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Grateful for 50-year members

I’m writing to endorse President Toole’s acknowledgement of our 50-year bar members (President’s Corner, January 2011 Bar News). One of them, Tim Malone, has been my career-long mentor, and two others, Toni Rembe and Marjorie Rombauer, have been inspirational role models. What all of them brought, and are still bringing, to my legal practice is the perspective of their unique and ground-breaking experiences, for which I’m most grateful.

Clydia J. Cuykendall, Olympia

Judges should pay the same

The BOG’s decision at their Sept. 23–24 meeting (The Board’s Work, December 2010 Bar News) relating to judicial bar dues upsets me for several reasons.

First, it is wrong that members of the judiciary do not pay bar dues. The Bar News points out: “Without either an increase in fees, reduction in expenses or both, the budget will fall into deficit in the coming years.” It seems only fair to require the judiciary to pay the same bar dues we all pay, rather than expecting the non-judiciary members to be subject to additional and regular dues increases, which appear to be a certainty. Judges are guaranteed a secured income for the duration of their term and do not have to pay overhead expenses. They are in a much better position to pay dues than are private practitioners who are struggling in this economy.

Second, I am upset the BOG proposed a token dues assessment of $50 after a couple of judicial associations opposed the BOG’s initial assessment. I note $50 is about 1/10th of what most bar members pay. The BOG had an opportunity to treat all members equal and to spread the pain of dues increases to those best able to absorb it. They failed to do so. I think this is a cop-out, and for an organization which espouses diversity, this is disappointing.

Greg Hicks, Newport

Good discrimination and bad discrimination?

“Underrepresentation and diversity may be based upon the discretionary determination of the Board of Governors … to include … race …” (WSBA Bylaws quoted by WSBA General Counsel Robert Welden, Letters to the Editor, December 2010 Bar News). Apparently Mr. Welden, and some others, believe that so long as the “discretionary determination” based on race and other, some prohibited, factors, meet the goals of the WSBA leadership by being so-called inclusive, it is not discriminatory. However, for an individual excluded to the benefit of a member of a favored racial group, even if not the only determinative factor, such “discretionary determination” is very discriminatory. What Mr. Welden really seems to be saying is that there is good discrimination and there is bad discrimination. Clearly such a distinction depends upon one’s particular point of view. Unfortunately for Mr. Welden and those who share his apparent viewpoint, our constitutions are neutral as to point of view and thus do not make exceptions for discrimination perceived by some in government to be good, no matter how benign those people’s intentions are. In any event a citation from the WSBA Bylaws is not sufficient to counter an assertion of unconstitutionality.

William R. Clarke, Richland

To block bill or not to block bill

The article “Reconsidering Block Billing Practices” (January 2011 Bar News) attacks customary itemized time-based billing because it does not break out the time expended on each task if more than one task is performed by a timekeeper in a day. The author expects that such “block billing” will soon become a “relic of a bygone era.” I disagree. Clients are not generally requesting task billing, and on certain matters the trend is toward simpler billing, such as fixed fees based on factors in addition to time.

The author’s sample does not achieve the benefits that he touts. For example, there is an entry: “msgs to and from client re files etc. (.3).” How could a court determine that the (.3) time entry was reasonable, as opposed to the (.1) entered for another similar sample time entry? This entry does not achieve “trust from clients and judges that comes with billing trans-
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cency”? I favor detailed time entries to support hourly billing, and in fact I would have added a few words to each sample entry about what was accomplished. But task billing requires more detail with limited utility; a slippery slope.

I can see why task billing might be supported by legal fee auditing firms and others seeking to reduce attorneys’ fees. It makes it easier to attack a billing by saying: “an average letter should take .3 hours, but your letters took an average of .4 hours.” But each lawyer and each case and each task differ. The current standard “block billing” is adequate for most purposes.

Gary R. Duvall, Seattle

AUTHOR MICHAEL R. CARYL RESPONDS:
I have considered the views of Mr. Gary Duvall in his letter to the editor concerning my article on block billing in the January issue of the Bar News. My response is simple — block billing is criticized by organized bar groups, consumer advocates, insurers who pay hourly attorney’s fees in the billions annually, not to mention lawyer-bashing pundits and bloggers. A simple Google search of “block billing criticized” will yield 108,000 hits, many highly negative. My article cited only a few. The point I was trying to make is that when the Federal courts have spearheaded attacks on block billing, and organized state and local bars are condemning the practice, its continued survival in this state is questionable. My article was cautionary — a warning.

Mr. Duvall criticizes the examples given at the outset of the article, distinguishing block from apportioned billing, but he ignores the fact that the client can examine the large billing charges for reasonableness in apportioned entries, but the large charges can be hidden in block billing. He ignores the fact that block billing is often a scheme that hides excessive billing. He is silent on the risk of losing for his client, fee shifting fee awards by a court, where reasonableness of fees cannot be determined on blocked entries, as has happened in several cases I cited in the article.

I fear that it is just a matter of time before an appellate court, the organized Bar, or the Supreme Court in an RPC amendment will proscribe block billing. Better to be ahead of the curve than behind.
The 24-Hour Rule

We’ve all been there. We just received that letter in the mail from opposing counsel that personally attacks our character, our intelligence, our professionalism, and our competency. We are steaming and drop everything so that we can immediately defend ourselves and strike back. We’re not going to let that so-and-so get away with this. Reason and civility and giving the benefit of the doubt are out the door. We have been personally attacked. This is war.

Since e-mail is such an immediate method of communication enabling us to memorialize our brilliant response and actually see it in print for posterity’s sake, it is the easiest route to take. We do a quick check of our file to make certain there is nothing glaring at us that might suggest that the allegations in the letter we just received could be an innocent mistake. Satisfying ourselves that we have been intentionally and inexcusably maligned, we start typing away at our computer. The words just fly off the keyboard, so focused in our response that we type at blazing speed. Words don’t fail us in this state of heightened emotion and urgency. We cut the legs out from under our opponent, destroying his suppositions and artfully arguing the truth and veracity of our position. When the smoke clears and the keyboard cools down and we read over what we have written, we feel vindicated and justified. The process of writing this e-mail response has been cathartic. We have been able to get the hurt and anger out of our system, or at least we have managed to let those emotions take a back seat to what is hopefully reason and professionalism.

As I said, we have all been there. For many of us, this is merely an exercise in releasing pent-up emotions. We religiously follow the “24-hour rule,” or at least the “overnight rule.” For those who don’t follow or even know them, these rules mandate not sending out an emotionally drafted, emotionally driven e-mail response until after there has been an opportunity to calm down — perhaps have a friend or colleague read it, or at least sleep on it. E-mails, although they have revolutionized the practice of law, can be the most dangerous tool in our office. They are instantaneous, therefore enabling you to communicate your thoughts before actually thinking, and they create a written record of your statement, for the whole world to see — sometimes over and over and over again. Once hitting that infamous “Send” button, your e-mail is irretrievably transmitted into cyberspace, forever. Don’t fall victim to the lure of instant gratification; slow down and reflect. Employ the 24-hour rule.

Although the 24-hour rule can help us avoid the potential catastrophe that can result from an angry e-mail that is prematurely sent, there are other serious problems that can be and are generated by the use of e-mail. E-mails are so instantaneous and direct that we often forget that the person on the receiving end is not able to see the smile on our face or hear the intonation in our speech and the emphasis on a particular word or phrase. The receiver is not able to see our body language as our message is read, and things written in these e-mails can easily be taken out of context. How often do we hear someone say, “That is not at all what I meant when I wrote that”? We each have to take accountability for how our words and sentiments can be misinterpreted and misunderstood.

As attorneys, this is of particular
We are representing a client whose case could well be impacted by careless or thoughtless e-mail communications. If we offend the person to whom we are sending the e-mail, it could impact the ability to resolve a dispute amicably and inexpensively. It could result in a business transaction failing.

This is a heavy burden to carry and we should carefully consider the potential consequences before we go down that road.

A good rule of thumb is to always assume that whatever you are e-mailing to someone is going to end up as an exhibit in court. Ask yourself if you are going to be embarrassed to see your e-mail blown up on an overhead projector or if it is going to paint your client in a bad light. For the litigators among you, is this potential exhibit going to help your case or hurt it? Will it make it more difficult for you to maintain credibility with the judge or jury? Is it going to make you a less effective advocate? In the case of transaction attorneys, is this exhibit going to make it harder or easier to negotiate terms on your contract that are favorable to your client? Is the e-mail serving your client in this case or is it just making you feel momentarily powerful and righteous? Do you want this e-mail defining you, who you are, and the way you practice law?

Another good rule of thumb — after sleeping on the e-mail — is to ask yourself why you want to send it. Who is it going to benefit? What do you want to accomplish and will this e-mail accomplish that? Is the receiver going to truly hear the message you are trying to convey, or will that person be so incensed at your words or manner of communicating that your message will be totally lost? Also, remember that people save e-mails. Are you sure that you didn’t send an e-mail a year earlier that contradicts what you are saying in this one? I suspect we have all done that and, speaking personally, it is really embarrassing.

Whether you are a litigator or a transaction attorney, civility and professionalism need to be at the core of who you are and how you practice law. We need to take the high road in representing our clients. An attorney can be effective without the use of intimidation and righteousness. The January edition of Bar News included an article by Professor Paula Lustbader of Seattle University School of Law, entitled “Raising the Bar: The Promise of Civility in Our Profession.” This was the first of a series of monthly articles that are going to be published in Bar News intended to focus on and enhance civility in the practice of law (see page 26 for the second article in this series). I applaud this effort and hope it will be well received by our members.

In the spirit of this Civility Initiative, we need to be particularly sensitive to this world of instant communication. The practice of law has morphed into this world of instant communication. The best protection we have for our clients, our effective representation of our clients, and our reputations is to be professional and civil at all times and to be aware of all the potential pitfalls of e-mail. Finally, and most importantly, when it comes to e-mails, remember the 24-hour rule.

WSBA President Steven G. Toole can be reached at steve-wsba@sgtoolelaw.com or 425-455-1570.
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Family Law Special Master
Training and Professional Duties for Conflict Resolution with High-Conflict Families

by Daniel J. Rybicki and Frances W. Kevetter

A previous companion article (Bar News, June 2010) described an innovative program for using a family law special master (FLSM) as a provider of alternative dispute resolution. As set forth in our earlier discussion, the FLSM is sometimes called a parenting plan coordinator or special master. This professional serves at the crossroads of law and psychology. As defined by noted authorities in the field, a parenting coordinator or FLSM is an impartial third party who helps the parents implement their parenting plan by facilitating the resolution of disputes between parents or legal guardians by providing education, making recommendations to the parties, and, with prior approval of the parties and the court, making decisions within the scope of their court appointment.

The origins of this conflict resolution process date back to the mid-1990s, when more detailed and formal professional guidelines were first established for the family law field. In this article we will present some useful recommendations for the training and professional services of the FLSM. We will also discuss the FLSM selection process, the issues involved in maintaining appropriate structure and boundaries, and the indications and contraindications for use of an FLSM. We further offer other practical considerations and a vision for the future.

The Association of Family and Conciliation Courts (AFCC) has been highly active in developing practice guidelines and training procedures for FLSM and related services. The AFCC has chosen to refer to these service providers as parenting coordinators, while we have chosen to distinguish our Washington state model as family law special master. In 2001, the AFCC appointed a Task Force on Parenting Coordination and Special Masters, which collected information about how various states and jurisdictions developed and implemented their FLSM services. The AFCC task force reported that the FLSM has been a valued component in case management for several jurisdictions (Arizona, California, Colorado, Georgia, Massachusetts, Oklahoma, Oregon, Vermont, Hawaii, Idaho, New Mexico, North Carolina, and Ohio). Service providers go by different names across these jurisdictions even as methods vary for implementing FLSM services (such as appointment by stipulated agreement or motion made sua sponte or upon a finding that the case involves “complex family dynamics problems” that require speedy resolution). These states also vary in terms of jurisdictional issues and the timing of FLSM intervention (post-decree matters versus use during development of the initial parenting plan). Terms of appointment typically run for about two years, unless otherwise ordered by the court. Most states provide for methods of removing the FLSM or allowing him or her to resign.

The FLSM is typically given a degree of authority over selected elements of parenting plan issues. Most states do not allow the FLSM to make modifications to child support orders and awards or to determine such issues as which religion is to be observed by the child. Instead, most FLSMs are typically authorized to address issues such as the following: time-sharing arrangements, including holiday and summer planning; daily routine; daycare and babysitting; transportation and exchange for drop-off or pick-up; medical, dental, and vision care; psychological counseling or testing; educational issues such as choice of school or tutoring; and extracurricular activities.

A common practice is to develop a case-specific stipulation that specifies issues that are within the scope of the FLSM program and sets forth three
may be, there is a need for that person to demonstrate sufficient experience in drafting clear orders; developing effective and developmentally sensitive parenting plans; and being effective at resolving problems, mediating conflict, and attending to the needs of families and children.

**Given the novelty of this concept to the Washington legal landscape, there have not yet been any specific qualification requirements developed or any training programs implemented. Since we are at the seminal stages of this program of assistance, it would seem prudent to consider developing appropriate statutory guidelines for professionals whose work directly affects children, such as judges, mediators, parenting evaluators, and family law guardians *ad litem*.... Such statewide requirements for training and experience would help ensure that the delivery of services would adhere to basic common professional standards regardless of the setting — from Yelm to Yakima, Spokane to Seattle.**

The AFCC Task Force has found that jurisdictions differ widely in setting forth their expectations for the training and experience of the parenting coordinator. Some states require that such persons hold a license as a mental health professional (master’s level or greater) or be an experienced family law attorney. Many states encourage a background in mediation training, sometimes setting those as requirements to function as an FLSM. Still other jurisdictions have expanded the pool of possible special masters by allowing for certain paraprofessionals such as court staff to fulfill the function, provided that adequate training has been acquired. The definition of adequate training has varied across the states, varying from 20 hours of training to as much as 160 hours of specialized training, additional shadowing of an experienced FLSM, and ongoing continuing education requirements.

In most jurisdictions, attorneys and mental health professionals serve as FLSM providers. Given the novelty of this concept to the Washington legal landscape, there have not yet been any specific qualification requirements developed or any training programs implemented. Since we are at the seminal stages of this program of assistance, it would seem prudent to consider developing appropriate statutory guidelines for professionals whose work directly affects children, such as judges, mediators, parenting evaluators, and family law guardians *ad litem*.... Such statewide requirements for training and experience would help ensure that the delivery of services would adhere to basic common professional standards regardless of the setting — from Yelm to Yakima, Spokane to Seattle.**

Drawing upon current statutory guidelines in Title 26 (c.f., RCW 26.12.177), there are specific training requirements that call upon the Administrative Office of the Courts to develop a statewide curriculum in conjunction with the chief justice. RCW 2.56.030(15) identifies those areas of training required for Title 13 and Title 26 GALs. Included are requirements of training in the areas of family reconciliation and mediation.
services. It should not be a stretch to use these statutes in addressing the training needed for the FLSM.

The U.S. District Court for the Western District of Washington has promulgated CR 39.1, which addresses alternative dispute resolution. This rule provides the purpose of the ADR program, qualifications necessary to serve as mediator or arbitrator, how mediation is to be conducted, how arbitration is to be conducted, and other alternative dispute resolution procedures.

Clearly, Washington has a good structure in place in creating a training program for the FLSM. Statutes and court rules can be modified and adapted to provide for a statewide curriculum. Using the Federal CR 39.1 as a blueprint would allow for defining the FLSM and the qualifications necessary to serve as FLSM. This would provide the appropriate forum for defining whether and how mediation and arbitration would be conducted.

A useful starting point for developing the standard curriculum would be with examination of the various training approaches used by other states. For instance, California provides local court rules that require "special masters" to meet the same qualifications as those required of a supervising or associate counselor of family court services. Specific training regarding domestic violence, the family code, and local court protocols are part of those requirements. Other states such as Colorado identify attorneys with guardian ad litem experience, mental health professionals with experience in conducting parenting evaluations, or mediators with similar backgrounds as suitable FLSM service providers. Closer to home are the qualification guidelines set forth by the Oregon courts. Their local rules for "parenting coordinators" are fairly broad and call for "mental health training" (with a master's or doctoral degree in psychology, counseling, or social work, or equivalent training and experience, or an M.D. with psychiatric specialization) along with provision for attorneys, court-qualified mediators, or court staff personnel with specialized training to serve in this role. Perhaps the most detailed and comprehensive qualification and training requirements are those of Vermont. There, FLSM providers need to have 160 hours of training that includes 60 hours of mediation training, 24 hours of domestic-violence and substance-abuse training, 20 hours of family law and court procedures training, 36 hours of family-dynamics and child-development training, and 12 hours of FLSM training, including shadowing a minimum of two cases, as well as eight hours of document-writing and giving of testimony in court. The specific topics of that training are available through the Vermont judiciary (www.vermontjudiciary.org).

Training centers have emerged in other states that provide 20 to 24 hours of classroom education to meet the initial standards for becoming a special master or parenting coordinator. Curriculum topics include:

- understanding and managing the high-conflict family system
- coping styles of children
- divorce recovery process
- alienation, estrangement, and alignment concerns
- family systems models for conceptualization and intervention
- personality disorders in parents
- special complications of addictions
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As evident from some of these training guidelines, there is recognition that the FLSM needs to maintain appropriate professional boundaries and roles at all times. For this reason, several states have specifically addressed issues such as confidentiality and ex parte communication. Most frequently, the FLSM process is considered not to be confidential (i.e., communications with the FLSM are not confidential and the FLSM may be called as a witness to testify to the court or to make recommendations regarding parenting time or custody issues). Most established FLSM processes provide that parents may communicate ex parte with the FLSM. Some jurisdictions allow the FLSM to communicate ex parte with attorneys and others do not.

The FLSM model typically provides for access to anyone involved with the family members, including school officials, physicians, mental health providers, guardians ad litem, custody evaluators, and other professionals involved with the family. Most jurisdictions also allow the FLSM access to all orders and pleadings filed in the case, as well as school and medical records of the children, and reports of psychological testing or evaluations that have been performed.

Given that some cases may require additional special services, most jurisdictions allow for and encourage the FLSM to make referrals for third-party services. Some jurisdictions, such as Santa Clara County in California, allow the FLSM authority in "determining and ordering appropriate medical, mental health and counseling treatment for the parents or children... [and allows the FLSM to] designate whether any ordered counseling is or is not confidential." As can be seen, a variety of levels of communication and authority characterize the roles and boundaries of the FLSM in various jurisdictions.

Special considerations are given to cases where there have been allegations or findings of domestic violence. Safety concerns are paramount and may affect decisions on where to meet and how to involve the parties in any such meetings. There may be occasions where the parties do not meet together in order to reduce the risk of violence and to avoid power differentials that might disrupt the process. There may also be a decision to meet in a secure setting and to set forth protective measures for having the domestic violence victim arrive first and leave first to avoid...
further risk. The presence of violence in the relationship of the parents should have been litigated or at least identified and addressed to some significant degree before the FLSM gets involved.

While FLSM services may vary from state to state, there is a common recognition of the importance of granting the FLSM quasi-judicial immunity. This does not prevent the filing of complaints with professional licensing boards or with the court, nor does it prevent the parents from filing objections to various decisions, requests for judicial review, or requests for removal of the FLSM from providing further services. As noted by the AFCC Task Force, in most jurisdictions there are no legal codes that accurately describe the legal functioning of the FLSM. The ethical, legal, and malpractice risks may be seen as substantial due to the variety of tasks, roles, and qualifications required to serve as an FLSM. To adequately manage such risks, the FLSM needs to understand the requirements and standards that different review processes may impose on his or her work. Multiple processes of review may arise that include formal legal review (in state or federal courts), professional review (the state bar, psychological association, ethics committees), and review by the state consumer protection agency or professional licensing agency. Each of these will hold the FLSM to the appropriate specific set of standards for conduct.

The AFCC provides Model Standards and Guidelines for the parenting coordinator’s role, practice, and training. Additional useful suggestions for professional ethics and service delivery standards have been offered by Matthew Sullivan, along with recommendations for how to practice in a defensive and well-documented approach with high-conflict families. Additional risk management and aspirational ethics for parenting coordinators have been offered by Kirkland and Kirkland (2006).

Finally, appropriate use of the FLSM
service model requires careful consideration of the types of cases where such procedures are indicated and cases where there are significant contraindications. While the FLSM may be highly effective in cases where there is high conflict, impaired coparenting, or communication problems, the FLSM approach is contraindicated for cases where there is a high tolerance of conflict between the parents, the process begins to potentiate the conflict, the parties insist on violating boundaries (e.g., demanding immediate attention for non-critical issues), there is frequent need to engage in limit-setting with one of the parties, or one or more of the parties has a serious Axis II personality disorder (e.g., paranoid or borderline personality disorder).

The development of the FLSM process in Washington is still in the early stages. There will certainly be a period of discussion, exploration, and consideration of the strengths and weaknesses that have been identified by other states and other professionals who have been providing these services for several years. Research data such as that presented by Kirkland and Sullivan (2008) and training materials developed by the AFCC will likely be crucial to our process of tailoring the FLSM process to meet our unique needs. This is an exciting time for our professions and a golden opportunity for interested parties to contribute to the emergence of an important tool for reducing post-divorce inter-parent conflicts which, in turn, will enhance the development and experience of children of divorce throughout our state.

Daniel J. Rybicki, Psy.D., is a licensed clinical psychologist with a diploma in forensic psychology. He has extensive experience in conducting parenting plan evaluations and has been active in training other professionals to serve as family law special masters in other jurisdictions, including California. Frances W. Kevetter, J.D., practices primarily as a family law guardian ad litem. Daniel Rybicki may be contacted at dryb6354@earthlink.net, and Frances Kevetter may be contacted at fwkevetter@gmail.com.

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Washington Plaintiffs Victorious in Twombly/Iqbal Era

by Nathalie Ben-David

Washington plaintiffs have much to celebrate following the Washington Supreme Court’s June 24, 2010, ruling in McCurry v. Chevy Chase Bank, No. 81896-7, which rejected the federal heightened pleading standard adopted by the U.S. Supreme Court in Twombly and Iqbal.

For over 50 years, plaintiffs were required to follow the pleading standard set forth in Rule 8 of the Federal Rules of Civil Procedure, which provides that “a pleading that states a claim for relief must contain ... a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a) (2). Consistent with this standard, the hallmark case of Conley v. Gibson, 355 U.S. 41 (1957), provided that a complaint should be dismissed only where there is “no set of facts” that could entitle the plaintiff to relief.

This permissive pleading standard took a remarkable turn in 2007 when the U.S. Supreme Court, in Twombly v. Bell Atlantic, 550 U.S. 544 (2007), redefined the well-known pleading standard in favor of a more stringent one. The newly adopted standard requires plaintiffs to plead a detailed set of facts raising the right to relief above a speculative level, i.e., to one that is “plausible,” as opposed to simply possible.

Erasing all doubts about whether the U.S. Supreme Court would retreat back to the Conley pleading standard, the U.S. Supreme Court in 2009’s Ashcroft v. Iqbal declared that the plausible pleading Iqbal standard should apply to all civil cases. In a new era for plaintiffs, “to survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.’” Iqbal 556 U.S. ____, 129 S. Ct. 1937, 1949 (2009) citing Twombly 550 U.S. 544, 570 (2007).

Defense lawyers nationwide could almost be heard cheering in the streets. This heightened pleading standard had massive effects and became an effective weapon for defendants. Only six months post-Twombly, it was cited in more than 2,000 district court opinions and in 150 circuit court opinions. In the last three years, the successful use of this defense mechanism has made it clear that district court judges have been granted a heightened level of discretion at the dismissal stage that they have never been granted before.

Confronted with new challenges in surviving a 12(b)(6) motion to dismiss, plaintiffs have had a significant uphill battle. Without yet having an opportunity to perform discovery, plaintiffs have been required to plead facts which include specific times, places, and persons involved in the alleged unlawful conduct. Moreover, some plaintiffs, in an effort to survive the motion to dismiss, have found themselves having to prove the truth of their alleged facts, a task which has typically been reserved for summary judgment motion and not before.

However, this heightened pleading standard is no longer mandated on Washington plaintiffs filing in state court. The Washington State Supreme Court has clearly declared in its McCurry opinion that it declined to construe CR 12(b)(6) like its federal counterpart, Fed. R. Civ. P. 12(b)(6). An excerpt from this recent case:

Chevy Chase urges this court to reconsider the standard for dismissing a motion under CR 12(b)(6) in light of changes in the United States Supreme Court case law regarding Fed. R. Civ. P. 12(b)(6). Under CR 12(b)(6) a plaintiff states a claim upon which relief can be granted if it is possible that facts could be established to support the allegations in the complaint. See Halvorsen v. Dahl, 89 Wn.2d 673, 674, 574 P.2d 1190 (1978) ("On a [CR] 12(b) (6) motion, a challenge to the legal
sufficiency of the plaintiff’s allegations must be denied unless no state of facts which plaintiff could prove, consistent with the complaint, would entitle the plaintiff to relief on the claim.’); see also Christensen v. Swedish Hosp., 59 Wn.2d 545, 548, 368 P.2d 897 (1962) (citing Conley v. Gibson, 355 U.S. 41 (1957)).

However the United States Supreme Court has recently revised its dismissal standard under Fed. R. Civ. P. 12(b)(6), permitting dismissal unless the claim is *plausibly* based upon the factual allegations in the complaint — a more difficult standard to satisfy. See Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009) (“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’ A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007))). Chevy Chase encourages this court to similarly construe CR 12(b)(6). We decline.

Op., at 3

The Supreme Court’s plausibility standard is predicated on policy determinations specific to the federal trial courts. The Twombly Court concluded: federal trial courts are incapable of adequately preventing discovery abuses, weak claims cannot be effectively weeded out early in the discovery process, and this makes discovery expensive and encourages defendants to settle “largely groundless” claims. See 550 U.S. at 557-558, 559. Neither party has shown these policy determinations hold sufficiently true in the Washington trial courts to warrant such a drastic change in court procedure.

Nor has either party here addressed countervailing policy considerations. For example, do current discovery expenses justify plaintiffs’ loss of access to that discovery and general access to the courts, particularly in cases where evidence is almost exclusively in the possession of defendants? Could runaway discovery expenses be addressed by better means — perhaps
involving more court oversight of the discovery process or a change in the discovery rules? Op., at 6

Certainly, McCurry v. Chase Bank is indication that this will not be the end of the debate of this contentious issue, which has been a national topic of discussion in the legal field. Future Washington defendants will likely challenge this ruling in some creative fashion which cannot yet be predicted. Thus, it will be interesting to see how long before the Twombly/Iqbal heightened pleading standard is, once again, reviewed and contemplated by the Washington State Supreme Court. However, for the short term, plaintiffs in Washington can breathe a sigh of relief.

Nathalie Ben-David completed her undergraduate degree at the University of Washington and graduated from Seattle University School of Law in 2008. Her practice area is focused on complex civil litigation in the field of personal injury and employment and labor law.

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Ken Yokoyama, Sr. V.P.
Commercial Banking Team Leader
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Time to Renew

BY STEVEN A. REISLER

It comes at the end of the year as regularly as the holidays, my WSBA license renewal invoice, and the lengthening nights: the notice from my professional E&O carrier explains that on a certain day of a certain month next year, at precisely 12:01 a.m., my malpractice insurance will expire.

The good news, my insurance carrier explains in a cover letter, is that rates for some areas of the practice of law have not increased in 2011. However, it furthermore explains, if you actually “represent clients” and “charge for your services,” or if you practice in the fields of criminal law, personal injury, commercial litigation, insurance defense, family law, admiralty, patents or trademarks, arbitration, civil rights, international law, tax, estate planning, securities, creditor-debtor law, bankruptcy, collections, business formations, real estate, mergers and acquisitions, elder law, labor, administrative, aviation, healthcare, immigration, workers compensation, antitrust, municipal, or environmental law, then, to account for actuarial fluctuations (i.e., my insurer’s need to make a profit in unprofitable times), there will be a modest 100 percent to 300 percent increase in your premiums next year.

In order to guarantee uninterrupted coverage, my insurer advises me to return the enclosed application four months in advance, in response to which I will promptly receive a rate quote not sooner than 30 minutes before my current policy of insurance is due to expire.

I start to fill in the inquiry form:

☐ How many claims have been made, or could have been made against you or your firm in the past 25 years?

☐ How many claims or incidents are you aware of that might, by any stretch of your simple imagination, result in a claim?

☐ Do any past, current, or future clients not like you?

☐ Do your clients send you Valentine’s Day cards or e-mails written in all capital letters punctuated with many exclamation marks?

☐ Does your neighbor’s dog like you?

☐ Have you or any partner been the subject of a disciplinary action?

☐ Honestly now, do you think that you should be the subject of a disciplinary action?

☐ Do you ever wake up in the middle of the night in a cold sweat worrying about one of your cases?

☐ If not, why not?

☐ Have you ever been declined for insurance coverage or a dinner invitation?

☐ How much, on average, do you tip the wait-person at a restaurant?

☐ Do you have at least 15 independent docket controls? Do you hold up your pants with belt and suspenders and Velcro?

☐ Do you share office space with a non-lawyer, full or part-time felon, or political activist?

☐ Have you sued any clients for fees in the preceding year?

☐ Have any of your clients paid you in the preceding year?

☐ Do you love the law and does it love you?

☐ Are you on the Homeland Security Terrorist Watch List?

☐ How do you know?

☐ Do you always wear your lucky socks when appearing in court?

☐ Have you ever in your career made a mistake in a case you were handling?

☐ If not, who do you think you are trying to kid?

☐ Have you ever smoked a cigarette, pipe, joint, or cigar at any time in your life, and did you inhale?

☐ Do you or does any member of your firm have any “bad or dangerous habits,” including: drinking (defined as imbibing one or more alcoholic drinks a year), swearing, burping, eating to excess, bicycling, skiing, commuting, texting, flossing less than once a day, drinking more than one latte or espresso a week, smiling at strangers, or thinking while intoxicated?

☐ Have you met all of your Continuing Legal Education requirements? If so, attach a separate affidavit attesting to what you have learned this year, and why it took you this long to learn this stuff.
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I answer all the questions honestly. Then I start to fill in the chart describing the nature of my practice.

☐ Do you practice in the area of medical malpractice? the form asks separately and ominously.

Then, even more ominously, the form inquires:

☐ Do you swear that you do not, have not, and will not participate in any class-action or mass tort litigation or associate, socialize, or have a drink with any lawyer who does?

☐ Do you represent avaricious and conniving tort victims, or do you represent poor, downtrodden, and injured multi-national corporations?

☐ Have you ever read the disciplinary notices in the back of your state’s bar journal and thought, “There, but for the grace of God, go I?”

I fill in answers to all of the questions and prepare to submit the application. I attach the requisite law firm letterhead, spit on it to provide a DNA sample, and enclose a few strands of hair, a sealed vial containing a urine sample, and a cotton nasal swab.

As I post the application in the mail, my assistant brings me a new insurance renewal application that just came in today’s mail — it’s for my healthcare provider. I open the envelope and start answering the questionnaire under penalty of perjury and instant denial of coverage:

☐ Do you or the members of your firm participate in any high-risk activities or practice in the areas of criminal law, personal injury, commercial litigation, insurance defense, family law, admiralty, patents or trademarks, arbitration, civil rights, international law, tax, estate planning, securities, creditor-debtor law, bankruptcy, collections, business formations, real estate, mergers and acquisitions, elder law, labor, administrative, aviation, healthcare, immigration, workers compensation, antitrust, municipal, environmental law . . . .

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Former King County Superior Court Judge
Civility: Power Beyond Politeness

by Stella Rabaut

Consider civility. Few words have been as poorly served by their dictionary definition. The dynamic power of “civility” is trivialized when defined as no more than:

Formal politeness and courtesy in behavior or speech—Oxford English Dictionary

The dynamic of civility has evolved beyond its definition to now describe an attitude and pattern of behavior that has great value and power. Civility is tough, substantive, and impactful upon others. Not surprising, since it is essentially a habit of the heart.

Last summer’s baseball season provided a memorable story. A well-intentioned and experienced major league baseball umpire made a mistaken call with great consequences. The pitcher, Armando Galarraga of the Detroit Tigers, had pitched a perfect game into the ninth inning. Then he was robbed by a mistaken call from umpire Jim Joyce. The pitcher’s response was one of compelling civility; he embraced the human nature of Joyce by simply stating, “We all make mistakes.” His manager reinforced this by calling Joyce “one of the best in the business.” Forgiveness can be the highest form of civility as couched in graceful words. George Will commented later that through this remarkable civility, the pitcher and his manager had created a more rare and memorable moment in baseball lore than simply another perfect game. Most memories of the action from last season have vanished, but not this story. Such is the power of civility.

In our law practice we may find ourselves being misquoted, misrepresented, or demeaned by colleagues. The challenge of responding with civility is a tough one. Ours is a profession that does little to emphasize or encourage patience or humility. Some argue that acting with civility is weak, bordering on “unethical,” not zealously pursuing the client’s interests.

I am increasingly curious about civility. At the heart of the art of practicing law is the skill of using language and presence with care and civility. By contrast, conversations with colleagues frequently end up with tales of egregious acts of incivility. Thus, I have read articles and books, tuning my antennae for positive stories from our shared community. Let me explore these briefly.

Consciousness

The practice of mindfulness is one pathway to living and practicing more consciously, that is, intentionally. This is crucial for practicing law with civility. Living with awareness gives us the ability to manage skillfully both our own emotions and emotional reactivity by others. Daniel Goleman has described this as the essence of “emotional intelligence.” Rather than reacting emotionally to and escalating rudeness or another’s act of incivility, a more aware response can shift the context and transform the moment.

Creativity

Engaging in creative processes fosters civility by exercising the brain muscles that enable us to imagine ourselves “outside of the box.” Creative acts such as making music, producing visual art, writing for pleasure, dancing, acting, and any type of playing enable us to slow down and be in the moment. These types of activities reduce stress and make us more likely to feel joy. They also sharpen our ability to maintain an open mind, see situations from multiple perspectives, listen without predetermination, and remain flexible. All of this supports interactions that are civil, leading to best outcomes.

Community

While concern for another’s well-being may seem beyond the call of duty, it is not beyond the call to civility. A deep appreciation for our individuality and our membership in shared community lies at the core of civil behavior. Self-interest can co-exist with altruism in a form of “reciprocal altruism.” Evolutionary psychology now tells us that sympathy for others is as deeply ingrained in human nature as the competitive instinct. Collaboration and bonding are “epigenetic principles.” “Survival of the kindest” parallels “survival of the fittest.” Courteous behavior is not required by law, but it is in our nature. We become stressed...
when we forsake it. Ironically, we forsake it when we become stressed.

Much of law practice is competition and conflict-based. Combine this with the demands and pace at which we live and we have the recipe for incivility. Communal experiences that provide mutual social support reduce stress and generate civility. Civility may begin as “formal politeness and courtesy.” Consider the remarkable debasement of the use of language in society today. The issue of how we humans talk with one another rises all the way to the question of the survival of the species. The stakes are high and rising. This may not be reflected in the dictionary, but it is happening on the ground. 💯

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Stella Rabaut practiced law for over 20 years as an oil and gas attorney, general counsel to a nonprofit organization, and solo practitioner. Her interest became sustaining the human spirit while practicing law, designing retreats for lawyers and judges. She has chaired the WSBA Professionalism Committee and is a life fellow of the State Bar of Texas. Stella consulted with the Fetzer Institute on their Law as a Healing Profession Program. As adjunct faculty at Seattle University School of Law, she designed and taught a course entitled “Transforming the Legal Profession: Emerging Trends in the Practice of Law.”

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WSBA Leadership Institute Welcomes 2011 Class of Fellows

The WSBA Leadership Institute is pleased to announce the 2011 class of fellows. Selected from an outstanding pool of applicants, the class reflects the wealth of diversity and talent from communities across the state. The WSBA Leadership Institute, celebrating its seventh year of operation, welcomes the 2011 class of 12 fellows: Catherine Anderson, Northwest Justice Project, Spokane; Diana Bob, Lummi Nation Office of the Reservation Attorney, Bellingham; Twyla Carter, The Defender Association, Seattle; Alberto Casas, Northwest Justice Project, Tacoma; Nicole DeNamur, Ashbaugh Beal, Seattle; Ruth Esparza, Northwest Justice Project, Wenatchee; Zabrina Jenkins, Starbucks Coffee Company, Seattle; Jamila Johnson, Schwabe, Williamson & Wyatt, Seattle; Masako Kanazawa, Office of the Attorney General, Seattle; Diane Meyers, Graham & Dunn, Seattle; Stephen Ssemaala, Office of the Attorney General, Olympia; and Lisa Tom, Microsoft Corporation, Redmond. Read more about the WLI at www.wsba.org/media/releases/wli0111.htm.

2010 WSBA Holiday Charity Auction

It was another successful year for the WSBA Staff Charity Auction and Talent Contest. $4,120 was raised to benefit Treehouse, an organization "dedicated to giving foster kids a childhood and a future." The auction featured handmade gifts, baked goods, and a staff poetry contest that brought in more than $1,300. The poetry contest winner, Office of Disciplinary Counsel paralegal Natalie Cain, performed an original poem on the theme of famous baseball-related legal cases. Highlights of this year’s auction included: a tin of homemade chocolate-covered toffee, made by Erica Temple, which sold for $115; a Cessna plane ride for two, courtesy of Brooke Drumm (and her pilot father), which went for $110; Italian holiday cookies baked by Julia Nardelli Gross, which went for $60; and a wardrobe of American Girl doll clothes, handmade by Christie Toole (wife of WSBA President Steve Toole), which went for $135.

MELAW Holds Inaugural Banquet

On October 1, the Middle Eastern Legal Association of Washington (MELAW) had its inaugural banquet. Haleh Esfandiari, director of the Middle East Program at the Woodrow Wilson International Center for Scholars in Washington, D.C., was the keynote speaker. Highlights of the evening included traditional Middle Eastern food, a hookah auction, a traditional Afghan dance, and traditional Persian music performances. Representative Jim McDermott also made a surprise showing, honoring award recipient Rita Zawaideh, owner of Caravan-Serai Tours. MELAW launched its legal clinic that evening and celebrated two years of success as a new minority bar association.

MELAW has become active in community activities, which include a kickoff reception in January 2009; co-presenting a Middle East Speaker Series with the World Affairs
Council; participating in the launch of the
Korematsu Center for Law and Equality;
co-sponsoring the fourth and fifth Annual
Statewide Diversity Conferences; co-hosting
two Minority Bar Associations (MBAs)
summer picnics; hosting booths at both
the Iranian and Arab Festivals; conducting
a membership retreat and annual meet-
ing; holding a panel discussion with the
ACLU on government surveillance; leading
roundtable discussions to discuss how to
collaborate and better serve the needs of the
Middle Eastern community; participating in
the Joint Committee on Law Firm Diversity;
and meeting with the WSBA to modify the
demographic forms to include Middle East-
erners.

MELAW is a nonprofit legal organi-
zation for attorneys and law students of
Middle Eastern descent, along with their
friends and supporters. MELAW seeks to
advance the goals of its members, provide a
legal voice for the Middle Eastern commu-
nity in Washington, address and educate
the public on legal and political issues fac-
ing Middle Easterners, and offer resources
as well as networking and mentorship op-
portunities for its members and the pub-
lic. For more information on MELAW, see
www.melegal.org.

**Helsell Fetterman Announces Fellowship**

Helsell Fetterman has created the Richard S. White Fellowship, to be awarded for the
first time in 2011. Recognizing that clients are best served by a team of attorneys and
staff that is as diverse as the world in which they practice, Helsell Fetterman has created
this fellowship for diverse law students. The Richard S. White Fellowship includes both
a paid, 12-week summer associate position

**WSBA CHARITY AUCTION.** Clockwise from top left: Auctioneer aide and WSBA MCLE Analyst Toni Wilde displays a wardrobe of doll clothes
handmade by Christie Toole. Auction items await bidding. Treehouse representative Lindsay Davis discusses the needs of foster children.
WSBA Executive Director Paula Littlewood introduces poetry contest winner Natalie Cain. Auctioneer and WSBA General Counsel Bob
Welden calls out a winning bid. Photos by Todd Timmcke.

**WSBA BANQUET.** Left: MELAW member Polly Peshtaz performs a traditional Afghani dance. Right: 2009–2011 MELAW President Aneelah Afzali makes a speech.
and a $7,500 academic scholarship to be remitted directly to the student’s law school at the beginning of the school year following the summer clerkship to assist in paying the student’s tuition.

The fellowship is named after Richard S. White, who was born in New York City in 1920. He graduated from Phillips Academy (Andover), Hamilton College, and Yale Law School, where he was a member of the board of the Yale Law Journal and won the prize for best mock court presentation to a jury. With the outbreak of World War II, White joined the U.S. Marine Corps and studied Japanese at the Navy School at the University of Colorado in Boulder. He became a Marine combat intelligence officer, serving with the 28th Marine Regiment. After serving in the military and a stint in peacetime Japan, White finished law school at Yale in 1946 and left New York “for the wilds of the Pacific Northwest.” In 1952, he joined the Seattle law firm of Helsell Paul Fetterman (now Helsell Fetterman LLP), where he has practiced ever since.

**WSBA LAMP Section Donates to NJP in Honor of Jonathan Bridge**

At its annual meeting in September, the Legal Assistance to Military Personnel (LAMP) Section donated $1,500 to the Northwest Justice Project (NJP) for Lauren Peach, recipient of the Equal Justice AmeriCorps Veterans Fellowship. The donation was made in honor of Jonathan Bridge, immediate past-chair of the LAMP Section.

**Filipino Lawyers Hold Barrio Fiesta**

In October, the Filipino Lawyers of Washington (FLOW) held its annual Barrio Fiesta to celebrate its second year of community service and professional development for Filipino American attorneys in Washington. The theme of the event was “Celebrating Our Past, Present and Future: Working to Make History,” and was held at the Filipino Community Center in South Seattle. The Barrio Fiesta was especially significant as earlier this year, the State Senate voted unanimously to recognize October 2010 as Filipino National History Month in Washington state. FLOW is a professional association of lawyers dedicated to fostering the exchange of ideas and information among and between its members and other members of the legal profession, the judiciary, and the community. Since its formation in 2008, FLOW members have been dedicated to giving a voice to Filipino-American attorneys on important legal issues in Washington. For more information on FLOW, see www.filipinolawyers.org.

**Washington Women Attorneys of Influence**

On November 18, the Puget Sound Business Journal held its annual Women of Influence Awards ceremony in Bellevue. The event honors women within the business community who have the authority and power to “move the needle” in their business; are respected for accomplishments within their industries; give back to the community; and are sought out as respected advisors and mentors within their field of influence. Of this year’s recipients, nearly a third are WSBA members: Paula Boggs, executive vice president, general counsel, and secretary, Starbucks Corporation; Patricia Buchanan, founding principal, Patterson Buchanan Fobes Leitch & Kalzer Inc. PS; Karen Daubert, executive director, Se-
on the Battle Parks Foundation (retired); Kimberly Harris, president, Puget Sound Energy; and Judith Runstad, of counsel and former managing partner, Foster Pepper PLLC. Congratulations to these inspiring and influential women.

Legal Foundation of Washington Announces Officers

At its November meeting, the Board of Trustees of the Legal Foundation of Washington unanimously elected Art Wang, Washington Employment Security Department, as the Foundation’s president for 2011. Pamela J. DeRusha, U.S. Attorney’s Office, was elected vice president; Barbara A. Fox, limited practice officer and escrow officer, was elected secretary; and Gary Melonson, associate director, investments, Oppenheimer & Co., was elected treasurer. Both DeRusha and Melonson were re-appointed to their second two-year terms by the Washington State Supreme Court and Governor Gregoire, respectively. Returning WSBA Board of Governors appointees are Judge Theodore Spearman, Kitsap County Superior Court; Paul Mack, Spokane attorney; and Martin S. Garfinkel, Schroeter Goldmark & Bender. Washington State Supreme Court appointees Richard E. Mitchell, Summit Law Group, returns for the second year of his first term, and Elizabeth Thomas, K&L Gates, began her first two-year term on January 1.

K&L Gates Forms U.S. Foreclosure Task Force

Increased scrutiny of mortgage servicers’ foreclosure practices during recent months — including accusations of inaccurate and fraudulent paperwork; self-imposed moratoriums; threats of lawsuits; and calls for hearings, investigations, and federal and state legislation, among much other activity — has left loan servicers across the United States scrambling to ensure that they have procedures in place to comply with applicable laws and to brace for possible challenges to their past practices. Having advised and litigated on loan servicing and foreclosure issues for a number of years, global law firm K&L Gates LLP has assembled a cross-disciplinary team to assist clients in addressing questions and responding to allegations regarding their foreclosure practices and procedures.

The task force will assist clients in formulating a coordinated, nationwide defense to a wide range of allegations, from inadequate documentation and wrongful foreclosure to lack of standing to foreclose and failure to comply with affidavit and notarization requirements, among others. The group draws upon lawyers from diverse practice areas with vast experience in counseling residential mortgage loan servicers on compliance with state servicing laws; initiating and conducting internal investigations; defending lenders and loan servicers in federal and state government enforcement actions, class actions, loan-level litigation, and commercial disputes; providing electronic discovery services; and serving as a policy and government affairs counselor before Congress, executive agencies, and state equivalents.

WSAJ Elects New President and Recognizes Award Honorees

The Washington State Association for Justice (WSAJ) announced in August the election of Carol N. Johnston as its president, and honored the efforts of several lawyers

Litigators make things complicated.
Trial lawyers keep things simple.
for their contributions to fairness and justice. Johnston is a partner in the law firm of Otorowski Johnston Morrow & Golden of Bainbridge Island and Seattle, and she is also a registered nurse. Her practice focuses on medical negligence.

WSAJ recognized six individuals for their work to preserve the civil justice system and protect the public. Spokane attorney Mark Kamitomo earned this year's Trial Lawyer of the Year award for fighting with wisdom and compassion to secure justice for those who have been unfairly injured and harmed by the powerful and privileged. Former Washington State Supreme Court Justice Faith Ireland received the Carl Maxey Award for her sustained commitment to and promotion of diversity in the legal profession. The Pillar of Justice Award which honors those who go beyond the call in contributing to WSAJ and its mission of preserving the civil justice system for the people went to Seattle attorney Bob Dawson for advancing the cause of justice by being a mentor to countless lawyers and law students. Tacoma attorney Stephen Bulzomi was awarded the President's Award for his commitment to WSAJ, its members, and to his clients. Seattle attorney Jo-Hanna Read was honored with the Public Justice Award for her efforts, courage, and innovative work to help create a more just society. Read has dedicated her career to being an advocate for abuse survivors. The Ready to Soar Award is presented annually to an outstanding WSAJ member in practice for less than five years. Seattle attorney Angela Macey-Cushman’s peers nominated her for her energy, intelligence, and dedication to the practice of law. She has generated innovative ways for the WSAJ New Member Committee to engage law students.

Ralph J. Brindley ~ Named by Best Lawyers as 2011 Seattle Medical Malpractice Lawyer of the Year

After more than twenty-five years in publication, Best Lawyers has compiled its 17th Edition of The Best Lawyers in America, and has named Ralph J. Brindley as Seattle Medical Malpractice "Lawyer of the Year" for 2011.

The lawyers being honored are selected after review of exhaustive surveys submitted by thousands of leading lawyers, in which they confidentially evaluate their peers. To have received this award speaks to Mr. Brindley's high rating among his peers, indicating the utmost level of respect for his outstanding abilities, professionalism, and integrity.

The Luvera Law Firm congratulates Mr. Brindley on having achieved this honor, and is proud to announce that in 2010, five members of the firm have been recognized by the publication: Paul Luvera, Ralph Brindley, Joel Cunningham, Robert Gellatly, and David Beninger.

In Brief...

Judith Runstad, Foster Pepper of counsel and land use attorney, has been named to serve on Governor Christine Gregoire's newly formed Higher Education Funding Task Force. The new group will help create a sustainable funding model and develop strategies that increase accountability to ensure taxpayers get the best value for the state's and students' investment at our four-year universities. Associate Jeff Lane, of Foster Pepper's Health Care practice group, has been selected to serve on the Working Group and Public-Private Partnership Subcommittee for Global Health Nexus, Seattle. Global Health Nexus, Seattle is an initiative of the Washington Global Health Alliance in partnership with the Washington Biotechnology and Biomedical Association and Prosperity Partnership. Sven Peterson, also an associate in Foster Pepper's Health Care practice group, has been recognized for his work for Washington Appleseed with the organization's 2010 Award for Pro Bono Service. Peterson, together with Bill Gates Sr.,
were recognized for outstanding community service at Washington Appleseed’s annual luncheon in October. Washington Appleseed advances social justice by bringing together volunteer lawyers and community partners to develop systemic solutions to community needs. Seattle Magazine has named Foster Pepper PLLC trial lawyer Tom Ahearne one of the most influential people of 2010 for his role as lead plaintiffs’ counsel in McCleary v. the State of Washington. In its November issue, Seattle Magazine says, “Undertaking the biggest education-finance lawsuit in three decades, Ahearne and his team shined a glaring spotlight on the state’s failure to provide — in the words of King County Superior Court Judge John Erlick — ‘ample, stable, and dependable funding’ to the state’s one million public school-children.” The American Bar Association (ABA) named Greg Guedel, chair of Foster Pepper’s Native American Legal Services Group, as chair of its national Native American Concerns Committee in August. The Committee works to guide the development of federal law in support of tribal sovereignty and self-governance, and furthers the federal trust responsibility and government-to-government relationship between tribes and the United States.

YMCA of the USA announced in July the appointment of Judge Richard A. Jones to its national Board of Directors. The 28-member board establishes policy and strategic direction for YMCA of the USA, the national resource office for the country’s 2,687 Ys. Judge Jones is a U.S. District Court judge for the Western District of Washington in Seattle.

At the ABA annual meeting in August, Benes Aldana was elected vice chair of the ABA General Practice, Solo, and Small Firm Division.

Public Justice Foundation (PJ) has honored Stritmatter Kessler Whelan Coluccio attorney Paul Stritmatter with its highest award. The award was given for lifetime commitment to justice and was presented at the Public Justice Foundation Annual Gala and Awards Dinner in July in Vancouver, BC. The award recognizes Stritmatter’s 40-year commitment to access to justice and his dedication to seriously injured clients. Stritmatter was one of the founders of the Trial Lawyers for Public Justice (now PJ).

Alexis T. Foster, deputy prosecuting attorney with the Kitsap County Prosecuting Attorney’s Office, ran successfully for the position of secretary of the National Black Prosecutors Association (NBPA) during the 27th Annual Conference held in San Francisco in July. Prior to being elected to the National Executive Board of the NBPA, Foster served as the Pacific Northwest regional director for the organization. Foster joins Tom Morris, another Kitsap County deputy prosecutor, in serving on the Executive Board of the NBPA.
For a second consecutive year, InformationWeek magazine has ranked global law firm K&L Gates LLP among the top 250 companies in the publication’s annual listing of the United States’ most innovative users of business technology. The award, announced during September’s InformationWeek 500 Conference, honors K&L Gates for its Enterprise Data Warehouse system used to facilitate data integration of the firms with which K&L Gates has combined in recent years.

Seattle attorney Jeffrey L. Gingold was presented the S. Fred Bruhn Award by the Association of Washington Business (AWB) at their 21st Annual Policy Summit in September. The award is in honor of Gingold’s many contributions to AWB. Gingold has practiced law with Lane Powell for 16 years, focusing on the areas of healthcare and insurance regulation.

Washington attorneys Aaron Kornblum, James Mischel, Timothy Punke, Kim Tran, and Kevin Wallace have been named by the Puget Sound Business Journal to their 2010 list of “40 Under 40 Top Young Business Leaders.” According to the Business Journal, those named are center stage in the Puget Sound business community, working hard to drive the economy and demonstrating dynamic leadership.

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U.S. Congressman Jay Inslee selected Eric B. Watness, King County Superior Court commissioner, as a 2010 Angel in Adoption™ for his outstanding advocacy of adoption and foster care issues. The Congressional Coalition on Adoption Institute (CCAI), which orchestrates the Angels in Adoption Program, honored Watness, along with more than 190 Angels, at an awards ceremony and gala event in Washington, D.C., in October. Watness was honored for his tireless efforts to improve efficiency in the juvenile court system in Washington state, helping to place children in permanent adoptive homes and out of foster care.

Regional law firm Schwabe, Williamson & Wyatt recently received a National Tier 1 ranking in the Timber Law category for the 2010 Best Law Firms rankings, which were released by U.S. News Media Group and Best Lawyers in September. The firm was also honored with the inaugural 2010 Puget Sound Association of Legal Administrators (PSALA) Achievements in Sustainability Award. With this award, PSALA recognizes legal organizations that demonstrate excellence in business practices that promote social equity, economic growth, and environmental benefits. Schwabe, Williamson & Wyatt attorney Matthew Turetsky joined the board of directors for YouthCare. Founded in 1974, YouthCare works to build confidence and promote self-sufficiency for homeless and underserved youth by pro-
viding shelter, hope, and support. He also joined the board of directors for Stroum Jewish Community Center (SJCC). The SJCC is dedicated to the enrichment of life for the Jewish and general communities in the greater Seattle area. Associate Jamila Johnson was recently appointed by Seattle Mayor Mike McGinn to the Seattle Women’s Commission, where she will serve as the Commission co-chair. The Seattle Women’s Commission advises the mayor, city council, and city departments on issues that impact the women of Seattle. Associate Virginia Nicholson was recently voted onto the board of directors for Family Law Court Appointed Special Advocates (CASA) of King County. Family Law CASA is a nonprofit organization that focuses on the needs of children in high-risk custody cases in King County.

In October, Perkins Coie LLP announced that it has earned the top rating of 100 percent in the Corporate Equality Index (CEI) and Best Places to Work 2010, an annual survey administered by the Human Rights Campaign Foundation. Firms and businesses receive top marks for their treatment of lesbian, gay, bisexual, and transgender employees and consumers.

For the second consecutive year and the fourth time since 2006, Seattle-based law firm Hagens Berman Sobol Shapiro LLP earned a spot in the October National Law Journal’s prestigious “Plaintiff’s Hot List,” an award given to the top 12 plaintiff law firms in the country that demonstrate impressive verdicts and settlements, and those firms taking on cases of significant public importance.

The WSBA Administrative Law Section Executive Committee selected Jeff Goltz, chair of the Washington Utilities and Transportation Commission, as recipient of the 2010 Frank Homan Award. The award is given to persons in recognition of noteworthy contributions to the improve-
Jeff Goltz

American Bar Association President Stephen N. Zack appointed Hon. Charles Z. Smith, retired Washington State Supreme Court justice, and Horacio E. Gutierrez, deputy general counsel of Microsoft Corp., to the new ABA Commission on Hispanic Legal Rights and Responsibilities in October. The Commission will hold public hearings throughout the year in order to generate testimony from a broad coalition of lawyers, judges, legal and social science scholars, and elected officials in the Latino community focusing on the most pressing legal issues facing the Latino community. Issues include voting rights, immigration, civil rights, and access to the courts.

King County Superior Court Judge Joan E. DuBuque was honored in October by the King County Coalition Against Domestic Violence in recognition of her many efforts to educate, promote, and coordinate domestic-violence prevention services on both local and national levels. Since 2004, Judge DuBuque has been the chair of the King County Domestic Violence and Child Maltreatment Coordinated Response Project. The project involved the work of a multi-disciplinary leadership group, community participants, and cooperating parties in Region Four, comprising King County.

The ABA Commission on Women in the Profession presented the Margaret Brent Women Lawyers of Achievement Award to Judge M. Margaret McKeown in August. Judge McKeown was honored for her sense of new possibilities shared by so many women of the post-war generation. Judge McKeown excelled as a trial and appellate lawyer in Seattle and Washington, D.C., with Perkins Coie LLP. She founded the firm's intellectual property practice, litigated anti-trust and constitutional law matters, and represented high-profile clients. Her significant pro bono contributions in civil rights litigation included sex discrimination, privacy and strip search cases, serving as lead counsel in the challenge to admit women to Seattle's Rotary Club, and arguing before the U.S. Supreme Court.

The Washington Defense Trial Lawyers (WDTL) has named James S. Rogers "Outstanding Plaintiff’s Trial Lawyer of the Year" for 2010. The WDTL presented this award to Rogers at its annual Judicial Reception at the Dorsey Whitney law firm in November.

In November, Kimberly Ellwanger, director of Heritage Financial Corporation, was selected as a 2011 DirectWomen Board Institute member. DirectWomen Board Institute is a program designed to identify and promote qualified women lawyers to serve on corporate boards of public companies.

Clark County Superior Court Judge Barbara Johnson received the 2010 Vocational Service Award from Rotary Club of Vancouver and Columbia River Economic Development Council in October. The award recognizes an individual in the community who exemplifies enduring commitment to their business or profession over a significant number of years.

Pierce County Superior Court Judge Linda Lee received the 2010 Judge of the Year award from the Asian Bar Association of Washington. The award honors those members of the judiciary who support the legal needs and interests of the Asian Pacific American community by promoting justice, equity, and opportunities.
Paul Thomas Adams Jr.

Paul Adams Jr. grew up in Michigan. He received his bachelor’s degree from Western Michigan University, and his law degree from the University of Idaho School of Law. He was an avid supporter of human rights, an accomplished musician, an expert fisherman, and a fan of science fiction.

Paul Adams Jr. died November 6, 2010, at the age of 59.

Lee A. Baker

Lee Baker was a longtime Vancouver criminal defense attorney. After law school, he started working for prominent criminal defense lawyer Darrell Lee. There, he met George Brintnall and the two opened a law firm in 1989. Baker had a great sense of humor and was known to always wear a cowboy hat and boots to court. He practiced law for 24 years and spent a great amount of his time representing low-income clients.

Lee Baker died December 26, 2010, at the age of 56.

Alan C. Butterfield

Born in Seattle, Alan Butterfield graduated from Snohomish High School and the University of Washington. He served in Vietnam from 1967–1968. He received his law degree from the University of Oregon School of Law and began his career as a City of Lynnwood attorney. He went into private practice in Lake Stevens and practiced for nearly 37 years. He was a member of Christ the King Lutheran Church, Lake Stevens Lions Club, the Board of Bethany Foundation, and the American Legion.

Alan Butterfield died November 5, 2010, at the age of 67.

Scott D. Caplan

Scott Caplan was born in Portland, Oregon, and went to Lakeridge High School. He earned his J.D. from Lewis and Clark Law School. He volunteered many hours coaching youth sports teams, and his positive attitude had a powerful impact on every player.

Scott Caplan died October 5, 2010, at the age of 49.

Christian Casad

Christian Casad, of Port Orchard, spent his law career in the Kitsap County Prosecutor’s Office and rose to the position of case management division chief. He was born in San Diego and grew up in London, England, and Lake Forest Park and Edmonds, Washington. He received his law degree from the UW School of Law and joined the Kitsap County Prosecutor’s office in 1977. He was a past president of the Kitsap County Bar Association and the South Kitsap Kiwanis Breakfast Club. Casad was on the board of the Kitsap Helpline Food Bank. He enjoyed music, fantasy football, darts, beer-making, and poker.

Christian Casad died November 26, 2010, at the age of 57.

John Clark

John Clark, a prominent defense attorney and former race car driver, was passionate about helping people in legal trouble — often without pay. He was honored with the Spokane County Bar Association (SCBA) 2010 Smithmoore P. Myers Professionalism Award in recognition of his work, and he served as SCBA’s 2008–2009 president. Although he was diagnosed in 2008 with cancer of the appendix, he did not allow his illness to keep him from his work and was busy until the final weeks of his life, said his wife, Superior Court Judge Ellen Kalama Clark.

John Clark died on October 8, 2010, at the age of 58.

James A. Connolly

James Connolly grew up in Shelton. He attended Gonzaga University and earned his law degree from Willamette University College of Law. He moved to Olympia and worked as a law clerk and eventually became a partner in the firm now known as Connolly, Tacon, and Meserve. In 2010, he received the Daniel Bigelow Award for attorney of the year from the Thurston County Bar Association. Connolly loved many things, including salmon fishing and shrimping on Hood Canal at the family summer cabin, St. Michael Catholic Church, the Mariners, Gonzaga basketball, Lewis and Clark, volleyball, poker, Italy, and telling long jokes. He served on the founding board of John Paul II Catholic High School, and the Olympia Heritage Commission. For several years, he was very involved as his law firm raised money for cancer research through the Relay for Life.

James Connolly died on December 22, 2010, at the age of 58.

Thomas C. Dickson

Thomas Dickson received his law degree from the Saint Louis University School of Law. He enlisted in the United States Army, serving in military intelligence, and rose to the rank of captain while serving two tours of duty in Vietnam. He was awarded the Bronze Star, National Defense Service Medal, Vietnam Service Medal, and the Republic of Vietnam Campaign Medal for his service. He was an administrator for Snohomish County Council, an environmental and natural resource management attorney, and a volunteer arbitrator and mediator focusing on government affairs. An avid sportsman, Dickson enjoyed whitewater rafting, hiking, and camping.

Thomas Dickson died on November 11, 2010, at the age of 68.

Nina Harding (Euphemia Correy)

Nina Harding, born Euphemia Correy, was born in Boston and grew up in Massachusetts. Despite graduating with high honors, she was denied a scholarship to a teacher’s college because of her race; nevertheless, she earned her undergraduate degree from the University of Washington and her law degree and a master’s in public administration from Indiana University Bloomington. Harding was passionate about law, education, community activism, and cancer prevention; she knitted hundreds of hats, shawls, and scarves for oncology patients. She taught law-related courses at the university and community college level for many years, and launched a successful GED education program for inmates of Seattle’s King County Jail.

Nina Harding died on November 12, 2010, at the age of 72.

Jerry L. Kagele

Jerry Kagele grew up in Ritzville and graduated from Ritzville High School. He received his undergraduate degree from the University of Kansas Law School and his master’s of law degree in international law from Georgetown University. He established his own firm, Kagele Law Office, which focused on immigration, real estate, and contract law. He was for many years an adjunct law professor of international law at Gonzaga University. In 1976, the president of Colom-
bía appointed Kagele as Colombian consul general, a prestigious position that he held for many years. Fluent in Spanish and German, he was an avid international traveler; he enjoyed cooking and dinner parties, at which he prepared food reflecting the cuisine of the country he had most recently visited. He was also a tenor in the Spokane Chorale, a trustee for the Spokane Symphony, and an accomplished blacksmith; the Spokane Symphony’s conductor podium was his own creation, and in 2002 received the Joe Humble Newsletter of the Year Award for his work as editor of the Hot Iron News.

Jerry Kagele died on November 4, 2010, at the age of 65.

Keith J. Kuhn
Keith Kuhn was born in Buffalo, New York. He practiced at Lee Smart P.S. in Seattle. He was passionate about his family, his faith, the arts, and his career.

Keith Kuhn died November 15, 2010, at the age of 53.

Elizabeth W. Korrell
Elizabeth Korrell, of Seattle, graduated from Xavier University in Cincinnati and earned a J.D. from the University of Chicago Law School. She clerked for the Sixth Circuit Court of Appeals. She was most proud of her children and passionate about reading and travel. She and her husband retraced their honeymoon trip to Ireland in the summer of 2010 with their children.

Elizabeth Korrell died November 13, 2010, at the age of 42.

William Q. Marshall
William Marshall graduated from Seattle’s Roosevelt High School and majored in economics at the University of Washington. He was a member of the UW School of Law’s class of 1955. He formed his own practice with an office in Seattle’s Central Building. In general practice, he secured the first disability pensions awarded to both a husband and a wife in Washington. His practice centered on representing Washington freight carriers. He loved golf, reading history and biographies, was an accomplished jazz pianist, and coached Little League baseball.


Terrance W. Oostenbrug
Terrance W. Oostenbrug was born in Iowa, attended Roosevelt High School and majored in economics at the University of Washington. He received his law degree from the UW School of Law. Early in his career, Hardyn worked as a Pierce County deputy prosecutor and in the late 1930s, he worked for the U.S. Department of Justice and helped acquire land for Olympic National Park. He spent 27 years as a judge for Pierce County Superior Court and the State Court of Appeals. He gave generously of his time to the Tacoma YMCA and Boy Scouts of America. He played bagpipes with the Clan Gordon Pipe Band and Washington Scottish Pipe Band.

Judge Hardyn Soule died November 25, 2010, at the age of 94.

Wilbur H. Sebree
Wilbur Sebree graduated from Spring Arbor University in Spring Arbor, Michigan, worked as a probation officer in Phoenix, Arizona, and studied psychology at Arizona State University graduate school. He received his law degree from Arizona State University College of Law and practiced law in Phoenix for two years before moving to Seattle. He worked as an attorney in the Seattle for 29 years. He loved animals and sports of all kinds and was an accomplished athlete.

Wilbur Sebree died December 4, 2010, at the age of 61.

Leon A. Uziel
A native of Seattle, Leon Uziel attended Garfield High School and the University of Washington, where he earned his law degree. He practiced law for more than 50 years and managed his own firm. He loved art, reading, traveling, reciting his own work at poetry slams, the Mountainers, and the Seattle Symphony’s New Year’s celebrations.

Leon Uziel died November 20, 2010, at the age of 84.

Bar News has also learned of the death of Ronald D. Estes, a Wenatchee attorney, who died November 3, 2010, at the age of 57.
Foreign Concept
Explore working abroad before giving up on a legal career

by Arundel Pritchett

hat there is a shortage of entry-level law jobs is old news. When recently asked how many applications I had turned in before receiving an offer, I had no idea — it must have been several hundred. It’s easy to get discouraged and start thinking about other fields of employment. While taking on a non-law job while looking for a legal position may be a necessity to pay those omnipresent bills, expanding your search field within the legal profession can’t hurt.

I had a less-than-typical voyage to my current job, where I practice immigration law in Anchorage, Alaska. After taking the bar exam in Washington, I traveled to the United Kingdom to pursue an LL.M., and for a time found myself in the unique situation of being a Washington state lawyer able to live and work in the U.K. The twists and turns of life meant I ultimately ended up back in the United States, but with a new understanding of how to be involved in the legal field as a “foreigner.”

Probably the most important thing to consider when looking for jobs outside Washington state is that the economy is bad worldwide. Just as in the United States, lawyers abroad are working in other fields while looking for the elusive entry position. A Swiss lawyer friend working with children replies, “Because I couldn’t get a job,” when asked about his career change. Nonetheless, opportunities exist for those who want to leave our fair shores.

One option is to consider a position teaching American-style legal writing to foreign lawyers. With English being the current world language of commerce and industry, foreign or international corporate law firms sometimes employ native English-speaking attorneys to teach legal writing skills to their local attorneys. While possibly not providing the high-paced courtroom action you may have envisioned as a 1L, such jobs usually offer decent pay and provide an opportunity to see how law is practiced in another country.

A major hurdle is locating such opportunities. While positions are sometimes posted on job search sites, unsolicited letters and extensive networking are often necessary. Know somebody who practices international business law? Ask him to mention to foreign colleagues that you are looking for such a position. Experienced legal writing instructors may be able to go abroad through grants such as a Fulbright.

Volunteering or internships are other areas that are sometimes overlooked. Think you can’t afford not getting paid? See if you can take advantage of the federal legislation regarding student loans to minimize payments, save up money from your barista job, and sublet your apartment for a few months. There are numerous forums to look for international volunteer opportunities, including the fabulous www.pslawnet.org. London-based Advocates for International Development (A4ID) maintains a database of international non-governmental organizations (NGOs) looking for volunteer lawyers at www.a4id.org/placements. I interned at A4ID, and found a pro bono opportunity at Minority Rights Group International through their database.

You may find it more worthwhile to spend your jobless or underemployed time supporting human-rights organizations in the developing world instead of taking on a low-paying job in your hometown to make ends meet. The decision may spur a short-term money crunch, but will ultimately boost your résumé and may spark a job prospect.

Want more structure? Consider the Peace Corps or a similar organization. The cons include a longer assignment, but may provide benefits such as established healthcare and safety planning — not to mention deferred student loans. Although I do not have personal experience with such service, I drooled over an apparently like-minded lawyer’s blog: http://quinnunc.blogspot.com/2009/03/lawyers-dont-surf.html.

Another option is practicing American law abroad. The big international firms are a good place to begin a search, but there are American lawyers practicing federal law such as tax or immigration in many countries worldwide. Finding such work may necessitate extensive networking, not to mention assistance with obtaining a work permit, but the jobs do exist. Consider writing smaller American firms abroad to inquire about possibilities.

There are, of course, some cons to working abroad. Beside the issues inherent to living abroad no matter what your situation (culture shock, anyone?), having a Washington law license means that you may not be able to act as, well, a lawyer. Not only might you not be able to practice in the foreign jurisdiction, but the system
of law in that location might be so completely different as to be practically incomprehensible with an American legal background. Additionally, if you obtain your work/residence permit based on a particular job, the loss of that job might leave you both unemployed and without lawful residence status.

But in my opinion, the benefits of living and working abroad — not to mention the potential positive effects on your résumé — far outweigh the negatives. Admit it: being underemployed somewhere exotic would be more thrilling than being underemployed wherever you live now.

Arundel Pritchett is a staff attorney with the Alaska Immigration Justice Project in Anchorage. She can be reached at arundel.pritchett@akimmigrationjustice.org.

There is a part of all of us that went to law school so we could serve as the “in-house” family counsel or the friend with the legal moxie. But is there any degree of legal help we can offer our friends and family members without creating a conflict or becoming their attorney?

“It’s really dangerous,” says Karen Boxx, a faculty member and Professional Responsibility professor at the University of Washington School of Law, on whether an attorney should provide legal advice to friends and family. “The attorney-client relationship is a subjective test,” she explains, “and it is almost impossible to protect yourself. You are at risk. And unless you do something like send them a letter, your friend or family member could say they relied on your advice.”

Boxx recommends an all-or-nothing approach. “The real problem is that it is difficult to give helpful advice unless you have all the relevant information,” she says. “But you are not going to get all the relevant information in a casual conversation. You are better off assuming the representation pro bono or not discussing their legal issues with them at all.”

Before you accept full representation and strut into court on behalf of your older brother or “sort of” significant other, however, you should first consider added complications that can arise when your client is a close friend or a trusted family member.

“It may not be easy to offer candid advice or to say no to a client who is a family member or close friend,” Boxx warns. “Your legal instincts may easily be swayed by a family member who historically has held a position of authority over you. Lawyers have been sued for malpractice because their professional judgment was overridden by the influence of family members and people they trusted.” In this kind of situation, while it may not be easy telling the mom and dad who sent you money during law school that you cannot serve as their attorney, it may nonetheless be in their best interest that you do so.

There are also ethical implications you should consider before volunteering to “ghost-write” a letter or other document on behalf of a friend or family member. Boxx believes that “there can be ethical problems when a lawyer ghost-writes a pleading for a pro se litigant. The problem is that the court is going to give the pro se litigant leeway without knowing he is receiving behind-the-scenes legal help.”

Ghost-writing a letter in a non-litigation context, however, does not create the same concerns about misleading a court.

When there are concerns about a conflict, or you just do not want to open the door to potential family or social drama, Boxx recommends directing friends and family members to resources such as alternative counsel to provide assistance. Many non-lawyers are not aware of opportunities to receive free legal advice from nonprofit legal organizations — much less where to even begin seeking help. When approached by a friend or family member with a legal dilemma, consider sending her an e-mail with a link to the “For the Public” page on the WSBA’s website (www.wsba.org/public) or to a legal-aid clinic’s information page. By doing so, you are offering genuine help while simultaneously avoiding a conflict of interest or establishing an attorney-client relationship.

The fact is that aside from pontificating on general — very general — legal principles, the Rules of Professional Conduct simply do not allow you to offer case-specific legal advice without also potentially establishing an attorney-client relationship. In sum, the few key points to remember when approached by a family member or friend seeking legal advice are these: 1) Do not assume that by keeping to “casual conversation” you have avoided establishing an attorney-client relationship; 2) before accepting full representation, consider the tricky conflicts that may arise and be sure you will be able to offer open and honest legal advice; and 3) consider directing your friend or family member to alternative legal-aid sources, including free or low-cost options.

Trent M. Latta is a senior associate at Foley & Mansfield’s Seattle office. He can be reached at tlatta@foleymansfield.com or 206-380-7446.
At its regular meeting on December 10–11, 2010, in La Conner, the Board of Governors made progress toward creating a set of court rules to govern public disclosure of WSBA records. The move would allow WSBA to maintain its own public disclosure requirements rather than subjecting itself to rules being created for judicial entities or to the general state Public Records Act.

At the October BOG meeting, the Board had debated how to further formalize WSBA’s public records disclosure obligations, which are currently managed under the Bar’s Bylaws. One option was to voluntarily seek to be defined as a “judicial agency” under proposed amendments to General Rule 31 of the state court rules, which would have bumped WSBA’s public records requirements in with those of the state courts. Another would have been for WSBA to subject itself to the Public Records Act, RCW 42.56, which governs disclosure by other state government entities.

In debate at the October and December meetings, BOG members expressed a preference for WSBA to operate under rules tailored to its unique organizational status, rather than being subject to rules geared toward courts or state agencies. At the October meeting, the BOG had appointed a work group to draft a proposed GR 12.4, which would be an addition to the court rules governing WSBA operations. If approved by the BOG and adopted by the Supreme Court, the new rule would serve as WSBA’s vehicle for proper public disclosure of records.

At the December meeting the BOG reviewed the work group’s initial draft of GR 12.4 as well as several amendments suggested by Governor Catherine Moore. The Board passed a motion stating that it intended to pursue GR 12.4 as its public records requirement rather than subjecting itself to GR 31 or the PRA. However, the Board also voted to delay taking action on the draft rule itself pending more detailed discussion of the issues involved. One key issue to be decided is how appeals from records disclosure decisions would be handled. BOG members discussed whether the BOG itself should be involved in the appeals process or whether a special review board should be created. The public records work group was to further refine the GR 12.4 draft and resubmit it to the BOG at the January 27–28 meeting in Olympia.

Also at the December meeting, as part of its annual legislative program the BOG voted to sponsor 10 bills proposed for the 2011 Legislature. Most involved primarily administrative changes to existing statutes in areas such as guardianship, receivership, and trusts. The proposal drawing the most debate was one containing revisions to the Uniform Parentage Act (UPA) that would incorporate domestic partnership law and allow paid surrogacy. The Executive Committee of the WSBA Family Law Section had supported the bill and recommended the BOG vote for sponsorship. However, the WSBA Legislative Committee had voted to table the matter rather than recommending BOG sponsorship. Legislative Committee members raised concerns, mainly over two provisions of the bill: one that would allow parents to pay a woman to bear a child as a surrogate, and one containing language that might be construed as absolving a surrogate from liability for harm done to the fetus through behavior of the surrogate during pregnancy, such as use of alcohol or illicit drugs.

The BOG voted to sponsor the bill despite the Legislative Committee's reservations. Governor Roger Leishman argued that concerns over the legislation were outweighed by the need to revise the UPA promptly to incorporate domestic partnerships. Governor Anthony Gipe suggested that some concerns — such as those over possible exclusion from liability for surrogates — could be addressed by separate legislation. Governor Leland Kerr, who voted against sponsorship of the bill, said he opposed the surrogacy provisions both philosophically and as a practical matter. He expressed doubt that surrogacy arrangements could effectively be enforced. Kerr noted that the WSBA is under no obligation to sponsor a particular bill and questioned whether the membership as a whole would consider the bill at issue to be so important as to deserve sponsorship.

In other business at the December meeting, the BOG:

- Voted to endorse a resolution calling for “a more equitable state contribution to achieve adequate, stable and long-term funding for the trial court and court support operations,” and “strongly urg[ing] the state and all local governments to provide the funding necessary to maintain meaningful access to our justice system without resorting to additional user fees.”

- Received the annual report of the Washington State Bar Foundation (WSBF) from Foundation President Ron Ward and Vice President Sally Savage, who were joined by Megan McNally, the Foundation’s new director of development. The BOG also approved WSBF’s request to increase the number of its trustees from 12 to 15. Ward advised the BOG that the Foundation had decided against requesting a contribution opt-out on the annual WSBA licensing form at this time so as not to jeopardize funding for the Campaign for Equal Justice, which already uses an opt-out provision on the form.

- Heard a presentation regarding the WSBA Leadership Institute’s 2010 community-service project. Two fellows from the institute’s class of 2010, Patricia Paul and Shahzad Qadri, summarized a survey conducted of female WSBA members addressing such issues as the level of job satisfaction among female attorneys by ethnicity. The results of the survey can be found at www.wsba.org/lawyers/2010fellows.htm.

- Heard a report from WSBA President Steve Toole, who is forming a BOG “committee on committees” to ensure that WSBA committees are helping to further the WSBA Mission, Guiding Principles, and Strategic Goals. One goal of the process will be for the BOG to give more specific, helpful direction to committees. The program will require each WSBA
committee to submit an annual report that outlines the committee's work in the prior year and its plans for the upcoming year, which will be reviewed by the new committee then addressed by the BOG, which would provide feedback to the original committee.

• Was advised by WSBA Executive Director Paula Littlewood that the Moderate Means Program had begun signing up WSBA members to participate and that SU and UW had hired their staff person who will recruit and train students to do client intake; GU is in the process of hiring its staff person. Both staff positions will be funded by WSBA. The program will provide legal assistance to people whose income is between 200 and 400 percent of the federal poverty level.

• Approved a request from the Lawyers’ Fund for Client Protection Board to limit each individual claim by clients to $5,000 with the provision that if a balance remains in the fund at the end of the fiscal year the remaining funds will be paid pro rata to clients who had not yet been fully compensated. The measure is intended to prevent the fund from being drained by large claims before the year is over.

• Heard a report from Julie Mass, WSBA deputy director for finance and administration, who advised the Board that net income for the general fund in fiscal year 2010 was $1.5 million, approximately $1.1 million more than forecast in the budget. A project to identify areas to further reduce expenses throughout the budget is still under way and is expected to be addressed by the BOG at its mini-retreat in March.

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/info/bog. For more information on issues addressed by the Board, visit the WSBA website at www.wsba.org and click on “News Flash” under “WSBA News and Information.”
The WSBA Board of Governors invites applications for appointments to WSBA committees, boards, and panels. Appointments are limited, and only active WSBA members may be appointed. However, most committee meetings are open to the public and may be attended by any member. More information is on the WSBA website at www.wsba.org/lawyers/groups/committees.htm. Brief descriptions of the committees, boards, and panels can be found on page 45. Please note that the WSBA will send appointment letters by September 2011.

**Deadline:** Completed applications and materials must be received at the WSBA office by **March 11, 2011**.

You may submit your application online by logging on to myWSBA: www.mywsba.org.

1. Please provide your name, WSBA number, and indicate up to three committee(s), board(s), and/or panel(s) for which you are applying. See page 45 for available committees, boards, and panels.
2. Tell us why you would like to serve, and describe all relevant skills or experience.
3. Attach a résumé or C.V. (strongly encouraged but not required, except for the Hearing Officer Panel and Conflicts Review Officer). Also, you may, but are not required to, submit up to three letters of recommendation to support your application.
4. Complete the demographic information. Please note that this section is required. If you prefer not to provide this information, please check “Choose not to respond” next to the applicable question.
5. Sign the waiver. Your application will not be processed without your signature.

**Materials must be received by March 11, 2011, to be considered for appointment.**

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### Step 1: Provide your name, WSBA number, and committee(s), board(s), and/or panel(s) choices.

<table>
<thead>
<tr>
<th>Your Name (print)</th>
<th>WSBA number</th>
</tr>
</thead>
</table>

Indicate which committee(s), board(s), and/or panel(s) you are applying for:

1st choice
- **Check here if you have served on this committee previously.**
- **Approximate years of service:**

2nd choice
- **Check here if you have served on this committee previously.**
- **Approximate years of service:**

3rd choice
- **Check here if you have served on this committee previously.**
- **Approximate years of service:**

### Step 2: Describe why you would like to serve, and any relevant skill(s) you may possess.

**Why would you like to serve on a particular committee, board, or panel?**

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

**Describe your relevant skills or experience.**

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

__________________________________________________________________________________
Step 3: Attach a résumé or C.V. and/or letters of recommendation (optional).

Note: This is optional except for applicants for the Hearing Officer Panel and Conflicts Review Officer, who are required to submit a résumé or C.V. and a letter of interest.

Step 4: Provide demographic information (required).

The WSBA promotes diversity, equality, and cultural competence in the courts, legal profession, and the bar. In so doing, the WSBA is committed to ensuring that its committees, boards, and panels reflect the diversity of its membership. Please check all boxes that apply.

| Ethnicity                                | □ American Indian/Native American/Alaskan Native | □ Asian                      |
|                                        | □ Black/African descent                         | □ Caucasian/White            |
|                                        | □ Pacific Islander                               | □ Spanish/Hispanic/Latina/o  |
|                                        | □ Multi-racial                                   | □ Other ___________________|
|                                        | □ Choose not to respond                          |                            |

| Gender                                  | □ Male                                          | □ Female                     |
|                                        | □ Choose not to respond                          | □ Choose not to respond      |

| Disability                              | □ Yes                                           | □ No                         |
|                                        | □ Choose not to respond                          | □ Choose not to respond      |

| Sexual orientation                      | □ Yes                                           | □ No                         |
|                                        | □ Choose not to respond                          | □ Choose not to respond      |

| Number of years in practice            | □ Choose not to respond                          |                            |

| Employer                                | □ Choose not to respond                          |                            |
|                                        | □ Choose not to respond                          |                            |

| Area(s) of practice                     | □ Choose not to respond                          |                            |

| Number of lawyers in law firm           | □ 1. solo                                        | □ 2–5                       |
|                                        | □ 6–10                                          | □ 11–20                     |
|                                        | □ 21–35                                         | □ 36–50                     |
|                                        | □ 51–100                                        | □ 101+                      |
|                                        | □ 101+                                          | □ Choose not to respond     |

Step 5: Sign the waiver.

I understand and agree that as part of the application process, the WSBA routinely checks the grievance and discipline files for any records related to applicants. Thus, I waive confidentiality of these materials to WSBA staff and the Board of Governors.

Signature ______________________________ Print name __________________________

E-mail ________________________________ Daytime phone ________________________

Please mail, fax, or e-mail (PDF or Word document) to:

Washington State Bar Association
Communications Department
1325 Fourth Ave., Ste. 600
Seattle, WA 98101
Fax: 206-727-8319
E-mail: barleaders@wsba.org

Application Deadline: March 11, 2011

Log on to myWSBA.org to apply online. Thank you for your interest in serving!
Overview of Standing Committees, Regulatory Boards, and Panels for 2011–12

STANDING COMMITTEES

Amicus Curiae Brief Committee
Reviews all requests for amicus curiae participation by the WSBA, and provides a recommendation to the Board of Governors pursuant to the WSBA Amicus Curiae Brief Policy. Appointment is for a two-year term.

Continuing Legal Education (CLE) Committee
Provides policy guidance for the WSBA Education and Outreach Department in fulfilling its mission of serving the ongoing education needs of Washington lawyers. The WSBA CLE and its efforts have to be fiscally self-sustaining, which requires a business focus in the Committee. Standing subcommittees are quality control, technology, section/external relations, and a fourth “as needed” programming sub-committee to support the Department in achieving its trademark, “The Innovator in Continuing Legal Education.” Appointment is for a three-year term.

Court Rules and Procedures Committee
Studies and develops suggested amendments to designated sets of court rules on a regular cycle of review. Performs the rules study function outlined in GR 9 and reports its recommendations to the WSBA Board of Governors. The Civil Rules (CR), Mandatory Arbitration Rules (MAR), and Civil Rules for Courts of Limited Jurisdiction (CRLJ) will be reviewed in 2011–2012. Lawyers with experience or interest in these areas are encouraged to apply. Appointment is for a two-year term.

Committee for Diversity
Works to increase diversity within the membership and leadership of the WSBA; promote opportunities for appointment or election of diverse applicants to the Board of Governors; and considers petitions for reinstatement after disbarment. Appointment is for a three-year term. Prerequisite: Members must have had an active or judicial membership of the WSBA for at least seven years. Two positions are available: one that must be filled by a member from District 2, and one by a member from District 8.

Disciplinary Board
Carries out the functions and duties assigned to it according to the Rules for Enforcement of Lawyer Conduct adopted by the Washington State Supreme Court. The full board meets at least six times a year, reviewing hearing officer decisions and stipulations. Three-member review committees meet at least an additional three times a year and review disciplinary investigation reports and dismissals. Considerable reading and meeting preparation are required. Appointment is for a three-year term. Prerequisite: Members must have been an active member of the WSBA for at least seven years. Three positions are available: one that must be filled by a member from District 3, one by a member from District 5, and one by a member from any district.

Law Clerk Board
Supervises the Law Clerk Program in accordance with Rule 6 of the Admission to Practice Rules; considers applications for enrollment in the program; interviews and evaluates law clerks and tutors during the course of study; and certifies that law clerks have successfully completed the clerical requirement for the Washington state bar exam. The board meets four times a year. Appointment is for a three-year term. Members are appointed with consideration for the geographic distribution of the law clerks in the program. One position is available. This position will serve primarily the Bellevue area. Preference will be given to applicants from Districts 1, 6, 7, and 8.

Lawyers’ Fund for Client Protection Board
Pursuant to APR 15, reviews claims for reimbursement of financial loss sustained by reason of an attorney’s dishonest actions or failure to account for client funds; decides claims up to $25,000; and makes recommendations to the Board of Governors on claims for greater amounts. The Board meets four times a year. Appointment is for a three-year term.

Mandatory Continuing Legal Education Board
Approves courses and educational programs that satisfy the educational requirements of the mandatory CLE rule and considers MCLE policy issues, as well as reporting and exception situations. The Board meets five to six times a year. Appointment is for a three-year term.

OBTHER POSITIONS

Conflicts Review Officer
The Conflicts Review Officer (CRO) is appointed pursuant to Rule 2.7 of the Rules for Enforcement of Lawyer Conduct. The CRO, with support from the Office of General Counsel, is a lawyer outside the discipline system who reviews and makes initial determinations for grievances filed against disciplinary counsel and other lawyers employed by the Association, hearing officers, and members of the WSBA Disciplinary Board, the WSBA Board of Governors, and the Washington State Supreme Court. The CRO may dismiss the grievance, defer the investigation, refer the attorney for diversion evaluation, or have the grievance assigned to special disciplinary counsel for further investigation. The CRO acts independently of disciplinary counsel and the Association. To maintain the staggered terms required under the ELCS, one CRO will be appointed to a full three-year term and a second CRO will be appointed to a two-year term. The Supreme Court makes the appointments based on recommendations from the WSBA Board of Governors. The CRO must have prior experience as a Disciplinary Board member, disciplinary counsel, or adjunct investigative counsel. The CRO must have no other role in the disciplinary system while serving as CRO. If you are interested in the position, please submit a letter of interest, references, and résumé along with the completed committee membership form. Please review Rules for Enforcement of Lawyer Conduct, particularly ELC 2.7, prior to applying.

PANELS

Adjunct Investigative Counsel (AIC) Panel
Panel members assist the Office of Disciplinary Counsel as needed pursuant to Rule for Enforcement of Lawyer Conduct 2.9. AIC volunteers may be asked to investigate a grievance against a lawyer; assist staff disciplinary counsel with a portion of an investigation; serve as special disciplinary counsel and represent the Association in the prosecution of a disciplinary case; provide staff disciplinary counsel with an outside opinion on an area of law; serve as a probation monitor following imposition of a disciplinary sanction; serve as a file custodian when a lawyer dies, disappears, or otherwise becomes incapable of protecting clients’ interests; or serve as a limited guardian or guardian ad litem for an incapacitated lawyer. Appointment is for a five-year term. Prerequisites: Members must have an active or judicial membership of the WSBA for at least seven years without record of disciplinary misconduct.

Hearing Officer Panel
Panel members serve as hearing officers for lawyer disciplinary matters and are expected to make evidentiary rulings, rule on motions, and prepare written findings of fact, conclusions of law, and (as necessary) sanction recommendations according to strict deadlines. Attendance at annual training is required. Hearing officers may not serve as expert witnesses on professional conduct issues, represent respondents in disciplinary matters, or serve as special disciplinary counsel or adjunct investigative counsel. The Hearing Officer Selection Panel reviews applications and makes recommendations to the Board of Governors for appointments to the panel. In addition to the application form, applicants are required to submit a letter of interest (highlighting relevant skills and experience) and résumé to the Hearing Officer Selection Panel, WSBA, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or elizabeth@wsba.org. Panel members are appointed for five-year terms. Prerequisites: Please review the Rules for Enforcement of Lawyer Conduct, particularly ELC 2.5 to 2.6 and ELC Title 10, prior to applying. A hearing officer must be an active member of the WSBA, have been an active or judicial member of the WSBA for at least seven years, have no record of public discipline, and have experience as an adjudicator or advocate in contested adjudicative hearings.
WSBA Presidential Search
Application Deadline: May 2, 2011
The WSBA Board of Governors is seeking applicants for the position of WSBA president for 2012–2013. Pursuant to Article VI (D)(2)(b) of the WSBA Bylaws, the primary place of business of candidates for president for 2012–2013 must be King County. The WSBA member selected to be president will have an opportunity to provide a significant contribution to the legal profession.

Applications for 2012–2013 WSBA president will be accepted through May 2, 2011, and should be limited to a current résumé, a concise application letter stating interest and qualifications, and no fewer than five or more than 10 references. The Board of Governors will consider endorsement letters received by May 16, 2011. Applications and endorsement letters should be sent to the WSBA Executive Director, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101.

Direct contact with the Board of Governors is encouraged. All candidates will have an interview with the full Board of Governors in open session at the June 3, 2011, Board of Governors meeting in Kennewick. Following the interviews, the Board will select the president.

Although prior experience on the WSBA’s Board of Governors may be helpful, there is no requirement that one must have been a member of the Board of Governors or had previous experience in Bar activities. The candidate must be willing to devote a substantial number of hours to WSBA affairs and be capable of being a positive representative for the legal profession. The position is unpaid. Some expenses, such as WSBA-related travel, are reimbursed.

The commitment begins in June 2011, following selection. A one-year term as president-elect will begin at the Annual Business Meeting on September 22, 2011. The president-elect is expected to attend the two-day board meetings held approximately every five to six weeks, as well as numerous subcommittee, section, regional, national, and local meetings. In September 2012, at the WSBA Annual Business Meeting, the president-elect will assume the position of president. During his or her service, the president-elect and president will also be required to meet with members of the Bar, the courts, the media, and public and legal interest groups, as well as be involved in the Bar’s legislative activities. Appropriate time will need to be devoted to communication by letter, e-mail, and telephone in connection with these responsibilities.

The duties and responsibilities of the president are set forth in the WSBA Bylaws. The Bylaws can be found at www.wsba.org/info/bylaws.

2011 Notice of Board of Governors Election
Application deadline: March 1, 2011
Five positions on the WSBA Board of Governors will be up for election this year. These are the governors representing the 3rd, 6th, 7th-East,* and 8th Congressional Districts, and one at-large position. These positions are currently held by Loren S. Etengoff (3rd District), Patrick A. Palace (6th District), Catherine L. Moore (7th-East District), Brian L. Comstock (8th District), and Anthony D. Gipe (at-large).

The Board of Governors carries out the mission of the Bar and furthers the WSBA’s Guiding Principles, all within the mandate of General Rule 12. Pursuant to Article IV (A) of the WSBA Bylaws, as a representative, each governor is expected to communicate with members about Board actions and issues, convey member viewpoints to the Board, and to fulfill liaison duties as assigned. This year’s elected governors shall take office at the close of the final Board meeting of the fiscal year, scheduled for September 22–23, 2011.

The WSBA Bylaws provide that any member in good standing, except a member previously elected to the Board of Governors, may be nominated or apply for the office of governor from the congressional district (or geographical region within the 7th District*) in which such member is entitled to vote. Nominations or applications are made by filling a statement of interest and a biographical statement of 100 words or less.

Governors are elected to a three-year term and are expected to complete their full term. Generally, members are entitled to vote in the congressional district in which the member resides. All out-of-state active WSBA members are eligible to vote in the district of the address of their agent within Washington for the purpose of receiving service of process as required by APR 5(e), or, if specifically designated to the executive director, within the district of their primary Washington practice. However, the member must reside in the congressional district to be eligible for election.

Nomination and application forms are available from the Office of the Executive Director, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; by calling 206-239-2125, and on the WSBA website at www.wsba.org/info/bog/2011bgelections.htm. The WSBA executive director must receive nomination or application forms for district races by 5:00 p.m. (Pacific time) on April 20. The Board of Governors determines the official dates of the election. Paper ballots for district elections will be mailed on or about March 15 and must be returned by 5:00 p.m. (Pacific time) on April 15. For the third year, the WSBA will also use an electronic voting system. Members with e-mail addresses on file with the WSBA will not receive a paper ballot unless requested. All electronic voting will also begin on March 15 and must be completed by 5:00 p.m. (Pacific time) on April 15. The at-large governor will be elected by the Board of Governors at its June meeting. See “Call for Applications for WSBA Board of Governors At-Large Position.” Note: Biographical statements of nominated candidates will be published in the April issue of Bar News.

*The 7th Congressional District is divided into three sub-districts: East, Central, and West. These sub-districts are distinguished by zip codes, and each has one elected governor. For the coming year, a governor from the East sub-district (zip codes are 98105, 98115, 98118, 98122, 98125, 98144, 98155, 98178, and 98185) will be elected.

Call for Applications for WSBA Board of Governors At-Large Position
Application deadline: April 20, 2011
To increase member representation on the Board of Governors, the WSBA Bylaws provide for three at-large positions. The full text of the Bylaws can be reviewed at www.wsba.org/bylaws. One of these positions is up for election to a three-year term commencing at the close of the annual meeting in September 2011.

Persons interested in filling an at-large position should submit a letter of applica-
FYInformation

tion and current résumé. The Board of Governors will elect the at-large governor at their meeting on June 3, 2011. The application should include a statement addressing how the applicant believes he or she meets the intent specified in Article VI, Section D of the Bylaws. There is no intent that these positions are dedicated or rotationally filled by any one element of diversity or group of members.

Under-representation and diversity may be based upon the discretionary determination of the Board of Governors at the time of the election of any at-large Governor to include, but not be limited to, age, race, gender, sexual orientation, disability, geography, areas and types of practice, and years of membership, provided that no single factor shall be determinative.

Members interested in the at-large position on the Board of Governors should submit a letter of application and résumé to the WSBA Office of the Executive Director, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101; or call 206-239-2125 for more information. All application materials are due on April 20, 2011, by 5:00 p.m. (Pacific time). Letters of endorsement will be accepted through May 17, 2011.

**Washington Pattern Forms Committee**

**Application Deadline: February 28, 2011**

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a four-year term on the Washington Pattern Forms Committee. The four-year term will commence on April 1, 2011. The incumbent is eligible for reappointment (up to two consecutive terms) and must also submit a letter of interest and résumé if interested in serving another term.

The Washington Pattern Forms Committee develops and maintains standardized forms for use in Washington state courts. The mandatory pattern forms and pattern forms cover several subject areas, such as domestic relations, protective orders, guardianship, garnishment, juvenile court, misdemeanor judgment and sentencing, and felony judgment and sentencing forms (see www.courts.wa.gov/forms).

Further information about committee member responsibilities is available on request by e-mail to Merrie Gough at merrie.gough@courts.wa.gov. Please submit a letter of interest and résumé to: WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or barleaders@wsba.org.

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Never needed more...

...Never more in need.

- 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 when renewing your bar license, 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
Seeking Questionnaires from Candidates for Judicial Appointments

February 11, 2011, for March 25, 2011, interview; May 6, 2011, for June 17, 2011, interview

The WSBA Judicial Recommendation Committee (JRC) is accepting questionnaires from attorneys and judges seeking consideration for appointment to fill potential Washington State Supreme Court and Court of Appeals vacancies. Interested individuals will be interviewed by the Committee on the 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 deadline listed above. To obtain a questionnaire, visit the WSBA website at www.wsba.org/lawyers/groups/judicialrecommendation or contact the WSBA at 206-727-8212 or 800-945-9722, ext. 8212; or e-mail judithb@wsba.org.

New from WSBA-CLE Publications: 2010 Supplement to the Washington Appellate Practice Deskbook

Get direct advice for effective appellate advocacy — written and oral — from leading Washington appellate practitioners. The supplement covers the 2010 amendments to the Rules of Appellate Procedure and how they reflect advances in technology and the courts’ continuing concern with delay and increased workloads in the appellate courts, as well as developments regarding sanctions and attorney fees on appeal. Go to www.wsbacle.org and click on the “Featured Product” to review the full table of contents or to order the 2010 supplement or the complete set of the two-volume third edition plus 2010 supplement.

Nominees Sought for Public Legal Education Award

The Council on Public Legal Education (CPLE) is continuing to accept nominations for its Flame of Democracy Award, which will be presented in 2011 to an individual, organization, or program in Washington state that has made a significant contribution to increasing the public’s understanding of law, the justice system, or government. The mission of the CPLE, a WSBA council, is to advance and promote the public’s understanding of the rule of law and its confidence in the legal system. The award was established to highlight the important educational work being done by teachers, lawyers, and judges; the media; and a variety of advocacy and community organizations and individuals.

Nominations, which are due March 1, 2011, should be made in the form of a letter (maximum 500 words) describing the nominee’s work and how it addresses the mission of the CPLE. The letter should also include the name of a reference who can provide additional information about the nominee. Supporting materials may be submitted; please limit print materials to 10 pages and audio-visual materials to 30 minutes. Self-nominations are encouraged. All nominations will be kept confidential.

Submit nominations to: Pam Inglesby, WSBA, 1325 Fourth Ave., Ste. 600 Seattle, WA 98101-2539 or by e-mail to pami@wsba.org. Further information about the CPLE may be found at www.wsba.org/ple.

25th Annual Goldmark Award Luncheon to Be Held February 25

The Legal Foundation of Washington will present the 2011 Charles A. Goldmark Distinguished Service Award to the King County Bar Association at the 25th Annual Goldmark Award Luncheon on February 25, 2011, at the Red Lion Hotel in Seattle. Norm Rice, president/CEO of the Seattle Foundation, will give the keynote speech. The Goldmark Award honors the memory of Charles A. Goldmark, a Seattle attorney, community leader, and ardent supporter of access to justice. For more information, visit www.legalfoundation.org.

“Foundations of American Democracy” Civics Pamphlet

The WSBA offers a pamphlet for the public called “Foundations of American Democracy” that describes the basics of American government: the rule of law, the separation of powers, checks and balances, and a fair and impartial judiciary. It also includes a short quiz and a list of useful websites. Lawyers and judges are encouraged to bring the pamphlet with them when they speak to students or the public in schools, courtrooms, and the community. Teachers may also request the pamphlet for classroom use. The WSBA can provide reasonable numbers of copies at no charge, or the pamphlet may be downloaded from the WSBA website at www.wsba.org/foad.htm. Requests for copies should be directed to Pam Inglesby, WSBA outreach programs manager, at pami@wsba.org.

Speakers Available

The WSBA Lawyers Assistance Program offers speakers for engagements at county, minority, and specialty bar associations, and other law-related organizations. Top-

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

2011 Licensing and MCLE Information
Licensing deadline was February 1, 2011. If any portion of your license fee or late fee remains unpaid, or if required forms have not been filed after two months’ written notice of your delinquency, a recommendation for suspension will be submitted to the Supreme Court. You may complete licensing requirements either online at www.mywsba.org or on the A1 License Renewal form. For detailed instructions, go to www.mywsba.org.

If you were due to complete MCLE requirements for 2008–2010 (Group 1) and have not done so after two months’ written notice of your delinquency, a recommendation for suspension will be submitted to the Supreme Court. If you are credit-compliant, you may certify online at www.mywsba.org or on the Continuing Legal Education Certification (C2) form. For detailed instructions, go to www.mywsba.org.

Search WSBA Ethics Opinions Online
Formal and informal WSBA ethics opinions are available online at http://mcle.mywsba.org/io, or from a link on the WSBA homepage, www.wsba.org. You can search opinions by number, year issued, ethical rule, subject matter, or keyword. Ethics opinions are issued by the WSBA to assist members in interpreting their ethical obligations in specific circumstances. The opinions are the result of study and analysis in response to requests from WSBA members. For assistance, call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

Weekly and Monthly Job Search Groups
Join us Wednesday, February 9, from noon to 1:30 p.m. at the WSBA office. Kristin Kruger will be exploring how using the Puget Sound Business Journal can bring a more active and informed focus to your job search. She will be combining two topics: “Inside the Business Journal: How to Profit from the Paper” and “Inside the Business Journal: Seattle Career Search Seminar.” The Weekly Job Search Group meets Mondays at 10:30 a.m. Each group runs for eight weeks and costs $40. Contact Dan Crystal at 206-727-8267, 800-945-9722, ext. 8267, or danc@wsba.org. To access additional job search resources, visit www.wsba.org/lawyers/services/jobsearchresources.htm.

Casemaker Online Research
Casemaker is a powerful online research library provided free to WSBA members. To access Casemaker, go to the WSBA website at www.wsba.org and click on Access Casemaker in the left sidebar. Click on...
Using mywsba, you can:

- View and update your profile, which includes address, phone and fax, e-mail, website, etc.
- View your current MCLE credit status and access your MCLE page where you can update your credits
- Complete all of your annual licensing forms (skip the paper!)  
- Certify your MCLE reporting compliance
- Pay your annual license fee using MasterCard or Visa
- Make a contribution to LAW Fund using MasterCard or Visa
- Join a WSBA section
- Access Casemaker free legal research
- Access CourtTrax docket research service
- Register for a WSBA CLE seminar
- Shop at the WSBA store (order CLE recorded seminars, deskbooks, Resources, etc.)
- Voluntarily report your pro bono hours under RPC 6.1
- Volunteer for the Home Foreclosure Legal Aid Project or the Moderate Means Program

To access mywsba, see the link on the WSBA homepage (www.wsba.org) or go there directly (www.mywsba.org). If you have questions or don’t have a valid e-mail address on file, help is only a phone call or e-mail away. The WSBA Service Center is staffed Monday through Friday, 8:00 a.m. to 5:00 p.m., with friendly, knowledgeable representatives eager to be of assistance. Call 800-945-WSBA (9722) or 206-443-WSBA (9722), or e-mail questions@wsba.org.

**Get More Out of Your Software!**

The WSBA offers hands-on computer clinics for members. Learn what programs such as Outlook, PowerPoint, Excel, Word, and Acrobat can do for you.

Are you a total beginner? No problem. The clinics teach helpful tips you can use immediately. Computers are provided, and seating is limited to 15 members.

There is no charge, and no CLE credits are offered. Clinics are held each month. The February 14 clinic will focus on online research resources and the February 17 clinic will focus on Outlook and practice management software.

For more information, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

**Tip of the Month: The “Blues” or Depression?**

Many lawyers are depressed but don’t realize it. Symptoms include sadness, loss of pleasure or interest in activities, weight gain or loss, sleep problems, feeling restless or slowed-down, fatigue, trouble thinking or concentrating, and thoughts of death. Untreated, it can cause serious work dysfunction and more. Talk to your doctor, or call the Lawyers Assistance Program at 206-727-8268.

**Upcoming Board of Governors Meetings**

- **March 18–19, Spokane**
- **April 29-30, Bellevue**
- **June 3, Kennewick**

With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Margaret Shane at 206-727-8244, 800-945-9722, ext. 8244, or margarets@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/info/bog/default.htm.

**Usury Rate**

The average coupon equivalent yield from the first auction of 26-week treasury bills in January 2010 was 0.193 percent. Therefore, the maximum allowable usury rate for February is 12 percent. Information from January 1987 to date is on the WSBA website at www.wsba.org/media/publications/barnews/usury.htm.
Welcome to the future

WSBA’s new website debuts soon.
<reimagined and redesigned with you in mind>
Introducing the WSBA Moderate Means Program.

The Moderate Means Program is a statewide reduced-fee lawyer-referral service designed to help bring greater access to justice for people of moderate means — those Washingtonians who are within 200–400 percent of the federal poverty level.

Help yourself while helping others!

- Provide public service and help close the access to justice gap.
- Obtain free referrals to help build your client base.
- Learn new skills and expand your practice areas though free or low-cost online trainings.
- Gain increased access to mentoring and peer support opportunities.

How do I sign up?

Simply go to www.mywsba.org and click on the Moderate Means Program logo for information.

Referrals will begin in the next few months. When a service opportunity arises, you will be contacted by a student at one of the three Washington law schools.

A partnership between the WSBA and Washington’s three law schools: Seattle University School of Law, the University of Washington School of Law, and Gonzaga University School of Law.

LAWYER DISCIPLINE AND LEGAL ETHICS

Former Chief Disciplinary Counsel
Anne I. Seidel

is available for representation in lawyer discipline matters and advice on legal ethics issues.

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DISCIPLINARY INVESTIGATION AND PROCEEDINGS

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

FORSBERG & UMLAUF, P.S.
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MEDIATION

Mac Archibald

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Mac has over 15 years of mediation experience. He has mediated over 1,000 cases in the areas of maritime, personal injury, construction, wrongful death, employment, and commercial litigation.

Mac has a reputation as not only being highly prepared for every mediation, but also for providing as much follow-up as is necessary to settle a case.

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Referrals welcome.

Reprimanded

Todd S. Hammond (WSBA No. 32401, admitted 2002), of Salem, Oregon, received a reprimand on November 10, 2010, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon following approval of a stipulation. This discipline was based on conduct involving charging and collecting an illegal fee. For more information, see the Oregon State Bar Bulletin (October 2010), available at www.osbar.org/publications/bulletin/10oct/baractions.html#disc.

Mr. Hammond’s conduct violated Oregon’s DR 2-106(A) and RPC 1.5(a), prohibiting a lawyer from entering into an agreement for, charging or collecting an illegal or clearly excessive fee.

Joanne S. Abelson represented the Bar Association. Mr. Hammond represented himself.

Reprimanded

Fiona A.C. Kennedy (WSBA No. 32385, admitted 2002), of Kirkland, received a reprimand on November 10, 2010, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Idaho following approval of a stipulation. This discipline is based on conduct involving failure to abide by a client’s decisions concerning the objectives of representation, failure to act diligently, failure to communicate, failure to return unearned fees, failure to expedite litigation, knowingly disobeying an obligation under the rules of a tribunal, and conduct prejudicial to the administration of justice.
The Stafne Law Firm is pleased to announce that

Rebecca Thorley has joined the firm as an Associate. Rebecca has practiced law in England since 2000, where she focused on criminal defense and prison law. Rebecca was admitted to the Washington State Bar in June 2010, and will now focus her practice in Criminal Defense, Immigration, Civil Litigation, School Law, Land Use Law, and Family Law.

And

Lindsay Noel has joined the firm as an Associate. Lindsay graduated, summa cum laude, from Seattle University School of Law in 2010. Her practice will focus on Civil Litigation, School Law, Land Use Law, Housing Crisis Law, and Family Law.

The Stafne Law Firm
239 North Olympic Avenue, Arlington, WA 98223
Tel: 360-403-8700

DuBois Law Firm, PLLC
is pleased to announce that

Monica Kaup Cary has joined the firm as a partner and the firm has become

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Amanda DuBois, Partner
Monica Kaup Cary, Partner
Lucia Ramirez Levias, Associate Attorney
Daniel Amir Hossain Reich, Associate Attorney

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Seattle, WA 98103
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For more information, see the Idaho State Bar’s official publication, The Advocate (June/July 2010), available at www.isb.idaho.gov/pdf/advocate/issues/adv10junjul.pdf.

Ms. Kennedy’s conduct violated Idaho’s 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; Idaho’s RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; Idaho’s RPC 1.4, requiring a lawyer to promptly inform the client of any decision or circumstance with respect to which the client’s informed consent is required, 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 when the client expects assistance not permitted by the rules, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; Idaho’s 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; Idaho’s RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client; Idaho’s RPC 3.4(c), prohibiting a lawyer from knowingly disobeying an obligation under the rules of a tribunal; Idaho’s RPC 8.1(b), prohibiting a lawyer from failing to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly failing to respond to a lawful demand for information from an admissions or disciplinary authority; and Idaho’s RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

Joanne S. Abelson represented the Bar Association. Ms. Kennedy represented herself.

Reprimanded

Robert S. Simon (WSBA No. 20382, admitted 1991) of Portland, Oregon, received a reprimand on November 10, 2010, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon following approval of a stipulation. This discipline is based on conduct involving excessive fees and the misrepresentation of being able to practice law while on inactive status. For more information, see the Oregon State Bar Bulletin (October 2010), available at www.osbar.org/publications/bulletin/10oct/baractions.html#disc.

Mr. Simon’s conduct violated Oregon’s DR 2-106(A), prohibiting a lawyer from entering into an agreement for, charging, or collecting an illegal or clearly excessive fee; and ORS 9.160, prohibiting a person from practicing law in Oregon, or representing that the person is qualified to practice law in Oregon, unless that person is an active member of the Oregon State Bar.

Joanne S. Abelson represented the Bar Association. Mr. Simon represented himself.

Suspended Pending the Outcome of Disciplinary Proceedings

Alan Mark Singer (WSBA No. 11970, admitted 1981), of Tukwila, was suspended pending the outcome of disciplinary proceedings, pursuant to ELC 7.2(a)(2), effective December 13, 2010, by order of the Washington State Supreme Court. This is not a disciplinary sanction. Alan Mark Singer is to be distinguished from Alan Michael Singer, of Olympia.
The Law Offices of **SKINNER & SAAR, P.S.**

is pleased to announce that

**Michael M. Waller**
(formerly of Zylstra, Beeksma & Waller, PLLC)

has joined the firm as Of Counsel.

Michael’s practice includes: Civil Litigation; Real Estate and Land Use; Wills, Trusts and Estates; and Probate Law.

The Law Offices of Skinner & Saar, P.S. is also pleased to announce a

**New Location**

for the Oak Harbor office of 791 SE Barrington Drive, Oak Harbor, WA, as of January 1, 2011.

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Assayag Mauss, PLC, is pleased to announce the opening of its offices in Lake Oswego, Oregon, and Bellevue, Washington, and the addition of attorneys **Matthew A. Goldberg** and **Raminta A. Rudys** to the firm. The firm’s Pacific Northwest offices will perform litigation and transactional services for regional, national, and international financial and business clients, as does the firm’s original office located in Costa Mesa, California.

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**Benjamin I. VandenBerghe**

has become a Member in the firm.

Mr. VandenBerghe’s practice includes commercial litigation involving contracts, construction, insurance coverage, products liability, collections, and general business litigation.

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and

**Trisha D. Hole**

have become shareholders of the firm.

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www.amlegalgroup.com
Wells St. John, P.S.
is pleased to announce that

Paul S. Holdaway

has become a shareholder of the firm.

Paul is experienced in the protection of intellectual property rights in the United States and foreign countries and has been an associate attorney practicing at Wells St. John, P.S. for the last four years. His practice is focused on electrical and software technologies and includes client and inventor counseling, application preparation, and prosecution of applications before the United States Patent and Trademark Office. Paul received his B.S. in Electrical Engineering from Brigham Young University and his M.S. in Electrical Engineering from the University of Washington. He received his J.D. from J. Reuben Clark Law School, graduating cum laude.

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Tel: 509-624-4276 • Fax: 509-838-3424

Ken Masters, Shelby Lemmel, and all of us at the firm are thrilled to congratulate our former colleague and friend,

Justice Charlie Wiggins,
on his election to the Washington State Supreme Court,
and to announce the formation of our new firm:

Masters Law Group, PLLC

We will continue to litigate civil appeals in all areas of the law, and to assist trial counsel with potential appellate issues.

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is pleased to announce

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Has become an Associate in the Seattle office

Janelle M. Carney
Has become an Associate in the Seattle office

Cheryl A. Gawron
Has become an Associate in the Seattle office

Graham Lundberg & Peschel has 17 attorneys and has successfully represented injured persons throughout Washington since 1979. We appreciate your referrals and associations.

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### CLE Calendar

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

**WSBA Bar News CLE Calendar**
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539
Fax: 206-727-8319
E-mail: barnews/calendar@wsba.org

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

### Alternative Dispute Resolution

**Mediation as a Cost-Saving Technique: Alternatives to Litigation, Traps to Avoid**

**Basic Collaborative Law Training**

### Business Law

**31st Annual Northwest Securities Institute**

### Criminal Law

**Enhancing Your Skills for Criminal Practice in Municipal and District Courts**
February 16 — Seattle and webcast. 7 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

**Oh, the Things Defendants Say: Challenging the Use of Confessions and Statements**

### Environmental Law

**Agriculture and Forestry Law in the Pacific Northwest**

**Endangered Species Act (ESA) — Impacts on Alaska**

**Water Law in the Inland Northwest**

### Estate Planning

**Estate Planning with IRAs and Retirement Plans, Featuring Gair Petrie**
February 11 — Seattle and webcast. 4 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

**The Future of Corporations: Doing Well while Externalizing Less**
February 17 — Seattle. 3 CLE credits and 1 ethics pending. By Washington Lawyers for Sustainability at Bainbridge Graduate Institute; 360-428-7929; sjbird@frontier.com; www.washingtonlawyersforsustainability.org.

**8th Annual Trust and Estate Litigation Seminar**
March 11 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

### Family Law

**Basic Collaborative Law Training**

### General

**Setting the Bar: Clear Communication for Attorneys**
February 7 — Bellevue. 3.75 CLE credits. By Emerald Empowerment LLC; 206-271-2489; http://emeraldempowerment.com/events.

**Flat-Fee Agreements and the RPCs**

**Quickbooks® for Attorneys**
February 10 — Seattle and webcast. 2 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

### Residential Landlord-Tenant Law

**February 23 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

**The Client-Lawyer Relationship**

**The Legal Team — The Electronic Office Tool Box: Going Paperless**
February 24 — Tacoma and webcast. By

Evidence and Objections Skills Training
February 25 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

Dr. Causation and the DME Terminator

Are You Ready for the Media? Will It Be Your Big Break?
March 23 — Seattle and webcast. 3.75 CLE credits pending, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

New Trends, Tools, and Tips: Keeping Your Practice Current
March 24 — Seattle and webcast. 6.5 CLE credits, including 2.5 ethics pending. By the WSBA Solo and Small Practice Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

16th Annual Intellectual Property Institute
March 4 — Seattle. 6 CLE credits, including 1.5 ethics pending. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

Landlord-Tenant Law
Residential Landlord-Tenant Law
February 23 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

Webcast Seminars
Quickbooks® for Attorneys
February 10 — Seattle and webcast. 2 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

Estate Planning with IRAs and Retirement Plans, Featuring Gair Petrie
February 11 — Seattle and webcast. 4 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

Enhancing Your Skills for Criminal Practice in Municipal and District Courts
February 16 — Seattle and webcast. 7 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

Residential Landlord-Tenant Law
February 23 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

The Legal Team — The Electronic Office Tool Box: Going Paperless

Evidence and Objections Skills Training
February 25 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

8th Annual Trust and Estate Litigation Seminar
March 11 — Seattle and webcast. 6.5 CLE credits including 1 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaclé.org.

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Grow your practice with us. Seattle AV-rated firm looking for an experienced practitioner seeking to expand his or her business. Of-counsel arrangement and office available. Some client base required. Since 1984, our firm has provided high-quality, personalized legal services in intellectual property, international, corporate, business litigation, real property, and trust and estates. Similar or complementary practice area would fit well into our firm. Send résumé and description of practice in confidence to jfeil@sksp.com.

Corporate associate attorney — Pacific Law Recruiters is actively assisting the Seattle office of a national law firm in its search for an associate attorney. Candidates will be immediately considered, provided they hold high academic ratings from a top law school and have a minimum of five years’ corporate experience, to include practical knowledge of securities, mergers and acquisitions, licensing, and compliance-related issues (preferably in a mid- to large-size firm). Technology industry representative experience is appreciated as
Oregon Health & Science University (OHSU) is recruiting for a director of public safety within the Facilities and Real Estate Department. Candidates are strongly encouraged to apply online at www.ohsujobs.com to recruitment #IRC31682. Reporting to the associate vice president, the director is responsible for all aspects of the departments of Public Safety including operations, finances, and administration. The director is the strategic and senior leader for each branch and is responsible for ensuring that all activity is in support of and aligned with OHSU’s strategic goals, institutional policies and directives, and the policies and directives of the Facilities and Real Estate Department, including those related to both the safety and security of the institution, and access to services. The director is a non-commissioned police position and exercises oversight of the Command Staff and at times may function as the senior operations leader. The director oversees all budgets and expenses associated with operations, activities, and compliance of the department. The director must have excellent oral and written communication skills and be able to make effective presentations at all levels of the university and external audiences. In cooperation with other administrators, the director will assist in developing policies and procedures at the University level relating to violations of laws and OHSU policies. The director will keep current on best practices and maintain memberships in relevant professional associations focused on safety and security relevant to OHSU. The director conducts or oversees investigations and assists and advises other units conducting investigations. The director is responsible for facility security, emergency preparedness, threat assessment, and access control. The director serves as a member of the leadership team of the Facilities and Real Estate Department and serves as a member of various cross-functional and multidisciplinary committees and task forces within the institution. The director maintains effective working relationships with institutional partners in law enforcement, health care, local government, and elsewhere. The director oversees a department of 40 FTEs, including two direct reports, the deputy chiefs. Qualifications: Requires a bachelor’s degree in a relevant field. At least five years’ administrative and/or supervisory experience in law enforcement and/or the criminal justice system. Must have knowledge of the criminal justice system; demonstrated ability to inspire, engage, and lead a sworn and civilian multidisciplinary staff; ability to establish and maintain cooperative working relations with various stakeholder groups inside and outside the organization; knowledge and experience with computer access control systems and CCTV systems; experience with operating budgets of greater than $1 million; and demonstrated experience in planning to meet short- and long-term capital needs. Prefer a Juris Doctorate (JD) or other relevant advanced degree. Knowledge of university and healthcare statutory and regulatory compliance including Clergy Act compliance and Joint Commission compliance. High-security containment lab security. Eligibility to be certified as a police officer in Oregon; eligibility to practice law in the state of Oregon. Salary range: $87,800–140,500/year.

Family law attorney — McKinley Irvin is an AV-rated, 19-attorney law firm focused on complex divorce and family law matters. We are seeking an attorney with a minimum of three years’ family law experience to join our busy and growing firm. The attorney in this position will manage his or her own case load and be supported by a paralegal, file clerk, and other administrative staff. The right candidate will have well-rounded family law litigation experience, observe the highest standards of professionalism, produce exceptional work product, be an effective negotiator and litigator, and deliver attentive client service. We offer an aggressive guaranteed salary, along with bonus opportunities; 401(k) plan with matching contributions; payment of all bar license fees and CLE expenses; professional, medical, dental, and life insurance benefits; an outstanding group of professionals to work with; the opportunity for advanced training and career growth; scale and stability; and professional management. Please forward cover letter, résumé, writing sample, and three professional references to linda@mckinleyirvin.com. All responses will be treated confidentially. Please visit our website at www.mckinleyirvin.com for more information about our firm.

Anchorage: trial attorney — Routh Crabtree Olsen, P.S. (full time, part-time, or contract). Routh Crabtree Olsen, P.S., an industry-leading law firm, is currently recruiting for a trial attorney for our Anchorage, Alaska, office. Our firm emphasizes the representation of financial institutions in matters related to licensing, servicing, mortgage banking, consumer finance, title insurance, real estate finance, and the enforcement and defense of mortgage loans. The ideal candidate will have at least five years’ experience in civil litigation, including jury trials and depositions. Related industry experience is a plus but not required. Must have strong writing skills and the ability to work self-directed. Competitive salary with full benefits for full-time attorneys including health insurance, paid vacation, mileage reimbursement, and payment of all required bar license fees and CLE fees. Telecommuting opportunities may be available, but must reside in the Anchorage area. Attorneys licensed in Alaska or with the ability to waive in via reciprocity will be considered. Please submit cover letter and résumé by mail to our Anchorage office: 3000 A Street, Suite 200, Anchorage, AK 99503, by fax: 907-222-4396, or e-mail jobs@rcolegal.com. Please no phone calls.

Morris-Sockle, PLLC is seeking an associate attorney for practice in family law. Applicants must have at least two years of active practice in family law with significant courtroom experience. Thorough knowledge of the Local Rules for family law is required. The attorney will assist in establishing a branch office for expansion of the firm, and must be self-motivated to work without direct supervision. We seek to provide aggressive and dynamic representation of family law clients, and the attorney must have a positive attitude about litigation. Salary and benefits are based on experience and qualification. Send résumé to Frank@Morris-Sockle.com or call 360-866-7100.

Divorce Lawyers for Men is seeking to contract with experienced family law attorneys that will provide aggressive legal representation to clients in several Puget
Sound office locations. We need attorneys that want to affiliate with Divorce Lawyers for Men to jointly represent clients on numerous family law cases. We have a large client base and want to work with local attorneys to assist in jointly representing clients. If you are interested in a strong increase in the number of your family law clients, please contact Frank Morris by e-mail, Frank@Morris-Sockle.com or 360-866-7393.

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<td>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, <a href="mailto:pfab99@gmail.com">pfab99@gmail.com</a>, 206-545-4818.</td>
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<td>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, <a href="mailto:jlrmcc@yahoo.com">jlrmcc@yahoo.com</a>.</td>
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<td>Real estate — I am a former real estate attorney and am now acting as a real estate managing broker for buyers and sellers. I am rebating half (sometimes more) of my commission. You can buy any home listed by any company through me and I will rebate 1.5% of the sale price back to you. Similar rebate/discount for sellers. I am a full-service broker, not a limited-service broker. My services include, but are not limited to, market price opinions, qualifying buyers and negotiating terms, multiple listing service, open houses, and advertising. Same rebates apply for commercial properties. Honest, reliable, and experienced. Satisfaction guaranteed in writing. J.P. Real Estate, Inc., since 1973. Call or e-mail with any question. Clancy Tipton. 206-947-7514; <a href="mailto:catipton1@msn.com">catipton1@msn.com</a>.</td>
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Space Available

Downtown Seattle executive office space: Full- and part-time offices available on the 32nd floor of the 1001 Fourth Avenue Plaza Building. Beautiful views of mountains and the Sound! Close to courts and library. Short- and long-term leases. Conference rooms, reception, kitchen, telephone answering, mail handling, legal messenger, copier, fax, and much more. $175 and up. Serving the greater Seattle area for over 30 years. Please 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, 206-621-6566.

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.

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.

Downtown Everett: Class-A Everett office — Located on the third floor of the Frontier Bank building; 14’ x 14’, $800 per month. Staff workstations available with potential staff share, full kitchen, new high-speed copier/fax/scanner, conference room with 50” flat screen and digital cable, high-speed Internet. Plenty of parking and close to courthouse. Potential client referrals. View photos at http://photos.frontier302.info. Lease terms negotiable. Contact Mark Olson at 425-388-5516 or Mark@mgolsonlaw.com or John Williams at 425-252-8547 or John@WilliamsLaw PLLC.com.

Federal Way office available in newly remodeled building in the heart of Federal Way’s professional district. Rent includes use of shared conference room, kitchen, DSL, copier, fax, and parking. Secretary station also available. Lease terms negotiable. Call 206-399-2046.

Sublease space at 1001 Fourth Avenue, Seattle — Several offices available for immediate sublease on the 44th floor at 1001 Fourth Avenue. Window offices face north and are both 170 usable square feet. One interior office and several secretarial stations also available. Sublease program includes reception, conference room use, telephone, and photocopy equipment, and office services support. For more information, please contact Shelley Boogaard at 206-389-1637 or sboogaard@riddellwilliams.com.

Prime office space available in Tacoma Mall area. Attorney with established family law practice seeks another attorney to share space. Arrangements are flexible and may include telephone service, courier, and copier. Included is a private office and a full-time receptionist. There is space for your secretary, or you may use mine. Regardless of the area in which you practice, the package can be tailored to fit your needs. For further information, call Debbie at 253-475-3000, or e-mail to taubfamilylawyers@msn.com.

Columbia Center (Seattle) furnished executive offices, 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. Four months free rent on any new 12-month lease. Call Greg for details 206-652-3274.

Two Union Square (Seattle) furnished offices for lease on 42nd floor. Flexible lease terms. Rates start as low as $650/mo. Offices can accommodate 1–8 users. Receptionist and other amenities available. Free rent discounts apply for leases of six months or greater. Call Greg for details at 206-652-3274.

South Lake Union (Seattle) office space. Perfect for attorneys looking for a professional class “A” office space with all the amenities. Street or garage parking available. Locker rooms with showers on-site and close walking distance to nearby restaurants. Great option for start-up law firm or solo practitioners. Rates start as low as $695 for furnished office. Call Greg, 206-652-3274.
I became a lawyer because I wanted to have a career that allowed me to do interesting work that mattered to somebody, would provide me with independence, and would provide me with an opportunity to read and write as part of my job.

The future of the practice of law is working on quicker and less expensive means of problem-solving, greater internationalization of the practice, a greater need for lawyers to have excellent listening skills and discern what clients really want, and how to best achieve those goals efficiently.

This is the best advice I have been given: “Never grow a wishbone where your backbone ought to be.” — Food critic Clementine Paddleford.

I would share this with new lawyers: Expect there to be good days and bad days, ups and downs. Over time, the good days will outnumber the bad days, but you may have to be patient.

Traits I admire in other attorneys: Tenacity, follow-through, a good sense of humor, and the ability to keep things in perspective.

I would give this advice to a first-year law student: The practice of law is not a sprint, it is a marathon. You must not look for immediate gratification, but keep your eye on the long-term rewards of practice.

People living or from the past I would like to invite to a dinner party: Moses, Michelle Obama, John Marshall, John Adams, Betty Friedan.

I am most proud of this: Learning to overcome paralyzing fear and doing what needs to be done.

I’ve been the most happy when I’m reading a good novel on my deck on a sunny day.

My favorite non-job activity: Playing with my three dogs.

On television, I try not to miss “Antiques Roadshow.”

Best stress reliever: Going for a run or to the gym.

What I had for lunch: Leftover chicken meatballs and spaghetti.

I am currently reading Losing Mum and Pup: A Memoir by Christopher Buckley.

My favorite vacation place: The Methow Valley in the winter for cross-country skiing.

One of the greatest challenges in law is balancing the demands of running a law business and maintaining professionalism.

Technology is a blessing and a curse, depending on how you use it.

Currently playing on my iPod/CD player/record player: Mary Chapin Carpenter, Dire Straits, Provenance (cello pieces performed by Maya Beiser).

If I could live anywhere? I really don’t know. I try to find the good things about any place I live and make use of them.

I can’t live without good fiction.

If I could change one thing about the law, it would be the expense of the system — from law school education to litigation in the courtroom. Justice shouldn’t depend on what you can afford.

This is the best part of my job: Walking into a 1L class on the first day of the fall semester and beginning the students’ journey into the law. Even if they leave law school the next day, they will never be the same.

My name is Vickie Williams. I have a B.S. in geology from Tufts University and a J.D. from New York University. I started my professional career in Seattle as an associate at Perkins Coie, and after four-and-a-half years moved to Bennett, Bigelow & Leedom to focus on healthcare law. After 13 years of practice, I became an assistant professor of law at Gonzaga University, teaching healthcare law and civil procedure. I am currently serving as the associate dean for academic affairs at Gonzaga School of Law. I have been married to a wonderful husband for 21 years and have two teenage children. For fun, I like to play with my dogs, run, read, and sit on the couch watching movies I’ve seen 100 times before (especially James Bond movies and “chick flicks”).
it has been from nothing more sinister than malfunctioning car alarms or police pulling over speeders. When I got up a little later, I checked the local newspaper online and learned that just over a block away, a 32-year-old man had stabbed his father more than 30 times in their home and also wounded his mother and 13-year-old niece. The father died, although the mother and niece survived. The assailant reportedly had a history of prior criminal behavior, substance abuse, and severe mental illness.

For Christmas I had bought myself the riveting new autobiography by Rolling Stones guitarist Keith Richards, a guy who probably has seen as much of the good, bad, and ugly of human behavior as anyone. When I heard about the terror down my street, I couldn’t help thinking of “Gimme Shelter,” Richards’ and Mick Jagger’s churning, troublingly brilliant evocation of a society given over to violence. “Gimme Shelter” is also the name of a documentary about a 1969 concert at Altamont Speedway in California, at which a gun-wielding spectator was stabbed to death by a member of the Hells Angels during the Stones’ performance. I had just read passages in Richards’ book in which he describes composing the song and recounts his horrified reaction at the concert when he realized a fan had been killed. Although the lyrics address war and protest rather than domestic violence, they are eerily appropriate for what had happened in my neighborhood:

Ooh, see the fire is sweepin’
Our very street today
Burns like a red coal carpet
Mad bull lost its way

War, children, it’s just a shot away
It’s just a shot away

I had never met the family involved in the attack on the next block. But whenever I hear about parent/child violence, I can’t help imagining the day, years earlier, when the mom and dad had brought home their perfect bundle of joy and had every reason to believe that despite the inevitable traumas of being a family, they would ultimately be friends for life. But it’s excruciatingly difficult to contain three or four — or a half-dozen — egos and sets of insecurities under one roof. And the harsh, biological reality is that within the big mammalian brains of which we are so proud — with their awe-inspiring capacity for sensibility and altruism — lurks a crude reptilian core ready to lash out, like a vicious lick from Keith Richards’ Fender Telecaster. When complicated by things like substance abuse and mental illness, the relationships, and sometimes the people, don’t always survive.

But it’s our nature to keep trying. The Rolling Stones knew this, which is why “Gimme Shelter” ends with a twist. The last time through the chorus, the lyrics shift 180 degrees:

I tell you love, sister, it’s just a kiss away
It’s just a kiss away

Yeah, it’s a little schmaltzy, and maybe the Stones were just trying to be radio-friendly. Or maybe they were just talking about scoring groupies. But in the aftermath of the real-life tragedy down the street, I prefer to think they were on to something.

About 12 hours before I was awoken by sirens, I had been visiting a friend. We were doing the kind of philosophizing people do over the holidays, often over a hot toddy. She was talking about how the economic recession has led her to think much more about the things she is grateful to have, rather than the things she wishes she had. I had been feeling the same way over the past few weeks. I’d been able to visit a lifelong friend I don’t see often enough. On Christmas Day, my longtime paralegal and her husband had me over to jam on guitars with their son, an 11-year-old musical prodigy. For a couple of weeks, my daughter visited from the East Coast, the first time she had been back in a year. I took her to see my mom in Eastern Washington and basked in the affection of two generations of women I love. I had Christmas Eve dinner with both of my kids. We went cheap on gifts and had one of the best holidays I can remember. I attended a couple of law firm holiday parties and enjoyed talking to lawyers I shockingly realized I’ve known for nearly 20 years.

So I’ve been reminded that horror can spring up anywhere, even among the festive holiday lights of a slumbering neighborhood in a peaceful college town. But I’ve been reminded, too, that it’s still the aberration. And no matter how bad things get, it’s always within our power to make good things happen by being grateful and reaching out to those around us. It’s just a kiss or a hug or a handshake away.

Bar News Editor
Michael Heatherly practices in Bellingham. He can be reached at 360-312-5156 or barnews editor@wsba.org.
Neutral selection is of vital importance to any Alternative Dispute Resolution (ADR) case. The American Arbitration Association® (AAA) provides access to some of the best neutrals in the business, right here in Washington. AAA® helps you select well-screened, expertly trained neutrals for your needs, then works with you to provide conflict checking along with Full-Service Arbitration, Mediation or any additional ADR services.

To find out more about how the AAA® can help you find the best neutral for your arbitration or mediation, call 1 (800) 982 3792 or visit; www.adr.org.
Susan J. Shulenberger, Of Counsel

Like all McKinley Irvin family law attorneys, Susan Shulenberger is a leader in her profession and her community.

Susan has been practicing law in Seattle for more than 28 years. With a potent combination of both family and commercial law experience, Susan excels in cases with complex valuation and distribution issues—she has successfully represented clients with more than $1 billion in assets in their family law matters.

Susan is currently the chair of the WSBA Lawyer’s Fund for Client Protection Board. She has served in several meaningful capacities with the WSBA throughout her career, focusing on issues of ethics in the practice of law.

Susan’s experience and dedication embody the high standard of legal representation and unique personal service that McKinley Irvin is known for.

McKinley Irvin is pleased to announce that Susan Shulenberger has joined our firm as Of Counsel in our Seattle office.