The Professionalism Issue

Putting Your Best Foot Forward

Honor and Dignity
The Creed of Professionalism
Dealing with Difficult People
Courtroom Behavior

Practical Tips
Does It Take Two to Tango?
Profiles in Professionalism
Enjoying Your Practice
Think you can enjoy a drink out with dinner and not be in danger of a DUI arrest on your way home? Not anymore. Increasingly, DUI cases are filed based on very low test results—some as low as .03 for adults. Prosecutors rely on field sobriety tests and the officer's observations of the odor of alcohol, bloodshot eyes, slurred speech and poor coordination to justify the charges. However, field sobriety tests were never validated to detect impairment, nor to accurately estimate the BAC, and the obligatory observations are often explained by innocent factors such as fatigue, or health conditions such as allergies, diabetes, or injuries.

In this increasingly hostile environment to innocent conduct, your clients, friends and family members may need a lawyer. You can confidently refer them to Callahan Law. Trained by the DataMaster manufacturer and certified by a NHTSA trained instructor to administer field sobriety tests, Ms. Callahan is a frequent speaker at DUI CLEs. Thomson-West selected her to author a new treatise on DUI, *The Washington DUI Practice Manual*, and to write a chapter on *DUI Scientific Evidence* for their treatise, *Inside the Minds*. Ms. Callahan's book for laypersons, *The DUI Book, Washington Edition* will be released this year.

Ms. Callahan receives overwhelmingly favorable reviews from clients on the firm's website. She is ranked 10 out of 10 on Arvo.com, and has been endorsed by the most respected criminal defense attorneys in the state and the nation—earning national recognition for her efforts in defense of those who drive. Ted Vosk, of counsel to the firm, has also received national accolades for exposing numerous irregularities and unethical conduct at the Washington State Patrol Toxicology Lab. His efforts are resulting in widespread suppression of breath tests by judges across the state offended by the alleged perjured oaths of government witnesses and the failure to adhere to scientific principles that ensure accurate and reliable breath tests.

Callahan Law brings more than basics to the bar; they bring innovation, creativity and talent combined with aggressive advocacy. They are inspired to render the most important service clients require: full confidence in the lawyer's skill, experience and diligence. Everyone at Callahan Law is absolutely devoted to providing extraordinary service and focused on seeking winning strategies for every case. Entrust your family, friends and clients to Callahan Law, we are here for them 24/7/365.
You can enjoy a drink out with dinner and not be in danger of a DUI arrest on your way home? Not anymore. Increasingly, DUI cases are filed based on very low test results—some as low as .03 for adults. Prosecutors rely on field sobriety tests and the officer’s observations of the odor of alcohol, bloodshot eyes, slurred speech and poor coordination to justify the charges. However, field sobriety tests were never validated to detect impairment, nor to accurately estimate the BAC, and the obligatory observations are often explained by innocent factors such as fatigue, or health conditions such as allergies, diabetes, or injuries.

In this increasingly hostile environment to innocent conduct, your clients, friends and family members may need a lawyer. You can confidently refer them to Callahan Law. Trained by the DataMaster manufacturer and certified by a NHTSA trained instructor to administer field sobriety tests, Ms. Callahan is a frequent speaker at DUI CLEs. Thomson-West selected her to author a new treatise on DUI, The Washington DUI Practice Manual, and to write a chapter on DUI Scientific Evidence for their treatise, Inside the Minds. Ms. Callahan's book for laypersons, The DUI Book, Washington Edition will be released this year.

Another Government Lie

Ms. Callahan receives overwhelmingly favorable reviews from clients on the firm’s website. She is ranked 10 out of 10 on Avvo.com, and has been endorsed by the most respected criminal defense attorneys in the state and the nation—earning national recognition for her efforts in defense of those who drive. Ted Vosk, of counsel to the firm, has also received national accolades for exposing numerous irregularities and unethical conduct at the Washington State Patrol Toxicology Lab. His efforts are resulting in widespread suppression of breath tests by judges across the state offended by the alleged perjured oaths of government witnesses and the failure to adhere to scientific principles that ensure accurate and reliable breath tests. Callahan Law brings more than basics to the bar; they bring innovation, creativity and talent combined with aggressive advocacy. They are inspired to render the most important service clients require: full confidence in the lawyer’s skill, experience and diligence. Everyone at Callahan Law is absolutely devoted to providing extraordinary service and focused on seeking winning strategies for every case. Entrust your family, friends and clients to Callahan Law, we are here for them 24/7/365.
JAMS congratulates our Resolution Expert

M. WAYNE BLAIR, ESQ.

on being the first recipient of the distinguished

2008 Norman K. Maleng Leadership Award
given jointly by the Washington State Bar Association and the Access to Justice Board in honor of Norm Maleng’s legacy as a leader and his commitment to diversity and access to justice

and on being named by Washington Law & Politics as a Super Lawyer in the ADR Category

800.626.5267
www.jamsadr.com
200 Full-Time Neutrals
Resolution Centers Nationwide
SPECIAL FEATURE

13 Professionalism: Upholding the Honor and Dignity of the Legal Profession
by Chief Justice Gerry L. Alexander

14 The Creed of Professionalism Revisited
by Judge Harry J. McCarthy

16 Professionalism in the Courtroom
by Judge John P. Erlick

18 10 Tips Toward Professional Behavior ... In the Courtroom and Out
by Judge Ellen Kalama Clark

20 Does It Take Two to Tango? Not Always
by Molly Kenny and Grace Healy

22 Dealing with Difficult People
by Mark Mays

29 A Happy Lawyer Is a Professional Lawyer
by Irene Leonard

31 Practical Tips to Increase Professionalism
by Dainen Penta

32 Profiles in Professionalism
by Sims Weymuller

ADDITIONAL FEATURE

36 Legislation of Interest to Lawyers
by Senator Adam Kline and Representative Patricia Lantz

COLUMNS

9 President's Corner
The Future of the Lawyers’ Fund for Client Protection
by Stan Bastian

64 The Bar Beat
IANAL (But . . . )
by Michael Heatherly

DEPARTMENTS

7 Letters to the Editor

45 Treasurer's Report
by Douglas Lawrence

46 The Board's Work
by Michael Heatherly

47 FYI

51 Disciplinary Notices

LISTINGS

53 Announcements

56 Professionals

58 Calendar

60 Classifieds

The Washington State Bar Association’s mission is to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice.
We emphasize defense of persons charged with driving under the influence and other serious traffic offenses.

Stephen Hayne


Aaron Wolff

B.A., Emory University, Atlanta, Georgia; J.D. (cum laude), Seattle University School of Law; Former prosecutor for the cities of Kirkland and Tukwila, where he successfully prosecuted hundreds of DUI cases; Graduate, National College for DUI Defense; NHTSA Qualified Standardized Field Sobriety Test Administrator; Graduate, National Patent Analytical Systems BAC Datamaster training program; Graduate, Drug Recognition Evaluation Overview Course; Member, Washington Association Criminal Defense Lawyers, Washington State Trial Lawyers Association; Executive Board Member, Citizens for Judicial Excellence; Executive Committee Member of the Washington State Bar Association Criminal Law Section and named “Who’s Who” in DUI/DWI Defense for 2008 by Washington Law and Politics Magazine.
WSBA Board of Governors

Stanley A. Bastian, President
Mark A. Johnson, President-elect
Ellen Conedera Dial, Immediate Past-President
Russell M. Aoki, First District
G. Geoffrey Gibbs, Second District
Kristal K. Wiitala, Third District
Edward F. Shea Jr., Fourth District
Peter J. Karademos, Fifth District
Salvador A. Mungia, Sixth District
Liza E. Burke, Seventh-East District
Lori S. Haskell, Seventh-Central District
Anthony L. Butler, Seventh-West District
Douglas C. Lawrence, Eighth District
David S. Heller, Ninth District
Brenda E. Williams, At-large
Eric C. de los Santos, At-large
Carla C. Lee, At-large (WYLD)

WSBA Editorial Advisory Board

Kelly Angell, Co-chair
Michelle Szambelan, Co-chair
Mary Lisa Bradley
D. Jeffrey Burnham
James M.B. Buzzard
Thomas Daemen
Charlotte Daugherty
Steven Driggers
Donna Emmingham
Stephanie Henderson
Shaunta Knibb
Patricia Paul
Kellie Pendas

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 Camille Campbell 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, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539. 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 or 800-945-9722, ext. 5918)

WSBA Admissions: 206-727-8209 or 800-945-9722, ext. 8209

WSBA Ethics Line (for lawyers only): 206-727-8284 or 800-945-9722, ext. 8284

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

WSBA Lawyer Services (for lawyers only): 206-727-8268 or 800-945-9722, ext. 8268

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

WSBA Website: www.wsba.org

Bar News Around the State Submissions: aroundthestate@wsba.org

Bar News Article Submissions: barnewssubmissions@wsba.org

Bar News General Comments: barnewscomments@wsba.org

Bar News In Memoriam Submissions: immemorial@wsba.org

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

Bar News Online: www.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 barnewssubmissions@wsba.org or provide on a disk with a hard copy and mail to: WSBA, Bar News Editor, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539. Articles should not have been submitted to any other publications and become the property of the WSBA. Articles typically run 1,500 to 3,500 words including endnotes. Citations should be formatted as endnotes. Please include a brief author’s biography including contact information at the end of the article. High-resolution graphics and photographs are welcome. Authors are encouraged to send a high-resolution digital photo of themselves with their submission. 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. Bar News is published on or about the first day of the month, 12 times a year. The current circulation is near 30,000.
JDR CONGRATULATES
CHARLES BURDELL, JR.
FOR RECEIVING THE 2008
HELEN GEISNESS AWARD!

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

JUDICIAL DISPUTE RESOLUTION
1411 FOURTH AVENUE
SUITE 200
SEATTLE, WA 98101
PHONE: (206) 223-1669
FAX: (206) 223-0450
WWW.JDRLLC.COM
Bar News welcomes letters from readers. We do not run letters that have been printed in, or are pending before, other legal publications with overlapping readership. Letters should be no more than 250 words in length, and e-mailed to letters@wsba.org or mailed to: WSBA, Attn. Letters to the Editor, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539. Bar News reserves the right to edit letters. Bar News does not print anonymous letters, or more than one submission per month from the same contributor.

Court has authority over Bar

In the July issue of Bar News, Roger Ley states his opinion that “the Washington Supreme Court does not have authority to regulate the legal industry or set policy concerning the practice of law.” However, that is contrary to holdings in a long line of judicial opinions in Washington and elsewhere. In Hagan v. Kassler Escrow, Inc., 96 Wn.2d 443 (1981), the Supreme Court stated:

It is a well established principle that one of the inherent powers of the judiciary is the power to regulate the practice of law. In re Bruen, 102 Wash. 472 (1918). See also Graham v. Washington State Bar Ass’n, 86 Wn.2d 624 (1976); State v. Cook, 84 Wn.2d 342 (1974); In re Schatz, 80 Wn.2d 604 (1972); State ex rel. Laughlin v. Washington State Bar Ass’n, 26 Wn.2d 914 (1947); In re Levy, 23 Wn.2d 607 (1945). Other jurisdictions are in accord. See, e.g., In re Kaufman, 69 Idaho 297, 302-03, 206 P.2d 528 (1949); Public Serv. Comm’n v. Hahn Transp., Inc., 253 Md. 571, 253 A.2d 845 (1969); In re Patton, 86 N.M. 52, 54, 151 P.2d 288 (1944); State ex rel. State Bar v. Bonded Collections, Inc., 36 Wis. 2d 643, 549, 154 N.W.2d 250 (1967). . . .

Robert D. Welden, WSBA General Counsel

Intentional endorsement?

I am not particularly concerned about the outcome of the coming gubernatorial election. I am very concerned about the Christine Gregoire interview by the President of the Association in its June issue. The timing and very prominent location of the article in the magazine are, in my view, a clearly intended political statement. The Association is a mandatory organization and as such, should be impartial and neutral on contested political campaigns. The article is a clear violation of that principle. The members are entitled to an apology.

Fred R. Butterworth, Seattle

WSA President Stan Bastian responds:

The decision to interview Governor Gregoire was mine and was not related to her reelection campaign. I had intended to publish it a few months ago, but other matters took priority. This year, I devoted several of my columns to interviews of lawyers in this state who are making significant contributions to both public service and the legal profession. Readers may recall that my interviews of John McKay and Gonzaga Law School Dean Earl Martin were published in previous columns. I am proud of my interview with Governor Gregoire and hope that members found it interesting.

Legal technician proposal feedback

I submit that those opposed to allowing family law legal technicians badly misunderstand the proper aspirations of attorneys in our society. The practice of law has always been a business, but should not aspire to be a business. Lawyers are distrusted in our society not because they advocate for controversial positions or represent unpopular clients, but because they all too often create the impression that they are financially self-interested. The Bar should be thrilled to have an opportunity like this to communicate to the general public that it’s willing to turn over to paraprofessionals as much of the “rote” work of the law business as possible. The “scary” scenarios and supposed risks conjured by the opponents are all manageable. I mean, come on.

Pakistani lawyers beaten in the streets for protesting the sacking of judges; American lawyers fighting racism as Freedom Riders in the 1960s, standing up to McCarthyism in the 1950s, facing down powerful business interests in the 19th century to create the foundations of our modern tort law system.

Kenneth R. Scearce, Seattle

Rather than instituting legal technicians, how about the alternative approach of the
Emmanuel P. Tangas, Seattle

I am opposed to the limited practice of law proposal, and Bar News does a disservice to reasoned discourse when the question is characterized as “Helpful or Harmful.” Reasonable minds can differ, and to say that legal technicians are harmful implies opponents to this proposal find something bad in the concept or the technicians. The bias of the editorial board is evidenced by this title.

Using Arizona as an example is interesting but not helpful. Arizona’s forms are much simpler than Washington’s forms and can be filled out on-line (see http://www.sc.pima.gov/?tabid=230 for one county’s example, where a check list is provided for the pro se litigant), unlike the Office of the Administrator of the Courts website which doesn’t allow filling out and printing from its website. None of the pattern form responses mention jurisdictional challenges. Will the legal technician raise the issue, draft a response onto the form? Is drafting a response practicing law? If the technician doesn’t raise the issue, what consequence for the person who lost that defense? See the proposed rule 1 of the Johnson and Hel-ler article at page 19 of July 2008 Bar News. Isn’t jurisdiction a relevant fact? Will the bar be paying for the damages?

An interesting statistic offered by the Bender and Bastine article is that of litigants who did not receive assistance by attorneys or court facilitators, 43 percent obtained help from friends and relatives, 16 percent from the Internet, and 29 percent from nowhere. If these litigants didn’t use a free court facilitator, why would they pay for any help? Simplify the pattern forms, do the technical work that would allow litigants to fill out the forms and print them on-line, and if the Bar Association has money burning a hole in its pocket, let’s spend it on Legal Aid before we change the practice of law in Washington.

Jane Bremner Risley, Asotin
President’s Corner

The Future of the Lawyers’ Fund for Client Protection

Should one bad apple spoil the whole bunch?

We are privileged to be part of a self-regulating profession. Only the Supreme Court and the lawyers acting under its delegation of authority have the power to decide who may enter the legal profession, who should be disciplined for misconduct, and who should be suspended or disbarred. The Legislature and the Department of Licensing have no control over the professional activities of lawyers, unlike the members of other professions, such as doctors, accountants, or architects. The Supreme Court has the exclusive power to regulate the legal profession, and the Bar Association serves as an arm of the Supreme Court in carrying out those functions. With that privilege goes the responsibility of protecting the public.

Indeed, protecting the public from harm caused by fellow lawyers is one of the core values of this bar association and the legal profession as a whole. We do this, in part, by operating a stable, well-funded Lawyers’ Fund for Client Protection. In fact, this state was one of the first to establish what was then called a Lawyers’ Indemnity Fund in 1960. Since that time, the lawyers of this state have compensated the victims of the few dishonest lawyers who misappropriate or fail to account for client funds or property in an amount more than $3.5 million.

Every jurisdiction in the United States, as well as Canada, Australia, New Zealand, and other countries, maintains such funds. Although common to the legal profession, similar protection funds are unknown in most other professions and callings.

The current Lawyers’ Fund for Client Protection was established by the Washington State Supreme Court in 1994 at the request of the WSBA by the adoption of Rule 15 of the Admission to Practice Rules (APR). Prior to the adoption of that rule, the WSBA had voluntarily maintained a clients’ security or indemnity fund out of the Bar’s general fund.

Gifts from the Fund are financed solely by payments from lawyers; no public funds are involved. The Fund is maintained by a $15 annual assessment on each active member of the Bar. It is operated as a trust, separate from other funds of the WSBA. In addition, interest on those funds accrues to the Fund, and any restitution paid by lawyers is added to the Fund balance.

The WSBA Board of Governors is the trustee, and it appoints and oversees the Lawyers’ Fund for Client Protection Committee, the lawyers and non-lawyers who actually administer the Fund. Bob Welden, the WSBA general counsel, acts as staff liaison to the trustees and the Committee. The administrative costs of the Fund, such as Committee expenses and staff support, are paid from the Fund and not from the WSBA general fund.

To be eligible for payment, an applicant must show by a clear preponderance of the evidence that he or she has suffered a loss of money or property, through the dishonest acts of, or failure to account by, a lawyer. Dishonesty includes, in addition to theft, embezzlement, and conversion, the refusal to return unearned fees, as required by Rule 1.16 of the Rules of Professional Conduct. When an application is received, it is reviewed to determine that on its face it appears eligible for recovery from the Fund. If not, the applicant is advised of the reasons for its ineligibility. Unless the lawyer is deceased or disbarred,

. . . this year, the Fund is faced with a number of applications from the victims of one lawyer that could, if all are approved, total more than twice the amount of available funds. Additionally, there are applications regarding 65 other lawyers. Not all will be deemed eligible for recovery from the Fund, but there is a serious possibility that the Fund balance will not be sufficient this year to cover all approved claims. In fact, so far this year, potential exposure on the claims filed to date totals $3.9 million, but the fund has an available balance of only $1 million.

all applicants to the Fund must also file disciplinary grievances with the Office of Disciplinary Counsel.

The Fund is not available to resolve or compensate in matters of lawyer malpractice or professional negligence. It also
cannot compensate for loan, investment, or other business transactions unrelated to the lawyers’ practice of law.

Fortunately, the Fund has generally been able to sustain a healthy balance that is able to respond to the need to assist persons who have been the victims of those few lawyers who misappropriate or fail to account for client funds. However, this year, the Fund is faced with a number of applications from the victims of one lawyer that could, if all are approved, total more than twice the amount of available funds. Additionally, there are applications regarding 65 other lawyers. Not all will be deemed eligible for recovery from the

Minzel & Associates, Inc.
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

Family Law

Skillful, seasoned and careful representation in complex family law matters involving significant estates and business or professional practice issues.

BREWEE LAYMAN

Contact: Kenneth Brew or Sabrina Layman 425 252 5167 brewelaw.com

The WSBA and the Supreme Court will have to find a solution to this problem, which may involve increasing the annual assessment, imposing a special assessment, changing the eligibility rules for payment, or, most likely, a combination of all of these solutions. However, the Fund itself will continue. The desire and effort to accept responsibility for the harm caused by our colleagues is one of the shining jewels in our professional crown. It is, in part, what makes us professionals.

I would like to acknowledge the contribution of WSBA General Counsel Bob Welden not only for his help in preparing this column, but for his dedication to and guiding influence of the Fund. Without his vision and commitment, the Fund as we know it would certainly not exist.

WSBA President Stan Bastian can be reached at stanb@jdslaw.com or 509-662-3685.
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.

800-817-6333 ext. #502
MAINSTREET INSURANCE PURCHASING GROUP
400 Mercer Street, Suite 408, Seattle, WA 98109
www.EZlawquote.com
A few years ago, the Washington State Bar Association adopted a Creed of Professionalism and made a significant effort to distribute it to members of the bar. There is a great deal of wisdom in this Creed, and I hope every Washington lawyer has a copy of it close by. Better yet, it should be framed and placed in a prominent place in the lawyer’s office to serve as a constant reminder to all who see it that a lawyer should practice in a way that upholds the honor and dignity of the legal profession.

All nine principles in the Creed are important, but two strike me as transcendent. One is that in any dealings with others, including members of the profession, the lawyer “will be civil and courteous and guided by fundamental tenets of integrity.” The other is that a lawyer’s word is his or her “bond in dealings with the court, with fellow counsel and with others.”

Although these principles may seem like “no-brainers,” they are, unfortunately, not always observed. Indeed, each of us, I’m sure, has witnessed instances where a lawyer has failed to live up to these aspects of the Creed. Would not society as a whole be better served, and the lives of lawyers and clients made more pleasant, if these tenets were strictly followed? In our everyday lives as lawyers and judges, we should seek to encourage adherence to these principles by setting a good example for others to follow. While none of us will ever lead a perfect life, we all know individuals in the legal profession who stand out as icons of professionalism. Let us always strive to emulate these role models and thereby join them in serving as an inspiration to others in the profession.

Gerry L. Alexander is the chief justice of the Washington State Supreme Court.
The Creed of Professionalism Revisited

A judicial perspective on putting the tenets of the Creed into action and promoting clients’ interests

by Judge Harry J. McCarthy

In July 2001, the Board of Governors approved a Creed of Professionalism developed by the WSBA Professionalism Committee. Aspirational in spirit, the Creed is an affirmation of fundamental “principles of civil professional conduct, intended to inspire and guide lawyers in the practice of law.” Seven years later, the Creed hangs in numerous courtrooms, law offices, and bar associations, and appears to have been widely adopted by bench and bar.

Since becoming a judge, I was not surprised to find that the majority of trial lawyers are ethical and courteous attorneys who work hard and honor the profession. There also exists a minority of lawyers who are ethically and professionally “challenged.” These lawyers seem to view courtesy as a quaint notion left over from a simpler time that has little relevance to twenty-first century practice. The more enlightened attorneys instinctively know that civility is not an outdated luxury or simply a matter of proper etiquette. Civility implies a true respect for others. The disrespectful lawyer fails to appreciate that the courteous approach also has practical benefits.

When a judge or jury forms a positive impression about an attorney based on courtroom behavior, that judge or jury is more psychologically prepared to be persuaded. Conversely, I have often witnessed the negative body language of jurors who are signaling their disapproval of the arguments of boorish attorneys. Once an attorney has forfeited the trust of a judge or jury because of an unprofessional tactic, it is very difficult, and sometimes impossible, to regain.

Following jury deliberations, I frequently meet with the jurors and ask about their experiences as jurors. When there is a complaint, it often is about two things: (1) repetitious questions and/or (2) attorney behavior. Jurors express frustration with attorneys who spend too much time on trial issues and too much time bickering among themselves and engaging in ad hominem attacks. When jurors mention this criticism as often as some have, the message is clear — civility not only is the professional approach, it may also be the winning approach.

The adversary system has been described as a crucible where factual contentions are vigorously tested before the truth emerges. Some insist that the trial arena is not for the faint of heart or for weak and passive souls. Yet, without adherence to basic courtesies, our system of justice would become a grinding and tedious process. As Chief Justice Warren Burger commented in a 1971 address to the American Law Institute: “Civility [is] an indispensable part — the lubricant that keeps our adversary system functioning. If we want to protect that system we must firmly insist on the lubricant.”

Apart from risking jury disapproval and impeding the smooth functioning of the adversary system, there are even more profound consequences that result from uncivil attorney conduct. Precious time is squandered and costs escalate as dispute resolution is stymied. The litigation goals of the client may go unmet, and the attainment of a just result may be defeated.

The Creed of Professionalism embodies the essential virtues of honesty, integrity, and courtesy in the practice of law. It reminds us that these qualities are the very foundation of the proper functioning of the justice system. It has been said that the legal profession is one of the great healing professions, along with the medical profession and the clergy. By converting the aspirational tenets of the Creed into action, we become a significant catalyst for this healing process while promoting clients’ interests, dispute resolution, and the overall administration of justice.

Judge Harry J. McCarthy was appointed to the King County Superior Court in September 2002 by Governor Gary Locke. He is presently assigned to the Unified Family Court. Judge McCarthy was chair of the Professionalism Committee during 2001–2002. During his tenure on the Committee, he was the guiding light behind the development of the Creed of Professionalism, spearheading the effort to get it written and adopted. He received the WSBA Professionalism Award in 2003.

NOTES
The Minority Bar Associations of Washington wish to thank our sponsors and attendees for making the Third Annual Statewide Diversity Conference a great success. More than 50 judges, attorneys and scholars spoke to a sold-out audience of 180 attorneys, law students, paralegals, and undergraduates from across the state. This type of conference is rare, if not unique, around the country and we thank Washington’s legal community for helping make it happen.

MEMBER BAR ASSOCIATIONS


To Order a Copy of the Creed

The WSBA Creed of Professionalism is available either unframed (printed in black and gold on heavy cream-colored paper) or mounted on a wooden plaque. Unframed copies are $4 each; plaques are $20 each. You can order by phone or online. To order by phone, call the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA (9722). To order online, go to the WSBA website at www.wsba.org, click on WSBA Store in the left-hand bar, and then type “Creed” in the Product Search box. The text of the Creed is also on the WSBA website at www.wsba.org/lawyers/groups/professionalism/creed.htm.

Washington State Bar Association

Creed of Professionalism

As a proud member of the legal profession practicing in the state of Washington, I endorse the following principles of civil professional conduct, intended to inspire and guide lawyers in the practice of law:

- In my dealings with lawyers, parties, witnesses, members of the bench, and court staff, I will be civil and courteous and guided by fundamental tenets of integrity and fairness.
- My word is my bond in my dealings with the court, with fellow counsel and with others.
- I will endeavor to resolve differences through cooperation and negotiation, giving due consideration to alternative dispute resolution.
- I will honor appointments, commitments and case schedules, and be timely in all my communications.
- I will design the timing, manner of service, and scheduling of hearings only for proper purposes, and never for the objective of oppressing or inconveniencing my opponent.
- I will conduct myself professionally during depositions, negotiations and any other interaction with opposing counsel as if I were in the presence of a judge.
- I will be forthright and honest in my dealings with the court, opposing counsel and others.
- I will be respectful of the court, the legal profession and the litigation process in my attire and in my demeanor.
- As an officer of the court, as an advocate and as a lawyer, I will uphold the honor and dignity of the court and of the profession of law. I will strive always to instill and encourage a respectful attitude toward the courts, the litigation process and the legal profession.

This Creed is a statement of professional aspiration adopted by the Washington State Bar Association Board of Governors on July 27, 2001, and does not supplant or modify the Washington Rules of Professional Conduct.

SESSION PARTNERS

PLATINUM SPONSORS

GOLD SPONSORS

SILVER SPONSORS

BRONZE SPONSORS

IN-KIND SPONSORS

MEMBER BAR ASSOCIATIONS

Professionalism in the Courtroom

Judge John Erlick offers practical advice on protocol and professional courtesies expected of counsel

BY JUDGE JOHN P. ERLICK

If you Google the phrase “lawyers and professionalism,” you get about 1,620,000 hits. That’s a lot of commentary. The purpose of this article is not to debate academically what is or is not professional conduct on the part of attorneys, but rather to provide a more practical guide based on one judge’s perspective from the bench. Defining professionalism may be done using a multiplicity of sources, including the Rules of Professional Conduct (RPCs), which set a minimum standard of conduct, and the local culture in the courtroom, and within the bar.

Local culture or protocol is important to understand, because expected courtroom conduct varies greatly. For example, I recently returned from observing a trial being held in Old Bailey, London’s criminal courts, where the barristers bow to the judge when entering the courtroom and refer to the judge as “Your Lordship.” While those customs are not observed here, counsel in our local federal courts must stand at a podium when addressing the court or examining witnesses, a requirement generally not imposed in our state trial courts.

Professionalism and the jury

Don’t waste the jurors’ time. Remember, they are taking time away from their jobs, their families, and their lives to hear your case. When you’re late returning to court from recess, you’re holding up the judge, the lower bench, opposing counsel and other parties, and 12 jurors (plus alternates). Along these same lines, make sure you have your witnesses ready to testify. It is better to have one witness waiting in the hallway for 20 or 30 minutes than to hold up the entire courtroom because your witness is late or a prior witness’s examination concluded earlier than you had anticipated.

Respect jurors’ privacy. When I first started practicing law, it was not uncommon to inquire about a juror’s religion during voir dire. Conventional wisdom among jury consultants was that Methodists would decide tort damages differently from Baptists or Jews. We have (thankfully) moved on from that type of blanket stereotyping. The point is that before you ask a sensitive personal question of the jury panel or individual, ask yourself whether you truly need that information for this case and what you will do with the information. Most judges will provide for prospective jurors to discuss highly personal matters outside the presence of the others. If you sense a would-be juror’s discomfort responding to a particular question, it may be appropriate to assuage his or her concerns by offering that option.

Limit your sidebars and requests that the jury be excused. Sidebars and excusing the jury are sometimes necessary, particularly when you have to address evidentiary issues. However, repeated sidebars and excusing of the jury can be disruptive to the proceedings and annoying to the jurors. Ask yourself whether the objection you have in mind is one you could make for the record in open court while the jury is present, and then reserve supplementation of the record or further argument until the jury is excused for a normal recess.

Respect the jury’s “space.” In state courts, you are generally free to move about the courtroom. However, in doing so, you should respect the jury’s space in the jury box. Don’t approach right up to the jury box and don’t lean into it.

Don’t say, “I’ll be brief” when you’re not going to be. Attorneys rely on their credibility, particularly before juries. When you say, “I’ll be brief,” and then launch into a 45-minute soliloquy, what is that communicating to the jury?

Be realistic about the length of your case. Jurors plan and rearrange their lives around the representations of counsel that a case will last a certain period of time. They have to arrange for child care and absences from work, not to mention rescheduling personal appointments and trips. It is better to
be realistic on the length of a case. On the best of days, there are five hours of trial testimony. That assumes no interruptions and no delays in witnesses, the jury, or counsel. Generally, with a four-day trial week, that computes to a maximum of 20 hours of trial testimony. A good exercise is to map out all the anticipated witnesses in a case beforehand. Estimate the length of each direct, cross, and re-direct examination. In civil cases, you will need to add time for questions from the jury. Then add time for jury selection, opening statements, and closing arguments. You may need to take time during the trial day to work on jury instructions (although I typically attempt to work with counsel on those after hours). This will give you a rough estimate of how long your case may actually be.

**Professionalism and witnesses**

**Don’t interrupt a witness or cut off the witness’s answers.** Time and again, I’ve seen attorneys abruptly cut off a witness who is legitimately trying to explain or elaborate upon an answer. Of course, there are circumstances where a witness veers off course, rambles, or is nonresponsive. In those situations, it may be appropriate to ask the court to strike or repeat the question and instruct the witness to answer it. However, too often I’ve observed an attorney attempt to cut off a witness in mid-sentence. It comes across at minimum as rude — and as trying to keep something from the jury as if you were afraid of what the witness is going to say. Also, when two people are talking at the same time, the record gets compromised.

**Don’t hover over the witness.** I doubt if many attorneys have actually sat in the witness chair during a trial. For parties and lay witnesses unfamiliar with the courtroom setting, it can be a daunting, intimidating experience. If you must approach an adverse witness to hand him or her an exhibit, ask to approach, and then step back. Stepping back during examination lowers the tension and shows respect.

**After a witness has answered, don’t add gratuitous editorial comments.** Proper procedure is to ask a question and let the witness answer. I had one case in which I had to admonish counsel because he repeatedly would comment after a witness’s answers with phrases such as, “Oh, I see,” or “So that’s your answer.” It’s inappropriate and unprofessional.

**Professionalism and opposing counsel**

In the heat of litigation, emotions and zealous advocacy sometimes get the best of an attorney. I’ve rarely seen aggressive conduct be effective in the courtroom. Rather, respectful and reasoned presentations are much more persuasive. This means not interrupting your opposing counsel’s argument. You’ll have your opportunity to respond. That’s the appropriate time to address the points opposing counsel has made with which you disagree. In addition, whether the court has a court reporter or is recorded, interruption of counsel, witnesses, or the court compromises your record. If you have a court-reported courtroom, the reporter is likely to advise counsel that he or she cannot report with two people talking simultaneously. With a video or audio taped recording, you get no such warning and the recording may be garbled.

Don’t address your arguments toward opposing counsel. Don’t turn to him or her and state, “I did so provide those documents to you.” Such conduct rapidly turns up the heat in the courtroom; it personalizes an attack on counsel. Proper practice and common courtesy is to address the court. Direct colloquy with counsel during argument is inappropriate.

**Professionalism and the lower bench**

**Know who they are and what they do.** The court clerk handles the exhibits, records the minutes, and assists attorneys with trial notebooks and numbering and marking exhibits. If the courtroom has an audio or video tape record, the clerk is in charge of that. The bailiff does the judge’s scheduling; answers the phones; coordinates motions and hearings; manages juries; and coordinates trial readiness, pretrial conferences, and trial calendars. If the record is not automated, the courtroom court reporter creates the official record.

During trial, please understand that while the bailiff and the clerk are there partly to assist you, they still have their other courtroom responsibilities such as managing the jury, answering phones, and assisting the judge. Please don’t ask the lower bench to make copies for you. Also, our phones are extremely busy. To keep the lines available, we ask that you not use the court phones.

**Professionalism and the court**

When addressing the court, please don’t refer to us as “Sir” or “Ma’am.” Reserve that for your parents or commanding officer. The proper way to address the Court is “Your Honor” or “Judge _____.” (Until one of us starts wearing a powdered wig, “Your Lordship” would be entirely unwarranted.) Some judges prefer that attorneys stand when addressing the court. Find out whether the judge before whom you are appearing has such a preference and what other protocols apply in that courtroom. The bailiff will be familiar with the judge’s preferences in this regard, or they may be posted on the judge’s website.

**When we’ve ruled, we’ve ruled.** If you truly need clarification of a judge’s ruling you may ask for it. But don’t use it as an opportunity to re-argue your motion. Similarly, as is my practice, if the judge asks whether there are any questions, this is not an invitation to continue arguing or to re-argue your point. Once we’ve ruled, if you want further relief, you have the option of a motion for reconsideration.

**Be prepared.** Know your case law, your exhibits, and your record. As judges, we do our best to prepare for oral argument on motions and trial issues. That said, during argument, counsel often refer to particular evidence or facts. You should be prepared to cite specifically in the record where we can find it. That makes for a much more efficient hearing. If it’s not in the record, we can’t rely on it in our decision.

**Conclusion**

The above is one judge’s perspective on professionalism in the courtroom. It is not exclusive or comprehensive of all issues involving professional conduct in the courtroom. I suspect an entire edition of Bar News could be devoted to the topic. Another edition could be devoted to attorney professionalism outside the courtroom.

And I’m confident that other judges would have different perspectives — and different priorities than those I’ve discussed above. I also believe there are some universalities about professionalism in the courtroom — courtesies toward the lower bench, respect for the jury, patience with witnesses, and civility toward opposing counsel. As for the court, the best guidance I can give is to know your judge and the judge’s courtroom.

---

Judge John P. Erliek was elected to the King County Superior Court in September 2000, after concentrating in private practice on defense of professional liability cases. He is currently the King County Superior Court chief civil judge. He serves on the State Commission on Judicial Conduct and chairs the Superior Court Judges’ Association (SCJA) Ethics Committee. He previously served as the SCJA appointee to the State’s Ethics Advisory Committee. Judge Erliek teaches as an adjunct professor at Seattle University School of Law in professional responsibility and the judicial externship seminar.
I know what you’re thinking — professionalism? Again? Haven’t we been through this enough? I’ll make you a deal. I’m not going to talk about the Rules of Professional Conduct, or the Rules for Enforcement of Lawyer Conduct, or the WSBA Creed of Professionalism. Professionalism is basic behavior, conduct, and attitude. What you do affects the public’s impression of us. Lawyers once were respected and honored — that’s not so much anymore.

Let’s focus on two questions: How do you want to be treated by the professionals in your life, and how should we as professional lawyers treat others? Try some role reversal. Put yourself in the place of your client. Get up and walk around your desk and sit in the client’s chair. Imagine yourself meeting with your doctor, the architect designing your house, or your investment counselor. What do you expect from that person?

Treat others as you would like to be treated. Here are 10 tips.

1. Be courteous and treat others with respect.

Let’s say you’re watching a televised debate between two candidates running for public office. One talks about her qualifications, addresses issues and ideas, and politely but firmly points out the problems in her opponent’s policies. The other resorts to name-calling, innuendo, and personal attacks. Which candidate do you want representing you and making decisions about the future?

The following happened in my courtroom earlier this year — a motion for summary judgment. Responding party files responses late, no question about it. Moving party asks to strike the response. Responding party acknowledges the lateness of the documents, no excuses, asks for a continuance and offers to pay terms/fees to the moving party. Offers to pay. He’s accepting responsibility, not blaming others, and trying to compensate for having caused a problem for the other side. So I grant the continuance and ask the first attorney for a suggestion as to his costs and fees. The story gets even better — because the attorney for the moving party says: “Your Honor, I don’t want any terms. That wouldn’t be very collegial.” I don’t think many lawyers would have taken that step. I greatly admire that attorney for his professionalism.

2. Be on time.

Don’t you just hate it when you sit in the doctor’s waiting room for an hour? Your time is valuable and you have other things to do. So do the people you deal with as a lawyer. Think of how many people that involves: Not just your client but the other party, the other attorney, the judicial officer and court staff in your case, and the people in the next case.

3. Be competent, knowledgeable, and prepared.

If you went to an accountant who was using a tax code book from 1998, who said, “Oh yeah, there probably have been some changes, but this is the right basic stuff,” you’d go somewhere else. From where I sit, I see the look on your client’s face and his reaction when you start referring to the children when they have no children. Or you say they’ve been married for six years when it’s really been 35. You have a lot of cases, there are lots of details, and it’s easy to get mixed up. But your clients lose confidence in you when you forget the details and haven’t prepared.

4. Be up front about your bill.

Have you ever received a bill from a stay in the hospital, where they charge you for every little Q-tip and include countless unexplained charges? Isn’t that confusing and irritating? Charging reasonable fees and clearly explaining your bills is important to you and your clients. Don’t run up bills with unnecessary costs, and be sure you explain each cost so the client can understand it.

5. Solve the problem.

When you go to someone else for help, you want him to solve the problem, whether it’s a medical condition, your car not working, or a hole in your roof. Address an issue when it first comes up, rather than putting it off. It is entirely professional to say: “I don’t know. I’ll have to check and get back to you.” And make sure you do.


If people don’t know what’s going on, they get frightened and nervous and imagine the worst. Say you have a medical procedure. You were told you’d get the results in two or three days and a week goes by and you’ve heard nothing. You would think, “Oh my God, they don’t want to tell me the bad
news, I must be dying.” Let your client know she’s not dying! Send copies of pleadings, return phone calls, and inform her of all court decisions.

One morning a couple of months ago, I had six criminal motions to hear. I took the files home the night before, read them, and was ready to go at 9 a.m. At about 8:50, an intern from one of the attorneys’ offices came in and told my JA that both attorneys had to be in federal court, so that motion was being stricken. They didn’t know before that morning that they had this conflict? Of course, it was the file with the most reading and most complicated issues, and I had spent the most time with it. The prosecutor showed up and wasn’t told either. We were both rather annoyed, but we couldn’t take it out on the poor intern. I heard the other motions, finished around 11:45, and got ready to leave the bench. A young man who had been in the courtroom all morning stood up, gave me his name, and asked about his motion. He was the client of the attorneys who had stricken the motion — they hadn’t even told their own client that they weren’t going to be arguing the motion!

7. Be honest.
Tell the truth, even if it’s not what the client wants to hear. If you tell people only what you think they want to hear, it usually backfires.

8. Do what you said you’d do.

9. Look the part.
The world has become much more casual — casual Fridays have given way to a more relaxed appearance just about every day. Your office practice is up to you (although I might suggest that people feel better about paying you a big retainer, or $300 per hour, if you look like a lawyer), but once you come into court, remember it is still a place of rules and formality. Men have it pretty easy — coat and tie. Women have a lot more choices. This has been an issue for me and my colleagues. Are women attorneys required to wear jackets? Are short sleeves okay? When is a blouse too low-cut, and should you bring that to someone’s attention? (I will be the first to admit I have no fashion sense, but since I get to wear a lovely black robe, I have it pretty easy.) If you went to the dentist and instead of one of those clean, crisp lab coats the dentist wore a T-shirt saying “Bite me” and raggedy shorts — you would think twice about letting him stick his hand in your mouth.

10. Explain things in understandable terms.
If your auto mechanic tells you, “Your OBD2 is throwing a P430 code,” you’re probably just going to be baffled. So if you tell your client, “We have to set a show cause and move the court for vacation of the decree pursuant to CR 60(b)(9),” he probably won’t get it either. He’ll be thinking, “What? I just hired this lawyer and she’s already talking about vacations?” Try, “We have to go to court and ask the judge to throw out the divorce orders your spouse had the judge sign because you were in ICU after having suffered a massive heart attack and couldn’t get back to Spokane to respond to the case.”

The impression you give with your words and actions affects your reputation. Your reputation is all you have, and once it’s set it’s hard to change. Most importantly, clients talk, and they remember things. If you want to be well-respected and remembered in a positive way, be professional. ☺

Judge Ellen Kalama Clark graduated from the Gonzaga University School of Law in 1982. She has served as a judicial officer on the Spokane County Superior Court bench for 15 years, as a court commissioner from 1993 to 1999, and as a judge since 1999.
How many times have you heard a judge or mediator say: “Counsel, it takes two to tango” or something similar to imply that the problem is caused by both sides? Is it always true? Sometimes, but the idea that both parties are “guilty” and should be treated (or chastised) equally does not help resolve the conflict.

Why don’t more people recognize that a conflict can be created by one party? Possibly, because the very nature of the judicial system is adversarial — just being there means there is a conflict. For the plaintiff: You hurt me and I want to be made whole. For the defendant: You sued me and now I have to hire a lawyer to defend myself. Although the system is, in theory, adversarial, there are conflicts that go beyond the nature of the system and undermine its fairness and effectiveness. These are problems caused by a client or lawyer being unreasonably litigious: Some do not understand or comprehend the risks in litigation or the legal basis for their claims; some may think that their claim involves what is “a matter of principle”; others understand that there are weaknesses in their case and hope to manipulate the system.

Why acknowledge that sometimes it takes only one to create conflict? Because, as lawyers and problem-solvers, it helps to change our view of conflict and enables us to represent our clients more effectively. As judges, it helps promote an understanding that both parties could have vastly different roles or motives in bringing the matter to court. Lawyers and judges need to recognize those with high-conflict personalities (HCPs) and the problems they may cause.

People with HCPs many times have emotional disturbances that result in their need for high-intensity conflict. Some HCPs may have diagnosable personality disorders. HCPs tend to jump to conclusions and have “all-or-nothing” thinking, exaggerated emotions, lots of blame, and make little effort to take responsibility for resolving the dispute. When engaged in conflict with an HCP, it can be difficult to stay focused on the real legal issues, it can become personal and it can be difficult to resolve the problem. When an HCP is involved, the issue in dispute is quickly overshadowed by the high-conflict personality.

When dealing with most HCPs (whether an opposing party or an opposing attorney), the usual panoply of negotiating tactics generally won’t work — chiefly because an HCP does not rely principally on logical or legal reasoning (their feelings become “facts” for them) and because an HCP has great difficulty seeing the problem from another person’s point of view.

A good strategy for dealing with HCPs is to remain calm, be scrupulous, and gather evidence in detail. HCPs produce a lot of accusations and a lot of paper. The better prepared you are to respond with a well-thought evidential plan (and not resort to emotions), the better your case will come together. Cases with HCPs require more patience than most cases. Explain to your client what is going on, how it might affect the outcome, and that this sort of adversary may drive up the cost of the litigation. Don’t waste a lot of time trying to negotiate informally. Unless an HCP gets his way, negotiations are likely to be wasted effort and cost your client unnecessary fees. Any concession you make to an HCP will be seen as weakness, and not advance your client’s interests. Move right to mediation.
Why don’t more people recognize that a conflict can be created by one party? Possibly, because the very nature of the judicial system is adversarial — just being there means there is a conflict. For the plaintiff: You hurt me and I want to be made whole. For the defendant: You sued me and now I have to hire a lawyer to defend myself.

Conflict client or attorney needs the assistance of a mediator to hear that his case may not be as solid as he thought, and compromise may be worthwhile. While judges do not have the same leeway as do mediators in resolving a case, judges can fashion results based on the understanding that both parties are not equal contributors to the problem — but each party has equal contribution to the solution.

For more detailed information about HCPs and strategies for dealing with these individuals, take a look at Bill Eddy’s book High Conflict People in Legal Disputes. It is short, easy to read, and will assist you in becoming a better lawyer and problem-solver. Eddy reports that this problem is increasing in our society — identifying and finding productive ways to deal with an HCP will improve the profession for both lawyers and clients.

Contentious family law and high-stakes commercial litigation has shown Molly Kenny all sides of conflict. Her calm style enables her clients to get through perhaps the most difficult time of their lives. She can be reached at mbk@mollybkenny.com. Grace Healy has a solo practice in Seattle that focuses on helping businesses and in-house counsel in managing risks, resolving disputes, and litigation. She can be contacted at gmhealypllc@comcast.net.
Dealing with Difficult People

How to recognize and manage different types of problem clients while maintaining professionalism and integrity

I hope you don’t mind my referring people to you,” I told an attorney friend over lunch. He’d been working for some years in the field of workers’ compensation, and I didn’t know if he was still taking new referrals.

“No, that’s great... so long as you don’t mind if I don’t accept them as clients,” he replied. I quickly reassured him that I always gave three referral names.

He went on to say that he had become quite clear on a few things related to his practice. He explained: “A few years ago, someone came to see me who was very aggressive. He bullied my secretary, and loudly insisted upon seeing me immediately. Hearing the commotion, I invited him into my office. I sat down behind my desk, but, rather than sit in one of the chairs, he stood, looked down at me, and told me exactly what we were going to do.”

“No, actually, we’re not going to do any of those things,’ I said. He looked perplexed.

“What do you mean?’ he asked.

“Because I’m not going to be your lawyer.’

“Why the hell not?’

“Because I don’t like you. And the truth is that if I don’t like you, you are not going to get good legal representation from me. To be honest, yours would not be the first phone call I’d return if I had several messages waiting. I wouldn’t want to expand upon my conversations with you, so I might not have all the information I needed, and you wouldn’t be able to communicate with me very effectively, which is important in representing you. I’m going to give you the names of several people who might like you. Talk with them. I’m sure they would do a better job.”

The person left a bit bewildered, but my friend had realized that he was at a point where it was important for him to control his practice, which begins at the outset of the relationship.

I have thought a lot about what he said. I thought he was quite blunt, bordering on rude. (I also wished that I had that much nerve or wealth.) But I also realized that he was right. Things seldom get better, and if they start off horribly wrong, there is often a bigger problem down the road. And our emotional reaction to a client can affect how well we represent or respond to him or her.

It’s a different way of thinking than I was used to. As a psychologist and a healthcare provider, I have always seen it as my job to cope with, tolerate, or try to ignore certain things in order to be of help. After all, in healthcare, the implicit contract of the relationship is based on the assumption that the person is ill, we are there to help, and to do so professionally means to deliver services in a respectful way, whether it’s reciprocated or not.

But compatibility of style, or even circumstances in our own lives, can make our capacity for patience and tolerance fluctuate. My friend was blunt, but he probably did a service to his client, as well as whoever the client went to see subsequently for legal representation.

But not everyone is in a situation where they can decide who they represent. There are agency positions in which cases are assigned. Even in private practice, there are economic circumstances and “practice politics” which dictate who one represents.

Difficult clients are typically either well-functioning people going through a tough but temporary situation, or individuals with ongoing patterns of difficult behavior. It’s important to distinguish what endures and is a pattern that will persist, as opposed to what’s more situational and likely more manageable. Here are a few of the most commonly seen types of problem clients:

Frightened: Frightened clients can make demands upon our time and our resources, and want reassurance and predictability where none can honestly be given. Their anxiety and distress can be contagious; we can find ourselves a bit taxed, tired, or tense after interacting with them.

Taking the initiative and reminding them that they are remembered and that they matter, and are neither neglected nor abandoned, can be extremely helpful. Status letters can be sent every few weeks, merely letting a client know that nothing has happened recently, and that it is the natural order of things for matters to take
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 twelve years I have been committed to providing superior representation in child abuse cases.

David S. Marshall
206.826.1400

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...

Latest from U.S. Supreme Court

Embarrassed: Clients who are embarrassed can pose a problem, because their embarrassment might make them avoid disclosure, or avoid doing certain essential things, such as completing interrogatories or making timely responses. Often, people are embarrassed about things that they believe are unique to them, but which are really quite normal. Sometimes it’s helpful to communicate the normalcy of their situation indirectly, by mentioning that “People

Difficult clients are typically either well-functioning people going through a tough but temporary situation, or individuals with ongoing patterns of difficult behavior. It’s important to distinguish what endures and is a pattern that will persist, as opposed to what’s more situational and likely more manageable.

often feel that they are the only ones who have ever ...” or “What I almost always see in these situations is ...” Other matters are just downright embarrassing, and it may be best simply to directly address the issue with the client, since it will have to be dealt with sooner or later.

Angry: Angry clients can create the temptation to form alliances with their anger, not merely with their cause of action. Many people are involved in litigation because they feel wronged, and want the wrong righted right now! They are often looking for an attorney who can hold their opponent’s arms behind their backs so that they can beat them up with no ill consequence. It’s tempting, but a mistake, to jump on that bandwagon. Reinforcing anger is a bad idea, both because it’s unpleasant to be around and because it can paint one into a corner if litigation is seen as a moral crusade, rather than a legal exercise. One cannot negotiate from a moral position.

awhile. It’s sometimes just as important to communicate something, rather than to communicate something meaningful.
Unreasonable: Then there are people who just don’t understand what a reasonable expectation might be. Many have never before encountered a legal situation and may have very unrealistic expectations about an attorney’s availability, the time it takes for matters to resolve, or the amount of energy involved in assisting an attorney prior to litigation or dispute resolution. It’s our job to communicate all of this.

Let clients know that others in your office can usually provide information in a quick and equally accurate way, and designate your secretary, paralegal, or legal assistant the resource to contact. Help your client understand that talking to staff can result in quick responses and reduced costs.

Personality disorders: Finally, there are those who pose problems no matter what the situation. These are, most often, people with personality disorders. They are not individuals who are merely going through tough times, but those who tend to create tough times, more often for others than for themselves. A personality disorder is, by definition, a long-standing maladaptive pattern of behavior of a magnitude to interfere with social and vocational functioning. These patterns may interfere with an individual’s capacity to resolve conflicts, communicate effectively, maintain agreements, or maintain some balance between the emotional and the rational as one makes decisions and manages behavior.

Personality disorders come in all “shapes and sizes,” but they can be divided into these categories, or clusters:

- **Cluster A (odd):** schizotypal, schizoid, or paranoid personality disorders
- **Cluster B (dramatic):** antisocial, borderline, histrionic, or narcissistic personality disorders
- **Cluster C (anxious):** dependent, obsessive-compulsive, or avoidant personality disorders

Three personality patterns are particularly relevant in legal practice: the antisocial personality, the narcissistic personality, and the borderline personality.

The antisocial personality disorder can, in its more full-blown version, include long-standing patterns of disregard for limits, rules, and authority. The formal diagnostic criteria include such characteristics as failure to conform to social norms with respect to lawful behaviors; deceitfulness; impulsivity; irritability and aggressiveness; consistent irresponsibility; and a lack of remorse at having hurt, mistreated, or stolen from another.

More often seen is the less severe personality trait disturbance with antisocial characteristics. A trait disturbance suggests that this pattern of behavior is present, but with less severity than a personality disorder. Individuals with this personality trait disturbance are typically quite impulsive. It’s hard for them to “keep on track,” since the temptations of the moment, their immediate desires, and the habit problems that may arise from such a personality type (such as gambling, drinking, or drug use) may keep them from performing consistently and reliably.

Those with antisocial personality traits prompt an attorney to confirm their statements and reports, and warrant extremely clear, detailed, and enforceable agreements.

The borderline personality disorder is very misunderstood. In fact, it doesn’t “border” on anything, and it is not a reflection of a person who is near to psychosis. It refers to a personality type that is excessively emotional, quickly changeable, and extremely ambivalent. These individuals are emotionally determined, impulsive, and self-defeating. Their views towards other

---

**Connie Sue Martin**

Ms. Martin is admitted to practice in Washington and Oregon. She graduated *summa cum laude* in 1996 from Seattle University School of Law. Connie Sue earned her M.A. from the University of Hawai‘i at Manoa in 1993, and attended The Ohio State University for her undergraduate studies.

---

**Hall Zanzig Claflin McEachern | Trial Lawyers**

**Celebrating our Tenth Anniversary**

1200 Fifth Avenue • Seattle, Washington 98101
206.292.1900 • www.hallzan.com

---

**WE ARE PLEASED TO ANNOUNCE CONNIE SUE MARTIN HAS JOINED OUR FIRM.**

Connie Sue Martin brings more than a decade of environmental and Indian law experience to the Seattle office of Bullivant Houser Bailey. Ms. Martin has particular expertise in matters involving cultural and natural resource protection for Indian tribes. She joins the firm’s Development Services Practice Group, which covers all issues of development including real estate, land use, construction, environmental law, and sustainable development.

Ms. Martin is admitted to practice in Washington and Oregon. She graduated *summa cum laude* in 1996 from Seattle University School of Law. Connie Sue earned her M.A. from the University of Hawai‘i at Manoa in 1993, and attended The Ohio State University for her undergraduate studies.
TRADEMARK & COPYRIGHT SEARCHES

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

SEARCH FEES:
- COMBINED SEARCH - $345
- TRADMARK OFFICE - $185
- STATE TRADEMARK - $185
- EXPANDED COMMON LAW - $185
- DESIGNS - $240 per International class
- COPYRIGHT - $195

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

GOVERNMENT LIAISON SERVICES, INC.
200 North Glebe Rd., Suite321
Arlington, VA 22203
Phone: (703) 524-8200
FAX: (703) 525-8451
Major credit cards accepted.
TOLL FREE: 800-642-6564
www.TRADEMARKINFO.com
Since 1957

TRADEMARK

TRAFFIC INFRACTION?
CRIMINAL MISDEMEANOR?

JEANIE P. MUCKLESTONE, PS
615 2nd Avenue, Penthouse Suite 720
Seattle, Washington 98104
206-623-3343 (direct line and pager)
mucklestone@msn.com
www.mucklestone.com

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

Thank you!

The UW School of Law thanks our alumni, friends, and supporters, whose generous contributions, hard work, and support helped us raise more than $70 MILLION for Campaign UW

WASHINGTON LAWS GOVERNING SEX OFFENSES ARE AMONG THE TOUGHEST IN THE NATION.

A single accusation can now put someone in prison for up to life and destroy careers, families and reputations. When the stakes are this high, these complicated cases demand experienced and aggressive counsel.
We work on these challenging cases every day with proven results. Refer with confidence.

RHODES & MERYHEW

SEX CRIME DEFENSE
DOMESTIC VIOLENCE DEFENSE

www.rhodesmeryhew.com
Despair Defined

There is no event more joyful than the birth of a healthy child and none more devastating than when a baby is neurologically damaged during labor or delivery. We have extensive experience in birth injury cases. We would appreciate the opportunity to work with you to help your client.
The ideas, commitment, and energy necessary to grow and run your law firm are enormous, as is the inherent risk. Insurance is one of the strategies you should use to manage that risk.

Daniels-Head is committed to crafting customized insurance solutions for law firms. Call us today, we can help you determine which coverage best suits your needs.

**Daniels-Head Insurance Agency, Inc.**
1-800-848-7160
www.danielshead.com
Finding enjoyment in your career can make you a better and more effective attorney

by Irene Leonard

In my 20th year of practicing law,” says Stacey Romberg, a Seattle business attorney. “I’m pleased and happy that I like it — and I’m ready for 20 more!” Her enthusiasm stems from several sources. First and foremost, Stacey believes good health creates a foundation that allows her positive attitude in her life and practice to thrive. Stacey points out the necessity of controlling the things you can control. “We can’t control everything about our health, but we can control some things — especially whether we

A Happy Lawyer Is a Professional Lawyer

sleep seven to eight hours on a regular basis, whether we exercise, and what we choose to eat.”

Second, Stacey tells me how important it is to have fun. “I’m fortunate to have some truly great clients. I not only enjoy working with them, I also enjoy having dinner with them and just chatting! If you can do interesting work, and then have a fun and team-like approach with your clients to produce solid results, what’s not to like about that?”

Wayne Blair, now an arbitrator and mediator with JAMS, enjoyed a similar team-like approach working with his clients during his 35 years as a lawyer with Montgomery Purdue Blankinship & Austin. “I particularly enjoyed the intellectual challenge of my practice and working with the same clients for many years on a day-to-day basis to develop good working relationships.” Early in his career, Wayne knew himself well enough to know that being strongly involved in the activities of the King County and Washington State bar associations would provide him with enormous satisfaction. His volunteer work with the associations “added some balance to my professional life, allowed me an opportunity to work with many lawyers and judges in a collegial setting, and gave some perspective to a stressful and busy practice.” Wayne strongly believes that lawyers, in their own way, “should contribute to the legal profession and the community as part of a satisfying, well-rounded, professional practice.”

Lish Whitson, another well-respected Seattle lawyer who enjoys his practice, agrees with Wayne about the rewards that come from volunteer activities. Lish believes: “If every attorney, after caring for his or her family, devotes the rest of their considerable talent and intellect to helping others, they will eventually look back on a life well lived with both pride and satisfaction.” Lish goes even further to point out that “the greatest joy comes from helping others who cannot help themselves.” He truly believes “the practice of law is a noble profession that allows us to live and prosper while doing something we love.”

Qualities of Happy Lawyers

Lawyers who enjoy their practice have many things in common. They:

• Choose work that aligns with their values and strengths.
• Have a positive, resourceful attitude

Find a job you enjoy doing and you will not have to work a day in your life.” Many lawyers have found that kind of job in their law practices. This article is about them — how they find enjoyment in the practice of law and how it helps them to be more professional.

Happy Lawyers Do Exist

“I’m pleased and happy that I like it — and I’m ready for 20 more!” Her enthusiasm stems from several sources. First and foremost, Stacey believes good health creates a foundation that allows her positive attitude in her life and practice to thrive. Stacey points out the necessity of controlling the things you can control. “We can’t control everything about our health, but we can control some things — especially whether we
and turn worries into action by solving the problem the worry represents.

- Balance working hard with maintaining quality family relationships, health, and fun.
- Take pleasure from producing results in which they feel they accomplished something or helped someone.
- Are confident in their abilities and their appearance.
- Are continually learning, and embrace intellectual challenge.
- Strive to be the best at what they do.
- Give of themselves.
- Have many solid, respectful relationships.

- Have some degree of control over their work.

Lawyers who enjoy their practice pay attention to what they need to do to stay engaged in their practice. That means knowing themselves well enough to know what’s important and striving to achieve goals that will keep their practice fulfilling.

Happy Lawyers Experience Flow

Mihaly Csikszentmihalyi (pronounced chick-SENT-me-high), renowned professor of psychology and education at the University of Chicago and director of the Quality of Life Research Center at the Drucker School, is the architect of the notion of flow. A flow state is when you are so fully absorbed in an activity that you lose your sense of time. “It is the full involvement of flow, rather than happiness, that makes for excellence in life,” Professor Csikszentmihalyi states. “When we are in flow, we are not happy, because to experience happiness we must focus on our inner states, and that would take away attention from the task at hand.” He goes on to say, “Only after the task is completed do we have the leisure to look back on what has happened, and then we are flooded with gratitude for the excellence of that experience — then, in retrospect, we are happy.” And finally, “The happiness that follows flow is of our making, and it leads to increasing complexity and growth in consciousness.”

How many times have you been so absorbed in your work that you experienced flow? Felt happy? The next time you’re in the flow and complete a task, reflect on how you feel afterward. You may feel happy or satisfied but like many lawyers, be reluctant to describe it as such. The act of calling it happiness will increase your pleasure in the task and help you savor the positive feeling your work instills in you.

Irene Leonard provides services as a business coach for lawyers after enjoying practicing law for over 18 years. She can be reached at 206-723-9900 or through her website, www.coachingforchange.com.

NOTES
Most of us studied the Rules of Professional Conduct in law school. But the RPCs establish only the “floor” which our ethical behavior must not fall below. So, what is professionalism? Generally speaking, it is a set of aspirational goals to which lawyers should try to conform. The first principle of the WSBA Creed of Professionalism says it best: “In my dealings with lawyers, parties, witnesses, members of the bench, and court staff, I will be civil and courteous and guided by fundamental tenets of integrity and fairness.” Professionalism is an integral part of today’s legal profession, and there is an ongoing dialogue about what the legal system should look like and how it should operate.

Almost all lawyers practicing today were required to take legal writing and usually a course on legal ethics. Yet very little in the law school curriculum is specifically devoted to the topic of professionalism. Should we change the curriculum of law schools to include more training in the area of professionalism? Or is professionalism largely influenced by an attorney’s “moral compass,” upbringing, and sense of morality?

Professionalism with other attorneys
Your mom’s advice was sound when she told you to ignore your pesky siblings’ antics, because they just want attention. Keeping your own behavior in check and recognizing (and sometimes calling out) others’ unprofessional behavior will not go unnoticed by your client. Let your client and witnesses know in advance about attorneys you know to be difficult — and warn your client not to respond to abusive or manipulative behavior with more of the same.

Protect yourself and your client. When dealing with a difficult opposing counsel, paper your file. Follow up on phone conversations with confirmation letters, and document everything in writing.

In depositions, it may sometimes be necessary to involve the court if opposing counsel engages in clearly inappropriate behavior or is abusive to your client. However, if you warn opposing counsel that you will involve the court, you must be willing to follow through, as empty threats will hurt your credibility in the long run.

The best premise to start from is that the dispute exists (or a deal is being done) between two parties, not between you and opposing counsel. Extend common courtesies to opposing counsel, such as calling or writing prior to setting a date for depositions and conferences. Unless the circumstances are egregious, you should agree to extensions of time — you never know when you might need a return favor.

Professionalism with clients

Another core value of professionalism is treating clients with respect and consideration. Client communication is an aspect of professionalism that intersects naturally with legal ethics. Under RPC 1.4, lawyers are required to keep their clients reasonably informed about their matters and to promptly comply with clients’ reasonable requests for information.

Client control is also extremely important. Don’t assert claims or arguments that you know are outrageous or baseless, and don’t let your client bully you into making them. Not only could this be the grounds for Rule 11 sanctions against you and your client, but it damages your reputation in the legal profession.

Professionalism in court

Unprofessional behavior in court affects everyone. The lessons you learned in legal writing about what to do and not to do in court are tried and true, and worth revisiting. For example, make arguments to the court, not to opposing counsel. Do not attack opposing counsel or parties, either verbally or by nonverbal communication. Unprofessional behavior towards fellow attorneys is unbecoming and should be identified. When warranted, come to the defense of your fellow attorneys.

Watch your dress. What you wear in court can have an impression on the judge, court staff, opposing counsel, and opposing parties. Unprofessional dress reflects poorly on you, your client, and your case.

Professionalism with members of the public

It is no secret that the legal profession has a reputation for being unethical and unprofessional. It doesn’t have to be that way. If every attorney engaged in public education and community involvement, it would go a long way towards improving the image of lawyers.

Get involved in the legal community. Join a WSBA section, minority bar association, or specialty bar association. Contribute to your local bar association, or an organization that focuses on one practice area. You’ll find that by meeting lawyers who are not constantly on the other side of a case, your faith in the profession is restored. Or you might find a new interest which could become the start of a career.

Get involved in your own community. Volunteer for your neighborhood association board. Speak at your child’s school “career day” about how you became a lawyer. It is important for lawyers to educate the public and to clear up the misconceptions about lawyers. The public image of lawyers is affected by your behavior and conduct, even outside of the office.

Above all, don’t fall prey to the misconception that being a zealous advocate for your client is a license to be a jerk. You can get results for your client and still act in a professional manner. Other attorneys will appreciate it — and so will your clients.

Dainen Penta is a partner with Spencer Anderson & Buhr, PLLC, where his practice emphasizes bankruptcy, debtor-creditor, and real estate law. He is a 2007 WSBA Leadership Institute fellow and is the 2008–2009 president of QLaw: The GLBT Bar Association of Washington.
In 2003, the WSBA Professionalism Committee created the Random Acts of Professionalism Award to increase professionalism among the members of the Bar by formalizing a method of positive reinforcement for professional behavior. Spearheaded by Omak attorney Peg Callaway, the award allows any member of the WSBA to recognize professional behavior in another member of the bench or bar. The acts recognized can be as simple as agreeing to a date change for a deposition in a contentious case or as complex as maintaining professional courtesy and decorum while litigating or presiding over a complicated and hard-fought trial. The award program gives attorneys and judges incentive and the method to recognize professional behavior that is in accordance with the tenets enunciated by the Creed of Professionalism.

Those nominated for the award receive a certificate, a copy of the Creed of Professionalism, and a letter from the Professionalism Committee chair explaining that the committee serves as a vehicle for this program to promote professionalism. Neither the Committee nor the WSBA Board of Governors explicitly endorses a selection — the award is simply one professional recognizing another.

We hope this award encourages attorneys to look for the best among their peers, consider their behavior when relating to one another, and to maintain a high level of professionalism among colleagues. Since its inception, close to 200 attorneys and judges have earned a Random Acts of Professionalism Award. Here are just a few of the people behind the awards.

**Briteney Mercer**

*by Sims Weymuller*

Briteney Mercer is a criminal defense attorney practicing in Seattle and was nominated by an attorney who had the opportunity to informally mentor Ms. Mercer and personally witness her interactions with other attorneys and members of the bench. The mentoring attorney admired Ms. Mercer’s courteous manner, and was particularly struck by her conscientious treatment of her clients.

Ms. Mercer was telephoned by a distraught client who disclosed that she was feeling suicidal. Ms. Mercer, pursuant to RPC 1.13, took protective action by contacting 911 and the client’s mother. Ms. Mercer met the client’s mother at the client’s home before aid arrived and found that indeed the client had been in the process of attempting to commit suicide. Ultimately, the client was hospitalized and involuntarily committed until she was able to regain stability. Ms. Mercer was able to resolve the pending cases, and the client qualified for state assistance for alcohol and mental health treatment that allowed her to return to work.

The nominator wrote: “I was incredibly proud to watch Ms. Mercer place both her personal and professional plans for the next 24 hours on hold, as she did what was
necessary to help her client. She went to extraordinary lengths to protect her client’s confidentiality, identity, and privacy, while still gathering assistance and resources necessary to save her client’s life."

Robert Flennaugh II

*by Lisa Hayes*

Robert “Bob” Flennaugh carries the world on his shoulders, yet still manages to flash a huge smile at everyone he meets. Mr. Flennaugh is a 12-year veteran criminal defense attorney representing people charged with some of the most grievous offenses against our society, but he retains the determinedly positive, optimistic nature that makes him such an effective advocate for his clients.

In solo practice since 2005, Mr. Flennaugh spent his formative practice years at Society of Counsel Representing Accused Persons (SCRAP) and at Wolfe Leinbach PS. Mr. Flennaugh is the current chair of the Center for Children and Youth Justice, a member of the King County Judicial Screening Committee, and sits on the Alliance for Justice Seattle Advisory Committee. He also serves as a board member for multiple nonprofit organizations, including the UW Law School Foundation, KUOW public radio, and the Seward Park Environmental and Audubon Center. He is a tireless advocate not only for his clients, but also for the community.

Several years ago, Bob Flennaugh was criminal defense counsel in a felony matter where his client also needed to defend himself in a companion civil suit. Mr. Flennaugh’s counterpart counsel in the civil suit nominated him for the Random Acts of Professionalism Award at the conclusion of both pieces of litigation. The nominator described Mr. Flennaugh as a zealous and effective advocate with opposing counsel and strong manager of his sometimes cantankerous client behind closed doors. Throughout the process, Mr. Flennaugh remained courteous to everyone involved, and his “word was his bond,” as dictated by the Creed of Professionalism.

Jay Johnson

*by Sims Weymuller*

Wenatchee attorney Jay Johnson was nominated for his consistent professional approach to the practice of law throughout his long and successful career. The nominator recognized Mr. Johnson’s approach to transactional work, which, under all circumstances, is courteous and practical. Mr. Johnson’s approach to his transactional work is that of a solution-oriented problem-solver who seeks common ground over conflict.

Throughout his career, Mr. Johnson has honed a method of communicating with opposing counsel whereby he initiates contact, shares his thought process, identifies potential problem areas, and isolates the goals of the parties opening up an honest discourse. Adhering to the tenets of professionalism helps achieve the goals of clients and the attorney’s personal goals.

Theodore Angelis

*by Lisa Hayes*

Theo Angelis is filled with enthusiasm that is reflected in the generous way he gives of himself to the legal profession, the Seattle community, his church, and his colleagues and law firm. It thus comes as no surprise that he was an early recipient of the Random Acts of Professionalism Award.

A partner at K&L Gates, Mr. Angelis is one of two leaders of its Internet Safety Group, where he manages litigation and counsels clients regarding pending legislation related to Internet safety. He spends much of his time working on child online safety. He co-chairs the Law Enforcement Committee of the Washington Attorney General’s Youth Internet Safety Task Force and works with law enforcement around the world on combating Internet safety threats. He also serves as outside counsel to the Microsoft Legal Ethics Team.

Mr. Angelis was nominated for the Random Acts of Professionalism Award by his opposing counsel at the conclusion of an emotionally charged case. The litigation was intensely personal to both parties, and tensions ran high. Mr. Angelis was praised by opposing counsel for his unflappable calm and continual efforts to de-escalate the situation, despite pressure from his client to behave in exactly the opposite manner. As a result, the matter was settled short of trial, with a successful outcome for both parties. His nominator commented that “if all lawyers acted like Theo, the legal profession would be beloved by all.”

Bruce Lamb

*by James Beck*

Bruce Lamb practices civil litigation defense with the law firm of Merrick, Hofstedt & Lindsey. In dealing with the challenges of professionalism that face him on a daily basis in his practice, Mr. Lamb was lucky to have mentoring and guidance from several attorneys early in his career, in particular, Harold Hofstedt and Jimmy Lindsey. Neither has ever raised his voice or yelled on the telephone, and was never unprofessional or discourteous to clients.

Mr. Lamb’s advice on avoiding inappropriate conduct is to work hard to overcome difficult situations and eliminate the natural temptations. He often tries to take at least five minutes to walk around the office and remind himself that a response in kind is not the best approach. In this regard, Mr. Lamb finds wisdom from both Martin Luther King Jr. and *The Godfather.* Specifically, Martin Luther King Jr. once said that it’s easy to love your friends — it’s harder to love your enemies. When responding with dignity, you are often holding a mirror up to your adversary, which is often much more effective. Keeping all of this in perspective, as stated in *The Godfather,* “It’s just business.”
Matthew Wojcik
by James Beck
To Matt Wojcik, professionalism is the choice to practice law in a certain manner, not for fear of repercussion or in expectation of recognition, but because of a personal belief that it is simply the right way to do things. Attorneys must advocate for their clients’ advantage. But zealous advocacy does not require an attorney to be “evasive, obstinate, rude, or dishonest with opposing counsel, colleagues, or the court” according to Mr. Wojcik. A career is long — the legal community is small and first impressions indelible.

Terry Cullen of Forsberg & Umlauf (Seattle) both stand out to Mr. Wojcik. Both excellent trial attorneys, these gentlemen were the first to encourage, offer advice, and act as a sounding board, but the last to seek praise or gratitude. Mr. Wojcik has found their practices serve as models for his own.

Sims G. Weymuller is an associate with the Seattle law firm Johnson-Flora, PLLC. Johnson-Flora attorneys are trial lawyers whose practice areas include medical and legal malpractice, product liability, and personal injury claims. Mr. Weymuller graduated with honors in political science from Kenyon College. He received his law degree from the University of Washington School of Law, where he was executive articles editor for the Pacific Rim Law and Policy Journal, served on the Moot Court Honor Board, and was invited into the National Order of the Barristers. Mr. Weymuller currently serves as vice-chair for the WSBA Lawyers’ Fund for Client Protection Committee and sits on the WSBA Professionalism Committee.

The Random Acts of Professionalism Program is a way for lawyers and judges to honor others in the profession who have conducted themselves in a highly professional manner consistent with the spirit of the Creed of Professionalism. The Creed of Professionalism was developed by the WSBA Professionalism Committee and adopted by the WSBA Board of Governors in 2001. The Random Acts of Professionalism Program is a way to further promote the Creed, recognize our colleagues for noteworthy conduct, and increase awareness of professionalism in general.

Any member of the Bench or Bar may recognize another member. To nominate a lawyer or judge for this award, contact Judy Berrett, WSBA staff liaison to the Professionalism Committee (judithb@wsba.org; phone 206-727-8212; fax 206-727-8319), with a brief statement or anecdote about the person you are nominating. Please indicate whether you wish to remain anonymous. We will then send the recipient a personalized certificate of recognition, copy of the WSBA Creed of Professionalism, and letter of congratulations from the chair of the Professionalism Committee. Recipients’ names are posted on the WSBA website; see www.wsba.org/lawyers/groups/professionalism.

When thinking of attorneys who symbolize professionalism, Larry Brisbee of Brisbee & Stockton (Hillsboro, Oregon) and Jones Vargas, celebrating 80 years.

What began in 1928 when future governor Morley Griswold opened his small law firm in Reno is today a bustling, statewide collection of talented people working to improve the opportunities of many; people with a passion for law and a collective knowledge that makes Jones Vargas Nevada’s most respected and venerable firm.
Can an office multitask?

A Regus office can.

Because it’s not a regular office. It’s a fully equipped office that has all of the best amenities built in. The furniture. The technology. The behind-the-scenes people who make a business run smoothly. It’s all available and ready to go. Whether you need a one-person office or a multiperson team room, you can be up and running in no time — with minimal start-up costs. Visit us today. Move in tomorrow. It’s that easy.

Office solutions from $199*

Visit regus.com/seattle to learn about this limited-time offer.

11 Greater Puget Sound locations

*Special terms and conditions apply. See regus.com/seattle for complete details.
Legislation of Interest
to Lawyers

by Senator Adam Kline and Representative Patricia Lantz

The 2008 legislative session was a “short” session in that it lasted 60 days instead of the alternative 105 days. Despite being a 60-day session, a record number of bills were introduced. Some of the major issues considered by the Senate and House Judiciary Committees included identity-theft laws, admissibility of evidence in sex-offense cases, court interpreters in civil and criminal proceedings, the authority of tribal police officers, eminent domain, ignition interlock requirements, obligations of landlords under writs of restitution, expansion of equity-skimming laws, and extension of rights and responsibilities to registered domestic partners.

Due to space limitations, this article will provide a brief summary of some of the bills heard by the Senate and House Judiciary Committees. However, all bills and bill reports from the 2008 legislative session may be obtained online at the legislative website, www.leg.wa.gov. In addition, a full description of all the bills that passed the 2008 Legislature can be obtained by ordering the 2008 Final Legislative Report. To order, contact the Legislative Information Center at 360-786-7573. House Judiciary Committee staff may be contacted at 360-786-7122, and Senate Judiciary Committee staff may be contacted at 360-786-7415.

CIVIL LAW

ESHB 1865: Obligations of landlords under writs of restitution
Prime Sponsor: Representative Brendan Williams
A landlord’s duties with regard to storage of an evicted tenant’s belongings are revised. When a writ of restitution for the eviction of a tenant is issued by a court, a landlord may, but is not required to, store the evicted tenant’s property in any reasonably secure place. A landlord is required to store the tenant’s property if the tenant makes a written request for storage or if the landlord knows that the tenant is a person with a disability that prevents the tenant from making a written request and the tenant has not objected to storage. The procedures for selling and disposing of stored property are revised. For property with a cumulative value of over $100, the landlord may sell the property, but not dispose of it, 30 days after the date the landlord sends notice of the sale to the tenant.

EHB 2476: Tribal law enforcement
Prime Sponsor: Representative John McCoy
Tribal police officers are authorized to act as general-authority Washington peace officers when the appropriate tribal government meets specified requirements regarding officer certification, liability insurance, and administration. Tribal police officers must meet the same certification standards that apply to general-authority peace officers. The tribal government must enter into
an interlocal agreement with all local law-enforcement agencies that will have shared jurisdiction with tribal police officers. The tribal government must carry liability insurance, approved by the Office of Financial Management, and waive sovereign immunity to the extent of such liability coverage to allow a civil action for damages in the event a tribal police officer acting in the capacity of a state peace officer commits a tort.

**HB 2499: Notice requirements under the Washington Business Corporation Act**

**Prime Sponsor: Representative Jamie Pedersen**

A public company may satisfy its requirement under the Washington Business Corporation Act to accompany a notice to shareholders with certain additional material by posting the additional material on an electronic network at or before the time the notice is delivered to the shareholders and delivering to the shareholders a separate record of the posting with instructions on how to access the electronic posting. A public company electing to post additional materials on an electronic network must provide a copy of the additional materials in a tangible medium to any shareholder entitled to such notice who makes a request.

**SHB 2727: Personality Rights Act**

**Prime Sponsor: Representative Patricia Lantz**

The Personality Rights Act is revised to clarify that the Act applies to all individuals and personalities deceased before, on, or after June 11, 1998, the effective date of the Act, and to clarify that the Act applies to all individuals and personalities, living and deceased, regardless of place of domicile or place of domicile at time of death. Personality rights shall be deemed to have existed before June 11, 1998, for purposes of determining who is entitled to the rights recognized under the Act. Personality rights are freely transferable through any permissible inter vivos or testamentary instrument, regardless of when the transferring instrument was entered into or executed. Personality rights of a deceased person are owned and enforceable by those designated in a testamentary instrument or by intestate succession, regardless of whether the law of the domicile of the deceased person recognizes a similar or identical property right.

**HB 2791: Distressed property conveyances**

**Prime Sponsor: Representative Patricia Lantz**

HB 2791 expands the equity-skimming laws to impose certain duties and restrictions on persons or entities engaging in transactions with homeowners who are in foreclosure or at risk of foreclosure (distressed homeowners).

A “distressed home consultant” is a person who systematically contacts distressed homeowners or a person who contacts a distressed homeowner and offers to perform certain services, such as stopping a foreclosure sale, assisting the homeowner in refinancing a loan, or obtaining an option to purchase the distressed home after foreclosure. Certain listed entities and individuals (such as financial institutions, credit-counseling services, and licensed attorneys) are exempt from the definition of distressed home consultants. A distressed home consultant has a fiduciary duty to a distressed homeowner and must act in the homeowner’s best interest, disclose all material facts to the homeowner, use reasonable care in performing his or her duties, and provide an accounting to the homeowner. Distressed home consultant transactions must be in writing and contain certain notice to the homeowner.

A “distressed home conveyance” is a transaction in which a foreclosed homeowner transfers an interest in the distressed property to a purchaser; the purchaser allows the foreclosed homeowner to occupy the property; and the purchaser either: conveys or promises to convey the property to the foreclosed homeowner, provides the foreclosed homeowner with an option to purchase the property at a later date, or promises the foreclosed homeowner an interest in the proceeds of any resale of the property. A distressed home conveyance must be by written contract that contains specified information, and the homeowner has a right to cancel the contract within five business days. A number of obligations and restrictions are imposed on purchasers of distressed homes. For example, a purchaser must not enter into repurchase or lease terms that are unfair, commercially unreasonable, or infeasible for the homeowner to meet, nor represent that he or she is acting on behalf of the interests of the homeowner.

A violation of the Act is a per-se violation of the Consumer Protection Act. In a private right of action, if the court finds the defendant acted in bad faith, the court may double or triple the damage award subject to a $100,000 limit.

**2SHB 3104: Domestic partners**

**Prime Sponsor: Representative Jamie Pedersen**

Various statutory rights and responsibilities provided to spouses are extended to state-registered domestic partners. A legal union between a same-sex couple, other than a marriage, that is created in a different state and that is substantially equivalent to a Washington domestic partnership will be recognized in Washington. The following is a short description of some of the rights and responsibilities extended to domestic partners:

- Procedures for dissolution apply to domestic partners, unless the domestic partners qualify to terminate their partnership in a non-judicial process through the Secretary of State’s office.
- Child support, maintenance, parenting-plan obligations, and community-property laws apply to domestic partners.
- Certain provisions in civil and criminal law, such as the slayer statutes and testimonial privilege, apply to domestic partners.
- Provisions dealing with a person’s finances, such as real estate excise tax, tax deferrals for senior citizens, and homestead exemptions, apply to domestic partners.
- Provisions regarding guardianships, powers of attorney, letters testamentary, probate, and intestate distribution apply to domestic partners.
- Appointed and elected officials must disclose the financial affairs of their domestic partners, and gifts received by an elected official's domestic partner are subject to public-disclosure reporting requirements.
- The Department of Social and Health Services must consider hardship to a person's domestic partner, to the same extent hardship is considered for spouses, when filing a lien against a person's property as reimbursement for receiving medical assistance.
- Domestic partners who are residents in long-term care facilities or nursing homes may share the same room.
A trustee has no fiduciary obligation to Weinstein provisions. State colleges and universities must waive tuition for domestic partners of deceased or disabled veterans if certain conditions are met and services for honorably discharged indigent veterans are available to veterans’ domestic partners.

SSB 5378: Deed of trust provisions
Prime Sponsor: Senator Brian Weinstein
A trustee has no fiduciary obligation to any persons having an interest in the property subject to the deed of trust.

Dr. H. E. Groves, Seattle 8

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

FamilySoft® Combination Quality Family Law Software

TheSameAccurateSoftwareEveryoneTrusts
NowEvenEasierToUse!!

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. It is used by over 800 law firms (over 1200 attorney users), Office of Support Enforcement, most Superior Courts, the Attorney Generals 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

How can you live without it?

Prime Sponsor: Senator Adam Kline
In an action of forcible entry, detainer, or unlawful detainer based upon nonpayment of rent, the defendant is required to do one of two things: (1) pay into the court registry the amount alleged due in the notice and continue to pay the monthly rent into the court registry while the action is pending; or (2) submit to the court a written and sworn-under-penalty-of-perjury statement that sets forth the reasons why the rent alleged due in the notice is not owed. The reasons may include that the rent alleged due is not owed based upon a legal or equitable defense or set-off arising out of the tenancy. The defendant must comply with one of the options on or before the deadline date in the notice. That date may not be prior to the deadline for responding to the eviction summons and complaint for unlawful detainer. If the defendant fails to comply with either of the two options, a writ of restitution without further notice may be obtained.

If a plaintiff intends to make use of the writ of restitution procedures, the plaintiff must first file the summons and complaint for unlawful detainer with the superior court of the appropriate county, and deliver notice to the defendant of the payment requirements or sworn statement requirements. The form for the notice is specified in the Act. If a writ of restitution is issued, the defendant may seek a hearing and an immediate stay of the writ. The court may set a show cause hearing as soon as possible, but no later than seven days from the date the stay is sought, or the date the defendant requests the show cause hearing. If the court, at the show cause hearing, determines that the writ of restitution should not have been issued, it must be quashed and the defendant restored to possession.
ESSB 6776: State whistle-blower protections
Prime Sponsor: Senator Adam Kline
Definitions for abuse of authority, gross mismanagement, and public official are added to the whistle-blower protection act. The definition of reprisal or retaliatory action is expanded.

Improper governmental action includes any action by an employee undertaken in the performance of the employee’s official duties which prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless disclosure is prohibited by state law or common-law privilege.

The definition of whistle-blower includes an individual who in good faith reports, or is perceived by the employer as reporting, alleged improper governmental action to the state auditor or public official initiating an investigation. The auditor has the sole authority to investigate reports of improper governmental activities made by whistle-blowers to any public official.

The identity of any person who, in good faith, provides information in a whistle-blower investigation is confidential at all times unless the person consents to disclosure in writing or by acknowledging his or her identity as a witness who provides information in an investigation.

If the Washington State Human Rights Commission (WSHRC) has not issued a final decision on the alleged whistle-blower retaliation within 180 days, or within 90 days that WSHRC denied the requested relief in whole or in part, the complainant may seek injunctive or final relief for the complaint by filing an action in superior court seeking a review of the complaint. In lieu of filing a complaint for retaliation with the WSHRC, a complainant may pursue arbitration conducted by the American Arbitration Association or another arbitrator mutually agreed upon by the parties. The cost must be shared equally by the parties.

Criminal

HB 2637: Criminal case records
Prime Sponsor: Representative Kirk Pearson
The procedures applicable to criminal process issued to a recipient outside of Washington are revised. An out-of-state recipient of a criminal warrant, subpoena, or court order compelling the production of records must comply with the process, generally within 20 days. A recipient’s motion to quash the process must be made in the Washington court that issued the process within the same time that is required for the recipient’s response to the process.

Records produced by an out-of-state recipient may be authenticated by the records custodian without testimony if the records are accompanied by the custodian’s written declaration or certification of authenticity. A party offering such a verified record into evidence must give opposing parties sufficient notice to allow a challenge. A party may challenge the admissibility of a verified record, but only if the offering party is given sufficient notice to allow an opportunity to produce the record custodian at trial.

A Washington recipient of out-of-state criminal process must comply with the process if it appears valid on its face. Foreign state recipients of Washington criminal process and Washington recipients of foreign state criminal process are given immunity for complying with the process and for any failure to notify a person affected by a disclosure made by the recipient.

To make the right maritime injury referral, choose a law firm that knows how to navigate dangerous waters.

Kraft Palmer Davies has over 100 years of combined experience in maritime law. Which means we’re experts at sailing through the complexities of maritime injury cases to achieve exceptional outcomes for our clients.

Referrals and associations are welcome.

• Fishermen and Processors
• Tug and Barge Workers
• Cruise Line Passengers
• Blue Water Seamen
• Ferry Workers

Kraft Palmer Davies PLLC
Lawyers for the injured
Robert M. Kraft • Lance Palmer* • Richard J. Davies • Harold F. Vhugen
Admitted to practice law in Washington and Alaska
206-624-8844 • 1-800-448-8008 • Fax 206-624-2912 • www.admiralty.com
In a criminal sentencing hearing, a relocation, and shelter. offenses with temporary assistance, provide witnesses of felony gang-related offense. Economic Development must establish a witness-assistance grant program to support local graffiti-abatement programs. The WASPC is required to create a database for use by law-enforcement agencies in support of special enforcement emphasis to target gang crime and to support local graffiti-abatement programs. The Department of Community, Trade, and Economic Development must establish a witness-assistance grant program to provide witnesses of felony gang-related offenses with temporary assistance, relocation, and shelter. 

**E2SHB 2712: Criminal street gangs**  
Prime Sponsor: Representative Christopher Hurst  
The Act defines "criminal street gang," "criminal street gang associate or member," and "criminal street gang-related offense." Increased criminal penalties are established for certain criminal street gang-related activities. The list of illustrative aggravating factors in the Sentencing Reform Act is amended to include cases where the crime is committed for the benefit of a criminal street gang. Increased penalties apply to any criminal street gang-related felony offense committed by an adult where the adult compensated, threatened, or solicited a minor in order to involve that minor in the commission of the felony. Community custody is required for a criminal street gang member who is convicted of Unlawful Possession of a Firearm. A new crime called Criminal Street Gang Tagging and Graffiti is created and occurs when a person commits a graffiti-related malicious mischief in the third-degree offense, the person has multiple current convictions or a prior conviction for such an offense, and the current offense, or one of the current offenses, is a criminal street gang-related offense. A person who commits a Criminal Street Gang Tagging and Graffiti offense is subject to penalties and costs that may be recovered in a civil cause of action by the victim of the offense. 

The Washington State Patrol and the Washington Association of Sheriffs and Police Chiefs (WASPC) are directed to coordinate and implement a statewide gang database for use by law-enforcement agencies for tracking and assessing gangs and gang activity. The WASPC is required to establish grant programs for local law-enforcement agencies in support of special enforcement emphasis to target gang crime and to support local graffiti-and tagging-abatement programs. The Department of Community, Trade, and Economic Development must establish a witness-assistance grant program to provide witnesses of felony gang-related offenses with temporary assistance, relocation, and shelter. 

**HB 2719: Accurate sentences**  
Prime Sponsor: Representative Skip Priest  
In a criminal sentencing hearing, a criminal history summary relating to the defendant from the prosecuting attorney or from a state, federal, or foreign governmental agency is prima facie evidence of the existence and validity of the convictions listed in the summary. A defendant's failure to object to criminal history presented at sentencing is deemed acknowledgment of the criminal history. When an offender is resentenced, both parties may present, and the court may consider, all relevant evidence regarding criminal history. This includes prior convictions that were not originally included in the offender's criminal history or offender score. 

Statutory provisions regarding supervision of offenders in the community are reorganized and consolidated. The Offender Accountability Act of 2000, which changed how offenders are supervised in the community, is applied retroactively to offenders who committed their offenses prior to July 1, 2000, to the extent it is constitutionally permissible. 

**E2SHB 3254: Ignition interlock license for DUI offenders**  
Prime Sponsor: Representative Roger Goodman  
E2SHB 3254 creates an ignition interlock license (IIL) for persons who have had their licenses suspended due to a DUI offense. The IIL allows a person to drive a noncommercial vehicle during his or her suspension period. A court must order a person convicted of DUI to apply for an IIL, but may waive the requirement under limited circumstances and instead order the person to submit to alcohol monitoring. Applying for an IIL is discretionary for persons who have not been convicted of DUI but have had an administrative suspension. Persons convicted of DUI are no longer eligible for a temporary restricted license (TRL). Persons who have lost their licenses administratively based on an implied consent violation might still be able to apply for a TRL, but requirements for ignition interlock devices under TRLs are removed. An applicant is not eligible for an IIL if he or she has committed a vehicular assault or vehicular homicide within the prior seven years. In addition, the Department of Licensing must cancel the IIL upon receipt of notice that the person has been convicted of violating IIL restrictions or convicted of a separate offense that would require suspension of a regular driver's license. The license holder must pay for the cost of the device, plus an additional $20 per month, to be deposited in a account for indigent persons who are restricted to driving with an ignition interlock device. 

Other provisions of E2SHB 3254 include: shortening the time frame in which a person arrested for DUI must request a DOL hearing from 30 days to 20 days, and amending the felony DUI law to include out-of-state convictions for vehicular homicide or vehicular assault that are comparable to Washington's DUI-related vehicular homicide or vehicular assault offenses. 

**ESSB 6442: Reauthorizing the Office of Public Defense**  
Prime Sponsor: Senator Debbie Regala  
The director of the Office of Public Defense (OPD) is required to administer all state-funded services in the program areas of trial court criminal indigent defense, appellate indigent defense, representation of indigent parents in dependency and termination cases, extraordinary criminal justice cost petitions, and compilation of copies of DNA test requests by persons convicted of felonies. In addition, the director must submit a biennial budget for costs related to these program areas. An annual report on indigent defense services is required to be submitted by the director to the OPD Advisory Committee, the Legislature, and the Supreme Court. 

The OPD Advisory Committee is expanded to include the following persons: one person appointed by the Washington State Association of Counties, and one person appointed by the Association of Washington Cities. No person appointed to the Advisory Committee may provide indigent defense services funded by a city, county, or the state, except on a pro bono basis, during that person's term of appointment. No person may serve as a judge, except on a pro bono basis, or a court employee, during that person's term of appointment. The duties of the Advisory Committee are specified. The provision that would sunset OPD effective July 1, 2008, is repealed. 

**SSB 6933: Evidence in sex-offense cases**  
Prime Sponsor: Senator Chris Marr  
Washington Superior Court Evidence Rule 404(b) is changed through an amendment to RCW Chapter 10.58. In a
criminal action charging a sex offense, evidence of the defendant’s commission of other sex offenses is admissible, notwithstanding Washington’s Evidence Rule (ER) 404(b), if relevant to any fact in issue, if the evidence is not inadmissible under ER 403.

The prosecutor is required to disclose such prior-sex-offense evidence to the defendant at least 15 days before trial, including statements of witnesses or summaries of the substance of any testimony expected to be offered. For purposes of this exception to ER 404(b), the term “sex offense” is defined. Factors for the trial judge to consider when making the ER 403 balancing test are included in the act.

**SB 5878: Identity-theft reports**

Prime Sponsor: Senator James Hargrove

A person who believes his or her financial information or means of identification has been illegally obtained, used, or disclosed to another to commit, aid, or abet a crime may file an incident report with a law-enforcement agency that has jurisdiction over the victim’s residence, place of business, or the place where the crime occurred. The law-enforcement agency is directed to create a police incident report and provide the complainant with a copy of the report. The agency is authorized to refer the report to another law-enforcement agency. Investigation of a report claiming identity theft is not mandated under this Act, and an incident report is not required to be counted as an open case for statistical purposes.

The relevant unit of prosecution for identity theft is an unlawful use of a means of identification or financial information. A defendant may be prosecuted and punished separately for every instance the defendant unlawfully obtains, possesses, transfers, or uses the means of identification or financial information, unless the instances constitute the same criminal conduct. Whenever any series of transactions involving a single person’s identification or financial information would, when considered separately, constitute identity theft in the second degree because of value, and the series of transactions are part of a common scheme or plan, the transactions may be aggregated for purposes of determining the degree of identity theft involved.

**2E2SHB 2176: Court interpreters**

Prime Sponsor: Representative Patricia Lantz

Each trial court must develop a written plan for providing interpreter services to non-English-speaking persons accessing the court system in both civil and criminal legal matters. The plan must address several issues that are specified in the legislation. Each court that develops an approved plan will receive partial reimbursement for interpreter services if the appointed interpreter is certified or qualified and the fee paid to the interpreter meets standards established by the Administrative Office of the Courts. Courts also will receive partial reimbursement where a qualified interpreter is appointed for a hearing-impaired person in court proceedings. Reimbursement amounts are subject to funding.

**2SHB 2557: Courts of limited jurisdiction**

Prime Sponsor: Representative Roger Goodman

The dollar limit on the jurisdiction of district courts is raised from $50,000 to $75,000, and the dollar limit on the jurisdiction of small claims court is raised from $4,000 to $5,000. Cities are specifically authorized to contract with other cities through interlocal agreement for the provision of municipal court services. The municipal department form of municipal court is eliminated, but existing municipal departments are grandfathered and may continue to operate under pre-existing provisions.

Beginning in July 2010, the authority of court commissioners in municipal courts (other than Seattle Municipal Court) is limited such that a court commissioner may not preside over trials in criminal matters, or over jury trials in civil matters unless agreed to by all parties. This limitation extends to district courts beginning July 2008. The statute allowing an automatic transfer of a case from a district court commissioner to a judge is repealed. Instead, the statutory provision regarding disqualification of a district judge is amended to apply to all judicial officers, including court commissioners, in both district and municipal courts.

**2SHB 2903: Access coordinator at the Administrative Office of the Courts**

Prime Sponsor: Representative Patricia Lantz

Subject to the availability of funds, the Administrative Office of the Courts (AOC) must create the position of court access and accommodations coordinator (coordinator) to assist the courts in complying with their duty to provide equal access to persons with disabilities. The coordinator must review the needs of courts for training and other assistance required to provide access for persons with disabilities, provide guidance and assistance upon request, and identify and improve court access to appropriate assistive devices. In carrying out these duties, the coordinator must consult with persons with disabilities and facilitate communication between the AOC and persons with disabilities and their representative groups.

**ESB 6357: Service of process in domestic-violence cases**

Prime Sponsor: Senator Jeanne Kohl-Welles

If timely personal service of an order setting the hearing on a petition for relief from domestic violence cannot be made, the court must set a new hearing date and either require one additional attempt to obtain personal service or permit service by publication or mail. The court must not require more than two attempts to obtain personal service, and must permit service by publication or mail, unless the petitioner requests additional time to attempt personal service. These rules also apply if one seeks to modify a protection order. The requirements for service of notice for a modification hearing are made consistent with the requirements for service of notice for a hearing on a petition for relief from domestic violence. This act shall be known as the Rebecca Jane Griego Act.

**FAMILY LAW**

**2SHB 2822: Family and Juvenile Court Improvement Program**

Prime Sponsor: Representative Ruth Kagi

A Family and Juvenile Court Improvement Grant Program is created and will be administered by the Administrative Office of the Courts (AOC). A superior court may apply for grants from the program by submitting a local improvement plan to the AOC. To be eligible for grant money, the court’s plan must meet criteria developed by the AOC and approved
by the Board for Judicial Administration. The AOC criteria must be consistent with the Unified Family Court principles. The court’s plan must: (1) commit to a chief judge assignment to the family and juvenile court for a minimum of two years; (2) implement the principle of one judicial team hearing all of the proceedings in a case involving one family, especially in dependency cases; and (3) require court commissioners and judges assigned to family and juvenile court to receive a minimum of 30 hours specialized training in topics related to family and juvenile law within six months of assuming duties on the family and juvenile court.

E2SHB 3205: Child dependency proceedings
Prime Sponsor: Representative Fred Jarrett
In child dependency proceedings where a child has been in foster care for 15 of the most recent 22 months, the court must require the Department of Social and Health Services to file a petition to terminate parental rights, unless the court finds that there is a good cause exception why a petition should not be filed. If the court makes such a finding, it must be reviewed at all subsequent motion and review hearings pertaining to the child.

SSB 6306: Visitation rights for relatives of dependent children
Prime Sponsor: Senator Phil Rockefeller
A dependent child’s relative may petition the juvenile court in a dependency matter for reasonable visitation with the child if the following exists: (1) the child has been found dependent under RCW 13.34 or through voluntary relinquishment under the adoption statutes; (2) the parental rights of both of the child’s parents have been terminated; (3) the child is in the custody of DSHS or another public or private agency; and (4) the child has not been adopted and is not in a pre-adoptive home or other permanent placement at the time the petition is filed. The term relative does not include the child’s parent.

The court may grant the petition if it finds the above factors have been met, unsupervised visits between the child and the relative do not present a risk to the child’s safety or well-being, and the visitation is in the best interest of the child. In determining the best interest of the child, the court must consider at least the following: (1) the love, affection, and strength of the relationship between the child and the relative; (2) the length and quality of the prior relationship between the child and the relative; (3) any criminal convictions for or founded abuse history by the relative of a child; (4) whether the visitation will present a risk to the child’s health, welfare, or safety; (5) the child’s reasonable preference; and (6) any factor relevant to the child’s best interest.

The court may modify the visitation order upon a showing that the visitation poses a risk to the child’s safety or well-being. The visitation order must state that it will terminate upon the child’s placement in a pre-adoptive home or if an abuse or neglect allegation is found against the relative. This petition process is not intended to impair or alter any authority a court currently has to order visitation in a dependency matter.

ESSB 6792: Dependency
Prime Sponsor: Senator James Hargrove
The court may order that a hearing be held on the merits of a petition to reinstate parental rights if it finds by a preponderance of the evidence that reinstatement is in the child’s best interests. The court, upon the child’s motion, or upon the court’s own motion, may hear a petition filed by a child younger than 12. If the court grants the child’s petition, a temporary order of reinstatement is entered. After the child has been placed with the parent for six months and the placement has been successful, the court must hold a hearing and enter an order restoring the parent’s rights and dismissing the dependency.

The state, DSHS, and its employees are not liable for civil damages resulting from acts or omissions under the parental reinstatement section of the law unless the act or omission constituted gross negligence.

At a shelter care hearing, the court must determine whether an order expelling an allegedly abusive household member from the home of the non-abusive parent, guardian, or custodian will allow the child to remain safely in the home. At a shelter care hearing, uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child cannot be the sole basis upon which the child is removed from the care of the parent, guardian, legal custodian, relative, or suitable other person, nor can it be the sole basis upon which to preclude placement with either a relative or another suitable person.

Under chapter 26.44 RCW, the court may enter a restraining order to protect an allegedly abused or neglected child. If the child’s caretaker complies with the restraining order, uncertainty by the caretaker that the alleged abuser has abused the alleged victim must not, alone, be a basis to remove the alleged victim from the caretaker, nor must it be considered neglect.

The provision allowing a child to petition the juvenile court to reinstate previously terminated parental rights within three years of the exhaustion of any right to appeal the termination order, if the order is appealed, is removed.

A pilot program is established in Spokane, King, Thurston, and Benton-Franklin counties. The pilot is to be structured as follows:

1) For children ages 12 years and older who are the subjects of dependency proceedings, the following rights are established: a) the right to receive notice of hearings; b) the right to be present at hearings; and c) the right to be heard personally.

2) Prior to hearings, the child’s guardian ad litem (GAL) or attorney must determine if the child wishes to attend the hearing. If the child wishes to attend, the attorney and GAL must coordinate with the child’s caregiver and DSHS or other supervising agency to arrange for transportation.

3) If the child exercises his or her right to be present, the court may interview the child in chambers to determine the child’s wishes regarding issues before the court.

When a child has been in out-of-home care for 15 of the most recent 22 months, the court may enter a temporary order of reinstatement on its own motion, or upon the court’s motion, or upon the court’s recommendation.

Senator Adam Kline has served for 11 years as the senator for the 37th District of Washington. Before entering law school, he worked as a merchant seaman and as a newspaper reporter. He practiced law for 32 years before retiring in 2004 to work for the Laborers Union. Representative Patricia Lantz has represented the 26th District of Washington since 1997. She is chair of the House Judiciary Committee. She was formerly an attorney in private practice focusing on land use and immigration law. Senator Kline and Representative Lantz would like to thank Ed Adams and Lida Mori for their assistance with this article.
The Official

2008 Revised Code of Washington

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

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

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

$210.00
[plus tax and $20.00 shipping and handling]

PREPAYMENT IS REQUIRED

☐ 2008 RCW Reprint @ $210.00
☐ 2008 RCW CD Rom $50.00
   (shipping in October 2008)

Shipping and Handling $20.00

Subtotal

YOUR sales tax

Total Amt. Due

Name of card holder [required for all charge orders]

First Name

Last

Company

F/Suite/Department

Address

Bldg/Apt

City

St

Zip

[  ] - [  ] -

Phone

Fax:

TIN: 91-6001909

State Agencies please use SWY# 007271-01 for electronic payment AND fax a copy of order to:
360-357-7219

You are not required to pay sales tax if:
1. Your order is being sent out of state, or
2. You are a federal agency.
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 2008 WSBA award recipients. All members of the legal community are invited to attend.

Name ___________________________________________ WSBA No. __________________
Address __________________________________________________________________________
Phone ___________________________ E-mail ______________________________
Affiliation/organization __________________________________________________________

Registration is $95 per person (table of 10 = $950). 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 11, 2008 (refunds cannot be made after September 11). 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.

________________________________________________________________________
☐ beef  ☐ chicken  ☐ vegetarian
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
Phone: 800-945-WSBA • 206-443-WSBA • Fax: 206-727-8319

☐ If you need special accommodations, please check here and explain below.
________________________________________________________________________
By Douglas Lawrence

By now you may have heard that the WSBA Board of Governors is facing some difficult choices over the next few months. On the one hand, general business expenses have been rising rapidly. Although we enjoy a very favorable rental rate, the cost of office space alone has increased 40 percent over the past three years. State-governed medical and retirement benefit premiums have increased by 62 percent over the same period. Travel costs for the numerous committees, boards, and panels which help develop or oversee WSBA policies, procedures, and regulations have also increased with the rise in gas prices.

On the other hand, WSBA revenues have not been keeping pace with these ever-increasing expenses. For the past several years, the Board has limited license fee increases to two percent annually through 2009. License fees comprise 73 percent of the WSBA’s general fund revenue. The result is that the WSBA is projecting a significant budget deficit in coming years, a situation which must be corrected now.

The Board has already started to address the projected deficit. Earlier this year, the Board started to realign or sunset some WSBA committees to reduce costs or gain greater operating efficiencies. More recently, the Board voted to increase the section per-member charge and to reduce the percentage of section administrative, printing, and mailing costs supported by general license fees over the next three years. The Board may consider reducing other “subsidies” to other discrete WSBA programs traditionally supported by program participants as well. Governors will also be taking a hard look for other program reductions and efficiencies.

But the WSBA also has a mission that it must continue to fulfill. The WSBA is dedicated to serving the public and the members of the Bar, ensuring the integrity of the legal profession, and championing justice. Over this past year, the WSBA has successfully advocated for increased funding for needed court services, greater support for low-income civil legal aid, and additional efforts to protect the vulnerable elderly from harm. The Board of Governors is committed to building on these and other past achievements and improving the legal system and the practice of law across the state.

In the next few months, the Board will be setting the license fees for 2010 and 2011. With the increasing costs associated with our essential member services and the fulfillment of the WSBA’s mission, it is anticipated that an increase in Bar dues will be necessary. The governors are aware of the impact an increase in license fees has on our members. The Board will strive to keep future license fee increases as low as possible in light of the present and anticipated future needs of our association. ❊

WSBA Governor Douglas Lawrence represents the Eighth District and is WSBA treasurer.

WSBA Governor Douglas Lawrence represents the Eighth District and is WSBA treasurer.

Workers’ Compensation ♦ Social Security Disability

We welcome and appreciate your referrals

The Walthew Law Firm

Knowledge Experience Proven Results

We have been practicing Washington State Workers’ Compensation law for more than 75 years and clearly understand the needs of our clients. Each of our dedicated trial attorneys has years of experience in Workers’ Compensation and Social Security disability law. Whether a worker has suffered an industrial injury or is disabled as a result of an occupational disease, we know what to expect and what needs to be done, every step of the way. If your clients or friends need legal assistance or advice regarding a Workers’ Compensation or Social Security disability matter, we can help.

Walthew, Thompson, Kindred, Costello, & Winemiller, P.S.

phone 206.623.5311 ♦ toll free 1.866.925.8439 ♦ www.walthew.com
By Michael Heatherly

June 6, 2008 — Vancouver, Washington

An effort to replace judicial elections with a commission-selection system was rejected by the WSBA Board of Governors after a lengthy, lively debate at the June 6, 2008, meeting in Vancouver, Washington.

As addressed in an April 2008 special edition of Bar News, the majority of a Judicial Selection Task Force established by the BOG in 2006 favored switching to a commission-selection system. However, a vocal minority of the task force strongly advocated for retaining elections. Both groups filed reports, leaving the BOG to choose one as its official position.

In testimony before the BOG, Nicholas Corning, a task force member who supported the minority position, maintained that Washington is renowned as a populist state and citizens would not easily sacrifice their right to vote for judges. Rowland Thompson, another task force member who supported the minority position, warned that if a measure to replace judicial elections were to arise in the Legislature or as a voter initiative, it would trigger opposition from businesses and other interest groups and cost proponents a fortune to support. The remarks by Thompson, who is executive director of Allied Daily Newspapers of Washington, prompted comments to the effect that the type of political pressure to which he alluded is exactly what tarnishes judicial campaigns.

Governor David Heller, whose wife is a judge, argued that running for office makes one a better judge. He cautioned that taking away the public’s right to vote for judges would lend credence to the notion of the legal profession being elitist. Governor Anthony Butler remarked that replacing election with an appointment system is something that should be initiated by the Legislature rather than the Bar.

Governor Heller moved to adopt the task force’s minority report. The motion passed 10–3, with Governors Doug Lawrence (who authored the majority report), Peter Karademos, and Edward Shea Jr. dissenting. During deliberation on the issue, Shea had noted his discomfort with the political ugliness that had crept into judicial elections in recent years. Heller and other supporters of elections countered that such measures as public campaign funding and better voter education would address that concern.

Proponents of a commission-appointment system had noted that even under the existing election system, a majority of judges arrive on the bench via appointments to fill seats vacated in mid-term. Such judges are rarely challenged in elections thereafter. They further pointed out that voters tend to refrain from voting in judicial races and argued that citizens are poorly informed about judicial candidates, partly because of the ethical rules restricting candidates’ comments on specific legal issues. Proponents also contended that the aggressive fundraising and mud-throwing tactics of modern campaigns undermine the independence and dignity of the bench.

In other business, the BOG voted Governor Salvador Mungia as president-elect for 2008–09. Fellow Governor Eric de los Santos also contended for the position. After presentations by both candidates the BOG voted by secret ballot to elect Mungia, a partner in Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim in Tacoma who has been active for many years in the WSBA as well as other legal and community organizations. Meanwhile, the BOG selected Seattle attorney Anthony Gipe to replace de los Santos, whose three-year governor-at-large term will expire in September. The Board voted after hearing presentations from Gipe and two other candidates, Nancy Ivarinen of Bellingham and Roger Leishman of Freeland.

Meanwhile, WSBA President Stan Bastian introduced the four additional incoming governors already selected for 2008–09. They will replace four governors whose three-year terms will expire in September. The incoming governors are: Loren Etengoff of Vancouver, Washington, replacing Kristal Wiitala in the 3rd District; Patrick Palace of Tacoma, replacing Salvador Mungia in the 6th District; Catherine Moore of Seattle, replacing Liza Burke in the 7th-East District; and Brian Comstock of Bellevue, replacing Douglas Lawrence in the 8th District. All the new governors and other 2008–09 officers will be sworn in at the BOG annual meeting on September 18. (Bar News will publish profiles of the new office holders, including incoming President Mark Johnson, in the October issue.)

The Board voted to continue covering a portion of the administrative costs to support the WSBA sections from license fees while reducing the subsidy by gradually increasing the per-member fee each section pays the WSBA over the next three years. The Board adopted a formula for calculating the per-member fee which will be used in subsequent years. The move is part of an effort to provide the sections with greater transparency and predictability of administrative costs, as well as reduce WSBA general fund expenses in the face of projected revenue shortfalls. For fiscal year 2009, the per-member charge will increase from $8 to $10. The charge will increase further in graduated steps through fiscal year 2011, with the license fee subsidy decreasing from 41 percent of section costs to 25 percent.

The governors also approved a bylaw amendment under which the agreement between the WSBA and the editor of the Bar News may carry up to a four-year term and may be renewed for up to four additional years. Previously, the Bar News editor’s agreement had no set term. The change is part of an effort by the BOG and the Editorial Advisory Board to improve oversight of the editor’s position while also promoting continuity. Other measures include establishment of a consistent evaluation system for the editor and revision of the long-out-of-date editorial handbook.

Finally, the BOG re-appointed the existing members of the WSBA Legislative Committee and filled three vacant seats. The new members are Taudd Hume of Spokane, Michael Guadagno of Seattle, and Sally Savage of Pullman. The Board also re-appointed the Honorable S. Brooke Taylor and Ronald Ward as WSBA representatives to the American Bar Association House of Delegates and appointed two new delegates, Phillip Ginsberg and Lish Whitson, both of Seattle.

Bar News Editor Michael Heatherly practices in Bellingham and can be reached at 360-312-5156 or barnews editor@wsba.org.
Seeking Questionnaires from Candidates for Judicial Appointments

**Application deadline: August 29, 2008**

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a four-year term on the Washington Pattern Jury Instruction Committee. One position is available. The four-year term will commence upon appointment and expire on July 15, 2012. The incumbent is eligible for reappointment and must submit a letter of interest and résumé if reappointment is sought.

Committee members review, discuss, and vote upon instructions in the civil or criminal area as drafted by subcommittees or staff. The committee meets monthly in Seattle on Saturday for three or four hours (except July and August), and requires a considerable time commitment. It is a large committee with more than 30 members, including judges and lawyers, and two WSBA representatives.

Please submit a letter of interest and résumé to: WSBA Bar Leaders Division, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or barleaders@wsba.org.

The Washington State Bar Foundation Board of Trustees

**Application deadline: August 29, 2008**

The WSBA Board of Governors is seeking to fill one position to serve a three-year term on the Washington State Bar Foundation Board of Trustees. Applicants must be a WSBA member. The Washington State Bar Foundation is a nonprofit organization whose focus is to improve the delivery of legal services to all segments of the public; foster improvement of relations among the Bar, the judiciary, and the public; advance programs related to new lawyer development; support diversity efforts; and promote the administration of justice. If you are interested, please submit a letter of interest and résumé to: WSBA Bar Leaders Division, 1325 4th Ave. Ste. 600, Seattle, WA 98101-2539 or e-mail barleaders@wsba.org by August 29, 2008.

OPPORTUNITIES FOR SERVICE

**Washington Pattern Jury Instruction Committee**

**Application deadline: August 29, 2008**

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a four-year term on the Washington Pattern Jury Instruction Committee. One position is available. The four-year term will commence upon appointment and expire on July 15, 2012. The incumbent is eligible for reappointment and must submit a letter of interest and résumé if reappointment is sought.

Committee members review, discuss, and vote upon instructions in the civil or criminal area as drafted by subcommittees or staff. The committee meets monthly in Seattle on Saturday for three or four hours (except July and August), and requires a considerable time commitment. It is a large committee with more than 30 members, including judges and lawyers, and two WSBA representatives.

Please submit a letter of interest and résumé to: WSBA Bar Leaders Division, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or barleaders@wsba.org.

**The Washington State Bar Foundation Board of Trustees**

**Application deadline: August 29, 2008**

The WSBA Board of Governors is seeking to fill one position to serve a three-year term on the Washington State Bar Foundation Board of Trustees. Applicants must be a WSBA member. The Washington State Bar Foundation is a nonprofit organization whose focus is to improve the delivery of legal services to all segments of the public; foster improvement of relations among the Bar, the judiciary, and the public; advance programs related to new lawyer development; support diversity efforts; and promote the administration of justice. If you are interested, please submit a letter of interest and résumé to: WSBA Bar Leaders Division, 1325 4th Ave. Ste. 600, Seattle, WA 98101-2539 or e-mail barleaders@wsba.org by August 29, 2008.

**WSBA Court Rules and Procedures Committee 2008–2009 Agenda**

When it reconvenes in October, the WSBA Court Rules and Procedures Committee is scheduled to review the Rules of Appellate Procedure (RAP) and the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). Suggestions regarding these rules or questions about the committee should be directed to WSBA Assistant General Counsel Elizabeth Turner at 206-239-2109 or barleaders@wsba.org.

**WSBA Service Center**

The WSBA Service Center is available to assist you, Monday through Friday, 8:00 a.m. to 5:00 p.m., at 800-945-WSBA (9722), 206-443-WSBA (9722), or by e-mail at questions@wsba.org.

**For more information**

Full explanations of license fees, forms, policies, and deadlines are on the WSBA website at: www.wsba.org/lawyers/licensing/annuallicensing.htm. The WSBA Service Center is available to assist you, Monday through Friday, 8:00 a.m. to 5:00 p.m., at 800-945-WSBA (9722), 206-443-WSBA (9722), or by e-mail at questions@wsba.org.

**Joint Rules Committee**

The Joint Rules Committee is preparing to review and make recommendations on the new work rules. Interested individuals are encouraged to submit their ideas to the WSBA Court Rules and Procedures Committee, or to contact the WSBA Service Center.

**WSBA Judicial Recommendation Committee**

The WSBA Judicial Recommendation Committee (JRC) is accepting questionnaires from attorneys and judges seeking consideration for appointment to fill potential Washington State Supreme Court and Court of Appeals vacancies. Interested individuals will be interviewed by the Committee on the dates listed above. The JRC’s recommendations are reviewed by the WSBA Board of Governors and referred to the Governor for consideration when making judicial appointments. Materials must be received at the WSBA office by the deadline listed above. To obtain a questionnaire, visit the WSBA website at www.wsba.org/lawyers/groups/judicial recommendation or contact the WSBA at 206-727-8212 or 800-945-9722, ext. 8212, or barleaders@wsba.org.

**2008 Licensing and Suspension Information**

Suspension recommendations sent to the Washington State Supreme Court. If you have not paid all of your license fees and late fees, or if you are on active status and have not paid your Lawyers’ Fund for Client Protection assessment or filed your Mandatory Professional Liability Insurance Disclosure Form within 60 days of the date a Presuspension Notice was mailed to your address on record (March 14, 2008), your name was on the Suspension Recommendation List sent to the Washington State Supreme Court.

Provide WSBA with current contact information. You are required to keep your contact information current; see Admission to Practice Rule 13. If your contact information has changed, complete and return the Contact Information Change Form available at www.wsba.org/info/newaddresschangeform.pdf. Forms should be mailed to the WSBA, faxed to 206-727-8313, or e-mailed to questions@wsba.org.

For more information. Full explanations of license fees, forms, policies, and deadlines are on the WSBA website at: www.wsba.org/lawyers/licensing/annuallicensing.htm. The WSBA Service Center is available to assist you, Monday through Friday, 8:00 a.m. to 5:00 p.m., at 800-945-WSBA (9722), 206-443-WSBA (9722), or by e-mail at questions@wsba.org.

**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

1402 Third Avenue, #619 • Seattle, WA 98101 • (206) 340-0883
aged to participate in the work of the committee. For more information, see www.wsba.org/lawyers/groups/courtrules.

**Notice of Intent to Form a WSBA Civil Rights Law Section**

Petitions are now being circulated to form a new WSBA Civil Rights Law Section pursuant to Article IX of the WSBA Bylaws. This area of law falls within the purposes of the WSBA as provided in General Rule (GR) 12. There is currently no other section or WSBA entity whose primary focus is on civil rights law, other than the Civil Rights Committee. Whether the Board of Governors determines to continue or discontinue the Committee, the Section, supported by Section member dues, would be in a stronger position to present CLE programs, publications, and work with other WSBA entities such as the Council on Public Legal Education, the Committee for Diversity, and others. A subcommittee of the WSBA Civil Rights Committee chaired by Patricia Paul, including Tracy Flood, Molly Maloney, Sharon Payant, and Wilberforce Agyekum, will work on this during the required six-month waiting period. They intend to report to the Board of Governors with a recommendation not later than September 2008. For more information, please contact Ms. Paul at 360-230-2369, or e-mail patriciapauljd@msn.com. Intended jurisdiction: The Civil Rights Law Section would address concerns with all aspects of civil rights law in Washington within the parameters of GR 12.

**LOMAP and Ethics Traveling Seminar**

Join us for the LOMAP and Ethics Traveling Seminar August 19 in Port Angeles or August 20 in Port Townsend. The seminar includes: "Safeguarding Client Property"; "Required Trust Account Records"; "Minding Your Matters"; and "Winding Down: The Golf Course Beckons." Contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org to register.

**Recovery Support Group for Lawyers**

The Lawyers Assistance Program is offering a new weekly group in Seattle for lawyers in their first three years of recovery from drug or alcohol dependency. The group meets on Tuesdays from 8:15 to 9:30 a.m. Discussion topics include relapse prevention, improving relationships, work/life balance, and other themes chosen by the group. Coed. Sliding fee scale of $5–15 per session. Call Abby Smith, LAP addictions counselor, at 206-733-5988 or 800-945-9722, ext. 5988.

**Casemaker Online Research**

Casemaker is a powerful online research library provided free to WSBA members. To access Casemaker, go to the WSBA website at www.wsba.org and click on the Casemaker logo on the right sidebar. Click on the Casemaker button to begin. For help using Casemaker, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org, or call the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA (9722).

**Computer Clinic**

The WSBA offers a hands-on computer clinic for members. Learn what programs such as Outlook, PowerPoint, Excel, Word, and 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. The August 11 clinic will be held from 10:00 a.m. to noon at the WSBA office and will focus on using PowerPoint and Adobe Acrobat Version 8 (redaction and Bates numbering). The August 14 session will be held from 9:00 to 4:00 p.m. and will focus on using Casemaker and other online research resources. For more information or to RSVP, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

**Contract Lawyer Meeting**

Discuss the issues with other contract lawyers on August 12 from noon to 1:30 p.m. at the WSBA office. Bring your lunch — coffee and tea are provided — and network with other contract lawyers. For more information, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

**Search WSBA Ethics Opinions Online**

Formal and informal WSBA ethics opinions are available online at http://pro/wsba.org/io/search.asp, or from a link on the www.wsba.org homepage. You can search opinions by number, year issued, ethical rule, subject matter, or keyword. Ethics opinions are issued by the WSBA to assist members in interpreting their ethical obligations in specific circumstances. The opinions are the result of study and analysis in response to requests from WSBA members. Call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.
LAP Solution of the Month: Addicted?
We become addicted when we engage in a behavior repeatedly to obtain escape, relief, or pleasure even when the behavior itself becomes counter productive. We can become dependent on just about anything: work, sex, alcohol, drugs, gambling, even relationships. If behaviors like these are getting in your way, call the Lawyers Assistance Program at 206-727-8268 or 800-945-9722, ext. 8268.

Job Seekers Discussion Group
Looking for a job or making a transition? Join us at the Job Seekers Discussion Group the second Wednesday of each month from noon to 1:30 p.m. The next meeting is August 13 at the WSBA office. The group discusses where to look for jobs, how to grow your network of contacts, strategies for résumés and cover letters, and how to keep yourself organized and motivated. Exchange information and ideas with other lawyers looking to make a change. Come as you are — no need to RSVP. Bring your business cards and practice networking skills. For more information, call 206-727-8269 or 800-945-9722, ext. 8269, or e-mail rebeccan@wsba.org.

Facing an Ethical Dilemma?
The WSBA Ethics Line can help members analyze a situation involving their own prospective conduct, apply the proper rules, and reach an ethically sound decision. Calls made to the Ethics Line are confidential, and most calls are returned within one business day. Any advice given is intended for the education of the inquirer and does not represent an official position of the WSBA. Call 206-727-8284 or 800-945-9722, ext. 8284.

Learn More About Case-Management Software
The WSBA Law Office Management Assistance Program (LOMAP) maintains a computer for members to review software tools designed to maximize office efficiency. The LOMAP staff is available to provide materials, answer questions, and make recommendations. To make an appointment, contact Julie Salmon at 206-733-5914 or 800-945-9722, ext. 5914, or juliesa@wsba.org.

Speakers Available
The WSBA Lawyers Assistance Program offers speakers for engagements at county, minority, and specialty bar associations, and other law-related organizations. Topics include stress management, life/work balance, and recognizing problem-personality clients.

Contact Jennifer Favell, Ph.D., at 206-727-8267 or 800-945-9722, ext. 8267.

Assistance for Law Students
The Lawyers Assistance Program offers counseling to third-year law students attending Washington schools. Sessions are held in person or by phone. Treatment is confidential and available for depression, addiction, family and relationship issues, health problems, and emotional distress. A sliding-fee scale is offered ranging from $0–30. Call 206-727-8268, 800-945-9722, ext. 8268, or visit www.wsba.org/lawyers/services/lap.htm.

Help for Judges
The WSBA Judges Assistance Program provides confidential assistance to judges experiencing personal or professional difficulties. Telephone or in-person sessions are available on a sliding-scale basis. For more information, call the program coordinator at 206-727-8268 or 800-945-9722, ext. 8268.

Upcoming Board of Governors Meetings
September 18–19, Seattle • October 24–25, Spokane • December 5–6, Bellingham
With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Margaret Shane at 206-727-8244 or 800-945-9722, ext. 8244, or margarets@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/info/bog/schedule.htm.

Usury Rate
The average coupon equivalent yield from the first auction of 26-week treasury bills in July 2008 was 2.111 percent. Therefore, the maximum allowable usury rate for August is 12 percent. Information from January 1987 to date is on the WSBA website at www.wsba.org/media/publications/barnews/usury.htm.

Additions to the Winter 2008 WSBA Bar Exam Pass List
Published in June 2008 Bar News
Gallert, Scott Kennedy, Spokane
Korman, Natasha Mercedes, Tigard, Oregon
Oh, John Suk, Seattle
Marvet, Martin, Seattle
Sattelberg, Ethan, Olympia

TSONGAS LITIGATION CONSULTING INC.
STRATEGIC PARTNERS IN ADVOCACY
- Case Strategy for Settlement, Arbitration & Trial
- Graphics • Focus Groups • Mock Trials
- Jury Selection • Witness Preparation • Shadow Juries
A National Practice with 30 Years of Experience in Civil Litigation
Team • Experience • Service
The people, methods, and facilities to make a difference.
1-888-452-9019
www.tsongas.com
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 2008 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 October 9, 2008 (refunds cannot be made after October 9).

☐ 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.

__________________________________________________________________________
☐ chicken   ☐ salmon   ☐ vegetarian
__________________________________________________________________________
☐ chicken   ☐ salmon   ☐ vegetarian
__________________________________________________________________________
☐ chicken   ☐ salmon   ☐ vegetarian
__________________________________________________________________________
☐ chicken   ☐ salmon   ☐ vegetarian
__________________________________________________________________________
☐ chicken   ☐ salmon   ☐ vegetarian
__________________________________________________________________________
☐ chicken   ☐ salmon   ☐ vegetarian
__________________________________________________________________________
☐ chicken   ☐ salmon   ☐ vegetarian

Send to: Washington State Bar Association

50-Year Member Tribute Luncheon
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
Phone: 800-945-WSBA or 206-443-WSBA • Fax: 206-727-8319

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

WSBA office use only:

Date __________________________

Check No. _____________________

Amount _________________________

No. MTL 102008
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 action, 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**

**Robert Neil Dompier** (WSBA No. 10871, admitted 1980), of Spokane, was disbarred, effective May 15, 2008, by order of the Washington State Supreme Court following approval of a stipulation. This discipline is based on conduct involving theft, dishonest conduct, violating a duty imposed by the Rules for Enforcement of Lawyer Conduct (ELCs), and acts of moral turpitude.

Mr. Dompier’s grandparents established funds during their lifetimes for the education of their great-grandchildren. Mr. Dompier’s father managed the funds until 1996. In 1996, Mr. Dompier assumed management of the funds and deposited them into individual accounts for his children and those of his three brothers. Individual trust accounts were established in the names of each child pursuant to the Uniform Transfers to Minors Act, RCW 11.114.090 et seq. Mr. Dompier was custodian of each of the accounts and maintained complete authority over management of the accounts.

In 1999, Mr. Dompier began investing in real estate. He purchased various pieces of real property as investments owned in Mr. Dompier’s name, cities, and bar numbers.

Mr. Dompier represented himself. The Association mailed the grievance to Mr. Dompier and requested that he submit a written response within two weeks. Mr. Dompier failed to respond to the grievance stating that he had invested the funds in rental real estate on behalf of the beneficiaries, but that the real estate had been lost to foreclosure. Mr. Dompier’s response was not complete or truthful in that his real estate investments were made in his and his wife’s name, not in the name of the trust beneficiaries, and Mr. Dompier did not invest the funds withdrawn from the custodial accounts in rental real estate.

Mr. Dompier’s conduct violated RPC 8.4(b), prohibiting a lawyer from committing a criminal act 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; RPC 8.4(i), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter (here ELC 5.3(e)); and RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude, or corruption, or any other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise.

Debra J. Slater represented the Bar Association. Mr. Dompier represented himself.

**Jeffrey L. Finney** (WSBA No. 15618, admitted 1986), of Kennewick, was disbarred, effective May 14, 2008, by order of the Washington State Supreme Court following approval of a stipulation. This discipline is based on conduct involving soliciting and accepting bribes.

Mr. Finney was employed as a defense attorney practicing for the City of Kennewick, which operated a recreation program (Home Base) that provided a place for teens to meet and enjoy recreational activities. The City of Kennewick and the city attorney’s office authorized persons charged with misdemeanor criminal offenses and civil infractions to make donations to Home Base to have their cases dismissed or their charges significantly reduced. One of the assistant prosecutors for the City of Kennewick (Mr. X), in his official capacity, solicited defendants who had charges pending against them to donate money to the Home Base program. Mr. X negotiated many cases that were favorable to defendants in return for donations to Home Base.

From approximately January 1, 2005, until approximately March 1, 2006, Mr. Finney and Mr. X conspired to solicit money from Mr. Finney’s clients for donations to Home Base, which they then split between them for their own use. On multiple occasions, Mr. Finney told his clients that their criminal charges would be reduced or dismissed if they gave him funds to be donated to Home Base, and the clients gave him funds for donation to Home Base. He didn’t tell his clients that some or all of the funds would be kept by Mr. X or by him for his own use. Mr. Finney gave money received from his clients to Mr. X in transactions valued at more than $5,000, in order to influence Mr. X as a city prosecutor to render favorable dispositions of his clients’ cases and to obtain money for Mr. X and himself. Over $160,000 of the donation money that should have gone to Home Base did not go into the Home Base account. The amount taken by Mr. Finney for his own use has not yet been judicially determined, but Mr. Finney estimates that it approximates $20,000.

On December 12, 2006, Mr. Finney was charged by indictment with violating several federal statutes in connection with the facts set forth above. On September 11, 2007, Mr. Finney pleaded guilty to violating 18 U.S.C. §666(a)(2) (offering a bribe), one count of the indictment mentioned above. This offense is a felony.

Mr. Finney’s conduct violated RPC 8.4(b), prohibiting a lawyer from committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; and RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude, or corruption, or any other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise.

**August 2008 | Washington State Bar News**
rule of the law.

Joanne S. Abelson represented the Bar Association. James E. Egan represented Mr. Finney.

Suspended

Gurjit S. Pandher (WSBA No. 28242, admitted 1998), of Everett, was suspended for 60 days, effective May 14, 2008, by order of the Washington State Supreme Court following approval of a stipulation. This discipline is based on conduct involving submitted forging documents to an Alcoholics Anonymous (AA) counselor in violation of his probation.

In May 2005, Mr. Pandher was charged in Snohomish County District Court with driving under the influence. Mr. Pandher pleaded guilty to the charge in November 2005 and was sentenced to 30 days in jail, a fine, and probation with conditions, including a requirement that he be given drug/alcohol evaluation and that he follow the recommended course of action. After evaluation, Mr. Pandher was required to continue substance-abuse counseling and attend two AA meetings per week while on the program. Mr. Pandher was required to provide his substance-abuse counselor proof of his attendance at the AA meetings.

In March 2006, Mr. Pandher gave his counselor AA attendance slips, some of which appeared to have forged signatures. The counselor questioned Mr. Pandher about the dubious signatures, and he admitted to her that they were not genuine and that he had not attended the AA meetings corresponding to the questioned signatures. The counselor terminated Mr. Pandher from the program and reported the matter to the probation department. Mr. Pandher sought treatment at another facility.

In May 2006, Mr. Pandher appeared in court and admitted that he forged some of the signatures on his AA attendance slips. Mr. Pandher told the court that he had missed some of the AA meetings because he had been trying to start up his own business and spent most weekends traveling to California, where his wife was finishing work on a graduate degree. The judge told Mr. Pandher that his conduct could impact his license to practice law. He placed Mr. Pandher on active probation and ordered him to stay in treatment. The prosecuting attorney informed the Association about Mr. Pandher’s conduct, but did not charge him in connection with the forged AA slips. Mr. Pandher successfully completed his treatment program.

Mr. Pandher’s conduct violated RPC 8.4(c), prohibiting an attorney from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Natalea Skvir represented the Bar Association. Mr. Pandher represented himself.

Suspended

Brian J. Sunderland (WSBA No. 22665, admitted 1993), of Clackamas, Oregon, was suspended for one year, effective May 21, 2008, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Oregon Supreme Court following approval of a stipulation. This discipline is based on conduct in several matters and includes engaging in dishonest conduct and conduct that is prejudicial to the administration of justice, assisting a client in fraudulent conduct, disregarding an order of the court, engaging in improper ex parte communication with the court, violating the rules on vicarious responsibility for another lawyer’s conduct, failing to maintain clients’ funds in trust, and failing to maintain complete and accurate records of clients’ funds. For more information, see the December 2007 Oregon State Bar Bulletin, available at www.osbar.org.

Mr. Sunderland’s conduct violated Oregon DR 1-102(A)(3), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; Oregon DR 1-102(A)(4) (and RPC 8.4(a)(4)), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice; Oregon DR 7-102(A)(7), prohibiting a lawyer from assisting a client in conduct that the lawyer knows to be illegal or fraudulent; Oregon DR 7-106(A), prohibiting a lawyer from disregarding or advising a client to disregard a standing rule of a tribunal or a ruling of a tribunal made in the course of a proceeding; Oregon DR 7-110(B), prohibiting a lawyer in an adversary proceeding from communicating as to the merits of the case with a judge or an official before whom the proceeding is pending except under certain exceptions; Oregon DR 9-101(A), requiring all funds of clients paid to a lawyer or law firm be deposited and maintained in one or more identifiable trust accounts in the state in which the law office is situated; Oregon DR 9-101(C)(3), requiring a lawyer 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 client regarding them; and Oregon RPC 1.15-1(a), requiring a lawyer to hold property of clients or third persons that is in a lawyer’s possession separate from the lawyer’s own property; Oregon RPC 1.15-1(c), requiring a lawyer to deposit into a lawyer trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred; and Oregon RPC 5.1, making a lawyer responsible for another lawyer’s violation of the ethics rules if the lawyer orders or ratifies the conduct involved, or the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer and knows of the conduct at a time when its consequences can be avoided or mitigated.

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

Reprimanded

Dean E. White (WSBA No. 27282, admitted 1997), of Spokane, was ordered to receive a reprimand on May 12, 2008, following a stipulation approved by a hearing officer. This discipline is based on conduct involving failure to diligently represent a client’s interests, lack of communication, and a conflict of interest.

On August 25 and 28, 2006, a client contacted Mr. White to hire Mr. White to handle three traffic infractions with which the client had been charged. Mr. White had no record or recollection of these calls. The client initially represented himself and arranged with the prosecutor and the court to have all three matters scheduled to be heard at the same time on August 30, 2006. At the August hearing, the client obtained a continuance until September 27, 2006, because he wanted to hire Mr. White or another lawyer to assist him in resolving the matters.

In early September 2006, the client moved to Hawaii. Prior to September 27, 2006, the client’s mother contacted Mr. White about representing her son. There are conflicting accounts as to whether the client’s mother told Mr. White about all three of the traffic violations. For the purposes of the stipulation, the parties agreed that Mr. White was informed about only one of the traffic infractions; however, Mr. White would have known about the other traffic infractions had he had direct contact with the client. On September 25, 2006, the client’s mother issued a $250 check to Mr. White to represent her son in connection with the traffic infractions. Mr. White received and cashed the check on October 4, 2006. The client understood that Mr. White would be appearing on his behalf at the September 27, 2006, hearing. There are conflicting accounts as to whether Mr. White told the client’s mother that he was going to appear at the September 27, 2006, hearing. In any event, Mr. White did not appear on behalf of the client at the hearing.

As a result of Mr. White’s failure to appear on behalf of his client, the Court issued orders against the client for failing to appear in all three traffic matters. On October 3, 2006, the Court entered judgments against the client in the amounts of $560, $302, and $153, and prepared the first notice of collection for each judgment. The judgments were assigned to a collection agency in November 2006. Consequently, the
Beth Terrell, Toby Marshall, Jennifer Murray & Michael Daudt are pleased to announce the opening of their firm:

TERRELL MARSHALL & DAUDT PLLC

TMD concentrates its practice in complex civil litigation, including class actions, and is committed to providing high-quality, cost-effective legal services. The practice will focus on condemnation, construction defect, employment, and consumer fraud.

3600 Fremont Avenue N, Seattle, WA 98103
Tel: 206-816-6603 • Fax: 206-350-3528
www.tmdlegal.com

Thinking beyond the bounds of traditional litigation.

Rhodes & Meryhew, LLP is pleased to announce that Amy Irene Muth has joined the firm as an associate. Ms. Muth’s practice will focus on the defense of those accused of sex offenses and domestic violence in state and federal court.

RHODES & MERYHEW LLP
600 First Avenue, Suite 410
Seattle, WA 98104
Tel: 206-264-1590
amy@rhodesmeryhew.com
www.rhodesmeryhew.com

Announcements

client’s driver’s license was suspended and the client lost his job as a delivery person. On December 27, 2006, Mr. White filed a notice of appearance in one of the three traffic offenses filed against the client.

Starting in October 2006, Mr. White engaged in discussions with the prosecutor regarding the resolution of one of the three traffic infractions. At this time, Mr. White learned of the two other traffic infractions and incorrectly presumed that the client intended for him to handle only one of the three traffic infractions. This misunderstanding could have been remedied had Mr. White had direct contact with the client. Mr. White never disclosed or relayed to the client the substance of his settlement discussions with the prosecutor during October and November 2006. Mr. White never had any contact with the client regarding the traffic infractions until several months after the client discovered that judgments had been entered in all three matters. Mr. White did not have any contact information for the client, and never attempted to obtain this information from the client’s mother. Mr. White discussed the substance of the settlement negotiations with the client’s mother, and allowed her to decide whether to accept or decline the prosecutor’s offers without the client's consent or knowledge of the offers. The client ultimately hired another lawyer in June 2007 to resolve the orders for failing to appear, remove the traffic infractions from collection, and reset the matters for contested hearings.

Mr. White’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 1.8(f), prohibiting a lawyer from accepting compensation for representing a client from one other than the client unless the client consents after consultation, there is no interference with the lawyer’s independence of professional judgment or with the client-lawyer relationship, and information relating to the representation of a client is protected as required by the rules.

Jonathan Burke represented the Bar Association. Julie Twyford represented Mr. White.

Admonished

Harold M. Turner (WSBA No. 33341, admitted 2003), of Auburn, was ordered to receive an admonition on January 9, 2008, by order of a Review Committee of the Disciplinary Board. This discipline was based on conduct involving failure to file a 2006 trust account declaration.

In May 2006, Mr. Turner paid his WSBA license fees, but failed to file the required trust account declaration. In June 2006, the WSBA auditor sent him a letter reminding him of this obligation and provided a second copy of the form. In October 2006, the chief disciplinary counsel sent him a letter with another blank trust account form. In January 2007, a staff member from the Office of Disciplinary Counsel (ODC) called Mr. Turner. Mr. Turner asked the staff member to send another copy of the declaration form to a new address; the ODC staff person complied with that request.

In March 2007, Mr. Turner was notified, at both addresses, that a grievance had been opened against him based on his failure to file a trust account declaration. Mr. Turner was asked to provide a written response within two weeks. He did not respond. In May 2007, ODC sent a second letter asking him to respond to the grievance. On that same day, Mr. Turner notified the WSBA that he had a new address. In August, ODC sent a third letter asking for a response to the grievance. This letter was sent to his third address. Mr. Turner did not respond.

Mr. Turner’s conduct violated RPC 8.4(I), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter.

Natalea Sk vir represented the Bar Association. Mr. Turner did not appear either in person or through counsel.
**Sayre Law Offices, PLLC**

Jeffrey M. Sayre  
Matt Sayre  
Karin S. Treadwell  
Eric C. Nelsen  
Christine A. Martin-Lord

We are pleased to announce the relocation of our law offices on First Hill to:

1320 University Street  
Seattle, WA 98101-2837

Tel: 206-625-0092 • Fax: 206-625-9040

Effective August 1, 2008

www.sayrelawoffices.com

---

**Curran Law Firm P.S.**

is pleased to announce that

**Andrea Schiers**

has joined our firm as an associate attorney.

Ms. Schiers will be practicing School Law and Civil Litigation.

**Curran Law Firm P.S.**

555 West Smith Street  
Kent, WA 98035

Tel: 253-852-2345 • Fax: 253-859-8037

aschiers@curranfirm.com

curranfirm.com

---

**Karr Tuttle Campbell**

is pleased to announce that

**John E. Poffenbarger**

has joined the firm’s Trusts and Estates Department as a shareholder.

---

**The Washington State Bar Association**

is pleased to offer advertising services in the Announcements section of *Bar News*.

For more information, contact Advertising Manager Jack Young at 206-727-8260, or e-mail jacky@wsba.org.

---

1325 Fourth Ave., Ste. 600, Seattle, WA 98101
The law firm of

**Reed, Longyear, Malnati & Ahrens, PLLC**

is pleased to announce that

**Julie R. Sommer**

has joined the firm as an associate.

Ms. Sommer’s practice will focus on trust and estate planning, probate and trust administration, guardianship, Social Security appeals, Medicaid/Medicare eligibility, and civil litigation.

---

Douglas W. Ahrens
Eric E. Brunstrom
Christina L. Corwin
Claudia A. Gowan
James A. Jackson
Michael J. Longyear
Michael C. Malnati
Gregory M. Miller
Fredric D. Reed
Julie R. Sommer
John R. Vaughey
William L. Maltman (1921–2004)
Lawrence R. Hennings (1899–1993)

---

1415 Norton Building
801 Second Avenue
Seattle, WA 98104-1522
206-624-6271

www.rlmalaw.com

---

**Schiffrin Olson Schlemlein & Hopkins, PLLC**

is pleased to announce that

**Stuart P. Kastner**

has joined the firm.

Mr. Kastner, formerly of Montgomery Purdue Blankinship & Austin P.L.L.C., has joined as of counsel. His practice focuses on real estate and business litigation, construction, foreclosures, and bankruptcy.

**Schiffrin Olson Schlemlein & Hopkins, PLLC**
1601 Fifth Avenue, Suite 2500
Seattle, WA 98101
Phone: 206-448-8100 • Fax: 206-448-8514
www.soslaw.com

---

**LeSourd & Patten, P.S.**

Wishes to Congratulate

**Francis A. LeSourd**

On the Occasion of His 100th Birthday

In the 1930s, Fran joined what is now LeSourd & Patten, P.S., which traces its roots back to 1907, and actively practiced with the firm into the 1990s. Fran not only led the development of the firm’s tax practice, he also helped found Crystal Mountain, led the 1945 charge to break the color barrier for Seattle Transit drivers, helped create the Seattle Housing Authority, and served as president of the Seattle Opera.

Congratulations, Fran.

**LeSourd & Patten, P.S.**
600 University Street, Suite 2401
Seattle, WA 98101-4121
206-624-1040
www.lesourd.com
APPEALS
Anne Watson, former law clerk to the Washington State Supreme Court, welcomes consultation, association, or referral of appellate cases.

LAW OFFICE OF ANNE WATSON, PLLC
360-943-7614
anne@awatsonlaw.com

---

APPEALS
Philip A. Talmadge, Former Justice, Washington State Supreme Court; Fellow, American Academy of Appellate Lawyers

Michael B. King
Formerly of Lane Powell; Past President, Washington Appellate Lawyers Association; Past Chair, KCBA Section on Appellate Practice; ABA Council of Appellate Lawyers; Washington Appellate “Super Lawyer”; Best Lawyers in America, for Appellate Law, Washington

Emmelyn Hart-Biberfeld, Former Law Clerk, Washington State Supreme Court; Invited Member, The Order of Barristers

Sidney Charlotte Tribe
Former Law Clerk, Washington Court of Appeals; Former Trial Attorney, Law Office of James J. Rigos; Invited Member, The Order of Barristers

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

TALMADGE/FITZPATRICK
18010 Southcenter Parkway
Tukwila, WA 98188-4630
206-574-6661
Fax: 206-575-1397
E-mail: christine@talmadgelg.com
www.talmadgelg.com

---

LEGAL MALPRACTICE and DISCIPLINARY ISSUES “37 Years’ Experience”

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

---

BAD FAITH EXPERT WITNESS/INSURANCE CONSULTANT

David Huss
Over 25 years’ combined claims, risk management, and legal experience. JD, CPCU & ARM.

Tel: 425-776-7386
www.expertwitness.com/huss

---

MEDIATION SERVICES
Mark B. Anderson
is available for facilitating the negotiated settlement of a wide variety of legal disputes.

Smart — Creative — Experienced

SMITH ALLING LANE, P.S.
1102 Broadway Plaza, Suite 403
Tacoma, WA 98402
Tel: 253-627-1091
Fax: 253-627-0123
mba@smithallinglane.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

---

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
Columbia Center
701 Fifth Avenue, Suite 4650
Seattle, WA 98104
206-749-2371
E-mail: patrick@fsav.com

---

APPEALS
Margaret K. Dore
Former Law Clerk to the Washington State Supreme Court and the Washington State Court of Appeals

www.margaretdore.com

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

---

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

www.margaretdore.com

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

---
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 EECKHOUDT
9832 15th Ave. SW
Seattle, WA 98106
206-763-1510
Courtland@seattlejustice.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 L.L.P.
1201 Third Avenue, #3200
Seattle, WA 98101
206-623-1900
E-mail: wsmart@kellerrohrback.com

CONTRACT ATTORNEY FOR COURT APPEARANCES
• All types of motions, supplemental debtor exams, orders to disburse, and arbitrations
• All western Washington courts
• Handled high-volume case loads with court appearances, three per week — King, Pierce, Snohomish county courts
• High success rates with bringing and defending motions

Available for association or contract basis, legal research and writing.

References available.

Catherine M. Kelley, PLLC
425-392-1023
catherine@cmkattorney.com

LEGAL MALPRACTICE

and

ACCOUNTING MALPRACTICE

Roger K. Anderson
is available for referral, association, or consultation in cases involving legal or accounting malpractice. Mr. Anderson has represented both plaintiffs and defendants in substantial and complex malpractice litigation for over 20 years.

2101 Fourth Avenue, Suite 2100
Seattle, WA 98121-2359
206-448-2100
rkaesq@msn.com

APPELLATE MEDIATION
Sometimes overlooked, there is value in having an experienced appellate lawyer mediate a civil matter on appeal. An appellate mediator can advise the parties of the general chances of success on appeal and assist the parties in arriving at a fair resolution of the issues in the case.

The attorneys at Talmadge/Fitzpatrick are very willing to serve as mediators on appeal in state and federal cases.

TALMADGE/FITZPATRICK
18010 Southcenter Parkway
Tukwila, WA 98188-4630
Tel: 206-574-6661 • Fax: 206-575-1397
www.talmadgelg.com

OLYMPIA ATTORNEYS
Focused on advising and representing governmental entities, businesses, and individuals in tort, civil rights, employment, land use, insurance coverage, insurance defense, risk management, legislative, and public records matters.

LAW, LYMAN, DANIEL, KAMERRER & BOGDANOVICH, P.S.
Donald L. Law • Jocelyn J. Lyman
Don G. Daniel • W. Dale Kamerrer
Guy Bogdanovich • Jeffrey S. Myers
Elizabeth A. McIntyre • John E. Justice
Practicing Statewide Since 1981

2674 RW Johnson Blvd.
Tumwater, WA 98512
Tel: 360-754-3480
www.lldkkb.com

CONTRACT ATTORNEY FOR COURT APPEARANCES

• All types of motions, supplemental debtor exams, orders to disburse, and arbitrations
• All western Washington courts
• Handled high-volume case loads with court appearances, three per week — King, Pierce, Snohomish county courts
• High success rates with bringing and defending motions

Available for association or contract basis, legal research and writing.

References available.

Catherine M. Kelley, PLLC
425-392-1023
catherine@cmkattorney.com

ROGER K. ANDERSON
is available for referral, association, or consultation in cases involving legal or accounting malpractice. Mr. Anderson has represented both plaintiffs and defendants in substantial and complex malpractice litigation for over 20 years.

2101 Fourth Avenue, Suite 2100
Seattle, WA 98121-2359
206-448-2100
rkaesq@msn.com

LEGAL MALPRACTICE

and

ACCOUNTING MALPRACTICE

Roger K. Anderson
is available for referral, association, or consultation in cases involving legal or accounting malpractice. Mr. Anderson has represented both plaintiffs and defendants in substantial and complex malpractice litigation for over 20 years.

2101 Fourth Avenue, Suite 2100
Seattle, WA 98121-2359
206-448-2100
rkaesq@msn.com

APPELLATE MEDIATION
Sometimes overlooked, there is value in having an experienced appellate lawyer mediate a civil matter on appeal. An appellate mediator can advise the parties of the general chances of success on appeal and assist the parties in arriving at a fair resolution of the issues in the case.

The attorneys at Talmadge/Fitzpatrick are very willing to serve as mediators on appeal in state and federal cases.

TALMADGE/FITZPATRICK
18010 Southcenter Parkway
Tukwila, WA 98188-4630
Tel: 206-574-6661 • Fax: 206-575-1397
www.talmadgelg.com

CONTRACT ATTORNEY FOR COURT APPEARANCES

• All types of motions, supplemental debtor exams, orders to disburse, and arbitrations
• All western Washington courts
• Handled high-volume case loads with court appearances, three per week — King, Pierce, Snohomish county courts
• High success rates with bringing and defending motions

Available for association or contract basis, legal research and writing.

References available.

Catherine M. Kelley, PLLC
425-392-1023
catherine@cmkattorney.com

OLYMPIA ATTORNEYS
Focused on advising and representing governmental entities, businesses, and individuals in tort, civil rights, employment, land use, insurance coverage, insurance defense, risk management, legislative, and public records matters.

LAW, LYMAN, DANIEL, KAMERRER & BOGDANOVICH, P.S.
Donald L. Law • Jocelyn J. Lyman
Don G. Daniel • W. Dale Kamerrer
Guy Bogdanovich • Jeffrey S. Myers
Elizabeth A. McIntyre • John E. Justice
Practicing Statewide Since 1981

2674 RW Johnson Blvd.
Tumwater, WA 98512
Tel: 360-754-3480
www.lldkkb.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 EECKHOUDT
9832 15th Ave. SW
Seattle, WA 98106
206-763-1510
Courtland@seattlejustice.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 L.L.P.
1201 Third Avenue, #3200
Seattle, WA 98101
206-623-1900
E-mail: wsmart@kellerrohrback.com
ETHICS AND LAWYER DISCIPLINARY INVESTIGATION AND PROCEEDINGS

Stephen C. Smith, former Chairman of the Washington State Bar Association Disciplinary Board, is now accepting referrals for attorney disciplinary investigations and proceedings in Washington, Idaho, Hawaii, and Guam.

HAWLEY TROXELL ENNIS & HAWLEY, LLP
877 Main Street • Suite 1000
Boise, Idaho 83701
208-344-6000
ssmi@hteh.com
www.hawleytroxell.com

TRUST FORMATION AND ADMINISTRATION

Special Needs Trusts, Minor Children Trusts, Testamentary Trusts, Living Trusts, Trust Litigation

ROBERT L. REDMOND
509-455-3713
rr@hennessy-edwards.com

HENNESSEY & EDWARDS, P.S.
1403 S. Grand Blvd., Ste. 201-S
Spokane, WA 99203

INSURANCE AND CLAIMS HANDLING

Consultations or testimony in cases involving insurance or bad faith issues.

Adjunct Professor Insurance Law.

25 years’ experience as attorney in cases for and against insurance companies.

Developed claims procedures for major insurance carriers.

IRVING “BUDDY” PAUL
221 N. Wall St., #500
Spokane, WA 99201
509-838-4261
bpaul@ewinganderson.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

IMMIGRATION

David R. Chappel and Xiaoqiu Wang
Serving you and your clients in a complex practice area.

CHAPPELWANG PLLC
1111 Third Avenue, Suite #3400
Seattle, WA 98101-3299
206-254-5620
www.chappelwang.com

APPEALS

Elizabeth Adams is available for association or referral of appellate cases.

LAW OFFICES OF ELIZABETH ADAMS, PLLC
253-272-5547
elizabeth@elizabethadamslaw.com

CALENDAR

Administrative Law

Administrative Law
September 17 — Seattle. CLE credits pending. By the WSBA Administrative Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Bankruptcy

Bankruptcy Bootcamp
August 19 — Seattle. 6.5 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Business Law

Business Acquisitions — Strategic and Practical Considerations
September 23 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Criminal Law

Criminal Justice Institute
September 18–19 — Seattle. CLE credits pending. By the WSBA Criminal Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.
Dispute Resolution

Gain the Edge!® Negotiation Strategies for Lawyers, Featuring Marty Latz
September 23 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Alternate Dispute Resolution — ADR 2.0: Science, Technology, and New Developments
September 26 — Seattle. CLE credits pending. By the WSBA Dispute Resolution Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Elder Law

The Annual Fall Elder Law Conference — Protecting Our Parents: Prevention and Resolution of Elder Law Issues
September 12 — Seattle. 6.5 CLE credits pending. By the WSBA Elder Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Estate Planning

Probate Bootcamp
August 8 — Vancouver. 6.25 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Estate Tax Exemptions: A Changing Landscape
September 9 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Essentials of Retirement Benefits and Estate Planning
September 25 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics

Ethical Dilemmas
September 16 — Yakima. 4 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics, Professionalism, and Civility
September 16 — Seattle. CLE credits pending. By the WSBA Professionalism Committee and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Family Law

Essentials of QDROs: Effective Handling of QDROs and Related Issues
August 5 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Essentials of QDROs: Assigning Interests — Federal Plans Plus Direct Payments of Military Pension Payments
August 12 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Essentials of QDROs: Selected Practice Concerns
August 19 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Government

The Legislative Process
September 9 — Seattle. 3.25 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Indian Law

21st Annual University of Washington Indian Law Symposium
September 4–5 — Seattle. 12.75 CLE credits, including 1 ethics. By University of Washington, WA Law School Foundation; 206-543-0059 or 1-800-CLE-UNIV.

Intellectual Property Law

Intellectual Property for the Non-IP Attorney
September 11 — Seattle. 6.5 CLE credits, including 1 ethics pending. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Labor and Employment Law

Seven Proven Strategies Every Employer Needs to Know
September 10 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Law Office Management

Technology in Law Practice Management Bootcamp
August 12 — Seattle. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Litigation

Washington Civil Procedure: Commencement to Post-Trial Motions and Remedies
August 14 — Seattle. 6.5 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Trying a Case in King County
August 21 — Tele-CLE. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

How to Successfully Persuade Jurors and Judges
September 5 — Seattle. CLE credits pending. By WSBA-CLE and the WSBA Taxation Law Section; 800-945-WSBA or 206-443-WSBA.

Gain the Edge!® Negotiation Strategies for Lawyers, Featuring Marty Latz
September 23 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Mastering Your Memory to Win Your Case
September 24 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

How to Conduct Powerful Cross Examinations, Featuring David Gross
September 29 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.
Real Property, Probate, and Trust

Probate Bootcamp
August 8 — Vancouver. 6.25 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Dirt, Deeds, and Documents: Essentials of Real Estate Conveyancing
September 5 — Seattle. CLE credits pending. By the WSBA Taxation Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Estate Tax Exemptions: A Changing Landscape
September 9 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Tele-CLEs

Essentials of QDROs: Effective Handling of QDROs and Related Issues
August 5 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Essentials of QDROs: Assigning Interests — Federal Plans Plus Direct Payments of Military Pension Payments
August 12 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Essentials of QDROs: Selected Practice Concerns
August 19 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Trying a Case in King County
August 21 — Tele-CLE. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Classifieds

Classifieds

Section 409A: Complying with the Final Regulations in Time
August 25 — Seattle. 3 general CLE credits. By the WSBA Taxation Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Telephone CLEs

Essentials of QDROs: Effective Handling of QDROs and Related Issues
August 5 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Essentials of QDROs: Assigning Interests — Federal Plans Plus Direct Payments of Military Pension Payments
August 12 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Essentials of QDROs: Selected Practice Concerns
August 19 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Trying a Case in King County
August 21 — Tele-CLE. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Transitional attorney. Hillis Clark Martin & Peterson, PS, is seeking an attorney to join its Business and Real Estate Group. The candidate should have at least two-plus years of experience dealing with transactional real estate and financing law issues. Primary responsibilities will include representing property owners, developers, and lenders in negotiating and documenting entities for development projects, financing transactions, leases, and other agreements for the sale and development of real property. Some familiarity with real estate and business transactions would be helpful. The applicant will be expected to have exceptional academic credentials and excellent writing and negotiation skills. Please submit a cover letter, résumé, and a copy of your law school transcripts to Eileen Kraabel, Recruiting Administrator, 1221 Second Ave., Ste. 500, Seattle, WA 98101-2925, or e-mail your application materials to ejk@hcmp.com. We are an equal opportunity employer and are committed to a culturally diverse workplace.

Associate attorney: Well-established, medium-sized general practice firm in Vancouver is seeking a Washington-licensed family law attorney with a minimum one year of litigation experience. Practice experience should be in family law or civil litigation, and must have a strong desire to practice family law. Competitive benefits and compensation package. Please send cover letter and résumé to legalmanager@yahoo.com.

Lathrop, Winbauer, Harrel, Slothower & Denison, LLP, an established AV-rated general practice law firm located in Ellensburg, Washington, seeks an attorney to join our diverse practice. Will consider both lateral and entry-level positions. This opening presents a unique opportunity to develop your own practice with the collegiality and support of experienced attorneys with diverse experience in real estate/commercial leasing, and candidates with additional experience are encouraged to apply. Interested attorney candidates, please contact Quid Pro Quo in confidence at 206-224-8269 or at SearchTeam@QPQLegal.com. For over 13 years, Quid Pro Quo, the executive and attorney placement division of Law Dawgs, Inc., has operated as the leading provider of quality attorney recruitment for direct hire and contract attorney placement in the Puget Sound area. Please visit our website at www.QPQLegal.com for opportunities.
successful practices without the difficulties and trade-offs inherent in large firm-practice. Respond with cover letter and résumé to John P. Winbauer, PO Box 1088, Ellensburg, WA 98926; jwinbauer@lwhsd.com.

The state of Washington, Department of Health, Health Systems Quality Assurance Division, is seeking qualified attorneys to fill new staff attorney positions (Hearings Examiner 3) with its Legal Services Office. Interested members of the Bar should reply to donna.thorson@doh.wa.gov.

Transaction attorney — Cairncross & Hempelmann, P.S. is seeking a transactional attorney to join its Hospitality Group. Candidates should have at least four years of experience with general business transactions, superior academic credentials and references, excellent written and verbal communication skills, and current WSBA membership. This position specifically entails working on supplier agreements, sales contracts, and various licensing agreements. We offer competitive salary, sophisticated work for excellent clients, and a uniquely collegial working environment. To apply, send cover letter, résumé, law school transcript, and writing sample to: Sophia Bell Lavin, Director of Human Resources, Cairncross & Hempelmann, P.S., 524 Second Ave., Ste. 500, Seattle, WA 98104; or e-mail slavin@cairncross.com.

eDAT lawyer document reviewers. K&L Gates has immediate openings for lawyers to work as document reviewers on a temporary, project basis. Duties include the review of documents for large litigation matters. Qualifications include outstanding communications and computer skills (must be Windows computer proficient); attention to detail; and a team player. Additional requirement includes active membership with the WSBA. Prior civil litigation experience preferred. Excellent hourly compensation. Please go to our website at www.klgates.com/careers/opportunities to submit your information. No phone calls please.

Associate attorney — Downtown Seattle litigation firm seeks associate. At least two-plus years of litigation experience is preferred. All applicants should possess superior verbal and writing skills and have a strong academic background. Excellent benefit package. Submit confidential replies, references, and two writing samples to: HR Administrator, Cole, Lether, Whaten & Leid, P.C., 1000 Second Ave., Ste. 1300, Seattle, WA 98104.

Corporate attorney wanted for law firm in Bellevue. Seeking a contract attorney with at least five years of experience in corporate law, intellectual property, software licensing, and related experience. Please fax résumé to 425-484-2043.

Corporate attorney and a labor attorney wanted for law firm in Bellevue. Seeking one contract attorney with at least five years of experience in corporate law, intellectual property, software licensing, and related experience, and one contract attorney focusing on labor law. Please fax résumé to 425-484-2043.

Civil litigator. Cosgrave Vergeer Kester LLP is seeking an outstanding seasoned associate attorney with four-plus years of civil litigation experience. Successful candidate will assume responsibility for complex commercial litigation. Oregon Bar required; Washington Bar a plus. CVK attorneys are committed to providing responsive, extraordinary service to all clients, from individuals and small businesses to regional, national, and international corporations. CVK offers an exceptional professional opportunity to work with experienced litigators and grow professionally. Comprehensive compensation package and full range of benefits. Interested applicants please send résumé, transcripts, and a writing sample to Cosgrave Vergeer Kester LLP, Attn: Gloria Martin, Human Resources Director, 805 SW Broadway, 8th Floor, Portland, OR 97205; or e-mail gmartin@cvk-law.com, or fax to 503-323-9019. All inquiries will be held in confidence.

Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S. is seeking quality associates with litigation experience to join its fast-paced and growing Northwest practice at the firm’s new Belltown (Seattle) office. Prior experience in public entity, employment, coverage, and transactional litigation a plus. Please send application materials, including résumé, writing sample, and references to: Attn: Charles Leitch, hiring partner, via e-mail at jds@pattersonbuchanan.com. PBFL@K, Inc., P.S. is an equal opportunity employer.

Municipal law attorney. Snohomish County Prosecuting Attorney Civil Division. The Civil Division of the Snohomish County prosecuting attorney’s office seeks an attorney with a minimum of three years of experience for its Municipal Law Unit. This unit provides legal services to county officials and agencies on a broad variety of legal matters, excluding land use, employment, and tort claims. Municipal Law deputies provide legal services to assigned agencies working in a collegial setting, often with significant independence. Duties include providing oral and written advice; preparing or reviewing contracts, deeds, or other instruments; assisting with public disclosure matters; and some litigation. Applicants should have a strong interest in public and administrative law; excellent research, analysis, and communication skills; and experience in computer-aided research and word processing. The ability to work with other attorneys, support staff, and county personnel is essential. U.S. citizenship and membership in the WSBA are required upon hiring. Salary DOE, plus generous benefits and leave package. To apply, please submit a letter of interest, résumé, writing sample, and references to: Thomas H. (Rick) Robertson, Assistant Chief Civil Deputy, Snohomish County Prosecuting Attorney’s Office, 3000 Rockefeller Ave., M/S 504, Everett, WA 98201, or by e-mail to civil.prosecutor@co.snohomish.wa.us. Position is open until filled; interviews starting July, 2008. Snohomish County is an equal opportunity employer.

Shareholder/senior associate position. Hanson Baker is looking to add a shareholder or senior associate in the areas of land use, environmental law, business law, real estate, or estate planning. Hanson Baker is a Bellevue-based AV-rated firm that has served companies and individuals in the Pacific Northwest for more than 50 years. Our practice focuses on business and all aspects of real estate, real estate finance, construction, land use, and estate planning. We pride ourselves on the quality of our legal services and the quality of our lives outside the office. Successful applicants must have at least five years of experience working in one or more of the desired practice areas. If you are looking for a friendly and supportive work environment, where you will work with attorneys and staff who are committed to providing practical and well-reasoned advice to their clients, please send your résumé and cover letter to: Magnus Andersson, Hanson Baker Ludlow Drumheller P.S., 2229 112th Ave. NE, Ste. 200, Bellevue, WA 98004. For additional information, please visit www.hansonbaker.com.
Employment law litigator. Well established mid-sized firm in downtown Portland seeks an employment law trial attorney with minimum four-plus years’ practicing exclusively in employment litigation. Opportunity includes both plaintiff and defendant employment law claims in dynamic growth environment with additional opportunity for commercial litigation matters. Ideal candidate will have excellent credentials, strong writing and analytic skills, strong work ethic, and good judgment. Admission to Oregon Bar required; Washington Bar preferred. Cosgrave Vergeer Kester LLP, Attn: Gloria Martin, Human Resources Director, 805 SW Broadway, 8th Floor, Portland, OR 97205; or e-mail humanresources@cvk-law.com; or fax to 503-323-9019. All inquiries will be held in confidence.

Tax controversy attorney. Tax firm seeking experienced tax litigator to handle IRS examination, appeals, litigation, and collection matters. Ideal candidate would have IRS Counsel or Department of Justice Tax Division background and an LL.M. in tax, or CPA experience. Experience in dealing with state and local taxing agencies is a plus. Please contact Julie Bonwell at LeSourd & Patten, PS. at 206-624-1040, or send résumé to jb@lesourd.com.

Family law associate, downtown Everett. Growing and reputable law firm seeks Washington-licensed attorney with a minimum of two years’ experience in family law, including extensive courtroom experience. Must have exceptional attention to detail, excellent writing and organizational skills, superior communication and client service skills, and be comfortable with aggressive litigation on behalf of our clients. $60-100K salary DOE, benefits, bonus, and opportunity for advancement. Interested candidates should submit cover letter, résumé, writing sample, professional references, and law school transcript (if graduated w/in last 5 years) to Jack Berner, Kennedy & Berner, LLP, 5112 Rockefeller Ave., Everett, WA 98201 or jberner@kbolaw.com.

Position immediately available for attorney in small private law firm in Kitsap County doing public defense contract work in district court. Excellent organizational/communication skills and Washington State Bar exam passage required. Salary DOE. Position open until filled. Submit résumé and cover letter to Linette, by fax 360-895-1932 or e-mail lemoncat9@wavecable.com. Questions answered by fax, e-mail, or phone 360-876-1001.

Merger and acquisition attorney. Micron Technology, Inc. is looking for a merger and acquisition attorney for our Boise, Idaho, location. Candidates should have a minimum of seven years of merger and acquisition experience with a preference for corporate experience in a high-tech industry. This position offers a competitive salary, excellent benefits, and a dynamic work environment. Visit www.micron.com/jobs to review the full description and apply.

Partner opportunities — Do you need a law firm that will provide a better platform and greater support for your practice? Quid Pro Quo, Attorney Search Consultants, has multiple exceptional opportunities for discerning partners. We have been retained to assist highly regarded law firms in the Seattle area with their search for laterals with expertise in the following (1) Business law with a transactional emphasis supporting private or public companies and closely held businesses; (2) Patent prosecutors and IP transactions; (3) Employment law with experience in employment litigation and advising/counseling employers; (4) Real estate transactions, preferably representing developers; and (5) Financial Institutions litigation or transactional work with a practice focused on representation of financial institutions, including banks, credit unions, or securities firms. Initial inquiries welcome. All inquiries are held in the strictest confidence. We are seeking attorneys with 10-plus years of experience, who are leaders in their field with a portable book of business. Quid Pro Quo delivers discreet highly personalized service. You may contact Jean Seidler Thompson, Esq. at JT@QPQLegal.com or 206-224-8269.

Attorney: Downtown Tacoma law firm is seeking an attorney with three-plus years’ experience in private practice. Must be able to work independently with clients and possess superior time-management skills. Competitive salary, benefits, and bonus program are provided. Preference will be given to candidates with a strong academic background and client base. Send résumé and writing sample to: Monte Bersante, Davies Pearson

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, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539

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 call 206-727-8213 or e-mail classifieds@wsba.org.
Small law firm, located in Seattle's Fremont neighborhood and representing several Fortune 500 companies, is looking for an attorney to assist on a part-time (i.e., two days per week) or full-time basis. Applicants should have at least two-plus years of solid experience handling technology transactions (principally licensing and services agreements related to software, voice/data communications, and the Internet). Firm is committed to working with qualified applicants in order to balance work schedule with the rest of life's activities. Please send résumé and cover letter to Whit Leibow (wleibow@corecloudedge.com), CoreCloudEdge Law Group, PLLC, 600 N. 36th St., Ste. 301, Seattle, WA 98103. No phone calls, please!

Services

Experienced trial attorney available for contract work. Very skilled at legal research and writing. 25 years of writing pleadings, motions, and briefs before trial and appellate courts. Full access to research resources. G. Kent Thorsthor 425-462-2552, kentthorsthor @comcast.net.

Freelance paralegal with 10 years’ PI experience looking to expand current clientele. Specializing in independent file management, demand preparation, and everything in between. Amy Jo Pearson, amy_jo@hughes.net or 425-754-4942.

Contract attorney with seven years’ experience. Licensed in Washington and Utah. Services include all research and document preparation for criminal and civil cases. Referrals upon request. Amy Felt, 253-927-1918, amyfelt@gmail.com.

QDROs — WA and OR PERS; pensions; 401(k)s; more. Flat fees for stipulated orders; reasonable hourly rates for contested orders. Contact: Christopher J. Eggert, 360-329-7022, e-mail: chris@qdrowest.com.

Clinical psychologist — competent forensic evaluation of individuals in personal injury, medical malpractice, and divorce cases. Contact Seattle office of Gary Grenell, Ph.D. 206-328-0262 or mail@garygrenell.com.

Experienced brief and motion writer available as contract lawyer. Seventeen years of litigation experience, including trial preparation and appeals. Reasonable rates. Lynne Wilson, 206-328-0224, lynnewilsonatty@gmail.com.


Contract attorney loves legal research and writing. WSBA member with 26 years of experience drafts trial briefs, motions and memoranda, using UW Law Library and LEXIS online resources. Elizabeth Dash Bottman, 206-526-5777, bjelizabeth@qwest.net.

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.


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.


Space Available

Kent office space: Large, fully furnished office in elegant newly constructed small law building. Possible referrals and space for services. All amenities included. Gated entrance with own parking lot. Highly visible location close to RJC. 206-227-8831.


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

Office space for rent. Individual or suite of offices available in downtown Seattle law firm. Offices have city views and are located across the street from the Federal Courthouse. Includes: telephone system, mail delivery, coffee, and conference rooms. Reception services and secretarial space also available. Please contact Julie Livengood at 206-667-0239.

Will Search

Seeking a will or heirs for Thomas H. Whitfield who lived in King County, WA, D.O.B. 7/11/42. Please contact Michael D. Noah at 253-845-0577 or mnoah@seanet.com.

Will search for Anna Miles, resident of King County. Searching for will executed after February 5, 1988. Please contact Barbara A. Isenhour at 206-340-2200.

Will search for Dennis Keith Ostlund of King County, who died in King County on 5-29-08. Please contact Gary E. Randall at 425-402-6006.

IANAL* (But...)  

Have Internet blogging and text messaging degraded our writing skills?

OMG! Instead of reading books and writing letters I have been reading the blogs and now I don’t write as good. I forget where to put the paragraphs and grammar. Also most of our writing is text messages or IM or chat or comments on websites, so we don’t use capitols and punctuation and we shrtn wrds or UA (use acronyms). And because of technology your cell phone spells words for you so all you need to no is what letter it starts with and the number of letters and the phone guesses the word. Or we dont write at all instead we video everything and put it on YouTube. You know like that one about the Iowa floods where the fru fru reporter lady is in the canoe talking about how deep it is then two guys walk in front of the camera and the water is only up to like their ankles. Hilarous.

Now that Tim Russert and Peter Jennings are gone and the other old news people just do shows once a year about fly-fishing or World War II, we get our news from random websites and those yelly cable talk shows with the right-wing vs left-wing nutjobs and you can hardly wait till the commercial comes on for that thing where you put all your clothes in a bag and use your vacuum to suck it down to the size of a pancake. People say things like Barrack Obama is a secret Muslim terrorist and if he gets elected he will invite Osama Bin Laden to live in the White House and Michelle will spend the whole federal budget on shoes to be the hottest first lady since Jackie O. Kennedy. And how can you tell if its true or not. Or the people for Obama call McCain “Walnuts” because he has those squirrelly cheeks and they say he is so old he will stroke out right after the inauguration and whoever

is vice president will be president and if its Mitt Romney he will pass a law so we all have to become Mormons.

This will be a historic election because it is the first one where I have a high-def TV. I think Obama will win because he is teh cute. Just like when they first had TV and Kennedy won because Nixon had that ski jump nose and wore makeup like they put on people for open-casket funerals. McCain’s wrinkles show up in high-def which is too bad because he got shot down in the war and tortured and he cant raise his arms so you have to respect him for that. And did you see now their going to make it illegal to talk on your cell phone when your driving unless you put one of those Bluetooth things in your ear like a corporate dorkwad. Thats in Washington and California. I saw in California its ok to get gay married again but they have to vote to see if its permanent. Hey did you see where that one judge who was having a trial about porn turned out to have his own website with really weird porn on it like cows dressed as women and women dressed as cows? I would say thats ironic but the snarky blog police say “ironic” is way overused and its really just a bizarre coincidence. Whatevs. And he was appointed by Reagan!!! Of course some people say that the more conservative somebody is the more likely their doing some kinky thing in private like Larry Craig who is against gay rights but spends his weekends in airport mens rooms or that governor from New York who busted all the hookers then got busted for shipping a hooker across state lines to his hotel.

And its like we all have ADD now. Because we keep jumping around on the Internets like when you just start reading something about how gas prices are still going up then you see a link on the side that says “Woman beats 7-foot sex offender with baseball bat” so you click on that and start reading then you see a link for “Sixth human foot washes up in BC” and you click on that and it says the sixth one was just a hoax where somebody took a bear paw or something and stuck it in a tube sock and an Addidas and threw it in the bay or sea or whatever they have up there. Pretty soon you cant remember where you started and you have to close all the windows and go back to the Google homepage. You wonder whether the world or at least the USA is going to end up like those science fiction movies with the late Charlton Heston where everybody is broke and living in the streets except for a few rich people who run the whole government which goes around kidnapping people to use as slaves or grind into food. I hope not.

KTHXBAI! ☺

Bar News Editor Michael Heatherly is indeed a lawyer (IAL) and surfs and practices in Bellingham. He can be reached at 360-312-5156 or barnewseditor@wsba.org.

*IANAL = I Am Not A Lawyer. For help in translating this article, see the partial list of IM acronyms at: www.jabber.org/im-acronyms. :)

Photo: Jennifer Gill
For solid DUI defense, you just have to push the right buttons.

We have the right connections.

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 eight lawyers have accumulated more than 100 years of DUI litigation experience. Fox Bowman Duarte. Just a phone call away. Visit foxbowmanduarte.com to find out more.

FOX BOWMAN DUARTE
The nation’s toughest DUI laws demand the toughest DUI lawyers.

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 team of lawyers professional liability specialists will work to provide a comprehensive policy at a competitive price with Liberty Insurance Underwriters, Inc., a member company of Liberty Mutual Group. Liberty is rated A (Excellent), Financial Size Category XV ($2 billion or greater) by A.M. Best Company.

Call or visit our Web site for a quote or for more information on this quality coverage.

1-877-613-2200
Sylvia Chu, Ext. 43154
Deborah Wade, Ext. 43022
Jennifer Warren, Ext. 43018
www.prolliability.com