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Unintended Legal Consequences

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Matching younger lawyers with those retiring could help our aging profession

In this, my next-to-last column, I am addressing something that was going to be the focus of my “president’s year” — succession planning. As many of you know, I think that this is a vital issue for our bar association at this point in history. There are two 50 percent demographics that stand out — 50 percent of our members are 50 years of age or older and more than 50 percent of our members are in sole practice or small firms.

This is a very important subject for our profession. There are actually three phases of this subject that I have come to believe are important. The first is the obvious one, which is to plan for the unexpected death or disability. The second is to know when it is time to “hang it up.” The final is to find a way to gracefully and responsibly ease our way out of the practice.

With regard to the first phase, I have focused frequently on this subject. Our WSBA website has forms and articles on this subject. I won’t belabor this phase except to tell you that this is an important process for us all to engage in regardless of age. Death and disability can visit any of us at any standpoint that it creates order in our office practices. For this reason, I find that getting a succession plan in place is of particular value to the young sole practitioner. By having a plan in place, all lawyers will have a well-ordered office.

The next phase of knowing when to transition out is a most difficult phase. It is challenging not only from the standpoint of self-analysis, but from the standpoint of having the honesty and courage to realize that we are not as effective as we once were. Again, we owe it to our families, staff, and our clients to honestly assess when this time is upon us. None of us wants to leave our profession on a low note. So I think we need to ask ourselves, our families, staff, and peers to give us an honest assessment of if we might be
“losing our game.”

I would like to believe that we as professionals view our “job” as not just a paycheck or a job, but rather as a learned profession. As professionals, we want to uphold the highest of standards for the well-being of society and our profession.

The third phase is the way to gracefully and responsibly ease our way out of the profession. This is a very exciting phase. I see a great opportunity at this time in history for us to find a “win/win” for our profession and society. As mentioned above, over half of our members are 50 years of age or older and more than half are either in solo practice or small firms. This creates what I believe to be a fortuitous convergence of opportunity for young and old lawyers alike. It could mean the possibility of 10,000 jobs becoming available over the next 10 years or so.

This is great for younger or newer lawyers and law students who are in search of employment. That is true if they are willing to embrace the life of a solo or small-firm lawyer. That shouldn’t be a big challenge, since over half of our members now fit that category. Based upon our membership survey results, our Board of Governors has recognized this demographic and has elected to increase funding of member services for this segment of our membership. This membership survey is full of very valuable information for us all to use in guiding the future of our organization. I recommend that you go to the WSBA website and peruse the survey results.

This demographic has inspired me to engage the WSBA and the law schools in a dialogue that would create a “clearing house” to allow young/new lawyers and retiring solo and small practice lawyers to connect so that a retiring lawyer’s practice can be transitioned to a younger lawyer. This process benefits all concerned — the young unemployed or underemployed lawyer, the aging retiring lawyer, clients, and family.

What I would envision happening in this process is that the younger lawyer would receive mentoring that is otherwise hard to find. In addition, the younger lawyer would have the opportunity to receive the benefit of the older lawyer’s clients. For the older lawyer, his or her ability to practice may be extended by several years. Also, the older lawyer will have the satisfaction of knowing that clients will be cared for by a competent and qualified lawyer.

I see this final phase as an incredible opportunity that perhaps hasn’t existed before in our profession and perhaps won’t happen again soon. Please stay tuned as discussions are ongoing between the WSBA and the law schools to determine whether and how this might work to the benefit of all concerned.

As we are aware, “the times, they are a-changing,” and we must, too. Young and old alike, please take note of these opportunities and seek a way to make the changing times of benefit to you and those around you.

WSBA President Steve Crossland is a solo practitioner and practices in Cashmere. He can be reached at steve@crosslandlaw.net or 509-782-4418.
On the Road to the WSBA Transformation

Effectively and efficiently meeting your needs as members

After four months of actions and activities, the WSBA is moving closer to becoming a transformed bar aimed at operating more effectively and efficiently while meeting the needs of members at all stages of their careers.

As I reported last month, President Steve Crossland and I completed a Listening Tour around a portion of our state. What we heard on the road, along with all of the member feedback received over the past few months and an affirmation of our mission by the Board of Governors, led to a months-long deliberate analysis of staffing and programs conducted by staff leadership. Through these efforts, we arrived at a proposed budget for FY13 that the BOG reviewed at its July meeting and will vote on at its September meeting. Below, I’ve outlined significant changes and decisions made as we move forward in the post-referendum era.

Staff reductions and staff costs — Through layoffs and redirecting funding for staffing priorities, 15 staff positions were impacted, with a total of 10 layoffs and a net reduction of five positions. A total savings of $655,500 in staffing costs was achieved through these staffing changes, along with reductions in other workplace benefits and increasing staff contributions to medical benefits starting in January of 2013.

Board of Governors (BOG) costs — The BOG set a goal of reducing its expenses by $100,000. Expenses will be reduced by approximately $50,000 in FY13 through various reductions, including eliminating one BOG meeting and holding more BOG meetings in Seattle. Some meeting contracts already in place for the coming year were more costly to break than to honor, so the BOG expects to reach its $100,000 goal in 2014.

Young Lawyers Division (WYLD) — The WSBA reaffirmed its commitment to engage with and support new lawyers, and will begin transitioning the WYLD leadership structure from a Board of Trustees to a standing committee that is connected more broadly across the organization.

Casemaker — The WSBA will maintain Casemaker as a free member benefit.

Lawyer Services — The WSBA will maintain existing funding levels in Lawyer Services while it seeks to move toward a more broad-based and outreach model. In addition, resources will be enhanced for the Law Office Management Assistance Program (LOMAP) and outreach to local and specialty bar associations.

Practice of Law Board — The WSBA will seek to eliminate funding through license fees for the Practice of Law Board (a board created by the Washington State Supreme Court through court rule).

Communications — The WSBA will place a high priority on efforts to communicate and engage with members and the public. The BOG will act on recommendations at their September meeting on proposed cost savings and changes to Bar News, which include reducing printing and paper costs, reducing the number of issues produced, and transitioning to a greater focus on online communications.

Legislative Program — The WSBA will maintain its current staffing and resource allocations to its Legislative Program.

Public Service Programs — The WSBA will continue to deliver public service programs that provide members opportunities to engage, learn, and give back. The Home Foreclosure Legal Aid Project will wind down and fold into the Moderate Means Program in 2013, and the WSBA will continue to strategically identify and build a menu of meaningful opportunities for our members and the public.

Diversity — The WSBA will continue to invest in diversity and develop a strategic, robust program for building
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**New WSBA** box to access more information on all decisions made by the BOG and view the proposed FY13 budget that the BOG will vote on at their September meeting. The development of this budget involved extensive commitment and focus. Thank you to all of you who have provided invaluable input during this process.

Overall, expense reductions of $1.4 million were achieved for FY13, with an acknowledgement that the WSBA’s future involves more work to shrink its footprint while maintaining its mission and service to the members and the public.

As we move forward with great optimism, we’re committed to engaging in an ongoing dialogue with WSBA members. Please join President Crossland and me for our next online discussion at 5:30 p.m. on August 23. We look forward to continuing our conversations.

Paula Littlewood is the WSBA executive director and can be reached at paulal@wsba.org or 206-239-2120.
Unintended Consequences:
Digital Evidence in Our Legal System

BY BARBARA ENDICOTT-POPOVSKY AND HON. DONALD J HOROWITZ

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In 2007, Julie Amero, a substitute teacher at a Connecticut middle school, was wrongly convicted on four counts of felony charges of risk of injury to a minor and impairing the morals of a child by showing pornography on a school computer.1 The conviction carried a maximum prison sentence of 40 years. Computer experts were forbidden to testify that malware hijacked the machine’s browser so that it visited pornography sites without prompting. Although the conviction was eventually overturned, after appeal, when computer experts at a second trial showed that the NewDotNet spyware program, injected into the system days prior to the crime, spawned uncontrollable pornographic pop-ups, her life was in irreparable ruins after years of living under an umbrella of suspicion wrongly confirmed by a court conviction. She suffered not only from an erroneous official judgment from the courts, but also from a collective community judgment that eventually stripped her of her teaching license as well as her chosen career.

In many parts of the U.S., the criminal law bar on both sides — prosecution and defense — has minimal literacy regarding digital evidence. Law schools have minimal, if any, instruction addressing the nature of digital evidence, and yet law enforcement will assert that almost every crime today involves a computer. The same is true for the bar in civil cases, which essentially includes everything other than criminal cases, and can involve significant amounts of property and money, as well as the most serious personal and family issues. Without an institutionalized understanding of the nature and use of digital evidence, we seriously risk a justice system increasingly subject to confusion and inaccuracy, with innocent individuals wrongly con-
vicited and incarcerated, suffering additional collateral penalties and damage for the rest of their lives. Many of those deserving of punishment will get away with their criminal acts, and people will unfairly win or lose civil and domestic cases that seriously affect personal lives, reputations, careers, property, and finances.

**Stating the Problem**
Escalation of online criminal and fraudulent activity is partially due to society’s inability to detect and hold perpetrators accountable. A model describing online criminal behavior identifies the elements that comprise motivation for perpetrating online crime.² (We recommend this model be further refined to include the concept of timeliness and to reflect legal concepts of uncertainty that guide judicial decisions.) Examination leads to insight about the powerful role effective legal detection, intervention, and action could play in deterring online crime:

\[
M = f[P(v) - (c_1 + c_2)],
\]

where \(M\) is online criminal activity motivation, \(P\) is the probability of not failing to successfully commit an online crime, \(v\) is the value of success to the perpetrator, \(c_1\) is the cost to the perpetrator, and \(c_2\) is the consequences to the perpetrator.

According to this model, online criminal behavior is a function of the probability of not failing to successfully commit an online crime \((P)\), multiplied by the value of success to the perpetrator \((v)\), less the sum of the costs and consequences to the perpetrator \((c_1 + c_2)\). With the probability of not failing high (given the easy accessibility of vulnerable targets), and with the value of success prized, according to this model, \(P\) and \(v\) amplify the effects of each other. With costs and consequences to the perpetrator unlikely as well as low, there’s little to reduce motivation to indulge in malicious online behavior.

To change the outcome, we can either lower \(P\), the probability of not failing, or increase costs and consequences, represented by \((c_1 + c_2)\). Traditional security measures focus on lowering \(P\) by increasing system protection, which has led to a never-ending arms race between online criminals and defenders of target systems. What we recommend is raising the value of \((c_1 + c_2)\) as an alternative strategy, but this requires an educated judiciary and legal community that understand the nature and use of digital evidence. We have a long way to go to achieve this goal.

**Educating the Judiciary and Legal Community**
Several years ago, driven by curiosity over the Amero case, one of us (Endicott-Popovsky) reviewed the technical competence of several hundred pages of digital forensic testimony from state and local courts in the Pacific Northwest. The driving motivation was an interest in determining the state of comprehension of digital evidence among the local legal and judicial communities. Although federal government experts are required to have a certain level of demonstrated expertise gained through certifications, local law enforcement and digital forensics experts have a range of qualifications that are, on average, lower and typically unmandated.
Research showed that the questioning of expert witnesses by legal and judicial professionals ranged from minimally technically competent to highly professional. In some cases, a modest, nevertheless deficient, understanding of technology was sufficient to introduce “reasonable doubt” and thus to persuade a jury to acquit the defendant. In one particularly egregious example, an uninformed defense “expert” testified there were “100 bits in a byte” and calculated network traffic flow based on that error. His testimony was never challenged and was entered into evidence to be considered by the jury in establishing guilt or innocence.

By placing our ability to prosecute/defend those alleged to be guilty of digital crime (or the civil law misuse of digital evidence) at risk due to an inability to competently use, address, or otherwise handle digital evidence, we fuel the arms race between attacker and defender, perpetrator and victim. As the bad guys recognize and smile at the slim likelihood of being held accountable for their online misdeeds, those who aren’t guilty worry, with justification, that they could be wrongly accused, and those who are victims are largely without recourse.

The Role of Frye/Daubert
As the legal community’s understanding of digital evidence evolves, the history of acceptance and admission of DNA evidence gives us some insight into what to expect. It took two decades to develop DNA as reliable science. Accepted standards now exist for DNA laboratories, collecting and analyzing evidence, and training personnel, but these grew over a lengthy time as both the science of DNA and legal case history evolved. The Innocence Project is a reflection of how far the U.S. legal system has come in relying on DNA evidence as a powerful witness in crime detection and litigation, and in other criminal and civil investigations and resolution activities, as well. As of November 2011, 280 people previously convicted of serious crimes in the United States have been exonerated by DNA testing since 1989, 17 of whom were sentenced to death.

In contrast, digital evidence and forensics are relatively new, and the development of standards is in its earliest stages. It’s also very much a moving target. While DNA is DNA, last year’s machine may function very differently from this year’s. And unlike the advent of DNA evidence, where practitioners had to convince the legal system of its validity through a series of court cases before it was considered admissible, digital forensic evidence is already considered admissible even though standards have yet to be agreed upon. However, we do anticipate legal challenges to the authenticity and credibility of this type of evidence as the legal system gains insight into the technology. Given the likelihood of increasingly sophisticated challenges to expert testimony, courtroom admissibility rules and requirements are expected to become an important consideration, although they don’t yet appear to be. This provides a window of opportunity to educate the legal and judicial communities.

The vetting of the validity of scientific evidence currently derives from certain landmark court cases — most notably Frye v. United States and Daubert v. Merrell Dow Pharmaceuticals, Inc., and their progeny — which established the standards for admissibility. Frye established the general acceptance standard and some rules and criteria for admissibility, while Daubert, which arguably super-
seded *Frye,* established the judge as “gate keeper,” allowing judicial discretion in evaluating the admissibility of scientific evidence in an effort to “limit the admissibility of ‘junk science’ and encourage the development of reliable scientific and technological forensic techniques.”

To ensure that digital forensic evidence is authentic and competent, the *Frye* and *Daubert* tests provide a basis for some protection against the use of bogus scientific evidence and expert opinion, but ultimately the task of challenging inexact science falls on the attorneys at many stages in the case (and certainly in the courtroom), and the task of allowing — or not allowing — such evidence falls on judicial decisions throughout the case, which are often based in substantial part on the quality of those challenges, the judge’s knowledge and training, and the quality of his or her decision-making.

The legal profession’s understanding of digital forensics is generally still limited, often allowing inappropriate or incompetent evidence that is technology-based to go unchallenged or inadequately challenged. Clearly, the state of the law and rules — and of the legal and judicial process and practice — in this new and constantly changing area needs thorough and strategic analysis and a plan for improvement and ongoing maintenance.

**A Suggested Solution**

The Center for Information and Cybersecurity (CIAC) at the University of Washington’s Information School has instituted a series of educational awareness programs designed to raise the legal and judicial communities’ understanding of digital evidence. While judges and lawyers alike are required to take continuing legal education courses to maintain their professional standing, the course topics cover a wide spectrum of subjects. Technology, when it is taught, is more likely to focus on how to use various tools, as opposed to discussing the nature and characteristics of digital evidence. For this reason, the CIAC has developed several successful training vehicles that follow guidance provided by the U.S. National Institute of Standards and Technology in "Building an Information Technology Security Awareness Training Program";

* A workshop that trains the judiciary in the nature of digital evidence.

This has been offered in collaboration with local FBI and the legal community to several groups of local, Northwest, and Pacific Island judges. The program is designed to demonstrate the challenges of collecting, authenticating, and preserving digital evidence to prepare judges to be effective gate keepers relative to the admission of digital evidence.

* “The Unintended Consequences of the Information Age,” a UWTU lecture series.

Each program in this televised series is offered for Continuing Legal Education credits as a service to the local legal community ([www.uwtv.org/video/player.aspx?mediaid=1585364211](http://www.uwtv.org/video/player.aspx?mediaid=1585364211)). Hundreds of lawyers have taken these courses and received credit. Subsequent airings over the Research Channel ensure that the series reaches thousands of additional viewers.

* Digital forensics course offered jointly to law and computer science students.

Using community resources (a volunteer Superior Court judge as well as currently practicing attorneys), this “business game” course simulates a real-world criminal investigation that culminates in a mock trial in which computer science and IT students testify as “expert witnesses,” and law students prepare, examine, and cross-examine them, with an actual judge participating and overseeing. This provides realistic experience to computer science and IT students on how to prepare evidence for admission in a court of law and to law students on how to prepare digital forensics experts, as well as how to offer and challenge their testimony.

These are all part of an ongoing initiative to improve digital evidence literacy at the University of Washington School of Law that includes an interdisciplinary program with the Information School.

These examples offer an initial spark to ignite discussion on how better to prepare our judiciary and legal system for the challenges of dealing with digital evidence. Society will almost always lag technological development, but the consequences of a large lag to the effectiveness of our legal system as it erratically and bit-by-bit attempts to address the changing nature of evidence are stagger-
ing. Trust binds a society together. The rule of law makes society a fairer and more dependable environment in which to survive, make commitments, act, and flourish. We began by presenting disastrous personal consequences that can occur as a result of ignorance about digital evidence; we end by declaring that when the rule of law doesn’t work, decreasing trust in the e-economy, a general halt to the progress of the Information Age — as online business and communications are no longer credible, predictable, or viable — are conceivable outcomes. As informed members of the technical community who are watching this potential train wreck unfold, it is incumbent on us to initiate and engage in dialogue with all those communities impacted by our innovations, but that need help in ingesting, digesting, and using them. This dialogue is dual — we need help from them to better understand the practical ways the justice system and its laws, procedures, practices, and people work so that our innovations, now and going forward, are developed and rendered more relevant and realistically effective. We welcome your thoughts and suggestions.

Barbara Endicott-Popovsky is the director for the University of Washington’s Center for Information Assurance and Cybersecurity. Her research interests include forensic-ready networks, secure coding practices, and digital forensics. Endicott-Popovsky has a Ph.D. in computer science from the University of Idaho. Contact her at endicott@uw.edu.

Hon. Donald J Horowitz is a former Superior Court judge for King County. He has chaired the Technology Committee of the Supreme Court-created Access to Justice Board, and is on the Founding Advisory Board of the University of Washington Information School. Major interests include the development and use of technology in the justice system to help make the system more accessible, usable, efficient, economical, and effective for all people. He is also focused on digital evidence standards and literacy. Judge Horowitz has an LL.B. from Yale Law School. Contact him at don.horowitz@gmail.com.

NOTES

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present to you the second installment of “Voices of the Bar.” I am enjoying calling lawyers and judges and reporting their thoughts. Some calls are random, others to folks I think have something to bring to the table regarding our profession. This isn’t intended to be a poll balanced in any way, just an attempt to find what our colleagues are thinking about our great profession.

Years ago, a famous starlet’s fifth or sixth husband-to-be was asked about their upcoming honeymoon. His response was, “I know what to do, I just don’t know how to make it interesting.” That, in essence, is what lawyers do — take a situation a judge has heard dozens of times and make it interesting. The ability to do that is why I like hearing lawyers’ stories. Good lawyers make the common interesting, the mundane notable — through their observation, experience, wordsmithing, and humanity. Lawyers like Karen Thompson.

Karen Thompson

Karen Thompson is a highly respected elder law attorney in Seattle, and a frequent (and very entertaining) CLE speaker. While in UW Law School, she worked as an intern for legal services, representing people in the state’s five institutions. After working with Bill Dussault for a time, Karen became director of a King County Bar program working with the disabled. In 1980, she opened her law office emphasizing elder and disability law, estate planning, and guardianships, the common thread being capacity issues.

I asked Karen if she would recommend becoming a lawyer to others. She indicated she loves her work, but hates the way lawyers-to-be are educated. As a self-described pragmatist, she would recommend that someone consider the profession, but only with her eyes wide open. “Is this how you want to spend your work week and your life?”

Karen characterized her job as “conflict resolution” and “assisting in reducing potential conflict.” She described what she liked best as problem solving, “helping someone understand their options,” and how, over time, lawyers are able to capture a real

Karen’s care for her clients is palpable.
Virtually every sentence she spoke centered around the people she represented. It is this profoundly human and personal arena in which Karen works every day.
sense of human nature. Karen's care for her clients is palpable. Virtually every sentence she spoke centered around the people she represented. It is this profoundly human and personal arena in which Karen works every day.

PAUL STRITMATTER

To be honest, I want to be like Paul Stritmatter when I grow up. He is an outstanding lawyer, great community leader, and one of the nicest people anyone could be around. A side of Paul that many people don’t know is that he was, while practicing law full time, a part-time judge (Ocean Shores) for 32 years. Paul has been president of the (then) WSTLA, Trial Lawyers for Public Justice (a national group), and the WSBA. With his dear friend and partner Keith Kessler, Paul has created an extraordinary law firm with offices in Hoquiam and Seattle. Paul had the good fortune of learning the profession at the heels of his dad, Lester Stritmatter, for 12 years before Lester passed away in 1982. I had the great pleasure of serving on the WSBA Board of Governors with Paul in the late 1980s.

For three years, Paul owned a Class-A minor league baseball team, the Hoquiam Loggers. One particular night, he was called to the stadium because a young man saying you can’t watch a baseball game without beer was giving away beer at the by-law dry stadium. When Paul arrived, he talked the (unamused) police out of taking the young man to jail. And who was the beer distributor Paul kept out of the pokey? Comedian Bill Murray.

Paul indicated that he would absolutely encourage someone to go to law school and become a lawyer. He loves his work, and says, “It breaks my heart to hear young lawyers who don’t like the law and wish they had chosen another profession.” Having gotten such joy out of his time working with his father, Paul hoped his children would follow him into the profession. Not so. His son is C.F.O. of Kelly Moore Paints and his daughter is an administrator in the Aberdeen School District.

“I learned how to be a lawyer from my father,” Paul says. “I learned how to be a trial lawyer from Paul Luvera.” He cited Bill Dwyer and Kelly Arnold as two judges he particularly admired.

When I asked Paul what he felt he did best as a lawyer, he opined that he spends more time than most lawyers with his clients, to gain a real understanding of, and more clearly present, their story. “Ultimately the trial will come down to your plaintiff. How the jury understands and likes him.”
know Paul believes this. To understand how his quadriplegic client would live, Paul spent days swaddled so he couldn’t move. A true professional, Paul is.

CANDACE ZYGAR
Candace Zygar is, alphabetically, the final lawyer listed in the Resources directory. I had no doubt she had spent her life being called on last, so decided to call on her early in the development of these vignettes and get her thoughts on being a practitioner.

The best part about calling lawyers for these columns has been the wonderful discussions and easily discovered commonalities that occur. I, apparently, had arbitrated a case for her decades ago. By the end of the conversation, I felt like we had been friends for years.

Candace handles adoptions and is a Title 4 investigator for Pierce County Superior Court. She is one of the new, and increasing, breed of lawyers who has a home office. Clients, Candace said, feel more relaxed and connected with her there. They appreciate that her phone calls are not filtered through a layer or two of staff and feel the ambiance of her home office is fertile soil for a strong, personal, and open attorney-client relationship.

After graduation in 1987 from the University of Puget Sound Law School, Candace worked for a law firm, then opened her own firm (at that time working mostly as a plaintiffs’ personal injury lawyer) in 1990. Having spent some of her 20s as an adoption social worker in Alberta, Candace sought to return to that positive area of practice. She marketed her services as an adoption attorney and now practices throughout the state.

Would she recommend law school to someone? She didn’t know. Certainly, Candace would recommend anyone interested in law look hard at the economics of practice and work in an area that allows them to support themselves as well as “doing good.”

Candace concentrates more on Pierce County Bar publications and activities, feeling that the Washington State Bar News was mostly relevant to Seattle lawyers.

Certainly, Candace would recommend anyone interested in law look hard at the economics of practice and work in an area that allows them to support themselves as well as “doing good.”

MAGISTRATE JUDGE KELLEY ARNOLD
Years ago, I asked a senior and highly respected judge if he were charged with capital murder, who he would want presiding over the trial. After thinking a minute, he said, “Kelley Arnold.” Paul Stritmatter’s mention of Magistrate Judge Arnold inspired me to catch up with Kelley.

After graduating from University of Idaho Law School and completing his JAG obligation, Kelley worked in the
Pierce County Prosecutor's Office and practiced law in Lakewood. He was appointed to the Pierce County Superior Court Bench in 1982, serving until 1994, when he was appointed a federal magistrate judge. This was not his anticipated road. At the age of seven, Kelley determined he did not want to follow his dad's footsteps in the law. A youngster pushed him down at recess, complaining that Kelley's dad was suing his family. Young Mr. Arnold had no idea what that meant, only that people didn't like you if you were a lawyer — or apparently, a lawyer's child.

When I asked Kelley if he would recommend law school, he replied, "Only if you have a real passion for the law."

What he liked best as a judge was "the parade of human behavior. It is always different, never the same."

As a state judge, a difficult aspect was dealing with other branches of government that didn't understand the courts were a separate branch, not a governmental agency. When mediating cases, Kelley found a common hurdle is that lawyers often give their clients unrealistic expectations which the mediator must address, and diminish, before a case can resolve. "The cost of discovery is diminishing access to justice just as we need it most," he noted.

I asked Judge Arnold what he would advise members of the Bar. He gave his "ABC of Success":

A: You must have the right ATTITUDE toward work. You have to love it.
B: Find BALANCE in your life. This is not easy and we have to work on keeping our work and families in perspective.
C: Your professional tender is your CREDIBILITY with your clients, your peers, and the courts. Don't spend it unwisely.

Wise words from an outstanding judge and person.

MARIANO MORALES
Mariano Morales is a Yakima personal injury attorney who I knew only as a poster on a professional email tree. Having graduated from law school at The Catholic University of America in 1988, and after stints with a Spokane law firm, the U.S. Forest Service Office in Portland, the Yakima County Prosecutor's Office, and a Yakima personal injury firm, Mariano opened his personal injury firm in Yakima in 1994. He is the son of migrant farm workers, and has worked in the fields picking asparagus and cherries himself. Mariano returned to Yakima hoping to be a role model for the Hispanic community, showing the possibilities that are open to area youngsters.

"There are too many lawyers, but not enough good ones," according to Mariano. While practicing law is competitive, he would recommend entering our profession (or, more accurately, he said, our "way of life") for those willing to work hard and be-
come proficient in our art. “There is always room for quality.”

What does Mariano like best of our profession? The one-on-one relationships with clients; helping clients walk out the door in a better position than when they came in. Least? The obstructionism and lack of civility that seems more and more prevalent and acceptable.

Mariano opined that when he entered the profession, he had to prove himself more than majority bar members. While he feels this has improved over his years in the Bar, he feels Hispanic attorneys are still “sitting outside the Bar, not yet fully welcome.”

Don’t be surprised if your receptionist comes in and says, “There is a guy from Poulsbo on the line who wants to speak with you about being a lawyer. Do you want to take the call?” We are, after all, in this interesting, great profession together. All different voices to be heard.

Jeff Tolman is a former WSBA governor and a frequent Bar News contributor. He practices in Poulsbo and can be reached at tolman@tolmankirkclucas.com.

What does Mariano like best of our profession? The one-on-one relationships with clients; helping clients walk out the door in a better position than when they came in.

For some more “Voices of the Bar,” Bar News presents profiles and Q & As with members involved with the work of the WSBA, either as volunteers or as users of the services that the WSBA offers. Through these vignettes, you’ll find out how the WSBA relies on member volunteers to meet the needs of the membership and Washington citizens.

VINCENT HUMPHREY is well on his way to making a difference

With law school in the rearview mirror, but only by a couple of years, Vincent Humphrey is all about finding opportunities to not only grow as an attorney, but to give back in ways that make a difference. He has big hopes, but knows nothing is insurmountable. This comes from a man who wrote a daily devotional book titled God on the Go when he was 20, and at 5’4” can dunk a basketball.

“Earlier in the year I met with a member of the Board of Governors and was talking with him about me being a new attorney and serving as in-house counsel for a commercial real estate company. I told him I wanted to find a way to transition into helping others more, and that’s when I learned about the Moderate Means Program.”

The Moderate Means Program was launched publicly in April and is aimed at helping our state’s low- and moderate-income families obtain the legal help they need. It’s a unique partnership with the state’s three law schools, providing law students real-life intake experience, opening up opportunities for attorneys to give back, and providing help for a growing population of those that fall between 200–400 percent of the poverty level, a population that is increasingly finding nowhere to
This program allows new attorneys like me to help people now. I can give back to my community, while also gaining knowledge and experience that helps build my career.

— Vincent Humphrey

turn if they can’t fully afford to pay for legal help.

“This program allows new attorneys like me to help people now. I can give back to my community, while also gaining knowledge and experience that helps build my career,” said Humphrey. He sees the Moderate Means Program as spinning all the traditional thoughts and notions and throwing them out the window, allowing law students and young lawyers to gain experience right alongside more seasoned practitioners who also believe that giving back is important.

Humphrey has learned that some people simply need basic information and advice on their approach or direction. “I took a referral from a gentleman who had a landlord-tenant issue. He told me he accessed the Moderate Means Program because he had no one to tell him whether what he was doing was okay. I gave him some basic information and advice.” Just that small interaction made a difference, says Humphrey, who believes that this type of program is bigger than can be encapsulated in words. “We are offering hope and giving a huge part of our population access.”

From the perspective of a newer attorney who earned his law degree at the University of Idaho, Humphrey says he’d like all attorneys, both newer and seasoned, to consider getting involved in the Moderate Means Program. “My challenge to those more seasoned is to think back to your first year out and the challenges you faced. Now you have an opportunity to help someone out. If you can’t mentor that new attorney through his/her challenges, then do it for the person who is going to lose their home or do it for the consumer being hassled.”

Humphrey believes it’s vital for attorneys to reach back to those ideals we recited when we were sworn in and took an oath to help others, and do right for clients. “I think it’s important we ask ourselves, money aside, can I use my experience to help someone out, regardless of how much they can pay? Can I be the voice for somebody? For the gentleman I recently helped, all he needed was for somebody to take the time, and be that voice for him.”

Driven by making a difference, Humphrey measures his daily success in that way. “Did I help somebody out today? Did I mentor a law student, or help one find an internship? Have I treated others the way I’d like to be treated? Have I thanked those I should? It all comes down to making a difference, every day.”

Humphrey, a man who puts family first, is married with a three-year-old son. Along with family time that may include Yahtzee or other board games, he enjoys teaching teenagers at his church on Sundays, fitting in a game of golf occasionally, and taking the time to talk to his mother every day.

When asked about his hopes over the next decade, he’d like to see more sharing and growth, and a lessening of adversarial relationships among attorneys. “If the profession as a whole took each of us under its wings, we’d be a much stronger profession. I think overall productivity and job satisfaction would be elevated.”

For today, Humphrey will focus on continuing his commitment to the profession and giving back through the Moderate Means program. “I count it as an honor to be a part of the program and to be at the forefront to see it take shape.”
JOHN RIZZARDI enjoys the collegiality of belonging to the Creditor/Debtor Rights Section

The Creditor Debtor Rights Section offers its members numerous opportunities to stay current on relevant legal issues, comment on legislation, and participate in pro bono activities. Section members represent a diverse array of individuals and businesses who are debtors, debtors-in-possession, secured and unsecured creditors, creditors’ committees, receivers, trustees, asset purchasers, and examiners in all facets of creditor-debtor law. John Rizzardi is the chair-elect of the Section. First, we’ll let John tell us a little about his background and how he came to a career in law and then he will answer some questions about his work with the Section.

I was born and raised in Kalamazoo, Michigan in 1953, the first-born of a father descended from Upper Peninsula copper miners and a mother raised on a farm whose family went back five generations in the Kalamazoo area. By the time I got to my senior year of undergraduate school, after switching majors three or four times, I had three choices: Find some masters program where I could put my B.A. in creative writing to good use, get a job, or try to get into law school. My choice to pursue law found me after my girlfriend (now my wife, Carmen) had dated a lawyer and encouraged my effort, and some of my good friends added their support.

I graduated from University of Puget Sound School of Law (the infamous office building in a business park in South Tacoma) in 1979 and started working as a general practitioner in Auburn. Bankruptcy law found me in 1982 because Auburn’s only bankruptcy lawyer decided to suddenly leave town — his “abandoned” clients were coming in that afternoon. Within a few weeks, I was on the motions calendar in bankruptcy court, and I happened to sit near my future partner, Jack Cullen.

A short time later, I became a bankruptcy panel trustee and a few years later, I had a chance to interview at Quigley, Hatch, Loveridge and Leslie, one of Seattle’s seminal bankruptcy boutiques. I was hired on, and that began a wonderful career of learning with some of the best bankruptcy attorneys in the region — Willard Hatch, Jack, Dillon Jackson, and Tom Glover, to name just a few. I now have the privilege to chair the Creditors’ Rights
...members of this Section are generally very collegial and supportive of each other as we often find ourselves working with and against each other. It is always more appealing to me to work on tasks and projects for entities with a dedicated mission, and our Section is that type of group.

Describe your involvement with the Creditor/Debtor Rights Section, and what prompted you to get involved.

Prior to my involvement in the Section, I had dedicated quite a bit of time to the local, national, and international affairs of the Turnaround Management Association (TMA), based out of Chicago. After finishing my term as board chairman of TMA, I had more time to devote to other volunteer pursuits, and in an effort to not only reduce traveling, but also work with more of my local friends, working at a local level seemed best.

I had been a Section member for years, but when asked if I would be willing to be nominated, it was a perfect time because I could devote more time to the needs of the Section. As my fellow Section members know, members of this Section are generally very collegial and supportive of each other as we often find ourselves working with and against each other. It is always more appealing to me to work on tasks and projects for entities with a dedicated mission, and our Section is that type of group.

I stood for election to the Executive Committee of the Section and was elected in 2006. After several years of being on the Committee, I was appointed to be the recorder, which then results in successive positions until you serve a two-year position as the chair. My two-year position as chair starts this fall.

What value have you personally received from the Creditor/Debtor Rights Section?

It is going to sound like a broken record in these comments, but the most significant value is a reaffirmation of the Section’s collegiality, both on the Executive Committee and among Section members in general.

In recent years, our Executive Committee has committed itself to heightened transparency of Section business, and legislative and financial affairs. The feedback we have experienced suggests that our efforts are appreciated and are providing value back to our members. Granted, we have had some differences of opinion on past legislative efforts; however, by being open and candid with our views and deliberations, we have enabled every Section member to have a voice, should they choose to get involved and participate.

During the 2011 legislative session, I was asked to be the primary contact for certain Bar-sponsored legislation. With the amazing dedication of the Bar’s lobbyist, Kathryn Leathers, I had the opportunity to testify before various subcommittees and eventually attend the bill signing by Governor Gregoire. It is very difficult to appreciate the nuances of moving a bill through to signature unless you are intimately involved in the process. It is a serious time commitment and can, at times, be not only frustrating, but a bit bewildering.

I will always value this experience, and it was an honor to be joined at the Governor’s signing by my daughter, Giselle. A distinct memory from that signing (an important but not very exciting bit of receivership legislation) was being in the same group of bills as the law banning motorcycle profiling, which was attended by a foyer packed full of motorcycle club members in full club leathers. I felt a bit plainly dressed in my suit and wondered if I should
get a tattoo ("RCW 7.60 ROCKS!") on my way home.

Why would you recommend that other lawyers get involved/participate in a Section?

There is a long list of reasons: Our Section is very responsive to the needs of its members. If a member has a request, concern, or idea, they can contact any member of the Executive Committee and there will be follow-up. We are also open to ideas concerning supporting or sponsoring legislation that is relevant to creditor/debtor issues. We were approached last year, for example, with a request to review the attorneys’ lien statute and we now have a task force assigned to that project. We have also recently convened a separate task force to provide an updated review of the receivership statutes and make any recommendations or suggestions for future legislation. The use of receiverships continues to increase, and we consistently get input or ideas from practitioners as to how the statute can be improved. So, we try to put those ideas to good use for all of our members.

We also have a very active list serve. Members are constantly posting questions and answers, with practice tips and other resources. Thanks to my colleague, Mark Northrup at Graham and Dunn, we have a newsletter that provides updates on current issues of interest and summaries of recent court decisions. Our Section members are encouraged to submit articles or ideas to Mark for consideration of publication in the newsletter. Our meetings are open to all Section members. We post them on our Bar website and members can attend to observe and provide comments or questions.

Have you experienced benefits from the Creditor/Debtor Rights Section that you didn’t expect?

I really did not expect to learn as much about the extraordinarily fast-paced and emotionally charged legislative process as I have. For me, it is a great benefit to see how challenging it is to propose legislation and then move a bill through the legislative process. A distinct benefit, which some
might consider a detriment, is being in the middle of a very contentious dispute between two distinct factions of our Section when our Executive Committee was supporting the increase of the homestead exemption from $40,000 to $125,000. There were very strong opinions on both sides, including one unnamed friend who decided to give me his solid points of opposition in the produce section of the West Seattle PCC. But I valued the discourse because it underscored for me a need to change how the Executive Committee dealt with such issues in the future. As to the homestead, it was expected that some Section members would be disappointed with the change, due to many of our Section members being creditor lawyers or bankruptcy trustees. In hindsight, we did learn that there was a need for enhanced communication with the Section, candor about the current business of the Executive Committee, and an “open door” approach for participation and comment. As a direct result, we implemented a new policy that provides guidance on how we deal with and communicate with our Section about supporting and sponsoring legislation. In our first year under this policy — the 2012 legislative session — we received many compliments about our timely notices and efforts to keep our members informed.

I also learned, by way of emphasis, how valuable it is to communicate frequently and swiftly with the Executive Committee members and the Bar staff. Gloria Nagler, our current chair, has mastered the art of swift action and response — there is no moss growing on her communications or projects! When it is time for a vote on an issue, the email traffic takes off and we generally conclude a vote on the same day, if not in a few hours.

The takeaway for me is that things get done if you get to the doing. My mom had it right — do it before you have to put it on your to-do list.

What do you want other attorneys to know about the Creditor/Debtor Rights Section?

We have a Section that is very diverse — debtor and creditor lawyers, consumer and commercial lawyers, collec-
tion lawyers, bank lawyers, and more. They have many points of view and we are not just composed of bankruptcy lawyers. We have many Section members who are interested in sharing their knowledge, whether it is in an informal fashion, via our list serve, or by presenting in a formal CLE. Of course, our membership spans the state, and if non-Section attorneys need any input or education in their part of Washington, we can easily find someone to assist with your needs. Be it a simple presentation to a local high school class about money management or providing advanced bankruptcy expertise in a CLE, we can help.

Also, from our revenues, our Section proudly provides grants every year to qualifying nonprofit programs and associations involved with debtor/creditor issues. Most of our grants go to clinics that assist with money management, landlord/tenant legal assistance, or other local clinics. There is a formal application and follow-up process that starts in the fall of every year. Last year, for example, we issued a total of $8,000 in grants. A few years ago we did our best to make sure our statewide list of possible grantees was complete, but we are always looking for more potential applicants.

What’s one thing people may not know about you, that you’re willing to share?

Some know, and some do not, that I am a certified bicycle mechanic. For my first sabbatical, I was searching for some type of educational pursuit for one month. I already knew how to cook well enough to feed people with low standards. I knew enough Spanish to order meals and not get lost in Mexico. I really wanted something that would help me build a skill in something mechanical. I found a wonderful trade school in Ashland, Oregon, and spent the month of May attending hands-on classes for eight hours each day followed by evenings of homework and weekly exams. It was a month of professional mechanic classes in Oregon and resulted in me being certified in professional maintenance, wheel building, and suspension fork maintenance. The days were rigorous — as my instructor informed us on day one, “We start at

The reason I became a lawyer is because my grandparents were enslaved in the WWII internment camps, locked away without a voice. It is my mission to make sure people are heard and their rights are protected. To me, Advocacy and Results matter.

Recently in court I argued that a client’s arrest was without sufficient cause. Although it was her second DUI in seven years, it was clear to me that her rights were violated. After my argument the judge dismissed the case.

In my heart I know everyone deserves a voice.

– LAUREN GOTCHY
Attorney at Law
8:00:00, not 8:00:01.” Got it. I was the new student who just needed to show up, follow directions, and learn. Now I have all the necessary tools, do all my own rebuilding and maintenance on my bicycles, help our neighbors and friends, and donate tune-ups to various charity auctions. Our dog, Sophie, is my shop buddy while I am wrenching. One of these days, I am going to have to figure out what to do with all of the used bike parts that are accumulating in my garage.

**What’s your greatest hope for the legal profession in 10 years?**

I recently had a nice chat with my tax partner, Dawson Taylor, and we each felt fortunate to be in such a great firm where we have the opportunity to work with fun, smart, and creative people from so many walks of life. Yes, we actually have fun in our jobs! I believe most lawyers want to experience fulfillment in their jobs and the entire profession can play a role in helping each other’s experience. My hope for the profession is that all lawyers would manage their firms and themselves in a way to enhance the collegiality, diversity, professionalism, and courtesy in our bar. These are timeless values that have always attracted people to our profession. Conversely, when our own conduct moves away from these values and remains focused on bitter and divisive issues, it can drive wonderful and talented lawyers out of the profession. I suspect I am not alone in saying that there have been a few situations in the past where the conduct of counsel or challenges in firm management got me thinking about other ways to make a living. I am not blind — the private practice of law is a challenging and competitive business that requires sound management and careful thinking. But I think we all owe it to ourselves and to our families to be as mindful of building upon positive values whenever possible. My hope for our profession in 10 years? That even with the pressures of managing the business of law and dealing with challenging clients, our fellow members of the Bar will have some fun in this business, finding more enjoyment and true satisfaction from their legal careers.
ABA Day in Washington, D.C.

In April, lawyers from every state came to Washington, D.C., for ABA Day, the legal profession’s grassroots advocacy event. Representatives from Washington state met with members of the 112th Congress to consider legislation that directly impacts the legal profession and the administration of justice, including Legal Services Corporation funding, reauthorization of the Violence Against Women Act, and passage of the Crime Victim Restitution and Court Fee Intercept Act.

As part of the ABA Day activities, Senator Patty Murray received the American Bar Association’s Congressional Justice Award for championing legal assistance programs for veterans and funding for the Legal Services Corporation. As chair of the U.S. Senate Committee on Veterans Affairs, Senator Murray has sponsored many bills that help improve the lives of veterans throughout the country. She is an outspoken advocate for veterans’ access to quality care and benefits, including legal assistance services. “As the daughter of a disabled World War II veteran and as a college intern at the Seattle VA, I have witnessed the sacrifice that military service demands,” said Senator Murray. “And now as chairman of the Senate Veterans’ Affairs Committee, I am able to work on the behalf of veterans and service members every day to ensure they’re getting the quality care and services they deserve.”

KCBA-WSBA Annual Meeting

At the annual KCBA-WSBA liaison meeting in May in Seattle, leaders of the two bars met to discuss areas of interest including the state bar license fee referendum, the proposed Children and Family Justice Center in King County, and opportunities for increased collaboration.

Dorsey & Whitney and U.S. Bank Serve Lunch at YWCA’s Angeline’s Center

Seattle’s Dorsey and Whitney partnered with U.S. Bank employees to serve more than 400 lunches to women at the YWCA Angeline’s Center for Homeless Women. The women of Angeline’s were met with smiling faces and great service, along with
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KCBA Members March in Pride Parade

For the first time in the King County Bar Association’s (KCBA) history, members marched in the annual Seattle Pride Parade. Rosemarie LeMoine summed it up: “What a welcome we received! People applauded for us, smiled and some even hugged us. It was wonderful. Sandwiched between Adopt-a-Pet and Babes in Toyland, about 20 of us marched, stepping in time to ‘All You Need is Love’ blaring out of the loudspeakers on the Adopt-a-Pet van.”

Snohomish County Bar Association Awards Benefit Dinner

In May, the Snohomish County Bar Association (SCBA) presented awards at its annual benefit dinner. The SCBA President’s Award was given to Elizabeth Fraser. Jason Schwarz received the Attorney of the Year Award. The Judge of the Year Award went to Judge Fred Gillings. The Annette Tupper Advocacy Award was presented to Margaret Bruland. Rachel Edmiston received the Pro Bono Award. SCBA members raised $32,000 to benefit Snohomish County Legal Services for their work in providing free legal aid to Snohomish County residents in need.
The awards are sponsored by the Puget Sound Business Journal, which has tracked corporate philanthropy and published an annual special section, “Corporate Citizenship: The Business of Giving,” for nearly two decades. The Business Journal surveys area companies about their cash contributions to area nonprofits. “Giving back to the communities that support us is part of our culture at Stoel Rives,” said Melanie Curtice, managing partner for Stoel Rives’ Seattle office. “We are honored to have been honored among the Top 75 Corporate Philanthropists.”

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WSBA Corporate Counsel Section Dinner
In May, the WSBA Corporate Counsel Section held its Quarterly Dinner and mini-CLE in Bellevue. Nearly 50 WSBA members attended the event, which included a talk by Annemarie Tierney, the general counsel of Second Market in New York. Her talk was titled “Uncommon Stock: Transacting in Private Securities” and concerned legal issues regarding how to cash out before going public and the development of Second Market.

Stoel Rives One of Top 75 Corporate Philanthropists
Stoel Rives is listed as one of the Top 75 Corporate Philanthropists in the Puget Sound region. Top donors to area nonprofits were announced at the annual Corporate Citizenship luncheon in May.

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H. Gates (UW Class of 1950), provides a full-ride scholarship each year to five students in exchange for five years of public service law practice.

Gates PSL Scholars Named
In May, the University of Washington School of Law announced the most recent recipients of the Gates PSL Scholarships: Victoria Clark, Lauren Conner, Megan Crenshaw, Jessica Knowles, and Nikkita Oliver. The Gates PSL Scholarship, founded in 2005 by a gift from the Bill & Melinda Gates Foundation in honor of law school alumnus and public service advocate William Gates, recognizes an outstanding attorney who exemplifies extraordinary achievement, courage, and dedication to the practice of criminal law. Nancy Collins and David B. Koch, both from Seattle, each received a 2012 President’s Award. The award is given in recognition of a particular case or series of cases, or long-time service to the criminal defense bar. The Champion of Justice Award went to Ari Kohn of Seattle in recognition of the Post-Prison Education Program that he founded. The Post-Prison Education Program only admits ex-offenders with a significant risk of re-offending based on their extensive prison sentences. According to the program, by providing access to education and a variety of support services, its participants have a recidivism rate of just two percent.

WACDL Annual Awards Presented to Members of Defense Bar
The Washington Association of Criminal Defense Lawyers (WACDL) honored members at its annual awards dinner in Chelan in June. Everett attorney Mark Mestel was the recipient of the 2012 William O. Douglas Award. The award recognizes an outstanding attorney who exemplifies extraordinary achievement, courage, and dedication to the practice of criminal law. Nancy Collins and David B. Koch, both from Seattle, each received a 2012 President’s Award. The award is given in recognition of a particular case or series of cases, or long-time service to the criminal defense bar. The Champion of Justice Award went to Ari Kohn of Seattle in recognition of the Post-Prison Education Program that he founded. The Post-Prison Education Program only admits ex-offenders with a significant risk of re-offending based on their extensive prison sentences. According to the program, by providing access to education and a variety of support services, its participants have a recidivism rate of just two percent.

Spokane Bar Liberty Bell Award
In May as part of Law Day, the Spokane County Bar Association presented its Annual Liberty Bell Award to Steve South for service to the community. This award is given to someone who is not an attorney and who promotes understanding of, and respect for, law and the Courts, encourages and exemplifies a sense of civic responsibility, contributing to the betterment of the community. South is the ex parte clerk in Spokane County Superior Court. Presiding Judge Ellen Kalama Clark said, “Steve South provides a multitude of invaluable services not only to judges and court commissioners but to all who appear in the ex parte courtroom, including lawyers and pro se parties. He does it with respect for everyone, and, most especially, for the law. He is smart, organized, and kind. Steve South goes way above and beyond in his work for the court, and he rightfully deserves this award.”

Bankruptcy Mediation Program Gets Underway
In April, the first bankruptcy mediation cases in Western Washington were initiated through the newly created Honorable Thomas T. Glover Mediation Program. This court-sponsored mediation program is a unique offering that will allow more people to have access to mediation than before. Since the program started in December 2011, 35 mediators have completed court-sponsored
mediation training. “We are excited to be able to offer a mediation option to all bankruptcy litigants,” said Gina Zadora Walton, the program’s staff administrator. “Our mediators bring a breadth of experience to the program and are a tremendous resource.” The formation of the program is the result of the recommendation of an executive committee formed by the United States Bankruptcy Court for the Western District of Washington. The committee recommended the development of the program after extensive research and discussion. The executive committee comprises attorneys John Rizzardi, Yousef Arefi-Afshar, Terry Donahue, Gloria Nagler, and Larry Ream.

WSBA Local Hero Awards
In January, the WSBA presented Olympia attorneys Jennifer S. Meyer and Leslie W. Owen with its Local Hero Award, in recognition of their service in Thurston County. The Local Hero Award is presented by the WSBA Board of Governors as it travels around the state to those who have made noteworthy contributions to their communities.

Jennifer Meyer is an assistant attorney general representing the Department of Social and Health Services (DSHS), where she litigates cases on behalf of Children’s Administration of DSHS and provides advice to Children’s Administration staff on child welfare policy. She was a board member of Thurston County Volunteer Legal Services (TCVLS) for several years before serving as its president in 2011. She has also been a volunteer attorney at the clinic since 2001, taking on her own direct representation cases.

Since 2004, Leslie Owen has been a senior attorney with the Northwest Justice Project. She is also the managing attorney of its Olympia office. Previously, Owen served as regional director for Columbia Legal Services from 2000–2004. Owen has been instrumental in the creation of the Family Safety Center in Thurston County. The Family Safety Center is a multi-disciplinary approach to responding to family violence, created through a partnership between the Thurston County Prosecuting Attorney’s Office, the Thurston County Sheriff’s Office, the Thurston County Clerk’s Office, Safeplace, and Northwest Justice Project.

IN BRIEF
Spokane attorney H. Douglas Spruance III received the Public Justice Award from the Washington State Association for Justice in July. The Public Justice Award recognizes an individual whose efforts, courage, litigation, or innovative work results in the creation of a more just society.
housing. Johnson has been the chair of the Seattle Women’s Commission since 2010 when she was appointed to the Commission by Mayor Mike McGinn.

This spring, Rebecca Sue Ringer, partner in the Seattle firm of Floyd, Pflueger & Ringer, P.S., became a fellow of the American College of Trial Lawyers.

Scarlett Hunter, an associate in the Seattle office of Schwabe, Williamson & Wyatt, recently was elected to serve as a member of the Washington Committee for Ethical Judicial Campaigns. The Washington Committee for Ethical Judicial Campaigns is a nonpartisan group of concerned citizens dedicated to preserving the dignity and integrity of Washington’s judicial system.

Joaquin Hernandez, a shareholder in the Seattle office of Schwabe, Williamson & Wyatt, recently joined the board of directors of CityClub. CityClub is a nonprofit organization that informs, connects, and engages citizens to evaluate complex issues, make sound judgments, and contribute to solutions that address issues vital to the Puget Sound Region.

Lane Powell Shareholder Katie Matison was presented the Association of Transportation Law Professionals’ (ATLP) 2012 Presidential Award for her work as the chair of the ATLP Publications Committee. Matison became the president of the ATLP in June. The ATLP is an international organization of attorneys and in-house counsel involved in marine, rail, air, and trucking transportation.

Milt Reimers, an associate in the Seattle office of regional law firm Schwabe, Williamson & Wyatt, joined the Young Professional Ambassador committee of the Puget Sound Blood Center. The Puget Sound Blood Center’s mission is to save lives through research, innovation, education, and excellence in blood and tissue services in partnership with the local community.
Court Passes Limited License Legal Technician Rule

BY JULIE SHANKLAND

The Washington Supreme Court recently adopted the Limited License Legal Technician (LLLT) Rule, which becomes effective on Sept. 1, 2012. This rule authorizes non-attorneys who meet certain educational and experience requirements to advise clients on specific areas of law, which have yet to be determined.

Below you’ll find answers to some of the most frequently asked questions regarding the new Rule.

Can Limited License Legal Technicians begin on Sept. 1, 2012, when the Rule takes effect?
No. The Supreme Court must first appoint the LLLT Board and then adopt one or more practice areas, after receiving a recommendation from the LLLT Board. The Board must then prepare the examination. In addition, the Court must adopt LLLT RPCs (Rules of Professional Conduct) and LLLT CLE (Continuing Legal Education) requirements, after receiving LLLT Board proposals.

How long will this process take?
We are not sure, but at least one year from the effective date, possibly longer, due to the number of tasks that must be accomplished before the program can be up and running. The rule will be implemented as efficiently as possible.

How can I apply to serve on the LLLT Board?
LLLT Board application materials are posted on the WSBA website. See page 46 for an Opportunity for Service notice in the FYI section for information about serving on this board. The deadline for applications is October 15. See www.wsba.org/lllt for more information.

What can LLLTs do without lawyer supervision?
LLLTs must first ascertain whether the client’s issue is within the defined practice area(s). If it is, the LLLT may obtain facts and explain the relevancy to the client; inform the client of procedures, such as deadlines, documents, and the anticipated course of the legal proceeding; inform the client of procedures for proper service of process and filing of legal documents; provide approved self-help materials; review and explain documents and exhibits received from the opposing party; select and complete approved forms; advise the client about other documents needed and how they might affect the matter; and assist the client in obtaining documents such as birth, death, or marriage certificates.

What can LLLTs do under lawyer supervision?
LLLTs may perform legal research and draft documents and forms beyond what is approved only when the work is reviewed and approved by a Washington lawyer.

What can LLLTs never do?
LLLTs cannot provide services outside of the approved practice areas. LLLTs also cannot negotiate on a client’s behalf or represent clients in court proceedings, administrative adjudicative proceedings, or other formal dispute resolution proceedings, unless permitted by GR 24. Other prohibited acts are in section H of the LLLT Rule.

How can one become an LLLT?
You must be 18 or over; meet the combined education, experience, and pro bono criteria in the Rule; pass the examination; show good moral character and fitness to practice as an LLLT; and show financial responsibility.

Do you have to be a paralegal to become an LLLT?
There is no specific definition of “paralegal” in Washington, except in APR 28. You must meet the requirements in the LLLT Rule, whether or not you have worked as a paralegal.

Can an LLLT hire others to perform work?
LLLTs must personally perform the authorized client services.

How will clients know what services the LLLT can perform?
LLLTs must enter into a written contract prior to providing client services. The contract must state that the LLLT is not a lawyer and the services are limited, explain the LLLT’s services and the prohibition on representation in court and negotiations, identify all fees and costs, and inform the client of the right to rescind the contract at any time for a full refund of unearned fees.

Will LLLTs have ethical rules?
Yes. The Board will develop and recommend LLLT Rules of Professional Conduct and an LLLT IOLTA program for handling client funds. LLLTs will be held to the standard of care of a Washington lawyer when performing LLLT services.

Will LLLTs have malpractice insurance?
LLLTs are required to provide proof of financial responsibility annually; the Board will determine the exact form of proof required. It is anticipated that LLLT malpractice insurance will become available.

What is WSBA’s role regarding this new Rule?
WSBA’s role is to maintain the high standards set for the legal profession while serving as the regulator of this new rule. The goal is to ensure quality implementation and uphold protection of the public.

Where can I find more or new information?
Information on this program can be found at www.wsba.org/lllt. Check periodically for updates.

Julie Shankland is the WSBA assistant general counsel and can be reached at julies@wsba.org.

August 2012 | Washington State Bar News 35
The WSBA Leadership Institute

What You Should Know

BY TRACY S. FLOOD

Bar News is an excellent resource, and what better way to inform WSBA members all about the Washington State Bar Association Leadership Institute, otherwise known as the WLI? As a graduate of the WLI, I write to tell you about this unique program that has forever changed my life and the lives of 95 other fellows, our friends, our families, and our communities at large throughout the state of Washington.

The WLI was established in 2004 by 2004–2005 WSBA President Ronald R. Ward. President Ward saw that there were no leadership programs in Washington that specifically focused on lawyers and none for young lawyers from traditionally under-represented groups — lawyers of color, women lawyers, lawyers of different sexual orientations, and lawyers with disabilities. With President Ward’s vision and the support of the Board of Governors, including 2003–2004 WSBA President Dave Savage and other Bar leaders, the WLI was formed.

The WLI program is designed to recruit, train, and promote Washington state attorneys with diverse backgrounds (which include women, minorities, and traditionally under-represented young attorneys), who have been admitted to practice from 3 to 10 years, for leadership positions in the WSBA and our communities. Each class includes 12 fellows.

The WLI program schedule includes eight sessions from January through August. The program’s educational session titles include: “Leadership Style and Skills,” “The Nuts and Bolts of Law Practice,” “Leadership in Public Service,” “Executive in Action,” “Navigating the Bar and Beyond,” “Managing Your Career,” “The Legislative Process,” and “Conversations with Judges.” In addition to the educational sessions, each class is tasked with the preparation and execution of a community service project. The community service project addresses three components:
Norm Maleng participated as a faculty member and was a supporter of the WLI. In 2008, the WSBF was awarded a $25,000 grant from the Safeco Insurance Foundation for the WLI.

Due to effects from the passing of the license-fee referendum, the WLI will no longer be a WSBA program as it currently exists. The WLI will continue under a new organizational model, thanks to the University of Washington Law School Dean Kellye Testy, the Advisory Board, the WSBA Board of Governors, and WSBA Executive Director Paula Littlewood.

Tracy S. Flood is a WSBA governor-at-large. She received her undergraduate degree in sociology and political science from the University of Washington, and her law degree from Seattle University School of Law. She was a fellow in the inaugural class of the WSBA Leadership Institute in 2005. She worked with the Department of Assigned Counsel, served as an associate public defender, and has a solo practice. Since 2009, she has been an adjudicator for the U.S. Department of Labor. She can be contacted at fjtracylaw@aol.com.

The mission of the WLI is executed by the WLI Advisory Board. The members of the 2012 WLI Advisory Board are:

- Ronald R. Ward, WLI founder and past WSBA president
- Hon. Marcine Anderson, co-chair
- James Williams, co-chair
- Jeffrey A. Beaver
- Hon. Bobbie J. Bridge (Ret.)
- Ellen Conedera Dial, past WSBA president
- Tracy S. Flood, BOG liaison, WLI Inaugural Class of 2005
- Dolly N. Hunt, WLI Class of 2008
- Victor H. Lara
- Lorraine Lee
- Diankha L. Linear
- Felix G. Luna
- Hon. Ricardo S. Martinez
- Kevin D. O’Rourke, WLI Class of 2008
- Hon. Susan J. Owens
- Craig A. Sims
- Dean Kellye Y. Testy
- Hon. Mary I. Yu

- Increasing diversity in the legal profession;
- Improving the civil or criminal justice system; and/or
- Improving the public’s perception of our legal system.

When the project is completed, the fellows present their project to the WLI Advisory Board and the WSBA Board of Governors.

Graduation for the 2012 WSBA Leadership Institute Class of Fellows is August 10. After graduation, the fellows are expected to serve one year on a WSBA committee, board, or section of interest or participate on a community-related committee or board.

The WLI has received National Recognition through awards and grants. In 2005, its first year, the WLI was one of four recipients to receive the American Bar Association Partnership Program Award. In 2006, the Washington State Bar Foundation (WSBF) was awarded $15,000 from the LexisNexis Martindale-Hubbell Legal Fellowship for the WLI. In 2007, the WSBF was awarded a $5,000 grant from Citizens for Norm Maleng for the WLI. The late Norm Maleng participated as a faculty member and was a supporter of the WLI. In 2008, the WSBF was awarded a $25,000 grant from the Safeco Insurance Foundation for the WLI.

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Herman E. Anderson
Born in Tacoma, Bud Anderson received an undergraduate degree and his J.D. from the UW School of Law. He served in the U.S. Army during World War II. During the war, he sent letters to his father, who shared them with employees at the family’s hardware store business. One employee was so touched by the letters that she ended up as Anderson’s wife of 65 years. Anderson loved the game of golf and will be fondly remembered by many for his unmistakable and infectious laugh.


Earl F. Angevine
Earl Angevine grew up in south Seattle at Three Tree Point, where his love of the water and boating began. He attended Seattle University, the University of San Francisco, and received his law degree from the UW School of Law. He served as a prosecuting attorney in the early 1970s and entered private practice in 1976. Angevine loved music and playing piano and drums with the Jerry Jones Quintet. Among the community organizations he dedicated his time to was Skagitonians to Preserve Farmland.


Russell W. Busch
Russell Busch grew up in Pullman with an appreciation of the outdoors, fishing and hunting in the Palouse Hills. He earned an English degree at Washington State University and his law degree at the UW School of Law. He handled many environmental matters on behalf of Northwest Indian tribes, including opposition to the proposed Skagit Nuclear Plant and the High Ross and Copper Creek dams, none of which were built. He fought for the removal of dams on the Elwha River and received the Ralph W. Johnson Water Hero Award for his work. His recreational passion was telemark skiing.

Russell Busch died April 11, 2012, at the age of 68.

Patrick W. Crowley
Patrick Crowley grew up in Post Falls, Idaho. He earned an undergraduate degree from Gonzaga University and received a J.D. from its school of law. He served as a clerk to the Washington State Supreme Court and began private practice in Seattle in 1965. He was general counsel to the Catholic Archdiocese of Seattle for nearly four decades. He had an affinity for French wine, Irish literature, and classical music, with an occasional turn of the dial to country music.

Patrick Crowley died May 27, 2012, at the age of 74.

Helen Regina Cullen
A remembrance by Diane Cornell
In September 2009, Regina Cullen, assistant attorney general, lost her voice. She went to the doctor and was told she had a paralyzed vocal cord due to lung cancer. And just like that, her entire world changed due to two words: lung cancer. For the past two-and-a-half years, she fought this dreadful disease with unwavering determination and courage. She passed away in the early hours of April 14, 2012, surrounded by her three children, Sarah, Seth, and Matthew, and her younger brother, Mark.

Regina graduated from University of Kentucky College of Law when only a handful of women were in her class, thus paving the way for later generations of women. She started her career at the Kentucky Attorney General’s Office. From there, she went to Washington, D.C., and worked in the Pentagon during the Carter administration. She moved to Seattle, started out in private practice and eventually worked for the Securities and Exchange Commission. In 1994, she joined the Attorney General’s Office and started out in the Consumer Protection Division and later on transferred to Labor and Industries for the remainder of her career.

Regina was more than just a lawyer, though. She was an avid reader. A constant throughout her life was her love of reading. She was never without her burnt-orange leather tote bag, which was always jammed with library books, paperbacks, and occasionally an edition of Vanity Fair or The New Yorker. She read more books in one week than most do in several months. Regina’s love of reading became her salvation when she became ill with cancer. She still read two to three books a week up until the end.

Regina was extremely bright and very analytical. She was perhaps most content when she was thoroughly immersed in a research and writing project. When she wasn’t churning out briefs at the office, she was on her computer at home writing on her blog. She was a lawyer’s lawyer and loved a good argument. She relished engaging in political banter and discussing current events.

Regina was a trusted colleague and counselor to her co-workers at the Attorney General’s Office. It was understood that when her office door was open, you were welcome to come in and ask for guidance on a case, vent about a ruling, or discuss politics. When her office door was closed, it was usually because a colleague was lamenting about a personal disappointment. Regina’s office was a haven for her co-workers to share their successes and setbacks. The absence of her quick wit and sage advice has left a terrible void on the 22nd floor of the Attorney General’s Office in Seattle.

Of all of her accomplishments, Regina was most proud of her three children. She also held dear her friendships. Her parting words were that she felt like a very rich person because of her family and friends. The truth is that those who knew Regina are much richer for having had her in their lives.

Regina Cullen died April 14, 2012, at the age of 59.

Bradden W. Ferber
Born in Seattle, Bradden Ferber attended Seattle Central Community College and earned a business degree from the University of Washington. He received his law degree from the University of Puget Sound School of
Law. Ferber worked for the State of Washington as a financial legal examiner with the Department of Financial Institutions. He was a certified scuba diver and pilot for small airplanes.

Bradden Ferber died May 4, 2012, at the age of 53.

Herbert Gelman
Herb Gelman was born in Brooklyn, New York. He served as an officer in the U.S. Air Force and settled in Washington after being stationed at McChord AFB. He attended the University of Washington and graduated from its law school in 1962. He served as an assistant state attorney general and then began a career in private practice in Pierce County. He served on the Franklin Pierce School Board and as a trustee at The Evergreen State College. He liked to act in summer stock on Cape Cod, Massachusetts, and at local theaters. His friends, family, and coworkers loved his quick wit and broad sense of humor.

Herb Gelman died June 13, 2012, at the age of 79.

Eugene A. Greenway
A lifelong Washingtonian, Eugene Greenway served his country as a Merchant Marine in World War II and later as a JAG Lieutenant for the U.S. Air Force. He graduated from the UW School of Law in 1954. He was an active member of the WSBA for 57 years and enjoyed boating, world-wide travel, and his beloved Washington Husky football teams.

Eugene Greenway died on February 25, 2012, at the age of 81.

Justen C. Johnsen
Born in Bellevue and raised in Redmond, Justen Johnsen loved sports, especially golf and basketball, and was an avid Husky fan. He volunteered as a basketball referee and coach at Boys and Girls clubs in Washington and California. He ran several Seattle area youth centers, including the Northshore Teen Center and the Ruth Dykeman Children’s Center. He loved music and played guitar in the band he founded, Men Named Guy. He earned his J.D. from the Thomas Jefferson School of Law in San Diego, California, and worked as a criminal lawyer in the Seattle area.

Justen Johnsen died June 15, 2012, at the age of 36.

Michael L. Larsen
Michael Larsen earned a bachelor’s degree in business administration from the University of Washington and obtained his J.D. from Gonzaga School of Law. He practiced criminal and family law in the Tri-Cities and Vancouver, Washington, areas. For the last 10 years of his career, he worked as a lead defense attorney in the public defender’s office for the Colville Confederated Tribal court system. After his retirement, he volunteered with the Legal Aid Society and Volunteer Attorney Services. He was a voracious reader and loved golfing, fishing, and working on his boat.

Michael Larsen died April 2, 2012, at the age of 64.

Michael L. Lewis
Mike Lewis was born in Seattle, moved to Mount Vernon, and attended Claremont Men’s College. He
earned a B.A. and J.D. from the University of Washington. He was a “country lawyer” who handled a variety of legal matters. He served as president of the Skagit County Bar Association and volunteered his time on the WSBA Civil Litigation Committee and Ethics Committee, as well as serving as a hearing examiner. He loved golf and served on the Skagit Golf and Country Club Board of Directors.

Mike Lewis died May 3, 2012, at the age of 67.

William K. McInerney

Bill McInerney was born in Grand Rapids, Michigan, and attended Denison University and George Washington Law School. He moved to Seattle to enjoy the beauty of the Pacific Northwest. He worked as a lawyer for more than 40 years. He volunteered at Children’s Hospital, logging in more than 1,700 hours. He loved fly fishing, boating, bicycling, skiing, watercolor painting, and reading.

Bill McInerney died June 9, 2012, at the age of 64.

Nancy Ann Bickford Miller

A remembrance by her friend, Sally Pasette.

In remembering Nancy Bickford Miller, I pay tribute to a model attorney and an outstanding citizen. She had an excellent mind and a clear sense of right and wrong, using both to further her pursuit of justice and good government. Nancy started her legal career in 1976 having already established civic recognition as president of the League of Women Voters. Joining Jones, Grey and Bayley, which later became Stoel Rives, she practiced real estate law, primarily representing the banking industry. Always willing to accept responsibilities at the firm, she became a recruiting partner and was on the executive committee of the firm. During this period, Nancy served on the Board of REI and was chair from 1981 to 1983. For the WSBA, she served as a chair of the Real Property, Probate and Trust Section. She was also active in the King County Bar Association and Washington Women Lawyers. After retirement, Nancy volunteered with the WSBA Disciplinary Office. She then took the opportunity to work part-time for a few years with Shurgard Storage Centers in its corporate legal office. Retiring once again, Nancy was lured back to work with the WSBA Disciplinary Office. She finally retired five years ago. She will be missed by many.

Nancy Miller died May 30, 2012, at the age of 78.

Drew T. Nielsen

Drew Nielsen was born and raised in Everett. He was a community activist and wanted Everett to be a great place. He attended Everett Community College and the University of Washington, earning a law degree from its school of law in 1976. He focused on real estate law. Nielsen was appointed to the Everett City Council in 2004. He brought his real estate knowledge and skills to the community and to his position on the city council. He was a passionate rafter and spent his honeymoon on the Colorado River in the Grand Canyon. He died in a rafting accident on the Green River.
Drew Nielsen died May 12, 2012, at the age of 61.

**Timothy C. Robbins**

Timothy Robbins grew up in New Jersey and Maine and earned a political science degree from the University of Maine. He moved to Washington and attended the University of Puget Sound, where he received his law degree. He had a private practice in Everett since 1986. He was an avid outdoorsman, and loved hunting and fishing.

Timothy Robbins died June 3, 2012, at the age of 54.

**Walter E. White**

Born in South Bend, Indiana, Walt White earned degrees from Franklin College and DePauw University in Indiana, and the University of Washington. He earned his law degree from Gonzaga University School of Law. He worked in Prosser and Seattle serving as a police judge, justice of the peace, and superior court commissioner. He gave of his time to the Thurston County Board of Social and Health Services Credit Union, the Board of Thurston Mason Community Mental Health Center, and the Olympia Little Theater Board, among many others. He was an avid runner, even into his 80s.

Walter White died May 15, 2012, at the age of 87.

**Don S. Willner**

Don Willner of Trout Lake, Washington, was born in New York City. During World War II, he joined the Maritime Service and also served in the U.S. Army. He earned his law degree from Harvard Law School in 1951. His law practiced involved extensive pro bono work, focusing on labor, civil rights, and environmental issues. He was a member of the legal team that won the *coram nobis* reversal for Japanese Americans convicted of resisting internment in World War II. He was elected to the Oregon State Legislature in 1957 and served for 10 years. He was an avid tennis player throughout his life.

Don Willner died March 27, 2012, at the age of 85.

*Bar News* has also learned of the death of R. Clark Cavin on January 29, 2012.
BY MARK J. FUCILE

The past decade has seen profound change in lawyers’ ability to practice across state lines in the Northwest. Ten years ago, Washington, Oregon, and Idaho entered into the “Tri-State Compact” that was unique for its time in coordinating reciprocal admission among three geographically contiguous states. Since then, all three states adopted broad “multijurisdictional practice” rules allowing authorized temporary practice in a wide variety of circumstances. At the same time, all three also amended their respective Rules of Professional Conduct to move them into much closer alignment. As a result, lawyers can now practice across state lines in the Northwest with relative ease and will encounter professional rules that are comparatively similar in all three states.

Despite these very significant changes, jurisdictional variations remain and lawyers who aren’t familiar with those nuances are putting themselves at risk. In this column, we’ll first look at the continuing relevance of jurisdictional variation. We’ll then survey the resources available to conveniently learn about those parochial differences. Finally, we’ll briefly address the risks lawyers run if they don’t “know before you go.”

JURISDICTIONAL VARIATION

Although the RPCs in Washington, Oregon, and Idaho have moved into much tighter alignment over the past decade, it shouldn’t come as a surprise that differences remain. In an analogous context, all three states use rules of civil procedure based on their federal counterparts. Yet, ER 904 notices may be a relative mystery to Oregon lawyers heading north, and Oregon’s absence of expert disclosure is likely even more mysterious to Washington lawyers heading south.

Moreover, it is not simply that some subtly, similar rules sometimes use different terms that alter their scope. Oregon’s version of the “no contact” rule, RPC 4.2, for example, extends the prohibition broadly to the entire “subject” involved, while Washington and Idaho confine the prohibition more narrowly to the particular “matter” in which the person involved is contacted. In still other instances, the rules contain differing definitions for the same terms. Washington and Idaho, for example, define their respective confidentiality rules, RPC 1.6, broadly to include “information relating to the representation of the client.” Oregon, by contrast, uses that same phrase but limits it to the definition of “confidences” and “secrets” found in its former Disciplinary Rules.

Differing Interpretations. Washington and Idaho have comments to their rules approved by their respective Supreme Courts. Oregon, by contrast, does not. Even in the two states that do, the comments are not uniform. Idaho, for example, has a specific comment (Comment 22 to RPC 1.7) approving (in appropriate circumstances) “advance” waivers of future conflicts. In Washington, however, a similar proposed comment was deleted by the Supreme Court and the word “reserved” was substituted in its place. In other instances, state bar ethics opinions supply what comments do not. Oregon, for example, has an ethics opinion (2005-122) that approves “advance” waivers of future conflicts in Washington, however, a similar proposed comment was deleted by the Supreme Court and the word “reserved” was substituted in its place. In other instances, state bar ethics opinions supply what comments do not. Oregon, for example, has an ethics opinion (2005-122) that approves “advance” waivers of future conflicts even though, as noted, Oregon has no comments to its rules. Finally, decisional law remains central to the nuances in each state. Washington-
ton, for example, defines a represented person in the corporate context for purposes of the “no contact” rule by looking to whether the person involved is a “speaking agent” of the corporation under the Evidence Rules in accord with a long-standing Supreme Court decision (Wright v. Group Health Hosp., 103 Wn.2d 192, 691 P.2d 564 (1984)). Oregon, to use an example from another setting, equates the owner of a closely held business with the business itself for conflict purposes (in most circumstances) under an equally long-standing Supreme Court decision (In re Banks, 283 Or. 459, 584 P.2d 284 (1978)). Idaho, in turn, defines the existence of an attorney-client relationship that is the predicate for conflict analysis using multiple tests developed under its own decisional law (discussed in Balivi Chemical Corp. v. JMC Ventilation Refrigeration, LLC, No. CV-07-353-S-BLW, 2008 WL 313792 (D. Idaho Feb. 1, 2008) (unpublished)).

The examples noted are just that: examples rather than a catalog. They highlight both that jurisdictional variations flow from many sources that do not follow a predictable pattern and no one state of the three is reliably more “strict” in its application than the other two.

**RESOURCES**

State bar websites in each state (www.wsba.org, www.osbar.org, www.isb.idaho.gov) are excellent starting points for resources that are both practical and accessible. All three have the latest versions of each state’s respective RPCs, the accompanying comments (for Washington and Idaho), and state bar ethics opinions. All three also have articles that have appeared in each state’s bar magazine that touch on a wide variety of state-specific ethics and risk-management issues. Finally, all three have contact information for the general counsel’s office of each state bar for questions and suggestions on other resources (including bar-sponsored publications and CLE programs).

Even these useful resources, however, vary in style and content. Washington, for example, has very helpfully labeled comments that vary substantially from the corresponding ABA Model Rule comment as “Washington Comments” and “Washington Revisions.” Although Oregon does not have comments, it has a comprehensive set of ethics opinions that were updated in 2005 when it moved from its former Disciplinary Rules to the RPCs. By contrast, although Idaho has both comments and ethics opinions, the latter have not been updated since Idaho last comprehensively amended its RPCs in 2004.

**CONSEQUENCES**

All three states adopted choice-of-law provisions (RPC 8.5(b) in each) that generally apply the forum state’s RPCs to conduct in that state. In short, if you are handling a matter in another state, you are expected to be familiar with the professional rules in that state. The consequences of failing to know and follow the rules are several and are not mutually exclusive.

First, out-of-state lawyers are subject to the disciplinary authority of both the forum state and their home state under similar versions of RPC 8.5(a) in Washington, Oregon, and Idaho. In other words, you can be disciplined by the forum state and also in your home state (most commonly as reciprocal discipline but also in theory as a direct regulatory action).

Second, out-of-state lawyers may be disqualified just like their in-state counterparts (Qwest v. Anovian, Inc., No. C08-1715RSM, 2010 WL 1440765 (W.D. Wash. Apr. 8, 2010) (unpublished)) and substantially from the corresponding ABA Model Rule comment as “Washington Comments” and “Washington Revisions.” Although Oregon does not have comments, it has a comprehensive set of ethics opinions that were updated in 2005 when it moved from its former Disciplinary Rules to the RPCs. By contrast, although Idaho has both comments and ethics opinions, the latter have not been updated since Idaho last comprehensively amended its RPCs in 2004.

...jurisdictional variations remain and lawyers who aren’t familiar with those nuances are putting themselves at risk.
are also subject to having their pro hac vice admission revoked (Hahn v. Boeing Co., 95 Wn.2d 28, 621 P.2d 1263 (1980)).

Third, although the range of civil remedies varies, all three Northwest states recognize the principle that a violation of the RPCs can translate into a civil claim for the breach of the underlying fiduciary duty involved (Eriks v. Denver, 118 Wn.2d 451, 824 P.2d 1207 (1992); Kidney Association of Oregon v. Ferguson, 315 Or. 135, 843 P.2d 442 (1992); Blough v. Wellman, 132 Idaho 424, 974 P.2d 70 (1999)). A breach of the fiduciary duty of loyalty in particular — in other words, a conflict — may lead to both civil damages flowing from the breach and the accompanying remedies of fee forfeiture and fee disgorgement under the rationale that a disloyal agent is not entitled to compensation.

SUMMING UP

Over the past decade it has become much easier for lawyers and their firms to practice seamlessly across state boundaries throughout the Northwest. During that same period, the professional rules in all three states have moved into much tighter alignment. Nonetheless, important jurisdictional differences lurk in many unpredictable places within the respective rules. Lawyers need to be as familiar with the nuances of the RPCs in the particular state in which they are handling a matter as they are with the substantive law of the matter involved. If not, they run the risk of very real adverse consequences in both their forum and home states.

Mark Fucile of Fucile & Reising LLP handles professional responsibility, regulatory, and attorney-client privilege matters and law-firm-related litigation for lawyers, law firms, and legal departments throughout the Northwest. He is a past chair and a current member of the WSBA Rules of Professional Conduct Committee, a past member of the Oregon State Bar Legal Ethics Committee, and a member of the Idaho State Bar Professionalism and Ethics Section. He is a co-editor of the WSBA Legal Ethics Deskbook and the OSB Ethical Oregon Lawyer. He can be reached at 503-224-4895 and mark@frllp.com.
The 2012 Washington State Bar Association Annual Awards Dinner

Please join us on Thursday, September 20, 2012, at the Hyatt at Olive 8 in Seattle for an evening of inspiration as we celebrate the accomplishments of the 2012 WSBA award recipients. All members of the legal community and guests are invited to attend.

Reception: 5:30 p.m. (no-host bar) • Dinner/Program: 6:30 p.m. • 1635 Eighth Avenue, Seattle

Name ___________________________________________ WSBA No. ______________________
Address ________________________________________________________________________
Phone ___________________________ Email _________________________________
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 13, 2012 (refunds cannot be made after September 14). 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.

__________________________________________ chicken ☐ fish ☐ vegetarian
__________________________________________ chicken ☐ fish ☐ vegetarian
__________________________________________ chicken ☐ fish ☐ vegetarian
__________________________________________ chicken ☐ fish ☐ vegetarian
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__________________________________________ chicken ☐ fish ☐ vegetarian
__________________________________________ chicken ☐ fish ☐ vegetarian

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

Send to: WSBA Annual Awards Dinner
Attn: Pamela Wuest
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539
Tel: 206-239-2125 • 800-945-9722, ext. 2125 • Fax: 206-727-8310 • pamelaw@wsba.org

☐ If you need special accommodations, please check here and explain below.
_________________________________________________________________________
_________________________________________________________________________
Interpreter Commission
Application Deadline: August 24, 2012
The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the Interpreter Commission. The WSBA will be nominating one member who is appointed by the Supreme Court to serve a three-year term on the commission commencing October 1, 2012. Pursuant to General Rule 11.1, the Interpreter Commission is convened to fulfill two primary duties: 1) develop policies for the Interpreter Program, and 2) participate in three standing committees, including the Issues Committee, Discipline Committee, and the Judicial and Court Administrator Education Committee. The Washington State Supreme Court selects commission members to represent various constituent groups in the court and interpreter communities. The Interpreter Commission meets quarterly for face-to-face meetings, and committee meetings occur telephonically. Each member is expected to share current information with the constituent groups they represent, as well as bring current issues to the commission for consideration. For further information about the commission, go to www.tinyurl.com/owyaz92 or contact Katrin Johnson at katin.johnson@courts.wa.gov or 360-704-4062. Please submit letters of interest and résumés to: WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98191-2539; or email barleaders@wsba.org.

Northwest Justice Project Board of Directors
Application Deadline: September 5, 2012
The WSBA Board of Governors (BOG) is accepting letters of interest and résumés from members interested in appointment to a three-year term of volunteer service on the Board of Directors of the Northwest Justice Project (NJP). The BOG will fill three attorney positions for terms commencing January 1, 2013. A fourth attorney appointment will be made by the NJP Board. Three incumbents are eligible for reappointment and must submit a letter of interest and résumé if interested in reappointment.

The Northwest Justice Project is a 105-attorney statewide not-for-profit law firm providing free legal services to low-income people from 13 offices throughout Washington. NJP is funded primarily by the state of Washington and the federal Legal Services Corporation. Its 2012 budget is approximately $19.5 million. Board members play an active role in setting program policy and assuring adequate oversight of program operations, and must have a demonstrated interest in, and knowledge of, the delivery of high-quality civil legal services to low-income people. Board members are expected to attend quarterly meetings in Seattle (normally on the last Saturday of January, April, July, and October), attend the Goldmark Luncheon in February, attend the annual Access to Justice Conference in June, and serve actively on at least one Board committee.

For more information, please email César Torres, NJP executive director, at cesart@nwjustice.org, or Russell J. Speidel, board development chair, at russ.speidel@speidellaw.com. Please submit letters of interest and résumés to: WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or email barleaders@wsba.org.

Certified Professional Guardian Board
Application Deadline: August 24, 2012
The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the Certified Professional Guardian Board. The WSBA will be nominating one member who is appointed by the Supreme Court to serve a three-year term on the board commencing October 1, 2012. The Certified Professional Guardian Board is the regulatory authority for the practice of Certified Professional Guardians — individuals and agencies — in Washington state. The board is charged with establishing the standards and criteria for the certification of professional guardians in Washington state, as defined by RCW 11.88.008. The board meets regularly to review applications for certification; to adopt and implement regulations relating to standards and practice, ethics, and training for professional guardians; and to review grievances. For further information about this board, go to www.courts.wa.gov/programs_orgs/guardian/?fa=guardian, or contact Shirley Bondon at 360-705-5302 or shirley.bondon@courts.wa.gov.

The incumbent is eligible for reappointment and must submit a letter of interest and résumé if interested in reappointment. Please submit letters of interest and résumés to: WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98191-2539; or email barleaders@wsba.org.

Limited License Legal Technician Board
Application Deadline: October 15, 2012
The WSBA Board of Governors seeks applicants for the Limited License Legal Technician Board, recently created by the Washington State Supreme Court to administer new Admission to Practice Rule 28, which will be implemented by the WSBA. APR 28 authorizes certain persons to render limited legal assistance or advice in approved practice areas of law. Among other duties, the 13-member Board will recommend LLLT practice areas to the Court, draft necessary rules and regulations for implementation of this program, determine qualifications for LLLT licensing, administer the LLLT exam, and determine LLLT continuing education requirements. Nine of the Board members must be active WSBA members; the other four are non-lawyers. Legal educators are encouraged to apply, as at least one board member must be a legal educator. Applications will be reviewed by the Board of Governors in November and the names of selected candidates will be forwarded to the Washington State Supreme Court for appointment. Initial terms will begin January 1, 2013, and end September 30 in either 2013, 2014, or 2015. In the future, terms will be for three years, beginning on October 1, with a two-term limit. Application instructions are located on the WSBA website at www.wsba.org/lllt. Applications from people seeking a LLLT license...
will not be accepted until the LLLT Board has finalized all program details, which is not expected to be prior to January 1, 2014. Information about APR 28 may be found on the Court’s website at www.courts.wa.gov/newsinfo/?fa=newsinfo.internetdetail&newsid=2136. Questions about the Board should be addressed to Robert Henry, WSBA admissions manager, roberth@wsba.org.

**Washington State Bar Foundation Board of Trustees**

**Application deadline: August 15, 2012**
The Washington State Bar Foundation is the fundraising arm of the Washington State Bar Association. The Board Foundation engages members of the bar and the public in financially supporting WSBA’s diversity, public service, and public legal education programs. Bar Foundation funding powers vital programs like the WSBA Moderate Means Program, the WSBA Home Foreclosure Legal Aid Project, and more. The WSBA Board of Governors seeks candidates to fill several open positions on the Foundation Board. All terms are for three years, are renewable once, and begin October 1, 2012. Trustees are stewards of the Foundation Board, a 501(c)(3) nonprofit, and are actively involved in all aspects of donor development. Serving as a trustee is a great opportunity for anyone passionate about helping to sustain WSBA’s commitment to serve the public and advance justice. To learn more, contact Megan McNally at meganm@wsba.org, or 206-727-8272. To be considered, submit a cover letter and résumé by email to foundation@wsba.org.

**Limited Practice Board**

**Application deadline: October 1, 2012**
The WSBA Board of Governors seeks candidates for appointment to the Limited Practice Board, which oversees administration of, and compliance with, the Limited Practice Rule (APR 12) authorizing certain lay persons to select, prepare, and complete legal documents pertaining to the closing of real estate and personal-property transactions. The candidates’ names will be submitted to the Washington State Supreme Court for appointment, and the appointee will serve a four-year term commencing January 1, 2013, and ending December 31, 2016. In keeping with the member requirements of APR 12, these positions must be filled by active members of the WSBA. Experience in the real estate industry is preferred. For more information, see www.wsba.org/lpos. An application and résumé are required for new candidates and incumbents seeking reappointment. Please submit application and résumés online. Contact Limited Practice Board Staff Liaison Talia Clever at taliac@wsba.org for more information.

**Law of Lawyering Now Available**

WSBA-CLE Publications releases *The Law of Lawyering in Washington* by Tom Andrews, professor, University of Washington School of Law; Rob Aronson, professor, University of Washington School of Law; Mark Fucile, attorney, Fucile & Reising LLP; Art Lachman, attorney at law. If you practice law in the state of Washington, this book should be part of your reference library. This one-volume treatise provides a broader and deeper treatment of the law of lawyering in the state of Washington than is currently available in any other work. The multiple sources of the law of lawyering are compiled, placed into historical and national context, analyzed and, where the authors deem it necessary, criticized in the “Author’s Commentary” sections. To review the complete table of contents or to order, go to www.wsbacle.org, or contact Order Fulfillment at 206-733-5918 or orders@wsba.org.

**Seeking Questionnaires from Candidates for Judicial Appointments**

**August 3, 2012, for September 14, 2012, interview**
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 date 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/jrc or contact the WSBA at 206-727-8226 or 800-945-9722, ext. 8226; or email pami@wsba.org.

**Court Order Issued Regarding Use of Names of Child Victims and Witnesses**

In the Washington State Court of Appeals for Division III, on June 18, 2012, Chief Judge Kevin Korsmo entered the following General Court Order regarding the use of initials or pseudonyms for child victims or child witnesses: “It is further ordered that in all pleadings, motions and briefs filed with this Court, all parties shall use initials or pseudonyms in place of the names of child witnesses or any victims known to have been under the age of 18 at the time of any event in the case.”
“Foundations of American Democracy” Civics Pamphlet
The WSBA offers a pamphlet for the public called “Foundations of American Democracy” that describes the basics of American government: the rule of law, the separation of powers, checks and balances, and a fair and impartial judiciary. It also includes a short quiz and a list of useful websites. Lawyers and judges are encouraged to bring the pamphlet with them when they speak to students or the public in schools, courthouses, and the community. Teachers may also request the pamphlet for classroom use. The WSBA can provide reasonable numbers of copies at no charge, or the pamphlet may be downloaded from the WSBA website at www.wsba.org. Requests for copies should be directed to Pam Inglesby, WSBA member and leader relations manager, at pami@wsba.org.

Search WSBA Advisory Opinions Online
WSBA advisory opinions are available online at www.wsba.org/advisoryopinions. You can search opinions by number, year issued, ethical rule, subject matter, or keyword. Advisory 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. For assistance, call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

Facing an Ethical Dilemma?
Members facing ethical dilemmas can talk with WSBA professional responsibility counsel for informal guidance on analyzing a situation involving their own prospective ethical conduct under the RPCs. All calls are confidential. Any advice given is intended for the education of the inquirer and does not represent an official position of the WSBA. Every effort is made to return calls within two business days. Call the Ethics Line at 206-733-5914.

LOMAP Lending Library
The WSBA Law Office Management Assistance Program (LOMAP) Lending Library is a service to WSBA members. We offer the short-term loan of books on the business management aspects of your law office. How does it work? You can view available titles at www.wsba.org/resources-and-services/lomap/lending-library. Books may be borrowed by any WSBA member for up to two weeks. LOMAP requires your WSBA ID and a valid Visa or MasterCard number to guarantee the book’s return to the program. If you live outside of the Seattle area, books can be mailed to you; you will be responsible for return postage. For walk-in members, we recommend calling first to check availability of requested titles. To arrange for a book loan or to check availability, please contact Julie Salmon at 206-733-5914.

Get More out of Your Software
The WSBA offers hands-on computer clinics and webinars for members wanting to learn more about what Microsoft Office Outlook and Word, as well as Adobe Acrobat, can do for a lawyer. We also cover online legal research such as Casemaker and other resources. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Bring your laptop or use provided computers. Seating is limited to 15 members. The August 13 clinic will meet from 10:00 to 11:30 a.m. at the WSBA offices and online, and will focus on Microsoft Outlook and Word. On August 16, from 2:00 to 3:30 p.m., we will discuss Casemaker and online research. Our new, short webinar-only sessions for August are: August 6 from noon to 12:30 p.m. on PCLaw; August 20 from noon to 12:30 p.m. on Credenza case management software; and August 27 from noon to 12:30 p.m. on The FormTool. There is no charge and no CLE credit. To

Visit the new WSBA Career Center!

 JOB SEEKERS: access job postings, manage your job search, post an anonymous résumé
 EMPLOYERS: post openings, manage recruiting, search résumés, reach targeted candidates

http://jobs.wsba.org
reserve your seat and obtain conference call instructions, contact Peter Roberts at 206-727-8237, 800-945-9722, ext. 8237, or peter@wsba.org.

**Just Starting a Practice?**

Think “out of the box” and consider purchasing “Law Office in a Box.” For $119, you receive an hour of consultation time plus everything you see here: http://tinyurl.com/3rn75hj. Questions? Contact Peter Roberts at peter@wsba.org, 206-727-8237, or 800-945-9722, ext. 8237.

**Individual Consultation**
The WSBA Lawyers Assistance Program provides treatment for those struggling with depression, work stress, addiction, and life transition, among other topics. Our licensed counselors can offer up to 10 sessions on a sliding scale. The first appointment is $20. We also provide consultations on job seeking and can offer informational and referral resources on a range of topics. Contact us at 206-727-8268, 800-945-9722, ext. 8268, lap@wsba.org, or go to www.wsba.org/lap.

**Weekly Job Search Group**
The WSBA Weekly Job Search group provides strategy and support to unemployed attorneys. The group runs for eight weeks and is limited to eight attorneys. We provide the comprehensive WSBA job search guide “Getting There: Your Guide to Career Success,” which can also be found online at www.tinyurl.com/7xheb88. For more information about monthly and weekly job group programming or to schedule a career consultation, contact Dan Crystal at danc@wsba.org, 206-727-8267, or 800-945-9722, ext. 8267.

**Work/Life Balance Group**
The WSBA Lawyers Assistance Program (LAP) is offering “From Surviving to Thriving: Achieving a Meaningful Work/Life Balance.” This eight-week group offers both specific skills and a supportive environment for this critical topic. If you are interested in participating in the next group, contact LAP therapist Heidi Seligman at 206-727-8269, 800-945-9722, ext. 8269, or heidis@wsba.org.

**Mindful Lawyers Monthly Group**

A growing number of legal professionals across the nation are applying mindfulness-based skills and training to lawyering. The Washington Contemplative Lawyers group meets on the last Wednesday of each month (August 29) at the Lawyers Assistance Program office from 8:15–9:00 a.m. For more information, contact Sevilla Rhoads at srhoads@gsblaw.com or go to www.wacontemplativelaw.blogspot.com.

**Struggling with Alcohol or Drugs?**
The WSBA Lawyers Assistance Program is closely connected to addictions communities, AA and otherwise, across the state. For instance, there is an “Unbar” AA group for attorneys that meets every Wednesday in downtown Seattle. If you would like someone to walk you to a meeting, or simply need a referral, don’t hesitate to contact us confidentially at 206-727-8268 or lap@wsba.org.

**Taking a Vacation?**

If not, why not? All work and no play will make you grumpy and inefficient. Vacations are good for you and your family, so
plan now to get out of town. And turn off your cell phone while you’re there! If you feel guilty about even contemplating time off, call the WSBA Lawyers Assistance Program at 206-727-8268 or 800-945-9722, ext. 8268, to schedule a confidential consultation.

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 and handling problem-personality clients. Contact the lawyer services coordinator at 206-727-8268 or 800-945-9722, ext. 8268.

Help for Judges
The WSBA Judges Assistance Services 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.

Casemaker Online Research
Casemaker is a powerful online research library provided free to WSBA members that can be accessed from the WSBA website at www.wsba.org/resources-and-services/casemaker-and-legal-research. As a WSBA member, you already receive free access to Casemaker. Now, you can enhance that member benefit by upgrading to Casemaker+ with CaseCheck+. Just like Shepard’s and KeyCite, CaseCheck+ tells you instantly whether your case is good law. You can find information about this service on the Casemaker website, or call 877-659-0801 and a Casemaker representative can talk with you about the benefits of switching to their premium product. For help using Casemaker, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, juliesa@wsba.org, or call the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA (9722).

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. LOMAP staff is available to provide materials, answer questions, and make recommendations. To make an appointment, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

Upcoming Board of Governors Meetings
September 20–21, Seattle; November 16–17, Seattle
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 Pamela Wuest at 206-239-2125, 800-945-9722, ext. 2125, or pamelaw@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/about-wsba/governance/board-of-governors.

Usury Rate
The average coupon equivalent yield from the first auction of 26-week treasury bills in July 2012 was 0.152 percent. Therefore, the maximum allowable usury rate for August is 12 percent.

Bennett Bigelow & Leedom, P.S.
is pleased to announce that

Amy J. DeLisa has joined the firm as Senior Associate and

Deborah K. Austin
Megan J. Shelton
Justin A. Steiner

have joined the firm as Associates.

Ms. DeLisa graduated from Boston College Law School. Her practice focuses on medical malpractice claims against physicians and health care institutions and employment law. She also has represented clients in complex negligence litigation, allegations of disability discrimination, and wrongful death claims.

* * * *

Ms. Austin graduated from Michigan State University College of Law. Her background is in general liability defense with an emphasis on medical malpractice cases. She also has experience supervising legal teams in complex litigation matters.

* * * *

Ms. Shelton is a graduate of Seattle University School of Law. Prior to joining Bennett Bigelow & Leedom, P.S., she completed a legal externship at MultiCare Health System in Seattle. Her practice focuses on medical malpractice claims against physicians and health care institutions.

* * * *

Mr. Steiner is a graduate of Vanderbilt University Law School in Nashville, Tennessee. His practice focuses on employment law, medical malpractice defense, and civil litigation in health care areas. Prior to joining Bennett, Bigelow & Leedom, P.S., Justin practiced in Idaho for several years.

Bennett Bigelow & Leedom, P.S.
1700 Seventh Avenue, Suite 1900
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Tel: 206-622-5511 • Fax: 206-622-8986
www.bbllaw.com
**The American Bar Association International Law Section**

has appointed

Melvyn J. Simburg

as Vice-Chair of the International Intellectual Property Rights Committee.

Mr. Simburg was also re-appointed Editor in Chief of the “International Intellectual Property Rights Year in Review,” published annually by the ABA in *The International Lawyer*.

Mr. Simburg is a partner in the Seattle law firm of **Simburg, Ketter, Sheppard & Purdy, LLP**.

**Lybeck ♦ Murphy LLP**

is pleased to announce that

**Thomas A. Pedreira**

has joined the firm as a Partner.

Mr. Pedreira brings 30 years of experience in business, corporate, and real estate matters, and represents physicians and other health care providers. Having practiced for many years in the Central Valley of California, he has also represented clients in a broad array of agribusiness matters. Mr. Pedreira serves as general counsel for a number of closely-held businesses throughout the Pacific Northwest.

Mr. Pedreira graduated from Stanford University and obtained his law degree from the University of the Pacific – McGeorge School of Law.

Welcome, Tom!

Fifth Floor Chase Bank Building
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www.lybeckmurphy.com

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**The Meryhew Law Group, PLLC**

is pleased to announce that

**Christopher A. Swaby**

has joined the firm as an associate.

Christopher’s practice will focus on the defense of those accused of sexual misconduct in state and federal criminal courts.

Christopher@meryhewlaw.com

**The Meryhew Law Group, PLLC**

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**The Law Offices of Robert B. Gould**

and

**The Law Offices of Brian H. Krikorian**

are pleased to announce the relocation of their respective offices July 1, 2012:

**4100 194th St. SW, Ste. 215**
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Their respective practices continue to emphasize plaintiffs’ legal malpractice.

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MEDIATION
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Mac has been a trial lawyer in Seattle
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- Nearly 30% of Washington residents live below 200% of the poverty level
- Only 1 in 5 people will receive help for an urgent legal problem this year
- Since 2009, top requests for legal help have drastically increased:
  - Domestic Violence Advocacy ↑ 109%
  - Foreclosures ↑ 556%
  - Unemployment ↑ 890%

Sources: 2010 US Census; King County Crisis Clinic (2008-2010 comparison)

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LAW Fund & the Campaign for Equal Justice | 1325 4th Ave., Ste. 1335, Seattle, WA 98101 | 206.623.5261
These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct, and pursuant to the February 18, 1995, policy statement of the WSBA Board of Governors. For a complete copy of any disciplinary decision, call the Washington State Disciplinary Board at 206-733-3926, 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 disciplinary notices should be read carefully for names, cities, and bar numbers.

**Resigned in Lieu of Disbarment**

**Siamack Kalantar** (WSBA No. 39681, admitted 2007), of Irvine, California, resigned in lieu of disbarment, effective May 24, 2012. While not admitting to the violations set forth in the Statement of Alleged Misconduct, Mr. Kalantar admitted that there was a substantial likelihood the WSBA could prove by a clear preponderance of the evidence the violations of the Rules of Professional Conduct set forth in the statement of alleged misconduct and that such proof would support disbarment. This discipline is based on conduct involving failure to safeguard client property and dishonesty. According to the Statement of Misconduct:

In 2010, Client wired $140,000 to a bank account owned by the Kalantar Law Firm, for Mr. Kalantar to hold in trust. In 2011, Client asked Mr. Kalantar to transfer the $140,000 to a bank account owned by Client. Mr. Kalantar told Client that Mr. Kalantar could not release the $140,000 because the Department of the Treasury, Office of Foreign Assets Control (OFAC), had blocked the funds. In truth and in fact, OFAC had not blocked release of the funds. Mr. Kalantar’s statement to the Client was false. By February 2012, Client’s $140,000 was no longer on deposit in the Law Firm’s account. As of the present date, Mr. Kalantar has not returned any of Client’s $140,000 to him. Mr. Kalantar converted the Client’s $140,000 for his own use without authority from Client to do so.

Mr. Kalantar’s conduct violated RPC 1.15A(b), prohibiting a lawyer from using, converting, borrowing, or pledging client or third-party person property for the lawyer’s own use; and RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Leslie C. Allen represented the Bar Association. Brett A. Purzer represented Mr. Kalantar.

**Reprimanded**

**Thomas J. Alexiou** (WSBA No. 21440, admitted 1992), of Edmonds, was ordered to receive two reprimands following approval of a stipulation by the chief hearing officer on April 10, 2012. This discipline was based on conduct involving failure to act with reasonable diligence, failure to communicate, charging unreasonable fees, and failure to expedite litigation.

In June 2008, Client A hired Mr. Alexiou to draft documents and obtain an uncontested divorce. Although the petition and summons that Mr. Alexiou drafted were signed by both parties in August 2008, Mr. Alexiou failed to file them until August 2009. Three months after the documents were filed, Client A’s wife was told by the court that the divorce was not final because Mr. Alexiou had not filed all of the necessary documents. Client A and his wife called and sent letters to Mr. Alexiou during the next year, but he generally did not return their calls, answer their letters, or provide them with documents or the status of their matter. When Mr. Alexiou did speak to them, he made excuses for failing to obtain the divorce. When Client A and his wife were still not divorced by December 2010, Client A’s wife filed a grievance with the Bar Association. After Mr. Alexiou completed and filed the complete dissolution documents with the court, it granted the divorce on June 28, 2011.

In November 2010, Client B’s grandmother paid Mr. Alexiou $5,000 to represent her grandson, who was incarcerated on criminal charges. Mr. Alexiou agreed to take the matter to conclusion (whether by plea or by trial), entered his appearance in the matter, and was granted a trial continuance. After failing to contact Client B by January 24, 2011, Client B’s father, Mr. Alexiou, told him that he had negotiated a plea that would be entered on January 28, 2011. Mr. Alexiou told Client’s father that he would contact him when the plea was entered. Mr. Alexiou did not appear for the scheduled plea entry or for two rescheduled plea entry dates, did not contact Client B or his father, and did not return phone calls. In February 2011, Client B’s grandmother sent Mr. Alexiou a certified letter requesting the return of the $5,000 fee. In April 2011, a Superior Court judge removed Mr. Alexiou from the case and appointed a public defender to represent Client B to enter his plea. In December 2011, Mr. Alexiou refunded $2,500 of the fee paid by Client B’s grandmother.

In October 2009, Client C paid Mr. Alexiou $2,500 to modify a parenting plan to obtain custody of his 15-year-old daughter. Mr. Alexiou told Client C that the hearing would be scheduled by Thanksgiving 2009. Mr. Alexiou did not prepare a parenting plan or provide legal services in the matter, return Client C’s phone calls, or inform him of the status of the case between November 2009 and May 2011. In December 2011, Mr. Alexiou refunded Client C’s entire fee.

In August 2009, Client D paid Mr. Alexiou $1,000 to obtain a divorce from his wife, who had been estranged from Client D for over 20 years. Between September 2009 and April 2011, Client D called and sent letters and emails to Mr. Alexiou, who generally did not respond or provide Client D with documents or the status of his matter. On two separate occasions, Mr. Alexiou requested that Client D send him copies of Client D’s file because Mr. Alexiou had misplaced it. Mr. Alexiou did not prepare or file the divorce documents or provide legal services in the matter, although he did have contact on one occasion with a private investigator and process server who could not locate Client D’s wife. In December 2011, Mr. Alexiou refunded Client D’s entire fee.

Mr. Alexiou’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4(a), requiring a lawyer to keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information; RPC 1.5(a), prohibiting a lawyer from making an agreement for, charging, or collecting an unreasonable fee or an unreasonable amount for expenses; and RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client.

Kathleen A.T. Dassell represented the Bar Association. Mr. Alexiou represented himself. Joseph Nappi Jr. is the chief hearing officer.

**Admonished**

**John L. McKean** (WSBA No. 13294, admitted 1983), of Moses Lake, was ordered to receive an admonition on April 25, 2012, by order of the Disciplinary Board. This discipline is based on conduct involving failure to timely file a probate of an estate and a petition for accounting, and failure to notice the wrong person had been served with the summons and petition.

In October 2007, Clients hired Mr. McKean to file a probate estate and petition Deedent’s third husband (Husband), who was her disability trustee, to give an accounting of the estate’s property. By December 2007, Mr. McKean possessed everything he needed to file the probate and prepare the petition for accounting.
In June 2008, Mr. McKean filed the probate and, in September 2008, Mr. McKean filed a summons and petition for an accounting from Husband of all property owned by Decedent over which Husband exercised authority as her disability trustee. Before Mr. McKean filed the summons and petition, Clients informed him that Husband had an adult son, "Junior," with the same first and last name, but different middle initial, who lived in the same area. After filing the petition and directing the process server to serve the summons and petition for an accounting on Husband, Mr. McKean did not realize that the affidavit of service described the person served as 55, instead of the mid-70s Husband. In fact, service was effected on Junior.

When he became aware of that a petition had been served on his son, Husband hired an attorney who, in December 2008, sent to Mr. McKean a special notice of appearance stating, "YOU ARE FURTHER NOTIFIED that [Husband] is not waiving the defense of the insufficiency of service of process." Mr. McKean did not promptly investigate the alleged insufficiency of the service of process.

In June 2009, Husband's attorney specifically advised Mr. McKean that the wrong person had been served and that he would be bringing a motion for summary judgment on that basis. In October 2009, Husband's attorney filed a motion for summary judgment, with a hearing set for November 3, 2009. Mr. McKean made numerous subsequent attempts to obtain personal service on Husband, but was unsuccessful. He eventually obtained authority from Clients and an order from the court authorizing service on Husband by publication and a continuance of the hearing. After Clients received their first billing statement for time spent opposing Husband's motion for summary judgment and obtaining authority to serve Husband by publication, they directed Mr. McKean to cease taking further action. Clients paid Mr. McKean approximately $3,200 in legal fees and costs in the matter.

Mr. McKean's conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client.

Leslie C. Allen represented the Bar Association. Mr. McKean represented himself. John H. Loeffler was the hearing officer.

Non-Disciplinary Notices

Interim Suspension Pursuant to ELC 7.1 George J. Atwater III, (WSBA No. 17824, admitted 1988), of Lynnwood, is suspended from the practice of law, effective June 12, 2012, by order of the Washington State Supreme Court, pending final disposition of disciplinary proceedings pursuant to ELC 7.1 (conviction of a crime). This is not a disciplinary sanction.

CLE Calendar

CLE seminars are subject to change. Please check with providers to verify information. To announce a seminar, please send information to:

WSBA Bar News CLE Calendar
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539
Fax: 206-727-8319
Email: barnewscaleNDAR@wsba.org

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

Residential Real Property in a Distressed Market: What Are Your Client’s Options? August 7 — Seattle and webcast. 6.5 CLE credits. By the WSBA Creditor Debtor Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Marijuana Law August 29 — Seattle and webcast. 6.75 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Getting Started in Criminal Defense September 14 — Seattle. 6.75 CLE credits, including .75 ethics. By WACDL; 206-623-1302; www.wacdl.org.

19th Annual Criminal Justice Institute September 27–28 — Burien. 15.5 CLE credits, including up to 1 ethics. By the WSBA Criminal Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Annual Elder Law Conference September 14 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By the WSBA Elder Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

14th Annual Ethics, Professionalism, and Civility September 10 — Seattle. 6.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Lincoln on Professionalism September 27 — Seattle and webcast. 2.75 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Estate Planning

Estate Planning Fundamentals: Planning Strategies, Drafting Trusts, and Counseling Clients August 2 — Seattle and webcast. 6.5 CLE credits, including 1.25 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Administrative Law

Administrative Law [Rescheduled for 10/24] — Seattle and webcast. CLE credits pending. By the WSBA Administrative Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Alternative Dispute Resolution

Mediation Training August 13–17 — Seattle. 34.25 CLE credits, including 1.75 ethics. By Seattle University School of Law and Dispute Resolution Center of King County. Dee Knapp, 206-398-4131.


Settlement Conference Mediator Training September 25 — Tacoma. 2.75 CLE credits, including 1 ethics credit. By Pierce County Center for Dispute Resolution; www.pccdr.org, 253-572-3657; settlementconference@pccdr.org.
**Family Law**

**Early Brain Development and Best-Interest Decisions: Supporting Relationships through Visitation and Family Time**
August 3 — Seattle and webcast. 6 CLE credits. By Seattle University School of Law, CLE Dept. 206-398-4233; www.law.seattleu.edu/continuing_education.

**Drafting and Enforcing Parenting Plans**
August 8 — Seattle. 1 CLE credit. By McKinley Irvin Family Law Speaker Series; 206-625-9600; www.mckinleyirvin.com/resources/cle.

**Divorce, Washington Style: The Practical Guide to Dissolution**
August 9 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Navigating Family Law Issues for Military Parties**
September 5 — Seattle. 1 CLE credit. By McKinley Irvin Family Law Speaker Series; 206-625-9600; www.mckinleyirvin.com/resources/cle.

**General**

**Early Brain Development and Best-Interest Decisions: Supporting Relationships through Visitation and Family Time**
August 3 — Seattle and webcast. 6 CLE credits. By Seattle University School of Law, CLE Dept. 206-398-4233; www.law.seattleu.edu/continuing_education.

**Washington State Association for Justice/Oregon Trial Law Association Convention**

**Marijuana Law**
August 29 — Seattle and webcast. 6.75 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Pro-Tem Training**
September 7 — Seattle and webcast. 9.25 CLE credits, including 1.25 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**14th Annual Ethics, Professionalism, and Civility**
September 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**The Legislative Process — How It Really Works**
September 11 — Seattle and webcast. 6.75 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Lincoln on Professionalism**
September 27 — Seattle and webcast. 2.75 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Latz Negotiation Strategies**
September 28 — Seattle and webcast. 6 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Government Law**

**The Legislative Process — How It Really Works**
September 11 — Seattle and webcast. 6.75 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Immigration Law**

**Immigration Law for Non-Immigration Lawyers: Spotting the Issues**
September 12 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Intellectual Property**

**Intellectual Property Fundamentals for the Business and Transactional Attorney**
September 21 — Seattle and webcast. 6.75 CLE credits, including .75 ethics. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Litigation**

**Washington State Association for Justice/Oregon Trial Law Association Convention**

**All the Right Moves in Tort Litigation: Learn from the Masters of the Game**
August 14 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Litigation Section Midyear**
August 24 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Bob Dawson’s Trial Workshop**

**Moderated Video Replay — Washington Civil Procedure: Let’s Do It Right!**
September 25 — Friday Harbor. 6.75 CLE credits, including 2 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Personal Injury**

**All the Right Moves in Tort Litigation: Learn from the Masters of the Game**
August 14 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Real Estate Law**

**Residential Real Property in a Distressed Market: What Are Your Client’s Options?**
August 7 — Seattle and webcast. 6.5 CLE credits. By the WSBA Creditor Debtor Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Law of Adjoining Properties**
September 20 — Seattle and webcast. 6.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.
CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Trust and Estates**

**Estate Planning Fundamentals: Planning Strategies, Drafting Trusts, and Counseling Clients**
August 2 — Seattle and webcast. 6.5 CLE credits, including 1.25 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Let Me Tell You a Story — The Dos and Don’ts of Successful Litigation**
August 24 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By the WSBA Litigation Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Litigation Section Midyear**
August 24 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

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**14th Annual Ethics, Professionalism, and Civility**
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**The Legislative Process — How It Really Works**
September 11 — Seattle and webcast. 6.75 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Immigration Law for Non-Immigration Lawyers: Spotting the Issues**
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**Administrative Law [Rescheduled for 10/24]**
September 14 — Seattle and webcast. CLE credits pending. By the WSBA Administrative Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Annual Elder Law Conference**
September 14 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By the WSBA Elder Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Motion Practice**
September 19 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Law of Adjoining Properties**
September 20 — Seattle and webcast. 6.5 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Intellectual Property Fundamentals for the Business and Transactional Attorney**
September 21 — Seattle and webcast. 6.75 CLE credits, including .75 ethics. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Lincoln on Professionalism**
September 27 — Seattle and webcast. 2.75 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Latz Negotiation Strategies**
September 28 — Seattle and webcast. 6 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.
Lateral partner: Smith Alling, P.S., seeks a lateral partner to join the firm’s sophisticated and diverse business, estate planning, real estate, construction, and litigation practice at its office in Tacoma. Successful candidates will have portable business, excellent credentials, at least 10 years’ experience, a good reputation in the legal community, and, most importantly, a willingness to be part of a collegial work environment. Smith Alling, P.S. is widely recognized throughout the Pacific Northwest for the superior legal work it performs on behalf of its corporate clients and individuals. For confidential consideration, send résumé and cover letter to mmc@smithalling.com.

Smith Freed & Eberhard is a litigation law firm focused on providing excellent service to its clients. We are currently seeking a lateral insurance defense partner with an established practice in Seattle. Successful candidates will have portable business, excellent credentials, substantial experience, and a good reputation in the legal community. Candidates must also have the desire to market and develop their current practice and the willingness to be a part of a collegial work environment. Please email your résumé and cover letter, including salary requirements, in confidence to the managing partner, Jeff Eberhard, at jeberhard@smithfreed.com. We offer a competitive salary and benefits.

Ryan, Swanson & Cleveland, PLLC, a downtown Seattle, respected mid-sized firm, seeks business and tax partners to expand strong business practice group. We offer stability, financial health, professional excellence, a wonderful working environment, a very high level of camaraderie and support, and a chance for terrific compensation. Our partners have come both from within and from regional and national firms. The ideal candidate should be looking forward to growing a significant practice on his or her existing client base. Please contact Kevin Collette at collette@ryanswansonlaw.com.

Longstanding Walla Walla firm (AV-rated) seeks to add attorney to existing four-person firm. Primary areas of practice would be estate planning, probate, trust, and business entities. Attorney should have at least five years’ experience and desire to work in an overhead-sharing arrangement. Send letter of interest and résumé to classifieds@wsba.org, referencing Box 750 in the subject line.

Associate attorney — Davies Pearson, P.C., a full service law firm located in downtown Tacoma, is seeking an attorney with at least three years of experience in civil litigation to augment its employment and commercial litigation practice groups. Qualified applicants should have outstanding oral advocacy and writing skills. Preference will be given to candidates with a strong academic background. Position offers competitive salary, benefits, and bonus program, as well as an opportunity for advancement. Qualified applicants should send résumé, letter of interest, and self-edited writing sample to: Davies Pearson P.C., Attn: Brian King, P.O. Box 1657, Tacoma, WA 98401, or email to bking@dpearson.com.

Established three-member Bellingham firm wishes to add a partner to join established estate planning, probate, trust, and elder law practice. Excellent location. At least five years’ experience and desire to work in an overhead-sharing arrangement preferred. Terms flexible. Send letter of interest and résumé to P.O. Box 5846, Bellingham, WA 98227-5846.

Request for Proposals No. 862 — Pierce County Hearing Examiner Services: Notice is hereby given that Pierce County is soliciting proposals from qualified candidates to provide hearing examiner services for land use and regulation compliance and enforcement cases. A copy of the Request for Proposals may be downloaded from our website: www.piercecountywa.org/purchasing. Contact for more information is Susan Long, 253-798-6068. Sealed proposals will be received at the office of Pierce County Purchasing, 615 South 9th St.; Ste. 100; Tacoma, WA 98405-4673, until 4:30 p.m., August 24, 2012. The RFP number and due date must be clearly identified on the outside of the envelope. The right is
reserved to reject any or all proposals.

Experienced Associate — financial services litigation: Cosgrave Vergeer Kester LLP is seeking an experienced associate who is highly skilled in mortgage, real estate, and financial services litigation to join our growing Banking and Financial Services Practice Group. Excellent writing skills, attention to detail, and a dedication to high-quality work will be the key to your success. Experience in defending claims under the Fair Debt Collection Practices Act, Fair Credit Reporting Act, Telephone Consumer Protection Act and other consumer protection statutes is a plus. If you have at least two years of financial services litigation experience, thorough research and analytical skills, and meet the criteria above, apply today. Must be a member in good standing of Oregon State Bar (Washington State Bar Association membership is a plus) and have federal and state court experience and strong academic credentials. Cosgrave Vergeer Kester provides a full range of employer-paid benefits and competitive compensation. Qualified applicants should send cover letter, résumé (with references), law school transcript, job application, and writing sample to: humanresources@cosgravelaw.com. Cosgrave Vergeer Kester LLP is an equal opportunity employer. We welcome all applicants and strive to provide a workplace in which all employees feel included, respected, and valued. All inquiries will remain in confidence.

Grant County Department of Public Defense is seeking a criminal defense attorney that is qualified to handle Class A felony cases under the Indigent Defense Standards and the Best Settlement Agreement. The applicant should have an internal commitment to defending the client and the Constitutions of Washington and the United States. The applicant should be prepared to discuss their own personal philosophy of criminal defense. See more details under the Grant County website under Human Resources or call the Grant County Department of Public Defense at 509-754-6027. A written application to the Grant County Department of Human Resources is online and required. Applications are only accepted online at http://agency.govmemtjobs.com/grantwa/default.cfm.

Construction litigation attorney: Pierce County Prosecutor’s Office, Civil Division, seeks attorney with at least five years’ civil litigation practice, including construction and condemnation experience, to represent Pierce County’s Public Works and Utilities Department. Duties include handling complex public works construction disputes/litigation, all phases of condemnation proceedings, contract and leasing issues, and other projects and clients as assigned. Full-time, exempt, represented position with benefits. Salary $80,400–$107,600 annually, DOQ. Send résumé, explanation of relevant experience, references, and writing sample by August 20, 2012, to: Rebecca Stover, Human Resources Manager, Pierce County Prosecuting Attorney, 930 Tacoma Ave. S., Room 946, Tacoma, WA 98402 or email to rstover@co.pierce.wa.us. EOE.

University of Washington, Director of External Business Relations, Seattle: The University of Washington School of Medicine has an outstanding opportunity for a director position responsible for external business-related activities for the school. The position is responsible for the UW School of Medicine business administration operations relating to physician services agreements, other external business relationships, nonclinical goods and services contracts, research-related business agreements, and related licensing and intellectual property matters, faculty/staff outside work, and business-related compliance issues. Other duties include advising the School of Medicine leaders/managers on specific business issues related to real estate, leasing, tax, risk, and intellectual property. A Juris Doctorate or Master’s degree in Business Administration or Health Care Administration is preferred, along with at least five years’ experience in academic medical center or research university setting. The application process for this position includes completing an online cover letter assessment. To obtain additional information that will be used in the evaluation process, go to www.washington.edu/admin/hr/jobs/apl. Use Req. #85846.

The Law Offices of Harold D. Carr has a position for a litigation attorney at our Tacoma/Pierce County office located in Lakewood. Entry-level or experienced candidates will be considered. Salary dependent upon experience. We are looking for a candidate who is hard-working and collaborative, in addition to having a passion for helping people who have been injured by the negligence of others. To apply, contact haroldcarrlaw@comcast.net; fax 360-455-0031; phone: 360-455-0030.

Downtown Seattle law firm seeks third partner for busy corporate transaction and estate planning practice. Candidates should have at least five years of business and estate planning experience and maintain their own book of business and clientele. The firm provides a private office, paralegal station, Westlaw/Checkpoint, full office support services (billing, VPN, conference room), library, and tremendous room for growth in an established and successful practice. The firm is a high-tech, virtually paperless office, offering great benefits and prestigious high-rise location overlooking Puget Sound. Please contact John J. Sullivan at 206-623-6440 or email at jsullivan@dljslaw.com with inquiries.

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**Experienced contract attorney** 18 years’ experience in civil/criminal litigation, including jury trials, arbitrations, mediations, and appeals. Former shareholder in boutique litigation firm. Can do anything litigation-related. Excellent research and writing skills, reasonable rates. Peter Fabish, pfab99@gmail.com, 206-545-4818.


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**Appraiser of antiques, fine art, and household possessions**, James Kemp-Slaughter ASA, FRSA, with 33 years’ experience in Seattle for estates, divorce, insurance, and donations. For details, see http://jameskempslaughter.com; 206-285-5711 or jkempslaughter@aol.com.

**Dispute Resolution Center** works with attorneys to provide certified mediation services; interest-based, facilitative, co-mediators. Sliding scale throughout Snohomish/Skagit/Island. Evening, weekend, and Spanish-language sessions available. Contact 425-212-3931; www.voaww.org/drc.

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**Columbia and Walla Walla counties legal notices:** The Times, a 135-year-old

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**Rates:** WSBA members: $40/first 25 words; $0.50 each additional word. Non-members: $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), American Express, MasterCard, or Visa.

**Note:** These rates are for advertising in Bar News only. To place a position-available ad on the WSBA website, see http://jobs.wsba.org. Pricing can be found online.

**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”). Ads may be edited for spelling, grammar, and consistency of formatting. If you have questions, please call 206-727-8262 or email classifieds@wsba.org.
weekly newspaper based in Waitsburg, Washington, was recently adjudicated as a newspaper of record in Columbia County and offers affordable insertion rates for legal notices there. It has also long served Walla Walla County and offers competitive rates for notices to creditors, trustees’ sales, and more. Please contact 509-337-6631 or email advertising@waitsburgtimes.com.

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**Downtown Seattle executive office space**: Full- and part-time offices on the 32nd floor of the 1001 Fourth Avenue Plaza Building with short- and long-term lease options. Close to courts and library. Conference rooms and office support services available. $175 and up. Serving the greater Seattle area for over 30 years. Contact Business Service Center at 206-624-9188 or www.bsc-seattle.com for more information.

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**Turn-key — new offices available** for immediate occupancy and use in downtown Seattle, expansive view from 47th floor of the Columbia Center. Office facilities included in rent (reception, kitchen, and conference rooms).

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**Belltown (Seattle) law firm offering turn-key sublease**. Corner lot building with large windows and beautiful cherry wood interiors. Two professional offices (18’ x 16’ and 14’ x 11’), plus one paralegal office and one staff work station. The office facilities include furnished reception room with working fireplace, built-in reception desk, furnished conference rooms, library, kitchen, working file room with high-speed copier/fax/scanner, and large basement file storage. Administrative support of high-speed Internet, cable, and VoiceIP is available. Contact accounting@aiken-lawgroup.com.


**Federal Way: office space** for two attorneys in newly remodeled building in Federal Way professional district near Celebration Park. Rent includes use of conference room, Internet, fax, copier, utilities, kitchen, and parking. Secretary/work stations also available. Lease terms negotiable. Call 206-399-2046.

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**Space available on Bel-Red Road, Bellevue**, for one or two attorneys and one assistant. Phone, copier, and conference room provided. Contact office@lawyerseattle.com.

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**Downtown Seattle** — spacious corner office plus staff space, top floor IBM Building in office suite with established family law and elder law firms. View Mt. Rainier and Puget Sound. Phone, full reception, share conference rooms, kitchen, high speed copier/scanner, Internet access and wireless connection. Contact Laura, 206-340-2200 or laura@isenbleck.com.

**Well established, collegial, insurance defense law firm** has office space available in the heart of downtown Seattle: One large attorney office with view and one work station includes reception and conference room. Share kitchen, photocopier, and fax. Available to be rented furnished or unfurnished. Other administrative support available if needed. Fantastic location two blocks from I-5, two blocks from courthouse, on the 30th floor of the 901 5th Ave. Building. Whether you are in the office or traveling, rely on a professional receptionist and staff you trust to handle your calls and mail and greet your guests and prospects. No upfront costs required to occupy and no build-out necessary. Please contact Jann if interested: 206-682-0902, ext. 105.
Briefly About Me

Mimi S. Buescher  
WSBA No. 16661

► I became a lawyer because at the time, there were few women who did and I liked the competition.
► The future of the practice of law is more transparency in everything about it.
► One of the greatest challenges in law today is persuading clients they do not necessarily have to disagree with everything the other party suggests.
► If I were not practicing law, I would be a travel and food writer.
► If I could change one thing about the law, it would be rushing to a judge to decide issues.
► This is the best advice I have been given: Life is short!
► Trait I admire in other attorneys: Calm assurance.
► I would give this advice to a first-year law student: Enjoy school! Real life is much harder.
► Someone whose opinion matters to me: My two fantastic kids and their father.
► People living or from the past I would like to invite to a dinner party and why: Thomas Jefferson. He was a fiery redhead with opinions worth listening to.
► I am most proud of this: Raising two wonderful, intelligent, athletic kids in this world.
► My favorite vacation place: Bali.
► Best stress reliever: Laughing my head off at my husband’s stories.
► A book I would recommend reading: To Kill a Mockingbird by Harper Lee, again and again.
► What keeps me awake at night: My old sniffing stinky dog, but we put up with her.
► Technology is amazing!
► Currently playing on my iPod/CD player/record player: Ziggy Marley.
► If I could live anywhere, I would live in Indonesia or Africa.
► I can’t live without my iPad and remote access app.
► This is the hardest part of my job: Leaving work at the office.
► This is the best part of my job: A job well done.
► I would like to add this: Don’t put off what is really important to you.

My name is Mimi Buescher. I am an attorney with Seattle Divorce Services with offices in the Ballard neighborhood. I have been practicing for 30 years in Seattle, Whidbey Island, the Commonwealth of the Northern Mariana Islands, and a few years in Africa. Over the years, I have practiced in many areas, but lately I concentrate on family law matters, collaborative law, and mediation. I am lucky enough to be able to live both in Ballard and Coupeville, so I get the benefits of both the city and the county. My husband, Craig Platt (who is also an attorney), and I are now empty-nesters, as our son enters his senior year at SCU, finishes his honors engineering degree, and continues to row for varsity crew, and our daughter continues to edit reality TV programs in Los Angeles. (Does anyone admit to watching “Wipeout”? Look for her editing credits.) I can be reached at 206-784-3049 or check out www.seattledivorceservices.com.
Kitty Bob 1.0

In college, I took an entry-level zoology class where my fellow scalpel-wielding 19-year-olds and I shakily dissected one of God’s tiny blessed creatures every few days. Across the hall was a more advanced class in which each student spent a couple of weeks delicately disassembling a cat. That classroom had windows into the hall, and as I walked by daily I couldn’t resist morbidly gawking at the disintegrating felines. On the aluminum tray atop each student’s desk, a cat gradually lost its fur, muscles, bones, and organs. Eventually the only thing remaining was a blob resembling a peach pit. Poor Fluffy had nothing more to show for his nine lives than an inert little brain on a cookie sheet.

I was reminded of that recently when our digital overlords at Google boasted of developing a computer network capable of “learning” in a fashion similar to that employed by living brains. Researchers exposed 16,000 computers to 10 million random YouTube thumbnails (which, come to think of it, is indeed how I spend most weekends). Like children, one of the first things the computers did was learn the concept of a cat. Through repetitive comparison, the network figured out that those furry, distinctively shaped objects were a unique thing that could be categorized by appearance. The scientists theorized that cats were one of the first entities noticed by the computers because of sheer volume. Every man, woman, and child on the planet seems compelled to post images of cats on the Internet.

So here’s your march of science in a nutshell: Galileo used the telescope to discover the moons of Jupiter, Van Leeuwenhoek used the microscope to discover red blood cells, and a gaggle of Google computers used YouTube to discover LOLcats.

The announcement resembled one from a couple of years ago in which IBM scientists proudly declared they had strung together a network of supercomputers that had roughly the same computing power as a cat brain. Others partly debunked that notion, pointing out that while the combined computers had as much raw processing power as a cat, they took up to 100 times longer to make the actual calculations. Still, the IBM scientists were proud of their breakthrough.

As impressive as it is that scientists are figuring out how to make computers as brilliant as live brains, these experiments simultaneously point out the equally striking opposite of what they’re trying to impress us with: how far science has yet to go to replicate what living things can do.

Take my cat, Kitty Bob, for example. The 12-pound, peach-pit-brained curtain shredder I got for free at a feed store is almost as smart as a room full of supercomputers. Even more impressive is that if I tossed him in the woods next door for good, he’d get along fine. How long would a Google supercomputer keep computing if I tossed it in the woods? More astounding yet, had Kitty Bob not been divested of the proverbial family jewels, he could reproduce himself indefinitely, with only the help of another cat.

Computer scientists estimate that a cat brain can store about 98 terabytes of data and perform 61 trillion floating point operations per second. My personal brain lacks the capacity to even know what that means, but I’m pretty sure Kitty Bob’s brain can figuratively run circles around your iPad. Without question, he can literally run circles around your iPad. Your iPad can’t move at all unless you carry or throw it. Speaking of which, what would happen if you threw your iPad out the window and onto the sidewalk? You would hand Apple, Inc., several hundred dollars to replace it, because how else are you going to organize your recipes and play Angry Birds Space HD? But if I were to throw Kitty Bob out the window, within a fraction of a second his brain would figure out he was falling, orient him paws-down, spread his body to slow his descent, continuously monitor the distance to the ground, calculate when to extend his legs and raise his chin, stick the landing, and walk away unscathed. There’s an app for that, and it comes for free, preloaded in every cat.

A fine author named David Quammen, who writes about natural science, laments the likely extinction of earth’s top predators — polar and grizzly bears, lions, tigers, orcas, etc. — because he finds humbling comfort knowing there are more powerful forces even right here on earth than humans and our technology.

Here’s another way to look at it: when I click off the light by my bed at night, Kitty Bob makes his way onto my chest for a last moment of quality time, by which I mean my scratching his neck and his licking my face. Meanwhile, my electronic devices sit coldly in their chargers, updating their software or whatever. According to the tech media, Apple has sold 60 or 70 million iPads so far. Meanwhile, there are an estimated 220 million domesticated cats in the world. That data requires little analysis.

Bar News Editor Michael Heatherly practices in Bellingham. He can be reached at 360-312-5156 or barnewseditor@wsba.org.
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