Stephen W. Hayne



Aaron J. Wolff

The Law Firm of **Stephen Hayne**

425.450.6800

BarNews

Published by the

WASHINGTON STATE BAR ASSOCIATION

2101 Fourth Ave., Ste. 400
Seattle, WA 98121-2330

M. Janice Michels

Executive Director
206-727-8244; janm@wsba.org

Lindsay Thompson

Editor
206-285-4130; tradelaw@hotmail.com

Judith M. Berrett

Director of Member and Community Relations
206-727-8212; judithb@wsba.org

Todd W. Timmcke

Managing Editor/Graphic Designer
206-727-8214; toddt@wsba.org

Jack W. Young

Advertising Manager
206-727-8260; jacky@wsba.org

Alfredo A. Tryferis

Communications Specialist/Website Editor
206-733-5932; alfredot@wsba.org

Dené Canter

Classifieds and Subscriptions/Bar News
Online
206-727-8213; denec@wsba.org

© 2006 by
Washington State Bar Association.

All editorial material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the Association or the Board of Governors. Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

Washington State Bar News (ISSN 886-5213) is published monthly by the Washington State Bar Association, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330, and mailed periodicals postage paid in Seattle, WA. \$11.42 of an active member's dues is used for a one-year subscription. For inactive, emeritus, and honorary members, a free subscription is available upon request (contact Dené Canter at denec@wsba.org or 206-727-8213). For nonmembers, the subscription rate is \$36 a year. Washington residents add 8.8 percent sales tax.

Postmaster: Send changes of address to:

Washington State Bar News
2101 Fourth Avenue, Suite 400
Seattle, WA 98121-2330



Printed by Cenveo on recycled paper.

WSBA Board of Governors

S. Brooke Taylor, *President*

Ellen Conedera Dial, *President-elect*

Kristin G. Olson, *First District*

Eron M. Berg, *Second District*

Kristal K. Wiitala, *Third District*

Stanley A. Bastian, *Fourth District*

Michael J. Pontarolo, *Fifth District*

Salvador A. Mungia, *Sixth District*

Liza E. Burke, *Seventh-East District*

Lonnie G. Davis, *Seventh-Central District*

Mark A. Johnson, *Seventh-West District*

Douglas C. Lawrence, *Eighth District*

James E. Baker, *Ninth District*

Eric C. de los Santos, *At-large*

Marcine Anderson, *At-large*

Kathleen M. O'Sullivan, *At-large (WYLD)*

WSBA Editorial Advisory Board

Matthew D. Taylor, *Chair*

Hugh K. Birgenheier

Mike E. De Felice

Theda Braddock Fowler

Amanda S. Froh

Matthew R. King

Anh T. Nguyen

Darren J. Nienaber

Stephen T. Osborne

Stacey Ravetta

Edward P. Sager

Matthew C. Staples

Rebecca L. Stewart

Bar News Advertising

Display: Contact Jack Young at 206-727-8260 or jacky@wsba.org.

Announcements: For WSBA members only. Contact Jack Young at 206-727-8260 or jacky@wsba.org.

Classifieds: Advance payment required (payment may be made by credit card). Please see classified pages for rates and submission guidelines or contact Dené Canter at 206-727-8213 or classifieds@wsba.org.

Professionals: The boxed ads preceding classifieds; for WSBA members only. Cost: \$50/inch; advance payment required (payment may be made by credit card). Contact Jack Young at 206-727-8260 or jacky@wsba.org.

Deadline: Copy must be received (not postmarked) by the first of each month for the issue following. No cancellations will be accepted after the deadline. Please submit printed copy with check (payable to WSBA) or credit-card information to: *Bar News*, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330. No phone orders, please.

WSBA and Bar News Contact Information

WSBA SERVICE CENTER

800-945-WSBA (9722) / 206-443-WSBA (9722) / questions@wsba.org

General inquiries; address changes; current WSBA CLE seminars and CLE products (information or seminar registration); MCLE credits and course accreditation; licensing; Office of Disciplinary Counsel (complaints about lawyers); order placement for all WSBA products (inquiries about pending orders: 206-733-5918)

WSBA Fax: 206-727-8320 or 206-727-8319

WSBA Website: www.wsba.org

WSBA Admissions: 206-727-8209

WSBA Ethics Line (for lawyers only): 206-727-8284

WSBA Lawyer Services (for lawyers only): 206-727-8268

Voluntary fee arbitration; mediation; Lawyers' Assistance Program; Law Office Management Assistance Program

Bar News Online: www.wsba.org

Bar News Letters to the Editor: letterstotheeditor@wsba.org

Bar News Article Submissions: barnewsarticles@wsba.org

Bar News In Memoriam Submissions: inmemoriam@wsba.org

Bar News General Comments: barnewscomments@wsba.org

Submission Guidelines: WSBA members and nonmembers are invited to submit articles of interest to *Bar News* readers. Send articles via e-mail to barnewsarticles@wsba.org or provide on disk with hard copy and mail to WSBA, *Bar News* Editor, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330. Article submissions typically run 1,500 to 3,500 words. High-resolution graphics and photographs are welcome. Articles become the property of the WSBA, and the editor reserves the right to edit articles as deemed appropriate. The editor may work with the writer, but no additional proofs of articles will be provided. The editor reserves the right to determine when and if to publish an article.



LET OUR EXPERIENCED PANELISTS HELP RESOLVE YOUR DISPUTE

1411 FOURTH AVENUE - SUITE 200 - SEATTLE WA 98101 - PH. 206.223.1669 - FAX. 206.223.0450 - www.JDRLLC.COM



CHARLES S. BURDELL JR.
Former King County Superior Court Judge



JOANNE L. TOMPKINS
Former Washington Court of Appeals Commissioner



TERRENCE A. CARROLL
Former King County Superior Court Judge

- Seven former Judge and Commissioner panelists
- Large formal trial/arbitration room
- 14 comfortably-appointed mediation rooms
- JDR Arbitration Rules
- Confidential and timely arbitration and mediation solutions
- Other services including special master, hearing officer, mock trial, and appellate consultation



STEVE SCOTT
Former King County Superior Court Judge



GEORGE FINKLE
Former King County Superior Court Judge



LARRY A. JORDAN
Former King County Superior Court Judge



ROSSELLE PEKELIS
Former King County Court of Appeals & Supreme Court Judge

Letters to the Editor

Bar News welcomes letters from readers. We do not run letters that have been printed in, or are pending before, other legal publications whose readership overlaps ours. Letters should be no more than 250 words in length, and e-mailed to letterstotheeditor@wsba.org or mailed to WSBA, Attn: Letters to the Editor, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330. We reserve the right to edit letters. Bar News does not print anonymous letters, or more than one submission per month from the same contributor.

E-kudos to Medved

I am an attorney that provides e-discovery and computer forensic support to law firms and businesses. I wish to convey my thanks to *Bar News* and Robert Medved for his June 2006 article, "E-Discovery and the Proposed Amendments to the Federal Rules of Civil Procedure: A Primer." Mr. Medved's article was insightful, well researched, and useful for attorneys and paralegals that have engaged in electronic discovery (as well as those that will be doing so soon due to the upcoming amendments to the Federal Rules of Civil Procedure). Mr. Medved's article is a must-read primer on the subject.

Mark Walters, Seattle

A statutory offense?

I want to thank President Taylor for his June editorial regarding the pending ballot measure in South Dakota. I also want to thank you for publishing numerous letters from citizens who took issue with President Taylor.

I have carefully reviewed the letters in your July issue. I cannot predict the fate of the current ballot measure, but after reading the letters I am reasonably certain that the next ballot measure these folks will support will be an effort to repeal all those pesky English rules about spelling and syntax.

One letter did, however, create some confusion in my mind. Mark Yannone of Phoenix, Arizona, cited what he claims to be the language of the ballot measure, including a supremacy clause giving the measure primacy over "...any other contrary statute." If he has accurately quoted

the language of the measure, we may be suffering a threat more to our sculpture than our legal system.

Charles L. Smith, Seattle

The judge wears no clothes

Bar President S. Brooke Taylor devoted his June 2006 column to the issue of South Dakota's proposed constitutional Amendment E. However, Mr. Taylor took the wrong position.

Amendment E, the Judicial Accountability Initiative Law, would effectively

abolish the doctrine of judicial immunity. This doctrine is a holdover from the divine right of kings, the English concept that "the king can do no wrong," and therefore his judges can do no wrong. This outmoded elevation of judges over the rest of us should be ended.

Wouldn't we *all* like to enjoy immunity from lawsuits — private attorneys, plumbers, farmers, business people, truck drivers, and teachers? We could just do as we pleased and hide behind immunity with no regard for the consequences to others.



Washington's Attorney Placement Specialists

Contract & Permanent

The Best Candidates, Rates and Service

Lynda J. Jonas, Esq. — Placement Director
615 Market Street, Suite B • Kirkland, Washington 98033
Ph: 425-822-1157 • Fax: 425-889-2775
E-mail: legalease@legalease.com
See positions available at www.legalease.com

Efficient.

(ĭ-fĭsh'ənt) adj. 1. Acting or producing effectively with a minimum waste or unnecessary effort.

That's how we describe our readers. Lawyers USA is their one-stop Shop, with resources including:

- Hard-to find verdicts and settlements.
- New legal theories and hot new litigation practice niches.
- Cutting edge strategies and techniques.

Call 1-800-451-9998 or visit www.lawyersusaonline.com.

LawyersUSA
ESTABLISHED 1988

How do you define success?

FREE OFFER! GET SIX WEEKS OF LAWYERS USA RISK FREE.

CORPORATION KITS

FOR

WASHINGTON

\$57.95

Binder & slipcase, index tab set, printed stock certificates w/full page stubs & gold foil starbursts, transfer ledger, embossing seal & pouch, 30 sheets of blank 25% cotton bond paper.

Same kit with By-Laws, minutes & resolutions package and 6 sheets of blank 25% cotton bond paper plus tax forms for EIN and "S" corporation election.

\$59.95

Kit without seal \$10.00 less than regular price



OTHER PRODUCTS

LTD. LIA. CO. OUTFIT	\$59.95
NON-PROFIT OUTFIT	\$59.95
LTD. PARTNERSHIP	\$59.95
FAMILY. LTD. PART.	\$59.95
SEAL W/POUCH	\$25.00
STOCK CERTS (20)	\$25.00
FORMS ON CD OR DISK	\$29.95

Shipping & Handling additional

NEW!

RUBBER STAMPS

for
Corporate/LLC seals, notarial/notary public,
deposit, address, signature, etc.
Self-inking

SAME DAY SERVICE

REGISTERED AGENCY
SERVICE
FOR
MONTANA

**ORDER TOLL FREE !
PHONE 1-800-874-6570**

FAX 1-800-874-6568

E-MAIL : corpkit@corpkitnw.com

Web: www.corpkitnw.com

ORDERS IN BY 2:00 PM SHIPPED SAME DAY.

\$7.00 PER KIT UPS GROUND CHARGE.

(Rural and/or residential, AK & HI higher)

LAW FIRMS: WE WILL BILL WITH YOUR ORDER OAC.

SATISFACTION GUARANTEED !!!

Prices subject to change without notice.

**CORP-KIT NORTHWEST,
INC.**

P.O. BOX 697

LANGLEY, WA 98260

If passed, Amendment E will greatly benefit society. The disturbing bias of judges in favor of prosecutors (prosecutorial immunity should be abolished, also) will come to an end. The present outrageous odds in favor of the state are not just due to the vast resources that the state can wield against an individual. They are also due to the favorable evidentiary rulings and jury instructions that the judges routinely grant to prosecutors.

Judges even go so far as to violate the inherent power of jurors to judge the law and render their verdicts according to conscience. Judges have been known to invade the jury room and remove jurors who begin discussing the unjustness of a given law during jury deliberations. The bias of judges against independent jurors will be put to an end by Amendment E.

Mr. Taylor asks, "What judge in his or her right mind would stay on the bench in a system where unhappy litigants have such a remedy at their disposal?" The answer to this question is: It would be the fair-minded, restrained, and respectful judges who protect people's constitutional rights who would be attracted to the bench.

Power without accountability has some unsavory consequences. The Judicial Accountability Initiative Law will go a long way toward restoring liberty and justice to our society.

Tom Stahl, Ellensburg

Take my freedom ... please

It is obvious that guest editor Jeff Tolman has failed to appreciate the subtle logic underlying President Bush's decision to collect and monitor the phone records of average American citizens ("Troubled over a ringing phone," Editor's Page, July 2006 *Bar News*). The unhappy reality is that the war on terror has no beginning nor end. It could be against anybody and everybody. As Mr. Tolman correctly observes, nearly anyone you meet on the street could be a terrorist. Your neighbor down the block could be a terrorist (particularly if you don't live in a gated community). So you can't be too careful. If you don't know who the enemy is, then you have

to keep an eye on everybody. And that's just what President Bush is doing, and he's doing it for you, me, your children and their children, and your pet dog, too (assuming it's pedigreed and you have the papers to prove it).

What Mr. Tolman fails to understand is that the president's plan for doing away with all our silly, extraneous civil liberties forms an essential part of a brilliant grand scheme to bring the war on terrorism to a successful conclusion. You see, there is more than one way to win the war on terror. Up front, our strategy from day one has been to crush the terrorists wherever we find them — kill, maim, torture, lock them up and throw away the key — whatever it takes. But for some odd reason this doesn't seem to be working as well as we would like. We can't find them all, and (cowards that they are) they hide themselves among the people. And some ill-informed malcontents fail to understand that in bringing the blessings of democracy to benighted foreign lands it may be necessary to temporarily destroy towns and villages, wreck the local economy and foment civil strife. So it sometimes seems like for every terrorist we take out ten more spring up the next day to replace them. Clearly, we need a different approach.

I am happy to report that President Bush has come up with the answer. The key lies in his keen analysis of the terrorists' motivation. As the president has told us many times over, the reason that the terrorists hate us is because they hate our freedom. Well, think about it. If you can't knock them out, maybe what you do is attack the root cause. This is what the President is doing, and what lies behind his ingenious but unfairly maligned policy of spying on American citizens. If the terrorists hate our freedom, and the president takes our freedom away, what will be left for the terrorists to hate? I can just see Osama now, sitting there in his cave scratching his beard and wondering what to do: "Allah be praised, the American infidels have perfidiously destroyed all their cherished freedoms. What is there left to hate? Why should we bother with them? Say, what about Sweden? They seem to have lots of freedom there. Contact our

agents in Stockholm!”

Yes, Mr. Tolman, President Bush has come up with the final solution to the war on terrorism. Just destroy American freedoms and the terrorists eventually will lose interest in us and go away. This strategy is elegant in its simplicity and inexorable in its effects. In closing let me leave you with the inspired words that our beloved leader auspiciously uttered on August 5, 2004, exactly two years, 10 months and 25 days after the tragic events of 9-11: “Our enemies are innovative and resourceful, and so are we. They never stop thinking about new ways to harm our country and our people, and neither do we.”

Keep the faith and God bless!

Stafford L. Smith, Kenmore

A parent by any other name

Jacqueline Jeske has over 20 years of experience in family law, and still refers often in her “Children of the Poor” article (July 2006 *Bar News*) to “nonresidential parent.” That seems to me defined nowhere in our statutes. Is that a parent who is homeless?

More than once, she refers to a “nonresident” parent. Is that an undocumented worker with children?

She even referred at least three times to “custodial parent,” but I thought “custody” as a concept vanished over a decade ago with the new parenting act.

The words we choose to use matter. Lawyers above all should know that.

There are no “primary” parents — implying the existence of “secondary” parents. There are no “primary residential parents,” or “residential parents.” There are just parents, mothers and fathers, moms and dads, both of whom have equal and concurrent obligations to abide by the parenting plan and to meet their respective *joint* obligations to financially support their children.

The sooner practitioners excise these imprecise and pejorative terms from presentations, the more fairly we will treat all who apply for help from the family courts — both the residential and nonresidential litigants.

J. Mills, Tacoma

ATTORNEYS ■ PARALEGALS ■ SUPPORT STAFF TEMPORARY & PERMANENT

Let us help you make better hiring decisions, respond to fluctuations in workflow, cover gaps in staffing, control costs and enhance profits. Our staff of attorneys prescreens and qualifies candidates for temporary, temp-to-perm, and permanent placement with law firms and corporations throughout the Pacific Northwest.

Attorneys

Paralegals

Contract Administrators

Support Staff

- Secretaries
- Word Processors
- Document Coders
- File Clerks
- Receptionists

Tel. 206.328.5100 ■ Fax 206.328.5600 ■ www.Minzel.com ■ mail@Minzel.com

SERIOUS INJURY EXPERTS

Wrongful Death

\$1,225,369.86



FURY BAILEY

WWW.FURYBAILEY.COM
206.726.6600

Question, Comment, Request?

The WSBA Service Center is open Monday through
Friday, 8:00 a.m. to 5:00 p.m.
800-945-WSBA • 206-443-WSBA
questions@wsba.org



AFFORDABLE PROFESSIONAL LIABILITY INSURANCE IS JUST ONE CALL AWAY.

Mainstreet® is the Nation's Small Firm Expert. Solo Practitioners and Small Law Firms deserve special attention and get it from Mainstreet®. Most small firms are actually lower in risk than larger firms and should be paying lower premiums. Now you can make one call to compare service, policy features and price. We immediately qualify your firm and provide quotes. No long delays.

*Insurance is written
through PSIC/NCMIC
Insurance Company
Rated "A" Excellent
by A.M. Best*

800-817-6333 ext. #502

MAINSTREET INSURANCE PURCHASING GROUP

1402 Third Avenue, Suite 520, Seattle WA 98101-2118

www.EZlawquote.com



Number 115 and Counting

S. Brooke Taylor, WSBA President

With my year as your 115th president winding down, I continue to be amazed at the dramatic changes that have occurred in WSBA leadership.

It took 113 years to elect a president from Pullman (David Savage), and 115 years to elect one from Port Angeles, but it has happened. Ellen Conedera Dial, soon to be Number 116, is only the third woman to be elected president in the history of our organization, and the first person ever to do so without prior service on the Board of Governors. But it has happened. It took 114 years to elect a person of color as president, and Ron Ward broke that barrier in 2004-2005.

These and other dramatic “happenings” did not just happen. They are the result of a six-year effort that began when Tacoma’s Dale Carlisle was chosen by the Board of Governors in June 2000 to serve as our 111th president. This created a vacancy in his position as governor representing the Sixth Congressional District, and the Bylaws provide that vacancies are filled by the Board rather than the traditional district-wide election by members. I was persuaded to apply for the position, even though my prior participation in WSBA activities had been minimal. Five other Sixth District lawyers also applied, and we were interviewed one-by-one during a Board meeting in Spokane in September 2000.

I distinctly recall telling the Board that, as I looked around the leadership table then consisting of 11 Governors, a president from Spokane, and a president-elect from Seattle, I did not see any rural lawyers, despite the fact that several thousand of our members live

and practice in small firms in small towns across the state. I explained that many rural lawyers viewed the WSBA as a Seattle-centric “good ol’ boys’ club” with little relevance for the rest of us. We face different issues, have a different view of the world, and often feel disenfranchised by our mandatory bar association. I was certain the same sentiment prevailed in many other groups within our membership.

That theme must have resonated with the Board because, with little else in the way of credentials to offer and five other excellent candidates, I was still elected to fill the remaining two years

These and other dramatic “happenings” did not just happen. They are the result of a six-year effort that began when Tacoma’s Dale Carlisle was chosen by the Board of Governors in June 2000 to serve as our 111th president.

of the unexpired term. That was the beginning, and other changes followed in rapid succession. Before that first year on the Board was over, we had amended the Bylaws to expand the membership from 11 to 14, with the three new seats dedicated to adding diversity to bar leadership. *Bar News* Editor Lindsay Thompson, then a member of the Board, took a leadership role in this effort. Diversity was defined in the broadest terms possible, with the goal of bringing voices to the table that had not been heard and represented significant constituencies within our membership.

The changes since my first year as a governor have been nothing short of dramatic, bringing a richness and energy to Bar leadership that had never

existed. In the first election to fill those new seats, which is done in the same manner as vacancies are filled, the Board was overwhelmed with qualified applicants, and elected the first Latina to serve, the first Whitman County lawyer to serve, and the first-ever representative of the Young Lawyers Division. The Board has been similarly blessed with stellar candidates each time thereafter when those seats have turned over, and the WSBA has been well served as a result.

The current Board includes nine men and five women; eight from King County (including, for the first time, all three of

the diversity positions); three from mid-sized communities; three from rural counties; three who are young enough to be my children; four lawyers of color; and lawyers of differing sexual orientations. The WSBA will of necessity always be somewhat Seattle-centric, because half of our members live and practice in King County, as do most of our staff and most of our volunteers. But only five seats out of 14 on the Board are actually dedicated to King County lawyers, so balance is now the rule rather than the exception.

Paralleling this metamorphosis, and in a large measure because of it, has been the growth and ascendancy of our minority and specialty bar associations, which now have a voice at the

This summer more boaters will be arrested for Boating Under the Influence than ever before. With over 75 years of experience our commitment extends from the roadways to the waterways.



THE COWAN
SMITH KIRK
GASTON LAW FIRM

Defending DUIs ♦ Defending BUIs

425.822.1220 ♦ Cowanlawfirm.com

table. To further encourage this growth, the Board has, among other measures, created a staff position of diversity advocate, activated the Board's Diversity Committee, and supported the award-winning WSBA Leadership Institute, the remarkable brainchild of predecessors Number 113 and Number 114.

This has been hugely rewarding for those involved, and healthy for our Association. But one nagging problem persists: When we have regular elections for governors and president, nobody runs! Three of four races this spring for seats on the Board were uncontested, as was the election of Stan Bastian from Wenatchee as president Number 117. Fortunately, those elected without contest are all superbly qualified, and will serve you well. But it is the apparent lack of interest in district races that is concerning, and this has been going on for decades.

Eleven positions on the Board are elected by the members in a particular congressional district for three-year terms. Candidates apply and ballots are sent out from WSBA headquarters. There is no filing fee, and campaigns are optional (and rare). But, you may ask, why would one want to do this? A detailed answer would consume a full column by itself. Suffice it to say that my service on the Board of Governors has been the most exciting and rewarding volunteer work I have ever done in a lifetime of volunteerism. And most current and former governors will echo that sentiment.

Several seats will be up for grabs next spring, including districts 2, 7-central, 9, and one at-large seat that has no geographic limits. The election process is simple, and the service incredibly rewarding. One of the messages I have been taking to local bar associations across the state this year is simple: If I can do it, you can do it. Think about it. ☺

Brooke Taylor can be reached at 360-457-3327 or sbtaylor@plattirwintaylor.com. If you would like to write a letter to the editor on this topic, please e-mail it to letterstotheeditor@wsba.org or mail it to WSBA Bar News, Attn: Letters to the Editor, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330.



**Queen Anne
ARBITRATION
& MEDIATION
SERVICES**



Karen A. Willie

- 20+ years Practicing Complex Engineering, Real Estate and Land Use Law
- Former Therapist
- Plaintiff, Defense, Municipal, Individual and Insurance Cases
- Repeatedly Named a Super Lawyer
- Honored in Who's Who in ADR

If you need us, we're here for you!

11 West McGraw Street, Seattle, WA 98119
(206) 223-1060 kwillie@willielaw.com (206) 223-0168 Fax

**E-commerce + Chinese Market
= the fortune for your law firm**



Dream Express Outsourcing (USA) Inc.

Features of our E-commerce:

- Custom Court Forms
- Custom Online Questionnaires
- Office Network
- Video Interview / Online Case Handling

Steps to get into the Chinese Market:

- Find you- Excellent marketing strategy for your business promotion
- Know you- How to convince clients at first sight?
- Trust you- Seeing is Believing
- Support you- Put your hand on our shoulders
- Pay you- Make the last step simple

Tel: 1-562-239-3664 <http://www.de100.com>

Mediation Arbitration

Construction & Real Estate Disputes Business Disputes

Sherman L. Knight

- 17 years Practicing Construction, Real Estate and Business Law
- Licensed Architect
- Former Manager, Construction Company
- Former Quality Control Manager, Concrete Pre-cast Company
- Former Surveyor and Construction Administrator for the Washington State Department of Transportation

**Now accepting cases of all size and scale,
including residential construction defects.**

If you need additional information, log on:

WWW.MEDIATE.COM/KNIGHT

or contact Mr. Knight:

knight@mediate.com • 425.576.4028

**SPEEDING TICKET?
TRAFFIC INFRACTION?
CRIMINAL MISDEMEANOR?**



Muckleston

JEANNIE P. MUCKLESTONE, PS

615 2nd Avenue, Penthouse Suite 720
Seattle, Washington 98104
206-623-3343 (direct line and pager)

muckleston@msn.com
www.muckleston.com

- Successful results
- Extensive experience
- Former *pro tem* judge
- *Vogue* magazine 2003 Top Lawyer for Women in Washington



People First

Ensuring Equal Access for

Excerpted from “Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts”

Bar News is pleased to publish an excerpt from a new guide, *Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts*, developed by the Access to Justice Board’s Impediments to Access to Justice Committee.

The Committee is co-chaired by Hon. Catherine Shaffer of the King County Superior Court and former WSBA Board of Governors member Howard Graham of Tacoma. Chiefly responsible for the

content of the Guide were Lonnie Davis of the Washington Coalition of Citizens with Disabilities and member of the WSBA Board of Governors; David Lord, staff attorney, Washington Protection and Advocacy System; and Ann Glynn, Esq., of the Eastern Washington Center for the Deaf and Hard of Hearing. Hon. Anne Ellington, of the Court of Appeals, served as editor. Commentary was provided by many, including Ken Nakata, former Department of Justice attorney and drafter of many of the Access Board regulations.

The full Guide is an important com-

pendium of laws, information, and suggestions for assuring equal access for all, and it includes suggested means of accommodation. In addition to the full guide, a desktop version of the Guide was also written. The complete text of both can be found on the WSBA website at www.wsba.org or the Washington Courts website at www.courts.wa.gov. State and federal laws require that government programs be accessible to persons with disabilities (RCW 49.60.010 et seq., Americans with Disabilities Act, 42 U.S.C. §12131 et. seq. (ADA)).

In 2004, the U.S. Supreme Court made



People with Disabilities

the following observations in upholding application of the ADA to courts and court services:

The unequal treatment of disabled persons in the administration of judicial services has a long history, and has persisted despite several legislative efforts to remedy the problem.... Faced with considerable evidence of the shortcomings of previous legislative responses, Congress was justified in concluding that this "difficult and intractable problem" warranted [the enactment of Title II].... Recognizing that failure to accommodate persons with disabilities will often have the same practical effect as outright

exclusion, Congress required the States to take reasonable measures to remove architectural and other barriers to accessibility.... [A]s it applies to the class of cases implicating the fundamental right of access to the courts, [Title II] constitutes a valid exercise of Congress'...authority to enforce the guarantees of the Fourteenth Amendment. Tennessee v. Lane, 124 S.Ct. 178, 1993-4 (2004). (Italics added.)

Introduction

Three recent Washington sources have confirmed that persons with disabilities have great difficulty achieving access to facilities and services in Washington courts.

In 1999, the Civil and Legal Rights Subcommittee of the Governors' Committee on Disability Issues and Employment reviewed the accessibility of Washington state's district, municipal, and superior courts, using an ADA self-assessment tool. The following year, the WSBA Court Improvement Committee and the Access to Justice Board's Impediments to Access to Justice Committee conducted a survey of court officers, attorneys, and users of courthouses throughout the state. In 2003, the Supreme Court conducted a civil legal needs study.¹ All these reviews confirmed what we already knew: Our courts and court programs are not accessible.

More than 940,000 people in Washington have disabilities.² This is a substantial

proportion of our state population of six million.³ The Civil Legal Needs Study shows that people with disabilities experience legal problems with a discrimination component at a significantly higher rate than many other low-income groups, and that low-income persons with disabilities are among the least likely to secure legal help from an attorney.

What the Law Says

Generally: Access to the courts is a fundamental right under the state and federal constitutions. State and federal statutes require that people with disabilities be afforded equal access to courthouses, courtrooms, and court services. Their access must be just as effective as the access provided to other members of the public.

Court rejected this definition and adopted the ADA definition. *McClarty v. Totem Elec.*, No.75024-6, 2006 Wash. LEXIS 504 (July 6, 2006).⁵

Implications for Courts

What Is Prohibited?

Title II of the ADA prohibits exclusion or unequal treatment of qualified individuals in any program, service, or activity of state or local government. 42 U.S.C. § 12132. A qualified individual is anyone who, with or without reasonable regulatory modifications, removal of barriers or auxiliary aids and services, is eligible for public services. 42 U.S.C. § 12131(2). In the arena of the court system, this is virtually everyone.

The WLAD prohibits discrimination on the basis of disability, and requires

to all participants: jurors, lawyers, parties, witnesses, and observers.

The law does not require courts to make fundamental alterations to their programs or make changes that would result in undue financial or administrative burdens,⁹ and no action is required that would threaten the significance of a historic site.¹⁰ But the law requires reasonable efforts to remove barriers to courthouses and court services, and affirmative steps to ensure that participation in public programs is equally available to people with disabilities. This means identifying and removing barriers, or identifying and implementing accommodations. These requirements apply to court services, viewed in their entirety.

Treating everyone exactly the same way does not ensure fairness. Truly equal treatment of people with disabilities often means treating them differently.²⁰

Sources of the Law

- The Americans with Disabilities Act
- The Washington Law Against Discrimination⁴
- The United States Constitution
- The Washington Constitution
- The State Supreme Court Access to Justice Technology Principles

What Is a Disability?

The definition of “disability” is broad, and now is the same under both the ADA and the WLAD. Under the ADA, “disability” is a physical or mental impairment that substantially limits one or more major life activities. 42 U.S.C. § 12102(2). A person is also considered disabled for purposes of the ADA if she has a record of such an impairment, or is perceived as having such an impairment. 42 U.S.C. § 12102(2)(B).

Washington state statutes contain no definition of qualifying disability. WAC 162-22-020(1) provides that “disability” is a short-hand term for “the presence of any sensory, mental or physical disability” — namely “a sensory, mental, or physical condition” that is medically cognizable or diagnosable, exists as a record or history, or is perceived to exist (whether or not it actually does). In July 2006, the Washington State Supreme

reasonable accommodation of disabilities. RCW §§ 49.60.010, 49.60.030, 49.60.215. State implementing regulations in WAC 162-26-060, *ff*, set forth prohibitions and requirements similar to those under the ADA. There are additional provisions scattered throughout Washington statutes, which protect, *inter alia*, the constitutional rights of persons with hearing or speech impairments (RCW § 2.42.010)⁶ and the equal right of the “physically disabled” to “full and free use of...public buildings, public facilities, and other public places.” (RCW § 70.84.010).

What Is Required?

These laws apply to courts and to administrative agencies conducting adjudicative hearings. Both courts and agencies are public entities and places of public accommodation⁷ fully subject to the ADA and the WLAD. Indeed, Congress intended to make it *difficult* for government to avoid compliance with the ADA.⁸ State and local government services, programs, and activities — including those of administrative and judicial courts — must be “readily accessible to and usable by” individuals with disabilities. 28 C.F.R. § 35.150(a). *In short, the ADA applies to all judicial programs and services, and*

- For example, “auxiliary aids and services” must be furnished where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity. 28 C.F.R. § 35.160(b)(1). Courts must make “reasonable modifications” to rules, practices, and policies if changes are necessary to avoid discrimination on the basis of disability.¹¹ And courts must assure that communication is as effective for people with disabilities as it is for others. 28 C.F.R. § 35.160(a).
- Courts must create a procedure by which an accommodation can be requested,¹² and must then investigate and ascertain what accommodation is reasonable.
- Costs must be borne by the court, and may not be passed on as a surcharge to the individuals accommodated.¹³
- Entities that employ 50 or more people must designate an employee to receive ADA complaints and must publish procedures for handling those complaints. 28 C.F.R. § 35.107.¹⁴
- To ensure compliance where structural changes are undertaken to achieve accessibility to a program, places of public accommodation (if they employ 50 or more persons) must develop transition plans setting forth the steps needed to complete those changes. Plans must, at a minimum, identify physical barriers and limited access to facilities, detail the methods

to be used to make the facilities accessible, set a timeline for the changes, and identify the official responsible for the plan's implementation.

Is There Immunity?

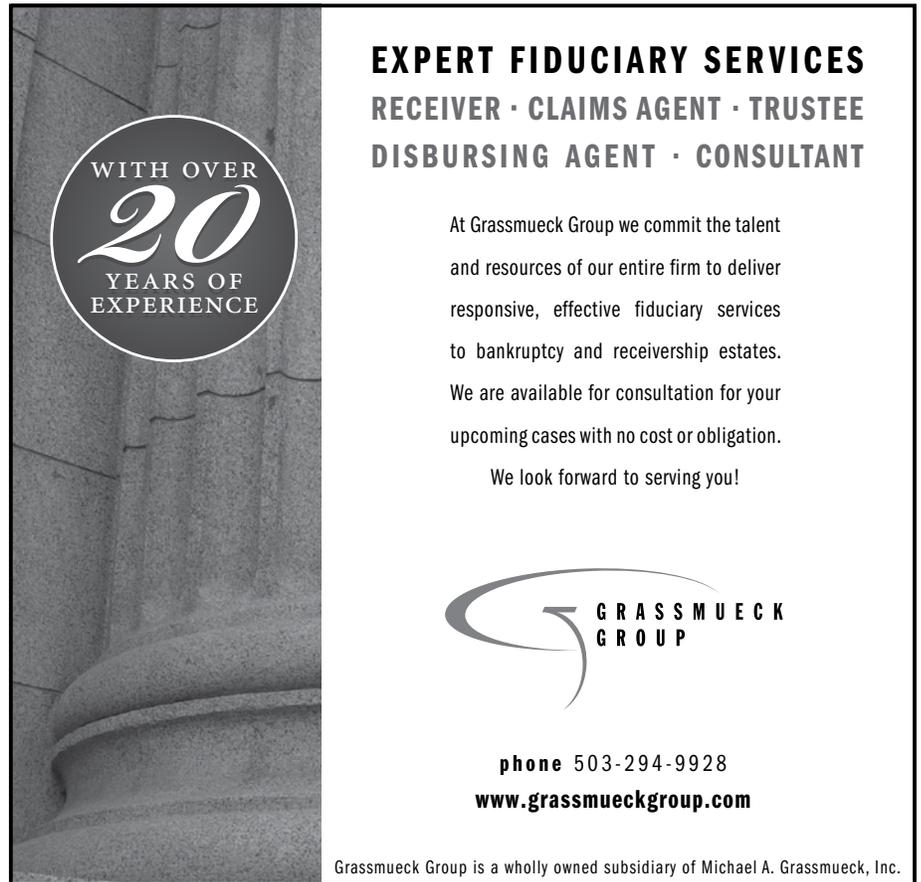
The ADA expressly abrogates state sovereign immunity.¹⁵ In *Tennessee v. Lane*, the U.S. Supreme Court upheld this abrogation, at least insofar as it applies to the accessibility of judicial services.¹⁶ Under both the WLAD and Title II, public entities — including courts — are subject to suits for declaratory relief, injunctive relief, and damages.

Judges performing judicial functions have generally been held absolutely immune,¹⁷ although their immunity will not protect others. In one local case, a judge who denied a motion for real-time transcription as an ADA accommodation was held absolutely immune. *Duvall v. Kitsap County*, 260 F.3d 1124, 1133, 1138 (9th Cir 2001). ("Ruling on a motion is a normal judicial function, as is exercising control over the courtroom while court is in session.") A question of fact existed, however, as to whether the court administrator who denied the accommodation request was acting in an administrative capacity (providing no immunity) or a quasi-judicial capacity (immune). *Id.* at 1135.¹⁸

Whether immunity protects a judge who wrongly denies accommodation as an administrative act is doubtful. "Absolute judicial immunity does not apply to non-judicial acts, i.e., the administrative ... and executive functions that judges may on occasion be assigned to perform." *Id.* at 1133. See also *Memmer v. Marin County Courts*, 169 F.3d 630, 634-5 (9th Cir., 1999) (litigant had visual disability; state court provided a reader, but refused to provide specific individual requested; federal district judge held judges immune; circuit court held plaintiff failed to show accommodation was unreasonable, and did not address immunity).

Jurors

Jury service is an important civic right, and jurors are protected by the ADA. A jury summons should solicit information about any need for accommodations, and should provide contact information so the juror can work with the court before reporting for jury duty. When empanel-



EXPERT FIDUCIARY SERVICES
RECEIVER · CLAIMS AGENT · TRUSTEE
DISBURSING AGENT · CONSULTANT

At Grassmueck Group we commit the talent and resources of our entire firm to deliver responsive, effective fiduciary services to bankruptcy and receivership estates. We are available for consultation for your upcoming cases with no cost or obligation.

We look forward to serving you!

**GRASSMUECK GROUP**

phone 503-294-9928
www.grassmueckgroup.com

Grassmueck Group is a wholly owned subsidiary of Michael A. Grassmueck, Inc.

QUID PRO QUO is a specialized division of LAW DAWGS, INC.

QUID PRO QUO[®]
ATTORNEY AND EXECUTIVE SEARCH CONSULTANTS

QUID PRO QUO is a leading Seattle-based attorney and executive search firm providing specialized and distinctive recruitment services to national and international clients. Our Recruiters are experienced attorneys who offer sophisticated solutions tailored to each client's unique requirements.

IN-HOUSE ATTORNEYS | GENERAL COUNSEL | ASSOCIATE GENERAL COUNSEL
ASSOCIATES & LATERAL HIRES | CONTRACT ATTORNEYS
PARTNERS | OF COUNSEL
PRACTICE GROUPS | FIRM MERGERS

INITIAL INQUIRIES:
Dyana Veigle, Esq., President, DV@QPQLegal.com

TEL: (206) 224-8269 | FAX: (206) 224-8291
Financial Tower, 1201 Third Avenue, 29th Floor, Seattle, Washington 98101-3029
www.QPQLegal.com | www.lawdawgs.com

HEADQUARTERED IN SEATTLE, WASHINGTON | SERVING CLIENTS NATIONALLY AND INTERNATIONALLY

ling a jury, the judge should ask about any need for accommodations. A useful resource on jury issues is the ABA publication by Kristi Bleyer et al., *Into the Jury Box: Disability Accommodation Guide for State Courts* (1994).¹⁹

Pro Se Litigants with Disabilities

When a person with a disability represents himself, there may be no intermediary between the court and the litigant on the subject of necessary accommodations. It is acutely important that judicial officers, clerk's staff, and courtroom staff be alert, communicate effectively and

respectfully, and determine appropriate accommodation if needed.

What About Administrative Tribunals?

Administrative agencies are public entities and places of public accommodation, and both the ADA and the WLAD apply to administrative agencies conducting adjudicative hearings. State and local government services, programs, and activities — including those of administrative and judicial courts — must be “readily accessible to and usable by” individuals with disabilities. 28 C.F.R. Sec. 35.150(a).

Preconceptions and Stereotypes

When most of us think about disabilities, we may imagine a person who uses a wheelchair, or who is blind. We may assume that all people with disabilities have roughly identical needs. But when we stop to imagine how a disability would affect our day-to-day activities, we realize that each disability creates different challenges and different needs.

Unfortunately, our initial responses to people with disabilities often are formed by stereotypes and myths. It takes training to recognize and reject such responses. Very often, the first step is to learn a new vocabulary that conveys respect and avoids offense. (See p. 24 for some people-first language guidelines.)

When justice is inaccessible, the simple result is injustice. The need to eliminate barriers preventing access to our courts is real and immediate.

Ensuring equal access to justice chiefly depends on understanding that people with disabilities are people. They are not medical diagnoses like cerebral palsy; they are not devices like wheelchairs. They adapt to their disabilities and live their lives — go to school, work, get married, have families, shop for groceries, laugh, cry, vote, pay taxes, come to court — just like everyone else. Most people with disabilities prefer to be responsible for themselves. If we believe people have a right to equal justice, and if we remember that all of us can contribute to change, things will work out.

Providing Access

What constitutes a reasonable accommodation depends upon the particular circumstances. Here follows an introduction to four common kinds of disabilities.

Hearing or Other Communication Disability

Hearing loss varies greatly. A person with mild hearing loss may not be greatly affected in the activities of daily living. Once hearing loss is at a moderate level, however, it is likely that a person will


Patents
Trademarks
Copyrights
Technology Transfer
Litigation



Invent. Patent. Profit.™

BLACK LOWE & GRAHAM PLLC
Intellectual Property Attorneys

701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301
blacklaw.com

misunderstand speech. Assistive technology can bridge the communication gap. Those with profound hearing loss will likely need interpreters.

Communication disabilities may have many causes, including medical, developmental, or other conditions. A stroke or accident can affect speech or hearing, illness can alter speech patterns, and some conditions such as autism can prevent voiced communication.

The key to providing solutions: Never assume that one solution will accommodate every person with a communication disability. In choosing among different alternatives, courts must try to abide by the preference of the person needing the accommodation. The ADA requires public entities to give "primary consideration to the requests of the individual" in deciding what auxiliary aid or service is necessary to ensure that communications with persons with disabilities are as effective as with other persons. 35 C.F.R. § 35.160(b)(2).

Most people with hearing loss or communication disorders use some type of sign language or assistive technology in order to communicate effectively. Courts must provide a qualified interpreter or other effective assistive technology at every stage of a proceeding for persons who are deaf, deaf/blind, or hard of hearing, and should make this capacity known to the public.²¹ RCW 2.42.180 gives the court discretionary authority to order visual recording of a proceeding involving a person with a hearing loss, and makes visual recording mandatory in capital cases.

Vision Disabilities

Vision limitations also vary greatly, and may range from mild to moderate losses of visual acuity to tunnel vision, night blindness, or color blindness, to total lack of sight. Appropriate accommodations will be similarly varied, depending upon the specific nature and level of impairment. Only 10 to 15 percent "see" total darkness. The majority can distinguish light, color, and/or form.²² Enabling access for those with visual disabilities requires consideration of both communication and physical barriers.²³

Mobility Limitations

People with mobility limitations may en-

counter obstacles getting to and entering the courthouse, or getting around once inside. The ADA mandates the "readily achievable" removal of architectural and structural barriers unless programs can be made accessible in some other way. 42 U.S.C. §§ 12182(2)(A)(iv), (v). Whether or not barriers exist, courts should ensure a continuous, unobstructed route from accessible public transportation and parking through an accessible public entrance into the areas where court services are conducted.

The ADA does not necessarily require that each courtroom, office, or restroom

be barrier free. Rather, the services and accommodations of the courthouse, *viewed as a whole*, must be readily accessible and usable by people with disabilities. 28 C.F.R. §§ 35.130(a), 35.150(a). When it is not feasible to serve a person in the same place others are served, the person must be served in the most appropriate integrated setting. 18 C.F.R. § 35.130(d).

Cognitive and Other Mental Disabilities

People with cognitive and other mental disabilities often encounter paternalistic

SGB PEOPLE



SCHROETER GOLDMARK & BENDER CONGRATULATES

AMANDA LEE

on her election as President of the Washington Association of Criminal Defense Lawyers.

WE SUPPORT AMANDA AND WACDL'S MISSION OF PROMOTING JUSTICE AND THE COMMON GOOD OF ALL CITIZENS.

500 Central Building, 810 Third Ave., Seattle, WA 98104 | 206 622 8000, 800 809 2234 | www.sgb-law.com

**SCHROETER
GOLDMARK
& BENDER**

Asbestos
Consumer Protection
Criminal Defense
Employment and Labor
Environmental Law

Maritime Injuries
Medical Malpractice
Negligent Supervision
Product Liability
Serious Auto Accidents

Sexual Assault
Social Security
Wage and Hour
Class Action
Wrongful Death

© 2006 SCHROETER GOLDMARK & BENDER. ALL RIGHTS RESERVED.

attitudes and condescending responses. They may therefore be unwilling to acknowledge a need for help, and may be suspicious or skeptical about offers of help. At other times, the presence of a mental disability may go unrecognized, and behavior may be misinterpreted.

Many conditions can affect learning and decision-making: cerebral palsy, autism, and Down syndrome; traumatic brain injuries; epilepsy or other seizure disorders; or mental illness, to name just a few. Individuals with these disabilities may be of normal intelligence or may have cognitive limitations. The major barriers to access for persons with cognitive disabilities are unnecessary complexity and ineffective communication.

The vibrancy of our Democracy depends upon our willingness to ensure that the fullest range of voices and interests is represented and heard. This is what the fight for equal justice is all about.

— Justice Robert F. Utter, Washington State Supreme Court (Retired)

Special Accommodation Issues ***Guide dogs and service animals***

Guide dogs are the most widely recognized kind of service animal, but people with many types of disabilities use animals for assistance. A service animal must be allowed in any area open to the public, including courtrooms.²⁴

A service animal is “an animal that is trained for the purpose of assisting or accommodating a disabled person’s sensory, mental or physical disability.” RCW 49.60.040(23). Service animals may alert a person to sound, pull a wheelchair, carry or fetch things, alert its owner to a seizure or other health issue before the owner is aware of symptoms, or alleviate anxiety by engaging in specific behaviors.²⁵

A service animal is not required to wear a cape, special harness, or other equipment, and there is no requirement that a service animal be licensed or certified as such by any government agency. Where the purpose of the animal is unclear, it is permissible to ask whether the animal is needed because of a disability, and what tasks the animal has been trained to perform. In most cases, court personnel should accept

a person’s statement that the animal is a service animal. The person using the animal is responsible for supervising the animal, and a service animal can be excluded if it poses a threat to property or to other people.

Valuable guidance may be found in the Department of Justice publication *Commonly Asked Questions About Service Animals in Places of Business*.²⁶

Companion animals

Individuals with disabilities are sometimes accompanied by a pet that has no specialized training but may provide relief from anxiety. For example, a companion animal may help persons with extreme fear of crowds avoid panic attacks in public places. Although un-

trained animals are not entitled to the protection mandated by the service animals statute, treating untrained animals as service animals may constitute a reasonable accommodation in some circumstances.²⁷

Support persons

Many people with disabilities, especially those with cognitive disabilities, are intimidated or confused by court proceedings. When such individuals are involved in court proceedings without representation, the assistance of someone they know well, or who is skilled at explaining court proceedings in simple terms, may constitute a very effective accommodation. Support persons may explain paperwork or follow-up obligations, or identify signs of confusion or misunderstanding, or may simply reduce the anxiety of court proceedings.

Cautions: It is the prerogative of the individual to accept or refuse such assistance. Further, the presence of a support person during attorney-client communications may have an impact on privilege in certain circumstances. See 14 A.L.R. 4th 594. Applicability of Attorney-Client Privilege to Communica-

tions Made in Presence of or Solely to or by Third Person.

Note: 2005 Statute. The Washington Legislature recently passed House Bill (HB) 2126,²⁸ which formally recognizes the role of support persons in criminal proceedings where “dependent persons” are involved as victims or witnesses. A “dependent person” is any “person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life[.]”²⁹ For those dependent persons, the new statutes establish certain rights in criminal and juvenile court proceedings, including: explanation of all legal proceedings and police investigations in which the person may be involved, in language easily understood by the dependent person; the presence of an advocate during court testimony, to provide emotional support; and for victims of sex or violent crimes, assistance of an advocate during interviews and to provide information to the prosecutor and court concerning the ability of the person to cooperate with the prosecution, the effect of the prosecution on the person, and the person’s ability to understand the nature of the proceedings.

Multiple challenges compound

Many who are entitled to ADA accommodation also face other barriers and obstacles to the justice system, so that their difficulties compound. Such barriers or disparate treatment may result from age, religion, ethnicity or race, social class, sexual orientation, nationality, gender, or language. The findings of the *Washington State Civil Legal Needs Study* tell us that people who have disabilities experience discrimination more than other groups, and that many will be without financial resources as well. When disability is compounded by other factors, the situation will be more complex and difficult, and the accommodations needed may be affected. How we respond in such complex situations will likely have lasting consequences.

Accommodation Plans for Washington Courts

There is much courts can do to provide the necessary access for people with disabilities. The following steps are rec-

posed for different disabilities. Develop a budget and schedule for implementing changes. Ensure that future structural changes incorporate the needs of people with disabilities. Evaluate technology and assistive devices, and maintain relationships with the local community for regular advice and feedback.

Conclusion

First, a reminder: The Guide addresses only the most common disabilities. Many other disabilities — some of them invisible — affect persons in our courts. These may include seizure disorders, AIDS or other serious illness, multiple sclerosis, etc. Be alert. All of us in the justice system are in this together. We must and we can make our courts accessible to those with disabilities. If we share our ideas and experiences, and if we are creative — perhaps by starting “banks” of assistive devices to be shared among courts, or publishing bibliographies, or building websites for exchanging suggestions and successes — we will get it done.

Finally, remember to consult those of us living with disabilities as you work to ensure our access! ☺

NOTES

1. Washington State Supreme Court, 2003 Washington State Civil Legal Needs Study. Available at <http://courts.wa.gov/news-info/content/taskforce/CivilLegalNeeds.pdf> (accessed March 21, 2006).
2. Washington State Department of Health, Disability in Washington State (January 2001). Available at <http://mchneighborhood.ichp.edu/wagenetics/> (accessed May 13, 2005).
3. Estimated population in 2003. Statistics available at <http://quickfacts.census.gov/qfd/states/53000.html> (accessed May 13, 2005).
4. Many county and city ordinances also prohibit discrimination on the basis of disability.
5. “To provide for a single definition of “disability” that can be applied consistently throughout the WLAD, we adopt the definition of disability as set forth in the federal Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12209. We hold that a plaintiff bringing suit under the WLAD establishes that he has a disability if he has (1) a physical or

- mental impairment that substantially limits one or more of his major life activities, (2) a record of such an impairment, or (3) is regarded as having such an impairment.” *McClarty v. Totem Elec.*, No. 75024-6, 2006 Wash. LEXIS 504 at *7 (July 6, 2006).
6. RCW 2.42 governs and mandates the use of interpreters in legal proceedings for persons who are deaf. RCW 2.43 governs and mandates interpreters for those who do not speak English.
7. See RCW 4.60.040(10); *Duvall v. County of Kitsap*, 260 F.3d 1124, 1135-1136 (9th Cir. 2001) (implicitly holding that courts are places of public accommodation under Washington statutes).
8. Gould, And Equal Protection for All...The Americans with Disabilities Act in the Courtroom, *J. Law & Health*, 123, 138 (1993-94).
9. 28 C.F.R. § 35.150(a)(3).
10. 28 C.F.R. § 35.150(a)(2).
11. 28 C.F.R. 35.130(b)(7).
12. The ATJ Impediments Committee has proposed a court rule setting forth a procedure for requesting accommodation. The rule has been endorsed by the ATJ Board and was approved in April 2006 by the WSBA Board of Governors. The rule is now pending before the Washington State Supreme Court.
13. 28 C.F.R. § 35.130(f).
14. The Rehabilitation Act of 1973 has long required recipients of federal funding to undertake many of the same responsibilities as public entities under Title II of the ADA. 29 U.S.C. § 794.
15. 42 U.S.C. § 12202.
16. *Tennessee v. Lane*, *supra*, at 1993. See *Board of Trustees of Univ. of Ala. v. Garrett*, 531 U.S. 356, 374 (2001) (Eleventh Amendment bars private suits for money damages under Title I of the ADA governing employment).
17. At least one federal circuit has held there is no judicial immunity from prospective and injunctive relief when a judge violates the ADA. See *Livingston v. Guice*, 68 F.3d 460 (4th Cir. 1995) (unpublished; see Westlaw WL 610355). (Note: Facts are reported in *Livingston v. Guice*, 855 F. Supp 834 (W.D.N.C. 1994).)
18. *Duvall* contains a useful discussion of the interplay between the federal and state statutes, and sets forth the tests to be applied in 9th Circuit cases analyzing Title II claims, including the test for proof

- of intentional discrimination to support claims for money damages (the deliberate indifference standard).
19. This publication is available from the Administrative Office for the Courts, 1206 Quince Street SE, PO Box 41170, Olympia, WA 98504-1170; (360) 753-3365; Fax (360) 586-8869.
20. See WAC 162-26-060(2).
21. See 28 C.F.R. § 35.160(b)(1); RCW 2.42.130, 140 (delineating between “qualified” and “intermediary” interpreters, and stating when and from what sources they are to be appointed); GR 11.1 (setting forth a code of conduct for court interpreters in Washington). See also: RCW 26.50.55 (interpreters to be appointed as necessary in domestic violence proceedings).
22. Washington State Dept. of Services for the Blind, <http://dsb.wa.gov/> (accessed October 3, 2005).
23. The ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) provide standards for assuring that corridors and public areas can be used safely by people with visual disabilities. ADAAG 4.4 addresses objects that protrude into walkways. ADAAG 4.30.4 deals with raised and Brailled characters and pictorial symbol signs (pictograms). ADAAG 4.30.5 deals with the finish and contrast for word signs. Location and mounting of signs is covered by ADAAG 4.30.6.
24. The Seattle Office for Civil Rights recently awarded a \$21,222 judgment to a woman who was required to leave her dog outside while patronizing a convenience store. *Seattle Times*, May 3, 2005, “Woman wins bias case over service dog,” Jennifer Sullivan.
25. See *Storms v. Fred Meyer Stores*, 129 Wn. App. 820, ___ P.3d. ___ (Div. I, Sept. 26, 2005) (dog trained to alleviate anxiety disorder met definition of service animal).
26. Available on the Department of Justice website at <http://www.usdoj.gov/crt/ada/qasrvc.htm> (accessed May 13, 2005).
27. Another category is therapy animals, which are specially trained to go into healthcare facilities to provide therapeutic contact with patients. Information about therapy animals is available from the Delta Society, <http://deltasociety.org>. See also, *Service Dog Tasks for Psychiatric Disabilities*, Joan Froling, http://iaadp.org/psd_tasks.html.
28. CH 381, 2005 Laws, effective July 24, 2005, codified at RCW 7.69B.
29. See HB 2126 § 1, 2(2) and RCW 9A.42.010.

Guide to Etiquette and Behavior for Working with People with Disabilities

Remember that you are not working with disabilities; you are working with *people* who have disabilities. Please consider the following general guidelines as a starting point when working with people with disabilities.

- Use **common sense**. People with disabilities want to be treated with respect, as does everyone. Remember, a person is a person first, the disability comes second.
- **Don't be patronizing**. Show the person the same respect that you expect to receive from others. Treat adults as adults.
- Be **considerate and patient**. A person with a disability may require more time to communicate, to walk, or to accomplish various tasks.
- Don't be afraid to offer **assistance**. If the person looks as if he or she needs assistance, ask if there is something you can do. Wait until the offer is accepted, then listen or ask for instructions.
- **Communicate directly** with the person. Do not communicate directly to the person's interpreter, companion, or assistant. If the person wishes, the companion or assistant can offer suggestions to help you communicate effectively.
- **Listen attentively** and wait for the person to finish speaking. If you have difficulty understanding, ask short questions that require short answers or a nod of the head. Never pretend to understand; instead repeat what you understood and allow the person to respond.
- Use **plain language** in explanations and questions. Avoid jargon, terms of art, and acronyms. If you must use these terms, provide an explanation each time you use them.
- Be patient with yourself in learning the **specific needs** of each person. Don't be embarrassed if you find yourself doing or saying the wrong thing. Just apologize and continue with good intentions to learn what to do in the situation.
- **Don't make assumptions** based on appearance. An individual's abilities — and disabilities — aren't always obvious. Many disabilities are hidden, such as epilepsy.
- **Respect** the person's adaptive aids and equipment. A wheelchair is part of an individual's personal space — don't lean on it! A service animal is doing a job — don't treat it as a pet!
- **Use these guidelines** unless someone with a disability tells you they want something done a different way.

Information compiled by Washington Protection & Advocacy System

People-First Language Guidelines

When referring to a person's disability, use **People-First** language.

People-First Language

People with disabilities _____

Do Not Use

The handicapped; the disabled

A person with a cognitive disability _____

The mentally retarded; retarded; mental retardation

He has autism _____

Autistic

She has Down syndrome _____

Down's kid; mongoloid

He has a learning disability _____

Learning disabled; slow learner

I am deaf, hard of hearing _____

Hearing impairment

She has a physical disability; _____

Crippled; invalid; victim of;

She has a mobility disability _____

stricken with; suffers from; afflicted with; impaired

He has low vision; he is blind _____

Visual impairment

She has an emotional disability; _____
psychiatric disability _____

Emotionally disturbed; crazy; psychotic

He uses a wheelchair _____

Wheelchair bound; confined to a wheelchair

A person without a disability _____

Normal person; whole person

He receives special-education _____
services _____

Special-education kid

Congenital disability _____

Birth defect

Accessible parking, _____
bathrooms, etc. _____

Handicapped parking, bathrooms, etc.

She needs support for ... _____

She has a problem with ...

- Do not refer to a person's disability unless it is relevant.
- Use "disability" rather than "handicap" or "impairment" to refer to a person's disability.
- Avoid negative or sensational descriptions of a person's disability.
- Do not use "normal" to describe people without disabilities; instead say people without disabilities, if comparisons are necessary.
- People with disabilities have very diverse abilities and characteristics. Avoid making assumptions or generalizations about their level of functioning.
- Do not describe people with disabilities who excel as overly courageous, brave, special, or super human.
- Specific disability-related information may be confidential.

Information compiled by Washington Protection & Advocacy System

Resources

Websites

Technology website: The University of Washington Center for Technology and Disability Studies, the Access to Justice Board's ATJ Technology Bill of Rights Committee, and the Washington Assistive Technology Alliance have developed a wonderful and very practical website designed to make it easy to identify, obtain, and use technology tools to improve access to justice. It is comprehensive and excellent, and can be used by anyone, including those who work in the courts.

www.justice-AT.uwctds.washington.edu

Local government website: The King County Office of Civil Rights has developed a website to assist courts in providing access for persons with disabilities. It contains text files regarding etiquette, communication, and formats for printed materials.

www.metrokc.gov/dias/ocre/courts.htm

Guidance Materials

The United States Access Board

Phone: 800-872-2253, 202-272-0080; TTY: 800-993-2822, 202-272-0082; Fax: 202-272-0081

www.access-board.gov

The Access Board, a federal agency, offers a variety of useful publications that can help courts to identify and correct architectural barriers. These are available on their website. The Board also provides training and technical assistance. Among the publications are reports, detailed explanations and diagrams of ADAAG, and technical bulletins.

U.S. Department of Justice

ADA Information and Technical Assistance

Phone: 800-514-0301; TTY: 800-514-0383

www.wsdoj.gov/crt/ada; www.usdoj.gov/crt/ada/publicat.htm

Useful Federal Regulations

- Electronic and Information Technology Accessibility Standards, 36 CFR Part 1194
- Telecommunications Act Accessibility Guidelines, 36 CFR Part 1193
- Accessibility Guidelines for Buildings and Facilities — State and Local Government Facilities; 36 CFR Part 1191

Agencies and Organizations

National Center for State Courts: Court Services Division

Phone: 800-466-3063, 303-293-3063;
Fax: 303-296-9007

Provides technical assistance and consulting on ADA compliance for all levels of state courts.

National Association of the Deaf

Phone: 301-587-1788; TTY: 301-587-1789; Fax: 301-587-179

E-mail: NADinfo@nad.org

www.nad.org

Provides information and answers to frequently asked questions on its website.

The ABA Commission on Mental and Physical Disability

www.abanet.org

Provides many publications on disability-related issues, including *ABA Urges Equal Access to Courts for Individuals with Disabilities*; *Into the Jury Box: A Disability Accommodation Guide for State Courts*; and *Opening the Courthouse Door: An ADA Access Guide for State Courts*.

Washington Governor's Committee on Disability Issues and Employment

Olympia Office:

Phone: 360-438-3168; TTY: 360-438-3167; Fax: 360-438-3208

Spokane Office:

Phone: 509-482-3851; TTY/Fax: 509-482-3852

Provides advice on disability issues and concerns, and makes recommendations to address those concerns, with emphasis on increasing opportunities for independence and employment.

Northwest ADA Business and Technical Assistance Center

Phone: 800-949-4232

www.wnwada.org

Provides consultation, technical assistance and training on the Americans

with Disabilities Act, other disability-related laws, or accessible information technology.

Washington State Human Rights Commission

Phone: 800-233-3247; TTY: 800-300-7525

www.hum.wa.gov

Sponsors many different free education forums, including direct training seminars, publications and brochures on the Washington State Law Against

Make Your Family Law Cases Easier!

Introducing....



From the Makers of *SupportCalc*®

FamilySoft® Combination Quality Family Law Software

The Same Accurate Software Everyone Trusts
Now Even Easier to Use!!

FamilySoft SupportCalc®/CIF

The quick, easy and ACCURATE way to calculate child support!

SupportCalc® is now integrated with *FamilySoft*, a powerful all-Windows based platform specifically designed for Family Law. Add the Confidential Information Form, and you have *FamilySoft SupportCalc®/CIF*. *FamilySoft SupportCalc®/CIF* also includes the Financial Declaration, and a host of other necessary child support forms. In use by over 800 law firms (over 1200 attorney users), Office of Support Enforcement, most Superior Courts, the Attorney General's Office, Administrative Law Judges, Appeals Judges, many non-profit organizations, and all three Law Schools in the State of Washington. *FamilySoft SupportCalc®/CIF* was carefully designed to easily and accurately compute child support and produce a variety of other essential child support forms. *FamilySoft SupportCalc®/CIF* breaks your case down into easy-to-follow, easy-to-use input screens. Just enter a few facts and *FamilySoft SupportCalc®/CIF* gives you the child support amount you need for your case, the Confidential Information Form, the Financial Declaration, and a lot more!!

FamilySoft® Combination

Makes your job even easier! How can you live without it?

FamilySoft® Combination with *FormPak* includes all the above features, PLUS produces the complete list of Mandatory Domestic Relations Forms. The new, improved, and powerful Windows *FamilySoft®* document production engine includes all you need to turn out forms quickly and easily. Information flows automatically among the *FamilySoft®* components. Enter a few facts, and forms practically fill themselves out! Plus, enter property information into one place and *PropertyCalc* automatically creates reports and spreadsheets and keeps a running total of asset and debt distribution among the parties. *FamilySoft® Combination* reduces tedious activity in your office, reduces your typing, increases accuracy, improves consistency of work product, and helps you respond to your clients more quickly. Even includes a very useful time tracking function.

Order Today!!

www.legalplus.com

1-800-637-1260



LEGAL+PLUS
LEGAL+PLUS SOFTWARE GROUP, INC.

We know you'll love it!
30 day Money Back Guarantee



6947 Coal Creek Pkwy SE, #350, Newcastle, WA 98059

(206) 286-3600

1-800-637-1260

Discrimination. Information is available from the Olympia office or online. Offices in Olympia, Seattle, Spokane, and Yakima.

Washington Protection and Advocacy System

Phone: 800-562-2702; 206-324-1521;
TTY: 900-905-0209; 206-957-0728
www.wpas-rights.org

Washington State Office of Administrative Hearings

Phone: 800-558-4857; 360-664-8717

www.oah.wa.gov

Tacoma Area Coalition of Individuals with Disabilities

Phone: 253-565-9000; Fax: 253-565-5578
E-mail: tacid@tacid.org

National Alliance on Mental Illness (NAMI)

Phone: 425-990-6404; Helpline: 800-782-9264

A statewide organization with 25

local affiliates. Provides advocacy, public education, training, and support for people with mental illness and their families.

ARC of Washington State

Phone: 360-357-5596, 888-754-8798;
Fax: 360-357-3279
www.arcwa.org

A statewide organization with 11 local affiliates. Provides advocacy and training for people with developmental disabilities and their families.

People First of Washington

Phone: 800-758-1123; Fax: 509-758-1289

An organization of people with developmental disabilities, with local chapters.

Self-Advocates of Washington

Phone: 253-565-3091

An organization of people with developmental disabilities in the Tacoma area.

Centers for Independent Living

Accommodations for people with disabilities.

Alliance of People with disAbilities

(Formerly Washington Coalition of Citizens with Disabilities)

Phone: 866-545-7055, 206-545-7055;
TTY: 206-632-3456; Fax: 206-535-7059

E-mail: info@disabilitypride.org
www.disabilitypride.org

Center for Independence

Phone: 253-582-1253; Fax: 253-584-4374
www.centerforindependence.org

Central Washington Disability Resources

Phone/TTY: 509-962-9260; 800-240-5978; Fax: 509-933-1571
www.cwdrinfo.org



AVIATION ATTORNEYS Hedrick Smith PLLC
*U.S. and International
General Aviation Accidents
Major Airline Disasters
And Other Aviation Matters*

**800 Fifth Avenue, Ste. 4000
Seattle, WA 98104
(206) 464-1166
www.air-law.com**



STRITMATTER KESSLER WHELAN WITHEY COLUCCIO

Congratulates
Karen K. Koehler

ON THE NATIONAL RELEASE OF
THE NEWLY PUBLISHED BOOK
**"LITIGATING MAJOR
AUTOMOBILE INJURY AND
DEATH CASES" (MAID)**

KAREN KOEHLER AND MICHAEL FREEMAN, PHD
© THOMSON-WEST 2006

KAREN IS PRESIDENT-ELECT OF THE WASHINGTON STATE TRIAL LAWYERS ASSOCIATION AND RECEIVED ITS TRIAL LAWYER OF THE YEAR AWARD IN 2005. SHE IS PAST CHAIR OF THE ASSOCIATION OF TRIAL LAWYERS OF AMERICA VEHICLE HIGHWAY DESIGN PREMISES LIABILITY SECTION.

STRITMATTER KESSLER
SKWWC
WHELAN WITHEY COLUCCIO

SEATTLE ~ HOQUIAM
206.448.1777
WWW.STRITMATTER.COM

Coalition of Responsible Disabled
Phone/TTY: 509-326-6355; Fax: 509-327-2420
www.cord.wa.info

DisAbility Resource Connection
Phone/TTY: 425-347-5768; Fax: 425-710-0767
E-mail: drcnet@drconline.net
www.drconline.net

Disability Resources of Southwest Washington
Phone: 360-694-6790; Fax/TTY: 360-882-1324
E-mail: disabilityresources@darswa.com

Cowlitz and Wahkiakum counties:
Phone: 360-425-0340

Resources for the Deaf and Hard of Hearing

National Association of the Deaf
Phone: 301-587-1788; TTY: 301-587-1789; Fax: 301-587-1791
E-mail: NADinfo@nad.org
www.nad.org

Provides information and answers to frequently asked questions on its website.

Department of Social and Health Services: Office of the Deaf and Hard of Hearing
Phone/TTY: 800-422-7930; 360-902-8000; Fax: 360-902-0855
D-Link Video Phone IP Address: 209.181.93.249
D-Link Video Phone: 360-902-8000
E-mail: odhh@dshs.wa.gov
www.odhh.dshs.wa.gov; www.dshs.wa.gov/hrsa/odhh

Washington Relay Service
Dial 711
www.washingtonrelay.com

Community Service Center for the Deaf and Hard of Hearing
Serves King, Snohomish, Jefferson, and Clallam counties.
Phone/TTY: 877-301-0006; 206-322-4996; Fax: 206-720-3251

E-mail: CSCDHH@cscdhh.org
www.cscdhh.org

Eastern Washington Center for the Deaf and Hard of Hearing
Serves Okanogan, Douglas, Lincoln, Ferry, Chelan, Pend Oreille, Stevens, Spokane, Whitman, and Grant counties.
Phone/TTY: 509-328-9220; Fax: 509-327-4266
E-mail: ewcdhh@ewcdhh.org
www.ewcdhh.org

Interpreter Services:
Phone: 509-328-3728
E-mail: Interpreter@ewcdhh.org
D-Link Video Phone: 509-329-3323
D-Link Video Phone
IP Address: 64.3.28.96

Hearing Speech and Deafness Center
Serves Whatcom, King, Island, San Juan, Skagit, and Snohomish counties.
Phone/TTY: 206-323-5770; Fax: 206-328-6878

Tousley Brain Stephens PLLC

Alternative Dispute Resolution Group

David D. Hoff, Kim D. Stephens and Christopher I. Brain



Collectively over 90 years of experience in the State of Washington arbitrating and mediating disputes involving:

Complex Business Matters
Securities Litigation
Real Estate Litigation
Eminent Domain Litigation

Product Liability Litigation
Class Actions
Law Firm Disputes
Lawyer Malpractice and Fee Disputes

Tousley Brain Stephens PLLC

1700 Seventh Ave Ste 2200 Seattle, WA 98101 206.682.5600
www.tousleybrainstephens.com



AT HELSELL FETTERMAN

we protect

what is most important to your clients.

The attorneys in our Estate Planning & Probate Group offer strategic planning for your clients' future.

**HELSELL
FETTERMAN**

A Limited Liability Partnership

(206) 292-1144 WWW.HELSELL.COM

Do You Know What Your Jury Is Thinking?



TSONGAS LITIGATION CONSULTING INC.
STRATEGIC PARTNERS IN TRIAL PREPARATION

SEATTLE
(206) 382-2121

www.tsongas.com

PORTLAND
(503) 225-0321

FAMILY LAW
Diligent, adept
tenacious
legal representation.

Association • Consultation • Referral

- AV rated Martindale-Hubbell
- Complex matters including significant estates, family-owned business entities and professional practice issues
- Serving Western Washington State from our Everett offices since 1980
- Contact Kenneth E. Brewe or Sabrina A. Layman

"I must say that as a litigant I should dread a lawsuit beyond almost anything short of sickness and death."

Justice Learned Hand
1926

BREWELAW.COM
425.252.5167

BREWE LAYMAN

Attorneys at Law
A Professional Services Company

D-Link Video Phone IP Address: front-desk.hsdco.org
D-Link Video Phone: 206-328-1275
E-mail: sburdick@hsdc.org
www.hsdco.org

Hearing Speech and Deafness Center

Bellingham Satellite Office
Phone: 360-647-0910; Phone/TTY: 866-647-0910; TTY: 360-647-8508; Fax: 360-647-092
E-mail: info@bellingham.hsdco.org
D-Link Video Phone IP Address: bham.hsdco.org
D-Link Video Phone: 360-647-8508
www.hsdco.org

Southeastern Washington Service Center for the Deaf and Hard of Hearing

Serves Benton, Franklin, Walla Walla, Columbia, Asotin, Garfield, Yakima, Kittitas, Adams, and Klickitat counties.
Phone: 888-543-6598, 509-543-9644; TTY: 800-543-9649, 509-543-9649; Fax: 509-543-3329
E-mail: vizz@sewscdhh.org
D-Link Video Phone IP Address: 65.160.146.138
D-Link Video Phone: 509-543-9644
www.tcfn.org/deafcenter

Yakima Satellite Office:
Phone/TTY: 509-469-1845; Fax: 509-469-3965
www.tcfn.org/deafcenter

Southwest Washington Center for the Deaf and Hard of Hearing

Serves Clark, Skamania, Lewis, Pacific, Cowlitz, and Wahkiakum counties
Phone: 360-695-3364; TTY: 360-695-9720; Fax: 360-695-2706
D-Link Video Phone IP Address: 66.92.192.245 or vp.swcdhh.org
D-Link Video Phone: 360-695-0010
www.swcdhh.org

Tacoma Area Coalition of Individuals with Disabilities

Serves Pierce, Thurston, Grays Harbor, Mason, and Kitsap counties.
Phone: 877-538-2243; TTY: 877-551-3323; Phone/TTY: 253-565-9000; Fax: 253-565-5578
E-mail: tacid@tacid.org

TRADEMARK

& COPYRIGHT SEARCHES

TRADEMARK-Supply word and/or design plus goods or services.

SEARCH FEES:

COMBINED SEARCH - \$315
(U.S., State, Expanded Common Law and Internet)
TRADEMARK OFFICE - \$135
STATE TRADEMARK - \$140
EXPANDED COMMON LAW - \$165
DESIGNS - \$210 per International class
COPYRIGHT - \$180
PATENT SEARCH - \$450 (minimum)

INTERNATIONAL SEARCHING

DOCUMENT PREPARATION

(for attorneys only - applications, Section 8 & 15, Assignments, renewals.)

RESEARCH- (SEC - 10K's, ICC, FCC, COURT RECORDS, CONGRESS.)

APPROVED- Our services meet standards set for us by a D.C. Court of Appeals Committee.

Over 100 years total staff experience - not connected with the Federal Government.

GOVERNMENT LIAISON SERVICES, INC.

200 North Glebe Rd., Suite 321
Arlington, VA 22203
Phone: (703) 524-8200
FAX: (703) 525-8451

Major credit cards accepted.

TOLL FREE: 1-800-642-6564

WWW.TRADEMARKINFO.COM

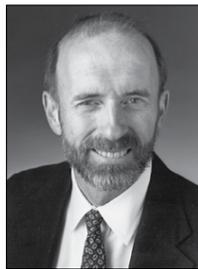
SINCE 1957

Child Abuse Cases

I work on them every day.

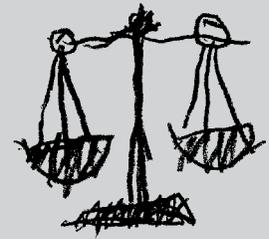
Child abuse litigation is tough. But it's a little less tough if you do it daily.

For ten years I have been committed to providing superior representation in child abuse cases.



David S. Marshall

206.382.0000



Please call me for referral, association, or consultation. Or go to www.childabuselaw.info to receive free email updates on child abuse law and science.

New postings include...

Most Child Statements to Police Now "Testimonial"

Your classified ad

+
29,000 readers
=
Success!



**Special rates for
WSBA members.**

**Contact Dené Canter
at 206-727-8213 or
classifieds@wsba.org.**



One Test One Course One World

Qualify as an English Solicitor

How?

- Take a 9-hour open book exam – the Qualified Lawyers Transfer Test (QLTT)*
- Offered exclusively by QLTT International on US soil
- Now available in Chicago, New York, and Los Angeles; and in Houston, Miami and Wash. D.C. (pending approval)

Why?

- End dependence on outsourcing
- Attract new clients with cross-border work
- Open the doors to practice in 48 countries including: Bermuda, Singapore, Hong Kong, Barbados, Jamaica and the Cayman Islands.

Option to earn 24 MCLE credits
For registration and course inquiries, call 800-430-3588
Montgomery GI Bill reimbursement



www.QLTT.com



* Official qualifying transfer exam of the Law Society of England & Wales

D-Link Video Phone: 253-565-3486
D-Link Video Phone IP Address:
131.191.59.74
www.tacid.org

Sign Language Interpreter Referral Agencies

The following agencies have contracts with Washington state to provide American Sign Language services as of April 2006. Other agencies may also exist. To schedule an interpreter, contact one of the agencies listed below, or contact the State Office of the Deaf and Hard of Hearing.

ASL Professionals

Phone: 253-759-7653; Fax: 253-761-8936
E-mail: aslprofessionals@harbornet.com

Conner, Luanne

Phone: 360-576-7777; Fax: 360-258-3140
E-mail: dljconner@comcast.com

Dynamic Language CTR, Ltd.

Phone: 206-244-6709; Fax: 206-243-3795
E-mail: asl@dlc-usa.com

Eastern Washington Center for the Deaf and Hard of Hearing

Phone: 509-328-3728
E-mail: nancy@ewcdhh.org

Northwest Interpreters, Inc.

Phone: 360-600-5485; Fax: 360-566-0453
E-mail: vm@emarcus.net

Signing Resources & Interpreters, LLC

Phone: 877-512-2246; Fax: 877-512-2246
E-mail: deborah@signingresources.com

SignOn: A Sign Language Interpreter Resource

Phone: 206-632-7100; Fax: 206-632-0405
E-mail: vm@emarcus.net

Southeast Washington Service Center of the Deaf and Hard of Hearing

Phone: 509-543-9644; Fax: 509-543-3329
E-mail: jennsewsc@abs-inet.net

Universal Language Service, Inc.

Phone: 888-462-0500; Fax: 877-516-4347
E-mail: unilang@gte.net

Suggested Reading/Video Materials

Baynton, Douglas. *Forbidden Signs: American Culture and the Campaign Against Sign Language.*

Biesold, Horst. *Crying Hands: Eugenics and Deaf People in Nazi Germany.*

Charlton, James I. *Nothing About us Without Us: Disability Oppression and Empowerment.*

Condeluci, Al. *Interdependence: The Route to Community.*

Gallagher, Hugh G. *By Trust Betrayed.*

Hockenberry, John. *Moving Violations: War Zones, Wheelchairs and Declarations of Independence.*

Irene M. Ward and Associates Productions. *The Ten Commandments of Communication with People with Disabilities.*

Johnson, Allan G. *Power, Privilege and Difference.*

Johnson, Mary. *Make Them Go Away: Clint Eastwood, Christopher Reeve and the Case Against Disability Rights.*

Liachowitz, Claire. *Disability as a Social Construct: Legislative Roots.*

Longmore, Paul K. and Lauri Uman-sky. *The New Disability History.*

Montana Advocacy Program. *Hidden in Plain Sight: A Disability Awareness Video.*

Norden, Martin F. *The Cinema of Isolation: A History of Physical Disability in the Movies.*

Pernick, Martin S. *The Black Stork.*

Scotch, Richard. *From Good Will to Civil Rights: Transforming Federal Disability Policy.*

Shapiro, Joseph. *No Pity.*

Thomson, Rosemarie Garland. *Extraordinary Bodies.*

Treanor, Richard. *We Overcame: History of the Civil Rights of the Disabled.*



APPRAISERS AND VALUATION CONSULTANTS

Private Valuations, Inc.
1800 – 112th Avenue N.E.
Suite 302E
Bellevue, Washington
98004

Adrien E. Gamache, Ph. D., President
Mark H. Wellington, ASA, Technical Director

- Valuations of Businesses & Intellectual Property
- Family Limited Partnership and LLC Interests
- Experienced Litigation Support

Call for references and qualifications

425-688-1700 • 425-450-9990 FAX

Pro Bono Publico:

What Have You Done (Reported) Lately?

BY DAN YOUNG

What did former presidents George H.W. Bush and Bill Clinton have in common? They each made an appeal to volunteerism to help the nation's poor: the senior Bush in his "thousand points of light" acceptance speech at the Republican National Convention in 1988, and Clinton in creating the community-service-oriented AmeriCorps program.

Lawyers have a special responsibility to engage in similar volunteerism: service *pro bono publico*. This special responsibility has been recognized by the bar's history of nearly 400 years of *pro bono* service. Although the legal landscape has changed considerably from the 1600s in England to modern times in America, Reginald Heber Smith's classic observation in *Justice and the Poor* (1919) that "the rich and poor do not stand on an equality before the law" remains true today. The American Bar Association Task Force on Access to Civil Justice recently noted that more than 50 million people have incomes so low that they are eligible for legal services from Legal Services Corporation-funded programs, and "millions more survive on incomes so low they cannot afford lawyers when in serious legal jeopardy."¹

Closer to home, the Task Force on Civil Equal Justice Funding sponsored by the Washington State Supreme Court concluded in its Civil Legal Needs Study of 2003 that approximately 87 percent of low-income households in Washington state experience a civil legal problem each year, with some experiencing several problems. Frequently these problems relate to matters affecting core issues — shelter,

income sustenance (either through employment or government benefits), safety, access to appropriate healthcare, child custody, and domestic violence. Altogether, low-income people have more than a million important legal problems a year. The injustice is that low-income people face 88 percent of their legal problems



without help from a lawyer.

There is a network in place to try to deal with these unmet legal needs. The Washington State Alliance for Equal Justice, composed of Columbia Legal Services; the Northwest Justice Project; and specialty legal services programs such as TeamChild, Northwest Immigrant Rights Project, Unemployment Law Project, and county *pro bono* programs, delivers legal services to those needing it. The Access to Justice Board (ATJ), established by our state Supreme Court, develops policy for addressing and meeting the civil legal needs of the poor. The ATJ Board has a standing committee, the Equal Justice Coalition, which acts as the principal voice of the Board and the Alliance on matters relating to funding legal-aid programs. The WSBA hosts and funds the ATJ Board and

its committees, whose aim is to eliminate the barriers impeding the poor's access to civil legal services.

Ultimately, all of these legal services have to be provided by individual lawyers — those in private practice, a corporate environment, the Attorney General's Office, or a legal-services organization. The ATJ Board has very recently revised the State Plan adopted in 1999 to implement the delivery of legal aid to low-income people in Washington. This plan supports the efforts of volunteer lawyers to provide free legal aid to low-income people across the state.

Most lawyers are aware of the implementation of RPC 6.1, which asserts that "[e]very lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay." A lawyer should "aspire" to a goal of at least 30 hours per year of *pro bono* work. Although the rule does not explicitly favor (a) direct representation of, and advice to, clients over (b) bar committee work, giving advice to general nonprofit organizations, etc., only the former category has a direct impact upon those low-income individuals faced with pressing legal problems.

How can you fulfill this aspirational goal? First, you obviously have to find a low-income client who needs the legal services you are able to provide. The public-service Advocate Resource Center, known as the ARC, makes available on its website (www.advocateresourcecenter.com) the *Washington State Pro Bono Opportunities Guide*, a joint project of Seattle area *pro bono* coordinators, Northwest Women's Law Center, Davis Wright Tremaine LLP, Perkins Coie LLP, and the Unemployment Law Project. The ARC has available

not only volunteer and *pro bono* listings, but also thousands of library resources, training materials in many subject areas, e-mail lists, and more. Membership is free and open to lawyers actively taking *pro bono* cases. At the ARC website, any lawyer desiring to meet or exceed his or her aspirational goal is only a few mouse clicks away from obtaining both an appropriate *pro bono* opportunity, and backup training and support in an area of law that may not

Are you motivated to reduce gun violence or defend reasonable gun legislation? Then www.gunlaws.org may offer an opportunity. Are you concerned about the political situation in Tibet? Then www.tibetjustice.org which works on international law issues affecting the Tibetan people, may beckon. If none of these organizations excite your passion, search a list of *pro bono* organizations by state at the ABA website (www.aba.net).

Volunteers know that those who give benefit far more than those who receive. In addition to satisfaction, those who fulfill their aspirational goal may even obtain tangible benefits: CLE credits.

be that familiar.

Transactional lawyers may find a “no stress” introduction to doing *pro bono* work at another website (www.corporateprobono.org). This site provides detailed information on corporate best practices, in-house *pro bono* policies, and other *pro bono* resources. Business lawyers may also wish to volunteer through Washington Attorneys Assisting Community Organizations (WAACO) (www.waaco.com) (Be careful to pronounce the acronym “wahco,” not “whacko”!).

Another helpful site is www.probono.net, which is an online resource for *pro bono* lawyers across the country. The site provides online support and resources to its members, including news; calendars of training and events; volunteer opportunities, member-driven e-mail lists; and online libraries of training manuals, model pleadings, and other practice materials.

Law firms of all sizes have a major role in supporting *pro bono* opportunities for their lawyers, associates, and staff. The Challenge (www.probonoinst.org) asks participating law firms to follow a set of basic principles: support *pro bono* participation; focus on providing access to the justice system for those of limited means; ensure that partners and associates alike contribute; provide a broad range of opportunities for lawyers and monitor their progress; recognize the obligation of major firms to contribute financial support to *pro bono* organizations; and strive to commit three to five percent of billable hours to *pro bono* endeavors. Many Seattle law firms actively support *pro bono* work and some have accepted the Challenge. Has your firm accepted the Challenge?

[org/legalservice/probono](http://www.org/legalservice/probono)) or call WSBA Justice Programs Liaison Sharlene Steele at 206-727-8262.

Organizations at both the state and federal level also encourage *pro bono* work. Both the U.S. Department of Justice and the Washington Attorney General’s Office have *pro bono* policies. Most law schools now have some type of formal *pro bono* program.

Volunteers know that those who give benefit far more than those who receive. In addition to satisfaction, those who fulfill their aspirational goal may even obtain tangible benefits: CLE credits. The WSBA *Pro Bono* and Legal Aid committee proposed in 1998 that CLE credits be given for *pro bono* work. The Washington State Supreme Court concurred and adopted MCLE Regulation 103(g) under APR 11, permitting up to six CLE credits per year in a combination of two hours of training with four hours of *pro bono* assistance to low-income clients. Many *pro bono* organizations also provide malpractice insurance in connection with *pro bono* representation.

According to a 2004 survey of 1,100 lawyers by the American Bar Association’s Standing Committee on *Pro Bono* and Public Service, two-thirds of lawyers said they provided *pro bono* legal services to the poor over the previous year. They spent an average of 39 hours providing those free services. How do Washington lawyers measure up? It is difficult to tell, primarily because such a small percentage of WSBA lawyers report *pro bono* hours. In 2004, only 200 out of 36,000 Maryland lawyers did not report on their *pro bono* work. However, in Washington

in 2005 only 3,777 of some 30,000 WSBA members did report their *pro bono* hours. While reporting is strictly voluntary, the number of *pro bono* hours is valuable in assessing the capacity of lawyers to meet the civil legal needs of the poor and in measuring our progress. It also helps tell our story to the public. There is no harm in the acknowledgment that lawyers have lived up to the historically high ethical and professional aspirations of their calling.

As Senator Jacob Javits was fond of saying, “The quest for justice is man’s greatest calling.”

The WSBA recognizes those lawyers who in 2005 reported 50 or more hours of *pro bono* work.

There were 1,479 lawyers, or nearly 40 percent of lawyers reporting, who are eligible to receive a certificate of appreciation. Of those, 452 apparently either wished to remain anonymous, or simply forgot to write their names on the reporting form. So 1,027 certificates will be presented in recognition of the importance of those *pro bono* hours to the recipients, and the positive impact those hours have on access to justice. While we all have to make a living, if each one of us met our annual *pro bono* aspirational goal, and reported it, then the Bar as a group could feel proud of our collective efforts.

Is your name on the following list (other than the 452 anonymous providers)? Did you report your hours? It would be nice to demonstrate objectively that volunteerism in America — and among lawyers in particular — is not dead, and that our former presidents were on the right track. We can do well by doing good. ☺

Dan Young is chair of the WSBA Pro Bono and Legal Aid Committee. He serves as a director of Verity Credit Union and is a volunteer at the KCBA downtown Spanish legal clinic. Mr. Young is a sole practitioner primarily involved in litigating landlord-tenant, real estate, and consumer issues. He can be reached at danryoung@netzero.net or 206-292-8181.

NOTES

1. *Supporting Justice: A Report on the Pro Bono Work of America’s Lawyers*, ©2005 American Bar Association. Quoted by permission.

WSBA Members Reporting 50 or More Hours Pro Bono Service in 2005

A

Gregory B. Abbott
Cabrelle Abel
Beatrice M. Acland
C. Edward Adams
R. Miller Adams
Thomas Darrow Adams
Francis Alaba Adewale
Richard Howard Adler
Michelle Rose Ahrens
Shelley Ann Ajax
Cory J. Albright
Charles Edwin Forres Alden
Mark L. Alexander
Stephen Anthony Allar
David Alexander Alskog
William J. Altman
Alvaro M. Alvarez
Rami Amaro
Christopher L. Anderson
Kristi S. Anderson
Nicholas O. Anderson
Pamela H. Anderson
Robert T. Anderson
Ronald Evan Anderson
Robert N. Anderton
Branda N. Andrade
Carley Daye Andrews
James Arnold Andrus
Theodore J. Angelis
Virginia C. Antipolo-Utt
Jan Robert Armstrong
Gina Marie Auter

B

Jodi R. Backlund
Lynn Bahrych
Charles William Bailey
Cynthia Lee Bailey
Robert A. Bailey
William Scherer Bailey
Elizabeth F. Baker
James Edyrn Baker
Keith Gormley Baldwin
Ted Christopher Barr
Kirsten D. Barron
Paul Arthur Bastine
Paul Lanan Battan
Candace M. Bauer
Katharine P. Bauer
Mark F. Baum
Duncan A. Bayne
Amanda J. Beane
Donna Marie Beasley
Andrew Nathan Becker
Nicholas Michael Beermann
Kelly Marie Beissel
Craig Charles Beles
Jennifer Elaine Bell
Johanna Bender
Christopher Thomas Benis
Thomas David Benner
Kurt David Bennett
Craig Hinton Bennion
Daniel M. Berger
Jay Berneburg
Jeanne Elizabeth Berwick

Ajay Bhatt
Robert C. Bibb
W. James Biederman
Sharon Jean Blackford
Tucker F. Blair
Nicole D. Blake
Alan T. Blotch
Ahndrea L. Blue
David Boerner
Gloria J. Bolino
Julia Mayer Bolz
Marc Allen Boman
George Edward Bonini
Jeanette Whitcomb Boothe
Kristin Johanna Boraas
Annette M. Borell
Mardi Jo Boss
Patricia Lynn Bostrom
Bridget Bourgette Shaw
Katherine Thomas Bove
Ben Harlan Boyd
Heidi Brooks Bradley
Richard D. Brady
Michelle M. Branigan
Kerry J. Breen
Gayle A. Murray Brenchley
Roy G. Brewer
Joseph E. Bringman
April Boutillette Brinkman
Roxane Broadhead
Lisa Ellen Brodoff
Camerina I. Brokaw-Zorroza
Joshua C. Allen Brower
Ari Y. Brown
Daniel J. Brown
Jennifer L. Brown
Kimberly D. Brown
Lora Lorraine Brown
Michael Serizawa Brown
Andrew Robert Bryant
Fred Ellis Bryant
Debra C. Buchanan
Lynne Margaret Buchanan
Jonathan Flagg Buchter
David Douglass Buck
Britton A. Buckley
Charles Henry Buckley
Michael William Bugni
Philip James Buri
Muriel M. Burke
David John Burman
Joseph M. Burrowes
Tierra A. Busby
Louis Broderick Byrd
Stanley Richard Byrd

C

Nancy Lucile Cahill
Steve P. Calandrillo
Greg John Call
Thomas Alexander Campbell
Roxana Elidet Cardenas
Shane C. Carew
Eva J. Carleton
Dale Louis Carlisle
Charles Kent Carlson
Valerie Anne Carlson

William John Carlson
Stephen Thomas Carmick
Dennis Paul Carroll
Joseph Grant Carroll
Robert Mckinley Carter
Roderic Alan Carucci
Matthew Aaron Carvalho
John M. Cary
Jess Gregory Casey
Lianne E.F. Caster
James Aldon Cathcart
Cecilia K. Cervantes
Steven John Chance
Rebecca Chapman
Yvonne K. Chapman
Robert H. Chavez
Alan Chertok
Lisa Huang-Yee Chiang
John Joseph Chihak
Carol Lee Childress
Sharon Elizabeth Chirichillo
Roberta Sue Church
Patricia Joan Chvatal
Samuel Ciapanna
Frank Louis Cikutovich
Daniel N. Clark
Karen A. Clark
Julia Parsons Clarke
Owen F. Clarke
Jamie Corrine Clausen
Bruce Clement
James Michael Cline
Michael J. Clinton
David Van Ham Cohen
Robert Michael Cohon
Richard Alan Cole
Benjamin Sanford Coleman
Kenneth H. Coleman
Ronald L. Coleman
Beth Ann Colgan
Ryan Wesley Collier
Michael T. Concannon
Teresa Lynn Conlan
John Stanley Conniff
Jeffrey Coopersmith
Carrie M. Coppinger Carter
Cecilia Ann Cordova
Barbara L. Corey
Adam Cornell
David Carl Cottingham
Jennifer Mary Coughlin
Neil Presley Cox
Stephen Joel Crane
Ralph Eric Crear
Derek D. Crick
Shelly Crocker
Michael L. Crofts
Jeff B. Crollard
Christine Crowell
Angela Alberola Cuevas
J. Donald Curran
Melody Ann Curtiss
Gregory Brian Curwen

D

Jacob Dylan D'Annunzio
Madeleine E. Dabney

Richard L. Dabney
Gregory Raymond Dallaire
Brian James Dano
John Henry Darrow
Kaustuv Mukul Das
Scott L. David
Bruce Scott Davis
Jon Brian Davis
Noah Christian Davis
Paul Matthew Davis
Katherine A. Davis-Delaney
Richard Albert De Clerck
Stephen E. De Forest
Deborah Swander de Ponce
Brent Adrian De Young
Deborah K. Dean
Steven L. Defoe
Marta Uballe DeLeon
Bernice Cecelia Delorme
Frank C. DeMarco
Rodrick Dembowski
Curran Christopher Dempsey
Charles Wayne Dent
Carolyn Louise deRoos
Elizabeth Colette Derrig
Alexander D. DeVitis
Julian Correll Dewell
Ellen Conedera Dial
Jeffrey F. Dickerman
Matthew Diggs
Paul A. DiNenna Jr.
Jennifer Suzanne Divine
Thi D. Do
John Hatton Doherty
Justin Dolan
Susan K. Donaldson
Alfred E. Donohue
Robert Joseph Downey
Stephan Dwight Downing
Allen Bruce Draher
Catherine A. Drews
Bill Joseph Druffel
Rayburn K. Dudenbostel
Cheryl Lynn Duffy
Fuchsia Campbell Dulan
Jacques M. Dulin
Patrick Winston Dunn
Lorri Anne Dunsmore
Timothy Michael Durkin
Elaine Dyce
Janis Marie Dyer
Robert John Dzielak

E

C. Scott East
Leo Thomas Eberle
Ernest M. Edsel
Lloyd G. Edwards
Shauna Martin Ehlert
Elizabeth Evelyn Ehrhart
Peter Scott Ehrlichman
Marvin W. Eidinger Jr.
Eric Carl Einhorn
Elizabeth Convington Elder
Helene Ellenbogen
Scott Martin Ellerby
Roger L. Ellingson

Lise Ellner
Dawn Emery
Mary DeVuono Englund
Rebecca S Engrav
Ramon Marion Escure

F
Patrick Kie Fannin
J. Ann Farnsworth
Rhys Matthew Farren
Michael A. Fassio
Kristi D. Favard
Kerri Wheeler Feeney
Jennifer Marie Fellabaum
Peter L. Fels
Robert Ward Ferguson
William T. Ferrell
Douglas Paul Ferrer
Jeffrey L. Fisher
Margaret Ellen Fisher
Stephen William Fisher
Bertha Baranko Fitzer
Thomas M. Fitzpatrick
Karl L. Flaccus
Mark Andrew Fleischauer
Lynn K. Fleischbein
Tracy Sharvon Flood
Karl Frederick Forsgaard
Julie K. Fowler

Darwin Scott Long Fox
David R. Fox
Neil Martin Fox
Karen Shoresman Frame
Joann Harris Francis
Michelle Loren Frank
John Frawley
Deborah Ann Frederick
Bart Joseph Freedman
Lawrence Eliot Freedman
Patricia Alex Freeman
Shelby R Frost Lemmel
Pamela Ann Fuller
Mark K. Funke
Bradford Edward Furlong
Richard L. Furman

G
Michael John Gainer
D. Bruce Gardiner
Elena Luisa Garella
Deborra E. Garrett
Douglas Kell Garrison
Ryan Michael Garvey
Anthony Oliver Garvin
Thomas Edward Gates
James Allen Gauthier
Boris Gaviria
Bradley Eugene Gearheard
John V. Geisheker
Nicholas Peter Gellert
John Matthew Geyman
Monica Brown Gianni
Karen L. Gilbert
William A. Gilbert
Christopher John Gillette
Sans Michael Gilmore
Dirk Jay Giseburt
Lawrence Stephen Glosser

Robert Kendall Goff
Julia Ann Gold
Jay Allan Goldstein
Paula H. Gonzalez
David R. Goodnight
Randolph Ian Gordon
Jeannie Goshgarian
Dennis Xavier Goss
Daniel Seth Gottlieb
Anne Laurie Westbrook Gould
Robert B. Gould
Gail Gove
Meredith McKell Graff
Howard L. Graham
Michael William Grainey
John Arthur Granger
Jennifer Johnson Grant
Marvin Lee Gray
Andrew L. Greene
Tracy L. Gregg
Richard Charles Greiner
John Maurice Groen
David Groesbeck
Edward Gross
David Scott Grossman
Lori J. Guevara
Kevin P. Guichon
Andrew Alexander Guy

H
Thomas Francis Haensly
Steven Randolph Hager
Steven William Hale
Camden Michael Hall
Michael L. Hall
Michael Wayne Hall
Lowell Klark Halverson
Michael Charles Hamerly
Kearney Lee Hammer
Mary Leverenz Hammerly
Patrick Michael Hanis
Kristin Miriam Hanna Slone
Debra K. Hannula
Karin Schneider Hansen
Melanie K. Hantze
Nina Harding
Jennifer Harris
Donald Clark Harrison
Jodi Harrison
Connie K. Haslam
Lisa Hasselman
Octavia Y. Hathaway
Carol Kjersten Haugen
Henry Haugen
Marlyn Kathryn Hawkins
Jeffrey M. Hawkinson
Lisa Antoinette Hayes
Matthew Brannan Hayhurst
Jeanette Oliver Heard
Michael Richard Heath
Stuart D. Heath
Sarah E. Heineman
David Robert Hellenthal
Bruce Eric Heller
Lara L. Hemingway
Joanne Henry
Joanne M. Hepburn

Hans W. Herb
Joyce Marie Heritage
Tara Herivel
Peggy L. Herman
Nacole Heslep
Gregory C. Hesler
Heidi L. Heywood
Lawrence Andrew Hildes
Karen A. Gates Hildt
Nadia T. Hinedi
Edward James Hirsch
David Klein Hiscock
J. Anthony Hoare
John Kent Hoerster
Betsy Ross Hollingsworth
James L. Holman
Peter Samuel Holmes
Kathleen Unger Holt
Gloria S. Hong
Christopher Horne
Donald J. Horowitz
Richard Talbott Hoss
Charles Harding Houser
Michael William Howard
Robert Melvin Howie
Philip Gamaliel Hubbard
Melissa Ann Huelsman
Heidi L. Hunt
Kim E. Hunter
Theodore Paul Hunter
Robert Aloysius Hyde
William Douglas Hyslop

I
Sarah Brooks Ignatius
Stephan R. Illa
Evan Eugene Insole
Janet A. Irons
Babatunde Ayokunle Irukera
Leslie A. Irwin
Nancy Dykes Isserlis
Nancy Carol Ivarinen
Gregory Lynn Iverson
Carrie Anderson Ivy
Michael J. Izak

J
Patricia Lee Jackson
Michael P. Jacobs
Paul D. Jacobson
Kyong Il Jang
F. Mcnamara Jardine
Kathryn Jenkins
Christopher Paul Jennings
Jessica McKeegan Jensen
Ryan K. Jensen
William Lloyd Jessee
Arlene Joe
B. Gerald Johnson
Clifton Charles Johnson
Craig Harlan Johnson
Elliott W. Johnson
Grant Moore Johnson
John Wesley Johnson
Rolf Brye Johnson
Sarah Christine Johnson
Barbara L. Johnston
Daniel K. Johnston

R. Bruce Johnston
Beverly J. Jones
Garon Jones
Karen F. Jones
Legrand C. Jones
Marianne Kathryn Jones
Susan Delanty Jones
Jennifer Paige Joseph
Daniel S. Jung
Linda C. Jurewicz

K
Glenn William Kadish
Sarah Farley Kaltsounis
John Graham Kamb
Rosemary Kamb
Thomas R. Kamb
Andrew Kamins
Shemina Kanji
John Stuart Kaplan
Jennifer L. Treadwell Karol
John S. Karpinski
Wendy Renee Kearns
Margo T. Keller
Thomas Edward Kelly
Colleen Sue Kenimond
Kelly Lynn Kenn
Lise Kenworthy
Stephen O. Kenyon
Nicola Y. Kerswill
David Michael Kerwin
Michael John Killeen
Naomi S. Kim
Soojin Elise Kim
Jennifer L. King
Matthew Ryan King
Michael Edward Kipling
Heather Kirkwood
Peter J. Kirsch
Alan Kirtley
Tamara Kleiner
Michael T. Kleps
Amy Marie Klosterman
Douglas B. Klunder
Eugene Harbord Knapp
Thomas Russell Knoll Sr.
Mary Carroll C. Knox
Craig Dennis Knutson
Ahoua Kone
David George Kontos
Jacob A. Korn
Stephanie Vititoe Kornblum
Chelsea Carl Korte
Roger Jacques Kothary
Robert C. Krabill
Philip L. Kratz
Michael J. Kraynick
Jennifer Amanda Krebs
Judith R. Krebs
James J. Kuan
David Allen Kurtz
Jason Thomas Kuzma

L
Frank L. LaBare
Jennie Rebecca Laird
Yen B. Lam
Colleen Marie LaMotte

Dean Kirk Langsdorf
Tricia S. Lapitan
Dan L. Larson
Steven Leonard Larson
Vincent R. Larson
Eric Samuel Laschever
John M. Lassalette
Laurie Eleanor Law
Paul J. Lawrence
Kenneth Lederman
Carolyn Lee
Horace Lee
John Alexander Lee
Nicholas Kuo Hua Lee
Terrance Jerome Lee
Erich A. Leeser
Shari Ann Leid
Tracy S. Lemke
Rosemarie Warren Lemoine
Lisa Marie Leone
Patrick H. LePley
Stephen P. Leptich
Matthew A. Levin
Marc C. Levy
Tanya Kaye Noreen Lewis
Yale Lewis III
Gary James Libey
Raven Clarke Lidman
Anne Marie Liebhaber
Konrad James Liegel
Timothy Allen Liesenfelder
Linda Lillevik
Erika Leslie Lim
Tom E. Lindley
Robyn Ann Lindsay
Gus Lindsey III
Diankha L. Linear
Peter S. Lineberger
Robert Walter Lintott
Charles Joseph Lloyd
Thomas D. Lofton
William G. Long
Lawrence Lee Longfelder
Martha Rodriguez Lopez
Eric D. "Knoll" Lowney
Simon Lu
Gregory D. Lucas
Peter M. Lukevich
Aaron Lukoff
Loi Kavutse Lumala
Heather Haney Lund
Jeffrey Alan Lustick
Senit M. Lutgen
Robert Gerard Lutz
Matthew Jason Lysne

m

Jennifer C. Mackay
Edward Buchanan Mackie
Kevin J. Magorien
David James Manger
David Scott Mann
J. Richard Manning
Michael Anthony Marr
Joseph Gerard Marra
Lisa Marsh
Howard H. Marshack

Bradley Rowland Marshall
J. Markham Marshall
Constance Susan M. Martin
Eric B. Martin
Kristin M. Perry Martinez
Katherine Lynn F. Mason
Gaylerd Bennett Masters
Kenneth Wendell Masters
Christopher E. Mathews
Meridee Jo Mathews
Alexis Mathis
Ronald Clarke Mattson
Mary Anne Maul
Gail Eileen Mautner
Michael Maverick
Todd Maybrown
Holland Ilene McBurns
Megan Ellen McCloskey
Bennet A. McConaughy
Don A. McConnell
Sharon McConnell
James Wesley McCormick
Kimberly Marlene McCormick
Donna Person McCrumb
James Robert McCullagh
Aleksandr D. McCune
James E. McCutcheon
Craig Schreiber McDonald
David Thomas McDonald
Philip Thomas McDonald
John Robert Mcdowall
Evy F. McElmeel
Terence K. McGee
Jason T. McGill
Susan Kathleen McIntosh
William David McKinley
Lynn Evan McKinney
Marilyn I. McLean
Lynda H. McMaken
Rory Patrick McManama
Paula McManus
Joseph Michael McMillan
Shannon Marie McMinimee
Mona Kathleen McPhee
Douglas W. McQuaid
George Winslow Mead
Tonya Rebecca Meehan
Brian Joseph Meenaghan
Edward M. Melillo
Meena Pallipamu Menter
Anthony Charles Meredith
John W. Merriam
Eric S. Merrifield
Brad Allen Meryhew
Drake Dee Mesenbrink
David Raymond Meyer
Jonathan L. Meyer
Jack Bradford Micheau
Joan Leah Middleton
M. Scott Mikel
Maria A. Milano
Anthony R. Miles
Allen T. Miller
Brandyn Deanne Miller
Gregory Keith Miller
J. Scott Miller

Kevin J. Miller
Scott Miller
John Stratford Mills
Deane William Minor
Carol Coleman Mitchell
William Genther Mitchell
Gary M. Mogil
Ramona L. Monroe
Charles H. Montange
Lisa Frances Moore
Tracy Michelle Morris
Rebecca N. Morrow
Meredith Wright Morton
Zachary Mosner
Deborah L. Mosshart
Craig Mitchell Mungas
Christopher K. Munoz
Daniel J. Murphy Jr.
Bobbee Musgrave
David A. Myers
Deborah Lee Myers
David Edward Myre

n

Karen Hatsue Nakagawa
Christopher Sylvan Napier
Gary Nathanson
Randi S. Nathanson
Jeffrey Callahan Neave
Robert Edward Neate
Rhonda J. Neben
James Donald Nelson
Todd Michael Nelson
Thomas A. Newlon
Holly Kathleen Newman
John Hartly Newsom
James Van Newton
Joel Phillip Nichols
Stephen E. Nicol
Michael Diliza Nkosi
Wright A. Noel
Kyle Warren Nolte
Kenneth Michael Norris
Maren Roxanne Norton
Danielle Malia Noviks-Tucker
Patricia S. Novotny
Gail B. Nunn
Todd Lawrence Nunn

o

Laurel Currie Oates
Stephanie Johnson O'Day
Rebekah Marie O'Hara
Richard Todd Okrent
Anthony E. Oliver
Michele Maureen O'Loane
Rodi Hartney O'Loane
Robert E. Onnen
Gerald T. Osborn
Rachael Paschal Osborn
Simeon Osborn
Justin C. Osemene
Patrick J. Oshie
Jane Marie O'Sullivan
Kathleen M. O'Sullivan
Kimberly Ann Ouren
Olusola Olayinka Oyeyemi

p

Katherine E. Page
Adam Michael Pappin
Arthur Colby Parks
Daniel Thomas Parsons
Margaret J. Partlow
Lainie D. Patterson
Sloan Patterson
John Davis Paul
Regina Paulose
Anita Christine Paulsen
Jonathan M. Pearlstein
Victoria R. Pearson
Kevin Atwood Peck
Jamie D. Pedersen
Joseph Thomas Pemberton
Thomas Francis Peterson
Leroy Peterson Jr.
Katrina Campbell Pflaumer
Michael Connelly Phillips
Stephanie Wright Pickett
Michael David Pierson
Karen L. Pinnell
Jean Ann Abrahamson Pirzadeh
Lauren Angela Pitman
Ernesto Jack Piza
Jeffrey Gene Poole
Andrea M. Poplawski
Gloria Finn Porter
Kathryn R. Portteus
Cornel Potra
Elizabeth Rankin Powell
Vanessa Soriano Power
Nancy Worgan Preg
Douglas Holmes Prestrud
Richard B. Price
Bruce K. Pruitt-Hamm
Stephen Lynn Pruss

q

Arthur Stevens Quigley Jr.

r

Gary Lee Raaen
Daniel Joseph Radin
Ross A. Radley
Ronnie M. Rae
Ross Roland Rakow
Judith H. Ramseyer
Amit D. Ranade
Gary C. Randall
Barbara A. Rasco
Howard Ratner
William C. Rava
Charles W. Ray
Tarey Ayn Read
Gillis Edward Reavis
Judith Anne Redford-Hall
David C. Reed
Lisa Sylvia Reed
Jonete Waters Rehmke
Harry M. Reichenberg
Steven Alan Reisler
Nancy Nellor Retsinas
Kenneth Bromley Rice
David B. Richardson
Kevin R. Richardson
Paul Richmond

Frank Richard Ricketts Jr.
Rogelio Omar Riojas
Brian T. Ritchie
Ronald R. Ritoch II
Darwin P. Roberts
Melissa Robertson
Amy Adele Robinson
James Howard Robinson
Kerry Gale Robinson
Trilby Robinson-Dorn
Gerald Francis Robison
Sonia Maria Rodriguez
Susanna M. Rodriguez
Michael Bruce Roff
Jeremy E. Roller
Lance Seth Rosen
Steven Gary Rosen
Theodore Murry Rosenblume
Kevin A. Rosenfield
Gabrielle Christine Roth
Eugene Charles Routh
Leslie Caryl Rutter
Deirdre L. Runnette
Daniel C. Russ
Brent Jeffry Ruth
Crystal Grace Rutherford

S

Douglas Allen Saar
Heidi Lynne Sachs
Edward P. Sager
Robert L. Sagrillo
Joseph A.G. Sakay
Ani Vajra Sakya
James Harrison Salter
Tedman Scott Sams
Andrew M. Sanchez
J.J. Sandlin
Michael George Sandona
Raymond G. Sandoval
Devin Marc Sarata
Jane M. Savard
James P. Savitt
Richard Layton Sayre
Donald Byron Scaramastra
Ronald Theodore Schaps
Michael T. Schein
Richard Louis Schenkar
Gregg Cornelius Schile
Julie M. Schisel
Harry H. Schneider
Laura A. Schroeder
Richard J. Schroeder
Jennifer Katherine Schubert
Karen Gwen Schweigert
Jason T. Schwisow
Jeffrey Matthew Sconyers
Susan Scouras
Michael Paul Scruggs
Sheley J.M. Secrest
Susan Heather Seelye
Leslie Riley Seffern
Matthew J. Segal
Fred L. Sego
Lisa Ellen Seifert
Courtney L. Seim
Mary Jane Seymour

Ketu Shah
Michele Marie Shaw
Steven L. Shaw
Christopher O. Shea
David M. "Mac" Shelton
Harold S. Shepherd
James Davis Shipman
Susan Jayne Shulenberger
Neal Jay Shulman
L'Nayim Shuman-Austin
Molly K. Siebert
Larry Barnett Siegel
Gail Lyn Siemers
Inna Simakovsky
Holly Marie Simpkins
Charles Joseph Sinnitt
Charles Christian Sipos
Patricia Padilla Skrinar
Craig Lawrence Smith
Douglas Edward Smith
Gail Raymond Smith
Horton Smith
Karen Michelle Smith
Laurel Smith
Ralph Michael Smith
Ralph Raymond Smith
S. Jean Smith
Robin A. Smith-Lonergan
John Walter Sobba
Laura L. Sokey
Sandip Soli
Pamela Kae Solier
Bouapha Somphou
Russell John Speidel
John R. Spencer
Oliver Spencer
David Tennant Spicer
Robert B. Spitzer
H. Douglas Spruance
Joe St. Laurent
Scott R. Staab
Linda Staples
Mary H. Steele-Klein
Donald Ralph Stemp
Debra Leigh Williams Stephens
Edwin Bullock Sterner
Brant Stevens
Kimberly C. Stevens
William James Stewart
Paul Lester Stritmatter
Daniel Frederick Sullivan
Larisa A.E. Sullivan
Sheehan H. Sullivan Weiss
Karen Marie Sutherland
Samuel Perry Swanberg
James Craig Swapp
Emilia L. Sweeney
Mary Swenson

t

Sue Stepp Tamblyn
David Kwong-Yu Tang
Glenn E. Tanner
Nancy Ann Tarbell
Todd Robert Tarbert
David C. Tarshes
Michael Kenneth Tasker

F. Lawrence Taylor
Susan Douglas Taylor
Leslie Clay Terry
Toby Thaler
Joyce L. Thomas
Suzanne J. Thomas
Ronald E. Thompson
Joan Elizabeth Tierney
Alan James Tindell
Anthony Todaro
G. Val Tollefson
Bradley D. Toney
Rebecca Jill Torgerson
Diamanta L. Tornatore
Christopher G. Torrone
Ellen Torvik
Tatiana V. Toumanova
Holly Keesling Towle
Josephine C. Townsend
Khanh Cong Tran
Kim M. Tran
Stephen Wesley Trefts
George Paul Trejo
Craig Steven Trueblood
Jay William Trumble
Elena E. Tsiprin
Lee Tucker
Richard Marshall Tucker
Deanna Marie Tuley
James A. Tupper
Frances Turean
Steven Erik Turner

U

Sheila Umlauf
Jennifer C. Underwood
Shannon M. Underwood
Amy Allison Uttermann

V

Carrie Therese Valladares
Victoria Van Hof
Lenny Van Pelt
Mary Vanbuskirk
Richard J. Vangelisti
Pamela Susan Van Swearingen
Christopher Theodore Varas
Janet Chantal Varon
Daniel Charles Vaughn
Daniel F. Vaughn
Joseph Mendonca Vincent
Anthony D. Vivenzio
David Seth Vogel
Ruth Emily Vogel
Mark Christian Vohr
James Alan Von Sauer

W

Sara Katherine Wahl
Linda M. Waite
Eleanor Elizabeth Wallace
Paul Arnold Wallstrom
Mark D. Walters
Ronald R. Ward
Yvonne Kinoshita Ward
Michael John Wardell
Jennifer K.T. Warner
Bonnie Stern Wasser
Wayt T. Watterson

Tamara Lisa Watts
Brian Keith Wax
Mary Heyrman Wechsler
Steven Wee
Eric Michael Weight
Laura A. Weight
Nancy S. Weil
Boaz Weintraub
Cecilia Allison Welch
Matthew Dyckman Wells
Marlene K. Wenger
Ruth Ann Elizabeth Westbrook
John Ingram Weston
Sims G. Weymuller
Jane M. Whicher
Shannon Maureen Whitmore
John Warner Widell
Angelique N. Wiegand
Charles Kenneth Wiggins
Charles Seth Wilkinson
Brenda Elizabeth Williams
Charles Henry Williams
Dennis R. Williams
Dwight Stephen Williams
J. Craig Williams
Jeffrey Brian Williams
Robin J. Williams
Timothy Elliott Williams
Alan Jeffrey Willoughby
Richard Wills
Mark A. Wilner
Graham M. Wilson
Kristine Rayann Wilson
Lyle Kenai Wilson
Edwina A. Wilson Divins
Robert Dryden Wilson-Hoss
Mark Wittow
Elisabeth Jane Woare
Merry Elizabeth Woeck
James Richard Woeppel
Charles Robert Wolfe
Sonia A. Wolfman
Alice L. Wong
Gordon Arthur Woodley
Kathleen Schimandle Wright
Yolanka Audrey Emma Wulff
Roger D. Wynne

y

Dana Jean Yaffee
Richard Yonko
Jeffrey Bennett Youmans
Dan Robert Young
Donald Michael Young
Heather M. Young
Margaret A. Yowell

Z

John Paul Zahner
Bruce Paul Zavon
John Robert Zeldenrust
Jon Michael Zimmerman
Sandra Melanie Zupanski
George Jay Zweibel
Steven Neil Zwerin

Building Public Faith in the Courts

Judicial Performance Evaluations

How should judges be evaluated?

What tools can judges use to improve their performance?

How can information on judicial performance be provided to the public?

BY MARY WECHSLER

Few things are more central to the dual task of doing justice and building public faith in the institutions of representative government than assuring that judges perform their duties with both integrity and skill. Washington has been fortunate in the quality of its judges. It would be presumptuous, however, to suggest that those now on the bench could not improve their performance, or that the voters who are called upon to select among judicial candidates could not benefit from having more and better information about them.

There are few tools that judges can use to evaluate and improve their own performance. Voters have a hard time distinguishing among judicial candidates, making them reluctant to participate in electing judges and potentially susceptible to single-issue attacks. Bar polls and ratings, where available, offer only the perspective of practicing attorneys. Judicial independence, integrity, and excellence are too important for us to be satisfied with this state of affairs.

Twenty years ago, the ABA published a set of proposed guidelines for judicial-evaluation programs. A task force led by then-Washington State Supreme Court Justice Robert F. Utter was formed to develop a program for Washington, but

it was never implemented. In 1996, the Walsh Commission recommended that “[a] process for collecting and publishing information about judicial performance shall be created under the authority of the Supreme Court.” In 2006, this recommendation still awaits implementation.

Over the past six years, the Washington State Chapter of the American Judicature Society (AJS) has developed a model for an effective program of performance evaluations for Washington state judges. Judges from every level of court in Washington participated in this project. The AJS has examined programs used elsewhere, developed and pilot-tested evaluation instruments for both trial and appellate judges, and wrestled with practical issues of implementation.

The first task that the AJS undertook was to articulate performance standards

attorneys appearing before the appellate court and to superior court judges in the same jurisdiction. The judges who were evaluated found the results very useful; the feedback they received would not otherwise have been available to them. Professor Brody’s article summarizing the findings was the cover story in the January-February 2004 issue of *Judicature*. (Access the article at www.kcba.org/scriptcontent/kcba/judicial/pdf/brody.pdf.)

Pilot testing validated the AJS’s questionnaire-based evaluation process and established that a well-designed evaluation program can be carried out at reasonable cost. Nevertheless, a reliable source of ongoing funding is essential: grants and volunteer labor are not sufficient to carry out an ongoing, state-wide program of judicial-performance evaluations.

It would be presumptuous, however, to suggest that those now on the bench could not improve their performance, or that the voters who are called upon to select among judicial candidates could not benefit from having more and better information about them.

for judges, by reviewing standards used in several different states, as well as standards used previously in Washington in more limited evaluation systems (see chart on page 39).

Under the guidance of Professor David C. Brody, and utilizing the ABA guidelines, the AJS developed questionnaires to measure these qualities. Pilot tests were conducted among both trial and appellate judges. For trial judges, questionnaires were distributed to attorneys, witnesses, and jurors who appeared in the trial judges’ courtrooms. For appellate judges, questionnaires went to

Implementation

A panel of citizens should oversee the evaluation process. The panel should represent the diversity of the state and should include attorneys; retired judges; well-informed lay representatives; and members of good-government groups such as the Municipal League, AJS, and the League of Women Voters. The Administrative Office of the Courts should provide staff support and oversight.

Respondents must be assured that their views will not be traceable to assure candid evaluations. Responses should reflect ratings on specific criteria and not

include narrative comments.

A similar process of evaluation, conducted mid-term, could be a very valuable tool for judicial self-improvement. The confidentiality required for this kind of evaluation process is likely to require legislation, given the clear public policy in this state favoring release of public records absent specific exemption. It will be essential to work with public-access proponents to craft such a proposal.

A key goal of the judicial-evaluation program envisioned is to provide information to the public to consider when voting for judges. Evaluations should be published in the Judicial Voter Pamphlet as well as made available electronically.

... judicial-evaluation programs might help overcome voter distrust of candidates' own statements in the voter's pamphlet and could bring to light those excellent judges and attorneys who might be operating in relative obscurity.

The results should list the number of responses and provide the judge's response, if offered. The evaluation panel should not recommend for or against any judge. Rather, bar associations and editorial writers may interpret the results and offer recommendations if they wish.

All candidates for election to the bench should be evaluated, and the results of those evaluations publicly disseminated, including not only judges but also candidates for judicial office who lack judicial experience. The same qualities are relevant for all candidates. In evaluating non-judge candidates, the panel should focus on the candidate's arbitration, mediation, and *pro tem* experience, and seek evaluations from attorneys who have appeared before or opposite the candidate, and judges who have had the candidate in their courtroom.

Although candidates who are not currently part of the court system cannot be compelled to cooperate, these challenges are not insurmountable. Publicizing the evaluation process and disclosing any lack of cooperation will discourage stealth candidates. In addition, the evaluation panel can elicit and publicize

information from sources not disclosed by the candidates. The end result will be an evaluation process that is fair to all participants and that promotes voter knowledge. (The entire report can be found at www.kcba.org/scriptcontent/kcba/judicial/pdf/ajs-evaluations.pdf. [sic])

The Judicial Independence and Selection Summit

The AJS proposal for judicial performance evaluations, outlined above, was presented at the Judicial Independence and Selection Summit in November 2005. Statewide systems of judicial evaluation were also among the topics discussed

during breakout workshop sessions at the Summit. The diverse audiences at the Summit who participated in four different workshops demonstrated that there is broad support for such a program, at least among those who were present.

Nearly every workshop participant favored a statewide program for evaluation of judicial performance. Participants noted that voters need more information, including criteria by which they should evaluate judges. A systematic program will promote consistency in evaluations over time and across the state. Ideally, such a program will feature high levels of participation as well as timely, valid responses from folks with recent experience of a judge, focused on appropriate evaluation criteria. This will engender public trust and confidence in the judiciary.

A majority of Summit workshop participants believed that a judicial evaluation program should be aimed at both self-improvement and voter education. With respect to self-improvement, participants noted that judges tend to become isolated or to lose touch — feedback from evaluations can be valuable. Participants were also enthused about the potential value of such a program for improving the information available to voters. As some participants noted, judicial-evaluation programs might help overcome voter distrust of candidates'

own statements in the voter's pamphlet and could bring to light those excellent judges and attorneys who might be operating in relative obscurity. The public needs information about what judging is about (e.g., the process by which decisions are made). Confidence in the judiciary is not the same thing as ideological alignment with judges' views.

As to how such a program might be implemented, participants agreed that judicial-performance evaluations should be conducted by a broad-based, diverse citizens' group, including nonlawyers. This group should be independent of, though supported by, the government. It should avoid any "popularity contest" and avoid recommending candidates to the voters. It should also seek to assess those who are challenging sitting judges, even though this could be difficult.

There was consensus that a statewide judicial-evaluation program would not automatically inform voters. It would need to be combined with effective voter education that delivers the results of the judicial evaluation program to voters, and limits upon infusions of money into judicial campaigns that could otherwise drown out this information. (Evaluation forms from the summit can be found at www.kcba.org/scriptcontent/kcba/judicial/pdf/evaluationsystems.pdf.)

As the conclusions reached by the American Judicature Society and the participants at the Summit show, there is growing interest in creating a statewide judicial-evaluation system. Interested persons from many organizations, including the Municipal League and the League of Women Voters, and various bar groups, have joined members of the original American Judicature Society committee to further develop these ideas and explore methods of implementation. If you are interested in joining this effort, please contact King County Bar Association Executive Director Alice Paine. ☎

Mary Wechsler practices in Seattle. The American Judicature Society (AJS), founded in 1913, is an independent, national, nonpartisan organization of judges, lawyers, and other members of the public who seek to improve the justice system.

Judicial Performance Standards Guidelines

Trial Judges

Integrity Treat all persons fairly, equally, and without discrimination based on race, gender, income, or any other bias.
Conduct proceedings and make decisions fairly, impartially, with an open mind, and without consideration of public criticism.

Professionalism Treat parties, witnesses, jurors, staff, and attorneys with courtesy and respect.
Demonstrate emotional maturity and multicultural awareness.
Act with patience and self-control.
Act in a manner that instills public confidence in the judiciary.

Legal Ability Understand and apply the relevant rules of law, evidence, and procedure.
Appreciate the importance of flexibility and common sense in ensuring just results.
Exercise sound legal reasoning.

Administration Be punctual and prepared for court.
Maintain control over the courtroom.
Demonstrate a commitment to improving the judicial system.
Appropriately enforce court rules, orders, and deadlines.
Make decisions and rulings in a prompt, timely manner.

Communication Communicate in a clear and logical manner while on the bench.
Prepare well-thought-out, clearly presented written rulings.
Communicate with jurors regarding court procedures, their duties, and delays in the proceedings as they occur.

Appellate Judges

Integrity Treat all persons fairly, equally, and without discrimination based on race, gender, income, or any other bias.
Conduct proceedings and make decisions fairly, impartially, with an open mind, and without consideration of public criticism.

Professionalism Treat staff and attorneys with courtesy and respect.
Demonstrate emotional maturity and multicultural awareness.
Act with patience and self-control.
Act in a manner that instills public confidence in the judiciary.

Legal Ability Understand and apply the relevant rules of law, evidence, and procedure.
Appreciate the importance of flexibility and common sense in ensuring just results.
Exercise sound legal reasoning.

Administration Demonstrate a commitment to improving the judicial system.
Appropriately enforce court rules, orders, and deadlines.
Make decisions and rulings in a prompt, timely manner.

Communication Prepare well-thought-out, clearly presented written rulings.

Two Wheels Good; Four Wheels Bad

A Lawyer Joins the *Chain Gang*

BY STEVEN REISLER

Nothing defines the lawyer. Suits are mandatory in court. When meeting clients in the office, although the attire can be relaxed, there is still a dress protocol that affirms the formality of the practice: dark colors, clean collars and neat creases, black shoes, and black pens.

These days, however, a large portion of my practice is handled remotely by computer. After the initial meeting, my clients and adverse counsel might retain that mental image of the Pin-Striped Me, but, courtesy of the Internet, I could be dressed in cut-offs and flip-flops while negotiating the deal of the century. And whereas the traditional lawyer's costume requires traditional vehicular transportation to drive to the office, the computer has given us other ways to commute. Some of the time, anyway.

So when the price of gasoline nudged above \$2 a gallon, I took my trusty old bicycle down from its rack in the garage. When the price of gas inched above \$2.25, I pumped up the tires and lubricated the derailleurs. When the price rose another quarter at the pump, to \$2.50 a gallon, I finally bit the bullet: I was going to join the chain gang and try commuting to work by bicycle.

Fortunately, my law offices are only a few level miles from home, more or less. Most of the trip is on the Burke-Gilman Trail. Unfortunately, it had been so long since I had last ridden my bike that I had to buy all the accessories: new helmet, new tires, front and rear lights and batteries, a new saddle, and the *de rigueur* over-the-shoulder messenger bag big enough to hold a laptop computer, water bottle, cell phone, and 500 pages of courtroom pleadings.

Then there was the question of clothing again. Either I could opt for pedal-fashion-wear, the skin tight polypropylene

fabrics that look like you're moving fast even when standing still, or the *tutti frutti* abstract art of the urban bicycle messenger. When you're more than 30, skin-tight anything can constitute a gross misdemeanor, so I chose the messenger look: low fashion and attention-getting high visibility. I stash a suit, white shirt, dress shoes, and silk tie at the office. I have learned to become a quick-change artist, when necessary.

Week One. The few more-or-less level miles seem a whole lot *less level* than *more level*. I am ... really ... really ... out ... of ... condition. But after a few days, the trip got easier. My legs lost that springy feeling after riding. It was warm, sunny weather. I quickly decided to leave out the cell phone from my shoulder bag. Who wants to stay in touch while bicycling anyway? I felt pretty good about myself, almost smug. The commute took only about 10 minutes longer than if I were traveling by car, including stopping at all the traffic lights, and I feel healthier for the effort. I figured that I have saved about 10 dollars in gasoline, almost enough to buy a small cup of coffee. Better still, I do not need to find or pay for parking. The score after the first seven days of the alternative commuting experiment: *Two wheels good; four wheels bad.*

Week Five. Cars are a cyclist's nemeses. Unlike in European cities where the bike paths are often completely separate lanes adjacent to the streets, in Seattle — more often than not — you have to share the road with automobiles. I quickly decided not to get too philosophical about road-sharing and who has the legal right of way. In a contest between 30 pounds of aluminum versus two tons of steel, the greater weight and mass always win. I decided to yield to every car at every crossing. Around this time, the folks at www.ghostcycle.org started placing their white, mangled bike

carcasses around Seattle as memento mori of car-bicycle collisions. I heed the message and take it to heart.

On the whole, Seattle drivers do make special allowances for bicyclers. Some drivers, however, are simply in another planetary system. After a few close calls with drivers who barely stop before making a right on red or who stop at the traffic lights with their hoods intruding halfway into the cross-walks, I learn to exercise extra caution at road-crossings. I thought about flying a bike pennant that advertised "THIS BICYCLE IS RIDDEN BY A LAWYER" — so drivers beware! On reflection, however, I concluded that this was like painting a target on my back. Strike that idea.

Cars turn out not to be the only obstacles on the commute. One morning a tree fell across the Burke-Gilman Trail, its roots rotted out from prolonged dry weather. Fortunately, it didn't fall on me or a runner. Also fortunately, it had fallen after daybreak. For those who bike at night, like I do, a tree lying across the trail can be deadly. This particular dead tree was too heavy to heave out of the path myself, so with the help of a few other passersby, I dragged it out of the way. I later called the City Parks Department and by the evening the fallen tree had been sawed up and taken away. *Two wheels OK; four wheels bad.*

Week Nine. More hazardous than the occasional fallen tree are other bicyclers and pedestrians. There are the lollygaggers, people who tend to walk three and four and five abreast in the *center* of the trail, obliviously socializing like they've never seen a bicycle using the trail. There are also the super-distracted cell-phones, people whose lives are so incredibly busy that they cannot even take a walk without talking to somebody. Equally hazardous are the bikers who pedal and

yak on the telephone or cyclers who ride two abreast carrying on a conversation. More hazardous still are the Husky fans during football season who straddle the entire Burke-Gilman pathway in purple gangs of human bowling pins 10 abreast or more. (I know, I know, what all you Wazzu Cougars and Oregon Ducks are cruelly thinking to yourselves, but who wants to spend the money re-truing my wheels after bowling a strike with my bicycle?) And then there are the long-line pet walkers. These are the people who walk their dogs, especially the little, practically invisible ones. They let their animals walk behind them on lengthy, retractable leashes, bounding randomly from north to south and east to west like dogs do. I like dogs, but who wants one wound around my front axle?

Also hazardous are the family bikers: usually the mother duck leading a meandering line of gosling bicyclers, some with training wheels and all wearing bubble-gum colored over-sized helmets, wobbling and weaving all over the path. Sure, they are entitled to use the trail, and I encourage more to do so. But you learn to just slow down until you have the chance to pass the kiddie convoy. It may slow down the commute a little, but so what. Commuting by bicycle is not just about getting somewhere. It is also about *how* you get there and how you feel about yourself when you arrive. *Four wheels OK; two wheels better.*

Week 14. I witness my first bike accident. A head-down rider who must have imagined himself riding at the Tour de France pedaled right through a stop sign into the side of a Mercedes. Miraculously, the bicycle and cyclist were not badly damaged — only a slightly bent front wheel and very bent pride. However, this proved that one of the biggest hazards on the Burke-Gilman Trail is the small handful of bikers who try to pedal faster than the speed of light. Usually dressed in Mardi Gras-colored composite plastic and Teflon tights with bug-eyed sunglasses, these two-wheeled Hell-on-Wheels barrel past slower bikers like BMW drivers passing Volkswagen Beetles on the autobahn. Sometimes, these folks agglomerate into a peloton, blindly drafting one behind the other seeking a slower man, woman, or

squirrel to run over.

On the other hand, there are knuckleheads who drive cars the same way, so there really is no greater danger riding the trail than driving the freeway. Comparing speeds and masses of potential impact, I think I am relatively safer biking than driving. *Two wheels OK; four wheels OK.*

Week 18. The days have gotten shorter, the weather colder. I have added several additional layers of clothing, a hat under my helmet, and gloves. It still feels cold until I have pedaled the first mile. My lights are adequate for night riding, but late at night I can barely see 10 feet in front of me. I purchase a more powerful halogen headlight and, to boot, an array of side and rear-facing red lights that flash like strobes. I probably look like a Christmas tree rolling down the road. Better that than the folks who persist in riding at night without any lights at all: you hear them before you see them, but sometimes an impact is only barely avoidable.

Now it is not only colder, but wetter. I buy the latest high-tech rain gear. I still get soaked.

I also learn that, even with pannier and shoulder bags, there is a limit to how much stuff you can carry on a bicycle. As the weather turns nasty and I start carrying more gear, the saddle bags grow fatter and heavier. I have added a massive bicycle chain to my baggage to prevent horse theft. I cram it onto the panniers along with extra clothes, bike batteries, two F.2ds, three reply briefs, an *AmJur* and a set of interrogatories. On occasion, I can concede the utility of driving a car. *Four wheels OK; two wheels better.*

Week 22. Cold. Rain. Wet. Wind. My first inner tube blow out. Of course, my car's tires could blow out, too. Still, the automobile looks like an occasional winner. *Four wheels good; two wheels so-so.*

Week 26. January 2006. Rain. More rain. Still more rain. The diehards are still biking on the trail,

especially the recumbent riders wrapped in their bubble windshields and sealed plastic shells. I am no diehard, however. The bike stays in the garage as does my wetsuit, snorkel, and flippers. Water is, in fact, intruding *into* the garage. The roads are flooding. The traffic lights have gone out. *No way that I am going to even drive a car through this stuff.* Traffic is horrendous. The surface roads, the bridges, and the freeway are all barely moving. Everyone has the flu. Rain falls in buckets. I think I'll stay home for a while. *Two wheels bad; four wheels bad; Metro bus better.*

Week 30. Spring beckons. That strange yellow orb is back in the sky. There are new sights to be appreciated: flowering plants, svelte young bikers, roller-bladers, and barely clad runners. Ahh, youth and athleticism, whichever sex orients you. The commute to work has become something to look forward to, rather than an unavoidable hassle.

I have evolved into a two-wheeled pedal-powered commuter. I am part of the chain gang. I will still occasionally drive to work, but it now seems like a hassle. I recognize other bicycling commuters, and they recognize me. Unlike car drivers who try to avoid eye contact for fear of provoking road rage, everyone you pass on the trail, whether a runner, walker, skater, or biker, looks at you and acknowledges you. There is a camaraderie in bicycle commuting. It's like the camaraderie at the bar.

The price of fuel at my local gas station has started to rise again. It's well past three dollars a gallon. I bike on by.

Two wheels good; four wheels bad. ☹



Steven Reisler practices civil and commercial law at his micro mini-boutique in Northeast Seattle near Children's Hospital just off the Burke-Gilman Trail. Reisler is a past member of the WSBA Board of Governors and edited Bar News from 1980 to 1985. He commutes by bicycle.



Thursday, September 14, 2006

Madison Renaissance Hotel
515 Madison Street
Seattle

Reception
5:30 p.m.
(no-host bar)

Dinner/Program
6:30 p.m.

WSBA office use only:

Date

Check No.

Amount

No. AAD91406

You are cordially invited to attend

The Washington State Bar Association's Annual Awards Dinner and Business Meeting

Please join us for an evening of inspiration as we celebrate the accomplishments of the 2006 WSBA award recipients. All members of the legal community are invited to attend.

Name WSBA No.

Address

Phone E-mail

Affiliation/organization

Registration is \$75 per person (table of 10 = \$750). To make your reservation, please return this form (or a photocopy) with your credit-card information or check payable to WSBA. Space is limited, so please make your reservations early. Reservations and payment must be received no later than September 7, 2006 (refunds cannot be made after September 7). Seating will be assigned.

MasterCard Visa No. Exp. date

Name as it appears on card

Signature

(no. of persons) X \$ (price per person) = \$ TOTAL

Please list the names of all attendees and indicate meal choices. Be sure to include yourself.

- List of attendees with checkboxes for beef, salmon, and vegetarian meal choices.

All those listed on the same registration form (up to 10) will be seated at the same table.

Send to: Washington State Bar Association
Annual Awards Dinner
2101 Fourth Avenue, Suite 400
Seattle, WA 98121-2330
Phone: 800-945-WSBA • 206-443-WSBA • Fax: 206-727-8319

If you need special accommodations, please check here and explain below.

Blank lines for special accommodations explanation.



Friday,
September 29,
2006

Hilton Seattle
Sixth and University
Seattle

Registration and
Reception
11:00 a.m.
(no-host bar)

Luncheon/Program
Noon

Receive a discount on
the WSBA-CLE seminar:

Ethical Considerations
and
Case Law Updates for
Senior Lawyers

Call the WSBA Service
Center at
800-945-WSBA or
206-443-WSBA.

WSBA office use only:

Date _____

Check No. _____

Amount _____

No. MTL92906

You are cordially invited to attend

The Washington State Bar Association's 50-Year Member Tribute Luncheon

Please join us as we celebrate the accomplishments of the 2006 WSBA 50-year members. All members of the legal community are invited.

Name _____ WSBA No. _____

Address _____

Phone _____ E-mail _____

Affiliation/organization _____

Registration is \$45 per person (table of 10 = \$450). To make your reservation, please return this form (or a photocopy) with your credit-card information or check payable to WSBA. Space is limited, so please make your reservations early. Reservations and payment must be received by September 22, 2006 (refunds cannot be made after September 22).

MasterCard Visa No. _____ Exp. date _____

Name as it appears on card _____

Signature _____

_____ (no. of persons) X \$ _____ (price per person) = \$ _____ TOTAL

Please list the names of all attendees and indicate meal choices. Be sure to include yourself.

_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian
_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian
_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian
_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian
_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian
_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian
_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian
_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian
_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian
_____	<input type="checkbox"/> chicken	<input type="checkbox"/> salmon	<input type="checkbox"/> vegetarian

Send to: Washington State Bar Association
50-Year Member Tribute Luncheon
2101 Fourth Avenue, Suite 400
Seattle, WA 98121-2330
Phone: 800-945-WSBA or 206-443-WSBA • Fax: 206-727-8319

If you need special accommodations, please check here and explain below.

Opportunities for Service

WSBA Seeks Board and Committee Members

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the following boards and committees. Members should submit letters of interest and résumés to: WSBA, Bar Leaders Division, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330, or e-mail: barleaders@wsba.org. (Letters of interest and résumés are also required for incumbents seeking reappointment.)

Legal Foundation of Washington Board of Trustees

Application deadline: November 1

The Legal Foundation of Washington seeks one member to serve a two-year term on its board of trustees commencing on January 1, 2007. Incumbents are eligible for reappointment (up to two consecutive terms). The Legal Foundation of Washington is a private, not-for-profit organization that promotes equal justice for low-income people through the administration of IOLTA and other funds. Trustees should have a demonstrated commitment to, and knowledge of, the need for legal services and how these services are provided in Washington. For more information, e-mail caitlindc@legalfoundation.org.

Limited Practice Board

Application deadline: September 29

The WSBA Board of Governors seeks three candidates for appointment to the Limited Practice Board, which oversees administration of, and compliance with, the Limited Practice Rule (APR 12) authorizing certain lay persons to select, prepare, and complete legal documents pertaining to the closing of real estate and personal-property transactions. The

candidate's names will be submitted to the Washington State Supreme Court for appointment and will serve four-year terms commencing January 1, 2007. Incumbents are eligible for reappointment (limited to two consecutive terms). In keeping with the member requirements of APR 12, one position must be filled by a representative from the real estate industry, and at least one of the other two positions must be filled by an attorney member of the WSBA. The board generally meets every other month.

Loan Repayment Assistance Program Advisory Committee

Application deadline: August 15

The Washington State Bar Foundation Loan Repayment Assistance Program (LRAP) Advisory Committee seeks one member to serve a three-year term commencing on October 1, 2006. Applicants must be attorneys from private law firms. The LRAP provides loan forgiveness to attorneys committed to working in the public interest, thereby helping to meet the legal needs of the people of Washington. For more information, visit the WSBA website at www.wsba.org/lawyers/lrap.htm.

Northwest Justice Project Board of Directors

Application Deadline: November 1

The Northwest Justice Project seeks two members to serve three-year terms on its board of directors. The terms will commence on January 1, 2007. Incumbents are eligible for reappointment (up to two consecutive terms). The Northwest Justice Project is a not-for-profit organization that receives primary funding from the state and through the federal Legal Services Corporation to provide civil

legal services to low-income people. Board members, who play an active role in setting program policy and assuring adequate oversight of program operations, must have a demonstrated interest in, and knowledge of, the delivery of high-quality civil legal services to the poor. For more information, e-mail mac@nwjustice.org or lisag@nwjustice.org.

Washington Defender Association Board of Directors

Application Deadline: November 1

The Washington Defender Association (WDA) seeks two members to serve on its board of directors, one for a two-year term, and one for a three-year term. Both terms will commence on January 1, 2007. The board generally meets 10 times per year. The WDA is committed to increasing the funding and improving the quality of the criminal-defense bar in Washington and works to oppose legislation that would undermine constitutional protections for people accused of crimes.

Washington Pattern Forms Committee

Application Deadline: November 1

The Washington Pattern Forms Committee seeks one member to serve a four-year term commencing on January 1, 2007. Incumbents are eligible for reappointment (up to two consecutive terms). The Washington Pattern Forms Committee has published new sexual assault protection order forms and updates to the domestic relations, domestic violence, anti-harassment, juvenile court, misdemeanor judgment and sentencing, and felony judgment and sentencing forms, available at www.courts.wa.gov/forms. For more information, e-mail merrie.gough@courts.wa.gov.

Ethics 2003 Amendments to Rules of Professional Conduct Adopted

On July 10, 2006, the Washington State Supreme Court approved amendments to Washington's Rules of Professional Conduct (RPC). The amendments, proposed by the WSBA Board of Governors in October 2004, were based on recommendations submitted to the Board of Governors by the WSBA Special Committee for the Evaluation of the Rules of Professional Conduct ("Ethics 2003 Committee"), chaired by Ellen Conedera Dial. In adopting the amendments, the Supreme Court modified the proposed rules in a number of instances. The amended rules will go into effect on September 1, 2006. For more information, visit the WSBA website at www.wsba.org or the Washington Courts website at www.courts.wa.gov.

2006 WSBA Annual Awards Recipients to Be Honored

The WSBA Board of Governors takes great pleasure in announcing the recipients of the 2006 WSBA annual awards. The awards will be presented at the WSBA Annual Awards Dinner in Seattle on September 14, with the exception of the *Pro Bono* Award, which was presented at the Access to Justice Conference in Yakima on June 10.

Award of Merit: Marc A. Boman

First given in 1957, this is the WSBA's highest honor. The Award of Merit is most often given for long-term service to the Bar or the public, although it has also been presented in recognition of a single, extraordinary contribution or project. It is awarded to individuals only — both lawyers and nonlawyers.

Professionalism Award: Joy B. McLean

This honor is awarded to a member of the WSBA who exemplifies the spirit of professionalism in the practice of law. "Professionalism" is defined as the pursuit of a learned profession in the spirit of service to the public and in the sharing of values with other members of the profession.

Angelo Petrucci Award for Lawyers in Public Service: Penny L. Allen

Named in honor of the late Angelo R. Petrucci, a senior assistant attorney general who passed away during his term of service on the WSBA Board of Governors, this award is given to a lawyer in government service who has made a significant contribution to the legal profession, the justice system, and the public.

Outstanding Judge Award: Judge D. Gary Steiner

Presented for outstanding service to the bench and for special contribution to the legal profession at any level of the court.

Pro Bono Award: Leonard J. Feldman

This award is presented to a lawyer, nonlawyer, law firm, or local bar association for outstanding efforts in providing *pro bono* services. This award is based on cumulative efforts, as opposed to a lawyer's or group's *pro bono* hours or financial contribution.

Courageous Award: Nancy C. Ivarinen

This award is presented to a lawyer who has displayed exceptional courage in the face of adversity, thus bringing credit to the legal profession.

Excellence in Diversity Awards: Prof. David Boerner, Prof. Paula Lustbader,

Seattle University School of Law Alternative Admissions Program/Academic Resource Center

This award is made to a lawyer, law firm, or law-related group that has made a significant contribution to diversity in the legal profession's employment of ethnic minorities, women, and persons with disabilities.

Outstanding Elected Official Award: Governor Christine O. Gregoire

This award is presented to an elected official for outstanding service, with special contributions to the legal profession. It is awarded to an individual who has demonstrated a commitment to justice beyond the call of duty.

Lifetime Service Award: Patrick H. McIntyre

This is a special award given for a lifetime of service to the WSBA and the public. It is given only when there is someone especially deserving of this recognition.

Community Service Award: Judge Joel M. Penoyar

The Community Service Award is new this year. Lawyers are known for giving generously of their time and talents in service to their communities. This award recognizes exceptional non-law-related volunteer work and community service.

COMMERCIAL
LITIGATION

HALL ZANZIG ZULAUF
CLAFLIN MCEACHERN

Trial Lawyers

Spencer Hall • Scott Zanzig • Jay Zulauf • Art Claflin • Janet McEachern
1200 Fifth Avenue, Seattle, Washington 98101 Tel 206.292.5900

President's Award: Recipient to be announced. The President's Award is given annually in recognition of special accomplishment or service to the WSBA during the term of the current president.

Leonard J. Feldman Receives WSBA Pro Bono Award

Seattle attorney Leonard J. Feldman, a shareholder at Heller Ehrman, received the 2006 WSBA *Pro Bono* Award at the



Pro Bono Award honoree Leonard Feldman with WSBA President Brooke Taylor.

Access to Justice Conference in Yakima on June 10. The *Pro Bono* Award is presented annually to a lawyer, nonlawyer, law firm, or local bar association for outstanding efforts in providing free or low-cost services to the poor, and is based on cumulative efforts rather than the number of *pro bono* hours or amount of financial contribution.

Seeking Applications from Judicial Candidates

Application deadline: October 31, 2006

The WSBA Judicial Recommendation Committee is currently accepting applications from attorneys and judges seeking consideration for appointment to fill potential vacancies on the Washington State Supreme Court and Court of Appeals. The committee will interview candidates in November 2006. The committee's recommendations are reviewed by the WSBA Board of Governors and then referred to the state governor, who then reviews the recommendations when making judicial appointments. To obtain an application, visit the WSBA website at www.wsba.org/lawyers/groups/judicialrecommendation/default1.htm, call 206-727-8239, or e-mail barleaders@wsba.org. Please specify whether you need the application designed for a judge or attorney.

WYLD Elects New President-elect and Trustees

The WSBA's Young Lawyers Division (WYLD) elected Seattle attorney Mark W.D. O'Halloran to serve as its 2006-2007 president-elect. O'Halloran's term as president-elect will begin on October 1, 2006, and end September 30, 2007, at which time he will begin his one-year term as WYLD president. A 2002 gradu-

ate of Seattle University School of Law, Mr. O'Halloran is currently a WYLD trustee representing King County and, since the summer of 2004, an associate at the Gosanko Law Firm in Seattle, where he focuses on civil tort cases. The WYLD also elected three new trustees: Tacoma attorney Kimberly L. April representing the Pierce County District, Bremerton attorney Jennifer A. Durcan representing the Peninsula District, and Seattle attorney David G. Estudillo representing the King County District. The new trustees will serve three-year terms beginning October 1, 2006.

LMBA Honors Ron Ward, 2004-2005 WSBA President

At its recent annual dinner, the Loren Miller Bar Association renamed its President's Award after 2004-2005 WSBA President Ronald R. Ward, in honor of his service to the WSBA and in recognition of his accomplishments in the areas of court funding, legal services for the poor, maintenance of the independence of the judiciary, and diversity.

Chief Justice Alexander Receives Lifetime Service Award

On July 10, Washington State Supreme Court Chief Justice Gerry L. Alexander received the prestigious 2006 American Inns of Court Ninth Circuit Professionalism Award for his lifetime of service to the law. Justice Alexander received the award at the Ninth Circuit Judicial Conference in Huntington Beach, California. Elected to the Washington State Supreme Court in 1994 and serving as chief justice since 2001, Justice Alexander has given more than three decades of service to the Washington state bench, and is the longest-serving chief justice in the state's history. The American Inns of Court is a national organization of judges, lawyers, law professors, and law students who work to improve the skills, professionalism, and ethics of the bench and bar.

Washington Assistant Attorney General Receives National Award

David Huey, assistant attorney general for Washington state, was recently



Townsend and Townsend and Crew LLP

is pleased to announce that

John J. Farrell

has joined the firm as an associate in the Electronics & Software Group.

Mr. Farrell has extensive legal experience counseling clients in a variety of intellectual property matters including patent, trademark and copyright issues for businesses in the software, telecommunications and circuit design fields.

Two Union Square
601 Union Street
Seattle, WA 98101
tel 206.467.9600
fax 206.623.6793
www.townsend.com
jjfarrell@townsend.com

TOWNSEND *and* TOWNSEND *and* CREW LLP

San Francisco ■ Palo Alto ■ Walnut Creek ■ San Diego ■ Denver ■ Seattle ■ Tokyo

honored with the Marvin Award from the National Association of Attorneys General (NAAG) for his work on consumer-protection issues, including nationwide settlements with two sub-prime mortgage lenders. Huey works for the Consumer Protection Division in the Attorney General's Office in Tacoma. Named after Ray Marvin, executive director of NAAG from 1976 to 1986, the Marvin Award recognizes excellence and dedicated service by assistant attorneys general who have taken on leadership roles in multi-state legal initiatives and other projects.

Family Law and Civil Procedure Deskbooks Supplements

Bring your library up to date with the 2006 supplements to the *Washington Family Law Deskbook* (2d ed. 2000) and *Washington Civil Procedure Deskbook* (2d ed. 2002), scheduled for release this fall. To receive these supplements automatically and enjoy a 10 percent discount, sign up for the Automatic Update Service online at <http://pro.wsba.org/forms/automatic.asp> or call the WSBA Service Center at 800-945-WSBA or 206-443-WSBA. You can also ask to be notified when the supplements are available by calling the numbers above or e-mailing orders@wsba.org.

2006 WACDL Awards

On July 9, the Washington Association of Criminal Defense Lawyers held its annual awards ceremony. Redmond attorney Donna Tucker, Seattle attorney Cheryl Church, and Tri-Cities attorney Jim Egan each received the President's Award (Tucker and Church were recognized for their work in *City of Redmond v. Moore*, a landmark misdemeanor-practice case); Whatcom County Public Defender Jon Ostlund received the Champion of Justice Award for his vigilant advocacy for the rights of the accused and the disenfranchised; and Seattle attorney Dan Dubitzky and Port Orchard attorney Roger Hunko each received the William O. Douglas Award for their criminal defense work.

They Got Game

On June 8, the Seattle Lawyers Basketball League wrapped up its 21st season with the reigning 2005 champions Johnson & Associates (not a real law firm) beating the number-six seed Stanislaw Ashbaugh team in a bruising battle, avenging the



Johnson & Associates team members: James Clark, Eric Hanson, Robert Iannucci, Anthony Johnson, Joshua Lipsky, Eric Nelson, Charles Paglialunga, Robert "Jack" Slavik, Shannon Smith, and William Spurr.

team's only loss to clinch the 2006 season crown. The hard-working but always-ambitious Stanislaw-Ashbaugh proved no match for Johnson & Associates's superior ball-handling and Tenacious D.

MCLE Credits Just Got Easier

Watch your mailbox for the WSBA-CLE

Fall Seminar Catalog. Find complete information on a comprehensive array of hot-topic seminars from WSBA-CLE, the Innovator in Legal Education™.

WSBA Court Rules and Procedures Committee 2006-2007 Agenda

When it reconvenes in October, the WSBA Court Rules and Procedures Committee is scheduled to review the Rules of Evidence (RE) and the Infraction Rules for Courts of Limited Jurisdiction (IRLJ). Suggestions regarding these rules or questions about the work of the committee should be directed to Douglas Ende at 206-733-5917 or e-mail WSBACourtRules@wsba.org. Interested individuals are encouraged to participate in the work of the committee.

Armed Forces Fee Exemption

WSBA members whose status is active and who are otherwise eligible for the armed forces exemption (as described in the newly amended WSBA Bylaw II.E.1.b.) can apply for a waiver of WSBA license fees beginning in December. WSBA members whose status is inactive or emeritus must still pay the annual license fees. If you are an active member and believe you are eligible for the fee

Accounts Receivable Collection

AMG

Financial Services

"Collection Services for the Legal Professional"

- Skip Tracing
- Asset Searches
- Enforcement of Judgments
- Credit Bureau Reporting
- Settlement Negotiations

Assisting Northwest Law Firms Since 1985

1425 Fourth Avenue, #820 Seattle, WA 98101 (206) 340-0883

exemption, contact the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA, or questions@wsba.org beginning in December.

Update Your Contact Information

Now is the ideal time to check that the WSBA has your correct contact information for the 2007 license fee renewal packets scheduled to be mailed in early December. APR 13(b) requires all attorneys to update their office address and telephone number within 10 days of a change. You can check your listing by going to the online lawyer directory at pro.wsba.org. If anything has changed, please update the information by e-mailing questions@wsba.org, faxing the change to 206-727-8319, or calling the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA.

Save the Dates: WSBA Annual Awards Dinner and 50-Year Member Tribute Luncheon

The 2006 WSBA Annual Awards Dinner will be held Thursday, September 14, at the Renaissance Madison Hotel in Seattle. The 50-Year Member Tribute Luncheon will be held Friday, September 29, at the Hilton Seattle. All members of the legal community are invited to attend these events. See the registration forms on pages 42 and 43.



WSBA Leadership Institute Seeks Fellows for 2007

The Washington State Bar Association seeks applicants for the 2007 WSBA Leadership Institute. The Leadership Institute recognizes that many lawyers, especially those from diverse backgrounds and other underrepresented groups, have not been traditionally recruited for leadership positions or made aware of opportunities for leadership training, skill development, and professional growth available through the WSBA. Ten to 12 at-

torneys, in practice for three to 10 years, will be carefully selected for the third year of the program. The 2007 program will take place January to August 2007.

The program is a collaborative, experiential, and individualized curriculum that includes eight professional-development seminars. WSBA Leadership Institute fellows will benefit from the latest trends in professional leadership development; exposure to the legislative and judicial systems; interaction with high-level state and local officials and judges; and opportunities to meet high-profile attorneys from the private and public sectors. The program requires a two-year commitment. Following the completion of the first year, fellows are expected to serve on a WSBA section, committee, or bar-related activity. Fellows will earn 30 CLE credits, and the program is free of charge.

To be considered for the program, applicants must: (1) complete an application with cover letter, résumé, and three references; (2) be an active WSBA member; (3) have practiced law in a U.S. jurisdiction for three to 10 years; (4) be nominated by his/her employer, or if self-employed, by another individual; and (5) provide evidence of interest in community and WSBA activities. Applications for the 2007 WSBA Leadership Institute will be available by mid-summer 2006 for submission in early fall. Application forms and instructions will be available on the WSBA website at www.wsba.org/lawyers/leadership_institute.htm.

Casemaker Access

Casemaker is a powerful online research library provided free to WSBA members. Visit the WSBA website at www.wsba.org and click on the Casemaker logo to access the Casemaker homepage. For help using Casemaker, contact the WSBA Service Center at 800-945-WSBA or 206-443-WSBA, or e-mail questions@wsba.org.

LOMAP & Ethics Traveling Seminars

Plan to attend in Port Angeles on August 22, Port Townsend on August 23, or Port Orchard on August 24. Registration is \$84, and each seminar has been approved for

four CLE credits, including two ethics. For more information, contact Julie Salmon at 206-733-5914 or juliesa@wsba.org.

Computer Clinic



The WSBA offers a hands-on computer clinic for members wanting to learn more

about what Microsoft Office programs — such as Outlook, PowerPoint, Excel, and Word, as well as Adobe Acrobat — can do for a lawyer. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Computers are provided, and seating is limited to 15 members. There is no charge, and no CLE credits are offered. Clinics are held the second Monday of the month. The next clinic is August 14 from 10 a.m. to noon at the WSBA office. For more information, contact Pete Roberts at 206-727-8237 or peter@wsba.org.

Contract Lawyer Meeting

LOMAP hosts a meeting of contract lawyers the first Tuesday of each month at the WSBA office from noon to 1:30 p.m. Bring a lunch and network with other contract lawyers.

LAP Solution of the Month: Addicted?



People become addicts when they repeatedly engage in a behavior to obtain escape, relief, or pleasure, even when that behavior becomes counter-productive. People can become addicted to many things: work, sex, alcohol, drugs, gambling, even relationships. If addiction is getting in your way, call the Lawyers Assistance Program at 206-727-8269. All calls are confidential.

Resolving Lawyer Disputes

The WSBA offers two programs to help lawyers resolve disputes. The Fee Arbitration Program focuses on fee disputes

We Are Pleased to Announce that

THE LAW OFFICES OF A. RICHARD MALONEY

has relocated to

4522 44th Avenue SW

Seattle, WA 98116

206-935-1948

maloneylaw@earthlink.net

Recently Settled:

Cain, et al. v. The Highline Water District
\$5.6 million for residential property damage,
mental anguish, and legal expenses.

Referrals and Associations Are Welcome

DICKSON STEINACKER LLP

are pleased to announce that

C. Tyler Shillito

and

Scott O. LaFranchi

have become associates of the firm.

1401 Wells Fargo Plaza Bank of America Tower
1201 Pacific Avenue 701 Fifth Avenue, Suite 4201
Tacoma, WA 98402 Seattle, WA 98104

Tel: 253-572-1000

Fax: 253-572-1300

www.dicksonsteinacker.com

HARRANG LONG GARY RUDNICK P.C.

congratulates

Jim Mountain

on being selected one of the
top appellate lawyers in Portland.

The Portland's Best Lawyers list was compiled by the publisher
of *The Best Lawyers in America*. Jim is also listed as one of the
top appellate attorneys in *The Best Lawyers in America 2005-06*.

Jim is admitted to practice in Oregon and Washington.

Our appellate lawyers offer what most other firms can't
— the experience and expertise that comes with handling
thousands of appeals.

360 E. 10th Ave., Ste. 300 333 High Street NE, Ste. 200
Eugene, OR 97401 Salem, OR 97301
541-485-0220 503-371-3330

1001 SW Fifth Ave., Ste. 1650
Portland, OR 97204
503-242-0000

www.harrang.com

SHORT CRESSMAN & BURGESS PLLC

is pleased to announce

Christine A. Pothering

has joined the firm's
Business and Construction Practice Sections.

Ms. Pothering's practice focuses on
business, general corporate representation,
and risk management.

999 Third Avenue, Suite 3000
Seattle, Washington 98104-4088
206-682-3333

www.scblaw.com

THE NATHANSON GROUP

Attorneys at Law

is pleased to announce:

Stephen J. LaForte

has become a member of the firm
and

Jacob "Jack" Wieselmann

has joined the firm as Of Counsel.

Randi S. Nathanson, Stephen J. LaForte,
Karen C. Sowinski, Shira B. Levin, Jacob Wieselmann*
*admitted in Oregon only

The Nathanson Group is a boutique transactional law firm
with particular expertise in the long-term care and
senior housing industries.

One Union Square
600 University Street, Suite 2000
Seattle, WA 98101-1195
Tel: 206-623-6239 • Fax: 206-623-1738
www.nathansongroup.com

WILSON SMITH COCHRAN DICKERSON, P.S.

is pleased to announce that

Alfred E. Donohue

has joined the firm as an Associate.

1700 Financial Center
1215 4th Avenue
Seattle, WA 98161-1007
206-623-4100

THE NATHANSON GROUP

Attorneys at Law

is pleased to announce
the relocation of our offices as of June 1, 2006,
to:

One Union Square
600 University Street, Suite 2000
Seattle, WA 98101-1195
Tel: 206-623-6239
Fax: 206-623-1738

The Nathanson Group is a boutique transactional
law firm with particular expertise in the long-term
care and senior housing industries.

www.nathansongroup.com

KANTOR TAYLOR MCCARTHY, PC

is pleased to announce that

Jenny Yeh

formerly associated with Hogan and Hartson

and

Sallie Lin

formerly a housing developer at the
Low Income Housing Institute

have joined the firm as associates.

KANTOR TAYLOR MCCARTHY PC

1501 4th Avenue, Suite 1610
Seattle, WA 98101-1662
Tel: 206-625-9898 • Fax: 206-625-9951

Disciplinary Notices

These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct, and pursuant to the February 18, 1995, policy statement of the WSBA Board of Governors.

For a complete copy of any disciplinary decision, call the Washington State Disciplinary Board at 206-733-5926, leaving the case name, and your name and address.

***Note:** Approximately 30,000 persons are eligible to practice law in Washington state. Some of them share the same or similar names. Bar News strives to include a clarification whenever an attorney listed in the Disciplinary Notices has the same name as another WSBA member; however, all discipline reports should be read carefully for names, cities, and bar numbers.*

Disbarred

John M. Cooper (WSBA No. 22977, admitted 1993), of Spokane, was disbarred, effective March 29, 2006, by order of the Washington State Supreme Court following a default hearing. This discipline was based on his conduct between 1997 and 1999 in three matters involving multiple acts of misconduct. *John M. Cooper is to be distinguished from John M. Cooper of Bainbridge Island and John G. Cooper of Seattle.*

Matter 1: In October 1998, Mr. Cooper was hired by a client to probate the estate of her mother. The client paid Mr. Cooper \$250 in advance legal fees. Mr. Cooper obtained an order admitting the will to probate and appointing the client as personal representative. The estate, valued at approximately \$50,000, included a house that was subject to numerous creditors' claims. Mr. Cooper advised his client to give him the estate's bills to pay and to take out a mortgage on the house to raise funds to cover the bills. The client followed Mr. Cooper's advice and, in December 1998, gave him a cashier's check for \$5,750. Of that amount, \$750 was for additional advance legal fees and \$5,000 was for Mr. Cooper to pay the estate's creditors, with any remainder to

be refunded to the client. Mr. Cooper deposited the check into his trust account. Over the next month, the client called Mr. Cooper several times; Mr. Cooper repeatedly assured her that everything was fine. After a month, he stopped returning her telephone calls. Between December 1998 and February 1999, the estate's creditors began approaching the client, stating that their bills had not been paid. During this time, Mr. Cooper withdrew a portion of the client's funds from his trust account to pay the expenses of other clients and to obtain cash. In February 1999, the client and her husband confronted Mr. Cooper at his home office, where he gave them a trust account check for \$3,010 as a partial refund. He also gave to the client a promissory note in the amount of \$4,990, with 12 percent interest commencing that day, which represented the remaining \$1,990 the client had provided him to pay the creditor's claims, the \$1,000 the client had paid as advance fees, and an additional \$2,000. Mr. Cooper never made any payments on the promissory note and never provided the client with an accounting. The client settled the creditors' claims by herself.

Matter 2: In June 1998, Mr. Cooper was hired by a husband and wife after the wife's sister suddenly died, leaving two minor children. The children's father was incarcerated, and the clients sought to petition for custody. The father contested the petition and, in July 1998, a guardian *ad litem* (GAL) was appointed. Mr. Cooper told the clients not to contact the GAL, but to wait for the GAL to contact them. Between July and December 1998, the clients waited to hear from the GAL. During this time, Mr. Cooper failed to work on the clients' case, never informed the clients that the GAL had written to him several times requesting to speak with them, and rarely returned the clients' many phone calls. The GAL eventually told Mr. Cooper that if he did not hear from the clients, he would recommend that the father get custody. Mr. Cooper did not advise the clients about this. In January 1999, the GAL called the clients and asked why they had not contacted him. He told them that a motion brought by the father's lawyer to dismiss the custody proceeding was scheduled for

hearing, and he advised them to attend. Mr. Cooper never informed the clients of this hearing, never filed a response to the motion to dismiss, and arrived late for the hearing. The GAL informed the court of Mr. Cooper's behavior and explained that there was no cause to dismiss the matter. The clients hired new counsel immediately after the hearing and were awarded custody of the children.

Matter 3: Mr. Cooper represented a client in a criminal trial in January 1997 and subsequently on appeal following a conviction. Mr. Cooper failed to file an appellate brief on the client's behalf despite several notices from the Court of Appeals and the imposition of terms against Mr. Cooper. In October 1997, the client's appeal was dismissed. The matter was remanded to Superior Court, which mailed to Mr. Cooper a notice of a hearing to set the client's jail incoming date. Neither Mr. Cooper nor his client appeared at the hearing. The court issued a warrant and the client was arrested. The court later appointed another lawyer to represent the client.

Mr. Cooper's conduct violated RPC 1.2(a), requiring a lawyer to abide by a client's decisions concerning the objectives of representation; RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to keep a client reasonably informed about the status of a matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; RPC 1.5(a), requiring a lawyer's fees to be reasonable; RPC 1.14(a), requiring all funds of clients be deposited in one or more identifiable interest-bearing trust accounts and no funds belonging to the lawyer or law firm be deposited therein; RPC 1.14(b), requiring a lawyer to promptly notify a client of the receipt of his or her funds, to maintain complete records of client funds and render appropriate accounts regarding them, and to promptly pay or deliver to the client funds that the client is entitled to receive; RPC 1.15(d), requiring a lawyer to take steps to the extent reasonably practicable to protect

a client's interests upon termination of representation; RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client; RPC 8.4(b), prohibiting a lawyer from committing a criminal act (here, theft in the first degree) that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; and RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Marsha A. Matsumoto represented the Bar Association. Kenneth S. Kagan represented Mr. Cooper. James P. Spurgitis was the hearing officer.

Disbarred

Terry O. Forbes (WSBA No. 5626, admitted 1974), of Everett, was disbarred, effective March 29, 2006, by order of the Washington State Supreme Court following a default hearing. This discipline was based on his conduct between 2002 and 2004 in six matters involving trust-account irregularities and multiple other acts of misconduct.

Matter 1: In September 2002, Mr. Forbes wrote a check from his trust account in the amount of \$39,000 payable to his legal assistant. His legal assistant was not a client, she had no funds on deposit in his trust account, and she was not entitled to the funds.

Matter 2: For a period of years, Mr. Forbes represented a client who was the adult ward in a guardianship case. In September and October 2002, Mr. Forbes received two checks totaling \$168,709.78 on his client's behalf, which he deposited into his pooled client trust account. Beginning in April 2003, Mr. Forbes's trust-account balance fell below \$168,000 and so remained (with the exception of a few days) until August 2004, at which time it had declined to approximately \$70,500. Mr. Forbes was not entitled to remove the client's funds from his trust account. Knowing that the client's case was set for a hearing in August, Mr. Forbes closed his trust account and opened a new trust account into which he deposited the balance from the old account, supplemented by other deposits totaling approximately

\$97,000, which he obtained from his family. In August 2004, Mr. Forbes filed a declaration in superior court, stating that "the \$168,709.75 [*sic*] he had received" on his client's behalf in 2002 remained available for disbursement or investment as the court might direct. Upon learning that the client's funds had been held in trust for nearly two years without interest accruing to the client's benefit, the superior court commissioner ordered that Mr. Forbes pay the \$168,709.78 into the court registry by the end of the day. That afternoon, Mr. Forbes tendered to the court a check for \$168,709.78 drawn on his new trust account.

Matter 3: Mr. Forbes represented a husband and wife in a child custody matter. In June 2004, the clients paid him \$1,000 as costs to be paid to a guardian *ad litem* appointed in the case. The clients received a receipt indicating the funds would be placed in Mr. Forbes's trust account for the guardian *ad litem*. Mr. Forbes neither deposited the funds into his trust account nor paid them to a guardian *ad litem*. He did not have the clients' permission to use the money for any other purpose. Mr. Forbes never rendered an accounting to the clients for the money they paid him.

Matter 4: In December 2002, a client paid Mr. Forbes an advance fee deposit of \$1,000 to represent him in a dissolution case filed by the client's wife. The fee agreement stated that Mr. Forbes's hourly rate was \$175. Mr. Forbes deposited the entire amount into his business account, even though he had only spent about 90 minutes on the client's case at their initial meeting. Mr. Forbes did not file a notice of appearance on behalf of the client until January 2003, and he did not file an answer to the dissolution petition until the day before a default motion was to be heard. Shortly thereafter, the client reconciled with his wife and, in October 2003, the client requested that Mr. Forbes prepare a stipulation to dismiss the dissolution petition. Mr. Forbes took no further action in the case, did not return the client's repeated calls, did not prepare a stipulation as requested, and did not sign the stipulation proffered by opposing counsel until March 2004. After the client filed a grievance with the Bar Associa-

tion, Mr. Forbes responded in writing that he had refunded \$590.50 to the client in September or October 2003. Mr. Forbes had not refunded any money to the client. Mr. Forbes never earned the entire \$1,000 paid to him and never provided an accounting to the client.

Matter 5: In September and October 2004, Mr. Forbes received from a dissolution client a total of \$39,500 in marital community funds, which he deposited into his trust account. Mr. Forbes advised the client to transfer these funds to him in order to protect them from being frozen by opposing counsel and to ensure their continued availability to her. In November 2004, the client terminated Mr. Forbes's services, at which time her balance in Mr. Forbes's trust account should have been \$31,500. Mr. Forbes's trust account balance was less than \$19,000 at the time. Mr. Forbes did not have the client's permission to remove any portion of the \$31,500 from his trust account.

Matter 6: In November 2004, Mr. Forbes borrowed \$21,500 from one client and \$1,300 from a second client without fully disclosing in writing to either client the risks involved in lending him money or affording them a reasonable opportunity to seek the advice of other counsel. That same day, Mr. Forbes deposited \$21,760 into his trust account.

Mr. Forbes's conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to keep a client reasonably informed about the status of a matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; RPC 1.5(a), requiring a lawyer's fee to be reasonable; RPC 1.8(a), prohibiting a lawyer from entering into a business transaction with a client or knowingly acquiring an ownership, possessory, security, or other pecuniary interest adverse to a client unless the transaction and its terms are fair and reasonable and fully disclosed and transmitted in writing to the client, the client is given opportunity to seek the advice of independent counsel, and

the client consents; RPC 1.14(a), requiring all funds of clients paid to a lawyer be deposited into an interest-bearing trust account; RPC 1.14(b), requiring a lawyer to maintain complete records of client funds and properties and render appropriate accounts regarding them, and to promptly pay or deliver upon request funds or properties belonging to the client; RPC 1.15(d), requiring a lawyer to take steps to the extent reasonably practicable to protect a client's interests upon termination of a representation; RPC 8.4(b), prohibiting a lawyer from committing a criminal act (here, theft in the first degree) that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude, or corruption, or any unjustified act of assault or other act that reflects disregard for the rule of law.

Natalea Skvir represented the Bar Association. Mr. Forbes did not appear in the proceeding either personally or through counsel. Margarita V. Latsinova was the hearing officer.

Suspended

Graeme H. Strickland Jr. (WSBA No. 4977, admitted 1973), of Lake Oswego, Oregon, was suspended for one year, effective March 16, 2006, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon following a hearing. This discipline was based on his conduct in 2003 involving criminal convictions for improper use of the emergency reporting system, initiating a false report, and disorderly conduct.

In August 2002, Mr. Strickland learned that the city of Lake Oswego was planning to build a reservoir across the street from his home. For a time, Mr. Strickland observed the construction workers, took pictures, and recorded notes in a journal. Mr. Strickland subsequently sent several letters to the city's attorney and the city's contractor to put them "on notice" of a

potential tort claim. Mr. Strickland wrote at least 10 separate letters, complaining of disturbances from the construction workers and claiming that the construction workers were "retaliating against him." In March 2003, Mr. Strickland felt vibrations in his home that he associated with the construction site. He drove his car near the construction site and parked in the middle of an intersection. A construction worker asked him to move the car because he was parked in a work zone. Rather than move his car, Mr. Strickland left it in the intersection and walked back to his home, where he dialed 911. He asked the dispatcher to send the police because he was surrounded by construction vehicles and being threatened. Mr. Strickland then returned to the intersection, and lunged at one of the construction workers. Although no physical contact occurred, Mr. Strickland fell backwards to the ground and began screaming that his back was injured. A Lake Oswego police officer arrived. Mr. Strickland told the officer that the construction worker had assaulted him and thrown him to the ground. The officer notified Mr. Strickland that making a false report is a criminal act, but Mr. Strickland persisted in his story and refused to leave. Paramedics arrived and Mr. Strickland told them that the construction worker had assaulted him. Mr. Strickland then appeared to have a seizure, stiffening and trembling. Immediately thereafter, he sat up, appeared alert, and said that he was going home. Although the attending paramedic believed that Mr. Strickland had feigned the seizure, the paramedics transported Mr. Strickland to the emergency room because he continued to state that he was in pain. There, doctors found no evidence of physical injury.

In connection with these events, Mr. Strickland was charged with and convicted by a jury of three misdemeanors in Lake Oswego Municipal Court: violation of ORS 165.570, improper use of emergency reporting system; ORS 162.375, initiating a false report; and ORS 166.025, disorderly conduct.

Mr. Strickland's conduct violated Oregon DR 1-102(A)(2), prohibiting a lawyer from committing a criminal act

that reflects adversely on the lawyer's honesty, trustworthiness, or fitness to practice law; and DR 1-102(A)(3), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Felice P. Congalton represented the Bar Association. Mr. Strickland represented himself.

Suspended

Neil W. Jackson (WSBA No. 32574, admitted 2002), of Portland, Oregon, was suspended for 60 days, effective March 10, 2006, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon following a stipulation. This discipline was based on his conduct between 1997 and 2004 involving improper withdrawal, neglect of a legal matter, failure to account for client funds, and failure to properly deliver client property.

Mr. Jackson was hired by a client to represent her in a personal-injury matter. In March 1997, Mr. Jackson filed a complaint on behalf of the client. The court entered an order transferring the action to arbitration. Mr. Jackson requested that the client deliver \$1,100 for costs incurred and to be incurred in the action, which he received in October 1997 and deposited into his lawyer trust account. In October 1997, Mr. Jackson withdrew \$630.22 for expenses and costs incurred. In November 1997, the court issued a notice of pending dismissal of the action. The court dismissed the case in December 1997 and sent a copy of the judgment of dismissal to Mr. Jackson.

Between October 1997 and October 2001, Mr. Jackson failed to respond to the client's telephone calls and letters, failed to provide the client with written communications from the opposing party's counsel and other persons, failed to respond to inquiries and requests from the opposing counsel, failed to provide the client with a copy of the court's notice of pending dismissal and judgment of dismissal of the action, failed to take action to reinstate the case, failed to notify the client that he

was taking no action and was no longer representing or pursuing her interests, failed to monitor the client's case, and failed to take action to protect the client's interests. In October 2001, the client hired a new lawyer, who requested a copy of the documents contained in Mr. Jackson's file. Mr. Jackson did not deliver the documents until March 2002, after the new lawyer had made additional requests. Until June 2004, Mr. Jackson failed to deliver the unused balance of the client's funds and failed to account for those funds.

Mr. Jackson's conduct violated Oregon DR 2-110(A)(2), prohibiting a lawyer from withdrawing from employment until the lawyer has taken reasonable steps to avoid foreseeable prejudice to the rights of the lawyer's client, including giving due notice to the lawyer's client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules; DR 6-101(B), prohibiting a lawyer from neglecting a legal matter entrusted to the lawyer; DR 9-101(C)(3), requiring a lawyer or law firm to maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to the lawyer's client regarding them; and DR 9-101(C)(4), requiring a lawyer to promptly pay or deliver to a client as requested by the client the funds, securities, or other properties in the possession of the lawyer that the client is entitled to receive.

Felice P. Congalton represented the Bar Association. Mr. Jackson represented himself.

Non-Disciplinary Notice

Suspended Pending Outcome of Disciplinary Proceedings

Paul Hernandez (WSBA No. 21015, admitted 1991), of Seattle, was suspended from the practice of law pending the outcome of disciplinary proceedings, pursuant to ELC 7.2(a)(3), effective May 25, 2006, by an order of the Washington State Supreme Court. This is not a disciplinary action.

CONSTRUCTION SITE INJURIES

Bradley K. Crosta

Counsel for plaintiff in *Stute v. PBMC, Inc.*, 114 Wn.2d 454 (1990) (General contractor has primary responsibility for the safety of all workers.)

Is available for consultation, association, or referrals.

CROSTA AND BATEMAN
999 Third Avenue, Suite 2525
Seattle, WA 98104-4089
206-224-0900

bcrosta@aol.com

LEGAL MALPRACTICE and DISCIPLINARY ISSUES

Joseph J. Ganz

is available for consultation, referral, and association in cases of legal malpractice (both plaintiff and defense), as well as defense of lawyer disciplinary and/or grievance issues.

2101 Fourth Ave., Ste. 2100
Seattle, WA 98121
206-448-2100

E-mail: jganzesq@aol.com

ATTORNEYS' FEE DISPUTES

Michael Caryl

- Attorney-Client
- Attorney-Attorney
- Attorney Liens
- Fee-Related Ethics and Discipline
- Expert Testimony (lodestar/fee division/*quantum meruit*)
- Arbitration, Mediation
- Consultation, Representation

206-378-4125

E-mail: michaelc@michaelcaryl.com

INVESTOR CLAIMS

Former NASD Series 7, 66 and life/annuity insurance licensed broker/investment advisor. Available for consultation, referral, or expert evaluation/testimony in claims involving broker/advisor error, and investment suitability.

Courtland Shafer

**SATTERBERG HEALY
ECKHOUDT**

9832 15th Ave. SW
Seattle, WA 98106
206-763-1510

Courtland@seattlejustice.com

APPEALS

Philip A. Talmadge,

former justice,
Washington State Supreme Court;
fellow, American Academy of
Appellate Lawyers

Emmelyn Hart-Biberfeld,

former law clerk,
Washington State Supreme Court;
invited member, the Order of
Barristers

Anne E. Melley,

former law clerk,
Washington State Court of Appeals

Thomas M. Fitzpatrick,

former executive director,
Snohomish County; former
assistant chief, civil, Snohomish
County Prosecuting Attorney's
Office; fellow, ABA Center for
Professional Responsibility

Available for consultation
or referral on state and federal
briefs and arguments.

TALMADGE LAW GROUP PLLC

18010 Southcenter Parkway
Tukwila, WA 98188-4630

206-574-6661

Fax: 206-575-1397

E-mail: christine@talmadgelg.com

www.talmadgelg.com

APPEALS

THE LANZ FIRM, P.S.

AGC Building, Suite 809
1200 Westlake Avenue North
Seattle, WA 98109
206-382-1827

A substantial record of
success on all levels of
Washington appellate practice.

Bernard G. Lanz
M. Scott Dutton (of Counsel)

ETHICS and LAWYER DISCIPLINE

25+ Years' Experience

Leland G. Ripley,
former WSBA chief disciplinary
counsel (1987-94), represents
and advises lawyers in all
aspects of legal ethics and
lawyer discipline.

425-377-8737
E-mail: leland.ripley@comcast.net

APPEALS IN WASHINGTON, CALIFORNIA, AND FEDERAL COURTS

Focusing on tort and
civil rights cases.

RANDY BAKER

www.bakerappeals.com

Pacific Building
720 Third Avenue, Suite 2015
Seattle, WA 98104
206-264-1076

bakerlaw@drizzle.com

INSURANCE BAD FAITH

*For when they insure it is sweet to
them to take the money; but when
disaster comes it is otherwise and
each man draws his rump back and
strives not to pay.*

— Francesco di Marco Datini —
Florentine businessman, letter to his wife,
14th century.

SOME THINGS DON'T CHANGE

The excuses are endless. The bottom
line is the same — insurance
companies gladly accept your
premiums but all too often resist
paying your valid claims.

William C. Smart, trial attorney
with over 25 years of experience, is
available for consultation, referral,
or association on failure to defend,
failure to settle, excess judgment,
negligent claims handling or other
insurance bad faith claims, including
disability insurance.

WILLIAM C. SMART KELLER ROHRBACK, LLP

1201 Third Avenue, #3200
Seattle, WA 98101
206-623-1900

E-mail: wsmart@kellerrohrback.com

DISCIPLINARY INVESTIGATION and PROCEEDINGS

Patrick C. Sheldon,
former member of the
Washington State Bar Association
Disciplinary Board, is now
accepting referrals for attorney
disciplinary investigations
and proceedings.

FAIN SHELDON ANDERSON & VANDERHOEF PLLC

Bank of America Tower
701 Fifth Avenue, Suite 4650
Seattle, WA 98104

206-749-2371
E-mail: patrick@fsav.com

COMPLEX BUSINESS AND COMMERCIAL TRANSITIONS

Hermes Law Firm, PSC

continues its focus on business
transactions, entity choices, and
real estate.

Available for consultation and
referrals.

RUSSEL J. HERMES
Hermes Law Firm, PSC
1812 Hewitt Avenue – Suite C
Everett WA 98201
425.339.0990

russh@hermeslawfirm.com

APPEALS

Margaret K. Dore

Former Law Clerk to the
Washington State Supreme Court
and the Washington State
Court of Appeals.

Successful appeals include
Guardianship of Stamm,
121 Wn. App. 830, 91 P.3d 126 (2004).

LAW OFFICES OF MARGARET K. DORE, P.S.

1001 Fourth Avenue, 44th Floor
Seattle, WA 98154
206-389-1754

www.MargaretDore.com

APPEALS

Anne Watson,
former law clerk to the
Washington State Supreme Court,
is available for
consultation, association, or
referral of appellate cases.

LAW OFFICE OF ANNE WATSON, PLLC

360-943-7614
anne@awatsonlaw.com

APPEALS

Charles K. Wiggins
and
Kenneth W. Masters

We handle or assist on all types of civil appeals in state and federal courts, from consulting with trial counsel to post-mandate proceedings.

WIGGINS & MASTERS PLLC
241 Madison Avenue North
Bainbridge Island, WA 98110
206-780-5033

www.appeal-law.com

APPEALS

Briefing and arguing appeals for over 30 years

Emphasizing cases involving difficult questions of contractual, statutory, and constitutional interpretation.

BILL BISHIN
206-323-7175

MEDICAL or DENTAL MALPRACTICE

John J. Greaney is available for consultation and referral of plaintiffs' claims of medical or dental malpractice against healthcare providers and hospitals.

KENT
877-520-5252
E-mail: jgreaney@hgzlaw.com



Calendar

Please check with providers to verify approved CLE credits. To announce a seminar, please send information to:

WSBA Bar News Calendar
2101 Fourth Ave., Ste. 400
Seattle, WA 98121-2330
Fax: 206-727-8319
E-mail: comm@wsba.org

Information must be received by the first day of the month for placement in the following month's calendar.

Administrative Law

Public Records Act Deskbook: Washington's Public Disclosure and Open Public Meetings Laws
September 26 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Business Law

Lawyer's Toolbox: Business Law
August 10 — Seattle. 3.25 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Accounting for Attorneys
September 14 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Creditor/Debtor

Lawyer's Toolbox: Bankruptcy Issues
August 10 — Seattle. 3 CLE credits, including .5 ethics. By WSBA-CLE; 800-

945-WSBA or 206-443-WSBA.

Criminal Law

13th Annual Criminal Justice Institute

September 7-8 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Elder Law

Elder Law at the Cutting Edge: Annual Fall Elder Law Conference
September 15 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Environmental Law

Renewables and Energy Efficiency: New Policies and Market Opportunities
August 10-11 — Seattle. 13 CLE credits. By Law Seminars International; 800-854-8009 or 206-567-4490.

Estate Planning

Basic Washington Estate Planning Series (series of seven sessions)
September 8 — Seattle. 27 CLE credits, including 1 ethics. By UW School of Law; 800-CLE-UNIV or 206-543-0059.

Essentials of Drafting and Using Trusts

September 22 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA

Ethics

Ethics, Professionalism and Civility: The Hard Questions
September 28 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Family Law

A Tax and Financial Checklist for Your Family Law Practice: Advising

Clients in Traditional and Non-Traditional Relationships

September 19 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

General

Lawyer's Toolbox: Effective Writing

August 3 — Seattle. 3 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Indian Law

19th Annual University of Washington Indian Law Symposium

September 14-15 — Seattle. CLE credits pending. By UW School of Law; 800-CLE-UNIV or 206-543-0059.

Intellectual Property

Annual Intellectual Property Licensing Seminar

September 20 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Intellectual Property Developments: Litigation, Machination, and Reformation

September 29 — Spokane. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Labor and Employment Law

9th Annual Labor and Employment Law Conference

August 24-25 — Seattle. 11.5 CLE credits, including 1 ethics. By The Seminar Group; 800-574-4852 or 206-463-4400.

Law Practice Management

Lawyer's Toolbox: Technology and the Law

August 3 — Seattle. 3.25 CLE credits, including .5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Lawyer's Toolbox: Setting Up Your Practice and Handling Your Trust Account

August 18 — Seattle. 3.5 CLE credits, including 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Accounting for Attorneys

September 14 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Winning Strategies

September 27 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Litigation

Auto Crash Cases — Winning with Cutting Edge Technology

August 17 — Seattle. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

GAIN THE EDGE!® Negotiation

Strategies for Lawyers, with Marty Latz
September 29 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Civil Settlement Strategies

September 21 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Real Property

Residential Landlord Tenant Law

September 12 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Tax Law

A Tax and Financial Checklist for Your Family Law Practice: Advising Clients in Traditional and Non-Traditional Relationships

September 19 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.



Classifieds

Reply to WSBA Bar News Box Numbers at:

**WSBA Bar News Job Code _____
Bar News Classifieds
2101 Fourth Ave., Ste. 400
Seattle, WA 98121-2330**

Positions available are also posted online at www.wsba.org/jobs.

Space

Downtown Seattle executive office sharing: Full- and part-time offices available on the 32nd floor of the 1001 Fourth Avenue Plaza Building (Fourth and Madison). Beautiful views! Close to courts and library. Short- and long-term leases. Conference rooms, reception, kitchen, telephone answering, mail handling, electronic law library, legal messenger, copier, fax, and much more. \$175 and up. Please call 206-624-9188 for more information.

Office space available. Tacoma office space available w/secretarial space, conference room, and parking. One and a half blocks from courthouse. For more information call 253-274-9441.

Bellevue — One office plus secretarial and storage space, plus use of library/conference room. Share with two attorneys. Ample free parking. In wooded and landscaped setting. Two-minute access to 405. Available now. \$1,100/mo. 425-455-0705.

Kent office space: Large, fully furnished corner office with private entrance in elegant, newly constructed small law building. Possible referrals. All amenities included. Gated

entrance with own parking lot. Highly visible location close to RJC. 206-227-8831.

Professional space available: Edmonds, Northgate, and Renton area. Call Bob Nakao with The Foundation Group for more info; 206-324-9417 or bobn@thefoundationgroup.com.

Downtown Tacoma law office across from courthouse. Martin Duenhoelter seeks relaxed and collegial office mate. Large office, reception area, copy room, fax machine, messenger, DSL Internet. Rent includes fax machine, all utilities, DSL wireless, and messenger service. Conference room available. Nice brick interior, high ceilings, skylight. Parking \$40; rent \$850 month. Call Connie 253-593-0766.

Congenial downtown Seattle law firm (business, I.P., tax). Spacious offices, staff areas for sublease. Rent includes receptionist, conference rooms, law library, kitchen. Copiers, fax, DSL Internet also available. 206-382-2600.

Executive office suites — Bellevue and Kirkland. Private suites with skilled receptionist, conference room. Internet, phone, transcription, and other specialized services available. Corner Office Inc., 425-213-6010; www.cornerofficeinc.com.

Downtown Bellevue executive office-sharing: Full- and part-time offices available 1st floor Plaza Center Building (110th/NE 8th). Close to courts and library. Conference room, mail handling, copier, fax, and more. \$150 and up. Call 425-635-7283 for information.

Ballard office space available for one or two attorneys. Includes library conference room, secretarial space, and parking for attorneys and clients. Secretarial space available. Located one block from five banks, new public library. Please call Jon Marvin Jonsson, 206-783-4199; fax 206-784-8916.

Seeking

Seeking one to two attorneys or CPAs to affiliate or share resources with boutique Seattle law firm (tax, estate planning, business, immigration). Turnkey practice opportunity in casual and friendly environment. New class-A, Sound-view space. Call 206-382-2430.

Positions Available

Attorneys: Quality attorney recruitment for contract and direct-hire placement, including lateral-hire partnership and of-counsel positions. We specialize in engagements with Puget Sound's premier law firms of large to small/solo membership, corporate legal departments, boutique practices, and governmental agencies. Please contact Law Dawgs, Inc., in confidence, at 206-224-8269; e-mail seattle@lawdawgs.com; www.lawdawgs.com.

Quality attorneys sought to fill high-end permanent and contract positions in law firms and companies throughout Washington. Contact Legal Ease, LLC by phone, 425-822-1157; fax, 425-889-2775; e-mail legalease@legalease.com; or visit us on the web at www.legalease.com.

Minzel and Associates, Inc. is a temporary- and permanent-placement agency for lawyers and paralegals. We are looking for quality lawyers and paralegals who are willing to work on a contract and/or permanent basis for law firms, corporations, solo practitioners, and government agencies. If you are interested, please e-mail your résumé as a Word attachment to resumes@minzel.com. Please visit our website at www.minzel.com.

Business associate — Seattle office: Garvey Schubert Barer, with offices in Portland, Seattle, Washington, New York, and Beijing, seeks an associate for its business practice in Seattle, Washington. This position offers opportunity for challenging work in a collegial environment. Three-plus years' experience in business practice with emphasis on M&A work and securities preferred. Current WSBA membership required. Applicants must have excellent writing and analytical skills, top academic credentials, and a commitment to excellence. Garvey Schubert Barer has a tradition of hiring exceptional associates in order to make the best legal talent possible available to its clients. We are an equal opportunity employer and encourage and support a vibrant and diverse team of professionals. We seek highly qualified and motivated individuals who will work hard and are able to balance that work ethic with their life outside the firm. If you meet this description, we would be delighted to hear from you. Please reply in confidence to Genevieve P. Tietjen and include your cover

letter, résumé, and law-school transcripts. Application materials should be sent to Garvey Schubert Barer, 1191 Second Ave., 18th Fl., Seattle, WA 98101; fax: 206-464-0125; e-mail: gptietje@gsblaw.com.

Senior environmental associate attorney. Marten Law Group PLLC is seeking two exceptional lawyers to assist us in expanding our environmental practice. These positions require five or more years' substantive experience in one (and preferably more than one) of the following areas of environmental law: air quality, water quality, waste cleanup, waste management, permitting and environmental review, property development and acquisition, endangered species and natural resources, and environmental litigation. Interested applicants should review the detailed job description and the specific materials to be included with their C.V. and cover letter at the "Careers" link on the firm's website, www.martenlaw.com.

Paralegal: Palace Law Offices is now hiring a workers' comp paralegal. Must have legal experience in workers' compensation w/strong computer skills. Full time w/benefits. Send résumé to: Office Manager, PO Box 1193, Tacoma, WA 98401.

Fluke Corporation is seeking a qualified attorney at our corporate headquarters in Everett, Washington. The ideal candidate will have seven or more years of practice in a law firm or combined law firm/in-house, J.D. degree, and excellent written/oral communication and interpersonal skills. Key responsibilities include negotiating/drafting sales contracts, licensing agreements, advising/training staff about contract-related and general legal issues. The attorney will report to Fluke's general counsel and will also provide legal services to other company operations. Please submit résumé directly using our corporate website, www.fluke.com.

Microsoft employment attorney. Microsoft, the world leader in software for personal and business computing, has an immediate opening for an experienced employment attorney to work on cutting-edge employment law issues in support of its dynamic and creative human resources department and senior leaders. Primary responsibilities include: Advising HR and business leaders about employment and labor law matters arising in the business, sales, and operations groups; advising on and handling attorney

directed internal investigations as well as preparing responses to demand letters and agency charges received from current and former employees and/or their counsel; developing and reviewing written HR policies, templates, handbooks, and HR Intranet sites; assisting the HR new ventures team in acquisitions, joint ventures, investments, and spin-offs; developing and delivering legal training for HR generalists and company managers. The responsibilities of this position require the ability to grasp and explain technical subject matter; think creatively to resolve situations; identify and implement systemic changes where appropriate; and frequently and regularly communicate with outside counsel, with other attorneys, paralegals and staff, human resources personnel, and with Microsoft leaders and executives. Qualifications should include: A minimum of six years of demonstrated work experience in employment and labor law, including counseling clients, handling significant employment litigation, and conducting training; J.D. degree from an ABA accredited law school with a license to practice law, and outstanding academic credentials; highly developed written and oral communications skills, with the ability to articulate recommendations and options about complex legal issues; ability to partner effectively with others as a member of a legal services team; ability to understand technology issues is preferred. This description has been designed to indicate the general nature and level of work performed by employees within this position. The actual duties, responsibilities, and qualifications may vary based on assignment or group. Please submit your résumé in Word format to resume@microsoft.com. Please indicate job code N150-162861 in the subject line. Microsoft is an equal opportunity employer (EOE) and strongly supports diversity in the workplace.

Senior attorney. Yakama Nation, office of legal council. Attorney will serve as legal counsel to the YN Tribal Council and government as a whole. Representation includes appearances before tribal, state, federal courts, and other hearing bodies and encompasses many subject areas. Knowledge of Indian law, research formulated and presents legal issues ideas and arguments. Strong litigation skill. Require minimum of four years' legal experience and two years' Indian law. Requires admission to WSBA and drug test. Apply: JA#2006-124, YN Personnel, 509-865-5121, ext. 4833. Open until filled.

King County Superior Court is accepting applications for the position family law commissioner *pro tempore*. Successful applicants will be placed on a list maintained by the court, and may be called to duty as needed. Current *pro tempore* commissioners who wish to continue serving must reapply, except that former judicial officers need not reapply. Applications must be received by 4:30 p.m. on August 31, 2006 (postmarks not accepted). For information and required application materials, please see www.metrokc.gov/ohrm/jobs, or call 206-296-9355.

Business and real estate attorney. Hanson Baker Ludlow Drumheller P.S., a nine-attorney AV-rated firm serving the Eastside and greater Puget Sound area for over 50 years, is seeking a lateral partner to supplement its growing transactional and litigation practice, particularly in the areas of business, real estate, construction, financing, land use, and environmental matters. HBLD provides the highest quality legal services to a wide range of businesses and individuals throughout the Northwest, while offering its attorneys a quality of life and collegial atmosphere not found at a large firm. Applicants should have significant transactional and/or litigation experience. Please send résumé and/or business plan and cover letter to John T. Ludlow, Hanson Baker Ludlow Drumheller P.S., 10777 Main St., Ste. 300, Bellevue, WA 98004.

Construction and condemnation litigation: seeking attorney with at least five years of experience, including litigation, to represent Pierce County Public Works/Utilities Dept. Duties include all phases of condemnation proceedings, complex public-works construction, contract/leasing issues. WSBA membership required. Full-time w/benefits, \$66,048-88,379/year, DOE. Closes 3/10/06. Send résumé/cover letter to: Becky Stover, Human Resource Manager, Pierce County Prosecuting Attorney's Office, 930 Tacoma Ave. S, Rm. 946, Tacoma, WA 98402. EOE.

Owens Davies, P.S., an established Olympia law firm, is seeking a motivated, self-starting attorney with a minimum of four years' family law experience and excellent interpersonal, writing, and academic credentials willing to join a team of six attorneys in Washington's most livable city. Owens Davies has been providing legal services to Southwest Washington for 40 years and offers a congenial work environment that appreciates high

quality work without the pressures of a large city firm. Motivated individuals with a desire to build or expand their practice are encouraged to send their résumé with cover letter and writing sample to H.R. Owens Davies, PO Box 187, Olympia, WA 98507, or via e-mail to legg@owensdavies.com.

Estate planning attorney: Hawley Troxell Ennis & Hawley LLP is seeking an estate planning attorney with an LLM in taxation, six-plus years of experience and good business development skills to join our growing practice in Ketchum, Idaho. Corporate experience and/or real estate experience is preferred, but not required. All replies confidential. Direct inquiries to: Hawley Troxell Ennis & Hawley LLP, Attn: Eugene A. Ritti, 877 Main St., Boise, ID 83701; phone: 208-344-6000; fax: 208-342-3829; or e-mail: ear@hteh.com.

Public notice: The Court will select a part-time United States Magistrate Judge for the Western District of Washington at Vancouver. The person selected will replace the incumbent, who will retire March 23, 2007, after 28 years of distinguished service. The new Magistrate Judge will enter on duty March 24, 2007, or as soon thereafter as possible. Applications are now being accepted for the position. Position description: part-time United States Magistrate Judge, Vancouver, Washington. The United States District Court, Western District of Washington announces the vacancy of the position of part-time magistrate judge for the Western District of Washington at Vancouver. The person selected will replace the incumbent, who will retire March 23, 2007. The new magistrate judge will assume duties on duty March 24, 2007, or as soon thereafter as possible. Applications are now being accepted for the position. The duties of the part-time magistrate judge position may include the following: to conduct initial appearances, pretrial matters, trial, and disposition of petty and misdemeanor cases charged as violations of regulations promulgated by the U.S. Forest Service, General Services Administration, Veterans Administration, U.S. Fish and Wildlife, and the Corps of Engineers; to conduct initial appearances and related matters in criminal cases; to consider, under oath, Applications for Search Warrants, Applications for Arrest Warrants, and Complaints in criminal matters. Such other responsibilities as may be assigned. The jurisdiction of the part-time

magistrate judge is specified in 28 U.S.C. 636(a). To be qualified for appointment an applicant must: be, and have been, a member in good standing for at least five years of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, or the U.S. Virgin Islands, and have been engaged in the active practice of law for a period of at least five years (with some substitutes authorized); be competent to perform all the duties of a United States magistrate judge; be of good moral character; be emotionally stable and mature; be committed to equal justice under law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness; be less than 70 years old; not be related to an active judge of the district court; possess such other qualifications for the position as may be established by the district court. The person serving in this position may practice law, and may appear as counsel in any case in state court and in any civil case in this court. He or she may not, however, appear as counsel in a criminal case in this court. A merit selection panel will review all applications and recommend to the judges of the district court in confidence a list of the persons it considers best qualified. The court will make the appointment, following an FBI full-field investigation and IRS tax check of the appointee. An affirmative effort will be made to give due consideration to all qualified candidates, including women and members of minority groups. The current annual salary of the position is \$25,512. The term of office is four years. Application forms and further information on the magistrate judge position may be obtained from the Clerk of the District Court (or via the court's website at www.wawd.uscourts.gov). Bruce Rifkin, District Court Executive, U.S. District Court, 700 Stewart St., Lobby Level, Seattle, WA 98101, 206-370-8400. Applications must be submitted only by potential nominees personally and must be received no later than September 1, 2006. All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the merit selection panel and the judges of the district court. The panel's deliberations will remain confidential.

Insurance defense litigation attorney — well established, AV-rated downtown Seattle law firm seeking civil litigation attorney, preferably with insurance defense experience. We are a small/medium-sized

firm consisting of 10 attorneys. We seek a full-time associate with a minimum of five years' litigation experience. Successful candidate will be able to work independently and handle all levels of civil litigation. Excellent research, writing, and analytical skills are required. The right candidate should also be energetic and willing to work as part of a team. We have a friendly and relaxed work environment. We offer a competitive salary and benefit package. Please e-mail your résumé, cover letter, and a short writing sample to resume@gardnerbond.com. No telephone calls please.

Property law professor — the University of Montana School of Law invites applications for a tenure-track position teaching in the area of property law, to commence in the fall of 2007. More information, including a full position description and the hiring criteria, is available on our website, www.umt.edu/law. Application materials should be submitted by October 1, 2006.

Major, Lindsey & Africa, attorney search consultants, was founded in 1982 and now has offices in 15 U.S. cities, Hong Kong, and London. In the only legal recruiters' national surveys ever conducted, MLA was described as being "in a league apart from other legal headhunting firms" and was voted "Best Legal Search Firm in the U.S." If you are interested in in-house, partner, or associate opportunities, please contact our Seattle office at 206-218-1010, or e-mail your résumé to seattle@mlaglobal.com.

Employee benefits attorney. The employee benefits practice at Bullard Smith Jernstedt Wilson, an Equal Opportunity Employer, continues to expand. We are the largest specialty management, labor and employment law firm in the Pacific Northwest and are seeking an experienced employee benefits attorney to join our team. The ideal candidate has 10-plus years' in the employee benefits area, including tax-qualified retirement plans, health and welfare plans, and executive compensation. A book of business is preferred but not required. Exceptional academic, writing, and teamwork skills are essential. To apply, please submit a cover letter, résumé, and your professional history (including organization memberships) to Jackie Damm, Bullard Smith Jernstedt Wilson, 1000 SW Broadway, Ste. 1900, Portland OR 97205; e-mail jdamm@bulalrldlaw.com. No calls or search firms please. EOE.

Employment law and litigation associate. Bullard Smith Jernstedt Wilson is looking for an associate with two-plus years' experience to join our growing firm. We are a specialty firm representing management in labor and employment law matters exclusively. Our ideal candidate will have an excellent academic and professional record and be dedicated to client service, teamwork, and community. The ability to exercise sound independent judgment and an entrepreneurial outlook on the practice of law are a plus. Exceptional academic, writing, and research skills are essential. To apply, please submit a cover letter, résumé, law-school transcript, and writing sample (no longer than 10 pages) to Jackie Damm, Bullard Smith Jernstedt Wilson, 1000 SW Broadway, Ste. 1900, Portland OR 97205; e-mail jdamm@bulalrldlaw.com. No calls or search firms please. EOE.

Employment benefits associate. Bullard Smith Jernstedt Wilson is looking for an associate with two-plus years' experience to join our expanding employee benefits practice. The successful candidate will have experience working with a broad spectrum of tax qualified retirement plans, nonqualified plans, and health and welfare plans. Essential skills include plan drafting, problem solving, and exceptional client service. The ability to exercise sound independent judgment while functioning as a valued team member is a plus. Exceptional academic, writing, and research skills are required. To apply, please submit a cover letter, résumé, law-school transcript, and writing sample (no longer than 10 pages) to Jackie Damm, Bullard Smith Jernstedt Wilson, 1000 SW Broadway, Ste. 1900, Portland OR 97205; e-mail jdamm@bulalrldlaw.com. No calls or search firms please. EOE.

Real estate associate. Stoel Rives LLP is seeking an associate attorney to join its real estate section in its Portland, Oregon, office. The ideal candidate has between two-plus years of practice experience in transactional real estate law. Exceptional academic and writing skills are required. Send a cover letter, résumé, law-school transcript, and writing sample to Michelle Baird-Johnson, Recruiting Manager, Stoel Rives LLP, 900 SW Fifth Ave., Ste. 2600, Portland, OR 97204. No calls, please.

Paralegal: Real estate transactions. Responsible for supporting in-house counsel

in Seattle corporate offices of a national real estate company involved in complex commercial real estate transactions. Candidate must have strong organizational skills and working knowledge of commercial real estate transactions, loan closings, and escrow and title procedures. Proven ability to handle several large projects simultaneously, take initiative, adapt to rapidly changing priorities, work independently, and be comfortable working in a corporate setting. The person will also be responsible for administrative functions including mail distribution, correspondence, invoice processing, filing, calendaring, and ordering office supplies. Must have at least two years' experience as a paralegal in a law firm, legal department, or comparable experience with a real estate focus. Please e-mail résumé to ocjobs@prmc.com.

World-renowned U.S.-based international law firm is seeking an associate or partner-level attorney to join their firm. Fluency (reading/writing/speaking) in Mandarin and English, and in-depth understanding of Chinese and American culture and business protocol is required. J.D. degree from a U.S. law school and two-plus years of experience with a major U.S. law firm is required. Strong desire to return to China to work with an international law firm for major, high-profile clientele. Experience in corporate finance;

employment law (Chinese labor law for foreign clients); general corporate maintenance; leases; interfacing with Chinese officials regarding compliance or local law; environmental law; currency exchanges; collections; credit recovery; and banking is a definite plus. Chinese law-school education and law-firm experience, in addition to U.S. law-school education and experience, is a definite plus but not required. Candidates from all over the world are more than welcome to submit their résumés for consideration, but please know that the above requirements still stand. For immediate consideration, please submit your résumé to Esther.Cuno@roberthalflegal.com. All inquiries are held in strict confidence.

Chief legal counsel. Montana Department of Revenue. Salary range \$80k-100k, DOQ. Helena office, position No. 58101009. We are seeking an experienced principal legal officer to lead and manage the office of legal services. A diverse and broad knowledge of tax law required. For complete job and application information, please visit our department website at www.discovering-montana.com/revenue. Position is open until filled, first review July 25, 2006.

Real estate attorney. Pinnacle Real Estate Law Group has an immediate opportunity available for a real estate attorney with at

least four years' experience in real estate transactions, land-use matters, and/or real estate litigation. We are located on Bainbridge Island and are building a team of attorneys and staff to meet the transactional and litigation needs of our real estate clients throughout western Washington. We represent developers, financial institutions, title insurance companies, real estate-related businesses, and individuals. This is a great opportunity for a confident, self-motivated person with a demonstrated ability and desire to handle real estate matters independently and assist our client teams in more complex matters. You may visit our website at www.pinnacle-law.com. Send cover letter and résumé to Office Administrator, Pinnacle Real Estate Law Group, 175 Parfit Way SW, Ste. S140, Bainbridge Island, WA 98110. All replies are confidential.

Springer, Norman & Workman, Longview, Washington, seeking motivated attorney with minimum two years' experience with workers' compensation. Excellent in-person communication skills required. Well established plaintiffs' practice with a relaxed work environment, established over 40-plus years. Position to handle all phases of case management and litigation. Salary DOE. Please send résumé and references to Springer, Norman & Workman, PO Box 757, Longview, WA 98632; or e-mail: robhall@mcleodusa.net.

Plaintiff personal-injury litigation position. The law firm of Harold D. Carr, PS handles personal-injury cases with a main office located in Olympia/Lacey and satellite offices in Pierce County. A position is now available to handle both arbitration and jury litigation. Please mail résumé to 4535 Lacey Blvd. SE, Lacey WA 98503 or fax to 360-455-0031.

Attorneys. Responsible for drafting legal documents, negotiating corporate transactions, conducting legal research and/or providing legal advice pertaining to high-tech industry and/or sports and entertainment industry. Requires J.D. degree or equivalent, plus experience in a law firm and/or corporate in-house as a transactional attorney and experience in drafting intellectual property licensing agreements and/or negotiating corporate transactions; legal research and utilizing analytical skills to draft documents pertaining to high-tech industry; sports law; entertainment law; and/or providing

To Place a Classified Ad

Rates: WSBA members: \$40/first 25 words; \$0.50 each additional word. Nonmembers: \$50/first 25 words; \$1 each additional word. Blind-box number service: \$12 (responses will be forwarded). Advance payment required; we regret that we are unable to bill for classified ads. Payment may be made by check (payable to WSBA), MasterCard, or Visa.

Deadline: Text and payment must be received (not postmarked) by the first day of each month for the issue following, e.g., September 1 for the October issue. No cancellations after the deadline. Mail to:

WSBA Bar News Classifieds
2101 Fourth Ave., Ste. 400
Seattle, WA 98121-2330

Qualifying experience for positions available: State and federal law allow minimum, but prohibit maximum, qualifying experience. No ranges (e.g., "5-10 years"). If you have questions, please contact Dené Canter at 206-727-8213 or classifieds@wsba.org.

legal advice regarding product development and marketing, information technology (including corporate securities, governance, intellectual property licensing, privacy law, antitrust, and/or regulatory compliance) and/or intellectual property. Requires admission to the WSBA or immediate eligibility to sit for the Bar. Positions are located in Redmond, Washington, or in the Seattle metropolitan area. To submit your résumé, please visit our website at www.microsoft.com/careers or mail your résumé to: Microsoft Corporation, Attn: Staffing-A150, One Microsoft Way, Redmond, WA 98052-8303. Microsoft offers excellent benefits package to full-time employees, including medical, dental, vacation, employee stock-purchase plan, and 401(k).

Will Search

Searching for will of Daniel P. Osborne, DOB 8/4/1942, DOD 12/19/2004. Please contact Richard Gregorek, attorney: 425-803-9500; 3450 Carillon Point, Kirkland, WA 98033.

Will search: seeking will of Richard B. Nichols of Everett/Lake Stevens, Washington. Contact Michael Howard. 206-236-1301.

Services

Minzel and Associates, Inc. is a temporary- and permanent-placement agency for lawyers and paralegals. We provide highly qualified attorneys and paralegals on a contract and/or permanent basis to law firms, corporations, solo practitioners, and government agencies. For more information, please call us at 206-328-5100 or e-mail mail@minzel.com.

Contract attorney available for research, brief writing, and oral argument for motions and appeals. Top academic credentials, law review, judicial clerkship, and big firm experience. Joan Roth McCabe, 206-784-1016, jrmcc@yahoo.com.

Forensic document examiner: Retired from the Eugene Police Department. Trained by the U.S. Secret Service and U.S. Postal Inspection Service. Court-qualified in state and federal courts. Contact Jim Green at 888-485-0832.

Experienced brief and motion writer available as contract attorney. Fifteen

years' litigation experience, including trial preparation. Short deadlines OK. Reasonable rates. Lynne Wilson, 206-328-0224, lynnewilso@aol.com.

Fast cash for seller carry-back notes, www.wallstreetbrokers.com. Fast cash for divorce liens, www.divorceliens.com. New book by Lorelei Stevens, www.fastcashbook.com. Larry and Lorelei Stevens; 800-423-2114. Notes appraised for estates.

Need help with any legal writing project?

Practicing attorney with professional writing and editing experience available for any task, from writing a brief for your motion to editing your autobiography. Fifteen years' full-time litigation experience and seven prior years as a professional journalist. Legal and writing credentials and samples available. Michael Heatherly, 360-312-5156, northwestdrg@mhpro57.com.

Commercial real estate lawyer, 30 years' experience, sales, acquisitions, loans, leases, declarations, and easements. I will handle all or part of your transaction, agreement, or other document. Admitted Washington, Oregon, and New York. Mark Tipperman, 541-963-5214.

Contract attorney: All aspects of litigation and appeals, including research. Former name partner in boutique litigation firm. Fourteen-plus years' experience. Have conducted numerous civil jury trials, including complex litigation. Reasonable rates; variable per type of work. Pete Fabish, 206-545-4818.

Mediation and arbitration services: Oregon and Washington. O.M. (Met) Wilson Jr. Wilson Dispute Resolution, 1211 SW 5th Ave., Ste. 2950, Portland, OR 97204. 503-972-5090. E-mail, met@wilsonadr.com. Web, www.wilsonadr.com.

Hawaii All Islands Real Estate: W. Anton Berhalter (WSBA No. 11310, HRS-65566) offers his services for all Hawaii real estate needs. Real estate purchase, sale, management, rentals, and evaluations. Contact Walt Berhalter, J.D., CLU, MBA, RS, Sales Manager, Century 21 All Islands, PO Box 487, 3254 Waikomo Rd., Koloa, HI 96756. E-mail, walt.berhalter@hawaiimoves.com. Web, www.hawaiimoves.com. Direct, 808-240-2496; fax, 808-742-9293; cell, 808-651-9732.

Medical malpractice expert witnesses. We have thousands of board-certified doctor experts in active practice. Fast, easy, flat-rate referrals. Your satisfaction guaranteed! Also, case reviews by veteran MD specialists for a low flat fee. Med-mal EXPERTS. www.medmalexperts.com, 888-521-3601.

Bad-faith expert witness. Former insurance claims adjuster and defense attorney, over 20 years' combined experience. JD, CPCU & ARM. Dave Huss, 425-776-7386.

Oregon accident? Unable to settle the case? Associate an experienced Oregon trial attorney to litigate the case and share the fee (proportionate to services). OTLA member, references available, see Martindale, AV-rated. Zach Zabinsky, 503-223-8517.

Tax attorneys (both with LL.M.) available for contract and referrals. Estate planning, business planning, employee benefits, and more. Free consultations. Please call 206-529-5143.

Security consultant — 30 years' security and police experience focusing on risk and vulnerability assessments, security management, operations analysis, and training. Robert Schultheiss, 509-586-3392, or info@risk-decisions.com.

IBA, the Pacific Northwest's oldest business brokerage firm, sells privately held companies and family-owned businesses. We are professional negotiators/facilitators with more than 4,000 completed transactions. Please contact us if we can be of assistance to you or any of your clients at 800-218-4422 or www.ibainc.com.

Hard-working contract attorney helps you meet deadlines. WSBA member with 25 years of experience conducts legal research and writing for attorneys, using UW law library and LEXIS online resources. I draft trial and appellate briefs, motions and memos. Elizabeth Dash Bottman, 206-526-5777, bjelizabeth@qwest.net.

English-Spanish full-service investigations. Accidents, civil, criminal, fraud, infidelity, surveillance, and witness locates/interviews. Will travel globally. Licensed and insured. Military veteran. WorldEye Detective Agency, 402 E. Yakima Ave., Ste. 335 Yakima, WA 98901. 509-452-1963. worldeyedetective@yahoo.com.

The Official
**Revised Code of
Washington**



Current Edition is **2006** Reprint

Call us today toll-free: 1-866-650-6369
[In Olympia, call 352-5769]

PREPAYMENT IS REQUIRED

We'll gladly take your Visa/Mastercard order
over the phone...or fax this form to:
360-357-7219

\$227.64

[\$210.⁰⁰ plus 8.4% sales tax]

If you prefer to pay by check, mail your order to:
Office of the Code Reviser, Orders Dept,
PO Box 40552, Olympia WA 98504

Visa Mastercard

Card number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Month Year

--	--	--	--

Expiration Date

Name of card holder [required for all charge orders]

First Name

Last

Company

Fl/Suite/Department

Address

Bldg/Apt

City

St

Zip

[] -

[] -

Phone

Fax:

Mail to:

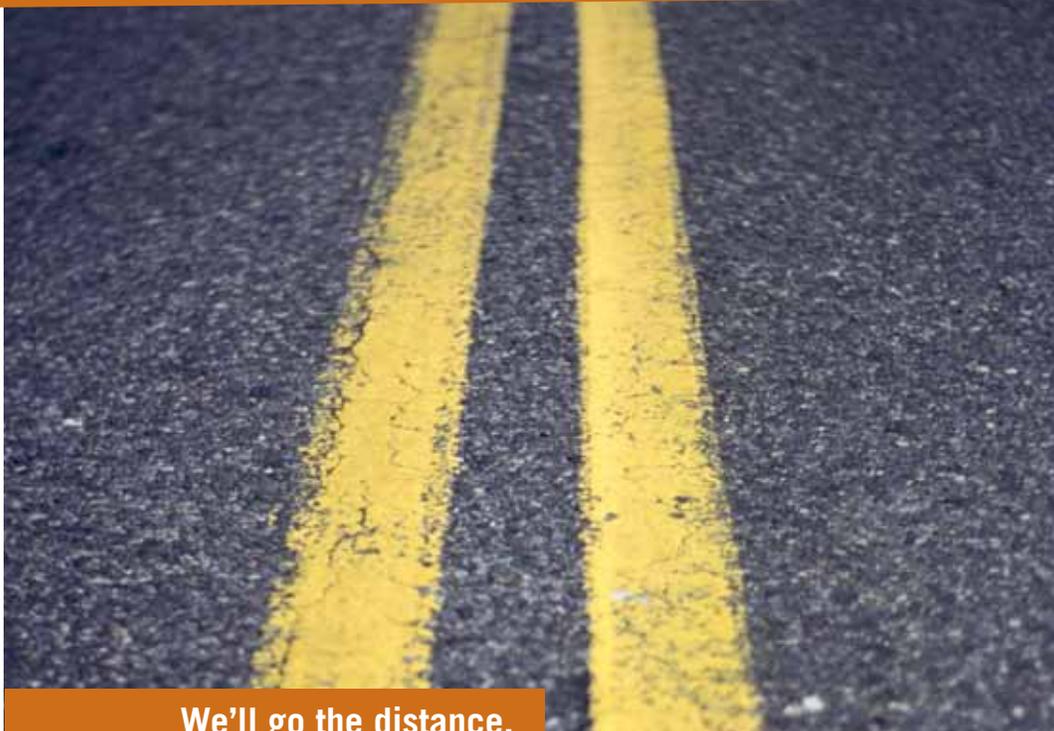
Office of the Code Reviser
PO Box 40552
Olympia, WA 98504
TIN: 91-600-1909

Sales Tax is 8.4% unless:

1. Your order is sent out of state
2. You are a federal agency
3. You provide tax exempt number

Bn07-06

For DUI defense,
all roads lead to
Fox Bowman Duarte.



We'll go the distance.



Washington's strict DUI laws can have a devastating effect on lives, even for first time offenders. That's why anyone accused of a DUI needs the most tenacious and innovative defense lawyer around. At Fox Bowman Duarte, we've successfully defended thousands of DUI cases. And our six lawyers have accumulated more than 75 years of DUI litigation experience. Fox Bowman Duarte. We help people get it together again.

FOX > BOWMAN > DUARTE

The nation's toughest DUI laws demand the toughest DUI lawyers.

1621 114th Avenue SE, Suite 210 | Bellevue, WA 98004 | 425.451.1995 | www.foxbowmanduarte.com

When will you find out how good your malpractice insurance really is?

Not all malpractice plans are created equal.

If a claim is ever filed against you, you want to be confident you have coverage that adequately protects you and your practice.

Our plan is competitively priced and offers several key policy benefits and services that can really make a difference...

- ▶ Unlimited claims expense in addition to the liability limit
- ▶ Prior acts coverage including full individual career coverage
- ▶ 50% reduction in deductible for early claims reporting
- ▶ Automatic coverage for independent contractors
- ▶ More extended reporting period options (tail coverage) – 12, 24, 36, and 60 month, or unlimited duration
- ▶ Take advantage of premium financing options to make payments more affordable
- ▶ Quick and easy to get a quote

Find out how good ours is –

Turn to the team of professionals who know the industry and will recommend the right coverage for you.

**Call or visit our website for a quote or
for more information on this quality coverage.**

1-877-613-2200

www.proliability.com/26330

Administered by:

MARSH

Affinity Group Services
a service of Seabury & Smith

26330-1