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Eating it up

Usually, I place the Bar News in my brief bag, to be taken home and read in a spare moment. Consequently, I have piles of reading for those rare spare moments. Today, however, I read the May Bar News after it arrived during the not-yet-taken lunch. I tend to read from the last page, believing that if the magazine ends well, it merits my attention at the beginning. I was not disappointed. I read, uninterrupted, from musings on music (highland bagpipes in my case) to insightful commentary on justice, to co-counsel relationships (some good, some bad), to the letter to Carly (thank you, President Mungia). With regard to the remaining topics, while I have not written about former chief justices, I have written ethical wills. So far, the only article subject not yet seen in my practice is the multi-state paternity and child-support establishment cases. That will be next undoubtedly. The lunch was good, too.

Mark John Holady, Beaverton, Oregon

Doing the math

In the article by Professor Brody and Professor Lovrich [“Washington Citizens’ Attitudes Concerning Judicial Election,” March 2010 Bar News], it was noted that 1,185 registered voters participated in the study. The article does not state how many people were invited to participate. The 30-slide PowerPoint summary (Nov. 21, 2008)1 and the 23-page full report of the study (Jan. 2009)2 stated that the survey was mailed to 5,050 registered voters — a response rate of less than 25 percent.

There are more than 6.5 million persons in the state of Washington and more than 3.5 million registered voters. The survey was less than 2/100th of one percent of Washington residents and just over 3/100th of one percent of registered voters.

What people really want are honest and trustworthy judges. A good system would require citizens, at minimum, to perceive their judges as being honest and trustworthy. Lo and behold, it turns out that 82 percent of the respondents said that Washington’s judges were honest and trustworthy.3 The article did not reveal this important statistic. Why would one want to change a system that has such a high approval rate?

3. On-line PowerPoint summary at slide 29.

James E. Baker, Ephrata

Striking a chord

I thoroughly enjoyed Michael Heatherly’s article “School of Hard Rocks” [May 2010 Bar News]. When I saw the picture at the top I thought: “What’s an article about Jeff Beck doing in the Bar News??” And then I read a well-written, funny, and touching article about the road once taken and rediscovered. I’m one of the lucky ones who manages to continue feeding the muse, yet pay the rent, by practicing law and playing in a garage band with several other attorneys (I’m the drummer, still banging on the red sparkle Ludwig set I played in 7th grade). “Wipeout” is now followed by Ben Gay, the playing is a little less primal, and yet there’s still a sense of discovery — not nostalgia. On occasion, I can even hear the “eternal” note Pete Townshend described as “playing so free like a breath rippling by.” I once read that scientists think the universe is comprised of subatomic particles resembling musical notes. Perfect. Thanks for the wonderful article.

Judd H. Lees, Seattle

Feeling the beat

When I read [Michael Heatherly’s] Bar News article [“School of Hard Rocks,” May 2010], I thought I was reliving my life, except that it was with a trumpet, not a guitar. When I came home from the army service in WWII (as a bandsman), I was going to be a professional musician. I entered the UW music school, but after a year went on the road to Hollywood with a band. After that job folded, I came back to Seattle and after considerable thought, I went back to prelaw and law school. I was able to work nights and weekends in dance bands and so had it much easier than those who worked days or nights in addition to school. I once worked at Lyons Music Hall on First Avenue between Union and Pike Streets (I think).

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[Mike is] right: if you have a dream you should look at it squarely and go for it if you can. On the other hand, if common sense says make it a sideline, do that. I still play in a community orchestra, but law practice is behind me. Thanks for the story. It was great.

Gordon Crandall, Seattle

Lowering standards?

I see from the latest issue of Bar News ["The Board’s Work," May 2010] that the BOG is contemplating a switch to a multistate bar exam. The discussion appears to be centered on the (to me) peripheral question of “diversity.” The real problem with such a switch is bigger: the multistate bar exam is a ridiculous waste of time.

I have my doubts about any form of standardized testing being able to measure likely success in law practice, but there can be no doubt that a multiple choice test not tied to any particular state’s law is nothing but an endurance test. A candidate who studies for the Washington State Bar as it is currently given must know the difference between Arson 1, Arson 2, Reckless Burning, and Malicious Mischief as those terms are used in Washington’s courts. A candidate studying for a multistate exam must know all manner of “law” which is used by no state — and which may in fact be contrary to the law of Washington State. I understand and sympathize with the Board of Governors’ concerns regarding discrimination in the legal profession. But the Board should be more concerned about the quality of legal services delivered to clients. Washington’s bar exam as currently constituted does far more to assure the state a supply of lawyers familiar with the law than the multistate bar exams in use by other states.

Robert Lyman, Portland, Oregon

Remembering Maxey

Thank you so much for recognizing Carl Maxey in the April [2010] edition of Bar News ["Remembering Spokane’s Champion for Social Justice"]. My most poignant memory of Carl from the 1970s was that he was a giant of a gentleman. He, Otto Allison, and another attorney whose name now escapes me had a powerhouse of a law firm at the time. It was poetry in motion to see Carl in action. Such grace in speech, character and professionalism. It was my honor to have known him.

Carleton B. “Barney” Waldrop, Pullman

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Tending Weeds

Worries — have I got worries these days? I may not be in the league that Greece, BP Oil, and polar bears find themselves in, but I’m getting close to that zip code. I’ve got so many worries that my Botox prescription now comes in gallon jugs. Shoot, every time I boot up my computer in the morning and double-click on the e-mail icon, my left eye starts twitching faster than a ’60s disco strobe light. So you would think that with enough worries to fill a river, I would happily forgo those that aren’t central for me to get through my daily routine.

But I just can’t.

I worry that the prejudices I learned while growing up still remain within me and still form part of who I am. This isn’t easy to admit. I’m a brown man, a son of immigrants. My father, born in Michoacán, Mexico, came to the States in his youth. My mother, from Japan, came to the States after marrying my father while he was stationed in Japan after WWII. Both experienced being treated differently simply because of the color of their skin or where they came from. I sometimes witnessed the discrimination against my parents, other times I heard about it, and there were times when, neither seeing it nor hearing about it, simply felt as if the malevolent thoughts found a way to burrow into my consciousness.

While growing up, I always knew that I was one of the “others,” that, while certainly a member of my school, my church, my neighborhood, I, simply because of the color of my skin or who my parents were, would always be treated differently — not by everyone, but by enough of everyone where I felt that sting that is still part of who I am today.

And yet, ironically, despite being on the receiving end of narrow-mindedness, my parents had no difficulty in making broad pronouncements stereotyping those with even darker skin than their own. And my parents’ thoughts became my thoughts. Their racist views became my racist views. I grew up in an environment where being gay or lesbian was considered immoral, a crime against the laws of nature, a sin against the God I worshipped. I grew up at a time when the psychiatric profession proclaimed homosexuality as a mental disease. Those thoughts became my thoughts. Those views became my views.

I have been treating my illness of racism, bigotry, narrow-mindedness ever since. My first major dose of treatment came in college when I was exposed to ideas that were new to me, people with different experiences, thoughts that opened my eyes that my shallow racist’s views conflicted with my deeper core values and beliefs. My treatment didn’t end in college but in fact continues to this day — and it needs to continue. The weeds of bigotry that were planted in my youth have deep roots, and while I do my best to free myself from that malignancy, it seems that I can’t reach the ends of those roots and they eventually sprout up in the dark recesses of both my conscious, and my unconscious, thoughts.

We all have our prejudices. We all have our biases. Our country, while founded on some of the highest ideals, was also founded on some of the lowest realities of prejudice, with the original sin of this country being slavery — the bitter fruits of which we are still dealing with, and will continue to deal with in the future.

I was recently reminded of how deeply embedded biases can be when I met with Professor Tony Greenwald, a professor of psychology at the University of Washington. As I sat in Professor Greenwald’s book-filled and poster-lined university office, we talked about his work. His field of expertise is implicit bias and he, together with others, has engaged in the study of how the large majority of us in this country hold unconscious biases against those who are unlike we are. So yes, the bottom line is that those of us in the Pacific Northwest who think we are unbiased and can think of everyone as equals likely are deluding ourselves. If you want to test yourself out, go to www.implicit.harvard.edu and take the plunge.

It’s bad enough that we have biases that affect how we treat others, but how about the fact that our biases can affect how we perform? Malcolm Gladwell, in his book Blink, talks about a psychological tool known as “priming.” Psychologists have known for years that if you take a simple word test that includes scattered words that you associate with certain characteristics, your behavior is likely to be unconsciously affected. A classic priming experiment involves a test where words involving old age are used. (The test is not about old age or even about age; instead, it is a simple word test that includes words that we associate with old age.) Believe it or not, after you leave the test room, you will walk down the hallway much more slowly — in other words, walk like someone who is elderly. Gladwell reports how two psychologists used priming to affect how a group of Black college students performed on standardized tests by simply asking them to identify their race on a pretest questionnaire. Gladwell reported: “That simple act was sufficient to prime them with all the negative stereotypes associated with
African Americans and academic achievement — and the number of items they got right was cut in half. In short, the Black college students had an implicit bias against themselves — lessons that had been instilled in them while they were growing up affected their behavior.

I’m not writing about this simply because it is interesting. I’m writing about this because we, as a profession, have to at least acknowledge that as much as we prize the thought that we, as judges and lawyers, treat everyone the same regardless of color of skin, religious beliefs, sexual orientation, gender, or ethnicity, more likely than not, we don’t. Because all of us are central to how justice is achieved in our society, we must exercise the utmost vigilance so that whatever deep-seated biases we may have, those biases aren’t allowed to rise up and affect our roles seeing that justice is done. And, as a start, we have to acknowledge that we have those biases.

We must be constantly on guard to ensure that our profession is accepting of all people and all beliefs. Not just accept people when they are like we are, but accept them when they are not. And not just accept when we are in a public setting, but more importantly, demonstrate acceptance in the private moments. No prejudicial remarks, no religious insults, no sexual orientation jokes when you’re just with your friends — and no acceptance of those remarks when made by those close to you. If you stay silent, you are allowing these thoughts to gain communal strength. If you stay silent, you are allowing those thoughts to gain strength within you.

So, join me, will you, and add one more worry to your list. As worries go, it’s not a bad one to have.

WSBA President Salvador Mungia can be reached at smungia@gtl-law.com.

NOTES
1. It was not until 1973 that the Diagnostic and Statistical Manual of Mental Disorders, which is published by the American Psychiatric Association, and which lists every mental disorder recognized by that Association, discontinued characterizing homosexuality as a mental disorder.
2. One of the more famous examples is the quote by the Reverend Jesse Jackson: “There is nothing more painful to me at this stage in my life than to walk down the street and hear footsteps and start thinking about robbery. Then look around and see somebody White and feel relieved.”
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An Innovative Conflict Resolution Program for High-Conflict Families

by Daniel J. Rybicki and Frances W. Kevetter

Our family law courts face new challenges in serving the best interests of children, given the draconian budget cuts in the judicial system. Family law courts are increasingly bogged down by high-conflict parents, those who bring mundane issues before the bench with the urgency of impending crises. Such parents, embroiled in battle, fail to address their problems effectively, in part because they lack the skills and in part because they are psychologically motivated to remain connected in conflict.

Some jurisdictions in other states have found a way to deal with such cases. They have adopted the concept of the Family Law Special Master (FLSM) to break these conflict cycles and move the divorced family system toward more effective problem-solving and crisis management. We feel it is time for Washington to consider instituting an FLSM program to help protect children in high-conflict families.

What is an FLSM program? It is a mode of alternative dispute resolution (ADR). The Family Law Special Master, sometimes called a Parenting Plan Coordinator or Special Master, is a hybrid of the disciplines of law and psychology. The FLSM is a useful partner to courts in addressing the needs of high-conflict custody cases. Such cases are estimated to account for about 8 to 12 percent of contested custody cases. Despite their relatively small numbers, they commonly demand much greater attention of the court and frequently consume precious legal resources to try to address issues that can be managed more reasonably and effectively through alternate means.

The FLSM serves to arbitrate, mediate, educate, and motivate parents who are locked in conflict to work toward a joint resolution. Where such resolution is not immediately possible, the FLSM can be empowered with court authority to resolve certain kinds of disputes between the parties. The range of issues that can be directly resolved, subject to court review, is determined in the formative stages of implementation as an agreed order or stipulation. The stipulation sets forth three levels of possible intervention and outlines which domains of concerns are covered by each level of authority. The FLSM works with the parties and their counsel to define these parameters before moving into their more routine role of meeting and mediating conflict.

Most importantly, the FLSM works to teach the parties how to resolve their own conflicts. This is achieved by modeling conflict-resolution skills and by actively teaching the parents the communication and problem-solving tools used in resolution. Parents learn to get past their emotion-laden communication styles to focus on a more objective, business-like style of communication. They consider a cost/benefit analysis of issues before taking them to dispute. They are encouraged to examine the impact of their choices on their own stability and that of their children. The parents learn the advantages of joint problem-solving and focusing on the children rather than continuing to engage in conflict purely for conflict’s sake.

High-conflict parents engage in behaviors that are costly to the children, the court, and themselves. Our courts no longer have the resources to address parents who remain conflicted over negligible issues. The FLSM helps address this need while recognizing that the courts are still the forum of choice for resolving high-stakes issues, issues over which reasonable adults can differ, and issues with great direct impact on children.

The Association of Family and Conciliation Courts (AFCC) Task Force and other scholars studied the application of the FLSM to cases where alienation is a concern, where monitoring and modifying parenting plans needs to take place in accordance with changing needs of
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very young children, and where intensive case management may be required, such as in cases involving alcohol and substance abuse or other limiting factors that may undergo change. Research may be somewhat sparse. However, one study found indications from states where the FLSM program has been implemented that substantial savings can occur. In the year before the appointment of an FLSM in that jurisdiction, 166 cases generated 993 court appearances. The following year, with an FLSM in place, the same 166 cases required only 37 court appearances. Two other researchers conducted a study in which a high degree of satisfaction was reported amongst parents enrolled in an FLSM program. A distinguished panel writing for the Family Court Review found:

From a conceptual standpoint, the FLSM reinforces a parallel parenting model (low engagement, low conflict) by increasing the structure and detail in parenting plans and becoming the linkage between the parents for any interactions that become conflictual.

Given the experience of other states with the benefit of an FLSM program, one must ask if Washington statutes and decisions in case law provide the foundation for developing an FLSM system in our courts. Do our courts have the legislated power to appoint a FLSM? The most relevant statutes include RCW 2.28.010, -.060, and -.150. RCW 2.28.010 states:

Every court of justice has power . . . (4) To compel obedience to its judgments, decrees, orders and process, and to the orders of a judge out of court, in an action, suit, or proceeding therein.

RCW 2.28.060(2) extends this power of court to every judicial officer. RCW 2.28.150 addresses implied powers:

When jurisdiction is, by the Constitution of this state, or by statute, conferred on a court or judicial officer all the means to carry it into effect are also given; and in the exercise of the jurisdiction, if the course of proceeding is not specifically pointed out by statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of the laws (emphasis added).

In re Parentage of Schroeder held that a trial court may delegate interpretation of a parenting plan or accept an expert's reconditions for modification but may not give authority for modifications of the parenting plan. The court must retain review of the guardian ad litem's actions.

In re Parentage of Smith-Bartlett also addressed delegation of authority by courts:

Interpretation of a parenting plan is not a modification of the plan itself. So the court can delegate this responsibility. However, any modification, no matter how slight, requires an independent inquiry by the court. RCW 26.09.260(1), (4) (cite omitted). The ultimate responsibility for overseeing the performance of the parenting plan remains with the court (cite omitted). Even the court's power to delegate its interpretive function is conditioned on the parties' retaining the right of review by the court (cite omitted).

Kirshenbaum v. Kirshenbaum provides clear legal analysis and foundation for the concept of the Family Law Special Master. In Kirshenbaum, the dissolution decree and the parenting plan vested an arbitrator with the authority to make additions or alterations to the parent-
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ing plan. The arbitrator conditionally suspended the mother’s visitation rights. This happened on several occasions as the mother would lose visitation, meet the arbitrator’s conditions for visitation, and have the rights reinstated for a period. On the occasion giving rise to the action, the father sought to reduce the decision suspending rights to a court order. The arbitrator’s authority was challenged by the mother. The superior court ruled that the arbitrator’s authority included the power to suspend visitation rights as the parenting plan specifically provided for such power. The arbitrator’s decision was subject to immediate court review. The court’s delegation of this authority was valid under the marriage dissolution act.

The court had initially appointed a specialist as “joint counselor for the parties concerning all aspects of the parenting plan” and “binding arbitrator” providing: “If there are any disagreements between the parties concerning the implementation of the parenting plan, [the court-appointed counselor] shall make the final binding decision.” The court vested the counselor with the power to make alterations and additions to the parenting plan as deemed appropriate. The parenting plan provided the right to have all dispute resolution decisions reviewed by the superior court.11 At page 805, the court states:

. . . the court anticipated future conflicts between ‘the parents’. By vesting a binding arbitrator with power to alter the plan, the court intended to avoid the need for the parties to go to court every time a dispute arose.

The appellate court then provided guidance as to the delegation of authority:

. . . the court may not abdicate its ultimate authority to modify parenting plans. However, we hold the court in this case acted within its discretion by authorizing an arbitrator to suspend visitation rights because the suspended parent has the right of court review.12

Parenting plans normally provide a method for resolving future disputes about the children and establish a residential schedule. The court’s power to delegate visitation suspension authority to an expert was a matter of first impression for the Kirshenbaum court. The court noted the validity of such a delegation depended upon the marriage dissolution act. One objective of the plan was to:

. . . provide for the child’s changing needs as the child grows and matures, in a way that minimized the need for future modifications. RCW 26.09.184(1)(c). In addition, the marriage dissolution act encourages dispute resolution to avoid the need for judicial intervention. RCW 26.09.184(3). The parties have a statutory right of review from any dispute resolution process to a superior court. RCW 26.09.184(3)(e).13

Nowhere does the act specifically prohibit the appointment of private practitioners to oversee the performance of a parenting plan or make alterations. To modify the terms of the parenting plan, the court must find a “substantial change in circumstances” even if the modification is minor.” RCW 26.09.260(1)(4). Because the suspended parent can request immediate review of the arbitrator’s decision, the court has, in effect, delegated the power to act in a temporary fashion. The Legislature intended to afford a measure of flexibility in fashioning parenting plans, and no statute forbids

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Allowing an appointed counselor’s chosen course of action to be effective immediately, rather than awaiting a decision by the court, provides an efficient and flexible solution to disputes and threats to the children’s welfare as they arise. Because the court retained the ultimate authority to review [the appointed counselor’s] decision, it did not abuse its discretion by giving [him] authority to suspend visitation. While we agree the court may not delegate the final and binding authority to terminate a parent’s visitation rights, we find no improper delegation here. We hold that the court may vest an arbitrator with authority to suspend visitation so long as the parties have the right of court review.15

In Holms v. Holms,16 the Court of Appeals cited to Kirshenbaum with approval in holding that a court’s order that the guardian ad litem’s recommendations be followed until resolution by the court was a proper delegation of authority. The use of Special Masters in general is not unprecedented in our state. Our federal courts have approved the use of Special Masters in a variety of different forums. The U.S. District Court for the Western District of Washington is a leader in alternative dispute resolution. Civil Rule 39.1, adopted in 1978, is a model of bench-bar cooperation and has been adopted, in principle, by several other federal courts. To serve as a Special Master under this rule, an attorney must certify that he or she (1) has been a member of the Bar of the Federal District Court for at least seven years (or has had at least seven years of judicial experience), (2) is a member of the Bar of the United States District Court for the Western District of Washington, (3) has devoted a substantial portion of his or her practice to litigation, and (4) has met the training requirement established by the court’s General Order of January 17, 1997. Currently, the Federal Court ADR Training Program consists of 15 hours of mediation training or experience during the three years before certification, a portion of which may consist of observing or presiding over mediations.17

The role of an FLSM is to effectuate the judgments, decrees, and orders of a court by implementing the parenting plan. Any decision made by the FLSM would be within the scope of RCW 2.28.060 (2), to
compel obedience to the lawful order of a judicial officer, subject to review by the court. Courts would no longer be lavishing limited resources on an obstreperous few, justice would be more available to all our citizens. Most importantly, we would be benefiting the children of dissolution, providing them with a better present and a realistic hope for the future.

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.

NOTES


5. Johnston, Terry, "Outcome Study on Special Master Cases in Santa Clara County" (unpublished study, 1994).


15. Id.


The Women’s Bar Association of Azerbaijan

A Success Story

BY BARBARA STANDAL

The Women’s Bar Association of Azerbaijan (WBA) was born in 2006 in Baku, a dynamic city of two million people on the Caspian Sea. In May 2008, when I arrived in Azerbaijan as a legal-education and rule-of-law specialist for the American Bar Association Rule of Law Initiative, the WBA had 250 members. They held high hopes, but little experience in running an organization. I gladly accepted the role of adviser. When I asked during an early training session what they hoped to achieve in five years, one Azerbaijani woman lawyer shouted, “The Nobel Peace Prize!” The group clapped and cheered.

I have advised, coached, trained, and applauded these savvy and ambitious Azerbaijani lawyers for the past year and a half. As a former board member of both Washington Women Lawyers and Northwest Women Lawyers, I was eager to help create a women’s bar association that would meet international standards. Perhaps nothing illustrates more poignantly the need for the WBA than what I experienced less than a year ago — the story of “Aida.”

In late June, a young girl was found wandering the streets of Baku asking strangers for shelter. A sympathetic woman who had heard about the WBA brought her to our office for help. Aida, a shy 16-year-old, was dressed like any Western teenager in a dress hugging her lean body, her thick dark hair coiled in a braid down her back. She arrived with her good Samaritan and had a cellphone clutched in her hand. Aida had come to Baku the day before from Goychay, an agricultural region in central Azerbaijan, 300 miles from Baku. Aida told us her family was forcing her to marry a local man. She did not want to be married but instead wanted to finish school, attend university, and become a doctor. She had run away from home. Saida, the woman who had taken Aida off the street the day before, told us Aida was welcome to live with her and her family. She said Aida could finish school in Baku and then attend the university. It sounded like the answer to this young girl’s dream, and mine.

But even as we listened to Aida’s story, her mother and uncle were rushing to Baku to take her back to Goychay. (Aida’s father was away working in Russia — a typical rural situation in the former Soviet Republics.) Aida’s mother and uncle were met by a half-dozen WBA members sympathetic to Aida’s plight. One experienced lawyer informed the mother and uncle that in Azerbaijan the legal age for marriage is 17 and therefore an arranged marriage of a 16-year-old was illegal. We threatened to notify the authorities. A recent study showed that in both the south and the north of Azerbaijan, 3,000 out of 5,000 marriages were illegal, primarily because the women were underage. After the WBA lawyers explained the law and potential penalties, Aida’s mother promised she would not force her daughter into the marriage and said she would allow Aida to finish school. But she insisted on taking her daughter back to their village. Aida’s running away had caused the family great shame and loss of status in the community. With no legal way to prevent them from taking Aida back, I watched helplessly as she left that afternoon, still clutching her cellphone, looking back at us forlornly.

Three months later, we visited Aida in her village and learned that her family had taken her directly back to their village, confiscated her cellphone, and put her in a psychiatric clinic. When we next saw Aida, she was married and pregnant. Recently, she gave birth to a son and now lives with her husband and tyrannical mother-in-law. Later, we learned that one of the reasons Aida had fled to Baku was to escape her future mother-in-law. Aida represents thousands of similarly powerless girls throughout rural Azerbaijan.

I have heard variations on Aida’s story repeated over and over in the past nine months. As part of an American foundation grant,
last fall a dozen WBA members traveled into four remote villages on 12 separate occasions to bring rural women together to discuss domestic violence, human trafficking, gender inequality, and early marriages. In the sessions with the lawyers, rural women who didn’t want to speak openly were encouraged to write anonymously about their personal experiences. A few of those stories follow.

One woman in a village near the Iranian border wrote: "When I was a teenager, I witnessed how a young wife was repeatedly and brutally beaten by her husband. Once, he beat his wife so badly he broke her hands. She escaped and ran through the village seeking help. But nobody tried to rescue her. She only heard: ‘You are a young wife, and you have to go through it and endure.’"

Another story underscores the poverty and its impact on rural women. "There was a young girl whose mother sold her to a wealthy man from Iran. [She] was taken to Iran and forced into prostitution. However . . . she eventually found a way to escape and return to Lankaran. Here she faced the community's reproach and was denied any rescue or medical care . . . . She appealed to people, saying that it was not her choice. But no one listened to her or helped her.”

Unmarried, divorced, or widowed women are often stigmatized or exploited. As an anonymous woman wrote: "I was married for eight years. After my husband passed away, his relatives treated me in a very bad way: humiliation, reproaches, insults. My father-in-law offered me to be his lover. In exchange, he promised better treatment and [a] future for me and my children. However, I refused his offers, took my children with me, and went back to my father's house."2

Many rural women who told their stories said that for the first time they had the chance to talk about these problems outside their families and no longer felt so alone. They discussed their experiences, including forced marriages of village girls, some as young as 12, and begged for more education on these social issues for themselves as well as their husbands, sons, and daughters. They also asked for shelters for domestic-violence victims and for community-leadership training.

Domestic violence in Azerbaijan is driven by both poverty and the culture. The violence is not solely man-to-woman. According to one recent study, 49 percent of Azerbaijani women believe some form of domestic violence is justified. Mothers-in-law are often the scourge of a young married woman's life in Azerbaijan, although there are many notable exceptions. Traditionally, when a young woman marries, she is taken to live with her husband's family for both cultural and economic reasons. In many cases, the young wife is treated like the family slave and beaten not only by her husband but also her mother-in-law.

Azerbaijanis have preserved their cultural roots, particularly in the regions outside Baku. Men are the sole authority in the family. One rural woman said, "If my husband says yogurt is black, yogurt is black." Another wrote, "If he says die, you die. If he says live, you live." Early marriages and domestic violence are major social issues in Azerbaijan. Women still suffer from poverty, violence, and discrimination.

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Photos this page and opposite: Rural Azerbaijani women participate in gatherings sponsored by the Women's Bar Association of Azerbaijan to discuss domestic violence, early marriages, and social problems with WBA lawyers.
problems in Azerbaijan. Corrupt officials offer no protection.

Azerbaijan is an oil-rich, Shiite Muslim country of eight million people. Historically, it has been heavily influenced by its powerful neighbors: Iran, Turkey, and Russia. Azerbaijan is a culturally diverse country with at least 53 distinct ethnic groups. The majority of Azerbaijanis, however, are Turkic people who share a language with their Uzbek, Kyrgyz, Kazak, Turkish, and Uigur cousins. Adding to its ethnic complexity is its history of domination by Persia, the Ottomans, and later the Soviet Union. In fact, 25 to 30 million Azerbaijanis live in Iran, three to four times as many as live in Azerbaijan. Mir-Hossein Mousavi Khameneh, the unsuccessful Iranian presidential candidate in 2009, is Iranian Azerbaijani.

The WBA promises to be a powerful force for social and cultural change in the Caucasus, Central Asia, and the Middle East. I have seen these strong, intelligent women use their skills and commitment for the greater purposes of the organization, their own professional development, and the rights of women and girls of Azerbaijan. In the past year, they have adopted bylaws, elected a board of directors, and developed committees to run the organization. They have written proposals for EU and U.S. grants that have won them over $350,000 to educate rural women on their legal rights and to monitor human trafficking.

The WBA is the only women’s bar association in Central Asia and the Caucasus. Its members are a credit to their country and to the investment of the United States Agency for International Development and the American Bar Association Rule of Law Initiative. I have no doubt they could one day be nominated for the Nobel Prize, as suggested by the attendee at that early training session. My work with these women and Narmin Kerimbekova, the ABA ROLI Azerbaijani staff attorney who provided me invaluable support, has enriched my life. 

Ed. note: the author writes: I began my career as a clerk at the Washington State Court of Appeals, Division III. I was in private practice in Seattle for six years before becoming a supervisory trial attorney with the Equal Employment Opportunity Commission until I retired in 2001. Failing miserably at retirement and feeding my addiction to travel, I worked in Kyrgyzstan from 2004 to 2006 for the American Bar Association Rule of Law Initiative (ABA ROLI) as a legal education specialist. In May 2008, I returned to ABA ROLI to work in Azerbaijan, where I will remain until September 2010. I confess a fascination with the former Soviet Republics, particularly the Muslim countries. I live in a small apartment in the center of Baku, a city in transition from the 19th to the 21st century. From my apartment windows I look across the street at the beautiful and historic Old City and the 16th-century walls lit spectacularly at night. The ABA office is also located in the center of Baku, and I walk to work just as I did from the Queen Anne neighborhood in Seattle. There are three Americans in our office, including me. Our staff of five Azerbaijani lawyers, four women and one man, with whom I work closely, all speak fluent English in addition to Azerbaijani, Russian, and, in the case of one or two, Turkish or French. I welcome any comments or questions and I can be reached at bjstandal@yahoo.com.

NOTE

1. These stories are included in the quarterly reports to the American One Woman Initiative Foundation that funded this Women’s Bar Association of Azerbaijan project. They were translated from Azerbaijani to English by a member of the Women’s Bar Association staff, Sayara Alieva.
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A Look at the Street Law Program from a Judge’s Perspective

BY JUDGE LEILA MILLS

have been a Kitsap County Superior Court judge since 2001. Over the years, I have witnessed how hundreds of children and teenagers have failed to become strong and independent citizens in our community. Perhaps, to phrase it better, is that we, as adults, are somehow failing to help these children become responsible adults. The reasons are many: peer pressure, lack of strong parental influence, low self-esteem, drugs and alcohol, to name but a few. For purposes of this article, the reasons are not my focus, and to lay blame is futile.

As a judicial officer who has presided over hundreds of family law cases and juvenile offender proceedings, I am called upon to make decisions based upon the social snapshot or specific issue that presents itself in court on any particular day. Once placed on the court’s docket, a judge's immediate focus is necessarily reactive. Just as a medical professional treats the immediate infection caused by a wound, the judge must also first address the immediate problem that has brought the child into court. Many a probation officer has heard me grill juvenile offenders when I ask the question, “What is it that you didn’t understand the last time I sentenced you in court?” or my seeming consternation when I inquire, “Why can’t you wake up to go to school when you have a working alarm clock?”

Causes or Symptoms?
Most of the focus in court is necessarily reactive to the immediate problem at hand rather than on the “whole child,” which I believe is what is really called for if we are to get to the root of the issue. In this vein, as I look upon a truant child and her parents in court, I necessarily wonder why it is the child fails to attend school. Is it because she simply hates to wake up early? Or is it a symptom of a greater and more insidious problem at home? Does she have neglectful and possibly drug-stupored parents? Is she living in an environment pervaded with domestic abuse? Or is the failure to wake up because the child’s parents are themselves depressed and unable to manage the day-to-day callings of responsible caregivers? Often, what we as judges see in court is simply a small hint of a much more pervasive problem for the child.

Meanwhile, evidence of juvenile disenfranchisement is plainly obvious to those of us who interact with juveniles in court: runaways sleeping on the streets of our larger cities; parents who can’t or won’t connect with their kids; truants who disguise low self-esteem with brash nonchalance; and teenage alcoholics who draw a hazy curtain over the dysfunctionality of their lives. Because of the obvious pervasive problems facing our young people, not only judges, but our whole community, must ask the question, “What more can be done to solve the problem?”

The Washington Youth Academy
As if in answer to this question, in 2009, Washington was added to the growing list of states to develop the National Guard Youth Challenge Program, known in this state as the Washington Youth Academy. The program is operated by the National Guard in cooperation with state and local agencies, in particular the Bremerton School District. The Academy is a campus facility where youths from all over the state who have dropped out of high school, or who are at risk of dropping out, are voluntarily enrolled in a rigorous disciplinary, academic, and social program. The emphasis is on developing self-discipline, personal responsibility, and positive motivation. These youths (cadets) reside at the Bremerton campus for five months, where they are “trained” in physical fitness, academics, and social discipline within a quasi-military environment, while also developing long-term goals for education or employment. The cadets live in military-style dormitories, wear army fatigues, and must obey military commands such as calls to “Attention!” and “At ease.” A critical component of the program is for each youth to be matched with an individual citizen
mentor who volunteers time in developing a one-on-one relationship, which continues for a year after graduation.

As a legal professional, I am convinced that a holistic approach to “at risk” youths is essential. And it is because of the “whole person” approach that I decided that there is a place for the Street Law Program at the Washington Youth Academy. After all, shouldn’t each of these young people be taught the pitfalls of credit-card debt? In discovering their sexuality, shouldn’t young adults realize the legal ramifications of pregnancy, including the not-so-romantic nor rosy side of court-ordered parenting plans and child support? And shouldn’t teenagers be aware of the possible lifetime consequences of a criminal conviction or the less-than-lifetime consequences of a landlord-tenant relationship gone sour? These are just a few of the practical legal lessons taught through the Street Law Program.

**The Street Law Program**

Through sponsorship of the Washington State Bar Association and funding through the Washington Judges’ Foundation, the Street Law program pairs judges with teachers throughout the state with the goal of teaching our young people about the U.S. system of law, including the roles of the three branches of government, as well as the practical side and relevancy of the law. For several years, I taught the program in one of Kitsap’s high schools and I continue to applaud the program that is offered statewide. With the creation of the Washington Youth Academy, my own focus has shifted to those students who need extra attention, who might otherwise drop out of school and society. By engaging with them about once a week on relevant legal topics, I believe they will learn greater social responsibility. I perceive that the cadets are also becoming more legally responsible when they eagerly raise their hands wanting to share their own life experiences, or when they seemingly don’t want the class to end because they have yet to add a personal anecdote or perspective to the discussion. I am further gratified when a cadet “in formation,” at the risk of being censured by his group leader, sneaks a friendly wave towards me as I walk to the classroom.

I am also impressed that the Washington Youth Academy is the epitome of organizational partnership, on the national, state, and local school-board level. I am humbled and grateful that now our state’s legal profession can contribute to this partnership. This is community cooperation at its best, all for the benefit of our young people, who I believe, will be nurtured to be their best.

Neither the Washington Youth Academy nor the teaching of law to young adults will rid our society of the ill effects of drug use, domestic violence, and negative peer pressure. But it is with community dedication such as the creation of the Youth Academy that we can help armor our at-risk youth so that they will become knowledgeable, resilient, and independent citizens within our local communities and our country.

Judge Leila Mills earned her J.D. from the University of Puget Sound School of Law. Judge Mills was elected to the bench in 2000. Prior to her election, she practiced law in municipal and county governments where she held the positions of assistant city attorney, deputy prosecutor, and city attorney. She was instrumental in establishing the Youth Court for Kitsap County. In her spare time, Judge Mills teaches law to high-school students and has mentored students in the annual YMCA Mock Trial competition. She serves on the WSBA Council on Public Legal Education. She is the recipient of the 2007 Nevins Award, presented by the Washington Judges’ Foundation, and the 2008 Humanitarian Award, by the Kitsap County Bar Association.

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Always start a human-interest story with a feel-good quote. — Marc Defreyn

It is one of the most beautiful compensations of life, that no man can sincerely try to help another without helping himself. — Ralph Waldo Emerson

You’ve seen it before: 81st BCT SPC at SPR on REFRAD from OIF looking for SJA re: SCRA/USERRA question but SJA’s with CG discussing WCMJ. Suddenly SPC remembers — “I’ll call AACF.”

Problem solved — another success story.

Wait — I don’t think the editor will like that introduction; how about . . . SUPPORT OUR TROOPS!

Okay, sure, it’s cliché. I mean, we troops appreciate the support. We honk in agreement with the guy waving the flag on Freedom Bridge at Exit 122 on I-5, and we appreciate the little ribbon-looking-magnet-thingy on the back of your car. But some troops just need a little bit more support; and when it comes to supporting the troops, all support equally, but some attorneys are more equal than others.

Since 2003, more than 12,000 Washington National Guard men and women, from both Air and Army National Guard units across the state, have deployed all over the world in support of numerous contingency operations, most notably Operation Enduring Freedom (a.k.a. Afghanistan War) and Operation Iraqi Freedom. Given its sheer size, one of Washington’s most visible units, the 81st Heavy Brigade Combat Team, deployed twice to Iraq (in 2004–2005 and again in 2008–2009), with each deployment consisting of nearly 3,000 members.

The National Guard tries to instill in the public the idea that its members are just like you: average citizens who just sort of have an extraordinary part-time gig. Well, if that’s true, then we all know that there is one thing the average citizen needs every now and then: the advice and assistance of counsel.

Most (though certainly not all) members of the National Guard are younger men and women who are likely to have young children in the home, are either renting or just recently purchased a home, are probably in college or just starting a career, and are certainly wishing they had one less Visa bill to pay. Life will just be going along when — bam! — next thing you know, you’re being told you are deploying to Iraq for a year, leaving in a few weeks. Get everything ready to be gone at least a year, they’ll tell you.

You know some sort of legal headache has just entered this picture. Until recently, Washington National Guard citizen-soldiers had to figure things out on their own. Sure, you can try to see the “legal assistance” judge advocate (JAG) assigned to your unit — oh, wait, your unit is understaffed at JAG-in-the-Box and, in fact, she’s deploying, too? Okay, let’s ask another legal aid service — oh, wait, they’re short on funding and limit their criteria for assistance, too. You’re a military member, not quite “low-income” for some purposes but darn sure not able to drop that retainer fee and expend thousands of dollars on a legal issue that now exists because of your free trip to Iraq. So, now what?

Enter Attorneys Assisting Citizen-Soldiers and Families (AACF), an organization of about 80 Washington attorneys who volunteer to help service members deal with legal issues that arise as a result of being deployed. Though many had a hand in the group’s creation, it was
the brainchild of Captain Alex Straub, a judge advocate assigned to Camp Murray, headquarters of the Washington National Guard. "I faced a lot of legal issues when I deployed, and I wanted to make sure these service members got help," Straub explains. "We owe them that."

While other programs assist military members in general, AACF has a twist: It’s limited to members of the Washington National Guard, and the legal issue must be connected to combat deployment. Most common are landlord/tenant problems, consumer-law disputes, debt or other contractual issues, and questions about rights and responsibilities under the Servicemembers Civil Relief Act (SCRA) and Uniformed Services Employment and Reemployment Rights Act (USERRA).

AACC does not take on criminal matters, nor does it expect volunteer attorneys to appear on a member’s behalf or enter a notice of appearance in any court proceeding; it is really a “helping-you-help-yourself” sort of assistance: the legal equivalent of Hamburger Helper. AACF is the processed cheese part of the legal meal.

What’s in it for the attorneys? Obvi-

ously, a great bullet point on the résumé and good public relations for the firm. But there’s more: Maybe that “I Support the Troops" magnet on the car shines a little brighter now. Besides, how hard can it be to help some kid cancel his apartment lease? I mean, how much work do these attorneys really do for the soldiers? Let’s just say they do more pro bono work by 9:00 a.m. than most of us do all day.

Meet Kenyon "Ken" Luce (Luce & Associates). Ken’s a Navy man from the 1950s. "My brother told me, 'Get in the Navy Reserve or you’ll end up a grunt in the Army," he explains. Early on, he saw the value of free advice and decided to pay it forward.

Luce has been involved for many years in offering legal assistance to military personnel, including working on rules that allow judge advocates not licensed in Washington to appear in court here in some circumstances, and helping to get Washington statutes passed to protect service members pending deployment. "I wanted [lawyers who help the military] to have some teeth, not just a bark," he says. "Right is right, wrong is wrong, and I have the ability to fix things..." The system just seems geared toward taking advantage of the legal obligation. "

One of those "little guys" was a soldier deployed to Afghanistan a few months ago. He had left his car parked at Fort Lewis, apparently in the wrong place. It had been towed and prepped for auction. The soldier’s mom called her son in Afghanistan but, of course, he couldn’t do anything about it. Luce entered the picture. "Once you get hold of someone who knows and understands the law as explained to them, it’s usually easy to fix," he says. "Sometimes it's just a mis-

understanding." He adds mischievously, "Sometimes it’s just fun [messing] with people and proving them wrong."

Dealing with a car that got towed? Easy stuff for an attorney here in Washington; not so easy for someone 10,000 miles away. "The soldier is helpless," Luce says. "He needs to focus on something else in the field of battle."

Thousands of Washington guardsmen and women have deployed so far, and countless others will also get their free trip to hostile lands. I asked Luce, who has clocked in more than 200 pro bono hours with AACF, if there is a theme to the kinds of problems he solves. "It’s mostly a situation where they are trying to make a quick financial gain off of a soldier," he says. "Landlords keeping a deposit, personal-service contracts that should be terminated — it seems they just want to make a quick buck, and it’s wrong. So I simply remind them of their legal obligation."

And the clients are appreciative. Luce has saved at least one family from becoming homeless. In late 2008, an officer was activated and, unlike most guardsmen, who see an increase in salary (given the benefits, extra pay for combat duty, etc.), his income dropped. The decrease was enough that despite his best efforts to exercise his rights under the SCRA, his house went into foreclosure. His wife called Luce in a panic.

After helping the family navigate the myriad loan companies that bought, sold, resold, and otherwise Fannie Mae-ed and Freddie Mac-ed their home loan, Luce reminded the mortgage-holders that they had to comply with SCRA protections against foreclosures, and "they became very cooperative." Though AACF guidelines expect volunteering attorneys to meet with a client only twice, Luce will keep going on a case. "We can’t leave the troops hanging out there," he says. "Once we get it, we keep it."

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Then there's Rachel Rolfs (Law Office of Rachel Rolfs PC), a young woman whose law career started after Bob Woodward had already finished two books beating up George W. Bush on Iraq. She has no familial military connection — but she's ever the patriot. "Oh, I want to help [the military]," she says. "But I was not going to join and put myself in physical danger."

Rolfs’s focus is on family law, and because she works in Tacoma and often has military clients, she understands the uniqueness of military-family issues. "Sometimes it’s kind of ridiculous what people have to pay for legal help, especially when they don’t know where to turn," she says.

Let’s face it, the soldier in Iraq, probably about to go on convoy, doesn’t really have time to surf the Web for trusted counsel. Imagine you are on your two-week R&R, and when you get off the plane, you get a note from your husband: he wants you out of his life. Now. ASAP. “Pack your stuff and get out.” Enter AACF. In a few short hours, Rachel put the soldier’s mind at ease, filed the necessary documents, got the necessary TROs, and ensured court-assistance was available.

And now’s a great time to remind you that the military is an equal-opportunity combat-tour provider. How about the young mother who deployed and left her child with her husband and daughter’s step-father? Guess what — biological dad now wants the daughter to live with him. For love or for un-child-support, either way imagine the stress on Mom. And this isn’t R&R Mom, this is in-the-Middle-of-Iraq-Mom. But with Rolfs’s help, she was able to properly have her husband designated custodian while she is gone (pre-RCW 26.09.260, mind you).

“You have to help when you can,” Rolfs says. And she does.

So does Elizabeth Powell (Elizabeth Powell PS, Inc.), who offers a more pragmatic reason for helping the military: “I have USAA [United Services Automobile Association] insurance.” And, as a solo practitioner in Pierce County, she is quite familiar with military law. “Military clients are great,” she says. “They listen, and they follow up. I’ve always appreciated that.” Plus, she jokes, “they are surprisingly easy to get hold of.”

Powell knew that a relatively small time commitment would go a long way toward helping soldiers seeking assistance through the AACF. “These are usually easy problems to deal with,” she says. “I’m involved with this group so I can give the most bang for the buck . . . with a quick boost of energy, I can get one more problem off their plate. They need to focus and direct their attention at what they are doing . . . they have to solve this drama, and right away.”

It can be as simple as making sure a father gets to see his son before his third deployment. In a case that Powell solved in short order, a soldier’s visitation rights under a parenting plan would have kept him from one last reunion with his child. “Mom exhibited the height of selfishness,” says Powell, who emphasized emotion over law in changing the mother’s mind. “It may be his last chance to see him,” she reminded the woman.

Then there’s the typical landlord story. A soldier's wife and kids want to move closer to family members while he's gone. Under SCRA, there should be no problem canceling the lease. But in these economic times, some landlords dig in their heels, which in one case led to heated, screaming-match phone calls. In less than three hours, Powell got the landlord to calm down and relent. “It was a simple fact that he had to let them out of the lease,” she says.

The 81st Brigade of the Washington Army National Guard is back from its second deployment. Arguably, the Iraq war is winding down. Today, the Washington National Guard is fortunate to have most of its members at home. Still, brigades can be called to duty at any time.

“Like the National Guard itself, AACF needs to be ready at a moment’s notice,” notes Captain Straub, who received the 2009 Washington State Bar Association Community Service Award for his work with the program.

AACF goes about its work quietly, without bumper stickers but with a long-lasting impact on the lives of citizen-soldiers. Soldiers — and their families — appreciate it beyond words (or acronyms).

Ed. note: the author describes himself as follows: Marc, a purveyor of fine acronyms, deployed with the 81st BCT during OIF II and is currently the CJA of the 66th TAC and also full-time as an MTA at MAMC. In other words, he’s a combat-veteran JAG in the Washington Army National Guard and works full-time as counsel for Madigan Army Medical Center.
Extraordinary Effectiveness Theme at LAP/LaSD Conference
by Brian Halcomb

Ninety attorneys gathered April 16–18 in Chelan for the 13th annual Statewide Conference of the WSBA Lawyers Assistance Program (LAP) and Lawyer Services Department (LaSD). Entitled “Creating Extraordinary Effectiveness in Your Law Practice,” the conference united LAP peer counselors and other practitioners in dialogue around issues of professionalism and personal health. Psychotherapist Jan Salisbury, of Salisbury Consulting, provided the keynote workshop. In her workshop, Salisbury translated work as an executive coach for managing partners and corporate executives into exercises which demonstrated the importance of emotional intelligence and communication in the practice of law. Her lead-in quote: “Anyone can be angry — that is easy. But to be angry with the right person, to the right degree, at the right time, for the right purpose, and in the right way — that is not easy” (Aristotle). Salisbury’s focus on self-awareness, empathy, and self-governance echoed themes found in the other conference topics: an intergenerational workshop that paired new and veteran lawyers to discuss their values around work/life balance, communication, and technology; a rousing presentation by attorney Lisa Voso on first impressions; LaSD’s Pete Roberts’ tips on protecting client interests when a lawyer is disabled or dies; and pieces by attorney David Fuller and WSBA staff member David Powell on emerging professional issues, specifically the practice of law on the Internet.

Pioneering Mental Health Court Clinic Established by Seattle University School of Law

Seattle University School of Law has started a clinic to train and inspire lawyers to practice in this important area of the law. The Mental Health Court Clinic at the Ronald A. Peterson Law Clinic is believed to be the first of its kind in the country. Through an innovative partnership with Associated Counsel for the Accused (ACA), students get first-hand experience representing clients in Seattle Municipal Mental Health Court. “This is difficult work, full of challenges, but also great rewards,” said Russell Kurth, an experienced mental health court practitioner at ACA and Distinguished Practitioner in Residence at the Law School. “Through education at Seattle University School of Law, we’re going to train the next generation of lawyers who care about these issues.”

Kurth was drawn to this assignment because of his personal experience with a mentally ill family member. He said that the court is an effective, if still limited, response to a significant social problem. As the number of inpatient hospital beds for mentally ill people in the country has decreased from 550,000 in the 1970s to fewer than 50,000 today, the nation’s correctional system has been overwhelmed

At the WSBA LAP/LaSD Conference, clockwise from top left: View of Lake Chelan from Campbell’s Resort, site of the conference; WSBA Law Office Management Assistance Program Manager Pete Roberts speaks on succession planning; conference participants discuss effective legal teams; participant Meade Brown responds to a question about emotional intelligence in law; attendees Lloyd Edwards and Laura Williams enjoy a seminar; presenter Lisa Voso (left) discusses first impressions with Candace Wilkerson and Patricia Toy.
by the resulting untreated mental illness. The Department of Justice reported that in 2007, 64 percent of people incarcerated in local jails had a mental illness. Instead of simply locking people up, the Mental Health Court helps get to the root of the problem. Kurth says those who stay with the court program for two years have an 83 percent reduction in criminal behavior.

“In the Mental Health Court Clinic, I am not just learning about something — I am actually doing it,” said 3L student Megan Giske. “I am gaining practical experience in everything from criminal procedure to client counseling, but most importantly, I am learning how to advocate for a very unique population. The clinic has been very rewarding.”

Legal News App Debuts
The first legal news app developed specifically for Apple’s iPad was released in April by the ABA Journal, the official publication of the American Bar Association. The free app can be downloaded from iTunes. The app features breaking legal news updated continuously every business day, all of the monthly magazine’s in-depth articles, and the latest blawgs featured in the Journal’s directory of more than 2,500 legal blogs.

In Brief . . .

Jeanne Loftis, of Bullivant Houser Bailey PC, has been admitted to the American Board of Trial Advocates (ABOTA). Loftis joins five other Bullivant Houser Bailey attorneys who are already members of ABOTA: Jeffrey Eden, Stephen English, David Ernst, Douglas Houser, and Richard Whittemore. Loftis is chair of Bullivant Houser Bailey’s products liability practice. Leta Gorman, also of Bullivant Houser Bailey, has been selected to serve on the faculty of the 2010
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Marc Sellers, with Schwabe, Williamson & Wyatt, was honored with the firm’s first Client Service Award, which recognizes an attorney in the firm who goes “above and beyond” in their dedication and service to firm clients. In addition to this recognition, the firm makes a $1,000 donation to the nonprofit organization of the award recipient’s choice. Sellers chose the Oregon Sports Trust.

Marc Greenough, a member in Foster Pepper’s Municipal and Public Finance practice groups, has been elected to the Board of Directors of Southeast Youth and Family Services (SEYFS). SEYFS is a nonprofit social-services agency that assists youth and families in King County by providing diversified, culturally sensitive, community-based services that empower those served to make healthy life choices. The organization also provides counseling, educational, social, and life-skills programs for children, youth, and their families.

The international arbitration publication Global Arbitration Review recently included K&L Gates LLP among the firms on its 17th annual Smith-moore P. Myers Award presented by the Spokane County Bar Association (SCBA) in March. Each year, the SCBA Professionalism Committee selects an honoree who exemplifies the high ethical and professional standards of the legal profession and who currently practices law in the Spokane area.

Marc Greenough, a member in Foster Pepper’s Municipal and Public Finance practice groups, has been elected to the Board of Directors of Southeast Youth and Family Services (SEYFS).

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“2010 Global Arbitration Review 100,” an annual ranking of law firms with the most active international arbitration practices, an area of law for companies conducting business globally.

The Seattle University School of Law presented Foster Pepper pro bono counsel and WSBA Editorial Advisory Committee Member Joanna Plichta Boisen with its 2010 Recent Alumni Award in April. The award recognizes graduates of the past 10 years for outstanding leadership and service to the community. Plichta Boisen’s accomplishments include helping to form the Seattle Ghetto Reparations Project, a clinic that helps Holocaust survivors access reparations from the German government; serving on the Legal Aid for Washington Fund and Campaign for Equal Justice Board of Directors; and serving as chair of the Pro Bono Coordinators and Counsels in Seattle.

The Vancouver office of Miller Nash is celebrating its 10th anniversary in 2010. Originally called Horenstein Bremer, the office joined with Portland-based Miller Nash a decade ago to establish a presence in southwestern Washington. Since that time, Miller Nash has grown from three to 10 attorneys and has played a role in shaping Vancouver’s growth through its business, land use, and real estate law practices.

Perkins Coie LLP has been named one of the 2010 Top Ten Family Friendly Firms by Yale Law Women. The list was created to celebrate firms that are leaders in facilitating work-life balance for attorneys. Yale Law Women, a student organization devoted to promoting the interests of women in law school and the legal profession, conducted a 35-question survey of law firms on the 2009 Vault Top 100 Law Firms list to assess family-friendly practices. “Perkins Coie encourages work-life balance, and this is supported at the highest levels of the firm. Firm leadership gives its time, dedicates resources, and continues to make this balance a priority,” says Linda Walton, chair of the firm’s firmwide Strategic Diversity Committee.

In April, Washington Lawyers for the Arts (WLA) announced the appointment of Jennifer Krebs as its new executive director. Krebs was most recently an associate attorney in the Seattle office of Garvey Schubert Barer. She also held positions as the communications manager for the City of Enumclaw and executive director of Puget Sound Access. WLA is introducing new initiatives in 2010, including a lawyer referral service for artists and a blog which will go live by this summer.

Neal Philip, a Seattle attorney and advocate for ending childhood hunger in Washington, is the recipient of a Voices for Children Award by the Children’s Alliance. From his leadership with Lawyers Helping Hungry Children to his direct advocacy, Philip’s work highlights how volunteers play an important role in public policy change for children. 🌟
The Cardozo Society of Washington State has had a long history in the Seattle area as a primarily philanthropic organization composed of experienced and well-established Jewish attorneys. Unfortunately, over the years, it became less and less active.

In 2007, Aaron Kiviat and I were asked by the past co-chairs if we would be willing to spearhead the “rejuvenation” of the Cardozo Society. Aaron and I were childhood friends who had grown up together in the local Jewish community. We both had recently moved back from New York and were convinced that Washington’s Jewish legal community needed a more active, multi-faceted, and inclusive organization.

After many meetings with many attorneys with many ideas exchanged, and receiving incredible help from the Jewish Federation of Greater Seattle and the Cardozo Society Board, the Cardozo Society indeed has “rejuvenated” and been successfully transformed. It now offers Jewish attorneys and friends educational, networking, mentorship, volunteer, and philanthropic opportunities. We are expanding, welcoming new members, planning programs, and implementing new ideas. The following are just a few of our happenings:

**Education**

The Cardozo Society has provided several high-quality and relevant CLEs that address legal issues of particular interest to the Jewish community. Ideas for CLEs come from our members and the Jewish community. One of our most successful CLEs was an idea that a member brought to the Cardozo Advisory Board’s attention regarding a recent lawsuit, *Pasado’s Safe Haven v. State of Washington*, which could affect whether kosher slaughter could take place in Washington. This idea culminated in a CLE entitled “Where’s the (Kosher) Beef? Kosher Meat, Jewish Ethics, and Ch. 16.50 RCW.” In December 2009, more than 50 attorneys gathered to hear a panel of rabbis and attorneys discuss the legal and ethical implications of this lawsuit and kosher slaughter in general.

**Networking**

The Cardozo Society hosts networking events that regularly draw legal professionals from all types of legal practice and levels. The diversity of practice at these events truly spans the spectrum. At the Cardozo Society’s most recent networking event, recent law school graduates networked with attorneys with decades of experience, public-interest attorneys socialized with corporate attorneys, and in-house counsel mingled with litigators. In addition, the Cardozo Society was honored to have several judges in attendance.

**Mentorship**

The Cardozo Society has established a mentor-mentee program. The Cardozo Society has matched newer attorneys with experienced attorneys and provided a gift card for a cup of coffee as an incentive to sit down and meet face-to-face. At almost every event, the Cardozo Society promotes this program to encourage both mentors and mentees to participate. (Thus, it is only fitting to mention here that if you are interested in becoming a mentor or mentee, please see the contact information at the end of this article. It would be great to have you participate.)

**Pro Bono**

The Cardozo Society celebrates the long tradition of volunteering for a greater good in both the legal and Jewish traditions. Thus, the Cardozo Society recently launched a program to not only publicly commend its attorneys who devote significant time to pro bono, but to have the Cardozo Society serve as a catalyst to inspire even more attorneys to find time in their busy schedules to help those in dire need of legal assistance. From time to time, the Cardozo Society also receives calls from the Jewish community and the population at large, asking for assistance. It is our goal to make sure that these persons are referred to established legal service providers or Cardozo Society attorneys who may be able to provide representation at a low or reduced rate.
**L’Dor v’Dor**

The Cardozo Society has implemented a new tradition with its annual *L’Dor v’Dor* event. In Hebrew, *L’Dor v’Dor* means “From Generation to Generation.” Each year in June, the Cardozo Society honors an attorney who is widely recognized as a role model in the legal community by being a wise counselor and skilled advocate, and in the Jewish community through community participation, service, and support. In 2009, we honored Murray Guterson, an attorney with over 50 years of experience. The words he spoke, and continued passion he emanated, were an inspiration for all in attendance. This year, we are honoring Robert Sulkin, who is sure to provide the same. Please join us for this wonderful event to be held on June 15, 2010, in Seattle at the China Room in the Smith Tower from 6:00 to 8:00 p.m. Please contact asb@bmatlaw.com to learn more.

The Cardozo Society invites all attorneys who have an interest in Washington’s Jewish community to join us, attend our annual events, volunteer through us, take a leadership role, and, of course, suggest ideas. The Cardozo Society has implemented many ideas from its members and friends and we’d like to hear yours. If you want to participate, even in a small way, or if you want to learn more about the Cardozo Society, please contact Aric Bomsztyk at 206-621-1871 or Aaron Kiviat at 206-467-2607.

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**Aric Bomsztyk** is an attorney at Barokas Martin & Tomlinson. His practice encompasses all aspects of business representation, including incorporation, financing, contract/lease review, dispute resolution, and commercial litigation. He additionally maintains an active civil litigation practice representing property owners, personal injury and civil rights plaintiffs, employees, and consumers. Aaron Kiviat devotes his practice to representing clients accused of crimes and has been practicing criminal law since 2003. Prior to joining the Law Offices of Geoffrey Burg, Aaron was an assistant district attorney in the Bronx County District Attorney’s Office, where he prosecuted violent crimes, narcotics, DUI, economic crimes, and weapons possessions. The WSBA Committee for Diversity edits this column.
By Mark J. Fucile

Law firms have been outsourcing both legal and business functions for a long time. Contract lawyers and paralegals are ready examples of the former, and computer network and photocopy services are equally ready examples of the latter. Guidance about our duties when we outsource has also been available for a long time. Both the ABA and the WSBA have issued ethics opinions over the years discussing various aspects of outsourcing. The RPCs address the broader concept of lawyers’ supervisory duties, as have the Washington State Supreme Court and Washington’s federal district courts in, respectively, disciplinary and disqualification cases.

More recently, outsourcing in the legal profession has taken a new twist with the technical ability to outsource to foreign countries as in a variety of other fields, such as software development and “call centers.” The same quest for economic efficiency that motivated earlier rounds of outsourcing domestically appears to be driving the current movement overseas. The difference, of course, is that both selection and supervision can be more difficult when outside contractors are across the world rather than across town. The ABA issued an ethics opinion in August 2008 on outsourcing that takes the threads of its earlier advice on the subject and weaves them into the international context. In this column, we’ll look at the ethical aspects of outsourcing.

In both its traditional and newer forms. Whether outsourcing across town or across the globe, key areas from the ethics perspective include the duties of competency, supervision, confidentiality, and accurate billing. Competency. RPC 1.1 requires lawyers to provide competent representation to their clients. Outsourcing differs from co-counsel relationships, where a client retains more than one firm to handle a matter and, depending on the arrangements involved, the firms may be responsible only for the discrete tasks for which they were assigned. By contrast, when a lawyer chooses to outsource a portion of the lawyer’s work, the lawyer remains responsible for its performance. See Tegman v. Accident & Medical Investigations, Inc., 107 Wn. App. 868, 876, 30 P. 3d 8 (2001), rev’d on other grounds, 150 Wn. 2d 102, 75 P. 2d 497 (2003). Therefore, it is critical for a firm to undertake due diligence to ensure that the provider of the outsourced services can perform them with the requisite skill.

Another element of competent selection involves checking conflicts to avoid disqualification. Depending on such variables as the degree of association with your firm, the nature of the work, and confidential information shared, conflicts created by the outsourcing provider may be imputed to your firm. See First Small Business Investment Co. of California v. Intercapital Corp. of Oregon, 108 Wn. 2d 324, 738 P. 2d 263 (1987) (analyzing disqualification of associated firms through shared information). It is important to remember that Washington cases have also examined staff conflicts in determining firm disqualification. See, e.g., Oxford Systems, Inc. v. CellPro, Inc., 45 F. Supp. 2d 1055 (W. D. Wash. 1999); Daines v. Alcatel, S.A., 194 F. R. D. 678 (E. D. Wash. 2000).

Supervision. Proper supervision lies at the heart of a lawyer’s responsibility for outsourced services, regardless of whether the service provider is a lawyer or a non-lawyer. RPC 5.1(b) requires a “lawyer having direct supervisory authority over another lawyer . . . [to] make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.” RPC 5.3(b), in turn, requires a “lawyer having direct supervisory authority over . . . [a] non-lawyer . . . [to] make reasonable efforts to ensure that the person[’]s conduct is compatible with the professional obligations of the lawyer[.]” ABA Formal Ethics Opinion 88-356 (1988) interpreted RPC 5.1(b) as applying to domestic contract lawyers, and ABA Formal Ethics Opinion 08-451 (2008) did the same in the international context. RPC 5.3 applies the supervisory duty over retained non-lawyers more explicitly by framing the obligation as applying to any “non-lawyer employed or retained by or associated with a lawyer[.]” The WSBA RPC Committee has applied RPC 5.3(b) in recent informal ethics opinions involving both domestically outsourced legal services (Informal Ethics Op. 2201 (2009) (independent paralegal)) and business services (Informal Ethics Op. 2193 (2008) (advertising distribution)). Depending on the circumstances, non-U.S. lawyers who are undertaking outsourced legal work on U.S. law (as opposed to the law of their home country) may be considered “non-lawyers” (like law clerks) for purposes of supervisory duties and, therefore, the more explicit provisions of RPC 5.3(b) may apply.

The practical difficulty of supervising foreign service providers is discussed at length in ABA Formal Ethics Opinion 08-451. The practical difficulty is also highlighted by several Washington disciplinary and disqualification cases involving the supervisory
duty over non-lawyer staff members who were employed directly by the firms involved and who worked in the same offices as their supervisors. In re Trejo, 163 Wn.2d 701, 185 P.3d 1160 (2008), for example, concerned a solo practitioner disciplined under RPC 5.3(b) for failing to supervise his assistant, who stole client funds. In re Vanderbeek, 153 Wn.2d 64, 101 P.3d 88 (2004), also involved a solo practitioner disciplined under RPC 5.3(b) for failing to supervise an office manager who sent clients inaccurate bills. In Richards v. Jain, 168 F.Supp.2d 1195 (W.D. Wash. 2001), a firm was disqualified for its handling of an opponent’s privileged information and, in doing so, the court’s opinion focused on a paralegal’s role and the firm’s failure to supervise the paralegal under RPC 5.3(b).

Confidentiality. Comments 16 and 17 to the confidentiality rule, RPC 1.6, are entitled “Acting Competently to Preserve Confidentiality.” Comment 16 puts the accent on competence: “A lawyer must act competently to safeguard information relating to the representation of a client against inadvertent disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer’s supervision.” Comment 17, in turn, shifts the accent to confidentiality: “When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients.” ABA Formal Ethics Opinion 95-398 (1995), which deals with domestically outsourced computer network services, echoes these duties and couples them with the duty of supervision: “Under Rule 5.3, a lawyer retaining such an outside service provider is required to make reasonable efforts to ensure that the service provider will not make unauthorized disclosures of confidential information.” ABA Formal Ethics Opinion 08-451 emphasizes this duty in the foreign outsourcing context and notes that the legal structures in some foreign countries may not accord the same expectation of privacy provided by U.S. law.

Both ABA Formal Ethics Opinion 88-356, which focuses on domestic outsourcing, and its more recent counterpart, Formal Ethics Opinion 08-451, focusing on foreign outsourcing, grapple with the question of whether advance client consent is necessary before sharing confidential information with an outside service provider. The former assumes that domestic outsourcing often involves close supervision of the outside service provider and concludes that advance consent is not normally required. The latter assumes that foreign outsourcing will usually involve less direct supervision and, therefore, advance client consent is necessary. Both opinions, however, are expressly predicated on those contrasting assumptions and both leave open the converse depending on the level of supervision in individual circumstances.


Of particular note, generally no “mark-up” is permitted on outside services that are merely passed through to the client. ABA Formal Ethics Opinions 00-420 and 08-451 find that if a contract lawyer is integrated into a firm to such an extent that the lawyer is in practical effect a “contract” associate, then a “surcharge” is permissible on that lawyer’s time in the same way that profit is included in “employee” associate billing rates. Whether the outsourcing is domestic or foreign, however, firms need to carefully assess the nature of the relationship before adding a surcharge without prior client consent.

Mark Fucile, of Fucile & Reising LLP, handles professional responsibility, regulatory, and attorney-client privilege matters and law-firm-related litigation for lawyers, law firms, and legal departments throughout the Northwest. He is a past chair and a current member of the WSBA Rules of Professional Conduct Committee, a past member of the Oregon State Bar’s Legal Ethics Committee, and a member of the Idaho State Bar Professionalism and Ethics Section. He is a co-editor of the WSBA’s Legal Ethics Deskbook and the OSB’s Ethical Oregon Lawyer. He can be reached at 503-224-4895 and mark@frllp.com.
Michael A. Arch
A remembrance by Tracy Dwyer, his legal assistant

Wenatchee attorney Mike Arch was born in Wenatchee, moved to Seattle’s Magnolia neighborhood, and graduated from Queen Anne High School in 1969. There, he excelled in sports and was a memorable catcher on a championship Grizzly baseball team. Mike was always a team player and had hundreds of friends. He graduated from the University of Washington in 1973, and then attended law school at Gonzaga, graduating in 1976. Mike was admitted to practice law and maintained a practice in Wenatchee for over 30 years. During that time, he represented many hundreds of clients and was known as a strong and aggressive advocate. He was a great lawyer.

Everyone who knew him loved him for being so kind and sensitive. He was always able to laugh, even when the situation was dire. He could walk into a room, and with his booming voice, make everyone smile. Many a day he would walk in the door and shout, “Get to work!” and all the staff and attorneys would laugh. How many times did I hear him hollering for me through his closed door, only to find out he only needed a pen or paper clips from the other side of the room?

He really loved his wife and children, and he let everyone know it. In fact, it was sort of a joke that Mike was the kind of man who scared all his opponents to death, but loved his friends and family with the same ferocity.

There are no words to measure his loss. His family, his friends, his clients, and even his opponents have lost a great man. We loved him and will miss him dearly.

Michael Arch died on April 6, 2010, at the age of 58.

David J. Baugh

Dave Baugh grew up in Spokane, and attended the UW, where he was the co-captain for the nationally ranked Huskies. He earned his J.D. from the University of Oregon, and received an LL.M. in law and marine affairs from the UW School of Law. He was a sole practitioner and volunteered many hours as an attorney for the King County Bar Association. Baugh had a lifetime love of rowing and was involved in coaching, Seattle Parks and Recreation, and the Junior Women’s Committee for the U.S. Rowing Association.

David Baugh died on March 27, 2010, at the age of 47.

Judge Franklin Burgess

Judge Franklin Burgess served in the Air Force, graduated from Gonzaga, and earned his J.D. from Gonzaga University School of Law. “He was a legend on two courts,” said Chief U.S. District Court Judge Robert Lasnik, referring to Burgess’s career on the bench and as a basketball star for the Gonzaga Bulldogs. In the early 1960s, Burgess the basketball player led the nation in scoring and held many scoring records, some of which still stand, at Gonzaga. Judge Burgess worked for the Tacoma City Attorney’s Office and was in private practice before being appointed a U.S. magistrate judge in 1981. In 1994, he was appointed U.S. District Court judge for the Western District of Washington. He heard prominent cases such as the attempt to block whale hunting by the Makah Tribe, a challenge to Washington state’s blanket primary system, and the trial of Briana Waters, who was convicted in the 2001 firebombing of the UW’s Center for Urban Horticulture. He was active in community affairs, serving as president of the local NAACP chapter and participating in many civic organizations. Earlier this year, he was named a Washington State Elder of Distinction.

Judge Franklin Burgess died March 26, 2010, at the age of 75.

Richard L. Cleveland

Dick Cleveland graduated from Seattle’s Lincoln High School in 1948 and from the UW in 1952. At the UW, he was Air Force ROTC and, on graduation, was assigned to the Russian Language School at Syracuse University. He served in the Air Force as a captain. He attended Harvard Law School, and received his J.D. in 1959. He returned to Seattle and began his career with the Ryan law firm, which later became Ryan, Swanson & Cleveland. A man of words, both spoken and written, he was always surrounded by books, whether at home in Seattle or on his beloved Lopez Island. His commitment to the community was evident with his service on the boards of L’Arche Noah Sealth, the Frye Art Museum, Friends of the Seattle Public Library, Friends of the University of Washington Library, and St. Mark’s Cathedral Foundation.

Richard Cleveland died March 1, 2010, at the age of 79.

Beverly A. Greene

A remembrance by Beverly’s best friend, Nadine Weiskopf, and Nadine’s husband, David Weiskopf

Beverly Anne Greene passed away at age 43 on April 22, 2010, after a courageous battle with melanoma. An accomplished and self-made woman, she put herself through school, obtaining several degrees over her lifetime, including her J.D. from Seattle University School of Law in 1998. She went on to have many successful career accomplishments combining her law degree, finance background, and business savvy to build her own company, Communicare, Inc., from the ground up. Charity work and the welfare of others were always a priority for Beverly. She donated her heart, time, and skills to numerous charities including Emily’s List, the Foundation for a Sustainable Future, and Wardrobe for Success. Even while working full-time to put herself through law school, she found ways to contribute to charities, including donating to children’s charities abroad and rescuing numerous cats from shelters.

Beverly gave of herself tirelessly and endlessly to everyone in her life. There were no limits to her ability to love or sacrifice. She was an example of the type of person we should all strive to be. An
avid world traveler, she was passionate about world politics, tennis, skiing, learning foreign languages, and understanding other cultures. Her vivacious laughter, ever-twinkling eyes, and constant smile made her a pure joy to know and love.

To honor her is to live by her example. Live well, give utterly and unselfishly, laugh loudly and often, and open your heart to all you meet. We love you, Beverly, and will miss you terribly.

Judge Bert C. Kale
Judge Bert Kale was born and raised in Everson, earned a J.D. from the UW School of Law, and opened a practice in Bellingham in 1939. He served in the Army in the 1940s with the Judge Advocate General’s Corps. He was appointed to the Whatcom County Superior Court bench in 1951. He was asked to preside over the Nuremberg war crime trials in Germany, but turned it down, as he didn’t want to disrupt his family life.

Judge Bert Kale died March 19, 2010, at the age of 96.

Sanford “Sam” Kinzer
Sam Kinzer was born in La Grande, Oregon, graduated from the University of Wisconsin, and earned a law degree from Georgetown University. He worked as a political adviser and an attorney with law offices in Everett and Ellensburg. He served as a trustee of Central Washington University, as a lobbyist for the Teamsters, and as chief of staff for Vermont Senator Patrick Leahy. He liked to wear cowboy boots, Wrangler jeans, and themed belt buckles, even to court and political events.

Sam Kinzer died May 2, 2010, at the age of 63.

Scott B. Lukins
Scott Lukins attended Harvard, earned his J.D. from the UW School of Law, and an LL.M. from NYU. He served in the Army in the 1950s and then practiced law in Spokane. He served the community of Spokane in myriad ways: on the boards of the Spokane Chamber of Commerce, Foundation Northwest, Spokane Symphony Orchestra, Sacred Heart Hospital, and other service organizations. He helped organize six banks, and in 1996 was appointed to the Federal Retirement Thrift Investment Board by President Bill Clinton. He was a loyal supporter of UW School of Law and was honored with the Distinguished Alumnus Award in 2006.

Scott Lukins died April 11, 2010, at the age of 81.

Frederick M. Meyers
Fred Meyers graduated from Queen Anne High School, attended the University of Washington, and was a devoted and lifelong Husky fan. After graduation from the UW in 1960, he entered the U.S. Army as an infantry officer. He returned to the University of Washington School of Law where he graduated in 1965. He served in the Criminal Division of the King County Prosecuting Attorney’s Office and then joined the Karr Tuttle Campbell law firm in Seattle. He helped build the law firm of Mills, Meyers, Swartling, from which he recently retired. The Meyers enjoyed boating and beach activities at their home on Vashon Island. His great passions were fishing, photography, and gardening. He was an advocate for Childhaven and served on their board of directors for many years.

Schroeter Goldmark & Bender is pleased to announce that

COLETTE TVEDT has become a shareholder in the firm. Since joining SGB in 2008, Ms. Tvedt has been an attorney in the Criminal Defense practice group. She represents clients in both state and federal court charged with complex blue collar and white collar crimes. Ms. Tvedt is a nationally recognized expert on eyewitness identification and false confessions.

JOSEPH CAMPAGNA has joined the firm as an associate in SGB’s Criminal Defense practice group. A Magna Cum Laude graduate of Vermont Law School, Mr. Campagna has worked on cases involving charges of healthcare fraud, white collar crimes, drug crimes, and crimes of violence in both state and federal court.
Frederick Meyers died March 21, 2010, at the age of 71.

**Michael Mines**

Michael Mines earned his J.D. at the UW School of Law in 1954. He was cofounder of the Betts, Patterson, and Mines law firm and practiced for more than 50 years. Later in his career, he developed a mediation and arbitration practice, receiving certification in alternative dispute resolution from the UW in 1995. He was involved in the community serving with the YMCA, the Northwest Chamber Orchestra, Plymouth Congregational Church, Plymouth Housing Group, and Horizon House, among many other organizations. He loved travel, photography, hiking, and fishing.

Michael Mines died February 9, 2010, at the age of 80.

**Russell W. Newman**

During World War II, Russ Newman served as an officer in the Pacific. After the war, he returned to Seattle, graduated from the UW School of Law, and was then called back to active duty during the Korean Conflict. Upon returning to Seattle, he joined his father in the practice of law before serving clients with the firm of Newman, Bradshaw & Richards. Newman loved golf, sailing, hunting, music, the Redmond Rotary, his church family, his friends, and his pets. In semi-retirement, he enjoyed mentoring younger attorneys, mediating and arbitrating cases, and continuing his lifelong quest for information and new ideas.


**William H. Nightingale**

Bill Nightingale was born in Walla Walla, graduated from Whitman College studying math and physics, and served as a lieutenant in the Coast Guard. He was blinded in a farm-related accident at the age of 27. He learned Braille and used a guide dog. He graduated from the University of Chicago Law School in 1959. He practiced in Seattle and Olympia and served as an administrative law judge. Nightingale loved fishing and basketball.

William Nightingale died April 28, 2010, at the age of 81.

**Larry H. Schons**

Larry Schons was born in Oklahoma, went to high school in Leavenworth, attended the University of Oregon, graduated from the University of Oregon School of Law, and earned an LL.M. from New York University. He served as a sergeant and helicopter crew chief in the Army and worked for a finance company before becoming a lawyer and practicing in Eugene, Oregon.

Larry Schons died March 17, 2010, at the age of 68.

**Arlene C. Taplin**

Arlene Taplin was born in Chicago, married Lloyd Taplin in 1957, and settled in Deer Park. She worked for Washington DSHS until she was 50 and then retired due to disability. She then followed in her father’s footsteps by becoming a lawyer and was admitted to the WSBA in 1988. Her only practice was the representation of children and guardianships, usually at
low rates. She said that helping them was more important than financial reward.

Arlene Taplin died February 16, 2010, at the age of 71.

Timothy R. Weaver
Tim Weaver grew up in Ellensburg, attended the UW, and earned his law degree from Willamette Law School. He was a champion of Indian law and an advocate for tribal-treaty fishing rights, particularly for the Yakama Nation. He spent his 40-year career representing tribes on issues including water and fishing rights, zoning and development, and natural resources. He was instrumental in a 2008 salmon accord between the Bonneville Power Administration and four Columbia River tribes, in which federal agencies were committed to put about $900 million into fish restoration and protection. He served as Yakima County Bar Association president.

Timothy Weaver died March 22, 2010, at the age of 65.

Ronald B. Webster
Ron Webster, a longtime Colfax attorney, studied political science at the UW. After graduation, he attended the Sorbonne in Paris and traveled throughout Europe. He returned to Spokane and graduated from Gonzaga University School of Law in 1969. He began his career in Longview as a deputy prosecutor and eventually established a successful practice in Colfax. Webster was devoted to the Colfax and Spokane communities. He was involved with the Cub and Boy Scouts, Peace Lutheran Church, Colfax Rotary Club, Whitman County Library Board, and the Whitman County Bar Association, to name just a few. He was active in community theater, and enjoyed boating, golf, skiing, and travel.

Ronald Webster died April 8, 2010, at the age of 67.

Judge Herbert E. Wieland
Judge Herbert Wieland had his own law practice in Raymond from 1957 until he became a judge in 1977. He served as Pacific-Wahkiakum County Superior Court judge until he retired from the bench in 1988.

Judge Herbert Wieland died January 14, 2010, at the age of 87. 
The Lawyers’ Fund for Client Protection Board meets quarterly to review applications for gifts from the Fund. The Board is authorized to make gifts less than $25,000 to eligible applicants. On applications for $25,000 or more, the Fund Board makes recommendations to the Board of Governors, who are the Fund Trustees. The Fund Board met on February 8, 2010, and some of their recommendations were reviewed by the Board of Governors at their March and April meetings.

**Kevin G. Healy — WSBA No. 16307 (Seattle) — Suspended for nonpayment of fees 6/17/08; resigned in lieu of disbarment 8/13/08**

Healy owned and operated Domlex Destiny Five Group Limited Company and Domlex Destiny Five Limited Liability Company. He represented that Domlex would purchase and improve residential properties in the Seattle-Tacoma area that were situated near the Sound Transit light-rail line. According to an explanation that Healy gave to his investors, some of whom were also his law clients, the project failed because promised financing did not come through.

**Applicant A — Pay $75,000**

The applicant was a long-term client of Healy. Healy drafted two family trusts for the applicant. Healy solicited the applicant to invest in Domlex. In January 2007, the trust invested $250,000 in Domlex. The loan funding the investment was secured by the applicant’s residence. The loan was an interest-only loan. Healy made payments on the loan until January 2008; at that time, the applicant started making the payments on the loan from her own funds. The Fund Board recommended and the Trustees approved payment of $75,000, the maximum Fund payment allowed, to the applicant (see note at end about payments).

**Applicant B — Pay $75,000**

In 2006, the applicant’s wife began discussing estate planning with Healy. The applicant’s wife died in June 2008, and he is the court-appointed personal representative of her estate. Healy learned of the wife’s assets during the course of an attorney-client relationship and, in August 2006, started soliciting her to invest in Domlex. In November 2006, the wife liquidated assets and invested $250,000. In January 2007, she took out a loan (secured by her home, which was owned free and clear at the time) and invested another $250,000. In January 2007, she liquidated more assets and invested another $500,000. In May 2007, she liquidated assets and invested another $250,000. In January 2008, she liquidated assets and invested an additional $160,000. Healy made payments on the bank loan from January 2007 through January 2008. The Fund Board recommended and the Trustees approved payment of $75,000 to the applicant.

**Theodore A. Mahr — WSBA No. 19555 (Moses Lake) — Three-year suspension 11/10/09**

**Applicant A — Pay $1,950**

Mahr agreed to handle the applicant’s grandson’s immigration issues. She paid Mahr $1,950. Her grandson was in detention. He was fighting deportation to Mexico and wanted to obtain permanent residency through his wife, a U.S. citizen. Mahr never contacted the grandson, never returned the applicant’s calls, and did nothing on the case. He stipulated to pay the applicant $1,950, but has not done so. The Fund Board approved payment to the applicant of $1,950.

**Glenn A. Prior — WSBA No. 22487 (Fife) — Deceased 7/19/09**

**Applicant D — Pay $2,000**

On July 16, 2009, the applicant paid Prior $2,000 to represent her at a hearing on July 22, 2009. He died before the hearing. The Board approved payment of $2,000 to the applicant.

**Applicant E — Pay $1,267**

The applicant paid Prior $1,200 in June 2009 to meet with him in the Yakima County jail and the Northwest Detention Center in Tacoma. He paid an additional $1,500 for Prior to represent him at a bond hearing. On July 3, 2009, he paid Prior $6,800 for fees and $200 for court costs. There was no written fee agreement. Prior died before he could proceed with the applicant’s case. The Fund Board approved payment of $7,000 to the applicant.

**Applicant C — Pay $6,667**

The applicant paid Prior $10,000 in November and December 2008, to represent her son in a Petition for Alien Relative proceeding. The son was held in detention by the immigration authorities. Prior obtained continuance of some hearing dates, and he attended a bond hearing on April 21, 2009, where bond was set at $50,000. The son is waiting for an interview with an immigration officer. The Board deemed Prior to have earned one-third of the fee he was paid, and approved payment of $6,667 to the applicant.

**Applicant B — Pay $7,000**

The applicant initially paid Prior $1,200 in June 2009 to meet with him in the Yakima County jail and the Northwest Detention Center in Tacoma. He paid an additional $1,500 for Prior to represent him at a bond hearing. On July 3, 2009, he paid Prior $6,800 for fees and $200 for court costs. There was no written fee agreement. Prior died before he could proceed with the applicant’s case. The Fund Board approved payment of $7,000 to the applicant.
office (his wife is applying for him for residency), and he received notification from the INS that the application was received and accepted and that the required $400 fee was paid. Prior contacted him and asked him to submit other needed paperwork, such as a birth certificate and other Mexican consulate documents. Prior died before any work on that case. The Board approved payment of $1,200 to the applicant.

Applicant F — Pay $1,200
The applicant paid Prior $1,200 on June 12, 2010, to represent him on a firearms charge in Seattle Municipal Court. Prior died before doing any work on that case. The Board approved payment of $1,200 to the applicant.

Applicant G — Pay $5,000
The applicant paid Prior $5,000 on July 3, 2009, to seek the sealing of records from a criminal conviction that was vacated in 1991. Before Prior could proceed, he died. The Board approved payment of $5,000 to the applicant.

Applicant H — Pay $675
The applicant paid Prior $675 to apply for U.S. citizenship. Prior advised him that he should seek to seal juvenile court records in Los Angeles before he proceeded with his citizenship application. The applicant asked the Los Angeles court to send him the necessary forms, but he never received them and was told “that they are gathering my file from their archives, which take a while, and their courts are backed up, so for me to be patient.” Before Prior could do anything on the applicant’s case, he died. The Fund Board approved payment of $675 to the applicant.

Greg R. Tichy — WSBA No. 14686 (Liberty Lake) — Suspended MCLE non-compliance 3/5/08; disbarred 1/13/10

Applicant A — Pay $4,500
The applicant paid Tichy $4,500 in 2007 to represent him in a lawsuit against his former employer. Investigation disclosed that Tichy did not deposit the payments into his trust account. After settlement negotiations were unsuccessful, Tichy agreed to file suit against the employer. The applicant paid him an additional $500 as advanced costs. Tichy did not deposit the advanced costs into his trust account. He never filed the lawsuit. In September 2007, the applicant requested a refund of the $500. Tichy paid him. In October 2007, the applicant hired new counsel. The hearing officer found that Tichy’s conduct constituted theft and that he never accounted to the applicant for his funds. He ordered restitution to the applicant of $4,500, and the Fund Board approved payment of that amount.

Therese M. Wheaton — WSBA No. 18208 (Montesano and Shelton) — Resigned in lieu of disbarment 6/8/09

Applicant A — Pay $2,000
The applicant paid Wheaton $2,000 in August 2008 regarding modification of a parenting plan in Grays Harbor Superior Court. The fee agreement described this payment as “a retainer . . . which will cover Counsel’s fees from initial consultation, initial legal research, and preparation of initial pleadings . . . .” Wheaton would set up appointments for the applicant to drive from his home in Salem, Oregon, to her office in Montesano and cancel them at the last minute. The applicant says he then got a notice dated October 15, 2008, that Wheaton was withdrawing. She called the applicant in October 2008 to say that she was refunding his money, but she never did. The Fund Board approved payment of $2,000 to the applicant.

Note on Payments: Because of the increasing number and amounts of funds applied for, the Fund Board recommended to the Board of Governors that any gifts approved be paid only up to $5,000 and that the remaining balance on any gift over $5,000 be held pending review and possible proration at the end of the fiscal year (September 30, 2010). The Board of Governors approved that recommendation.

Other Business: The Board reviewed 24 additional applications that were denied for lack of evidence of dishonest conduct, as fee disputes or claims for malpractice, because restitution was made, for unjust enrichment, or were deferred for further investigation.

Restitution: Before payment is made, the applicant must sign a subrogation agreement with the Fund, and the Fund seeks restitution from the lawyers. Because in most cases those lawyers have no assets, the chief avenue of restitution is through court-ordered restitution in criminal cases. Prosecuting attorneys cooperate with the Fund in getting the Fund listed in restitution orders. As of February 8, 2010, five lawyers were making regular restitution payments to the Fund totaling $15,759 since October 1, 2009.

The 2009–2010 Fund Board chair is Seattle attorney Thomas Lerner. WSBA General Counsel Robert Welden is staff liaison to the Fund Board, assisted by Assistant General Counsel Elizabeth Turner.

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Congratulations to the 355 candidates who passed the Winter Bar Exam administered in February 2010, at Meydenbauer Center in Bellevue. Of the 507 candidates who took the exam, 70 percent passed.
Why are all 22 of these lawyers smiling?

Because their firms are the top-giving King County law firms to the 2009-2010 Campaign for Equal Justice, our state’s annual giving drive for 26 civil legal aid programs throughout Washington. Access to a legal aid attorney can mean the difference between shelter and homelessness, food on the table and hunger, economic stability and bankruptcy, productive work and unemployment. Through their support of the Campaign for Equal Justice, these civically-engaged law firms are strengthening our economy and communities by helping stabilize housing, income and benefits for thousands of families struggling to survive economic crisis and poverty.

GUARDIANS OF JUSTICE  Firms whose annual contribution to the Campaign totals $45,000 or more

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Front Row (L to R): Scott Zanzig (Hall Zanzig Claffin McEachern); Nick Vikstrom (Keesal, Young & Logan); Dan Dunne (Orrick Herrington & Sutcliffe); Glenn Draper (Bergman Draper & Frockt); David Andrews (Perkins Coie); Gordon Wilcox (Gordon W. Wilcox, Inc. P.S.); John Teutsch (Representing LAW Fund); Paul Chemnick (Chemnick Moen & Greenstreet); Mark Johnson (Johnson Flora PLLC); Steve Ellis (Representing KCBF)

Back Row (L to R): Kelly Twiss Noonan (Stokes Lawrence, P.S.); Jim Smith (Smith & Hennessey PLLC); Jason Dennett (Carlson & Dennett, P.S.); Sandra Widlan (Schroeter, Goldmark & Bender); Robert Mitchell (K & L Gates LLP); Mark Long (Schwabe, Williamson & Wyatt); Jim Hailey (Schroeter, Goldmark & Bender); Raegen Rasnic (Skellenger Bender, P.S.); Susan Duffy (Davis Wright Tremaine LLP); Jon Barash (Ressler & Tesh PLLC); Mick Fleming (Lane Powell PC); Anne Preston (Garvey Schubert Barer)

The King Co. law firm Campaign for Equal Justice is a joint endeavor of Legal Aid for Washington Fund (LAW Fund) and the King County Bar Foundation (KCBF)
Department of Social and Health Services Third-Party Liability Information

Please note: Effective May 10, 2010, the phone number has changed to 800-562-3022. If your client is involved in a personal injury case and has received, is receiving, or will be receiving medical assistance (Medicaid) payments for their medical care, you are required to contact the Department of Social and Health Services (DSHS) Coordination of Benefits (COB) Office. RCW 43.20B.060 places a lien against any settlement or judgment your client receives from a third party who is responsible for your client’s injuries in order to reimburse the medical bills that have been paid by Medicaid. Before settling your client’s claim with the third party and/or their insurance company, please contact the COB Casualty Unit of DSHS at 800-562-3022, ext. 15462 or COB Casualty Unit, PO Box 45561, Olympia, WA 98504-5561, or you may visit http://fortress.wa.gov/dshs/maa/ltp regarding how to supply the information that DSHS requires. Failure to pay any lien imposed by the department on any settlement or judgment obtained by your client may subject you to personal liability for any funds improperly distributed. (RCW 43.20B.070)

Grievances Can Now Be Submitted Electronically

A paperless process for submitting a grievance against a lawyer is now available on the WSBA website. Grievances can be submitted electronically without the need to print out a paper form. You can access the electronic form at www.wsba.org/public/complaints. For information about the grievance process, click on “Lawyer Discipline in Washington.” Contact the Office of Disciplinary Counsel’s Consumer Affairs staff with questions at 206-727-8207 or 800-945-9722, ext. 8207. All grievances against lawyers, regardless of the manner of submission, are confidential to the extent provided by court rule.

CLE Offers 2010 PowerPass

The 2010 “PowerPass,” your pass to steep discounts on tuition for eligible WSBA-CLE seminars, is now for sale. WSBA-CLE presents three cost-savings options for 2010: the new Bronze Personal PowerPass (3 registrations/$498); the Silver Enhanced PowerPass Plus (5 registrations/$800); and the Gold Enhanced PowerPass Plus (10 registrations/$1,500). The Silver and Gold PowerPasses are transferable with the purchaser’s permission, and all three PowerPasses include a free one-hour segment of recorded...
on-demand programming, good for AV-CLE credit. For full product information, terms, and conditions, or to purchase, go to www.wsbacle.org and click on "2010 PowerPass."

Volumes Issued to Date in WSBA-CLE’s Washington Real Property Deskbook Series (4th Edition)
The Real Estate Essentials set (Vols. 1 and 2, 2009) covers all the fundamental topics, from choice of entity to receiverships, and comes with more than 100 forms on CD. Vol. 3 (2009) covers all major interests in real property, as well as in-depth treatment of the duties of the lawyer, broker, escrow agent, and limited practice officer in real estate transactions, with more than 30 forms on CD. To order, go to www.wsbacle.org and click "CLE Deskbooks" and "Real Property" to view full tables of contents and lists of forms on CD and order online, or call or e-mail Order Fulfillment at 206-733-5918 or 800-945-WSBA or orders@wsba.org. Additional stand-alone volumes in this series (which replaces the 1997 third edition with 2000–2002 supplement) will be released later in 2010 and in 2011. If you’d like to be advised as new volumes are released, please send a request to orders@wsba.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 public legal education manager, at pam@wsba.org.

LOMAP and Ethics Traveling Seminar
WSBA comes to you! Join us on June 16 in Seattle, June 29 in Spokane, or June 30 in Colville. Four credits are available, including some for ethics. Cost is $99. To register, call or e-mail Julie Salmon at 206-733-5918, 800-945-9722, ext. 5914, or juliesa@wsba.org.

Casemaker Online Research
Casemaker is a powerful online research library provided free to WSBA members. To access Casemaker, go to the WSBA website at www.wsba.org and click on...
the Casemaker logo on the right sidebar or go to www.mywsba.org and click on Access Casemaker in the left sidebar. Your login requirements are your WSBA number and your mywsba password. For help using Casemaker, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, juliesa@wsba.org, or call the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA (9722).

Get More out of Your Software
The WSBA offers a hands-on computer clinic for members. Learn what programs such as Outlook, PowerPoint, Excel, Word, and Adobe Acrobat can do for a lawyer. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Computers are provided, and seating is limited to 15 members. There is no charge, and no CLE credits are offered. The June 14 clinic will be held from 10:00 a.m. to noon at the WSBA office and will focus on using Outlook and other practice management software. The June 17 clinic will meet from 2:00 to 4:00 p.m. and will focus on using Adobe Acrobat Professional Versions 8 and 9 (not the Reader). For more information or to RSVP, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

Monthly Job Search Session
Join us June 9 to hear guest speaker Lisa Voso, a solo attorney who has competed nationally in public speaking. She is returning to the WSBA to offer her unique brand of humor and enthusiasm to the art of making meaningful first impressions in the job hunt. These free informational sessions take place the second Wednesday of each month from noon to 1:30 p.m. at the WSBA office. For more information, call 206-727-8267 or e-mail danc@wsba.org. Come as you are — no need to RSVP.

Weekly Job Finders Strategy and Support Group
Unemployed? Discouraged — or trying not to be? Our weekly job group focuses on job search basics such as résumés, cover letters, and informational interviewing. The group meets on Monday mornings from 10:30 to noon, and new groups begin every eight weeks. Contact Dr. Dan Crystal at 206-727-8267, 800-945-9722, ext. 8267, or danc@wsba.org if you are interested in this group.

Facing an Ethical Dilemma?
Members facing ethical dilemmas can talk with WSBA’s professional responsibility counsel for informal guidance on analyzing a situation involving their own prospective ethical conduct under the
 RPCs. All calls are confidential. Any advice given is intended for the education of the inquirer and does not represent an official position of the WSBA. Every effort is made to return calls within two business days. Call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

 Lawyer Services Solution of the Month: Grief and Loss Losses of all kinds trigger grief reactions. While these reactions are usually normal and predictable, they can easily be overwhelming when you’re already feeling stressed or anxious. Whether you’ve lost a case, job, pet, loved one, or aspect of your health, you’ll probably experience grief to some degree. If you’d like a supportive ear, call the Lawyers Assistance Program at 206-727-8268.

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

 Search WSBA Ethics Opinions Online Formal and informal WSBA ethics opinions are available online at http://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.

 Speakers Available The WSBA Lawyers Assistance Program offers speakers for engagements at county, minority, and specialty bar associations, and other law-related organizations. Topics include stress management, life/work balance, and recognizing and handling problem-personality clients. Contact Barbara Harper, director of the Lawyer Services Department, at 206-727-8265, 800-945-9722, ext. 8268, or barbarah@wsba.org.

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

 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.

 Upcoming Board of Governors Meetings June 4, Wenatchee • July 23–24, Leavenworth • September 23–24, Seattle With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact 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/2009_2010meetingschedule.htm.

 Usury Rate The average coupon equivalent yield from the first auction of 26-week treasury bills in May 2010 was 0.249 percent. Therefore, the maximum allowable usury rate for June is 12 percent. Information from January 1987 to date is on the WSBA website at www.wsba.org/media/publications/barnews/usury.htm.
These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct, and pursuant to the February 18, 1995, policy statement of the WSBA Board of Governors. For a complete copy of any disciplinary decision, call the Washington State Disciplinary Board at 206-733-5926, leaving the case name, and your name and address.

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

Resignation in Lieu of Disbarment

Patrick J. Mullen (WSBA No. 6479, admitted 1976), of Lynnwood, resigned in lieu of disbarment, effective March 18, 2010. This resignation was based on conduct involving failure to communicate, trust account irregularities, and dishonesty.

In July 2006, a client hired Mr. Mullen to represent him in a child custody matter. The client's former partner planned to move to another state with their three children. On July 11, 2006, the client signed a fee agreement with Mr. Mullen. The client paid Mr. Mullen $600 by check as an "initial fee deposit." On August 2, 2006, Mr. Mullen asked the client for $5,000 more in the form of a cash deposit to his general business account. The client made the deposit as requested. Mr. Mullen never appeared or filed anything for the client. By August 11, 2006, the court had entered orders granting relocation as requested by the client's former partner. On August 14, 2006, Mr. Mullen told the client that he needed to file paperwork in superior court and asked for $750 more. Having previously paid Mr. Mullen a flat fee for representation, Client A had advanced $7,000 to the client's former partner planning to move to another state, which Mr. Mullen paid.

Beginning in April 2007, Mr. Mullen did not deposit the payments into his trust account and converted the funds to his own use before being entitled to receive them. Although Mr. Mullen eventually worked on Client B's case, he provided no accounting or billing statements to Client B prior to December 2007. In July 2007, the opposing party in the matter indicated they were not willing to settle. Mr. Mullen informed Client B that he would immediately file a lawsuit. Client B paid Mr. Mullen another $500 in August 2007, to be used for filing fees and costs connected to the lawsuit. Mr. Mullen cashed the $500 check, converting the funds to his own use, and failed to file the lawsuit. In September 2007, Client B requested a refund of the $500 cost advance, which Mr. Mullen paid. In October 2007, Client B hired another lawyer to handle his legal dispute.

Matter No. 3: In 2008, Mr. Tichy sold a mobile home for $40,000 on behalf of Clients C and D. On June 5, 2008, Mr. Tichy deposited $39,750 of a $40,000 check for the mobile home sale proceeds to his trust account, taking the remaining $250 as cash. Mr. Tichy subsequently converted all the remaining sale proceeds to his own use, paying none of the proceeds to or for the benefit of Clients C and D.

Non-cooperation: In March 2008, Client B filed a grievance with the Bar Association against Mr. Tichy. Mr. Tichy did not provide a timely response to the grievance. On May 29, 2008, Mr. Tichy was served with a subpoena duces tecum by the Bar Association requiring him to appear for a deposition and produce his complete client file and all financial records related to his representation of Client B. Mr. Tichy appeared, but did not produce any financial records. The deposition was continued to August 7, 2008, for the production of the subpoenaed financial records. Mr. Tichy failed to appear at the August deposition or provide the requested records. In May 2008, Client A filed a grievance with the Bar Association against Mr. Tichy. Disciplinary counsel hand-delivered to him a copy of Client A's grievance and a letter requesting a response to the grievance. Mr. Tichy never provided a response and failed to appear at an October 2008 deposition regarding Client A's grievance. Mr. Tichy stopped communicating with the Bar Association after August 26, 2008.

Practice of Law While Suspended: Despite having requested and received more than one extension, Mr. Tichy did not complete and report his required 2004–2006 MCLE credits. The Washington State Supreme Court suspended Mr. Tichy from the practice of law, effective March 5, 2008. The Association notified Mr. Tichy of his suspension by letter, which was returned unclaimed. On March 6, 2008, Mr. Tichy sent a letter to an insurance provider to communicate, trust account irregularities, and fraudulent, deceitful, or misrepresentative conduct.

Mr. Mullen's conduct violated former RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; former RPC 1.4, requiring a lawyer to keep a client reasonably informed about the status of a matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; former RPC 1.14, requiring that all funds paid to a lawyer or law firm be deposited in one or more identifiable interest-bearing trust accounts and that no funds belonging to the lawyer or law firm be deposited therein, that the lawyer promptly notify a client of the receipt of his or her funds, maintain the funds as set forth in the rules, and promptly pay or deliver to the client as requested the funds in the possession of the lawyer which the client is entitled to receive; and RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Peter S. Ehrlichman represented the Bar Association. Mr. Mullen represented himself. Lawrence R. Mills was the hearing officer.

Disbarred

Greg R. Tichy (WSBA No. 14686, admitted 1984), of Liberty Lake, was disbarred, effective January 13, 2010, by order of the Washington State Supreme Court following a default hearing. This discipline was based on conduct involving several matters involving lack of diligence, trust account irregularities, practicing law while suspended, theft, dishonest conduct, conduct prejudicial to the administration of justice, disregard for a court order, and non-cooperation in a disciplinary investigation.

Matter No. 1: Beginning in 2005, Mr. Tichy represented Client A in an employment matter. In March 2007, the parties in the matter settled their dispute for $14,000. Having previously paid Mr. Tichy a flat fee for representation, Client A was entitled to all of the settlement funds. Mr. Tichy deposited the $14,000 settlement check into his general business account instead of his trust account. In May 2007, Mr. Tichy paid Client A $7,000 of the settlement funds, converting the remaining $7,000 to his own use. Client A subsequently sued Mr. Tichy for the remaining $7,000 of settlement funds and obtained a judgment against him, which Mr. Tichy paid.

Matter No. 2: Beginning in April 2007, Mr. Tichy represented Client B in an employment contract matter. Between April 13 and July 19, 2007, Client B made three advance payments of hourly fees to Mr. Tichy totaling $4,500. Mr. Tichy did not deposit the payments into the client's funds for his personal expenses.

Mr. Tichy's conduct violated former RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; former RPC 1.4, requiring a lawyer to keep a client reasonably informed about the status of a matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; former RPC 1.14, requiring that all funds paid to a lawyer or law firm be deposited in one or more identifiable interest-bearing trust accounts and that no funds belonging to the lawyer or law firm be deposited therein, that the lawyer promptly notify a client of the receipt of his or her funds, maintain the funds as set forth in the rules, and promptly pay or deliver to the client as requested the funds in the possession of the lawyer which the client is entitled to receive; and RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.
company indicating that he was representing a client in a matter involving the company. A representative of the insurance company informed Mr. Tichy that he was suspended from the practice of law. In May 2008, Mr. Tichy filed a civil complaint in Spokane Superior Court on behalf of another client. In June 2008, Mr. Tichy was informed by disciplinary counsel that he was suspended from the practice of law and given a copy of the Supreme Court’s order suspending him. In September 2008, Mr. Tichy spoke to opposing counsel in the previously mentioned Spokane Superior Court civil matter about his pending summary judgment motion. In November 2008, the Bar Association opened a grievance in its own name against Mr. Tichy and sent him several letters requesting a response to the grievance. Mr. Tichy never responded to the grievance.

Mr. Tichy’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.15A(b), prohibiting a lawyer from using, converting, borrowing, or pledging client or third-person property for the lawyer’s own use; RPC 1.15A(c), requiring a lawyer to hold property of clients and third persons separate from the lawyer’s own property; RPC 5.8(a), prohibiting a lawyer from engaging in the practice of law while suspended from the practice of law for any cause; RPC 8.4(b), prohibiting a lawyer from committing a criminal act [here, theft] that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice; RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law; RPC 8.4(j), prohibiting a lawyer from willfully disobeying or violating a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear; and RPC 8.4(l), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter.

Christine Gray represented the Bar Association. Mr. Tichy did not appear either through counsel or in person. Richard B. Price was the hearing officer.

Suspended

Rosemary Kamb (WSBA No. 16532, admitted 1986), of Mount Vernon, was suspended for one year, effective March 9, 2010, by order of the Washington State Supreme Court following approval of stipulation. This discipline was based on conduct in two matters involving trust account irregularities, charging unreasonable fees, representing a person without the authority of that person, making false statements to a tribunal, engaging in conduct prejudicial to the administration of justice, and failing to communicate and explain billing procedures.

Matter No. 1: In June 2004, Ms. Kamb was hired by Clients S and L to file a guardianship action to protect their mother because of concerns they had about the care provided by their stepfather. On June 24, 2004, a guardian ad litem (GAL) was appointed. The GAL submitted a report in early September recommending the appointment of the stepfather as guardian and a hearing was set for later in the month.

On September 16, 2004, the mother died, making the guardianship action moot. Clients S and L then hired Ms. Kamb to probe their mother’s estate. A petition to probate the mother’s estate was filed in October 2004. The mother’s will named Client S and the stepfather as co-personal representatives. Since both were adversaries in the prior guardianship, the court did not initially enter an order appointing a personal representative for the mother’s estate, but instead appointed a temporary personal representative.

On October 8, 2004, Client S gave Ms. Kamb a Social Security check issued to her mother, which Ms. Kamb deposited into her IOLTA account. Ten days later, Ms. Kamb withdrew the sum from her IOLTA account without the knowledge or authority of clients S or L and deposited it into her general account. On November 15, 2004, Client S gave Ms. Kamb money that she found among her mother’s possessions to hold for the estate. The money was deposited into Ms. Kamb’s IOLTA account. The following year, Ms. Kamb withdrew the money from her IOLTA account without the knowledge or authority of Clients S and L and deposited it into her general account.

In the guardianship matter, Ms. Kamb agreed to an order to pay the GAL her fees. In December 2004, Ms. Kamb and the GAL had a dispute over whether the fees would be paid out of a blocked account. The GAL made a motion in the probate proceeding for payment of her fees from the blocked account. Ms. Kamb filed an objection to the request. The GAL filed a declaration in response. In January 2005, the court granted the fees requested by the GAL.

On February 18, 2005, Ms. Kamb filed a motion to strike the GAL’s declaration as untimely, as it had been filed the day before the hearing. The motion was set for early March and eventually scheduled to be heard on April 1, 2005. Clients S and L terminated Ms. Kamb prior to the April 1 hearing and hired new counsel. Ms. Kamb signed a Notice of Withdrawal and Substitution, effective March 28, 2005, and acknowledged new substitute counsel. Prior to the April 1, 2005, hearing, new counsel sent a letter to the court, the GAL, and the parties informing them that he was withdrawing Ms. Kamb’s motion to strike. Ms. Kamb disputes whether she received the letter but was aware prior to the April 2005 hearing that new counsel sought to cancel the hearing.

On April 1, 2005, Ms. Kamb appeared in court for the motion hearing even though she no longer represented any parties in the estate matter. She presented an order granting the motion to strike the GAL’s declaration and signed it as “attorney for the estate.” The court signed the order.

In February 2005, Ms. Kamb presented Client S with two bills, one for the guardianship and one for the probate. She had not provided the clients with an accounting or bill for her services until then. Among the unreasonable fees charged in the matter, Ms. Kamb charged for time spent by staff performing clerical tasks at paralegal rates, charged for publication of notice to creditors even though the notice was never sent in for publishing, charged 7.5 hours for objecting to the GAL’s motion for payment from the blocked account, and charged for the expense of copying the file after she had been terminated.

On October 6, 2005, the probate was resolved and the court ruled that each party would be responsible for its own attorney fees. On October 11, 2005, Ms. Kamb filed a motion to pay attorney fees from the probate estate. Client S filed a response objecting to Ms. Kamb’s fees. On October 19, 2005, the court entered a final order that each party must pay their own attorney fees and costs. The issue regarding attorney fees was never resolved.

Matter No. 2: In 2000, Ms. Kamb was hired by a client to perform estate planning services. In June 2000, the client executed a revocable living trust prepared by Ms. Kamb that named the client’s son R as co-trustee of the trust. On April 24, 2006, the client hired Ms. Kamb to amend the trust naming her other son M as co-trustee instead of Mr. R. The client agreed to pay a flat fee to prepare the amended trust.

Two days later, the client hired Ms. Kamb to assist her in the recovery of funds being held by a financial services company. Ms. Kamb charged the client a $200 hourly fee. The fee agreement did not specify the client would be charged for clerical work.

In May 2006, Son R filed a petition seeking limited guardianship for his mother. The court appointed a GAL. After Ms. Kamb learned a GAL
was appointed, she advised Son M that he could remove his mother from his home. Subsequently, the mother moved out and avoided service so that the GAL’s access to her was delayed. The GAL was eventually able to interview the mother. On June 29, 2006, before the guardianship could be established, the mother was found dead on an isolated beach. In October 2006, Ms. Kamb requested that the court order her fees to be paid from the mother’s estate. Ms. Kamb submitted an affidavit with a billing statement charging $1,995 for preparation of the amended trust package. The fees sought were unreasonable in that Ms. Kamb included an additional $400 consultation fee, a $100 expedite fee, and failed to credit at least $400 received from the client. Ms. Kamb attached a second bill of $9,942.53 for legal services relating to her attempts to recover the client’s property. Among the unreasonable charges were charges for clerical tasks performed by staff, charges for non-legal services, and charges for services performed after she was terminated. The court denied her request for fees because it had no authority to award fees to her when she did not represent the client in the guardianship. In December 2006, Ms. Kamb filed two creditor’s claims in the probate of the mother’s estate. The claims were the same two bills previously submitted to the court as exhibits to her affidavit.

Ms. Kamb’s conduct violated former RPC 1.2(f), prohibiting a lawyer from acting as a lawyer for a person without the authority of the person; former RPC 1.4(a) and (b), requiring the lawyer to keep clients reasonably informed of a matter and to explain matters to the extent reasonably necessary; former RPC 1.5(a), requiring a lawyer’s fees to be reasonable; former RPC 1.14(a), requiring client funds paid to the lawyer to be deposited into a trust account; former RPC 3.3(a)(1), prohibiting a lawyer from making false statements to the tribunal; and RPC 8.4(d), prohibiting conduct prejudicial to the administration of justice.

Francesca D’Angelo represented the Bar Association. Kurt M. Bulmer represented Ms. Kamb. William E. Fitzharris Jr. was the hearing officer.

Reprimanded

Clayton E. Longacre (WSBA No. 21821, admitted 1992), of Port Orchard, was ordered by a hearing officer to receive a reprimand on January 20, 2010. This discipline was based on conduct prejudicial to the administration of justice.

On April 2, 2007, Mr. Longacre filed a notice of appearance in municipal court on behalf of a defendant whom he represented on a charge of driving under the influence. On July 5, 2007, Mr. Longacre appeared in court and entered a deferred prosecution on behalf of the defendant. The defendant was summoned to appear for a review hearing on October 11, 2007. Mr. Longacre was notified by mail of the new court date, but did not appear. The court continued the matter six more times. Each time, Mr. Longacre was notified by mail of the new court date. Each time, Mr. Longacre failed to attend the defendant’s court hearing. Mr. Longacre did not file a Notice of Withdrawal or Motion to Withdraw in the defendant’s matter, and did not inform the court that he no longer represented the defendant.

Mr. Longacre’s conduct violated RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

Erica W. Temple represented the Bar Association. Mr. Longacre represented himself. Dennis Smith was the hearing officer.

Admonished

Julie K. Fowler (WSBA No. 30108, admitted 2000), of Bellevue, was ordered to receive an admonition by a Review Committee of the Disciplinary Board on January 8, 2010. This discipline was based on conduct involving failure to communicate and failure to protect client’s interests upon termination of representation.

In June 2007, Ms. Fowler agreed to represent a client in a dispute with his employer and his formation of a new business. In December 2007, the previous employer sued the client and his new business in federal district court. The federal judge stated that both Ms. Fowler and opposing counsel engaged in unprofessional, uncooperative, and unnecessary tactics. Ms. Fowler retained experienced co-counsel to assist in this matter. Eventually, her client asked that Ms. Fowler withdraw and that co-counsel become lead counsel in the case. Ms. Fowler withdrew on October 28, 2008. On October 31, 2008, Ms. Fowler sent the client a letter promising to return all original papers still in her possession. The case settled on January 24, 2009. On January 29, 2009, Ms. Fowler notified the Office of Disciplinary Counsel that the client’s entire file was copied and delivered to new counsel. She had previously delivered portions of the file to the client and to new counsel.

After she withdrew from the case, the judge imposed an order for attorney’s fees against Ms. Fowler and her clients. Ms. Fowler made statements that her clients reasonably interpreted to mean that she agreed to pay the ordered attorney’s fees. Ms. Fowler paid the fees and then added that amount to the client’s bill. She sent the bill to collection, without any prior notification to the clients. After the grievance was filed, Ms. Fowler cancelled the collection action and agreed not to seek reimbursement of the fees from the client.

Ms. Fowler’s conduct violated RPC 1.5(b), requiring a lawyer to communicate to the client the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible, preferably in writing, before or within a reasonable time after commencing the representation; and RPC 1.16(d), requiring a lawyer, upon termination of representation, to take steps to the extent reasonably practicable to protect a client’s interests, such as surrendering papers and property to which the client is entitled.

Erica W. Temple represented the Bar Association. Ms. Fowler represented herself.

Admonished

Jeniece LaCross (WSBA No. 28859, admitted 1999), of Port Orchard, was admonished on December 21, 2009, by order of the Disciplinary Board following approval of a stipulation. This discipline is based on conduct involving the criminal acts of driving under the influence and reckless endangerment.

On November 8, 2007, Ms. LaCross was driving when she struck a man who was riding a bicycle on the side of the road. The individual she struck suffered a skull fracture and a leg fracture as a result of the collision. Ms. LaCross’s three minor children were in the car. She later provided breath samples of .124 and .122, above the legal limit of .08.

On October 1, 2008, Ms. LaCross entered guilty pleas to one count of driving under the influence (gross misdemeanor) and three counts of reckless endangerment. Ms. LaCross specifically admitted in her plea agreement that she “recklessly engaged in conduct, not amounting to a drive by shooting, creating a substantial risk of death or serious physical injury to another (X3).”

Ms. LaCross’s conduct violated RPC 8.4(i), which prohibits a lawyer from committing any act involving moral turpitude, or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding.

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

CLE Calendar

Animal Law

8th Annual Animal Law Institute
June 17 — Seattle. 6.25 CLE credits, including .75 ethics credit pending. By the WSBA Animal Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Business Law

Modern Corporate and Business Transactions
June 10 — Seattle. 3.5 CLE credits, including .75 ethics credit pending. By the WSBA Business Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Partnerships and LLCs
June 22 — Seattle and webcast. 6 CLE credits, including 1 ethics credit pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Bankruptcy Law

Bankruptcy Boot Camp
June 24 — Seattle and webcast. 6 CLE credits pending, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Bankruptcy: Special Cases — Dealing with Difficult Issues
July 22 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Construction Law

Public Construction
June 11 — Seattle. 6.5 CLE credits, including .5 ethics pending. By the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Criminal Law

Criminal Law Boot Camp
June 2 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Environmental Law

Financing Renewable Energy Projects

Ethics

Lincoln on Professionalism
June 29 — Seattle and webcast. 2.75 ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Digital Signatures
July 9 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Health Law

Washington Health Care Law: Current Trends and Developments
June 9 — Seattle. 6 CLE credits pending. By the WSBA Health Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Intellectual Property

2010 High Technology Protection Summit
July 23–24 — Seattle. CLE credits pending. By UW School of Law; 206-543-0059; uwcle@u.washington.edu; www.law.washington.edu/casrip.

Litigation

Voir Dire Essentials
June 16 — Seattle. 6 CLE credits. By WSAJ;

Network with Success: In-person and Online Tools to Grow Your Business
June 3 — Seattle. 3 CLE credits. The Seminar Group; 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=10.netwa.

WDTL Annual Convention

Get Answers to Your Copyright Questions

Advice and Politics and Consent: Confirmation to the Supreme Court
June 24 — Teleconference with online PowerPoint. 1.5 CLE credits. By Rubric CLE; www.rubriccle.com; 206-714-3178.

General

Network with Success: In-person and Online Tools to Grow Your Business
June 3 — Seattle. 3 CLE credits. The Seminar Group; 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=10.netwa.

WDTL Annual Convention

Get Answers to Your Copyright Questions

Advice and Politics and Consent: Confirmation to the Supreme Court
June 24 — Teleconference with online PowerPoint. 1.5 CLE credits. By Rubric CLE; www.rubriccle.com; 206-714-3178.

Lincoln on Professionalism
June 29 — Seattle and webcast. 2.75 ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Digital Signatures
July 9 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Health Law

Washington Health Care Law: Current Trends and Developments
June 9 — Seattle. 6 CLE credits pending. By the WSBA Health Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Intellectual Property

2010 High Technology Protection Summit
July 23–24 — Seattle. CLE credits pending. By UW School of Law; 206-543-0059; uwcle@u.washington.edu; www.law.washington.edu/casrip.
Mediation

Mediation Training
June 21, 23, 24, 28, and 29 — Seattle. 34.25 CLE credits, including 1.75 ethics. By Dispute Resolution Center of King County; kaseya@kcdr.org; www.kcdr.org.

40-hour Professional Mediation Training
June 28–July 2 — Olympia. 37.5 CLE credits, including 5.25 ethics credits. By the Dispute Resolution Center of Thurston County; onlewis@mediatethurston.org; 206-956-1155; www.mediatethurston.org.

Real Property, Probate, and Trust

2010 Real Property, Probate and Trust Section Midyear Meeting
June 4–6 — Vancouver, WA. 11.25 CLE credits, including up to 3.75 ethics pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

1031 Exchanges in a Challenging Real Estate Environment

Solo and Small Firm

5th Annual WSBA Solo and Small Firm Conference
July 15–17 — Vancouver, WA. 14.75 CLE credits, including 3.5 ethics credits pending. By the WSBA Solo and Small Firm Practice Section and WSBA-CLE with the Clark County Bar Association; 800-945-WSBA or 206-443-WSBA.

Webcast Seminars

Criminal Law Boot Camp
June 2 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Partnership and LLCs
June 22 — Seattle and webcast. 6 CLE credits, including 1 ethics credit pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Bankruptcy Boot Camp
June 24 — Seattle and webcast. 6 CLE credits pending, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Advice and Politics and Consent: Confirmation to the Supreme Court
June 24 — Teleconference with online PowerPoint. 1.5 CLE credits. By Rubric CLE; www.rubriccle.com; 206-714-3178.

Lincoln on Professionalism
June 29 — Seattle and webcast. 2.75 ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Digital Signatures
July 9 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Bankruptcy: Special Cases—Dealing with Difficult Issues
July 22 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

 Positions Available

CLE seminar specialist — Continuing Legal Education (CLE). The WSBA seeks candidates to develop and produce legal seminars in an event-style format, for both onsite and virtual settings. This position is responsible for collaborative direction and management for the delivery of high-quality continuing legal education programs. Education program development, event planning, project management, and experience working with volunteers is highly desired. For position details and how to apply, visit www.wsba.org/jobs.

District Court indigent defense contractor provides all aspects of defense to those who qualify, Juris Doctor degree; admission and good standing as a member of the Washington State Bar Association; the ability to handle the caseload independently and

Get More Out of Your Software!

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

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

There is no charge, and no CLE credits are offered. Clinics are held each month. The next clinics take place June 14 and June 17.

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

Donation

Donating: Am Jur 2d edition 1981. Full set in very good condition. Beautiful green covers. Perfect for your office or library. E-mail inquiries to classifieds@wsba.org with “Code 725” in the subject line.

Positions Available

Classifieds

Reply to WSBA Bar News Box Numbers at:
WSBA Bar News Blind Box # ____
Bar News Classifieds
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

Positions available are also posted online at www.wsba.org/jobs.
maintain necessary administrative requirements are required. Some experience with a criminal law trial practice preferred. Salary is paid monthly based upon caseloads and experience. Position is open until filled. Grant County provides indigent defense services in District Court through several independent contractors. Cases are assigned according to the contract by an independent contractor who acts as the coordinator for District Court defense. Interested applicants may submit letter of interest and résumé identifying position to: Grant County Human Resources, PO Box 37, Ephrata, WA 98823; rmorris@co.grant.wa.us EOE.

**Experienced civil litigation paralegal.** Seattle civil trial boutique Gordon Tilden Thomas & Cordell LLP seeks a paralegal with at least seven years of litigation experience. We seek applicants who are curious, creative, hard-working, resourceful, and possess a sense of humor. Successful applicants will have civil trial experience, superior document and exhibit management skills, and proficiency in using Trial Director, Summation, Excel, and PowerPoint. GT&C offers a competitive salary and benefits, and affords a collegial and professional environment dedicated to the successful representation of our clients. If you are interested in applying, please e-mail a cover letter, résumé, and references to Susan Ganit, c/o applications@gordontilden.com. All inquiries will be held in confidence.

**Associate/contract attorney:** Tacey Goss P.S., a boutique firm with expanding client base seeks an attorney with at least three to five years’ experience in commercial litigation. Must have demonstrated initiative and exceptional skills in writing and business development. Send direct materials, including writing samples, to Nicole@tacaceygoss.com.

The University of Washington School of Medicine has an outstanding opportunity for a director of Regulatory Guidance. The director is responsible for assisting in the development and administration of the School’s conflict of interest management programs. A J.D. and substantial legal experience are required. For a full job description and to apply, please visit www.washington.edu/jobs and search for Req# 62796. AA/EOE.

**Mid-senior litigation associate position;** tremendous variety of cases. Well-regarded, mid-sized Seattle firm seeks a litigation associate who will get an opportunity to work on a tremendous variety of cases which include contract/business disputes (including financial services), various tort defense (not insurance defense) cases, and labor/employment litigation defense. This firm values quality of life and has a very good record on promotion to partnership. Candidates must have four-plus years of general litigation experience in a variety of cases from a well-regarded law firm and strong academic credentials. Firm is not interested in candidates focusing on insurance defense cases. Direct all confidential inquiries to: Gordon Kamisar, Esq., President, Kamisar Legal Search, Inc., gkamisar@seattlesearch.com; 425-392-1969; www.seattlesearch.com.

**Senior bankruptcy litigation associate position.** Well-regarded Seattle general practice firm seeks a strong bankruptcy litigation senior associate who can handle Chapter 11 bankruptcies and commercial real estate workouts with virtually no supervision. Firm is not interested in candidates who primarily handle Chapter 7 and Chapter 13 matters. This firm has a fantastic bankruptcy practice that has been ridiculously busy for several years and which should provide excellent growth opportunities for the future. Candidates must have at least four years of solid and sophisticated Chapter 11 experience from a good law firm. Direct all confidential inquiries to: Gordon Kamisar, Esq., President, Kamisar Legal Search, Inc., gkamisar@seattlesearch.com; 425-392-1969; www.seattlesearch.com.

**Environmental associate —** The Seattle office of Stoel Rives LLP is seeking an entry-level or junior associate (at least one year of prior legal experience) to join its Environmental and Natural Resources Practice Group. The ideal candidate has regulatory and litigation experience across a broad range of state and federal environmental regulatory programs. Strong academic credentials, client service skills, and writing skills are required. Principals only, no recruiters please. Interested applicants should review our website at http://join.stoel.com/jobs.html for more information and how to apply.

**Attorney —** Microsoft Corporation, Redmond, WA. The Worldwide Licensing and Pricing legal team (WWLP-LCA) has an immediate opening for an attorney. Worldwide Licensing and Pricing runs the world’s largest licensing business and is the hub through which Microsoft licenses most of its standalone software. WWLP-LCA counsels its clients on the development and maintenance of licensing and online services programs, pricing and distribution issues, as well as regulatory and commercial issues. View full description and submit résumé at: https://careers.microsoft.com/JobDetails.aspx?ss=kpg=0&so=&rw=1&jid=15629&jlang=EN.

**Estate planning senior associate or junior partner.** Stoel Rives LLP is seeking a senior associate (with a minimum of six years of relevant work experience) or a junior partner to join its busy Estate Planning and Trust Administration Practice Group in Seattle, Washington. The ideal candidate has significant experience in estate planning, trust and estate administration, closely held business planning, gift and estate tax, and charitable planning. An LL.M. in tax is strongly preferred, as is a high level of community involvement/leadership. Strong academic credentials, client service skills, and writing skills are required. EOE. Interested candidates should visit http://join.stoel.com/jobs.html for more information and how to apply.

**Estate planning mid-level associate.** Stoel Rives LLP is seeking a mid-level associate with a minimum of three years of relevant work experience to join its busy Estate Planning and Trust Administration Practice Group in Seattle, Washington. The ideal candidate has prior experience in estate planning, trust and estate administration, closely held business planning, gift and estate tax, and charitable planning. An LL.M. in tax is preferred. Strong academic credentials, client service skills, and writing skills are required. EOE. Interested candidates should visit http://join.stoel.com/jobs.html for more information and how to apply.

**Corporate counsel, technology transactions,** Bellevue, WA. This experienced commercial attorney will provide legal advice and support for the business units that develop and deliver T-Mobile’s new products, services, and integrated technologies, and manage T-Mobile’s handset purchasing and supply chain operations. Key responsibilities include drafting and negotiating a wide range of complex commercial agreements such as software/technology license agreements, equipment supply/distribution agreements, product/software development agreements, content agreements, agreements with mobile application developers, wireless products and...
services vendors, and other business operations and technology partners. Requirements include: four-plus years of relevant transactional experience, a strong understanding of intellectual property, technology and e-commerce law, and a demonstrated ability to recognize and weigh business and legal risks, think strategically and advance creative solutions. Customer-oriented interpersonal skills, excellent business judgment, and a proven ability to excel working with multiple clients in a fast-paced environment are also required. If interested, please apply online at www.t-mobile.com and search for REQ #241701. At T-Mobile everyone has a voice! We strongly support diversity in the workforce and T-Mobile is an equal opportunity employer.

Litigation associate. AV-rated firm representing condominium associations in construction-defect and insurance-coverage litigation seeks an associate with minimum three years’ related experience. Please e-mail résumé and writing samples to condodefectlawyers@gmail.com.

Legal Ease, L.L.C. exclusive — Our client, an established, growing, collegial Seattle-area law firm, immediately seeks an associate attorney with three-plus years’ civil litigation experience ideally including real estate finance litigation, condominium/homeowners’ matters, foreclosures, and/or sophisticated collections work. This firm produces only the highest quality work product and is well-regarded for practicing challenging law in a respectful manner. To learn more, please submit your resume ASAP in strict confidence (Word format preferred) to JONAS@legalease.com.

The Computer Science & Electrical Engineering Practice Group at Christensen O’Connor Johnson Kindness PLLC has an opening for a patent associate with a minimum of two years’ experience. The firm seeks an associate to assist in patent prosecution and opinion work with an electrical or physics background. A successful candidate will work closely with clients and other firm attorneys in developing and prosecuting patent applications. It is also expected that a successful candidate will work as part of a team conducting due diligence on new products and technology acquisitions towards rendering opinions to clients. Requirements include a B.S. in electrical engineering or physics with a minimum of two years’ experience in patent prosecution. The candidate must possess superior credentials, be licensed to practice in at least one state, preferably Washington, and be admitted to practice before the USPTO. Ideally the candidate will have technical knowledge of wireless telecommunication. Please send your cover letter and résumé to Chuck Hansen, Human Resource Manager, at hr@cojk.com.

Barokas Martin & Tomlinson, with offices in Seattle and Anchorage, seeks two attorneys with at least three years of civil litigation experience. Areas of litigation and arbitration practice include construction, real estate, and commercial business disputes. Applicants should have strong academic credentials and a willingness and motivation to develop and expand client relationships. The ability and desire to present the client’s position with content and format of the highest quality is a requirement. Please send résumé to Jill Swanson at js@bmatlaw.com, 1422 Bellevue Ave., Seattle, WA 98122. All applications will be kept confidential.

Busy two-attorney Kennewick litigation firm seeks to add a third attorney. Work includes personal injury, criminal defense, family law, estate planning, and general civil litigation. Only experienced applicants will be considered. Please fax résumé and cover letter to 509-734-2591, Bolliger Law Offices.

Tribal attorney position available. Lower Elwha Klallam Tribe seeks associate general counsel for on-reservation Office of General Counsel on beautiful Olympic Peninsula. Many fascinating and challenging issues. Great opportunity to help shape the development of the office and the Tribe’s strategic legal planning. At least five years as practicing attorney; WSBA membership preferred; experience in civil litigation, Indian law, and tribal government. Competitive salary structure and benefits. Open March 22, 2010, until filled. Indian preference employer. Submit cover letter, résumé with at least three references, and writing sample to Stephen Suagee, General Counsel, Lower Elwha Klallam Tribe, 2851 Lower Elwha Rd., Port Angeles, WA 98363, steve.suagee@elwha.nsn.us. More detailed position description available.

Johannessen & Associates, P.S., seeks an environmental and/or construction law contract attorney with a minimum of three years’ experience. Requirements include experience, as well as excellent litigation, writing, and interpersonal skills. Please send a résumé and cover letter to 5413 Meridian Ave. N., Ste. C, Seattle, WA 98103.

Deputy prosecutor — San Juan County, WA. San Juan County seeks an attorney to handle district court matters in Friday Harbor. Responsibilities include investigation, charging, trial, and post-trial aspects of all misdemeanor offenses. Duties include supporting and covering for the Superior Court prosecutor and assisting with coroner calls. WSBA membership, strong sense of ethics, and commitment to government service required. For detailed information and application, visit www.sanjuancounty.com/administration/employment.asp or call 360-370-7402. Open until filled. EOE.

Associate attorneys with at least two years of experience are becoming increasingly in demand by some of the Northwest’s finest law firms. Practical experience in corporate, business/transactional, labor and employment, securities, litigation, intellectual property (patent and trademark), and estate planning, among other areas, generates immediate consideration, provided candidates also possess exemplary academic credentials from a quality educational institution, superior writing skills, and excellent interpersonal attributes. Current or recent experience in a leading law firm is also necessary. Qualified candidates interested in exploring new opportunities are encouraged to forward a confidential résumé and cover letter for immediate consideration to Greg Wagner, Principal, Pacific Law Recruiters at gww@pacificlawjobs.com. For detailed information, please visit our website: www.pacificlawjobs.com.

Seattle law firm is seeking an associate attorney with a minimum of three years’ experience. The firm’s focus is insurance coverage, coverage litigation, construction defense, and asbestos litigation. The position requires excellent writing and research skills. Competitive salary and comprehensive benefit package. Please send cover letter and résumé to sandman@soshalang.com.

Deputy prosecuting attorney II: The Clark County Prosecuting Attorney has an opening for a deputy prosecutor II in the Civil Division, salary range starting at $80,316. Duties of this position include providing legal advice to county departments and elected officials on a wide variety of issues, representing
the county in negotiations and litigation, and other duties as assigned. Experience
in managing public records requests is an important consideration. The primary
clients represented by this position include the Department of Health, Board of County
Commissioners, and County Administrator. Prior civil litigation experience is preferred,
as well as knowledge of physical and mental health related confidentiality regulations.
Applicants must be a member of the Washington State Bar Association with a minimum
of five years’ related experience. The top candidate for this position will be subject to
fingerprinting and a criminal history record check prior to being offered employment with
the Clark County Prosecuting Office. Please send résumé and cover letter to Shari Jensen,
Clark County Prosecuting Attorney’s Office, PO Box 5000, Vancouver, WA 98666. Position
will be open until filled. Clark County is an equal opportunity employer.

Bright, energetic, dedicated attorney needed for boutique litigation law firm with
high-profile cases. Must love the law, be creative, and be an excellent writer. Chemistry
and good interaction with other members of the firm and clients a must. Competitive
salary depending on experience. Prefer minimum three years’ experience. Would
consider a lateral hire with more experience. Wonderful opportunity for the right person.
Equal opportunity employer. Submit résumé and writing sample to Martens + Associates,
PS, 705 5th Ave. S., Seattle, WA 98104-4436.

Senior associate attorney — Portland, OR. Bateman Seidel, a Portland law firm, is
seeking to hire a highly motivated, full-time, senior-level associate to join our fast-paced
environmental and natural resources litigation group. Our practice is substantively
diverse and involves representing clients on the West Coast and beyond regarding
compliance with a wide range of federal, state, and local environmental laws and
regulations, water rights and mining law, as well as representing clients in contested
case proceedings and all stages of federal and state litigation (including arbitration
and mediation). This position will require periodic travel within the United States.
Candidates must possess a minimum of seven years of relevant experience in the area
of environmental/natural resources law and litigation, strong academic credentials,
and excellent analytical and oral and written advocacy skills. Must be able to multi-task and
have demonstrated experience managing files and interacting with clients. Admission
to the Oregon Bar or willingness to sit for the next exam required; admission to the Bar of
California is a plus. We offer a competitive salary and benefits package. Submit a cover
letter, résumé, at least three references, law school transcript, and a writing sample from
the environmental/natural resources area to: Nancy Wagner, Bateman Seidel, 888 SW
Fifth Ave., Ste. 1250, Portland, OR 97204, or via e-mail to nwagner@batemanseidel
.com. No deadline specified; apply as soon as possible.

The State of Washington Department of Financial Institutions (DFI) has re-opened
the recruitment for the exempt position of Director of the Division of Securities. Learn
more about this position and how to apply by visiting DFI’s website: http://dfi.wa.gov
/about/careerlisting.htm

Labor and employment attorney. Teamsters Local Union No. 117 is electrifying the
labor movement. We are one of the largest, most effective, and most progressive labor
organizations in the region and in the Teamsters Union internationally. To further advance
and protect the interests of our approximately 16,000 members, we seek to add an attorney
with at least three years of labor/employment law experience to our legal team. The work
is interesting, the camaraderie is high, and there is unparalleled satisfaction that comes
from using legal power to pursue industrial justice. We offer an excellent compensation
package. If this sounds appealing, and if you are a member in good standing of the Wash-
ington State Bar at the time of application, please submit your cover letter and résumé
to Spencer Nathan Thal, General Counsel at: spencer.thal@teamsters117.org.

T-Mobile has an exciting new position for a privacy attorney in Bellevue, WA! Go
online at www.tmobile.jobs and search for req #1001915. We strongly support diversity
in the workforce and T-mobile is an equal opportunity employer (EOE).

Heffernan Law Firm, PLLC, an AV-rated firm located in Kirkland, seeks associate
attorney for its construction and insurance law practice, involving litigation of complex
construction and insurance matters, including construction defect litigation. Minimum
three years’ litigation experience, including depositions and motion practice, and strong
research, writing, and oral advocacy skills required. Compensation competitive and
based on experience. Please e-mail résumé and references to Benita Palachuk: benita@
heffernanlawfirm.com. Please no phone calls, walk-ins, or recruiters.

Ogden Murphy Wallace, PLLC, a 40-plus attorney law firm with offices in Seattle and
Wenatchee, is seeking a litigation attorney for the Seattle office. Candidate should have
a minimum of three years of experience in civil litigation. Strong research and writing
skills, superior academic credentials, and the ability to work closely with multiple at-
orneys and staff in the firm’s team approach to delivery of client services are required.
Please submit your cover letter and résumé to ntanner@omwlaw.com.

Ligation attorney. Rohde & Van Kampen PLLC in downtown Seattle seeks a litigation
attorney with two or more years experience with a strong record of academic and pro-
fessional excellence. Some IP background preferred. Work is a mix of sophisticated
business and intellectual property litigation. Full benefits and competitive salary. E-
résumé to nkustok@rohdelaw.com.

Ahlers & Cressman PLLC, an 11-lawyer construction law firm in downtown Seattle,
seeks an experienced construction law attorney with at least four years’ experience
to perform construction contract review and drafting, litigation, arbitration, and dispute
resolution. Ahlers & Cressman PLLC is a group of motivated, hard-working attorneys.
Its lawyers believe that high-quality work results in satisfied clients and a prosperous
firm. The firm is closely knit, with a strong sense of camaraderie. Compensation is
negotiable based upon qualifications and experience. All inquiries will remain confi-
dential. If interested, please send résumé and cover letter to: Chris Achman, Administrator,
Ahlers & Cressman PLLC, 999 Third Ave., Ste. 3100, Seattle, WA 98104-4088. Fax: 206-287-
9902. Website: www.ac-lawyers.com. E-mail: cachman@ac-lawyers.com.

Wilson Smith Cochran Dickerson, a civil defense litigation and coverage firm, is seek-
ing an associate attorney with at least five years of civil litigation experience, preferably
in the areas of tort defense and insurance coverage litigation. We are seeking applicants
who are curious, creative, and resourceful, and who have superior research, writing, and

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analytical skills. A solid and substantive academic background is essential. WSCD offers a competitive salary and benefits and affords a collegial and professional environment dedicated to the successful representation of our clients. If you are interested in working with accomplished attorneys in a respectful workplace, please forward your résumé, references, and two analytical writing samples to Dobbins@wscd.com. All inquiries will be held in confidence.

The Seattle Kaplan Center is currently hiring part-time LSAT instructors. Applicants must have a 90th percentile score, and can make up to $50/hour based on performance. Please send resume to gwen@gww@wscd.com.

Tacoma Public Schools is seeking an assistant general counsel. This position’s responsibilities are to act as legal counsel and advisor for assigned management and administrators to ensure maximum protection of the district’s legal rights. See website at www.tacomaschools.org under “Employment” for application information and minimum qualifications.

Betts Patterson & Mines, Seattle’s premier mid-sized law firm, is seeking Washington-licensed, general civil litigation associate with a minimum of three years of professional experience. The successful candidate must have outstanding verbal, writing, research, and analytical capabilities; demonstrated ability as an independent thinker and self-starter; a strong work ethic; an excellent academic record; and solid references. Litigation experience should include in-depth experience with discovery, depositions, writing briefs, some motion/ courtroom practice, settlement negotiations, and trial preparation. We offer a competitive salary, exceptional benefits, a fun workplace, and the opportunity to build a solid legal career. Please submit your résumé, cover letter, and writing sample via e-mail to Sonya Baker, Human Resources Administrator at Betts Patterson & Mines, sbaker@bpmlaw.com.

Partner-level attorneys with a strong client base and established book of portable business are invited to explore ongoing positions with many of Seattle’s most notable law firms. Areas of immediate interest include, but are not limited to, real estate, land use, labor and employment, litigation, estate planning, business and commercial, and intellectual property. Candidates with the requisite credentials are invited to submit a résumé and cover letter in strict confidence to Greg Wagner, Principal, Pacific Law Recruiters, at www.pacificlawjobs.com. Visit our website at www.pacificlawjobs.com.

Services


Virtual Independent Paralegals, LLC provides full-range comprehensive legal and business services at reasonable rates. Due diligence document review/databasing, medical summarization, transcription, legal research and writing, pleading preparation, discovery, motions, briefs, and in-person trial support. Because we’re 24/7/365 we’re able to bridge the 9-to-5 gap. The hours we produce contain no overhead costs, and are thus, all billable. We hit the ground running, providing highest quality results. We’re just a phone call or email away. www.viphelpme.com.

Résumé/career consultations for attorneys — 30-minute sessions — $65. Lynda Jonas, Esq., owner of Legal Ease L.L.C. — Washington’s Attorney Placement Specialists since 1996 — works with attorneys only, in Washington state only. She has unparalleled experience counseling and placing attorneys in our state’s best law firms and corporate legal departments. It is her opinion that more than 75 percent of attorney résumés are in immediate, obvious need of improvement. Often these are quick, but major, fixes. Lynda is uniquely qualified to offer résumé assistance and advice/support on best steps to achieve your individual career goals within our local market. She remains personally committed to helping attorneys land the single best position available to them. All sessions are conveniently offered by phone. Please e-mail legalease@legalease.com or call 425-822-1157 to schedule.

Need research and writing help? Experienced contract attorney and WSBA member drafts trial and appellate briefs, motions and memos for other attorneys; many satisfied clients. Resources include LEXIS Internet libraries and UW Law Library. Tell me about your case! Elizabeth Dash Bottman, Attorney, 206-526-5777. hjelizabeth@qwest.net

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

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

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

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

Legal research and writing by attorney in Spokane, WA. Gonzaga University graduate, associate editor of law review, excellent skills, and very reasonable rates. Pamela Rohr, 509-928-4100.

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, trmcc@yahoo.com.

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Uneasy Rider

Doing something embarrassing is usually just, well, embarrassing. But occasionally, you learn something from it. In the former category is the first embarrassment I can recall, which happened when I was in first grade or so. A neighbor brought by a box of hand-me-down clothes, from which my mom dug out a thing or two she thought I could use. This included a seemingly harmless pair of pants, which I wore all day before Mom realized they were — girls’ pants! Even as a seven-year-old, not fully indoctrinated into macho culture, I was mortified, violated, emasculated. How could someone do that to a guy? How could I have known I was getting into girls’ pants, and not in a good way? They weren’t pink or decorated with daisies or lady-bugs. Maybe they buttoned from the “other” side or whatever, but I didn’t notice details like that. Anyway, it was embarrassing and not at all enlightening.

In high school, I had another pants-related faux pas. As I was giving a presentation in front of the class — biology, appropriately enough — the button of my pants popped off like a champagne cork and it turned out to be more of a presentation than I had planned. Thankfully, I was safely undergarmented, so no moral harm was done. Only my dignity was sullied. This was in the late 1970s disco era, when men’s trousers were much tighter than they are today and button technology remained primitive. At any rate, it was embarrassing, and the only lesson I learned was to go up a size in the waist and check my buttons more frequently. For many years, this debacle stood as my most humiliating experience. Then about 11 years ago, that standard was eclipsed by an even more horrifying, and the only lesson I learned was to reflect on my inanity. At first, I felt shame to ride home. That gave me plenty of time to ponder the details like that. Anyway, it was embarrassing and not at all enlightening.

However unfairly, my bike had sustained the least damage of them all and I was able to ride home. That gave me plenty of time to reflect on my inanity. At first, I felt shame as I realized I had accomplished something dumber and costlier than anything ever done by my ex-wife, kids, or others I had disparaged over the years for doing dumb things. Humility, I think they call that. But the more I thought about it, the more I recognized that being humiliated over something that was stupid, but not mean-spirited or selfish, wasn’t so bad. It was actually kind of liberating, like cruising down the highway on a bike. The part of my ego that was proud to have a smoother ride home.

Like many guys facing middle age, I developed a deep, hormonal desire to possess and ride a motorcycle. But rather than a Harley Davidson, the standard midlife-crisis trophy bike, I fell for a sexy blue BMW F650. We spent many days romping together on the Mt. Baker and North Cascades highways.

One Saturday morning in early 1999, I rode from my home in Bellingham to the BMW dealership in Seattle for the ritual start-of-the-motorcycle-season tune-up. As I approached the building, I saw just one place to park, a sliver of space at the end of a row of new bikes set out on display. I squeezed in beside a gleaming BMW K1200LT, a model in its first year and intended as competition for the Honda Gold Wing, the Rolls Royce of touring bikes. I learned later that this particular LT was not only new, it was the first and only one the dealership had received from the factory so far. It wasn’t even on sale yet and was being used only for display and test rides. It was 800 pounds and $20,000 of motorcycle bling, standing side by side with four or five other new BMWs on the lot.

I put my bike on its side kickstand, dismounted, and removed my helmet. As I was tugging off my gloves, I noticed movement in my peripheral vision. I had failed to notice that the parking area was on a slight incline and that I should have put my bike on its center stand instead of the less secure side stand. I looked up just in time to see my Beemer wobbling like a frat boy at a barbecue. My first impulse, quickly abandoned, was to lunge for it, as if a 180-pound guy was going to catch a 450-pound motorcycle already headed for the ground. Actually, I wish it had hit the ground. Instead, it toppled into the enormous flank of the K1200LT. The LT boldly attempted to stand firm but gave way, triggering a spectacular domino effect that ended only after a half-dozen pieces of motorcycle meat, about $75,000 worth, were spayed on the asphalt.

Initially, I considered running away. I could hide somewhere nearby for a half-hour or so, I reasoned, then show up as if I had no idea what had happened. “Oh, my gosh,” I’d say. “How did all those motorcycles get on the ground? A hit-and-run driver? Hey, one of those bikes is mine! I want to file a claim.” But I’m too honest for that, and I knew someone must have witnessed my stupidity. Indeed, before I had walked 10 feet toward the building, a stream of hysterical motorcycle men in BMW polo shirts emerged and descended upon me and the surrounding wreckage. There’s not much to say in a situation like that. I started with “I have insurance,” which I figured would give me the best chance of not being beaten to death with a torque wrench. The next thing I remember was being in the office of the manager who, with commendable restraint, explained to me that he couldn’t give me a good estimate of the damage to the K1200LT because “IT IS SO NEW WE DON’T EVEN HAVE A PRICE LIST FOR REPLACEMENT PARTS YET!!!” (Yeah, his equanimity ran out there at the end.)

However unfairly, my bike had sustained the least damage of them all and I was able to ride home. That gave me plenty of time to ponder the details like that. Anyway, it was embarrassing and not at all enlightening.

Mike Heathery practices in Bellingham. He can be reached at 360-312-5136 or barnews editor@wsba.org.
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