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Empaneling an Impartial Jury
CHANGING GEARS: LAWYERS IN NEW CAREERS
Remember by Michael Heatherly
PRACTICAL CORRECTNESS BY ROBERT CUMBOW
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Sucession Planning: Part 2

Making sure our clients are cared for after we leave practice is our responsibility as lawyers

Approximately 50 percent of our members are 50 years of age or older. Of members providing information about firm size, about 30 percent are in solo practice, and roughly 50 percent are in firms of five or fewer lawyers. If death or disability visits our members in a statistical way, we have a potentially large problem facing our association, our members, and most importantly our members’ clients.

I have written on this subject before but it bears repeating, as it is a very significant potential problem that we must address. (See the articles in the February 2010 issue of Bar News at www.tinyurl.com/barnewssuccessionplanning.)

I would also like to make it very clear that in discussing this subject I am not solely focusing on lawyers who happen to be 50 years of age or older. Clearly, death and disability can visit lawyers of any age. I apologize to the larger-firm lawyers for using this column for this message, but I think it is a message that needs to be sent.

There is a solution to this potential problem and it is not a complicated solution. It is simply...planning. The WSBA has materials available at the Law Office Management Assistance Program (LOMAP) section of the website under “Closing a Practice” (www.wsba.org/resources-and-services/lomap/closing-a-practice). There you will find forms, checklists, and the “Planning Ahead: A Guide to Protecting Your Clients’ Interests in the Event of Your Disability or Death” handbook.

The simple plan is that each of us should have a working agreement with another lawyer (the assisting lawyer), which effectively plans for the other lawyer to step up in the event of death or disability and provide for the orderly — and most importantly, timely — transfer of my files and documents to a lawyer of my clients’ choosing.

This plan also has real-time benefits from the standpoint that it requires us to organize our practice/files/staff in a way that will allow someone to come in the next day after our death or disability to provide for the orderly transfer of our files/matters/documents. However, even if death and disability don’t come visiting, we will still have an organized law office.

There is another component of this issue of planning, and that is for those of us who are baby boomers to know when it is appropriate for us to retire. I am sure that I am like most of my generation and feel that I am just getting started. Many of us baby boomers are still in search of the “solutions.” I would just ask all of us, no matter at what age or stage of life, to examine how we are contributing to our profession and when it would be better to contribute in another way.

This brings me to the next aspect of leaving the active practice of law. There are a growing number of ways that we can all contribute to our profession and communities beyond retirement. The WSBA embraces the aspiration of developing a “culture of service.” We have within the last couple of years developed the Home Foreclosure Legal Aid Project and the Moderate Means Program. There are also opportunities to serve with our local volunteer legal services programs. Our profession is a very giving profession. We must all continue to find appropriate ways for us each to give back to our communities. (See www.wsba.org/legal-community/volunteer-opportunities.)

I hope that all lawyers have in place a plan in the event of their death or disability. I hope that we all understand when it is appropriate to leave the practice. Finally, I hope that we all embrace service to our communities and build upon a culture of service.

WSBA President Steve Crossland can be reached at steve@crosslandlaw.net or 509-782-4418.
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Where Are the Lawyers Going and Why?

A new study will determine the composition of Washington’s legal profession and retention rates

As a profession dedicated to serving the community and ensuring access to the justice system for all, increasing the diversity of our membership has long been a core ideal of the WSBA. This commitment is captured in one of our five Guiding Principles, which states that the WSBA will advance and promote diversity, equality, and cultural understanding throughout the legal community. Compared to other professions, law has lagged behind in its ability to diversify its ranks. Yet to instill trust in and understanding of the clients we seek to serve, fostering a membership that is representative of our community is critical.

Toward that end, we realized we must understand the makeup of our current membership before we could fully advance this Guiding Principle. Much of the information we have on why members are leaving the profession is anecdotal. As important as it is to learn why attorneys are leaving the profession, it is instructive to understand why certain members have stayed and to learn from their experiences in order to share this information with others. Much effort is spent on building a pipeline from early education to law school and into the profession, but if people are leaving the profession once they make it here, the pipeline is merely emptying into a sieve.

Thus, one of the WSBA’s Strategic Goals for 2011–2013 is to conduct a detailed study of the composition of the legal profession in Washington state as well as the retention rates within our legal community. In order to better serve our members and to refine our goals and programs, the study will give us information about attorneys’ experiences throughout the profession. With a membership of more than 34,000, it is difficult to keep track of all the attorneys in the state, much less their professional changes and the reasons why they are transitioning both into and out of the profession, so the study will give us both qualitative and quantitative information on these dynamics.

In order to conduct this detailed study of our membership, we have partnered with an outside consulting group, Areté Resources, PLLC, that will perform the survey and research on behalf of the WSBA. Three criteria were particularly vital to the WSBA when partnering with Areté for this project: 1) confidentiality, 2) statistical viability, and 3) useful action-based research that will assist us with data-driven decision-making as we move forward in this arena. By partnering with an outside team of evaluation professionals, WSBA is demonstrating our commitment to preserve respondents’ confidentiality, while also ensuring that this study is conducted according to the highest evaluation standards. We hope that these safeguards will provide the membership with the confidence that respondents may speak freely. By carefully constructing a rich baseline of information on emerging patterns in the practice of law in Washington, we believe this study will create an opportunity to explore trends and generate insights that will support the policies and actions of the WSBA for years to come.

Scope of the Study
The study involves two phases:

**Phase I** — Areté (through the guidance of the WSBA) will perform a survey of a ran-
random sample of the WSBA membership. Approximately 10 percent of the membership (3,000–3,500 members) will be randomly selected to take a survey (online or on paper, depending on the member’s preference) that should take approximately 8–16 minutes to complete (time varies depending on different experiences of the member). If you are selected to complete the survey, please do so and provide candid responses. If you are not selected to complete the survey, once the controlled survey is complete, we will invite all members by email to confidentially voice their opinions. The survey will also be available on www.wsba.org. Please take the time to provide us with your feedback in order to help us gather as complete a picture of our membership as possible.

Phase II — Online fora (similar to focus groups) have been created in order to discuss issues in more depth. Areté will host fora where people will be assigned a non-identifying name and specific topics will then be discussed in greater detail. Each forum will include approximately 10 people. Two of these fora are currently underway. If you are selected to participate in a forum, please take the time to provide us with your feedback in order to help us develop an in-depth understanding of our membership and your view on these critical issues.

Timeline of the Study

**January 5** — Membership survey sent to random sampling of the WSBA membership

**February 3** — Membership survey random sampling closes

**February 6–17** — Membership online survey open to all members

**February 6–17** — Final round of survey fora

**March 2012** — Membership Study closes and analysis begins

Results of the Study

Once the survey and the fora have been completed, Areté Resources will compile the results and deliver a report summarizing the study to the WSBA. Once the report is posted to the WSBA website, we will notify the membership so that it may be downloaded. More importantly, the recommendations based on the results of the study will also be published and shared broadly within our community.

I highlight this project because the survey will launch in early 2012, and your participation is vital to the project’s success. With your help, we can develop attainable goals and share information with the legal community based on our membership’s specific needs. I encourage you to participate, as your feedback is invaluable to us and will help shape our programming, as well as our profession, as we move forward into the future.

Paula Littlewood is the WSBA executive director and can be reached at paulal@wsba.org.
The New Challenge to Empaneling an Impartial Jury in Sensitive Criminal Cases

by David S. Marshall

It has long been common for trial courts to afford criminal defendants in cases with especially delicate subject matter two devices to help uncover juror bias: juror questionnaires, and closed individual *voir dire* of venire members whose responses to the questionnaire suggest bias.

In recent years, a torrent of Washington appellate decisions has dealt with the application of open courts law to those two practices. Several convictions have been reversed for violation of public trial rights. This article summarizes the resulting case law, identifies some areas where trial judges and lawyers could use further guidance from the appellate courts, and offers some suggestions for getting the most from juror questionnaires.

The Need

Most people summoned to jury duty have little experience speaking in a large group in a setting as formal as a courtroom. Trial judges have recognized that if that is the only setting in which they are asked to reveal dark personal secrets, many secrets won’t get revealed. Juror questionnaires (we probably should call them “venire questionnaires,” since they go to people who are not yet jurors, but I will use the customary term here) allow people to reveal parts of their secrets in writing. Individual *voir dire* allows lawyers who have read the questionnaires to probe further without dozens of other members of the venire present.

Closed individual *voir dire* — *voir dire* with only counsel and the parties permitted to attend — provides privacy also from courtroom spectators and mass media reporters. And it is often conducted in a less intimidating room, the judge’s chambers or the jury room.

Trial judges have long used juror questionnaires and closed individual *voir dire* in sensitive cases because these devices work. They enable people to overcome their reluctance to reveal intensely private or shameful experiences. They enable the court to assure venire members their secrets will stay secret — an assurance essential to the free flow of information and the discovery of bias. They enable the court to provide the defendant a
fair trial.

I have seen remarkably intimate facts revealed in closed individual voir dire. For example, a venire member in a small community reported in closed voir dire that the defendant’s father had raped her, something she had not reported to law enforcement. It would be unrealistic to rely on such a woman to report this aloud in open court, in the presence of her neighbors.

Indeed, it is sex offense trials that most often call for extra care in jury selection. And child sex abuse cases, where anger and disgust always threaten to prevent a rational weighing of the evidence, call for it especially. But many courts have recognized the need for juror questionnaires and for closed individual voir dire in cases that raise other kinds of sensitive issues, such as race.

Open Courts Law

Both the Washington Constitution and the Washington Court Rules of General Application contain provisions on which the recent appellate decisions have relied.

Article 1, Section 10 of the Constitution provides: “Justice in all cases shall be administered openly . . . .” Article 1, Section 22, Rights of the Accused, requires “a speedy public trial by an impartial jury . . . .” In State v. Momah, 167 Wn.2d 140, 148, 217 P.3d 321 (2009), our Supreme Court noted these two sections both protect criminal defendants. “[T]hey] serve complementary and interdependent functions in assuring fairness of our judicial system, particularly in the context of a criminal proceeding . . . . [T]he requirement of a public trial is primarily for the benefit of the accused.”

In In re Orange, 152 Wn.2d 795, 812, 100 P.3d 291 (2005), the court had held voir dire, like other courtroom proceedings, could be closed to the public only through the five-step process set forth in State v. Bone-Club, 128 Wn.2d 254, 258-59, 906 P.2d 325 (1995):

1. The proponent of closure . . . must make some showing [of a compelling interest], and where that need is based on a right other than an accused’s right to a fair trial, the proponent must show a “serious and imminent threat” to that right.
2. Anyone present when the closure motion is made must be given an opportunity to object to the closure.
3. The proposed method for curtailing open access must be the least restrictive means available for protecting the threatened interests.
4. The court must weigh the competing interests of the proponent of closure and the public.
5. The order must be no broader in its application or duration than necessary to serve its purpose.

(Momah, though, was the first case in which the Supreme Court considered whether closed individual voir dire was constitutional. There, a gynecologist was charged with sexually assaulting patients during medical examinations. Based on responses to a juror questionnaire, the trial court selected some people for individual

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in colloquy defense counsel sought closed individual voir dire as a way to protect the defendant’s right to an impartial jury, that would further insulate closure from appellate criticism.

Indeed, there may be cases in which refusal to close any part of voir dire would be error. In the fractured decision in State v. Strode, 167 Wn.2d 222, 234, 239, 217 P.3d 310 (2009), five of the justices — two in concurrence and three in dissent — said that a court’s failure to close any part of voir dire could violate a defendant’s right to an impartial jury.

When it is permissible for the court to close individual voir dire, it should also be permissible for it to enter a protective order that the parties not disseminate, except as necessary for their conduct of the trial, anything learned in closed voir dire. No recent case, though, has considered such an order.

Affording Privacy to Juror Questionnaire Responses

Of course, responses to juror questionnaires can be quite sensitive, too. Cases considering their handling have discussed GR 15 and GR 31(j). GR 15 governs sealing and redacting court records; it requires the court to identify a compelling interest to seal or redact and to provide an opportunity to be heard before sealing or redacting. GR 31(j). Access to Juror Information, provides: “Individual juror information, other than name, is presumed to be private.”


These cases make one wonder whether GR 31(j) has any effect at all. In Duckett, the court reasoned that a court rule cannot “circumvent or supersede a constitutional mandate,” so individual juror information, like any other court record information, could not be sealed without compliance with the Bone-Club procedures. That makes individual juror information presumptively public — precisely the opposite of what GR 31(j) says. And it implies that, absent a hearing and a sealing order, any member of the public disgruntled by a verdict should be able to get full juror contact information and use it to express his displeasure to the jurors at their homes.

Tacoma News v. Cayce, 172 Wn.2d 58, 67, 256 P.3d 1179 (2011), is the most recent of several cases so holding.

In my experience, court decisions on cause challenges rely entirely on venire members’ statements and demeanor when they respond to voir dire questions about bias and ability to keep emotions in check. Juror questionnaire responses merely serve as the trigger for those voir dire questions. Is that triggering function enough to make the questionnaire responses part of the court’s decision-making process?

Tacoma News v. Cayce suggests not. There, the newspaper sought a transcript of the deposition of the key prosecution witness in a criminal case. The deposition’s purpose was to preserve testimony for trial. As it turned out, the deposition was not used at trial.

The Supreme Court ruled the deposi-
tion was not part of the court’s decision-making process, even though it occurred in a courtroom, before the trial judge, and the judge ruled on objections. And the Supreme Court acknowledged that those rulings likely influenced the parties. Still, the Court held, the deposition, like other discovery, was not accessible to the public under Article 1, Section 10.

It thus seems that juror questionnaire responses may not be accessible under Article 1, Section 10, even though they are submitted to judges and they influence parties. But the Supreme Court has not yet considered this.

If the appellate courts eventually decide CR 31(j) can constitutionally mean what it says, trial courts could then seal juror questionnaires routinely. According to the text of GR 31(j), a court could still disclose questionnaires on a showing of good cause.

Maximizing the Benefit of Juror Questionnaires

In my experience, the value of juror questionnaires is not limited to gathering sensitive information. For example, venire members can be asked where they like to get the news. Those who say “Rush Limbaugh” likely see the world much differently from those who say “TruthDig.com.” And those differences probably relate to the issues in many criminal cases. If a questionnaire is going to be used to probe sensitive areas, it can also be used quickly to gather information like that.

But does the law permit sealing a questionnaire if it contains information that is not sensitive?

The fifth Bone-Club requirement is that the “order . . . be no broader in its application . . . than necessary to serve its purpose.” The court therefore could put nonsensitive questions on a separate page of the questionnaire and omit that page from any sealing order.

For questionnaires to provide the greatest benefit in selecting an impartial jury, counsel must have adequate time to organize the information for use in voir dire. In counties where a separate venire is summoned for each trial, the questionnaires can go to the jurors with the jury summons. People summoned can then complete the questionnaires at home as sworn declarations and return them by mail to the court. Then the court can distribute them to counsel several days before voir dire.

In counties where this is not possible, counsel should be given at least a few hours with the questionnaires before voir dire. Sometimes this will require a half-day recess. An overnight recess may suffice.

In my experience in sex cases, it works best to conduct individual voir dire of people whose experiences make them question their fairness before conducting group voir dire. This avoids wasting time in group voir dire with people whose experiences will cause them to be excused for cause during individual voir dire. It also provides a mercifully quick exit for people who find it upsetting to attend any part of a sexual assault trial.

Trial courts have been wise to employ juror questionnaires and closed individual voir dire to protect the right of the accused to trial by impartial jury. The recent reversals for violation of open courts law do not mean they cannot continue to use these two devices. Rather, they mean only that trial courts must take care in justifying their use.

For 15 years, David Marshall has focused on the defense of those accused of child abuse. For this article, he has drawn on his experience trying child abuse cases in Idaho and Montana, as well as across Washington. He can be reached at dmarshall@davidsmarshall.com.
es, it happens every day. The stresses of practice get to us all at times. In fact, a recent study suggests that for every law student entering law school each fall, there is one lawyer leaving the profession. While no doubt many of those leaving do so for reasons related to professional stress, many do it simply because there are other things that interest them more. For example, a highly successful New York lawyer left his practice over 20 years ago simply because he wanted to paint and had found that the stressful world of litigation was not where he wanted to employ his creative energies.

Similarly, my fellow WSBA members Don Bell and Jay Farrell are working as a truck driver and firefighter, respectively. In fact, Jay is presently a lieutenant with the Seattle Fire Department. Both give us their stories in brief below, in their own words. Following that is my story.
Don Bell: Where the road takes me

It wasn't that I left law because I found something more appealing. Rather, I was more or less persuaded to go into truck driving (following a lengthy stint as an enrolled agent for the Internal Revenue Service) by an interesting, intertwined set of personal and professional circumstances. My wife and I were living in Grand Junction, Colorado, and I had a brother who drove a truck for a living. Over the years, whenever I complained about the stresses of representing taxpayers before the IRS, he always suggested, "You may not make as much, but you would be happier driving a truck." One day, months after I'd made the change to driving, in responding to an email from an enrolled agent I formerly worked with, I informed him that I was now working as a truck driver. When he replied with his sympathy, my reply email said, "Jack, today I saw an eagle, a meadow with probably 50 deer and over a hundred wild turkey, and a sandhill crane in a creek. I do not recall ever seeing any of that in our office on Denny." While I didn't necessarily choose to leave legal work to drive a truck, this is the way it worked out, and this is not a change that I've lived to regret.

Jay Farrell: Wanting to do more

My focus in choosing a career (as it turns out, careers) was to combine the opportunity to serve the community and challenge myself mentally and physically. After graduating with a B.A. in history from the College of Idaho, I was commissioned as an ensign in the U.S. Navy for Naval Special Warfare, though not completing BUD/S (Basic Underwater Demolition/SEAL) training. The same week I left training, I took the LSAT as a walk-in. I subsequently attended and graduated from Northwestern School of Law in Portland, Oregon. However, all through law school I served with the U.S. Naval Air Reserves at NAS Whidbey Island, often performing my two-week annual trainings mid-semester in Korea or Japan.

Upon graduation, I was accepted and served with the U.S. Navy Judge Advocates General, first in Italy and then Japan, for about five years. After active duty, I went into the private law sector, first as in-house counsel for the Yoshida Group in Portland, and then for a small law firm, also in Portland. My desire to always do more was reflected in still serving as a Navy JAG with the Naval Reserves, and beginning work on an M.A. in history at Portland State University, while still working full-time at the law firm. Additionally, I was competing with the U.S. National Karate Team, under the U.S. Olympic Committee, at Pan-Am and World Championships.

This was about to change when a friend from high school, a Seattle firefighter, kept encouraging me to try for the fire department, thinking it would be a good fit. I had no idea how competitive it was to be hired as a firefighter, and always thought it was something that other people did — not me. Ultimately, I filled out the application and he even turned it in for me. Eventually, I went to Seattle to take the written exam and, to my surprise, there were thousands of applicants and the line was out the door. I passed the test and was asked to take the physical ability test, which was much more challenging than today's test, being given an actual score and not just a pass/fail. During this time I began to realize what a positive, close, encouraging group of professionals comprise the
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COMMISSIONER JAMES VERELLEN has joined JDR as a panelist.

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We are pleased to announce that Ryan Dreveskracht has completed his U.S. District Court Clerkship and joined Galanda Broadman

From left to right: Gabe Galanda, Ryan Dreveskracht and Anthony Broadman

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2007. This required me to drive from Los Angeles to Fresno five times. The trip is 212 miles each way, and you have nothing to do but view the flat agricultural landscape of the San Joaquin Valley. It was during these trips that this melody started floating around in my head. When the trial was over, I sat down on a Sunday afternoon in March of 2007, picked up my Tele (Fender Telecaster electric guitar), and wrote "Beyond the Grapevine." What’s funny is that the main verses and melody just popped out of my head, and it was done in 15 minutes — note for note. I even knew at that moment that I wanted it to include a twangy, Duane Eddy-style lead guitar and Floyd Cramer-type piano.

For those not familiar with L.A., the "Grapevine" is the mountain range north of the city, which you have to cross as you head north on I-5. The San Joaquin Valley lies "beyond the Grapevine," and was the genesis of the song. It’s also known as Buck Owens country. And this is where law enters the picture. Had I not been sucked kicking and screaming into the Fresno trial, I wouldn’t have had to do the drive to Fresno all those times. Simply, the song wouldn’t have been written. The drive and time in that geographical place caused the creative juices to flow in the proper fashion such that "Beyond the Grapevine" was born.

Once the song was written, I grabbed two other players and we cut the song live to two-track tape in a drapery warehouse in Los Angeles. The warehouse had 20-foot-high ceilings and great natural reverb. We kept the second take. I then went to my home studio, overdubbed bass, and located a local piano player who said she wanted a country song to use on a sampler and agreed to play on the track. Just one hitch: she knew nothing about country music. I told her, "No problem, just go listen to Floyd Cramer." Next thing I knew, I was miking up a grand piano in the Hollywood Hills area.

From there, I connected with the studio where the music is done for the SpongeBob SquarePants animated series, and local producer Nick Carr. We traded some services, and I did some session guitar work for the SpongeBob SquarePants series. The entire album was mixed in the SpongeBob studios.

Then it took off. I created a webpage, and was contacted by a Maryland record company about putting "Beyond the Grapevine" on a national country compilation. Next, I was contacted by a video game company about putting the song in a video game. The kicker came last year when a local movie studio, Markwood Films, put the song and another from the album into its new movie release entitled American Joyride, which is now on the film festival circuit and in the "selling-to-a-major" process. Finally, on this same note, I’ve recently been contacted by Versailles Records out of Nashville regarding putting this song on an upcoming release entitled "Nashville Songwriter Sampler Series Presents, Vol. 1: 2011." As of this writing, we’re in royalty negotiations, and its release is scheduled for December 2011.

In any event, my time in L.A. has been fun. I’ve jammed with the likes of Bruce Greenwood (nice guy, good player) and Joe Walsh (out of my league), and I’m now ramping up a new website for a nationwide push. Who knows, maybe I’ll get lucky. I had a good moment, and it wouldn’t have happened without that Fresno trial.

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try to remind myself and my readers every so often that these columns of mine are not about “correctness” — though there are some things in writing and speaking that are clearly right or wrong, and you do always want to avoid sounding like a fool, for your own and your client’s sake. Two readers called me to heel on my use, in my previous column, of “siccing” as the participial form of “sic,” as in “sic a dog on.” Truth is, I had tried “sicking” and it neither looked nor felt right. Some dictionaries say “sicking” alone is correct; some acknowledge “siccing” as well; and some — including the Windows spell-checker — don’t recognize either word. I make no apology for “siccing,” but you won’t see me use it again soon.

Nevertheless, worrying too much about correctness gets us into a trap. There are instances of usage that are widely believed to be incorrect even though, upon examination, one finds no sound basis for that belief (splitting an infinitive, for example, or ending a sentence with a preposition or starting one with a conjunction). And, conversely, there are many common instances of usage that are approved by dictionaries even though there is no rational excuse for them (such as using “gender” to mean “sex” or interpreting “bimonthly” to mean both twice a month and once every two months).

I deal with such issues from time to time. But what these columns try to assay, rather than correctness, is effectiveness. What makes particular words, phrases, and sentence structures work better than others? And, as a practical matter, which word and usage choices are mostly likely to have the desired impact on our readers, be they client, co-counsel, opposing counsel, judge, or jury?

Incorrectness and Ambiguity on Trial
This column continues to stand for the principle that strong, clear, effective use of language (written or spoken) is critical to the lawyer’s art. This is not an abstract notion. Failure to use language clearly and carefully can have concrete and sometimes devastating results. Every once in a while a case arises to remind us of the practical impact our use of language has in what we do every day. Here are some recent examples of how, and why, the way we write matters.

The 5th Circuit dismissed a lawsuit for failing to state a claim, but Judge Jerry Smith, writing for the majority, took time to spend a paragraph taking the plaintiff’s lawyers to task for grammar, spelling, and writing errors “so egregious and obvious that an average fourth grader would have avoided most of them.” The opinion cites such fundamental errors as confusing “principal” with “principle,” misspelling a Latin term of art common to legal analysis, and failing to mind the agreement of subjects with verbs. The case wasn’t dismissed because of the bad writing in the plaintiff’s brief; but you can be sure that the careless writing was, to the judge, a clear warning sign of careless thinking as well. (It didn’t help that plaintiff’s case was built on the alleged incompetence of
the magistrate judge who had handled the case below, which plaintiff’s counsel chose to express with inappropriately *ad hominem* invective.)

In another case, it was defense counsel, rather than the judge, who condemned a poorly written pleading. A Missouri lawyer filed a motion seeking clarification of allegations in a petition he was called upon to answer, arguing that the petition contained so many misplaced apostrophes and subject-verb disagreements that it was impossible to tell whether the petitioner was, at any given point, referring to one, another, or both of the two defendants. Until petitioner’s counsel responded to defense counsel’s eight pages of questions and clarifications, the defense could not possibly file its answer, he maintained.

In a subtler and less contentious but equally difficult issue, the 9th Circuit faced not one but two instances of linguistic ambiguity in ruling on procedural matters in a civil action alleging copyright and privacy violations. One issue rested on the distinction (if any) between “print” and “electronically printed” in the context of a credit card receipt that was displayed on a computer screen. The difference mattered, since one party argued that the statute under which one claim had been brought covered a physical printed document but not one displayed on a screen. The other issue focused on the meaning and applicability of the forum selection clause in the defendant company’s user agreement, and involved the distinction between “courts of” a state and “courts in” a state. The Niners held that the former means only state courts, while the latter means any court located within the state. What the court held is important, but the lesson for us is that subtle, apparently inconsequential differences in usage can cost your client thousands of dollars in prolonged litigation and may make the difference in determining whether the substantive issues in the case ever even come before a court.

In a case cited in Ken Adams’s excellent contract-drafting blog “Koncision,” an apparently straightforward, unpunctuated sentence lent itself equally well to three divergent meanings, depending upon whether a phrase in the sentence was viewed as modifying an adjacent phrase or not. A majority of a Michigan court of appeals panel held for one meaning, when either of two others stood just as well.

All of these instances should put us on our guard. Read and re-read our own writing, as well as the statutory or contractual terms we are asked to interpret. Avoid ambiguity in your writing; and when it is already there in someone else’s writing that you’re stuck with, recognize it for what it is, make sure the court or other interpreting authority sees the ambiguity, and be prepared to argue why your interpretation of it is the one they should adopt.

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A Lesson from Crash Blossoms

Another practical example of ambiguity appears in a passage from a recent Associated Press article, which a reader called to my attention. In the course of an analysis of the state of our economy, the reporter wrote that consumer confidence is “a measure of how good people feel about the economy.” The ambiguity in this phrase is so subtle that you might, as I did, miss it the first time through. The problem is that the construction has two different, equally sensible interpretations, depending upon whether the word “good” is read as an adjective modifying “people” or as an adverb modifying “feel.” The difference is easier to see if we frame it as a question: Are we asking “How good do people feel about the economy?” or “How do good people feel about the economy?” (We don’t care about the feelings of bad people.)

My reader regarded this as a “crash blossom” — a phenomenon I wrote about a few months back in which the choice and placement of a word results in two different meanings, one intended, the other not noticed by the writer but picked up by a reader who initially misreads the sentence, often with risible results. A headline such as RED TAPE HOLDS UP NEW BRIDGE gets its unintentional humor from the fact that the phrase “hold up” literally means to support, but metaphorically means to delay (and of course has a third meaning of robbery). Thus, a well-intended headline for a news story about bureaucratic process delaying a bridge project ended up evoking laughter over the improbable image of a bridge supported by adhesive tape. The headline GATOR ATTACKS PUZZLE EXPERTS intends to tell us that investigators are uncertain about the reason for a spate of alligator attacks, but instead hearkens up the disturbing image of an alligator invading a crossword competition — all because the word “attacks” can be both a plural noun and a transitive verb.

This is funny stuff, but there’s a lesson in it. “How good people feel about the economy” is a lesser form of crash blossom in that neither of its meanings is particularly funny — certainly not as funny as a bridge held up by tape. There is nothing “incorrect” here; but we can certainly agree that the choice and arrangement of words is less than effective, since the word “good” can be either an adjective or an adverb, and its use and placement has created a sentence that can be read two ways, with significantly different meanings. This should sharpen our awareness that words we choose in innocent haste can end up at least embarrassing us and at worst creating an alternate meaning that could have unintended consequences.

So think about the words you choose, and about how they relate to the rest of the sentence. Read your writing aloud. Have someone else read it, too. Is there anything in there that could be taken in the wrong way, or create an ambiguity that leaves the reader in doubt? If so: rewrite. ☣

Preg O’Donnell & Gillett Loses a Founder, a Leader, and a Friend

Preg O’Donnell & Gillett is saddened to announce the loss of one of its founding members, Ted Preg, after his short battle with cancer. Known to many within the legal community, Ted was not only an excellent lawyer, but at all turns a gentleman. Ted served as a mentor and friend to all of POG’s attorneys, young and old. Ted provided sage advice, always with a smile, and always sprinkled with just the right amount of kindness or humor appropriate to the situation. Ted was the very definition of affable and gregarious, and a fine example of how good life as an attorney can be when done correctly.

Ted graduated from Dartmouth College in 1967 with an Economics degree. Ted completed law school in 1974 at the University of Oregon after spending three and a half years as a line officer in the United States Navy. He then spent two years in Washington DC as a trial attorney for the U.S. Justice Department, after which he moved into private practice. He started in the Seattle legal community in 1976 with Oles Morrison & Rinker, where he was a partner until 1996. He then became a founding member of POG, where he practiced law until his retirement in 2009. Ted was voted as a "Super Lawyer" by Washington Law & Politics, and achieved an "AV" rating from Martindale Hubbell, honors that reflect the outstanding reputation Ted held within the legal community.

Ted fully embraced the joys in his life, which included time spent with his family, on the golf course, at his cabin on Samish Island, and always, always, a good meal. We will miss Ted and the twinkle in his eye that always spread joy and wisdom through the halls of POG. He touched our lives in very special and positive ways, and was a gift and blessing to all who knew him. We send our heartfelt wishes and condolences to his family and friends.
newly hired lawyer. Second, we’ll note the potential range of consequences if a timely and effective screen is not used. Finally, we’ll briefly survey what other states regionally have done in this practical area of law firm management.

Before proceeding, three preliminary comments are in order. First, although our focus will be on newly hired lawyers, both the Washington comments and case law also allow screening of newly hired staff to avoid otherwise disqualifying conflicts. Second, screening for movement between government and private practice and between judicial (or other neutral) positions and private practice are governed by separate rules at, respectively, RPC 1.11 and 1.12. Finally, screening is only available to insulate firms from conflicts created by lateral movement and not as a general alternative to conflict waivers (see Amsen, Inc. v. Elanex Pharmaceuticals, Inc., 160 F.R.D. 134, 139-141 (W.D. Wash. 1994)).

**Mechanics**

When a lawyer leaves an “old” firm to join a “new” firm, clients of the “old” firm who do not follow the lawyer to the “new” firm become the lawyer’s former clients. Under RPC 1.10(a) — the “firm unit rule” — an arriving lawyer’s former client conflicts are imputed to the “new” firm as a whole unless the lawyer is screened in accord with RPC 1.10(e) (or the client involved waives the conflict). To illustrate, if your firm is hiring an associate who worked opposite you on a pending case, you need to screen the associate to avoid having your firm disqualified when the new lawyer (and the new lawyer’s conflict) join your firm.

To determine whether a screen is needed, it is critical to run a conflict check to see if a new-hire may have any potentially disqualifying conflicts. The ABA, in Formal Ethics Opinion 09-455, and the WSBA, in Advisory Opinion 1756, generally conclude that a lawyer may reveal a client’s identity to a “new” firm for conflict review unless the client’s identity is, in and of itself, confidential. (In this comparatively rare circumstance, the lawyer would need the client’s consent.) Comment 10 to RPC 1.0(k) (which defines screening) emphasizes that “screening measures must be implemented as soon as practical after a lawyer or law firm knows or reasonably should know that there is a need for screening.” To avoid an argument that a screen is untimely, the conflict check and any accompanying screen should ideally be done before the new-hire arrives. If not, RPC 1.10(e)(3) requires the “new” firm to “demonstrate by convincing evidence that no material information relating to the former representation was transmitted by the personally disqualified lawyer before implementation of the screening mechanism and notice to the former client.” In Daines v. Alcatel, S.A., 194 F.R.D. 678 (E.D. Wash. 2000), for example, an opponent in a long-running series of complex cases argued that a screen was ineffective because it was implemented the day after a new paralegal arrived. Although the screen was ultimately found to be effective nonetheless, the court reached that decision only after extensive briefing and a hearing on a motion to disqualify, and the firm involved incurred the expense of outside counsel to defend itself.

If a screen is necessary, there are two key components. First, under RPC 1.10(e)(1), the lawyer being screened must not participate in the matter involved at the “new” firm. The rationale underlying screening is that the new-hire with the conflict must maintain the former client’s confidential information while not being involved in any respect in the matter otherwise triggering the conflict at the “new” firm. RPC 1.10(e) emphasizes this by requiring the lateral-hire to execute an affidavit to this effect. RPC 1.10(e) also requires that lawyers and staff at the “new” firm who are working on the matter involved be informed of the screen. As a practical matter, a firm-wide (or at least office-wide) email is the easiest way to both provide and document this notice.

Second, under RPC 1.10(e)(2), the former client must be given notice of the screen. The notice must include a copy of the screened lawyer’s affidavit and must describe the screening procedures used. If requested by the former client, the notice (in the form of an affidavit) “shall be updated periodically to show actual compliance with the screening procedures.” RPC 1.10(e) allows either the “new” firm or the former client to seek judicial review or supervision of the screen. If the “old” firm still represents the former client, the notice (in the form of an affidavit) “shall be updated periodically to show actual compliance with the screening procedures.” RPC 1.10(e) allows either the “new” firm or the former client to seek judicial review or supervision of the screen. If the “old” firm still represents the former client, Comment 12 to RPC 1.10 allows the notice to be served on the “old” firm and...
with a request “in writing that the former law firm provide a copy of the affidavit to the former client.” Otherwise, the notice must be served directly on the former client. Comment 12 to RPC 1.10 notes that direct service does not violate the “no contact” rule because it falls within RPC 4.2’s “authorized by law” exception.

RPC 1.10(e)(1) also requires that the screened lawyer be “apportioned no part of the fee” from the matter involved. WSBA Advisory Opinion 190 counsels that with a firm equity holder, the apportionment applies to the net profits (i.e., less direct expenses and overhead) rather than the total fees from the matter concerned. With a non-equity holder, Opinion 190 concludes that the apportionment applies only to any bonus or distribution linked specifically to the matter involved.

**Consequences**

Disqualification is the most common consequence of the failure to screen (or otherwise obtain a waiver). Recent examples include *Ali v. American Seafoods Co., LLC*, No. C06-0021P, 2006 WL 1319449 (W.D. Wash. May 15, 2006) (unpublished), and *Qwest Corp. v. Anovian, Inc.*, No. C08-1715RSM, 2010 WL 1440765 (W.D. Wash. Apr. 8, 2010) (unpublished). Simply being removed as counsel, however, may not be the only problem for a firm whose client has just lost what may be a substantial investment in time and money through conduct solely of the law firm’s doing. The Washington State Supreme Court, in *Eriks v. Denver*, 118 Wn.2d 451, 824 P.2d 1207 (1992), held that a violation of the conflicts rules also constitutes a breach of the underlying fiduciary duty of loyalty. *Eriks* notes that accompanying remedies include both damages and fee forfeiture. Although failure to follow the RPCs alone is not generally grounds for a malpractice claim, it does not take too much imagination to construct a negligence theory around a firm’s failure to avail itself of a practice management tool that has been available for nearly 20 years. Finally, civil remedies and bar discipline are not mutually exclusive.

**Other States**

Although almost all jurisdictions now use professional rules patterned on the ABA Model Rules, screening remains an area with considerable variation among states. This can become a key consideration for firms with offices or at least practices beyond Washington. Regionally, Oregon (RPC 1.10(c)) has had screening for lateral movement between firms in private practice since the 1980s. Idaho, in turn, adopted screening in 2010 (RPC 1.10(a) (2)). Alaska, however, does not yet have screening for lateral movement between firms in private practice by either rule (RPC 1.10) or judicial decision (*Richard B. v. State Dept. of Health and Social Services*, 71 P.3d 811, 822-23 (Alaska 2003)).

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I do not know if lawyers who are members of the WSBA Solo and Small Practice Section are unique in this regard, but having attended their conferences in 2010 and 2011, I can’t escape the conclusion that solo and small-firm lawyers are geeks and proud of it. More than that, they are proselytizing geeks. It is not enough that they embrace and live all things technological, they think (no, they confidently proclaim) that we should all do as they do — or else.

First, a definition. As used herein, a geek is a person who thinks life without a laptop computer, a smartphone, a desktop scanner, a website, and a Twitter account is not worth living. In the context of WSBA membership, a geek is a person who really, really believes that you are not a lawyer, and should not be a lawyer.
unless you are fully conversant with and daily using all of the above.

Don’t believe me? Take a look at the titles of some of the presentations at the fifth Annual Conference in 2010: 1) "Using Blogs and Social Media: Your Ticket to Gaining Presence, Visibility, and Marketing Opportunities"; 2) "Timely Tips on Law Office Technology that Every Solo/Small Firm Practitioner Should Know About"; 3) "Ten Nerdy Things You Should Know About E-Discovery"; 4) "Avoiding Malpractice and Disciplinary Complaints: Using Technology to Enhance Client Communications"; and 5) "Stratus, Cumulus, and Cirrus PLLC: Research & Productivity in a Cloud (Web)." You get the idea.

The sixth annual Conference, from my non-geek perspective, was even more plugged-in, booted-up, and techy-techy. To wit: 1) "Ethics, Professionalism and the World of Social Media"; 2) "Ethics and Electronic Communication (Other Than Social Media)"; 3) "Achieving Firm Efficiency and Organization with Technology: Solo/Small Firm Practice Tips for Leveraging Your Use of Software"; 4) "Mapping Your Quest for the Paperless Office: Paper Reduction and Electronic File Management Practice Tips"; and 5) "How to Communicate to the Public Through the Media."

But it wasn’t just the abundance of presentations about, dealing with, and extolling the virtues, merits, and got-tahave-itness of all things technological. What I, from the depths of my technophobia, found most notable was the outright dismissal of those of us who are not geeks. Talk about revenge of the nerds.

At one point, one of the featured speakers told the assembled multitude that to be a 21st-century lawyer you had to have a laptop with dual monitors (maybe even three), a smartphone, a scanner on your desk, practice-management software, and Adobe Acrobat. And he didn’t have his tongue firmly in his cheek when he said this. He was serious. I don’t know if I was the only one who took note of this pronouncement (most of the other attendees were busily sending text messages, or reading emails on their BlackBerries, or doing whatever on their iPads), but I wrote down what he said (using a pen and paper, not a keypad).

And it didn’t stop there. We were also told, in a serious tone, that a lawyer must have a website, a Google profile linking to the website, write an online article in a publication (any publication, I guess) demonstrating your expertise (in any subject, I guess), link your website to your email signature block, and use Twitter. Wow! I wonder when or how 21st-century lawyers find or will find the time to be lawyers — as in, actually practice law.

I am not, I guess, a 21st-century lawyer. If the embarrassing truth be known (and now, since I am making this disclosure, it will be), I am not sure I qualify as a late 20th-century lawyer. I have a computer on my desk (used only to receive and send emails — and play FreeCell and read the New York Times online), but it has only one monitor. I do not have a smartphone. No scanner. No blog. No Adobe Acrobat. No Twitter. Yet I go to work each day, have clients, and even appear in court. So the question is: should I continue to practice law? And if I do, am I committing malpractice?

Granted, my usual emotional state when leaving a CLE is not good. Yes, I learn things; but the more I learn, the more I realize I don’t know, or how much I could (and probably should) improve my practice. Definitely a downer. But this time my trip home was different. This time I was more confrontational than contrite. Who were these people, I asked myself, to tell me I...
I could, I guess, acknowledge the inevitability of the technological take-over of the practice of law, enroll in as many computer classes as necessary or available at our local community college, and embrace my inner geek. But what if, and this is a very real possible outcome, I do not have the technology gene? What if, try as I might, I just don’t get it? Some people have skill as a musician, some as an athlete, some as a mechanic, and on and on. And some of us, alas, have no skills — certainly not with computers and smartphones and BlackBerrys. Coupled with my complete lack of interest in computers and smartphones and all things techy, I’m afraid that the 21st-century practice of law is not going to include me. Roadkill on the technological highway.

You might not believe this, but I know other attorneys, some even younger than I, who are equally as non-techy. Granted, they are all in Eastern Washington (so maybe this is a regional, as opposed to generational, thing). Still, they seem to be doing just fine. They have active practices, file motions, appear in court, even try cases. But they don’t have websites, don’t tweet, don’t have dual monitors, and don’t have a paperless office. Yet here’s the thing. They enjoy good reputations and are successful. Some are AV-rated in Martindale Hubbell and some are, or have been, Super Lawyers. Imagine that.

Still, I wonder if they, like me, sometimes wake up at night and worry about how behind the technological curve they are. Do they, like me, sometimes think retirement is the only way to save face? Or do they, like me, try to justify our non-geekiness by finding comfort in articles, like the one I recently read in our local paper, stating that technology can cause addictive behavior?

Several speakers at the conference talked about technology making us more efficient. Although they never defined the term “efficient,” and they never really gave examples other than being able to have 24/7 connectivity. One techy speaker said she is able, when on vacation, to sit by the pool and do work on her PC. Which, when you think about it, sort of stands the definition of “efficient” on its head. That is, if being efficient means you can work poolside when on vacation, you are efficient only because you work all the time.

One speaker cited the following as an example of how technology can make us better lawyers. Imagine you are in your office, she said, and a client calls. She has some questions about her case that require you to review her file. If you, the speaker said, had a 21st-century practice, and all your files were online, you could, without having to get up from your chair to retrieve a paper file, instantly access her file with a few simple keystrokes. Contrast that, the speaker said, with the 20th-century lawyer who, in the same situation, would have to put the phone down (because he does not have a cellphone!) and walk to where his paper files are kept to retrieve the client’s file. Oh, the horror! The embarrassment! The waste of valuable time!

I don’t know about you, but I do this a lot: put down the phone and actually walk to my file cabinet to get a paper file. Which may explain why I am half the size of some of the pro-technology speakers at the conference. I get more exercise! Not only that, I have never
lost a client because I had to ask him/her to wait a minute while I went hunting for a file. Besides, it’s all billable time.

Is this really where our embrace of technology has brought us or will bring us? Is the 21st-century lawyer supposed to be constantly tethered to his/her desk or office? Is the new normal being reachable by our clients anytime and anywhere? I don’t know about you, but I go to my office to work. When I am on vacation, or home in the evening, or enjoying a Saturday afternoon with my family, I do not want to be bothered by a client’s phone call, nor do I want to be sitting poolside working on a brief on my PC.

I am probably going to step on some toes here, but I am not really so important that I have to be reachable 24/7, and probably most of my colleagues are the same. The world as we know it will not end if someone has to wait until tomorrow or until Monday morning and my (our) return to the office. And I know that most (probably all) of my clients, whereas some may disagree, are not that important or their cases are not so time-sensitive that they cannot live with having to contact me during my regular business hours. Clients call us at any time because we let them do so; we encourage their need, their unreasonable demand, to have instant attention. Patience, it seems, is a lost, certainly dying, virtue. Which makes me question what I was told in the only psychology class I took as an undergraduate. Maturity, the instructor said, is the ability to postpone gratification. The 21st-century lawyer, if that definition still has any legs, is certainly not mature. And neither are 21st-century clients.

In my non-geek opinion, technology should be a tool, not an all-consuming way of life. It should help us save time (and maybe paper), not dictate our schedules. I am not sure what it will take to be a lawyer in the 21st century, but I have to think that being constantly plugged-in, booted-up, and online is not, and should not be, the minimal threshold required for successful participation in the WSBA. Hopefully, I am correct here, because if not, they are going to have to cancel my membership. In my retirement, I promise I will not start a blog or go on Facebook.

Tom Scribner is a lawyer at Minnick-Hayner, a small firm in Walla Walla, who, when he is not on his computer, does insurance defense work. He can be reached at tms@gohighspeed.com.

* The WSBA does not, in fact, “cancel” memberships.
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Treasurer’s Report

2013 License Fees — Holding the Line Four Years in a Row

BY NANCY L. ISSERLIS, WSBA TREASURER

Acknowledging these difficult times for many of our members, the Board of Governors (BOG) voted unanimously in September to maintain license fees at current levels through 2013, for the fourth year in a row. This decision required cutting staff and important programs.

Occasionally, the BOG is asked how the Washington State Bar Association compares to what other states charge for license fees. Washington is a “mandatory” or “unified” bar association — licensing and membership functions are in one entity — the WSBA. You must belong to the WSBA to practice law. In terms of licensing fees, the WSBA ranks seventh out of all “unified” states. Compared to states with “voluntary” bar associations, we fall about in the middle. Unified states most like Washington in terms of membership size and programs charge comparable fees (Michigan, Wisconsin, Georgia). In 17 unified states, the cost to practice law is $400 or more. Our neighboring state of Oregon has higher licensing fees than the WSBA.

Generally, the BOG sets license fees for two- or three-year periods. However, in September 2010 we were faced with a potential 2013 budget deficit of nearly a half-million dollars. At the time, the BOG decided to defer the 2013 license fee decision until 2011 so that we would have time to study ways to bring the WSBA budget in line with revenue projections.

Over the past year, the BOG and staff did an incredible amount of work to study the WSBA budget, the WSBA’s mission and programs, and current and future resources and needs. First, we looked at what a 10 percent cut in WSBA expenses would look like, and it was not pretty. Such an arbitrary cut would have eliminated some of the WSBA’s most valuable programs and significantly impacted the lawyer discipline system. To underfund our regulatory and member-support functions would seriously impact the WSBA’s ability to carry out our mandated responsibility to protect the public.

Rejecting the “10 percent model,” we turned our attention to examining which WSBA programs could be eliminated or run more efficiently, as well as where more resources were needed. We realized that we needed to be very clear about how we, as a mandatory bar association, should be spending our resources, so we established a set of criteria against which to measure all programs.

Working from our mission statement, The Washington State Bar Association’s mission is to serve the public and the members of the Bar, ensure the integrity of the profession, and to champion justice,

we developed two mission-focus areas:

- Ensuring competent and qualified professionals (focusing on regulation and assistance in all stages of one’s career, beginning in law school).
- Promoting the role of lawyers in society (focusing on service and professionalism).

In the process, we also developed criteria for evaluating our programs:

- Does the program further either or both of the WSBA’s mission-focus areas?
- Does the WSBA have the competency to operate the program?
- As the mandatory bar, how is the WSBA uniquely positioned to successfully operate the program?
- Is statewide leadership required in order to achieve the mission of the program?
- Does the program’s design optimize the expenditure of WSBA resources devoted to the program, including the balance between volunteer and staff involvement, the number of people served, the cost per person, etc.?

As a result of this comprehensive program review, we eliminated some programs, adjusted others, and expanded several (most notably the Home Foreclosure Legal Aid Project and the Moderate Means Program). Additionally, future cuts are still under consideration.

During the past year, the WSBA has reduced staff and redirected staff resources where they are most needed to meet our priorities based on our mission-focus areas. For FY 2012, we have turned around a projected budget deficit into a positive budget situation, and essentially kept expenses the same as in FY 2011 (0.3 percent increase). This will help us achieve a balanced budget for FY 2013. We still have challenges ahead in terms of balancing the budget in FY 2014 and beyond, as we expect our licensing fees to diminish as baby boomers retire and fewer new lawyers enter the profession. The overall goal is to maintain license fees at a stable amount for as long as possible. The BOG knows how important that is to our members.

Could we cut more staff and programming? Yes, we could. Is it prudent and wise? Absolutely not. The BOG’s decision to keep license fees at a constant level four years in a row was the result of very hard work by both governors and staff, with the goal of keeping our bar association financially sound, responsible to our community, and relevant to our members.

Nancy Isserlis is the WSBA treasurer and governor representing District 5. She can be reached at nli@winstoncashatt.com.
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Civil legal aid programs are there for people in need when they have nowhere else left to go. Take, for instance, the “Taylor” family, who got caught up in the foreclosure crisis. The Taylors had been renting an apartment with a valid lease and a clean rental history, never missing a rental payment. When their landlord defaulted on his mortgage, a bank stepped in and attempted to evict the Taylors on short notice. Fortunately, the Taylors got in touch with a local legal aid program, where they received the help of a volunteer attorney. The attorney was able to quickly assess the situation and identify that new state and federal foreclosure-related eviction laws had not been followed. The pro bono attorney successfully negotiated adequate time for the Taylors to find affordable housing and some modest additional funds to cover relocation costs. Thanks to legal aid, the family avoided a crisis situation, and our community avoided instability.

More than 20 legal aid programs in our state are committed to ensuring that effective legal help is available for the increasing numbers of those facing civil legal problems that affect their most basic human needs. But Washington’s state-of-the-art, nationally recognized civil legal aid system is threatened as its funding diminishes precipitously.

Civil legal aid funding is composed of state and federal dollars, Interest on Lawyers’ Trust Accounts (IOLTA) funds, and charitable contributions. Federal, state, and local budgets are stretched to the brink with nearly every social program taking cuts, and IOLTA funds have dropped 79 percent since their high-water mark in 2007 — annual revenues have fallen from almost $10 million to less than $2 million — and have remained there for the past three years. With the Federal Reserve committed to low interest rates through 2013, we know IOLTA funding will not be able to meet the skyrocketing demand for legal aid in the next couple of years. As a result, charitable contributions are more important than ever for bridging the funding gap for legal aid.

We all support many worthy causes this time of year, but ensuring access to justice is our home turf as lawyers and judges.

The Campaign for Equal Justice is the Washington legal community’s collaborative effort to provide charitable support for our state’s legal aid programs, including 19 local Volunteer Lawyers Programs, and specialty and statewide legal aid programs like Columbia Legal Services, the Northwest Immigrant Rights Project, the Northwest Justice Project, Seattle Community Law Center, Solid Ground’s Family Assistance Program, TeamChild, and Unemployment Law Project.

The simple thought behind the unified Campaign for Equal Justice is that together, as a profession, we can raise much more support than our small resource-
strapped legal aid programs ever could raise on their own. Additionally, the Campaign helps equalize access to charitable funding in locations where the poverty population is large but the capacity for resource development is not. For example, last year, for every dollar contributed to the Campaign in my home, Clark County, more than three dollars came back to our local pro bono program. That means that in addition to playing our role as guardians of the justice system by helping provide free legal help to our community’s most vulnerable, our charitable contributions to the Campaign for Equal Justice are smart investments as well.

Last year, the Washington legal community achieved an overall 28 percent participation rate for the Campaign for Equal Justice. Not bad, but we can do much, much better. Our goal is to achieve 100 percent participation of lawyers and judges in Washington state each year. To encourage and celebrate those communities who have made access to justice a priority by supporting statewide legal aid through the Campaign, we created the Stanley-Cup style “Rainier Cup” trophy to honor the county with the highest legal community participation rate each year. Whatcom County was the inaugural winner, with 49 percent of the local legal community contributing. This year, to date, Whatcom County is leading the race for the Rainier Cup once again, with Clark County in second place, and Chelan-Douglas close behind.

We all support many worthy causes this time of year, but ensuring access to justice is our home turf as lawyers and judges. It is not too late to help families in crisis return to safe, productive lives through legal aid, and help your county earn bragging rights for its generosity and civic engagement.

Giving to the Campaign is simple. You can make a tax-deductible contribution securely online today at www.c4ej.org; via snail mail at The Campaign for Equal Justice, 1325 Fourth Ave., Ste. 1335, Seattle, WA 98101; or perhaps easiest of all, you can make your donation when renewing your WSBA license between now and February 1.

Every dollar for legal aid is critical, especially in these difficult times for our most vulnerable neighbors. I hope you will join me in supporting the 2011 Campaign. Thank you.

Loren Etengoff is a member of the Clark County Bar Association and is a solo practitioner in Vancouver. Following his three-year term on the WSBA Board of Governors, he is devoting himself to his passion for legal aid by joining the boards of directors of LAW Fund, which oversees the annual Campaign for Equal Justice, and the Legal Foundation of Washington, which oversees grantmaking to the legal aid community. In an outpouring of support from the private bar, he was joined by 12 additional new members to the LAW Fund Board of Directors this year: Rima Alaily, Microsoft, Redmond; Ann Brice, Brice and Timm, LLP, Everett; June Campbell, Lane Powell PC, Seattle; Kristin Ferrera, Jeffers, Danielson, Sonn & Aylward PS, Wenatchee; Cynthia Hennessy, AT&T Wireless, Redmond; Bill Hyslop, Lukins & Annis PS, Spokane; Theresa Keyes, K & L Gates, Spokane; Kari Kube, Wenatchee; Shawn Murphy, Thorner, Kennedy & Gano, Yakima; Patrick Palace, Palace Law Offices, Tacoma; Doug Siddoway, Randall & Danskin PS, Spokane; and Brian Ugai, Starbucks Coffee Company, Seattle.
Why civility? Because it works, it is effective, and it is essential to the core of who we are as human beings and what we do as lawyers. Let’s face it. We’ve not only chosen a profession that deals with conflict, we work within a system that resolves conflicts, and finds “truth,” through adversarial proceedings. What we do, and how we do it, really matters for our clients, ourselves, and the broader community.

Some roll their eyes and dismiss civility as superficial politeness; an unimportant manners exhortation; trivial in the face of urgent needs, injustice, violation, and ongoing crises and conflict. I invite you to consider civility as a portal to an even deeper exploration, not just of right action and doing, but of being. Perhaps civility evokes the very essence of humanity, the capacity and longing for deep and meaningful connection, the fundamental foundation of each and every human relationship that is the glue of civilization itself. The practice of civility in the face of conflict is, then, an essential practice.

In litigation, effectiveness often is defined as “winning” — aggressive advocacy on behalf of our clients that accomplishes real results. Yes. But is there an inherent conflict between effective work as a litigator and civility? No. Acting with civility enhances effectiveness. Let’s examine how.

Conscious action within the conflict

Effectiveness as a human being requires a grounding in civility, respectful communication, comfort in relationship, and emotional intelligence. Effectiveness in any profession is enhanced by one’s own personal development and maturity, integrity, confidence, and the capacity to understand and collaborate with others. As lawyers, it is easy to look at “opposing counsel” and observe how others’ incivility actually exacerbates conflict between the parties, with the lawyer becoming part of the problem. We can compile a list of ineffective, uncivil behaviors that we have observed in our profession: raised voices; ranting; demands; threats; disrespect; name-calling; dismissive bias; allegations or reports of immigration status of witnesses; blame and assignment of ill motive to others; making assumptions; personalizing issues; disdain of other parties, attorneys, and witnesses and their contributions; unilateral action where collaboration is anticipated and beneficial; focus on issues intended to embarrass and humiliate.

At her deposition, one defense attorney connected with a mother by expressing genuine sadness for the loss of her daughter and revealing that one of his close family members also was a victim of a crime. He acceded to my requests that questions relating to traumatic events be asked at the end of the deposition to avoid triggering PTSD. Throughout the litigation, and it was hotly contested, the relationship between the defense attorney, the plaintiff, and her legal team continued to deepen through mutual respect, collaboration regarding process/scheduling, and willingness to explore underlying interests important to the plaintiff; these resulted in meaningful non-monetary agreements related to changes in policy and training, a commitment to a memorial honoring the daughter, as well as a substantial financial settlement. How can this be effective from a defense perspective? Because this client’s motivation was not about the money, and anything less than addressing underlying issues and needs for change would not have resulted in a settlement.

Another defense attorney connected with a terminated employee at her deposition by sharing that he understood the challenges of her disability because someone close to him recently was diagnosed with the same condition. He demonstrated this, in action, by accommodating her needs in the deposition itself. This built goodwill and resulted in enhanced cooperation in the proceedings.

I’ve enjoyed collaborative problem-solving about all aspects of a case, from discovery planning to settlement. Attorneys working together can effectively engage in efficient conflict resolution directly and honestly by sharing ideas, exploring the interests and perspectives of the clients, making real offers and meaningful responses, and considering all possibilities for creative problem-solving.

Defendants who are willing to be civil in the face of conflict, who seek to understand the underlying needs and take actions that restore the broken relationships, those who engage in self-reflection and take responsibility — through an apology or a change to policy or training that will help ensure that what happened to the plaintiff will not happen again — are effective in negotiating mean-
ingful settlements that promote healing and goodwill between the parties and restore the sense of well-being of the community at large. This is civility at its best, as it restores right and meaningful relationships and recognizes the ongoing webs of connection.

**Consciousness of connection beyond the conflict**

At an expanded level, “civility” is the consciousness of civilization, humanity, and the interconnections between people. Underlying any conflict are vulnerable people with needs that have not been met, meanings that have not been understood, harms that have not been redressed, pain over separation and division that has not been healed, power that has not been shared.

This consciousness of connection has a practical angle: at least while the dispute is active, the conflict between the parties directly connects them and impacts those in the community touched by that conflict. There is a “conflict community.”

It is effective and inspiring to support clients in their choice to cultivate community healing and deepening of relationship through conflict. For example, two parents made a substantial contribution from the settlement of their civil rights case to the Washington State Coalition Against Domestic Violence to create a game to educate communities regarding teen domestic violence and effective response; on the anniversary of their daughter’s murder, the police and sheriff’s department, school officials, and community members gathered to play the game and learned how to avoid such tragedies in the future. This honored Dayna Fure’s memory and restored community.1 The family also holds a memorial fundraising run every year to fund a scholarship in Dayna’s name.

Siblings and master wood carvers are devoting themselves to creating a memorial totem pole to erect in Seattle in celebration of their native carving tradition and to honor their slain brother who was shot by a Seattle police officer while walking with the tools of his art and trade.2 The City of Seattle is facilitating this by donating the space for this community art and healing process and by allowing installation at the Seattle Center (provided maintenance fees are raised by the project). Contributions toward the maintenance fund and the raising of the pole can be made through the Potlatch Fund, www.potlatchfund.org (designate for the John T. Williams Totem Pole Project).

In a medical negligence case, the institutional defendant agreed to revamp a series of procedures and protocols to prevent future injuries, held a memorial service with its staff and family to honor the deceased patient in the space he was cared for, and renamed that wing of the building in his honor and with a commorative plaque designed by his widow.

As lawyers, we can help to cultivate healing and connection through engagement of conflict. Alternative dispute resolution has become part of the normal case schedule in family law and civil litigation; the lawyers and mediators committed to mediated settlements consistently find ways to resolve disputes that would otherwise go to trial. Organizations and groups committed to restorative justice are making structural law reform changes that hold individuals accountable for harm but continue to value them as members of community, deal with the needs of all members of a conflict community, and effectively reduce recidivism.3 Lawyers committed to cooperative and collaborative law, especially in the family law context, are developing systems and networks to represent clients and resolve conflicts in more collaborative ways. Restorative Circles4 and other restorative justice practices enable communities to develop compassionate justice systems to engage their own conflicts and find their own solutions. Compassionate Seattle and the Compassionate Action Network have launched a pilot project to create a restorative justice system in Seattle based on Restorative Circles, and seek your involvement.5 This project captures some of the momentum established when family members of the late John T. Williams, Police Chief John Diaz, other representatives of the Seattle Police Department, and members of the community engaged in a restorative circle in the immediate aftermath of the shooting and created an action plan designed to build trust and relationship among the family, the Native American community, and the police.6

**Suggestions for support and engagement**

In the interest of civility and mindfulness issues, the newly formed Washington Contemplative Lawyers may provide inspiration, with meetings the last Wednesday of each month at the WSBA offices in Seattle from 8:15 until 9:00 a.m. Consider becoming involved in the creation of a restorative justice system in Seattle based on Restorative

Circles. Join the Restorative Circles Seattle pilot project.7 Workshops are scheduled December 3, 2011, and February 10, 2012. To register, go to www.spirituallivingseattle.com/classes or in person at the Center for Spiritual Living Seattle. ☮

This series is produced in association with robertsfund.org:

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Andrea Brenneke’s passion for justice drives her employment law, civil rights, sexual harassment, and violence against women practice at MacDonald Hoague & Bayless. She facilitates restorative circles and supports communities in developing compassionate justice systems that both engage conflict and deepen connections among their members. She is also a certified LR 39.1 mediator. Brenneke was honored by her peers as one of “Seattle’s Top 152 Lawyers,” Seattle Magazine, January 2005. She has been recognized as a “Super Lawyer” in Washington Law and Politics.

**Editor’s Note:** This marks the conclusion of the Raising the Bar: The Promise of Civility in the Legal Profession series. Robert’s Fund is collaborating with Bar News to produce a new series, “Rallying the Role Models: Studies of Civility in the Legal Profession.” Several articles will be published in the course of 2012.

**NOTES**


It was time to open my holiday gifts.

A small box I opened first said, “Good health!” It was given to me early in the year by an old client who called and asked if I still made house calls. “Sure,” I said, and a couple of hours later was sitting across from his easy chair. My client was pale and had lost dozens of pounds since our paths had last crossed. Out of the blue, lung cancer had shown and the prognosis wasn’t good. In-terspersed in our dialogue about needed estate planning documents were stories of shared friends and anecdotes of our kids growing up. Instead of being scared or angry or belligerent, he reminisced about how much he loved his wife and kids, his good fortune in having worked at a job he enjoyed each day, and how blessed he was to have acquired many good friends. I left thankful that I shared many of the aspects of his life — and remembering that any day of good health is a good day. He passed away in late fall.

I opened an envelope which said, “We are all in this profession together.” It was from a group of young lawyers another senior practitioner and I had met early in the year to discuss clients and billing and how to create a practice. They were a new group and had all of the characteristics of new groups — caution; being reserved; not being boastful or too aggressive; being sure not to take more of the group’s time than your share. We had a nice, but quiet, meeting. Since that time, the group has met with each other and several senior lawyers. They are no longer strangers. Rather, they are a class matriculating through the early years in a profession together. They are not quiet or cautious anymore. They are friends — lawyers meeting together to help each other. Their evolution reminded me of my struggling, dynamic days as a newly minted lawyer, and the wonderful colleagues who I banded together with a third-of-a-century ago, all still valued friends.

In a small parcel was a card that said, “You can’t please everybody.” It was from a dissatisfied client who mid-year filed a bar complaint against me. Though within a week the complaint had been dismissed, my former client’s shot-across-the-bow reminded me that you can’t satisfy everyone. There is no perfection in art or law. Once my flinching ended, I was thankful to be reminded of so many (satisfied) clients who allow me, and each of us, to earn their highest accolade and praise: the title of “my lawyer.”

My fourth gift was a copy of our monthly county bar newsletter. Toward the back pages, it listed the lawyers who had volunteered for pro bono clinics and taken pro bono cases the month before. Not surprisingly, the list grows longer and longer through these difficult economic times. The list made me thankful to be part of the profession that gives more free and low-cost service than any other. (No, doctors getting a less than full payment from insurance is not pro bono.)

A card lay on top of the receding pile of gifts. It was scrawled in a two-year-old’s handwriting, obviously helped by her parent. “Listen hard, Pa,” it said. My sweet granddaughter Kinzie’s brain sometimes is faster than her ever-expanding vocabulary. She will try to ask or explain something she doesn’t quite have the words to convey. Through her body language and careful listening, usually we can come together with the message or question she is trying to express. In that way, Kinzie has helped me very much with my clients, who often are traumatized or under pressure, or just don’t quite know how to convey their angst or query. Working with Kinzie, listening better, has made me a better lawyer and, I suspect, a better “Pa.”

A large package from a local lawyer said, “Your job is to help people succeed.” His child had gotten in trouble, then ignored the fines and costs due, and now was overwhelmed by the financial burden. The lawyer reminded me that our job as lawyers and judges is to help people succeed. By making them take responsibility. By encouraging them to change the behavior that brought them to a lawyer or to court. By being flexible in methods to complete community service and payments. By never forgetting that the folks we see in the legal system are people who can change and be productive citizens if we give them a chance.

The next card contained not a word,
just a photo of my wife, sons, daughters-in-law, and two wonderful grandchildren. No message was needed. The photo said it all. There is more to life than work. You are loved. Be a good role model.

My next gift simply said, “You have a job. Be thankful.” One of my sons is seeking work. He has been rejected for jobs he is unqualified for, qualified for, and over-qualified for. I asked a friend recently about her job search. “It seems that every job I apply for has three MBAs who speak multiple languages also applying,” she said. “It’s just depressing.” My office sought a part-time receptionist this year. Eighty-two people applied, most extremely qualified. The competition is intense. Having seen so many wonderful people ready to give a good day’s work, without a place to go, I sometimes need to be reminded how fortunate I am to have a job.

The final card simply said, “Happy holidays, partner.” Mike Kirk and I have shared the ups and downs, goods and bads, victories and defeats of our law practice together for 30 years. We have experienced raising four kids, the deaths of three parents, a heart attack, and a cancer scare as law partners and friends. Too often we lawyers forget to say, “Thanks for sharing this professional journey with me,” to our partners. We take them for granted. They are a daily, consistent, stable part of our work day. Yet, often their friendship and shared professional dreams are one of the greatest gifts we receive each year.

Perhaps the real gift I was given this year from the generous donors was perspective. What is important personally and professionally. That we can take for granted aspects of our day-to-day lives that are, really, great blessings. That the world is ever-changing, enjoy it while you can. And, perhaps most of all, more than we’ll ever know, we each give gifts through our actions, words, and daily connections. Let’s vow to make them gifts of optimism, kindness, sharing, and well-centeredness this, and every, holiday season. ☺️

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The Board’s Work

WSBA Board of Governors Meeting

September 22–23, 2011
Seattle

BY MICHAEL HEATHERLY

At the September 22–23, 2011, meeting in Seattle, the WSBA Board of Governors (BOG) finished its work on a set of standards and guidelines regarding indigent-defense practice and continued its efforts to revise the Rules for Enforcement of Lawyer Conduct. The BOG also received annual reports from the Washington Young Lawyers Division and the Legal Foundation of Washington. The Washington State Bar Foundation also held its annual meeting.

Indigent Defense Standards and Guidelines

At its June 2011 meeting, the BOG had passed a set of proposals recommended by the Council on Public Defense (CPD) regarding standards and guidelines for lawyers representing indigent defendants in criminal cases. The proposal must still be approved by the Washington State Supreme Court before it would go into effect. It had been debated at two BOG meetings earlier in the year as well, drawing avid supporting and opposing comment from defense lawyers, prosecutors, judges, and others. At the June meeting, the most controversial aspect of the proposal, involving proposed misdemeanor caseload limits on indigent-defense lawyers, was referred back to the CPD, which presented a new version at the September meeting.

The earlier version of the proposal would have prohibited any lawyer who practices misdemeanor defense from handling more than 300 or 400 cases (depending on the type of case) in a year. Although supported by some Bar members, the numerical limits were opposed by many defense lawyers, who argued that experienced lawyers can handle larger caseloads of simple misdemeanors. They contended that imposing a strict limit would force jurisdictions to hire more defenders, who likely would be less experienced and thus less qualified and efficient. Some opponents of the limits warned that local jurisdictions might even refuse to prosecute certain types of mis-

demeanors because public-defense costs would become unfeasible.

In introducing the new proposal to the BOG, CPD Chair Marc Boman acknowledged it was a compromise between those who feel the numerical limits go too far and those who feel they don’t go far enough. In general, the proposal would retain the 300/400-case limit. However, it would authorize jurisdictions to create a case-weighting system that would effectively allow an attorney to handle more cases by adjusting the way the number of cases is counted. Depending on complexity, a case might count as more or less than one “case” for purposes of calculating the limits. The proposal contains criteria to be used in the case-weighting process and allows experience to be included as a factor in determining whether an attorney is carrying a full caseload.

At the September meeting, Bar members again testified for and against the new proposal, restating many of the arguments that had been made regarding the previous version. BOG members debated the proposal at length, with some arguing the proposal needed further refinement before being sent on to the State Supreme Court. However, others argued that the BOG had done all it reasonably could to draft an appropriate proposal, and the Board ultimately approved a motion to accept the current version of the caseload limits and send the matter on to the Court.

ELC Task Force

Also at the September meeting, the BOG continued work on amendments to the Rules of Enforcement of Lawyer Conduct (ELC), which govern the procedures used in the lawyer discipline system. An ELC Task Force formed two years ago drafted a comprehensive set of proposed amendments, some of which had been debated at the July BOG meeting.

The draft amendment that has prompted the most debate among BOG members is the section involving public disclosure of information regarding admonitions, the lowest level of public discipline. Information about admonitions is available to the public, as is information regarding the higher levels of discipline, i.e., disbarments, suspensions, and reprimands. Under the current rules,
admonition records are ordinarily destroyed after five years and information about admonitions is removed from the WSBA website.

The proposed revisions to the ELC would establish that records of admonitions, like the other disciplinary sanctions, would remain permanently available to the public. That would include the disciplinary notice on a Bar member’s online WSBA directory entry. Under a separate draft amendment, if a criminal conviction or other adverse court action directly related to the disciplinary sanction were conclusively nullified by the court, the lawyer could request that WSBA add that fact to the public disciplinary record. Whether to allow such a modification would be at the discretion of WSBA counsel.

At the July BOG meeting, some governors and other WSBA members had raised concerns that with the broad reach of Internet search engines and online rating systems, disciplinary information could affect lawyers’ reputations even decades after the disciplinary matter had been resolved. Others emphasized the importance of public discipline information to an effective and credible regulatory system. The debate continued at the September meeting, with several governors questioning whether admonition records should be permanent and public, or suggesting a more robust process by which disciplined members could seek to modify or expunge a record of low-level discipline.

While it approved other sections of the ELC amendments, the Board eventually voted to refer the proposals regarding admonition records back to the ELC Task Force. The Task Force was directed to reconsider the entire subject, including whether admonitions in their current form should continue to exist as a separate type of discipline. Once the BOG approves the full set of revised ELC rules, they will go on to the State Supreme Court for possible adoption.

**Washington Young Lawyers Division (WYLD)**

In other business at the September meeting, outgoing WYLD President Kari Petrasek presented the BOG with the WYLD’s annual report and introduced incoming President Dainen Penta, of Seattle. WYLD highlights for 2010–2011 included networking events to strengthen connections between WYLD and the WSBA sections. One example of the closer WYLD/WSBA collaboration was the partnership of the WYLD, the WSBA New Lawyer Education Program, and the Solo and Small Practice Section to present
a CLE on “How to Start Your Solo Practice.” The WYLD also extensively promoted new lawyers’ involvement in the WSBA Moderate Means Program, Petrasek noted. She also pointed out that the WYLD was able to reduce its budget for 2011–2012, the second year in a row it had been able to do so.

**Washington State Bar Foundation (WSBF)**
The BOG recessed the September meeting in order to conduct the Washington State Bar Foundation annual meeting, chaired by WSBF President Ron Ward. Ward reported on the WSBF’s activities for the year, which included financial support of such efforts as the WSBA Home Foreclosure Legal Aid Project and the WSBA Leadership Institute. In the past fiscal year, the number of WSBF donors has quadrupled, and the amount of donations has doubled. Meanwhile, the foundation received a $1.1 million grant of cy pres funds from the Washington State Attorney General’s Consumer Protection Division to help keep the WSBA Home Foreclosure Legal Aid Project going.

**Legal Foundation of Washington/LAW Fund (LFW)**
LFW President Art Wang and Executive Director Caitlin Davis Carlson presented the Foundation’s annual report to the BOG. They reported that while income from IOLTA funds continued to dwindle because of the weak economy and low interest rates, LFW was able to distribute $7.4 million in grants to legal service organizations. The organization and hundreds of volunteer lawyers provided legal assistance to 27,000 people. Meanwhile, 28 percent of WSBA members donated to the Campaign for Equal Justice through LAW Fund. LAW Fund Director Karen Falkingham and Board President John Moffat presented the WSBA BOG with a plaque thanking the governors for their 100 percent participation in LAW Fund contributions for 2009 and 2010.

Michael Heatherly is the Bar News editor and can be reached at barnewseditor@wsba.org or 360-312-5156. For more information on the Board of Governors and Board meetings, see www.wsba.org/about-wsba/governance/board-of-governors. For more information on issues addressed by the Board, see News Flash at www.wsba.org/news-and-events/publications-newsletters-brochures/news-flash.
The mission of the Washington State Bar Foundation is to provide financial support for WSBA programs that promote diversity within the legal profession and enhance the public’s access to, and understanding of, the justice system.

We wish to thank 2010–2011 Foundation donors for:

- Supporting the Home Foreclosure Legal Aid Project and ensuring hundreds of families did not have to face foreclosure alone;
- Building the Moderate Means Program to extend legal support to those beyond the reach of traditional legal aid;
- Sustaining the WSBA Leadership Institute so that it can prepare more future leaders from historically underrepresented backgrounds;
- Sponsoring the WYLD’s Washington First Responders Will Clinic, where lawyers provide free basic estate planning to those who put their lives on the line for public safety; and
- Contributing to the Peter Greenfield Internship Fund and the President’s and Governors’ Diversity Fund to expand opportunities for tomorrow’s lawyers.

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Learn more and give at WSBA.org/Foundation
585 candidates passed the Summer bar exam administered in July 2011. Of the 892 candidates who took the exam, 65.6 percent passed. Administered in two parts over a three-day period, the bar exam includes a substantive law exam and an exam on the Rules of Professional Conduct. Candidates must successfully pass both parts in order to qualify for admission to the WSBA.
N
Nappo, Vincent Thomas, Seattle
Navarro, Graciela, Sunnyside
Nelson, Mallory, Reno, NV
Nichols, Ryan Douglas, Redmond
Niemann, Peter, Seattle
Novasio, Anessa Ellen, Brooklyn, NY
Nugent, Erin Elizabeth, Missoula, MT
Nystrøm, Erika Kirsten, Mount Vernon

O
Oakley, Nicholas, J., Seattle
Oh, Sang, Renton
O’Keefe, Caitlin Deale, Liberty Lake
Owings, Kelly, Carson City, NV

P
Paine, Gretchen, Seattle
Paloasaari, Eric D., Seattle
Park, Ahsoon, Federal Way
Park, Leanne Marie, Seattle
Parman, Alexandra C., Seattle
Parris, Lauren D., Puyallup
Pasheley, Elizabeth, Lynnwood
Pawar, Karandeep Singh, Auburn
Penn-Roco, Amber, Seattle
Peters, John, Seattle
Pfluger, Christina Lynne, Sammamish
Plundheiler, Kelly M. Ohide, Shoreline
Pham, Michelle Que Chau, Seattle
Phillips, Christi, Godfrey, IL
Piering, Tobias Sebastian, Dallas, OR
Pipinich, Joseph B., Edmonds
Pimke, Christopher William, Edmonds
Pirog, Michael Ryan, Seattle
Pirozzi, Jennifer Suzanne, Kirkland
Ponti, Bryan N., Walla Walla
Pounds, Erin E., Spokane
Power, Whitney Alyse, Bethel, AK
Pratt, Daniella Utane, Snohomish
Prescott, Lindsay, Clyde Hill
Price, Katherine, Tacoma
Price, Therese M., Lynnwood
Purcell, Annasara, Seattle

Q
Quesnell, Matthew A., Richland

R
Radford, Jordan Irene, Seattle
Ramolete, Hayashi Reyna, Rochester, NY
Randhawa, Sukhroop, Renton
Randiles, Eamon Dermot, Seattle
Rawls, John C., Houston, TX
Reich, Joshua Allen, Renton
Reiersen, Eric Karl, Marysville
Reilly, Steven J., Seattle
Reynolds, Seth Michael, Yakima
Rezyat, Ashton Taylor, Seattle
Rhoades, Jeffrey C., West Linn, OR
Richard, Michael A., Redmond
Richard, William D., Everett
Robinson, Benjamin, Seattle
Rosenberg, Kendra Sue, Seattle
Rowan, Jennifer Gayle, Poulsbo
Rowden, Naomi Rose, Woodinville
Russell, Steven Layne, Vancouver, WA
Rutherford, Michelle L., Redmond
Ryan, Philip Gregory, Federal Way

S
Saadatzadeh, Pejman, Seattle
Sabo, Jonathan David, Seattle
Sakai, Sakae Samuel, Seattle
Salter, Mahna, Seattle
Sanchez-Ley, Maria Jimena, Clayton, MO
Sanders, Charlotte S., Seattle
Sandusky, Misha Chambreau, Seattle
Sanford, Steven C., Kirkland
Schall, Kaley M., Wenatchee
Schuck, Christina M., Shoreline
Schutz, Reuben, Seattle
Scola, Adriane M., Seattle
Scott, Colin, Spokane
Sellers, Catherine N., Shoreline
Serrano, Heather, Edmonds
Shapiro, Jennifer Cox, Seattle
Shaver, Laura, Seattle
Shaw, Brian T., Moscow, ID
Shaw, Danielle Emily, Seattle
Sheehan, Brian Michael, Kirkland
Shelton, Megan, Seattle
Shelton, Melinda Hall, Seattle
Shepherd, Tori, Boulder, CO
Sheppard, Maya, Seattle
Sheridan, Kelly H., Seattle
Shinau, Erika Danielle, Bellevue
Shively, Connor, Seattle
Shwab, Arthur Alexandrovich, Seattle
Siddle, Heather Lynn, O’Fallon, IL
Simons, Folke, Seattle
Simpson, Arthur, Yakima
Slade, Victoria M., Seattle
Smith, Erik Chancellor, San Francisco, CA
Smith, Jeffrey H., Seattle
Smith, Kelly Christina, Seattle
Snyder, Leah S., Seattle
Soderland, Hilary Allester, Seattle
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Solheim, Tyler David, Maple Valley
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Spencer, Ariel Jasmine, Port Townsend
Spratt, Paige Blair, Auburn
Sprinkle, Elisabeth A., Seattle
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Stallings, Daniel Curran, Seattle
Steadman, Jane Garrett, Seattle
Steele, Liddell E., Seattle
Steinecker, Erik L., Seattle
Sterlin, Mark Andrejz, Redmond
Stinson, Brittany Ann, Seattle
Stockmann, Richard E., Bellevue
Stone, Justin Buford, Washington, DC
Stuhman, Trish, Tempe, AZ
Sugg, Nathaniel, Seattle
Sutherland, Shayne, Spokane
Swope, Emily Marie, Poulsbo
Sykes, Jason Byrne, Seattle
Sztatowski, Miriam Herrmann, Chicago, IL

T
Theile, Eric Michael, Scottsdale, AZ
Thomas, Angeline, Seattle
Thomas, Stephan Michael, Seattle
Thomason, Katelyn Elizabeth, Seattle
Thompson, Adella Lindsey, Bellingham
Thompson, Michael Jordan, Spokane
Tollemire, Sarah Jane, Philomath, OR
Tonny, Claire Elizabeth, Portland, OR
Tonti, Elizabeth Elise, Jonesboro, AR
Townen, Holly N., Olympia
Toy, Dustin R., Seattle
Tsao, Alleen Shin-ling, Seattle
Tsao, Jessica C., Seattle
Tsaoousis, Kimberly Ann, Seattle
Turner, Kaia P., Chantilly, VA

U
Unger, Jacqueline Kate, Seattle
Unzelman, Allen, Chehalis
Upton, Matthew Graydon, Bainbridge Island
Urness, Jordan Charles, Bothell
Urness, Sarah E., Bothell

V
Van, Kim-Khanh Thi, Seattle
Vandenberg, Christopher Craig, McMinnville, OR
VanRoojen, Cassie Blonien, Seattle
Vecchio, Daniel Joseph, Seattle
Velich, Daniel, Seattle
Vercillo, Thomas J., Seattle
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Vincent, Colin C., Seattle
Visbeek, Aaron James, Seattle
Visbeek, Sarah Stephens, Seattle

W
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Walker, Jason F., Portland, OR
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White, Andrew James, Kennewick
Wicks, Jacob Michael, Seattle
Widney, Alison Mae, Seattle
Wilford, Alex A., Seattle
Wilhelm, Rachel Marie, Seattle
Williams, Joshua R., Seattle
Williams, Megan E., Portland, OR
Williamson, Nicholas Aaron, Seattle
Winship, Sarah Jane, Seattle
Wolcott, Jason Forrest, Calgary, AB
Wolfe, Jenna M., Seattle
Wong, Carmen, Renton
Wong, Tiffany H.L., Seattle
Woo, Ka H., Redmond
Wonhoff, Taylor K., Tacoma
Wunderlich, Erika, Seattle

XYZ
Yamin, Sarra M., Seattle
Yeung, Binah B., Seattle
Yocorn, James E., Portland, OR
Young, Brandon D., Seattle
Yousling, Jonathan C., Spokane
Zernel, Marc, Whitefish Bay, WI
Ziel, Emily Erickson, Seattle
Board for Judicial Administration Public Trust and Confidence Committee
Application deadline: January 6, 2012
The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a two-year term on the Board for Judicial Administration Public Trust and Confidence Committee. The term will begin upon appointment, and will expire December 31, 2013. The Public Trust and Confidence Committee, formed in 1999 to achieve the highest possible level of public trust and confidence in Washington’s judicial system, includes members representing the bench and bar, educators, legislators, local government officials, civic groups, and members of the public. The focus is to assess the public’s level of trust in the judicial system and to develop and implement strategies to increase that trust and confidence. The Committee consists of 14 members, including Chair Washington State Supreme Court Justice Mary Fairhurst. One member is nominated by the WSBA. All Committee members are appointed by the Board for Judicial Administration. 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. Further information can be found at www.courts.wa.gov/programs_orgs/pos_bja/?fa=pos_bja_ptcprograms&program=welcome or by contacting Margaret Fisher at margaret.fisher@courts.wa.gov or 206-501-7963.

Council on Public Legal Education Application Deadline: January 6, 2012
The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a two-year term on the Council on Public Education. The Board of Governors will appoint two members at its January 26–27, 2012, meeting. The term will commence on appointment, and will expire on December 31, 2013.

The Council on Public Legal Education brings together lawyers, judges, educators, and community representatives to promote public understanding of the law and civic rights and responsibilities. The Council meets two to three times per year and works through its committees. Projects include civics education in the schools, the lawforwa.org website, support for Street Law, and public forums and events.

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. Further information about the Council on Public Legal Education can be found at www.wsba.org/legal-community/committees-boards-and-other-groups/council-on-public-legal-education or by contacting co-chairs Judge Marlin Appelwick, 206-389-3926, j_m.appelwick@courts.wa.gov; or Judith Billings, 253-840-4690, judtaral@aol.com.

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

2012 Licensing and MCLE Information
Online licensing is a convenient and easy way to complete your license renewal and MCLE certification. The License Renewal form and the Section Membership form were mailed together in mid-October, and online licensing became available at that time. Renewal and payment must be completed by February 1, 2012. However, as the section membership year is October 1, 2011, through September 30, 2012, we encourage you to join or renew sections now to receive the full benefit of the membership. For detailed instructions, go to www.wsba.org/licensing-and-lawyer-conduct. If you are due to report MCLE compliance for 2009-2011 (Group 2), you should have received your Continuing Legal Education Certification (C2) form in the license packet that was mailed in mid-October. Lawyers in Group 2 include active members who were admitted in 1976–1983, 1992, 1995, 1998, 2001, 2004, and 2007. (Members admitted in 2010 are also in Group 2 but are not due to report until the end of 2014.) All credits must be completed by December 31, 2011, and certification (C2 form) must be completed online or be postmarked or delivered to the WSBA by February 1, 2012. For instructions, go to www.wsba.org.

Judicial Member Licensing
New WSBA Bylaws relating to judicial members will be effective January 1, 2012 (see WSBA Bylaws Art. III, Sections A.3, B, C.2, C.4, H.1.c, H.2 and H.3). Judicial members are now asked to complete annual license renewal forms and pay a $50 license fee if they wish to maintain eligibility to transfer to another membership type when their judicial service ends. The Judicial Member License Renewal form was mailed in mid-October, and online licensing became available at that time. If you have not received your form, please log in to www.mymywsba.org to complete your renewal or request a new form. If you have any questions or concerns, contact membershipchanges@wsba.org. 206-239-2131, or 800-945-9722, ext. 2131.

WSBA-CLE December Reminders
This December, there will be no CLE Bookstore at the WSBA offices selling recorded seminars on CD. Instead, we are encouraging members to enjoy the convenience of accessing recorded CLE programming via streaming video or MP3 audio download. No need to pay for shipping or wait for CD sets to arrive in the mail! Go to www.wsbacle.org, click either “On Demand CLE” or “MP3 — New,” and purchase the exact number of AV credits you need. (Half of the required credits each reporting period, including all six ethics credits, can be A/V) If you plan to order WSBA-CLE recorded seminars on CD and need to receive them before December 31, please place your order by December 9, for the best chance of getting your order via standard delivery within Washington. After December 9, or for delivery outside of Washington, contact orders@wsba.org or 206-733-5918 for express delivery options.

The Washington State Bar Foundation is pleased to announce that the WSBA Board of Governors has appointed the following trustees to the Foundation Board: Katherine L. Anderson, James W. Armstrong, Paul R. Cressman Sr., Kamron Graham, Zabrina M. Jenkins, and Steven G. Toole; and reappointed Barbara Potter and Sally P. Savage each to serve a second term. At its first regular meeting of the year, the Board of Trustees elected former WSU General Counsel Sally Savage as president; current WSBA 7th-Central District Governor Judy Massong as vice president; and Bader Martin PS Principal Bart Wilson as treasurer. WSBA Executive Director Paula C. Littlewood serves as the Foundation’s secretary, ex-officio. The Washington State Bar Foundation is the fundraising arm of the WSBA. It engages members of the Bar and public in supporting vital WSBA programs such as the Home Foreclosure Legal Aid Project, the Moderate Means Program, and the WSBA Leadership Institute. Learn more and give at www.wsba.org/foundation.

Law for Washington Website — Writers Needed

The Law for Washington website (lawforwa.org) is a public-service website with information about the law, government, and civics. Originally a joint project of the WSBA and the University of Washington, the site first launched in 2001. Ten years later, it is now an independent Washington nonprofit corporation. A website redesign is in progress and volunteers are needed to provide content: short articles dealing with typical legal issues that people face — renting an apartment, getting married, buying a house, getting divorced, planning one’s finances, and so on. The need for information is great, as most people who have legal issues do not hire a lawyer. Law for Washington may suggest topics and will review submissions. Volunteers author the articles, receive a byline, and periodically make updates. Future topics may include reviews of self-help materials and reviews of movies, books, and television programs to explain the legal concepts. If you are interested in participating in this project, contact lawforwa.org@gmail.com.

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 206-727-8284 or 800-945-9722, ext. 8284.

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.

Get More out of Your Software

The WSBA offers hands-on computer clinics for members wanting to learn more aboutwhat 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 December 12 clinic will meet from 10 a.m. to noon at the WSBA offices and will focus on Casemaker and online research. On December 15, from 2:00 to 4:00 p.m., we will discuss Outlook and Word. There is no charge and no CLE credit. To reserve your seat, 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 $79, you receive an hour of consultation time plus everything you see at http://tinyurl.com/3rn75hj. Questions? Contact Peter Roberts at peter@wsba.org, 206-727-8237, or 800-945-9722, ext. 8237.

Individual Counseling and Consultation

The 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
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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)

Please consider supporting the Campaign by making a secure online contribution at www.c4ej.org or by sending your donation by mail to the address below.

LAW Fund & the Campaign for Equal Justice | 1325 4th Ave., Ste. 1335, Seattle, WA 98101 | 206.623.5261
Announcements

FAMILY LAW
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Alexandra Moore-Wulsin
and
Shannon Ellmers
announce the formation of
STRATA LAW GROUP, PLLC
Brett Waller joins as an associate.

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Deborah J. Jameson

has become an associate of the firm.
Deborah’s primary areas of practice include: Guardianship, Trust and Probate. She will continue to be available as a Mediator and Guardian Ad Litem. Deborah most recently worked at the Administrative Office of the Courts, with the Certified Professional Guardian Board, and before that, she served as the Title 11 County-GAL for King County.

253-475-8600
Deborah@NeilLaw.com

NEIL, NETTLETON & NEIL PS
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is pleased to announce that

Justin E. Bolster
Gonzaga University School of Law, 2006 and formerly with McGaughhey Bridges Dunlap, PLLC

has become an associate in our Seattle office.

He joins our talented team of lawyers
David Antal (Of Counsel) • Philip Bardsley (Of Counsel) • John K. Butler • David Chawes • Megan Coluccio • Mary Eklund (Of Counsel) • William Fitzharris (Of Counsel) • Amber Gundlach • Greg Latendresse • Curtis Leonard • Krista Mirhoseini • Steffanie Fain • David Poore • Barbara Schmidt • Earl Sutherland (Of Counsel) • Maggie Sweeney • Christine Tavares (Of Counsel) (WA/OR/AK) • Britt Tinglum (Of Counsel)

Portland Office Associates:
Alex Wylie • Gregory P. Fry (WA/OR) • Anna S. Raman • Carlos Rasch

1800 Ninth Avenue, Suite 1500
Seattle, WA 98101-1340
Telephone: 206-287-1775

310 K Street, Suite 405
Anchorage, AK 99501
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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.

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**Disbarred**

**Lori D. Hansen** (WSBA No. 13129, admitted 1983), of Issaquah, was disbarred, effective September 15, 2011, by order of the Washington State Supreme Court following approval of a stipulation. This discipline is based on conduct involving failure to act diligently in a client matter, failure to communicate, unreasonable charges, conflicts of interest, conversion of client funds, trust account irregularities, failure to protect clients’ interests, offering false evidence to a tribunal, making a false statement of material fact in connection with a disciplinary matter, and dishonest conduct.

Starting in or about June 2010, Ms. Hansen manifested a gambling addiction problem and used funds from her trust account, some of which belonged to clients, for gambling. There is evidence that her gambling addiction was also impacted by her use of a prescription drug, of which a possible side effect is compulsive behavior. In mid-August 2010, the bank closed Ms. Hansen’s general business account and savings account because both accounts were overdrawn due to her gambling. In September 2010, Ms. Hansen’s spouse removed her as a signatory from a joint account due to her gambling.

Between approximately August 2008 and March 2011, Ms. Hansen:

- Converted client funds, ranging between $400 and $10,000, in four different matters. She used the client funds for gambling or for other purposes that were unrelated to the clients’ matters. The clients in two matters paid Ms. Hansen advance fees, which she knowingly deposited into her general account and spent;
- Used her trust account as a personal account for four months, commingling personal funds with client funds, and received 22 overdraft notices from the bank reflecting that the account was overdrawn;
- Failed to maintain a check register, client ledgers, or client ledger reconciliations for her trust account, and failed to properly identify and safeguard clients’ funds;
- Failed to diligently represent clients in two matters, which included failing to file a petition for child support modification and failing to respond to discovery requests and a motion to compel discovery;
- Failed to communicate with clients and falsely told one client that she had filed a petition when she had not done so;
- Failed to return unearned fees to a client;
- Represented two individuals with concurrent conflicts of interest in a matter, and falsely represented in pleadings that she was representing only one of the individuals; and represented a client when Ms. Hansen’s financial interest conflicted with that of the client; and
- Failed to cooperate with the Bar Association’s investigation of her trust account overdrafts, provided false and misleading testimony regarding her trust account, and, in January 2009, submitted a false trust account declaration.

Ms. Hansen’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; RPC 1.5(a), prohibiting a lawyer from making an agreement for, charging, or collecting an unreasonable fee or an unreasonable amount for expenses; RPC 1.7(a), prohibiting a lawyer from representing a client if the representation involves a concurrent conflict of interest; RPC 1.15A(b), prohibiting a lawyer from using, converting, borrowing, or pledging client or third-person property for the lawyer’s own use; RPC 1.15A(c), requiring a lawyer to hold property of clients and third persons separate from the lawyer’s own property; RPC 1.15A(h)(1) and (2), prohibiting funds belonging to the lawyer from being deposited or retained in a trust account, except as allowed by the rules, and requiring the lawyer to keep complete trust account records; RPC 1.15A(h)(8), prohibiting trust account disbursements on behalf of a client or third person from exceeding the funds of that person on deposit; RPC 1.15B(a), requiring a lawyer to maintain current trust account records; RPC 1.16(d), requiring a lawyer, upon termination of representation, to take steps to the extent reasonably practicable to protect a client’s interests, such as refunding any advance payment of fee or expense that has not been earned or incurred; RPC 3.3(a), prohibiting a lawyer from making a false statement of fact or law to a tribunal or offering evidence that the lawyer knows to be false; RPC 8.1(a) and (b), prohibiting a lawyer, in connection with a disciplinary matter, from knowingly making a false statement of material fact or failing to disclose a fact necessary to correct a misapprehension known by a person to have arisen in a matter; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and RPC 8.4(l), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter.

Jonathan H. Burke represented the Bar Association. Ms. Hansen represented herself.

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**Disbarred**

**Alan Mark Singer** (WSBA No. 11970, admitted 1981), of Tukwila, was disbarred, effective June 9, 2011, by order of the Washington State Supreme Court. This discipline is based on conduct involving failure to provide competent representation, failure to act with reasonable diligence, failure to communicate, failure to provide a client with a settlement statement, conflict of interest, trust account irregularities, conversion of clients’ funds, the commission of criminal acts, dishonest conduct, and conduct demonstrating unfitness to practice law. *Alan Mark Singer is to be distinguished from Alan Michael Singer of Olympia.*

Between November 2005 and January 2010, Mr. Singer engaged in the following conduct:

- Deposited unearned advance fees, totaling between $1,420 and $9,500, from three clients into his general account instead of his trust account;
- In two matters, one involving a client with a disability and one a minor client, unlawfully converted clients’ funds to pay himself and third parties;
- Converted funds sent him as a refund for a client, even after the Bar Association informed Mr. Singer that the money belonged to the client;
- Failed to render appropriate accounts to two clients regarding the disbursement of their funds from his trust account, and misrepresented in a billing statement to one of the clients the true nature of a payment made to a third party;
- Failed to promptly pay a client settlement money owed to her or to provide her with a settlement statement;
- Solicited, purchased, and obtained controlled substances from a client, and continued to represent the client in his criminal matter after having committed criminal acts with him and without obtaining informed consents regarding the resulting conflict of interest; and
- Failed to competently represent two clients in their matters due to physical and mental impairment, and failed to inform clients about his impairment, which in part was caused by Mr. Singer’s non-prescribed drug use.

Mr. Singer’s conduct violated RPC 1.1, requir-
ing a lawyer to provide competent representation to a client; RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4(b), requiring a lawyer to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; RPC 1.5(c)(3), requiring a lawyer, upon conclusion of a contingent fee matter, to provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination; RPC 1.7(b), prohibiting the lawyer from representing a client if the representation involves a concurrent conflict of interest unless the affected client gives informed consent, confirmed in writing; former RPC 1.14(a), requiring a lawyer to deposit all funds of a client paid to a lawyer or law firm, in one or more identifiable interest-bearing trust accounts maintained as set forth in the rules; former RPC 1.14(b) and current RPC 1.15A, requiring a lawyer to promptly notify a client of receipt of his or her funds, maintain complete records of all funds of a client coming into the possession of a lawyer and render appropriate accounts to his or her client regarding them, and promptly pay or deliver to the client as requested by the client funds in the possession of the lawyer the client is entitled to receive; RPC 1.15A(b), prohibiting a lawyer from using, converting, or pledging the client’s property for the lawyer’s own use; RPC 1.15A(c), requiring a lawyer to hold property of clients and third persons separate from the lawyer’s own property; RPC 8.4(b), prohibiting a lawyer from committing a criminal act (here, possession of controlled substances) that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(c), prohibiting lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and RPC 8.4(n), prohibiting a lawyer from engaging in conduct demonstrating unfitness to practice law.

Jonathan H. Burke represented the Bar Association. Kurt M. Bulmer, Kirk T. Mosley, and Anthony Savage represented Mr. Singer. Julian C. Dewell was the hearing officer.

**Disbarred**

**W. Russell Van Camp** (WSBA No. 5385, admitted 1973), of Spokane, was disbarred, effective June 16, 2011, by order of the Washington State Supreme Court following an appeal. This discipline was based on conduct involving failure to abide by a client’s decisions concerning the objectives of representation, failure to act with reasonable diligence, failure to communicate, charging unreasonable fees, failure to explain to the client how fees will be calculated, and dishonest conduct. For more information, see *In re Van Camp*, 171 Wash.2d 781, 257 P3d 599 (2011).

On December 15, 2006, a client hired Mr. Van Camp to represent him in an injunction suit brought against the client in federal court. Mr. Van Camp required the client to pay to him a $25,000 initial “retainer” fee, but did not explain to the client how the fee would be calculated or whether it was refundable. The fee agreement stated, “Monies paid by the client shall be considered as earned towards the ultimate total fee, unless otherwise designated.” But the meaning of “earned retainer” was not explained, nor was the scope of representation defined. The client was not given a copy of the fee agreement.

The same day, Mr. Van Camp phoned opposing counsel. He joked that opposing counsel should send him a box of chocolates to thank him for all the money he would make on this case. Later that day, opposing counsel faxed Mr. Van Camp a letter that mentioned “the box of chocolates” remark as tongue-in-cheek, and also referenced a settlement offer and proposed permanent injunction as attached; however, the attachment was not transmitted with the letter. The letter referenced opposing party’s desire to quickly resolve the case without further litigation. Mr. Van Camp did not respond to the letter or request the missing attachment, except to call opposing counsel and express displeasure at seeing the “chocolates” remark in writing.

Little work was done on the client’s case. Mr. Van Camp’s partner represented the client in a telephonic hearing in which a preliminary injunction against the client was granted. Mr. Van Camp performed no work in response to the preliminary injunction and did not explain its significance to the client. In February 2007, opposing counsel sought a response from Mr. Van Camp to his December 15, 2006, letter. Mr. Van Camp did not respond. Mr. Van Camp participated in a telephonic scheduling conference in March 2007, with a resulting discovery deadline of September 10, 2007, but no discovery was prepared on the client’s behalf until late August.

In early March 2007, the client sent Mr. Van Camp a letter expressing his desire that the case be resolved as quickly as possible. The client also requested copies of documents filed in his case and an itemized bill showing what charges had been made against the retainer. A week later, Mr. Van Camp replied to the client that “our retainer agreement was for an earned retainer (flat fee)...” The client and his wife continued to request documents, including any document stating that the $25,000 was a flat fee. They emailed Mr. Van Camp seeking to discuss the claims against them, the steps being taken, and to obtain a copy of the retainer agreement. Mr. Van Camp did not respond.

In July 2007, Mr. Van Camp filed an answer to the complaint, which included a counterclaim against the opposing party. At an attempted mediation in July 2007, the mediator mentioned opposing party’s settlement offer. This surprised the client, who was unfamiliar with the offer. The mediation was unsuccessful. Afterwards, the client continued to email Mr. Van Camp seeking copies of anything filed and reiterating his desire to resolve the case quickly. Following receipt of the few documents that Mr. Van Camp could provide, including an altered copy of the opposing counsel’s December 15, 2006, letter, the client sought a copy of the proposed permanent injunction referenced in the letter. Mr. Van Camp could not provide this, as he never informed opposing counsel that the injunction itself was not attached.

After the client filed a grievance against Mr. Van Camp on July 31, 2007, Mr. Van Camp sent the client an apologetic letter and asked him whether he should pursue settlement. In his response to the Bar Association, Mr. Van Camp stated he had done enough work to earn most of the retainer fee. He told the Bar Association that, if the case settled, he would be happy to review the retainer fee with the client and refund some of it, but he did not offer this directly to the client. In August 2007, the client again requested a copy of the permanent injunction and settlement offer from opposing counsel, and continued to express his desire to settle the matter. Although Mr. Van Camp now had a copy of the permanent injunction and settlement offer, he did not provide it to the client.

At the end of August 2007, Mr. Van Camp scheduled and completed one deposition. This was the only discovery completed on behalf of the client’s counterclaim. On August 31, 2007, the client fired Mr. Van Camp. The client again sought a statement of actual costs incurred and a refund of the remainder of the retainer, neither of which he received. The client contacted opposing counsel directly. The client took a copy of the proposed permanent injunction to a new attorney, who was able to settle the lawsuit. The lawsuit was dismissed in September 2007. The new attorney charged the client a total of $500.

During the Bar Association investigation, Mr. Van Camp submitted differing and exaggerated time reconstructions based on hours he claimed to have worked in order to justify the amount of his fee. Mr. Van Camp had little or no work to show for it.

Mr. Van Camp’s conduct violated RPC 1.2(a), requiring a lawyer to abide by a client’s decisions concerning the objectives of representation and consult with the client as to the means by which they are to be pursued; 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 promptly inform the client of any decision of circumstance with respect to which the client’s informed consent is required by these Rules, reasonably consult with the client about the means by which the client’s objectives are to be accomplished, keep the client reasonably informed about the status of the matter, and promptly comply with reasonable requests for information; RPC 1.4(b), requiring a lawyer to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; RPC 1.5(a), prohibiting a lawyer from making an agreement...
for, charging, or collecting an unreasonable fee; RPC 1.5(b), requiring the lawyer to communicate to the client the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible, preferably in writing, before or within a reasonable time after commencing the representation; and RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Natalea Skvir represented the Bar Association at the hearing. Joanne S. Abelson represented the Bar Association on appeal. Dustin D. Deissner represented Mr. Van Camp. Deirdre P. Glynn Levin was the hearing officer.

Suspended

Andrew Francis Hiblar Jr. (WSBA No. 7648, admitted 1977), of University Place, was suspended for three months, effective August 19, 2011, by order of the Washington State Supreme Court following approval of a stipulation. This discipline is based on conduct involving failure to deposit client funds into a trust account, failure to return a client’s file upon termination of representation, and noncooperation in a disciplinary investigation.

In April 2009, Mr. Hiblar was hired by the client to represent him in the dissolution of his marriage. Mr. Hiblar had no written fee agreement with the client, but informed him that he would charge an hourly rate of $175 and that he required $1,500 in advance fees. The client paid $650 and paid the remaining $850 in two installments. Mr. Hiblar commenced working on the case after the client paid the first installment of $650, but did not deposit any of the client’s advance fees into his trust account. Mr. Hiblar believed that he earned the funds paid by the client at the time he received these two payments, and there is insufficient evidence to prove otherwise. Mr. Hiblar never sent any billing statements to the client and did not maintain complete billing records for the legal services he provided to him. Mr. Hiblar ultimately earned the $1,500 paid by the client.

On June 26, 2009, Mr. Hiblar filed a petition for dissolution for the client and a motion for a temporary order, including maintenance, because the client was unemployed. The motion was scheduled to be heard in September 2009. Mr. Hiblar agreed to continue the motion for temporary orders until December 2009 to allow opposing counsel to supply information regarding the finances of the client’s estranged spouse. Opposing counsel delayed producing the financial information and, consequently, the motion for a temporary order was not heard during the period that Mr. Hiblar represented the client. The client was dissatisfied with the delay in proceedings. On March 5, 2010, Mr. Hiblar received a letter from the client terminating his representation, and requesting the return of his client file and a $1,500 refund. Mr. Hiblar did not return the client file and did not respond to the client’s letter.

During March and April 2010, Mr. Hiblar was ill with the swine flu. This illness caused some, but not all, of the delay in responding to the client’s letter. Mr. Hiblar never provided the client with any billing statements or any type of accounting. On March 24, 2010, the client filed a grievance with the Bar Association. Mr. Hiblar received two letters from the Bar Association requesting his complete client file for the client and financial records relating to the representation. Mr. Hiblar did not respond to the requests. On July 7, 2010, the Washington State Supreme Court entered an order approving a stipulation that Mr. Hiblar be suspended for nine months for, among other things, failing to cooperate with the Association’s investigation in an unrelated disciplinary matter.

After his suspension, Mr. Hiblar was emotionally overwhelmed with closing his practice and dealing with his financial problems. On July 13, 2010, Mr. Hiblar requested an extension to respond to the Bar Association’s request for records, which the Association granted. Mr. Hiblar failed to respond to the Bar Association’s request for records by the deadline. On August 23, 2010, the Association personally served Mr. Hiblar with a subpoena duces tecum for a deposition on September 14, 2010. The subpoena duces tecum required Mr. Hiblar to produce the client’s file and financial records relating to his representation of the client. Mr. Hiblar appeared for his deposition, but failed to produce the requested records. During the deposition, Mr. Hiblar agreed to produce the subpoenaed records by September 21, 2010, which he failed to do. On September 22, 2010, the Association sent Mr. Hiblar a letter reminding him to produce the subpoenaed records or describe the search that he made for the records and the results of his search. Mr. Hiblar did not respond to it or produce the subpoenaed records. Later, Mr. Hiblar reported that he could no longer locate the client file for the client and the other materials subpoenaed by the Bar Association.

Mr. Hiblar’s conduct violated RPC 1.15A(c), requiring a lawyer to hold property of clients and third persons separate from the lawyer’s own property; RPC 1.15A(e), requiring a lawyer to promptly provide a written accounting to a client or third person after distribution of property or upon request; RPC 1.16(d), requiring a lawyer, upon termination of representation, to take steps to the extent reasonably practicable to protect a client’s interests, such as surrendering papers and property to which the client is entitled; and RPC 8.4(I), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter.

Jonathan H. Burke represented the Bar Association. Mr. Hiblar represented himself.

Suspended

Cheryl Nance (WSBA No. 22825, admitted 1993) of Seattle, was suspended for two years, effective August 19, 2011, by order of the Washington State Supreme Court following approval of a stipulation. This discipline is based on conduct involving failure to communicate, failure to deposit advance costs into a trust account, failure to provide an accounting of client funds, and failure to refund unused costs when terminated.

Ms. Nance represented Client A and his adoptive mother in a complex immigration matter. In addition to fees for anticipated legal work, Client A paid Ms. Nance $355 in February 2008, to be used as the filing fee for a petition. Ms. Nance did not deposit or maintain any of the $355 filing fee advance in a trust account. After performing substantial legal work on behalf of Client A, Ms. Nance was discharged in late October 2008. At the time of her discharge, Ms. Nance had not filed the petition or paid the filing fee. Client A’s new lawyer wrote to Ms. Nance on October 22, 2008, requesting Client A’s file and an accounting for the $355 Client A had advanced for the filing fee. Ms. Nance did not provide Client A’s file to his new lawyer until December 23, 2008. Despite a number of requests for a refund of the advanced filing fee, Ms. Nance did not refund the advance filing fee until April 2011.

In May 2008, Ms. Nance was hired by Clients B and C to represent them in pursuing immigration petitions. Clients B and C provided Ms. Nance with $2,010 of advance filing fees and costs, which Ms. Nance did not deposit or maintain in a trust account. In July 2008, Ms. Nance filed petitions with USCIS on behalf of Clients B and C, and transmitted $1,365 of filing fees to the USCIS. It was learned that the filing fees for the immigration petitions were less than had been estimated. Ms. Nance met with Client C in August 2008, at which time Ms. Nance indicated that the filing fees had been $645 less than estimated and that she would refund that amount less the costs that had been incurred. Ms. Nance paid Client C $400 at that meeting and promised to provide an accounting and any balance shortly thereafter. Client B left several telephone messages for Ms. Nance asking for an update; Ms. Nance considered the messages to be irate and abusive. While Ms. Nance left messages for Client B, she chose not to directly communicate with him. In October 2008, Clients B and C retained a new lawyer to represent them and requested an accounting from Ms. Nance. No accounting was provided until October 2010, when Ms. Nance provided a response to the formal complaint in her disciplinary matter. She did not refund the balance due to Clients B and C until April 2011.

Ms. Nance’s conduct violated RPC 1.4(a)(4), requiring a lawyer to promptly comply with reasonable requests for information; RPC 1.15A(c)(1), requiring a lawyer to hold property of clients and third persons separate from the
lawyer’s own property and to deposit and hold in a trust account funds subject to this Rule; RPC 1.15A(e), requiring a lawyer to promptly provide a written accounting to a client or third person after distribution of property or upon request; and RPC 1.16(d), requiring a lawyer to promptly notify a client or third person of receipt of the client or third person’s property.


Reprimanded

Conrad E. Nance (WSBA No. 17765, admitted 1988), of Salem, Oregon, was ordered to receive a reprimand, effective August 4, 2011, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. This discipline resulted from conduct involving neglect and failure to communicate. For more information, see the Oregon State Bar Bulletin (June 2011), available at www.osbar.org.

Mr. Nance’s conduct violated Oregon’s RPC 1.3, prohibiting a lawyer from neglecting a legal matter entrusted to the lawyer; and Oregon’s RPC 1.4(a), requiring a lawyer to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information.

Joanne S. Abelson represented the Bar Association. Christopher R. Hardman represented Mr. Nance.

Admonished

Lawrence C. Delay (WSBA No. 20339, admitted 1991, of Friday Harbor, was ordered to receive an admonition on August 5, 2011. This discipline was based on conduct involving trust account irregularities.

In 2006, the Bar Association conducted a random audit of Mr. Delay’s trust account. The auditor found that he had not complied with the rules and a re-examination was ordered. The re-examination was completed in 2009. The auditor found that although Mr. Delay had made progress, he was still not complying with all of the trust account requirements. Mr. Delay did not maintain copies of trust account deposit slips, or their equivalent; did not maintain individual client ledgers with all of the information required by RPC 1.15B; and did not reconcile his check register balance to his bank statement balance and reconcile the check register balance to the combined total of all client ledger records.

Mr. Delay’s conduct violated RPC 1.15A(h) (6), requiring that trust account records be reconciled as often as bank statements are generated or at least quarterly, and requiring the lawyer to reconcile the check register balance to the bank statement balance and reconcile the check register balance to the combined total of all client ledger records required by Rule 1.15B(a) (2); RPC 1.15B(a)(2), requiring that individual client ledger records contain either a separate page for each client or an equivalent electronic record showing all individual receipts, disbursements, or transfers; and RPC 1.15B(a)(7), requiring trust account records to contain bank statements, copies of deposit slips, and cancelled checks or their equivalent.

Marsha A. Matsumoto represented the Bar Association. Mr. Delay represented himself.

Admonished

Liam M. Golden (WSBA No. 26128, admitted 1996), of Republic, was ordered to receive an admonition on September 19, 2011. This discipline was based on conduct involving participation in a case where there was a conflict of interest.

In early November 2006, Mr. Golden was elected prosecuting attorney for Lewis County and took office on January 1, 2007. From late November 2006 through early January 2007, Mr. Golden had an ongoing intimate relationship with Ms. W. On January 4, 2007, Ms. W’s 17-year-old son (defendant) was arrested in connection with a string of alleged arsons, along with an alleged co-participant, who was an adult (co-participant). Upon learning of the defendant’s arrest, Mr. Golden informed his chief criminal deputy about his relationship with Ms. W, and agreed that he would not be involved in the prosecution of the defendant.

On January 8 or 9, 2007, while the chief criminal deputy and a senior deputy prosecutor discussed whether the defendant and co-participant should be charged with first-degree or second-degree arson, Mr. Golden was present and indicated that they should go with the chief criminal deputy’s position. On January 9 or 10, 2007, the defendant and co-participant were separately charged with multiple counts of second-degree arson, burglary, and reckless burning. The defendant entered a guilty plea that included a 65–68 week sentence and required him to testify truthfully at co-participant’s trial.

On July 31, 2007, the defendant’s lawyer filed a Motion to Dismiss alleging that Mr. Golden’s prior intimate relationship with Ms. W and subsequent communications with her, had interfered in the representation of her son. Mr. Golden indicated to his chief criminal deputy that he would not be involved in handling the motion to dismiss. On August 6, 2007, Mr. Golden prepared and filed his own declaration related to the pending motion to dismiss. Mr. Golden also asked one of his deputy prosecuting attorneys to prepare a declaration to be filed in response to the motion to dismiss. After that deputy prosecuting attorney had drafted his declaration but before it was signed and filed, Mr. Golden reviewed and commented on the declaration. The declaration was signed on August 8, 2007, as drafted. Subsequently defendant’s case and the motion to dismiss were transferred to the Thurston County Prosecutor’s Office for handling. The motion to dismiss was denied on November 14, 2009.

Mr. Golden’s conduct violated RPC 1.7, prohibiting a lawyer from representing a client if the representation involves a concurrent conflict of interest, which exists if the representation of one or more clients will be materially limited by a personal interest of the lawyer.

Christine Gray represented the Bar Association. Kurt M. Bulmer represented Mr. Golden. Joseph Nappi Jr. was the hearing officer.

Admonished

George T. Hunter (WSBA No. 14388, admitted 1984), of Seattle, was ordered to receive an admonition on August 5, 2011. This discipline is based on conduct involving failure to provide a contingent fee agreement in writing, failure to diligently pursue a client’s matter, and failure to communicate.

In January 2010, Mr. Hunter agreed to represent a client in a wage and hour claim against his former employer. Mr. Hunter drafted a demand letter, but did not send it to the employer. Mr. Hunter drafted a complaint, but did not file it. The client paid a $750 advance fee. Any additional fee was to be a 33 percent contingent fee on any settlement or recovery. Mr. Hunter did not prepare a written fee agreement. The client fired Mr. Hunter in March 2011. Mr. Hunter agreed to refund his $750, but has not yet done so.

Mr. Hunter was unavailable during two months in 2010 due to illness and did not take any further action after the client filed the grievance. Mr. Hunter did not notify the client of his unavailability or decision not to take action after the grievance.

Mr. Hunter’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to keep the client reasonably informed about the status of the matter; and RPC 1.5(c)(1), requiring a contingent fee agreement to be in writing signed by the client.

Randy V. Beitel represented the Bar Association. Mr. Hunter represented himself.

Admonished

Philip S.J. Wakefield (WSBA No. 22599), of Mill Creek, was ordered to receive an admonition on July 24, 2011. This discipline resulted from conduct involving failure to act with reasonable diligence and failure to communicate.

A client hired Mr. Wakefield to represent her with Ms. W. On January 4, 2007, Ms. W’s 17-year-old son (co-participant) was an adult (co-participant). Mr. Wakefield telephoned the client’s estranged boyfriend and spoke with him for approximately one hour. This was the first and only time Mr.
Wakefield interviewed or attempted to interview the boyfriend. Mr. Wakefield did not interview, or attempt to interview, the other alleged victim or the police officer who was called to the scene immediately after the incident. Mr. Wakefield did not prepare the client adequately to give testimony in her own defense.

On February 24, 2009, the client went to court and met with Mr. Wakefield in a private conference room. During the meeting, Mr. Wakefield convinced the client to resolve her case without a trial, but failed to communicate complete information regarding the advantages and disadvantages of accepting the prosecution’s offer to resolve the matter without trial. Because the client felt that Mr. Wakefield was unprepared for trial, and that she had no alternative, she agreed to the dispositional continuance offered by the prosecuting attorney, which provided that once the client met certain conditions, her case would be dismissed. On May 29, 2009, the client, through another lawyer, filed a motion to withdraw her dispositional continuance based on Mr. Wakefield’s failure to prepare for trial. After conducting an evidentiary hearing, on July 1, 2009, the court granted the client’s motion and set a new trial date for the case.

Mr. Wakefield’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; and RPC 1.4, requiring a lawyer to promptly inform the client of any decision of circumstance with respect to which the client’s informed consent is required by these Rules, reasonably consult with the client about the means by which the client’s objectives are to be accomplished, keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, consult with the client about any relevant limitation on the lawyer’s conduct, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Christine Gray represented the Bar Association. Patrick C. Sheldon represented Mr. Wakefield. John F. Tollefsen was the hearing officer.

Non-Disciplinary Notices

Suspended Pending the Outcome of Supplemental Proceedings  
Cathlin Donohue (WSBA No. 28002, admitted 1998), of Dayton, was suspended pending the outcome of supplemental proceedings pursuant to ELC 7.2(a)(1), effective October 21, 2011, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Transferred to Disability Inactive Status  
Terri L. Stickney (WSBA No. 29350, admitted 1999), of Bothell, was by stipulation transferred to disability inactive status, effective September 28, 2011. This is not a disciplinary action.
Environmental Law

15th Annual Oregon Land Use Law
December 8—9 — Portland and webcast. 10.25 CLE credits, including 1 ethics. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=11.emdwa.

Washington Water Law and the Public Trust
December 9 — Seattle. 7.5 CLE credits, including 2 ethics. By The Center for Environmental Law and Policy; cle@celp.org; 509-209-2899; www.celp.org.

The 2011 Washington Trust Act: Innovation and Clarification for Washington Trusts
December 7 — Seattle and webcast. 4 CLE credits. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

December 7 — Seattle and webcast. 3.5 CLE credits, including .75 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

Ethics

Trust Account Record Keeping: Navigating the Maze
December 6 — Seattle and webcast. 2 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

Ninth Annual Law of Lawyerung Conference
December 9 — Seattle and webcast. 6.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

8th Annual Ethics Workout 2011
December 14 — Seattle. 6 ethics credits. By KCBA-CLE; 206-267-7057; www.kcba.org/cle.

WSAJ’s Annual Ethics CLE

The Ethical Duty of Confidentiality

2011 Washington Ethics Highlights

Ethical Legal Marketing
December 23 — Teleconference with online PowerPoint. 1.5 ethics credit. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Estate Planning

Parenting Plans and Evaluations
December 19 — Seattle and webcast. 6.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

10 Essentials to Winning Appeals
December 1 — Teleconference with online PowerPoint. 1 CLE credit. By Rubric CLE; 206-714-3178; www.rubriccle.com.

General

9th Annual Northwest Gaming Law Summit
December 1–2 — Seattle. 12.5 CLE credits. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=11.gamma.

2nd Annual Issues in Condemnation
December 2 — Seattle. 6.5 CLE credits. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=11.emdwa.

The History and Framing of the Establishment Clause
December 2 — Teleconference with online PowerPoint. 1.5 CLE credits, By Rubric CLE; 206-714-3178; www.rubriccle.com.

Deposition Techniques: Strategies, Tactics, Skills
December 5 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

Trust Account Record Keeping: Navigating the Maze
December 6 — Seattle and webcast. 2 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

10th Annual Washington CLE Bootcamp
December 6—7 — Seattle and webcast. 15 CLE credits, including 3 ethics. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=11.bootwa.

Fundamental Law: Framing the Constitution
December 8 — Teleconference with online PowerPoint. 1.5 CLE credits. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Washington State Association for Justice Second Annual Winter Conference

Ninth Annual Law of Lawyerung Conference
December 9 — Seattle and webcast. 6.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

Movie Magic: How the Masters Try Cases
December 13 — Seattle and webcast. 6 CLE credits, including 2 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

Trial by Fire: Liberty!

The Persuasive Trial Attorney: What Works and What Doesn’t
December 16 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcacle.org.

Communication with Clients
Supervisory and Subordinate Lawyers, and Non-lawyer Assistants

The Constitutionality of Health Care Reform
December 9 — Teleconference with online PowerPoint. 1.5 CLE credits. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Health Law

The Constitutionality of Health Care Reform
December 29 — Teleconference with online PowerPoint. 1.5 CLE credits. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Insurance Law

Insurance Law 201: Intermediate and Advanced Insights
December 12 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

WSAJ’s Annual Insurance Law Seminar

WSAJ’s Annual Insurance Law Seminar

Litigation

Deposition Techniques: Strategies, Tactics, Skills
December 5 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

The Persuasive Trial Attorney: What Works and What Doesn’t
December 16 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Iqbal-Twombly vs. McCurry: What Do You Need to Plead?
December 29 — Teleconference with online PowerPoint. 1.5 CLE credits. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Real Property, Probate, and Trust

Commercial Real Estate Leases Conference

18th Annual Fall Real Estate Conference: New Developments, Changes, and Challenges in Real Estate
December 2 — Seattle and webcast. 5.75 CLE credits, including .5 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Trust Account Record Keeping: Navigating the Maze
December 6 — Seattle and webcast. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

10th Annual Washington CLE Bootcamp
December 6–7 — Seattle and webcast. 15 CLE credits, including 3 ethics. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=11.bootwa.

The 2011 Washington Trust Act: Innovation and Clarification for Washington Trusts
December 7 — Seattle and webcast. 4 CLE credits. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

December 7 — Seattle and webcast. 3.5 CLE credits, including .75 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Tax Law

Hot Topics in State and Federal Tax: Offshore, Online and in the Cloud
December 15 — Seattle and webcast. 3 CLE credits pending. By the WSBA Taxation Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Webcast Seminars

18th Annual Fall Real Estate Conference: New Developments, Changes, and Challenges in Real Estate
December 2 — Seattle and webcast. 5.75 CLE credits, including .5 ethics. By the
WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Deposition Techniques: Strategies, Tactics, Skills
December 5 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Trust Account Record Keeping: Navigating the Maze
December 6 — Seattle and webcast. 2 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

10th Annual Washington CLE Bootcamp
December 6–7 — Seattle and webcast. 15 CLE credits, including 3 ethics. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=11.bootwa.

The 2011 Washington Trust Act: Innovation and Clarification for Washington Trusts
December 7 — Seattle and webcast. 4 CLE credits. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

December 7 — Seattle and webcast. 3.5 CLE credits, including .75 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Washington State Association for Justice 2nd Annual Winter Conference

15th Annual Oregon Land Use Law
December 8–9 — Portland and webcast. 10.25 CLE credits, including 1 ethics. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=11.lulor.

Ninth Annual Law of Lawyering Conference
December 9 — Seattle and webcast. 6.5
ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacler.org.

Insurance Law 201: Intermediate and Advanced Insights
December 12 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacler.org.

Movie Magic: How the Masters Try Cases
December 13 — Seattle and webcast. 6 CLE credits, including 2 ethics. 6.25 CLE credits, including 1 ethics. By the WSBA Creditor-Debtor Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacler.org.

Annual Collection of Judgments: You’ve Won! Now What?
December 14 — Seattle and webcast. 6.75 CLE credits, including .5 ethics. By the WSBA Taxation Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacler.org.

WSAJ’s Annual Ethics CLE

Hot Topics in State and Federal Tax: Offshore, Online and in the Cloud
December 15 — Seattle and webcast. 3 CLE credits pending. By the WSBA Taxation Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacler.org.

The Persuasive Trial Attorney: What Works and What Doesn’t
December 16 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacler.org.

Parenting Plans and Evaluations
December 19 — Seattle and webcast. 6.5 general CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacler.org.

Elder Law Best Practices
January 20 — Seattle and webcast. 6 credits pending. By the WSBA Elder Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacler.org.

Betts, Patterson & Mines is seeking a complex litigation paralegal with a minimum of five years of experience. Knowledge of and experience with insurance defense cases, as well as experience with both procuring and understanding medical records, preferred. Successful candidates will have outstanding verbal, written, and legal analysis skills; solid references; ability to multi-task; and will be highly organized.

We offer competitive salary and benefits and a fun and friendly workplace. Send résumé and cover letter to Sonya Baker at sbaker@bpmlaw.com.

Associate — Ideal arrangement for a solo practitioner who wants to create, build, or grow a practice, particularly in the areas of family law and bankruptcy. Established law practice on the west side of Olympia to share space with referral or co-counsel opportunities likely. Please respond in writing to Manager, 1607 Cooper Point Rd. NW, Olympia, WA 98502.

The rapidly growing cross-border team at Moodys LLP Tax Advisors seeks to add a seasoned associate to its cross-border team located in Calgary, Alberta, Canada. The cross-border team focuses on providing tax and estate planning services to United States citizens living in Calgary, the Province of Alberta, throughout Canada, and elsewhere around the world. It also provides services to Canadians moving to the United States, working in the United States, or investing in the United States, as well as United States companies operating in Canada and Canadian companies operating in the United States. The ideal candidate will have a J.D. and LL.M. or CPA, and experience in United States international tax and United States estate tax.

In addition, the ideal candidate will be a highly motivated individual with an intense curiosity and a passion for learning. Current personal connections to Canada are considered helpful but not essential. Interested candidates should send current J.D. and LL.M. transcripts (unofficial is acceptable) to info@moodystax.com.

Associate attorney for civil litigation — Kroontje Law Office, PLLC, a downtown Seattle civil litigation law firm, is currently seeking an associate attorney. The ideal candidate will be a member of the Washington State Bar Association with excellent research, writing, and oral advocacy skills. Applicants should be committed to providing quality representation to clients involved in civil lawsuits in state and federal courts. The job requires a positive and professional attitude. Salary depends on experience. Please send a cover letter, résumé, and writing sample to Michaela Morrison at michaela@kroontje.net. Firm details at www.kroontje.net.

Associate attorney position — Established Seattle mid-sized law firm seeks commercial litigation attorney to join its Seattle office. Position entails immediate work in a variety of complex commercial litigation matters. Candidates must have a minimum of two years’ litigation experience, high academic credentials, as well as communication, writing, and client relations skills. Firm offers tremendous opportunity for professional growth. Please send cover letter and résumé to John R. Tomlinson, Jr., c/o Lisa Earnest at Barokas Martin & Tomlinson, 1422 Bellevue Ave., Seattle, WA 98122 or lae@bmatlaw.com.

Of counsel senior associate — family law attorney. Busy downtown Seattle law
firm seeks a family law attorney for unique of counsel/senior associate opportunity. This is not an entry-level position. A minimum of three years of extensive family law experience is required, more experience preferred. Strong preference will also be given to any candidates who have successfully resolved or litigated at least 40 divorce or family law matters from start to finish. This is a unique opportunity to be rewarded for your ability to exercise initiative and build and manage your own caseload, as well as build this practice group within the firm. Overall compensation will increasingly be based on revenue generated once you are established after a year or two. Initial base salary of $70,000 to $90,000 DOE. This is, however, truly an excellent opportunity for the right person to easily earn $100,000 to $125,000-plus within two to four years. Some portable business is a plus but is not required. Please email your résumé to washingtondivorce@yahoo.com. No phone calls, please.

Lateral partner: Smith Alling, PS 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, PS is widely recognized throughout the Pacific Northwest for the superior legal work it performs on behalf of its corporate and individual clients. For confidential consideration, send résumé and cover letter to mmc@smithalling.com.

Established Spokane firm looking for associate attorney. A minimum of one year litigation experience preferred. Local contacts and existing client base a plus. Salary negotiable based upon experience. Send cover letter, résumé, references, and law school transcript to classifieds@wsba.org, referencing Box 746 in the subject line.

The Spokane office of Witherspoon Kelley has an immediate opening for a litigation associate to assist with a variety of complex commercial litigation matters. The ideal candidate will have a high level of academic achievement and credentials and very good communication, research, and writing skills. Witherspoon Kelley offers an excellent opportunity for professional growth. Qualified candidates should submit a cover letter, salary expectations, a résumé, and a writing sample to: Hiring Manager, Witherspoon Kelley, 422 W. Riverside Ave., Ste. 1100, Spokane, WA 99201, or email to dmk@witherspoonkelley.com, or fax to 509-458-2728.

Ahlers & Cressman PLLC, an 11-lawyer, construction law firm in downtown Seattle, is seeking an experienced construction law attorney with at least four years’ experience to perform construction contract review and drafting, litigation, arbitration, and dispute resolution. Ahlers & Cressman PLLC is a group of motivated, hard-working attorneys. Its lawyers believe that high-quality work results in satisfied clients and a prosperous firm. Compensation is negotiable based upon qualifications and experience. All inquiries will remain confidential. If interested, please send résumé and cover letter to: Chris Achman, Administrator, Ahlers & Cressman PLLC, 999 Third Ave., Ste. 3800, Seattle, WA 98104-4088, Fax: 206-287-9902; website: www.ac-lawyers.com, email: cachman@ac-lawyers.com.

WSBA director of justice and diversity programs — The WSBA is seeking a lawyer to institutionalize and facilitate the WSBA’s commitment to diversity and continuing leadership in access to justice and public service-related initiatives. The position manages the department’s operations; supervises three program managers; and provides strategic vision, leadership, and community building. For details and how to apply, visit us at www.wsba.org/about-wsba/careers/wsba-jobs.

WSBA general counsel — This is an excellent opportunity for an experienced WSBA member to provide legal and consultative services to the executive director, WSBA Board of Governors, various WSBA volunteer boards, staff, and members affecting the Association’s operational and regulatory functions. For details and how to apply, see www.wsba.org/about-wsba/careers/wsba-jobs.

WSBA Leadership Institute (WLI) program manager — This position is an excellent opportunity to liaise and sup-port a nationally recognized leadership development-program for lawyers. The position assists the WLI Advisory Board with strategic planning and goal-setting for their year-round activities. The position is active in outreach efforts, including board development and recruiting, recruitment of potential fellows, and working with the WSBA’s development director pursuing funding opportunities to expand the program. For details and how to apply, see www.wsba.org/about-wsba/careers/wsba-jobs.

Services


Virtual Independent Paralegals, LLC provides comprehensive 24/7/365 litigation support with expertise in: Medical Record Summaries, Deposition Digests, Transcription (Court Certified) Document Review and Reduction Projects. We hit the ground running, providing highest quality results at unbeatable rates. Locally owned, nationally known, virtually everywhere! VIP, we’re here when you need us, just a phone call or email away! 206-842-4613. www.viphelpme.com.

Contract family law and military law attorney with 16 years’ experience to assist you with research, writing, discovery, motions, trial preparation, and more. Former JAG. FamilySoft license. University of Washington Law School graduate. Gloria McKinney Backus. WSBA #24279. 425-647-7983; lawofseattle@gmail.com.


Long-term care specialist — WSBA member, licensed as independent long-term care insurance producer. Can provide insurance solutions for your estate planning, dissolution, and business clients. Individuals, employee benefit plans, sponsored groups. Contact Helen Boyer,
425-557-5372; helen.boyer@ltcfp.net; or visit www.helenboyer.ltcfp.com.


Expert witness/insurance bad faith consultant: Over 30 years’ combined experience: former claims adjuster, claims manager, insurance defense counsel, and current plaintiffs’ counsel. Consulted for both sides on over 50 cases. CPCU, ARM, and J.D. w/honors. Contact: dbhuss@hotmail.com or office phone 425-776-7386.

Experienced fire and product liability litigation attorney: More than 20 years’ experience in complex commercial and residential fire cases. Available for consultation in evaluating fire-scene evidence to determine the origin and cause, meeting the requirements of NFPA 921, conducting critical discovery including expert depositions, evaluating your expert’s opinions, and preparing for a Daubert challenge. For information, call Eileen Stauss at 206-399-2046.


Ready to get rid of that excess weight once and for all? A WSBA member-turned-health coach can help you get that weight off easily, safely, and permanently. Ann Whitmore, JD, 206-890-4797, AnnWhitmore@gmail.com.

Résumé/job interviews for attorneys — 30-minute sessions — $85. Lynda Jonas, Esq., owner of Legal Ease L.L.C. — Washington’s Attorney Placement Specialists since 1996 — works with attorneys only, in Washington state only. She has unparalleled experience counseling and placing attorneys in our state’s best law firms and corporate legal departments. It is her opinion that more than 75 percent of attorney résumés are in immediate, obvious need of improvement. Often these are quick, but major, fixes. Lynda is uniquely qualified to offer résumé assistance and advice/support on best steps to achieve your individual career goals within our local market. She remains personally committed to helping attorneys land the single best position available to them. All sessions are conveniently offered by phone. Please email legal ease@legalease.com or call 425-822-1157 to schedule.

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

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

Experienced 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.

Contract attorney available for research and brief writing for motions and appeals. Top academic credentials, law review, judicial clerkship, complex litigation experience. Joan Roth, 206-898-6225, jlrmcc@yahoo.com.


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.

I buy homes and condos. Honest and reliable. Refer your clients with confidence. Clancy Tipton, J.D., Real estate broker, 206-947-7514; catipton1@msn.com.

Experienced contract attorney with strong research and writing skills drafts trial and appellate briefs, motions, and research memos for other lawyers. Resources include University of Washington Law Library and LEXIS online. Elizabeth Dash Bottman, WSBA #11791. 206-526-5777; ebottman@gmail.com.

Space Available

Furnished executive offices at Seattle’s Columbia Tower on the 42nd floor, two blocks from the courthouse. Individual private offices or small suites, perfect for solo practitioner attorney or small law firms. Receptionist service included, plus access to conference rooms, printer/copier services, and much more. One month free rent on any new 12-month lease. Call Gina for details: 206-235-0889.

Office sharing opportunity in Port Angeles — Potential for professional association with established firm and clientele. Senior partner will be retiring in a couple of years, seeking experienced lawyer to take over practice. Attractive office space close to courthouse. Office space available for lawyer and one assistant. Access to li-
brary, kitchen, and conference room. Receptionist and bookkeeping services available. Contact Johnson, Rutz & Tassie, Port Angeles, WA 98362, 360-457-1139.

Capitol Hill (Seattle) office space: Turnkey corner office space lease with small practice group on Capitol Hill, one block off roadway at 707 E. Harrison, with parking. $750. Contact jth@bwseattlelaw.com or Jeff at 206-623-2020.

Seattle office space (Class A): One very cool and colorful office with beautiful views of Puget Sound on 38th floor of Bank of America Plaza (5th & Columbia) available for sublease. Includes one adjacent work station for support staff, use of conference room, reception, kitchen, telephone service, mail, messenger, etc. Bookkeeping, garage parking, copier, fax services available. Larry, 206-442-1560.

Unique space available (Seattle) — Sound view office in Market Place One, to share with established practitioners. North end of the Pike Place Market, adjacent to Victor Steinbrueck Park and the Seattle Athletic Club. Includes a secretarial station, joint use of the receptionist, conference room, and photocopy/scanner machine. Ample parking in the building. Contact Alexandra Fast at 206-728-0996.

One office in Wells Fargo Center with an established Seattle commercial and technology law firm. Rent includes receptionist, reception area signage, conference rooms, library, kitchen/lunchroom, BW/color copiers, scanners, and fax. High-speed LAN and Internet available. 206-382-2600.


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.

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). Other administrative support available if needed. DSL/VPN access, collegial environment. Please call Amy, Badgley Mullins Law Group, 206-621-6666.

Bellevue office space: Two offices available for sublease in downtown Bellevue. Rent includes shared use of conference rooms, small law library, and kitchen. Options include use of copier and covered parking. Please contact asakai@jgslaw.com.

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.


Practice for Sale

Established in Freeland, Washington — Respected and thriving trust and estate, elder law, and real estate practice drawing from central and south Whidbey Island. Seller price, terms, training, and work for buyer negotiable. Contact: attorney@whidbey.com.
I became a lawyer because, while I really like to help people, I'm a bit of a control freak. Sometime after graduating from college with a degree in sociology and expecting to become a social worker, I met an attorney who, in contrast to the DSHS social worker she was representing, seemed to have a great many more tools at her disposal with which to help the community members they were working with.

Trait I admire in other attorneys: The ability to work collaboratively with other attorneys. Finding a balance between being a zealous advocate for our clients, while at the same time being able to see the big picture and the other side's point of view, is often the best way to serve clients.

I am most proud of this: During my three years in law school, I not only dealt with brain cancer and skin cancer, I carried and gave birth to my son. I survived those challenges and even began to practice law successfully while raising my son (who is now 14). But what I am most proud of is finding an opportunity to really start living my life again, becoming physically active after years of health issues, climbing mountains, and really starting to enjoy the second chance that I have — and not just surviving day to day and year to year.

I am most happy when I'm living life to the fullest, working hard, playing hard, and getting opportunities to experience new adventures.

My favorite hobbies/interests: Hard to pick a favorite, but right now, hiking and mountain climbing with my family and friends is near the top of the list.

My favorite vacation place: The Pacific coast of Washington and Oregon. (On safari in Tanzania is also high on the list, but a lot more expensive.)

Best stress reliever: I am very task-oriented and derive great satisfaction and stress relief in getting something done. Sometimes this can be as simple as cleaning my house or tending to something in my garden. Other times, I take on larger projects, like redecorating my guest room, including building a bed from miscellaneous used building supplies. A good workout usually helps, too.

Technology is exciting in the ways that it opens new avenues for us to do our work, informing and attracting clients. Scary in how quickly it advances and the way that it seemingly allows people to be their own attorneys, sometimes to their detriment.

Currently playing on my iPod/CD player/record player: I think I am the only one in Seattle without an iPod, but Talking Heads's *Stop Making Sense* was playing in my car's CD player the last time I paid attention.

I can't live without frequent opportunities to travel, most often nearby, to some of the many naturally beautiful parks and trails our state has to offer, but occasionally to someplace exotic and far away, like my 2010 trip to Tanzania to climb Mt. Kilimanjaro and go on safari.

The best part of my job: I most enjoy helping a client who is dealing with grief or anxiety to quickly and efficiently find solutions to the challenges which they are facing, compassionately relieving them of what stresses I can.

I was raised on Vashon Island, the oldest of four sisters. After attending the University of Pennsylvania in Philadelphia, where I met and married my husband of 18 years, I returned to the Pacific Northwest. A few years later, I attended Seattle University School of Law and, after passing the bar exam in 1998, began work as an associate attorney with Sharon E. Best, a small West Seattle firm. In January 2008, I became a partner. My practice focuses on probate, estate planning, and elder law. As a two-time cancer survivor, I feel I have a lot to offer clients who are facing medical challenges themselves. I enjoy people and the world around me, celebrating each day as an opportunity.
Remember

“R"emember me.” According to Wikipedia, those were the final words of the legendary Brazilian composer Antonio Carlos Jobim. And by “according to Wikipedia,” I mean, “who knows whether it’s true.” For the sake of this column, let’s assume it is. Isn’t being forgotten one of our primal fears? Jobim was one of the greatest composers of popular music in the 20th century. He is such a hero in his native country that the main airport in Rio de Janeiro is named after him. His music is undoubtedly playing somewhere every minute of every day. Yet I have no trouble imagining that even he would have feared being forgotten once he was gone.

In a jam-packed storage box somewhere is a carefully folded sheet of paper I have kept since I was in grade school. I will eventually hand it down to my daughter and son. It contains a poem my dad wrote for me. It’s just a few lines, some silly handwritten wordplay about the weather, illustrated by cartoon-like sketches of clouds and the sun. It’s quite clever, though, and the drawings have a simple panache. Remarkably, it’s one of only a few artistically creative things I ever saw my dad make. Although he was college-educated and had a facility for words and working with his hands, I never thought of him as a poet or artist. He was a U.S. Navy submariner in the Korean War who went on to sell air defense systems for Boeing. He liked to drink beer, watch football, fish, and fix stuff around the house. He spent little time writing down his thoughts or doodling.

Also in storage somewhere is a CD with an audio file that I will also hand down to my kids, although I think they already have copies of it. It is a home recording of a goofy song I composed, with lyrics taken from a poem my son had written when he was in high school. His poem is a stream of mischievous wordplay, whimsical but insightful. My son’s poem reminded me of my dad’s, both because of the quality of the word craft and because creative writing isn’t the type of thing my son ordinarily does, either. Although he wrote several poems and short stories in his high school years, in his spare time today you will most likely find him rebuilding cars or hiking in the mountains.

So, somehow, an affinity for writing — however infrequently expressed — made its way across three generations, from my dad to me and then on to my son. Could it be inherited? Well, no. We aren’t biologically related to one another. My parents adopted me, and my kids are from my ex-wife’s previous marriage. Family environment? Actually, I don’t remember my dad ever talking to me about poetry, art, or anything creative. Likewise, while I encouraged my son’s writing, he preferred to keep almost all of it to himself. While I can’t explain it, I’m grateful that my dad left me something to talk about in writing to remember him by, and that my son provided me with the lyrics to a song that maybe he’ll remember me by someday.

Of course, handing things on to your kids isn’t the only way to be remembered. In my May 2010 Bar Beat, I wrote about my brief music career, when I quit college for a while to play in a band. Shortly afterward, I was contacted by a WSBA member named Tom who had read the piece. I was astounded, because Tom was a musician I knew in Seattle 30 years ago and hadn’t seen since. We have now gotten together a few times to reminisce, and we keep in touch via Facebook. Tom continued playing music for another decade or so after I went back to college. On parallel tracks, unbeknownst to each other, we put down our guitars, went to law school, had families, and switched from barrooms to courtrooms.

Tom is an excellent singer and guitarist and has written a number of outstanding songs. Not long ago, I was perusing a website he put up that features recordings he has done over the years. Most are of his own compositions. But I noticed he included a cover of “The Girl from Ipanema,” one of the most recognizable songs ever written. It’s the signature piece of — that’s right — Antonio Carlos Jobim (whose nickname, fittingly enough, was Tom).

Listening to that song, composed by someone of my father’s generation, and performed by an old buddy with whom I was unexpectedly reunited, reassured me that we can all do things that will help us be remembered. Even if you can’t write a bossa nova classic or sing and play like a pro, you can scribble something on a piece of paper for your kids, or warble a tune into your computer. Who knows, someone might save it and hand it on eventually. So, to both Toms, obrigado. And to Mr. Jobim, in particular, not only have you not been forgotten, but your music helps us to not forget each other, too.

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