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Beyond civility

I read with interest the articles regarding civility in the March 2011 Bar News. I am in general agreement with the comments. However, it is becoming more apparent to me after 20+ years of practicing law that the issue of civility is becoming about more than being courteous or “professional.” Rather, it seems to me that many lawyers these days are interested in billing clients and as a result extending disputes just so that fees can be collected. This type of behavior can occur in many different practice areas, but usually rears its ugly head when there is a pool of client money to access, whether from an advance fee deposit or other ready fund or when the client has considerably more economic power than the opponent. What gets lost in this desire to be a financially successful lawyer is our duty to resolve disputes. Many times, I see evidence that opposing counsel has had little if any conversation with their client about the costs of resolving the dispute versus what can be gained from litigating the matter to the bitter end. When an opposing client receives this simple calculus, settlement often follows.

I think it would be wise for all members of the WSBA to consider whether they are in this profession to live a certain lifestyle or whether they can do without some of their personal and business “overhead” to be the dispute resolvers society desperately needs.

Micheal D. Noah, Puyallup

Insuring pro bono

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Wisdom

What is wisdom? When does one become wise? When did people start listening when I spoke and not just say “Yeah, but…”? Attorneys are educated and intelligent. One doesn’t get to law school without having first graduated from high school and college. To attend law school, a person had to have good grades in college and scored well on the LSAT. Then that person had to get through three years of law school, graduate, and pass the bar exam. However, despite all this education and brain power, some of us can be oh-so-dumb.

I think back to when I was a young attorney. Perhaps many of us were too smart for our own good. We were know-it-alls. We may have felt superior to our clients, family members, witnesses, and just about anyone who was not a lawyer. Most of us probably weren’t very good at masking our arrogance and righteousness (am I only speaking for myself here?). We’d just spent three years learning how to think, analyze, talk, and argue. We didn’t learn how to listen — or if we did, I missed that class. Is it any wonder that not everyone believes that attorneys are so smart and great?

At some point, after starting a family, raising kids, and getting involved in school and community activities, I began to realize that there was more to life than being right all the time. As the years went by, I experienced more. I had friends, family, and colleagues who lost their jobs or had other financial difficulties; who suffered from depression or had other serious health problems; and some died at way too early an age. Others had children who attempted suicide or got in trouble with the law. Eventually I was better able to put my life in perspective. I began to appreciate that my little world of going to the office or court every morning, getting on the computer and researching the law, or communicating with clients and colleagues, writing briefs and letters, and arguing or negotiating on behalf of my clients, was just a small part of life. Most people don’t have a clue as to what we do, nor do they care. They have their own lives, problems, and priorities. In their entire lives, they may never need to consult with or hire an attorney.

This is when I started to wise up. Instead of utilizing my education, intelligence, and confident attitude to prove that I was right and to win, either for me or my clients, I started to look for ways that everyone could win. I started to be conscious of the belief that there are ways that we can act such that everyone can have a more satisfying and fulfilling life. I began to appreciate the concept of win-win. Now I realize that I am generalizing here. Obviously there are times when you have to pursue an all-or-nothing result. If one attorney is prosecuting a person who is alleged to be a serial murderer and the other attorney is defending that person, you likely won’t end up with a win-win result. So, bear with me here as I choose to focus on the more theoretical.

An age-old question among lawyers is why people don’t like or respect us. I believe that some of the reasons are the attitude problems that are persistent in so many lawyers, as mentioned above. Another reason is that we, as a group, are often either unable or unwilling to laugh at ourselves. We get offended at lawyer jokes, which, in my opinion, is just more evidence of a group of people who takes itself far too seriously. By getting offended, we only make things worse. This does nothing to change the public perception — and we wonder why lawyers don’t have credibility among the public and why people question our honesty and integrity.

Many of us started our careers believing we had to let people know how smart we were in order to get business. We may have believed that we had to talk tough with our clients, and in doing so, perhaps we promised the moon instead of reality. We did this to keep our clients. Then we believed we had to win so that our clients would come back and refer others. At this stage, there may have been little if any
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room for compromise or compassion. We had not yet experienced enough losses in our lives, enough humiliation, or enough heartbreak to appreciate what our clients may have been going through or fearing. As we had more and more of these experiences, we began to see things from a different perspective; we began to understand how what we did affected everyone around us, our lives, and our world. We began to gain wisdom.

Some people are fortunate to gain wisdom at an earlier age than others. Perhaps they were old souls and went through much adversity in prior lives. Perhaps they benefitted from a sage parent or mentor, or had a wise spouse or partner who taught them much. Wouldn’t it be nice if we could all gain this wisdom at an early age? I find myself wondering what our world would be like if everyone could be wise at a point in life when they were young, vibrant, and full of energy and had a lot of time to influence others and accomplish good deeds.

Now that I’m older and am fortunate to have maybe nine people who listen to what I have to say, I would urge all of us to remember this most important attribute — listen. Listen to your clients, colleagues, families (including children), friends, and people you encounter in the streets and the malls. Open your ears to everyone and as I’ve said before, be willing to be wrong. Learn what you hear and observe, and then live what you learn and share it with others. This is wisdom. ☀️

WSBA President Steve G. Toole can be reached at steve-wsba@sgtoolelaw.com or 425-455-1570.
In 1886, a group of Seattle lawyers decided to form a bar association in response to attorney involvement in a mob effort to get Chinese workers out of Seattle.

125 years ago, on February 7, 1886, a group of anti-Chinese Seattleites entered our Chinatown district, claiming to be health inspectors. They systematically went through the community “finding” Chinese-occupied buildings to be unsafe. Chinese Americans were forced out of these buildings and down to the harbor, where a ship was waiting. The “inspectors” then collected several hundred dollars from each so-called passenger to pay for their departure. Other Chinese were being forced to the railroad to be similarly run out of the city.

Seattle’s then-Mayor Henry Yesler, Sheriff (and future governor) John McGraw, famed local Judge Thomas Burke, and then-U.S. District Attorney (and later state Supreme Court Justice) William Henry White realized what was happening and served the ship’s captain with a writ of *habeas corpus*. They also warned the railroad superintendent that he would be charged with kidnapping if he aided the mob. Sadly, many attorneys were organizers of this anti-Chinese action.

Leaders like Judge Burke saw the need for a local bar that, rather than be a social club, could discipline the attorneys who participated in the anti-Chinese action, as well as provide more just legal leadership in King County. With that came the creation in 1886 of the King County Bar Association (pre-dating the creation of the WSBA by two years).

The very first resolution adopted by the bar in 1886 chastised those anti-Chinese attorneys as “pestilential agitators” who are “abandoning every useful calling” and “arraying one class against another” and who by doing so are “the worst enemies of society.” And over the past 125 years, the original motivation to uphold the rule of law in the pursuit of justice has not waned. That vision was that KCBA would be more than a professional society and more than a social club. We would harness our voice to be a champion of access to justice. Our name changed a few times during these 125 years, from the King County Bar Association to the Seattle Bar Association to the Seattle-King County Bar Association to ultimately return to our roots in the 1990s as the King County Bar Association. Regardless of our name, the King County Bar has remained the largest and most active voluntary bar association in the Pacific Northwest.

In the early years, our work focused on the practice of law and support for the judiciary. We established the Seattle Law Library Association in 1895. We advocated for judicial salary increases before the state legislature in 1907. We saw 117 members give up their practices in 1919 to fight in World War I.
I. And we passed a resolution urging that "class struggle" issues had no place in the court system of 1924.

During its early years, KCBA served as the disciplinary bar for our community, regularly hearing disputes between attorneys and clients. All were dutifully recorded in handwritten journals until the 1920s, when KCBA adopted the use of typewriters. After the State Bar became mandatory in the 1930s, the WSBA took on responsibility for those disciplinary actions.

Then, in 1939, KCBA established the first Washington State Legal Aid Bureau with paid staff attorneys — the Bureau's budget was underwritten by KCBA members for almost 20 years until we incorporated it into a separate entity in 1958. But our involvement in civil legal aid didn’t end there.

In the early 1960s, we identified more pro bono attorneys to represent the indigent and conscientious objectors to the war in Vietnam. As that work grew, we opened special Legal Service Centers in Seattle, with a focus on racial discrimination. Then, in 1968, KCBA sponsored a pilot program to consider the need for a public defender office in our community; a year later the city of Seattle joined with KCBA to create the Public Defender Corporation of Seattle.

In the 1970s, we created our first neighborhood legal clinics, designed to give 30-minute consultations on a wide range of legal issues. From a single clinic on Capitol Hill in the 1970s, to 37 clinics today, more than 600 KCBA clinic volunteers assist thousands of our neighbors each year. We then followed with even more pro bono support services, organizing special programs in family, landlord-tenant, bankruptcy, and many more areas of law.

We created this array of special pro bono programs designed to complement the outstanding work done by our partners at Northwest Justice Project, Columbia Legal Services, and the Northwest Immigrant Rights Project, to name just a few of our companion organizations. Our pro bono team also works very closely with our companion voluntary lawyer programs across the state.

The KCBA and our sister organization, the King County Bar Foundation, annually invest over $1 million, approximately one-third of the KCBA overall budget, into our pro bono support programs. As a side note, you may not realize how unique the King County Bar’s underwriting of pro bono is. I am not aware of many, if any, other bar associations that put one-third of their entire resources into similar efforts. And, of course, we still have to provide the traditional membership services that voluntary bar members should fully expect and receive from KCBA.

Along with that $1 million financial commitment to pro bono support, we leverage about 1,500 volunteer attorneys each year. We simply could not deliver this volume of legal services without those volunteers! They provide about 34,000 hours to more than 10,000 customers per year. At an assumed hourly billing rate of $250 per hour, that amounts to a contribution of roughly $8.5 million per year in services.

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our 125-year-long commitment to social justice — as an example, the Seattle Bar voted to turn in to the Department of Justice certain enemy aliens and labor “agitators” back in 1919 during World War I — for the most part we can all be proud of the King County Bar’s leadership on social justice and diversity.

KCBA spoke out on behalf of the accused during the McCarthy Era. We were representing conscientious objectors during the Vietnam War. The 1960s saw us focusing our pro bono services to assist in matters of racial discrimination.

In 1969, we established our minority law student scholarship program under former KCBA and later WSBA President Bill Gates’s leadership. These efforts weren’t always easy to get started — Gates remembers an all-member meeting called by some attorneys seeking his resignation as bar president for proposing the scholarship fund.

But some 40 years later, the King County Bar has awarded over $1.6 million to more than 600 minority law students — some of whom are among our most prominent attorneys and jurists, like Court of Appeals Judge Ron Cox. We are proud of our strong partnership with the law schools at the University of Washington and Seattle University.

We also encourage economically disadvantaged high school students, many of whom are persons of color, to pursue careers in law through our Future of the Law Institute. We run a fabulous annual event, the Martin Luther King luncheon, which this year hosted 675 guests and Julian Bond as featured speaker. Rumor has it that the 2012 luncheon will feature another legend in the civil rights movement, Andrew Young. This commitment to diversity programming is coupled with a commitment to even more social-justice initiatives.

The King County Bar’s leadership on drug-policy reform, once considered cutting edge and controversial, is now the mainstream opinion in our state. No less than the Seattle Times came out in favor of legalization this past February. I personally addressed a state legislative committee this year on the merits of a bill introduced by Representative Dickerson that would establish a taxed and regulated system for the distribution of marijuana. This is a system that the KCBA had suggested in a detailed report and recommendation adopted by our board as policy in 2005. We continue our work to ensure that drug policy focuses on education, prevention, and treatment, rather than as a war that disparately impacts ethnic and economically disadvantaged communities.

We also continue to be a strong voice of support for our local courts, as was evidenced by our leadership in supporting last fall’s King County ballot measure, Proposition 1. We take very responsibly our role in ranking judges for appointment and election to all levels of the bench where King County voters must make a choice. From organized candidate forums to monitoring local judicial elections for fairness, KCBA works hard to promote the integrity of our judiciary.

As the King County Bar Association celebrates its quasquicentennial year during 2011, it is with great pride that we look back on our history, and even more importantly, look forward to our future and our continuing mission to promote justice, professionalism, and service to the local bar. To learn more about KCBA and opportunities to become a member, as well as to find details about our June 22 gala anniversary celebration at the Sheraton Seattle, visit us online at www.kcba.org.

Mark Fordham is president of the King County Bar Association and is an in-house counsel at Starbucks Coffee Company. He can be reached at mark.fordham@starbucks.com.
In order for everyone to be treated equally, “[w]hat we need to do is learn to respect and embrace our differences until our differences don’t make a difference in how we are treated.” Yolanda King’s words have an important implication: Our differences do make a difference in how we are treated. Unfortunately, as much as the legal profession has focused on embracing diversity, Ms. King’s words hold true in our profession in Washington.

Accordingly, a first step toward respecting and embracing our differences is raising awareness of those in our profession who are treated differently. The community-service project of the 2010 class of the WSBA Leadership Institute (WLI) took that step by conducting the first survey in Washington that sought to find out how female attorneys of color are being treated compared to their peers. The survey revealed that female attorneys of color are treated differently and have experienced far greater challenges in their legal practices than their white female counterparts.

Most WSBA members are probably aware that our profession struggles to recruit and retain diverse attorneys. This reality has led to many efforts at understanding the problem. In 2006, the American Bar Association (ABA) reviewed issues surrounding the recruitment and retention of women of color in the legal profession by conducting a study and publishing its findings. This report, entitled “Visible Invisibility,” conducted by the ABA’s Commission on Women in the Profession, detailed a number of challenges facing female attorneys of color and exposed a trend that female attorneys of color are leaving the practice of law.

According to the study and report, in 2005, statistics showed that 81 percent of female attorneys of color had left their law firms within the first five years of being hired. Locally, a 2009 report compiled by Washington’s Minority Bar Associations Joint Committee on Law Firm Diversity, which included findings from a questionnaire distributed to the 50 largest law offices in the state, revealed a disparity in the percentage of racial, ethnic, and gender minority attorneys compared to the percentage of those groups within the general state population. According to the report, racial and ethnic minorities are 15.6 percent of the population in Washington. Yet among attorneys, they represent only 11 percent. Although women total 50.13 percent of the general state population, only 38 percent of attorneys are female. (WSBA members provide this data voluntarily; this information may not reflect all members.)

Learning that national studies had found female attorneys of color were leaving the practice of law and experiencing more barriers than white female attorneys...
and male attorneys of color, the 2010 WLI class decided to study these issues in Washington. Although previous studies in Washington have addressed diversity — such as the studies conducted by the Glass Ceiling Task Force and the Minority Bar Associations Joint Committee on Law Firm Diversity — none focused on the effect of the combined minority status of race and gender. The focus of the 2010 WLI study was to examine the effect of combined minority status through research on the experiences of female attorneys of color in Washington. Our goal was to understand how our community can better encourage, advance, and retain female attorneys of color. As is often the case, the more we know about something, the less clear the issue becomes.

You may have received a request, via email, to take the 2010 WLI survey. It read, "Female Attorneys in Washington: We Want to Hear from YOU!" Thanks to the support of WSBA Past-President Salvador Mungia and the minority bar associations, we were able to disseminate the survey to many attorneys licensed to practice in Washington, and 638 of you completed our survey. For years to come, the survey and study will be among the tools used to advance our profession’s understanding of how to respect and embrace our differences.

The survey was developed with the assistance of Armando Estrada, Ph.D., professor of psychology at Washington State University–Vancouver Campus. Dr. Estrada’s work focuses on how factors such as gender, race, sexual orientation, and others can impact an individual’s functioning within systems and work environments. Using the ABA survey questions as a template, WLI fellows and Dr. Estrada developed survey questions for Washington female attorneys regarding their years of practice, work satisfaction, work environment, viewpoints on the profession, and whether they had experienced any form of discrimination at work. By referring to the ABA study and by partnering with Dr. Estrada, our class was able to create a useful tool and ensure that the survey methodology was scientifically sound to produce defendable results.

Following are some of the more significant findings the survey produced, broken down by category. Each category accounted for a number of "composite variables" the survey studied. Many composite variables were studied using 10 or more survey questions. The more questions related to a particular composite variable, the more nuanced the understanding of the issue. Keep in mind that the following findings are based on answers by Washington female attorneys who completed the survey. Some of these findings are based on the analysis of the data broken down by ethnic groups. Other findings are based on a breakdown by socially perceived minority/majority status. Further data breakdowns were analyzed and are reported in the headings that follow.

**Job perception**

The group that reported the greatest level of job satisfaction and the lowest level of job withdrawal was European Americans. On the opposite end of the spectrum, African Americans reported the lowest level of job satisfaction and the highest level of job withdrawal.

**Work-related stress**

Regarding degrees of control over their work, European Americans reported the greatest levels, while African Americans reported the lowest levels. European Americans and Hispanic Americans reported significantly higher levels of job autonomy than other groups.
When others were unable to help, Lincoln and Anna took on the case helping parents find justice against those responsible for a drug overdose leading to the wrongful death of their teenage daughter.

— $2.725 million recovery for wrongful death of teenager
On-the-job harassment experiences
Unsurprisingly, all minorities reported a higher level of ethnic harassment as compared to European Americans. However, all groups reported significant levels of workplace harassment, including sexual harassment, crude and offensive comments, and sexist behaviors.

Gender and ethnic discrimination-related experiences
Asian Americans reported the highest levels of discrimination in work assignments, while Hispanic Americans reported the lowest levels.

Perceptions regarding firms/organizations
European Americans reported significantly higher levels of inclusion and fairness in the workplace as compared to minority groups, and they reported the greatest perception of a positive climate for diversity within their firms/organizations.

Perceptions regarding the legal profession
European Americans reported significantly higher levels of job satisfaction as compared to all minority groups, while African Americans reported the lowest level of job satisfaction.

Perceptions regarding legal jobs by practice type
Across all practice types, attorneys with minority status reported a higher level of job satisfaction and affective commitment in the workplace, which is an employee's emotional attachment to, or identification with, her job.

Among attorneys with transactional and litigation practice types, those with minority status reported higher levels of job withdrawal, stress related to workload, and conflict. With criminal-law practitioners, the reverse was reported: majority-status attorneys reported higher levels of job withdrawal, stress related to workload, and conflict.

Perceptions regarding job stressors by practice type
For in-house counsel and those in private practice, attorneys with minority status reported higher levels of stress related to workload, which was the opposite of attorneys in government and nonprofits. In those organizations, attorneys with majority status reported higher levels of stress related to control and clarity of assignments.

For in-house attorneys and those in private practice, attorneys with minority status reported higher levels of conflict. Again, the opposite occurred with attorneys engaged in public-sector practice and in nonprofit organizations. In those organizations, attorneys with majority status reported higher levels of conflict.

Perceptions about legal organizations by practice type
In all practice types except the public sector, attorneys with minority status report-ed higher levels of supervisory support and organizational support. Government attorneys with minority status reported higher levels of supervisory and organizational support. Attorneys with majority status reported a higher level of person-organization fit across all practice types.

Perceptions about the legal profession by practice type
Among attorneys with transactional and litigation practices, attorneys with majority status reported higher perceptions of professional meaning and fit within their organizations, while criminal-law attorneys with minority status reported higher perceptions of professional meaning and fit within their organizations.

Conclusions based on the results
Considering all the data, some interesting conclusions can be deduced. Some trends could be seen across all groups studied. For instance, while it was not surprising that the study confirmed that law is a stressful profession, we found it startling that across the board, female attorneys in Washington reported troubling levels of gender and ethnic harassment at work.

More specifically, the data point to trends by ethnicity and especially by socially perceived majority or minority status. For instance, European-American women generally reported more positive experiences with their jobs, their workplaces, and the legal profession. We interpret this to mean that European-American women, in general, feel more welcomed, supported, and satisfied by the legal profession. However, some practice types seem to do a better job of supporting and encouraging female attorneys of color. In general, government and nonprofit employers appear to do a better job at this.

As a result of the study, our class made three recommendations to the WSBA Board of Governors and those who employ attorneys in Washington. The purpose of these recommendations is to increase retention of female attorneys of color and promote their advancement within the legal profession in Washington. Based on data gathered in the study, the 2010 WLI class recommends:

1. Recognize that women of color have a measurably different experience of the legal profession and their workplaces than European-American women. Con-
sult women of color to create strategies to promote higher levels of job satisfaction, reduction of job stress, and higher levels of satisfaction within a particular workplace.

2. Women of all ethnicities reported experiencing workplace harassment to a troublesome degree — whether the harassment was based on gender or ethnicity (or both). As a result, it is important to consult all women in the workplace to create strategies to combat workplace sexual harassment, and consult women of color to create strategies to combat workplace ethnic harassment.

3. Conduct additional studies to delve more deeply into the best practices of Washington legal employers and into strategies used by successful Washington female attorneys of color to advance and thrive within the profession.

As Wilma Mankiller put it, “everybody’s sitting around this table, and they’re all looking at each other with stereotypes, and they can’t get past that. It’s like everybody’s sitting there and they have some kind of veil over their face, and they look at each other through this veil that makes them see each other through some stereotypical kind of viewpoint. If we’re ever going to collectively begin to grapple with the problems that we have collectively, we’re going to have to move back the veil and deal with each other on a more human level.” The 2010 WLI class hopes this project has made a giant step toward removing the veil. As members of a common profession, we must all work toward the goal of ensuring that our differences will not make a difference in how we are treated.

NOTES

1. King, Yolanda Denise, address at the Martin Luther King Jr. Convocation in Santa Cruz, California, January 20, 2004.

2. The mission of the WSBA Leadership Institute is to recruit, train, and retain Washington attorneys who have been admitted to practice for three to 10 years for leadership positions in the legal community and in the WSBA.


4. Id.


6. Supra note 3.


9. To find the methodology employed, review the analysis of the raw survey data (which names the 26 composite variables), along with the report our class presented to the WSBA Board of Governors, at http://bit.ly/ko5JLq.


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McKenna and Bridge Speak at Lawyers Helping Hungry Children Fundraiser
by Marla Zink and Manish Borde
The Seattle Chapter of Lawyers Helping Hungry Children (LHHC) held its annual fundraiser in October. The luncheon included speeches by Washington State Attorney General Rob McKenna and former Supreme Court Justice Bobbe Bridge. McKenna told the audience of more than 150 people about his introduction to childhood hunger; his mother taught a student whose daily lunch consisted of a potato sandwich and a mayonnaise jar full of water. She made a difference by organizing balanced meals at the school for underprivileged children. The money raised by LHHC goes to beneficiary organizations that provide food to children of low-income families and to advocacy for childhood hunger issues. Organizations include WithinReach, CARE, Children’s Alliance, City of Seattle Summer Food Program, Northwest Harvest, and Emergency Feeding Program. LHHC has partnered with the Children’s Alliance and Share Our Strength in their “No Kid Hungry” campaign to end childhood hunger by 2015. The Tacoma Chapter of Lawyers Helping Hungry Children held a breakfast fundraiser the same day.

Members and friends of Lawyers Helping Hungry Children throughout the state went on a 24-hour hunger strike in April as part of a national movement to protest proposed federal and state budget cuts to programs that provide food to children. LHHC is in the forefront of raising awareness for childhood hunger issues in Washington and nationally. For more information, see www.lawyershelpinghungrychildren.org.

Washington Women Lawyers Celebrates Female Faces of Justice
Washington Women Lawyers welcomed Washington State Supreme Court Chief Justice Barbara Madsen and Justices Susan Owens, Mary Fairhurst, and Debra Stephens to their 40th annual event held in October in Spokane. The justices discussed how to promote equal rights and opportunities for women, how to further the full integration of women in the legal profession, and other issues related to supporting women in the law. The theme, Female Faces of Justice, underscores the Washington State Supreme Court women’s strength and solidarity, and celebrates their successes.

WSBA Creditor Debtor Rights Section Provides Grants
The WSBA Creditor Debtor Rights Section’s grant program, established in 2004, financially assists in the ongoing operation of community-service programs which provide access to legal services for individuals who face financial constraints and/or other limitations. The program is targeted to Washington state nonprofit organizations operating programs which offer legal services addressing creditor-debtor issues, through direct representation and/or financial education programs. The beneficiaries of the 2010–2011 grants are CENTS (Consumer Education and Training Services), Chelan Douglas County Volunteer Attorney Services, Cowlitz-Wahkiakum Legal Aid, King County Bar Foundation, LAW Advocates, Legal Action Center, Snohomish County Legal Services, Spokane County Bar Association Volunteer Lawyers Program, and Thurston County Volunteer Legal Services.

Foster Pepper Awards Diversity Fellowship
Foster Pepper awarded its 1L Diversity Fellowship to Celia Smalls in February. Smalls, from the Seattle area, is currently attending the University of Washington School of Law. She graduated with a B.A. in international relations from Stanford University in June 2007. Prior to law school, she worked as a program coordinator for the Washington Low Income Housing Alliance, where she helped write reports on affordable housing and poverty issues. Through this exposure to housing law and the legislative process, she was encouraged to pursue a career in law. Smalls is supplementing her education at UW by volunteering with the King County Bar Association’s Housing Justice Project and the Immigrant Families Advocacy Project. These volunteer experiences have provided her with direct experience in client interaction, drafting legal documents, and crafting persuasive arguments. Foster Pepper created the Fellowship in 2008 in an effort to attract strong lawyers with diverse backgrounds, believing that such diversity enriches the workplace and a law firm’s ability to serve its clients. The Fellowship provides the recipient with a paid summer associate position in Foster Pepper’s Seattle office and a $7,500 academic scholarship to be applied toward the 2011–2012 academic year.
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UW Announces Gates Public Service Scholars

University of Washington School of Law announced the five recipients of the 2011 Gates Public Service Law (PSL) Scholarship in April. Gates PSL Scholars have the opportunity to attend the University of Washington School of Law and then pursue public-interest law without the burden of educational debt. The scholarship program covers all cost of tuition, books, room and board, and incidental expenses during law school. In exchange, students dedicate five years to public service. The financial assistance allows the students to move directly into jobs providing public service to those in need. The recipients are Stephen Coger, Shelley Halstead, Shon Hopwood, Ashley Paintner, and Andrea Woods.

WSBA Honors Local Heroes

WSBA honored the late John R. Clark with its Local Hero Award in March, as a memorial of his lifelong dedication to pro bono work. The Local Hero Award is presented by the WSBA Board of Governors as it travels around the state to those who have made noteworthy contributions to their communities. WSBA President Steven G. Toole presented the award to Clark’s wife, Judge Ellen Kalama Clark, and his son, Steven Clark. Throughout his career, Clark was active in the legal community and dedicated to pro bono service. He was president of the Spokane County Bar Association and served on the boards of the Washington Association of Criminal Defense Lawyers and the Washington State Association for Justice. He generously gave his time to the volunteer lawyer program Street Law, providing free advice to the public. Although he was diagnosed in 2008 with cancer of the appendix, he did not allow his illness to keep him from his work and was busy until the final weeks of his life, said his wife. Clark died in October 2010, at the age of 58.

At a luncheon held in conjunction with the April Board of Governors meeting in Bellevue, Loretta Story received the Local Hero Award. For the past 15 years, Story has provided pro bono representation to victims of domestic violence; mentored other pro bono attorneys; and presented CLEs annually on dissolution, domestic violence, and ethics for numerous law-related organizations. Story has served on the Board of Directors of the Eastside Legal Assistance Program (ELAP) since 1997. She served as 2005–2006 president of the ELAP Board of Trustees, received the Local Hero Award in recognition of his dedication to pro bono work. Mack was a member of the Columbia Legal Services Board from 2001–2007 and served as its president from 2005–2007. He has been active with the Spokane County Bar Association, serving as trustee, treasurer, and president. He served on the Spokane County Bar Association Judicial Evaluation Committee in 2006 and has served on the Bench-Bar-Press Committee of Washington, the Chase House Citing Committee, and the United Family Court Committee. He was appointed by the WSBA Board of Governors to serve on the Legal Foundation of Washington Board of Trustees.

Gates PSL Scholars

Wail Ross is sworn in by Pierce County Superior Court Judge John McCarthy.

Vail Ross Sworn In in “Unusual” Ceremony

The usual trappings of office didn’t surround Margaret “Maggie” Vail Ross in January when she was sworn in to her third term as a Pierce County District Court judge. There was, instead, an unusual ceremony, “but it was special,” said Pierce County Superior Court Judge John McCarthy, who performed the ceremony. “This particular swearing-in was special because, despite the fact that I did not share it with my Pierce County District Court bench, I was able to share it with the people on the CJC whom I so respect while we attempt to keep the standard of the judiciary at such a high level.”

Also at the luncheon, Spokane attorney Grant Thornton partner Neil Beaton and Stokes Lawrence managing shareholder Kelly Noonan at the darts tournament for charity.

Darts Challenge for Charity

A group of Stokes Lawrence attorneys recently accepted a challenge from CPAs at Grant Thornton LLP for a friendly
wager on a darts competition — the loser had to make a donation to the winner’s charity of choice. It was a fun evening of competition and camaraderie at the Washington Athletic Club in downtown Seattle. The night ended with Grant Thornton garnering the high score. Stokes Lawrence was pleased to make a $1,000 contribution to Grant Thornton’s chosen charity, Food Lifeline.

LaConner Attorney Patricia Paul Participates in ICA Symposium

Patricia Paul, along with Brazilian anthropologist Adolfo de Oliveira, Ph.D., is co-convenor of a symposium for the International Congress of the Americanists (ICA). Paul has been involved in such work since the 1990s, including serving as a visiting professor at the Universidade de Brasilia and panel speaker for the Reunião Equatorial de Antropologia e X Reunião de Antropólogos Norte-Nordeste, Brazil. The ICA’s first congress was held in 1875 and has met ever since. These symposia encourage trans-disciplinary dialogues in transformative cultures of the Americas by recognizing the value of traditional knowledge embedded within indigenous cultures, the trans-cultural processes, and cultural identities, in building a framework of ongoing innovation and distinctive intellectual creative life that benefits all humanity.

Puget Sound Business Journal Corporate Counsel Awards

The Puget Sound Business Journal has announced its 2011 Corporate Counsel Awards. These awards highlight outstanding work by in-house counsel in public and private companies and nonprofit organizations, and emphasize the value these attorneys add to their organizations. Congratulations to award recipients Eric de los Santos, assistant general counsel, director of employment law, Trueblue Inc.; Kim Foster, corporate counsel, ASPI Group Inc.; Diankha Linear, corporate counsel, Expeditors International of Washington Inc.; Keith Loveless, vice president of legal and corporate affairs and corporate secretary, Alaska Airlines; Mary Snapp, corporate vice president and deputy general counsel, Microsoft Products & Services, Microsoft Corp.; and Cynthia Strauss, vice president and chief legal officer, Swedish Health Services. Eric de los Santos is a former member of the WSBA Board of Governors, and Linear currently serves on the WSBA Leadership Institute Advisory Board.

Foster Pepper Launches Workplace Law Blog

Foster Pepper has launched Washington Workplace Law (www.washingtonworkplacelaw.com), a legal blog that provides practical information to employers in Washington who face challenges from increasingly complex state and federal workplace requirements. The blog will cover a broad range of employment-related topics, including EEO and FMLA compliance; wage and hour concerns; NLRB and PERC updates; federal and state rule changes; and breaking news that is likely to affect Washington employers.

In Brief ...

Bellingham attorney Nancy Ivarinen is the first lawyer to receive the 28th Annual Professional Woman of the Year Award given by Whatcom Women in Business. The award recognizes contributions of women through their leadership, mentorship, business acumen, ethics, and community involvement. Ivarinen is former staff attorney with Northwest Justice Project, which provides legal advocacy to low-income victims of abuse or domestic violence. She is also the Paralegal Studies Program director and instructor at Whatcom Community College. Ivarinen also received the 2006 WSBA Courageous Award.

Governor Christine Gregoire appointed Darrell S. Mitsunaga, of Bellevue, to a five-year term on the Lake Washington Technical College Board of Trustees in December. Mitsunaga is a partner in the law firm of Johns Monroe Mitsunaga Koloukova, PLLC.

Gonzaga Honors Manning — González Is Keynote Speaker

Gonzaga University School of Law honored distinguished alumnus and Seattle attorney J. Richard “Dick” Manning (Gonzaga Class of 1960) with the Gonzaga Law Medal in May. King County Superior Court Judge Steven González was the keynote speaker at the ceremony, and received an honorary Doctor of Laws degree. Manning has focused on transactions and litigation in construction, small business, real estate, estates and probate, and employment terminations throughout his career, and has always found time to give back to the community through prolific service, including serving as president of the Washington State Bar Association, president of the LAW Fund Board since 2008, and chair of the Equal Justice Coalition of the Washington State Access to Justice Board. Judge González has dedicated his life and his career to justice for the poor and under-represented citizens. In a career that has included private practice in San Francisco and Seattle, he has served as Seattle’s city prosecutor and as an assistant U.S. attorney in the Department of Justice. In 2009, he was named the Latino Judge of the Year by the National Hispanic Bar Association.
Our appellate practice group was busy in 2010. We had a “Baker’s Dozen” of oral arguments spread out amongst the Washington Supreme Court, all divisions of the Washington Court of Appeals, and the Ninth Circuit, and over 50 active appellate cases across the United States from Washington to New York, representing individuals, public entities, and private corporations in a wide variety of matters.

At MBC
Our Appellate Practice Group Has Been Busy

Our appellate practice group was busy in 2010. We had a “Baker’s Dozen” of oral arguments spread out amongst the Washington Supreme Court, all divisions of the Washington Court of Appeals, and the Ninth Circuit, and over 50 active appellate cases across the United States from Washington to New York, representing individuals, public entities, and private corporations in a wide variety of matters.

We look forward to working with you in 2011.

Jason W. Anderson
James E. Lobsenz
Michael B. King
Kenneth S. Kagan
Gregory M. Miller

At CARNEY BADLEY SPELLMAN
Our Appellate Practice Group Has Been Busy

Our appellate practice group was busy in 2010. We had a “Baker’s Dozen” of oral arguments spread out amongst the Washington Supreme Court, all divisions of the Washington Court of Appeals, and the Ninth Circuit, and over 50 active appellate cases across the United States from Washington to New York, representing individuals, public entities, and private corporations in a wide variety of matters.

Foster Pepper litigator Rod Dembowski is one of four citizens appointed by the King County Council to a districting committee charged with redrawing council districts based on 2010 Census data. Dembowski was a former policy analyst for then-County Executive Gary Locke and a staff assistant for the U.S. Senate. He has been a member of the Four Creeks Unincorporated Area Council, the community council for the rural area near Issaquah.

Special Olympics of Washington (SOWA) named Foster Pepper managing partner Robert Kunold Jr. as chair of its Board of Directors in January. This is Kunold’s fourth year on the SOWA Board. SOWA is a nonprofit organization dedicated to providing individuals with intellectual disabilities the opportunity to participate in year-round sporting leagues and events.

Longtime Benton County Prosecutor Andy Miller attended the Benton-Franklin Adult Drug Court graduation in December expecting to recognize the achievements of five men who have overcome the odds and set their lives back on track. But before the graduation commenced, Miller received a surprise award recognizing his leadership and commitment to the adult drug court program. Miller was given the Hero of Hope Award for helping start the drug court program and being a founding member and current president of the nonprofit Circle of Hope Foundation.

Benes Aldana, Peter Ehrlichman, and Kathleen Hopkins are the recipients of the Fellows of the American Bar Foundation (ABF) 2011 Outstanding State Chairs...
Award. This award is given annually to ABA state chairs who have demonstrated dedication to the work of the American Bar Foundation and the mission of the fellows through exceptional efforts at the state level. The award was presented at the Fellows’ 55th Annual Awards Banquet in February in Atlanta.

Street Law, Inc., honored Margaret E. Fisher as the recipient of its 2011 Advocate of the Year Award. Street Law presents this award to an individual who has taken Street Law’s mission to new audiences. For more than 30 years, Fisher has been instrumental in spreading law, democracy, and human rights education to a variety of audiences worldwide. The award was presented at the Annual Awards Dinner in April.

Seattle attorney Michael Pellicciotti has been elected to the American Bar Association Board of Governors, the first WYLD member elected to serve in this position since John McKay in 1990. Pellicciotti is one of the WSBA’s representatives to the ABA House of Delegates and is a member of the ABA Committee on Pro Bono and Public Service. The ABA Board of Governors oversees the general operation of the 400,000-member association.

King County Superior Court Judge Mary Yu was elected to serve as co-chair of the Washington State Supreme Court’s Minority and Justice Commission in January. Judge Yu was elected by her fellow members of the Commission, which was created by the Washington State Supreme Court in 1990 and renewed in 2010 to identify and to eradicate the effects of racial, ethnic, and cultural bias in our state court system. Judge Yu is the first trial judge to serve as co-chair of the Commission.

In January, the Latina/o Bar Association of Washington (LBAW) awarded Judge
Steven González the Extraordinary Member Award. This award is given to a LBAW member whose professional and civic activities have significantly contributed to the advancement of LBAW’s purpose and mission.

Dorsey & Whitney LLP of Seattle announced in February that Nelson Dong, a partner in the firm’s Seattle office and head of its National Security Practice Group, has been appointed to the President’s Export Council Subcommittee on Export Administration (PECSEA). PECSEA advises the Department of Commerce on U.S. export control policy and process issues to serve the country’s economic, national security, foreign policy, and non-proliferation interests.

Best Lawyers named Keith L. Kessler as the "Seattle Area Best Lawyers Personal Injury Litigator of the Year" for 2011. Kessler was also the first honoree of the Plaintiff Trial Lawyer of the Year award by the Washington Defense Trial Lawyers Association. Kessler practices personal injury and product liability law in Seattle and Hoquiam.

Robert N. Gellatly has become a Fellow of the American College of Trial Lawyers. The induction ceremony took place in March before an audience of 700 attendees at the 2011 Spring Meeting of the College in San Antonio, Texas.

Timothy W. Dore, of Ryan Swanson in Seattle, was appointed to the bench of the United States Bankruptcy Court for the Western District of Washington in March.

NALS, the association for legal professionals, announced the election of Brynne Williamson as marketing director for fiscal year 2011–2012. Williamson was installed at the annual NALS Professional Development and Education Conference in Tulsa, Oklahoma. Williamson is a paralegal at Helsell Fetterman in Seattle, specializing in estate and trust administration and taxation issues.

Family law firm Stahancyk, Kent & Hook was honored in March by Oregon Business Magazine by being named one of the 100 Best Companies to work for in Oregon by the publication’s 17th annual survey. Nearly 20,000 employees from 303 companies participated in this year’s survey. The firm was ranked 31 out of the 100 companies to win the award. Stahancyk, Kent & Hook also has an office in Vancouver.

Seattle firm Kilpatrick Townsend & Stockton announced in March its support of recovery efforts for the many people of Japan affected by the devastating earthquake and tsunami. The firm will match up to $50,000 in contributions made by its attorneys and staff to select relief organizations, making the firm’s overall goal $100,000.
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Former King County Superior Court Judge

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

GEORGE FINKLE
Former King County Superior Court Judge

LARRY A. JORDAN
Former King County Superior Court Judge

STEVE SCOTT
Former King County Superior Court Judge

BILL BAKER
August 21, 1940 - January 17, 2011
Maryann Yelnosky-Smith, a shareholder in the Portland firm Bullard Smith Jernstedt Wilson, received the Harpole Attorney Award at the 13th Annual Joyce Harpole Reception and Awards ceremony sponsored by Lewis and Clark School of Law in April. The award is presented to a lawyer who is dedicated to the pursuit of justice while maintaining a sense of balance among career, family, and community.

Laura Marquez-Garrett, an associate in Foster Pepper’s Litigation Group, has been named to the Board of Directors of Parkinson’s Project. Parkinson’s Project is a nonprofit organization committed to transforming the way Parkinson’s care is provided by creating a model living environment that inspires life, dignity, and compassion. Marquez-Garrett will serve on the Project Committee for the 2011 Parkinson’s Project Garden Party, the Project’s largest annual fundraising event.

In March, President Barack Obama nominated Commerce Secretary Gary Locke as ambassador to China. Locke would be the first Chinese American to serve as U.S. envoy to China. Prior to his appointment as commerce secretary, Locke was a partner in the Seattle office of Davis Wright Tremaine, and served two terms as governor of Washington (1997–2005).

CityClub announced the selection of Ahndrea Blue as one of the five winners of the 2011 Washington State Jefferson Awards. The winners were selected from outstanding community service citizens in the state. Blue, of Seattle, was recognized for her work establishing a food bank in east Tacoma. The food bank, called Eloise’s Cooking Pot, provides a balanced and nutritious diet to families in need, and provides food for those with dietary or cultural food requirements. Blue also received the 2010 WSBA Community Service Award.
Options from Group Health offer four plans to meet the needs of a wide range of Bar Association members, from large firms to sole proprietorships. Options is a new approach to HMO products and is designed for flexibility and affordability—three of the four Options plans allow you to use the provider of your choice. Options plans offer online services that can save time and money such as same day appointment scheduling, test results, pharmacy services and direct e-mail communications with your doctor.

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WSBA Financial Report for the Fiscal Year Ending September 30, 2010

The WSBA’s strategic financial goal is to be fiscally responsible: to operate a well-managed and financially sound association, to be accountable to our members and the public, and to use our resources wisely in ways that accomplish our mission.

**Fund Categories**
The WSBA accounts for revenues and expenses in four categories: General Fund, Continuing Legal Education (CLE), Sections, and Lawyers’ Fund for Client Protection (LFCP).

**General Fund**
The general fund consists of the WSBA’s regulatory functions and most services to members and the public. It is funded by member license fees and revenues from services. For FY 2010, the general fund had revenues in excess of expenses of $1,557,366. As of September 30, 2010, the general fund balance was $5,991,957, of which $1,500,000 is designated as an operating reserve, $2,710,000 is designated as a facilities reserve, $258,783 is designated as a capital reserve, and $155,379 is designated as a board program reserve. The remaining $1,367,795 is unrestricted.

**Continuing Legal Education Fund**
CLE programs and products are entirely self-funded by seminar registration fees and sales of deskbooks and other publications. The CLE fund budgeted for expenses over revenues of $181,074. Actual results were that revenues exceeded expenses by $328,694. CLE’s fund balance as of September 30, 2010, was $1,408,491.

**Sections Fund**
The WSBA’s 27 sections are a voluntary activity for WSBA members and are supported through section dues and fees for section products and services. All net income from sections is carried forward in each section’s net assets for use by that section in future years. The sections budgeted for expenses over revenues of $215,835 (in order to use past accumulated reserves to benefit their members). Actual results for the sections were that expenses exceeded revenues by $33,855. The sections fund balance at September 30, 2010, was $677,666.

**Lawyers’ Fund for Client Protection**
The LFCP may be used for relieving a loss sustained by a person due to the dishonesty of, or failure to account for money entrusted to, a member of the WSBA in connection with the member’s practice of law. It is funded by an annual assessment on all active WSBA members. The LFCP fund budgeted for revenues over expenses of $505,060. Actual results were revenues over expenses of $250,184. The LFCP’s fund balance as of September 30, 2010, was $434,824.
### WSBA Statements of Activities

#### Year ended September 30, 2010

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Electronic Ethics, Part 1:
Friends and Other Strangers

BY MARK J. FUCILE

The "electronic" elements of law practice have become pervasive. In this column and the next, we’ll look at some of the ethics issues that accompany the electronic facets of our practices. This month, we’ll first focus on new ways we interact with both potential clients and adversaries through web-based social media, and then we’ll turn to law firm websites as outbound projections for firm marketing and inbound conduits for communications with prospective clients. In the next installment, we’ll examine our duty to protect client confidentiality when communicating or sharing files electronically and when to use off-site electronic storage through "cloud computing."

Social Media
"Social media" ranges from global commercial phenomena such as Facebook to individual blogs run on a shoestring. The emergence of social media raises discrete issues for our interactions with both potential clients and adversaries.

With potential clients, there are two broad concerns: solicitation and inadvertently forming attorney-client relationships.

As to solicitation, RPC 7.3 includes "real-time electronic contact" within its prohibition on direct contact with prospective clients unless one of its exceptions applies (the person contacted is a lawyer, family, a close friend, or a former client). Comment 3 to RPC 7.2, which deals with lawyer marketing generally, notes that the key to the solicitation rule in the electronic context is that the prohibited contact is initiated by the lawyer rather than the prospective client.

As to "inadvertent" relationships, the Washington State Supreme Court, in Bohn v. Cody, 119 Wn.2d 357, 363, 832 P2d 71 (1992), articulated a two-part test for determining whether an attorney-client relationship exists: (1) does the client subjectively believe that the lawyer is representing the client? and (2) is that subjective belief objectively reasonable under the circumstances? Bohn makes the point that an attorney-client relationship can be implied from the parties' conduct and that payment of a fee is not prohibited by RPC 4.2 (see, e.g., In re Haley, 156 Wn.2d 324, 126 P3d 1262 (2006) (voice-mail); In re Carmick, 146 Wn.2d 582, 48 P3d 311 (2002) (telephone call)). In the entity context, Wright v. Group Health Hospital, 103 Wn.2d 192, 691 P2d 564 (1984), remains the controlling standard and generally limits the prohibition to entity constituents who are "speaking agents" as defined by applicable evidence law.

On using ruses, emerging opinions nationally (see, e.g., New York City Bar Ethics Opinion 2010-2 (2010); Philadelphia Bar Ethics Opinion 2009-2 (2009)) take the position that a lawyer (or a lawyer’s agent) cannot misrepresent the lawyer’s identity to gain access to the “private” portions of an adversary or witness’s website. These opinions rely on state versions of ABA Model Rule 4.1(a), which prohibits lawyers from making false statements to third persons, and ABA Model Rule 8.4(c), which proscribes dishonest conduct. A cautionary note is in order because this question opens the broader discussion of lawyer involvement or supervision of both governmental and nongovernmental covert operations that has generated considerable debate nationally (see, e.g., Oregon State Bar Ethics Opinion 2005-173 (2005) (describing Oregon’s tortured path to a covert investigation exception to its version of RPC 8.4); In re Pautler, 47 P3d 1175 (Colo. 2002) (prosecutor disciplined under RPC 8.4(c) for impersonating a public defender in a telephone conversation with a murder suspect)). But Washington’s versions of the rules concerned are also patterned on the corresponding ABA Model Rules, and the approach taken in the recent New York City and Philadelphia opinions is generally consistent with “nonelectronic” Washington disciplinary cases (see, e.g., In re Leachy, Sept. 12, 2007, Disciplinary Stipulation) (opposing counsel who posed as agent of adversary’s insurer violated RPCs 4.1(a) and 8.4(c)) and ethics opinions (see, e.g., WSBA Ethics Advisory Opinion 1415 (1991) (using actor to impersonate “patient” to gather information for impeach-
ment of opposing expert would violate RPCs 4.1(a) and 8.4(c)). Beyond the professional rules, Washington (RCW 9.26A.140) and federal (18 U.S.C. §1039) law prohibit “pretexting” to obtain telephone records in particular.

**Law Firm Websites**

In many respects, law firm websites are like windows. They allow law firms to “see out” by projecting their image to potential clients and many also permit potential clients to “see in” by providing firms with information about potential representation. Each side of the “window” presents unique ethics concerns. Last year, the ABA issued a detailed ethics opinion, Formal Opinion 10-457, that addresses both sides of the “window.”

With “seeing out,” the primary regulation is RPC 7.2, the “advertising” rule. RPC 7.2(a) applies specifically to “electronic communication” and “public media,” and Comment 3 includes Internet marketing within the rule. RPC 7.1, in turn, states the overriding rule that all forms of lawyer marketing must be truthful. The comments encourage the use of disclaimers so that prospective clients can understand the proper context of the information presented.

With “seeing in,” firms should carefully consider if and how they invite direct contact with firm lawyers through the firm’s website. RPC 1.18(a) recognizes a “prospective client” as a “person who discusses with a lawyer the possibility of forming a client-lawyer relationship,” and RPC 1.18(b)–(c) accord prospective clients limited rights of loyalty and confidentiality even if they do not become clients of the firm. Comment 2 to RPC 1.18 notes that a prospective client who simply communicates unilaterally with a lawyer will not ordinarily be entitled to the protections afforded by the rule. Further, RPC 1.18(e) permits a lawyer to “condition conversations with a prospective client on the person’s informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter.” To address the concerns noted above under **Bohn**, disclaimers can also include a warning that communication via a firm’s website does not in and of itself create an attorney-client relationship.

The practical importance of both kinds of disclaimers was illustrated in **Barton v. U.S. District Court for the Central District of California**, 410 F.3d 1104 (9th Cir. 2005). In **Barton**, a plaintiffs’ personal injury firm invited prospective clients to complete an online questionnaire about a prescription drug involved in litigation the firm was handling. The online form included a disclaimer that no attorney-client relationship was formed by completing the questionnaire but did not include a disclaimer of confidentiality. The Ninth Circuit held that absent a clear disclaimer, the firm would still have a duty of confidentiality to those who submitted the questionnaire. Although decided under California law, the rationale the Ninth Circuit used in **Barton** was very close to the duties now recognized under RPC 1.18. The twin duties of loyalty and confidentiality recognized by RPC 1.18, unless effectively disclaimed or screened as provided by the rule, may create disqualifying conflicts for the firm even if prospective clients do not actually become clients.

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

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June 2011 | Washington State Bar News 31
n the wake of comments on race and crime reportedly made on October 7, 2010, by two Washington State Supreme Court justices, concerned community members came together to form what became the Task Force on Race and the Criminal Justice System. This column gives a brief overview of the Task Force and its work to date. Convened by the Honorable Steven C. González, chair of the Washington State Access to Justice Board and King County Superior Court judge, and by me, the first Task Force meeting was attended by representatives from the Washington State Bar Association, the Washington State Access to Justice Board, the commissions on Minority and Justice and Gender and Justice, and all three Washington law schools, as well as leaders from nearly all of the state’s specialty and minority bar associations, and other leaders from the community and the bar.

We met because the simplistic notion that black overrepresentation in our prisons occurs because blacks commit more crimes does not fit with our sense of how racial and ethnic minorities are treated in today’s society and in our criminal justice system. We agreed that we share a commitment to ensure fairness in the criminal justice system. We realized quickly, though, that it was important not to proceed on assumptions that unfair treatment existed. The Research Working Group was created to investigate disproportionalities in the criminal justice system and, where disproportionalities exist, to investigate possible causes. We examined differential commission rates, facially neutral policies, and bias as possible contributing causes.

We released our Preliminary Report on Possible Causes, Ensuring Fairness in Spring 2012, the law reviews at each of the three law schools are planning to publish.

Race and Washington’s Criminal Justice System and presented our findings on March 2, 2011, when the Task Force met with the Washington State Supreme Court at the Temple of Justice in Olympia. In our executive summary, we noted that existing Washington research had found the following with regard to specific topics, agencies, and time periods studied:

- In Washington’s juvenile justice system, similarly situated minority juveniles face harsher sentencing outcomes and disparate treatment by probation officers.
- Defendants of color were significantly less likely than similarly situated white defendants to receive sentences that fell below the standard range; among felony drug offenders, black defendants were 62 percent more likely to be sentenced to prison than similarly situated white defendants.
- With regard to legal financial obligations, a common though largely discretionary supplement to prison, jail, and probation sentences for people convicted of crimes, similarly situated Latino defendants receive significantly greater legal financial obligations than their white counterparts.
- Disparate treatment has been discovered in the context of pretrial release decisions, which systematically disfavor minority defendants.
- Regarding the enforcement of drug laws, researchers have discovered a focus on crack cocaine — a drug associated with blacks stereotypically and in practice — at the expense of other drugs, and that the focus on crack cocaine results in greater disproportionality, without a legitimate policy justification.
- This disparity in drug-law enforcement informs related asset forfeitures, which involve distorted financial incentives for seizing agencies and facilitate further disparity.
- With regard to the Washington State Patrol, researchers have found that although racial groups are subject to traffic stops at equitable rates, minorities are more likely to be subjected to searches, while the rate at which searches result in seizures is lower for minorities.

We concluded that race and racial bias affect outcomes in the criminal justice system and matter in ways that are not fair, that do not advance legitimate public safety objectives, and that undermine public confidence in our criminal justice system.

The Recommendations/Implementation Working Group presented a set of recommendations to the Washington State Supreme Court. The Community Engagement Working Group is broadening our engagement beyond the legal community and is working to develop regional hubs in different parts of the state.

The Education Working Group, co-chaired by the deans of the three Washington law schools, has been developing educational programming that includes the following: a panel discussion, “Racial Disparity and the Criminal Justice System,” at the University of Washington School of Law in April 2011; a CLE on Civil and Criminal Advocacy Strategies for Protecting Civil Rights at Seattle University School of Law in April 2011; a panel at the Superior Court Judges’ Association Spring Conference in May 2011; sessions at the Washington State Access to Justice/WSBA Bar Leaders Conference in June 2011; and a conference at Gonzaga University School of Law on Race and Criminal Justice in the West in September 2011.

In Spring 2012, the law reviews at each of the three law schools are planning to publish...
We concluded that race and racial bias affect outcomes in the criminal justice system and matter in ways that are not fair, that do not advance legitimate public safety objectives, and that undermine public confidence in our criminal justice system.

Our Preliminary Report. This co-publication reflects the recognition by the three law reviews that the subject of race and the criminal justice system is an important issue that merits this historic cooperation, a first in this state and perhaps in the nation. This joint effort by all three reviews is reflective of the spirit of cooperation that has brought so many people and organizations together on the Task Force.

We have seen membership on the Task Force grow as more individuals, organizations, and institutions have committed themselves to learn and work together to address problems that exist in our criminal justice system. As proud as we are of our work to date, we recognize that we are at the beginning of a long road and that success is not assured. We invite engagement, feedback, and criticism. And if you find yourself so inclined, consider joining the Task Force.

The Preliminary Report and additional information can be found at the following websites: www.law.seattleu.edu/x8777.xml (primary Task Force website); www.law.washington.edu/about/racetaskforce/default.aspx; www.law.gonzaga.edu/centers-programs/task_force_on_race.asp.

Robert Chang is professor of law and the founding director of the Fred T. Korematsu Center for Law and Equality at Seattle University. Starting this summer, he will assume an additional role as associate dean for research and faculty development. He has received numerous recognitions of his scholarship and service and has served in leadership positions in many organizations. He is currently serving as co-chair of the statewide Task Force on Race and the Criminal Justice System.

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Civility Is Good Business

by Mark G. Honeywell

Most lawyers are in the legal profession to earn a living and should be zealous advocates. Equally as important, however, is the goal to serve justice and save your clients as much money as possible without compromising their realistic objectives and expectations. To that end, civility towards your opponent should be a primary goal in your practice. Some clients may erroneously believe that they need a “junk-yard dog” for a lawyer, and that a spirit of cooperation and professionalism is a sign of weakness. Lawyers should educate those clients that applying the golden rule of litigation is not equivalent to weakness, and can, in fact, be more effective. If the client instructs you to behave otherwise, you may need to re-evaluate your continued representation.

First impressions, good or bad, usually permeate your dealings with everyone, particularly adversaries. Make sure your first and all communications, written or oral, are positive ones. Being candid and forthright usually encourages similar behavior.

What Goes Around Comes Around. At the outset, basic courtesy in inquiring about available dates for depositions or motions or allowing extra time for discovery response will almost always result in reciprocal behavior. Virtually everyone needs a “break” now and then, be it a missed deadline or the need to change a scheduled hearing or deposition. If you have been cordial and professional with your opponent from the outset, these bumps in the road should not present a particular problem. If you have not, these problems will arise and they will cost you and your client money — either engaging in contentious arguments or filing otherwise needless motions.

Trivial Disputes Cost Money. Probably the most wasteful and thus needlessly costly disputes involve discovery or scheduling. Very rarely will you face a truly unsolvable dispute, but most often these disputes are driven by stubbornness or hubris. Pick your battles carefully. Major substantive motions need to be argued, but do not engage in trivial disputes with your opponent; seek compromise. There is no shame in backing down or being the first to suggest a compromise. If you have created a cordial relationship with your opponent, you will find that offering compromise in a discovery or scheduling dispute will come easily to you, and almost always will be successful.

Judges Are Human Too. Judges detest discovery motions and bristle at *ad hominem* attacks. Avoid both at all costs. Judges recognize discourteous behavior, and they are influenced by it. Judges can usually tell which lawyer is being civil by written correspondence, discovery responses, and deposition transcripts of attorney conduct. You want to win close calls for your client, and particularly ones in which the edge might be influenced by the judge’s subconscious impression. And certainly the most difficult result to explain to a client is an award of attorney’s fees against you or your client. Make certain that all your communications are courteous — they do not need to be friendly, just professional.

Good Litigators Should Also Be Good Problem-Solvers. Effective litigators are effective innovators. Always look for ways to achieve the best results for the least expense to your client, even if this effort results in earning less of a fee. Cases that go to trial or settle on the courthouse steps, but could have been resolved much earlier by a sum less than the total amount spent on all attorneys’ fees are those which give our profession a bad reputation. An attempt at early resolution and cost saving will be made more difficult if you have, or are trying to maintain, a reputation as a junk-yard dog.

Sophisticated users of legal services know when their attorney is saving them money by a careful and early search for dispute resolution even at the expense of larger attorney’s fees. Those clients will be responsible for your repeat business and your best referrals.

Let Your Bats Do the Talking (baseball metaphor). Trash talking rarely reaps benefits. You do not need to prove how tough you are before you walk into court for the first time. Being very well-prepared, thorough, and cordial is the most intimidating persona you can present to an opponent. Avoid *ad hominem* attacks in pleadings, correspondence, or verbal exchanges. Never try to bully or intimidate your opponent with threats or ultimatums. They rarely, if ever, reap financial benefits. To the contrary, such an approach simply encourages your opponent to work harder to defeat you (and likewise your client). Creating a “driven” opponent is never good for business: it is likely to cost your client money even in a successful outcome.

From start to finish in litigation, your commitment to professionalism and civility will reap financial benefits to you and your client, and will not diminish your stature in the eyes of your opponent or the court. Your professional conduct is good for business and good for the legal profession.

Mark Honeywell received his J.D. degree from the University of Washington School of Law in 1968, where he served on the Law Review. He clerked for the Washington State Supreme Court for one year before joining the firm now known as Gordon Thomas Honeywell, where he was a partner for over 40 years. Honeywell was the recipient of the WSBA’s 1993 Professionalism Award and co-author of the Professional Responsibility and Professional and Civil Litigation section of the 1992 Washington Civil Procedure Desk Book. He has recently terminated his litigation practice and partnership in the law firm to devote full time to mediating and arbitrating civil cases.
This In Memoriam section contains brief obituaries of WSBA members. The list is not complete and contains only those notices that the WSBA has learned of through newspapers, magazine articles, trade publications, and correspondence. Additional notices will appear in subsequent issues of Bar News. Please email notices or personal remembrances to inmemoriam@wsba.org.

Matthew D. Adler
Born in Philadelphia, Matthew Adler graduated from the University of Michigan, and received his J.D. from Cornell University Law School. He joined DLA Piper and helped establish their Beijing office. He was a corporate attorney committed to building relationships between China and the United States. The Matt Adler Memorial Fund for Mental Health Law and Services has been created in his honor by his family and DLA Piper.

Matthew Adler died February 18, 2011, at the age of 40.

Richard C. Agman
Born in Spokane, Richard “Augie” Agman graduated from Washington State University and Gonzaga University School of Law. He served his country as an army infantry platoon leader in Vietnam. He practiced law in Spokane for more than 35 years, helping those in need, with little concern about being paid. He was a Cougars, Seahawks, and Mariners fan and loved golf.

Augie Agman died April 26, 2011, at the age of 64.

Gene S. Anderson
Born in Illinois, Gene Anderson attended the University of Illinois and graduated from its law school in 1962. After working for the National Labor Relations Board in Washington, D.C., he served in the U.S. Army and became a captain in the Judge Advocate General Corps. He and his family moved to the Seattle area in 1972. Anderson was employed by the King County Prosecutor’s Office and was the chief of the first Fraud Division for King County. He served as U.S. attorney, worked at Perkins Coie, and taught environmental law at the University of Washington.

Gene Anderson died March 27, 2011, at the age of 70.

Judge William W. Baker
Judge Bill Baker attended Everett High School and Stanford University and earned his J.D. from the University of Washington School of Law in 1965. He worked at the Anderson Hunter Law firm in Everett and served 18 years as an appeals court judge before retiring in 2008. He was known for his consensus building, his well-reasoned arguments, and his sense of humor. He enjoyed racquetball, poker, salmon-fishing, and spending time at his San Juan Islands cabin.

Judge William Baker died January 17, 2011, at the age of 70.

Charles C. Becker
Charles Becker grew up in Chicago, served in the armed forces, and graduated from De Paul Law School on the G.I. Bill. He moved to Seattle in 1956 where he practiced law for 50 years and served for 22 years on the Lynnwood City Council. He loved fishing and was an avid outdoorsman.

Charles Becker died January 7, 2011, at the age of 80.

William C. Boettcher
A lifetime resident of Vancouver, Bill Boettcher received his law degree from the University of Washington School of Law. He served in the U.S. Air Force in the 1950s, and operated a Vancouver law firm for many years, focusing on personal injury. He was instrumental in the operations of the Clark County Bar Association and was a past president. He served as legal counsel for Vancouver’s The Columbian newspaper in the 1970s and 1980s. He retired in 2008.

Bill Boettcher died April 13, 2011, at the age of 82.

John A. Christopherson
After running a retail clothing business for many years, John Christopherson fulfilled his dream of becoming a lawyer and graduated from Seattle University School of Law in 1994. He opened a practice in Mount Vernon with his brother. He loved fishing, home projects, a good debate, and his Harley Davidson motorcycle. He was grateful for his Newfoundland assistance dog, Fisher, who was indispensable when his health declined.

John Christopherson died January 5, 2011, at the age of 56.

Walter W. Eyer
Pat Eyer was born on St. Patrick’s day in Bozeman, Montana, in 1933; hence his lifelong nickname, “Pat.” He attended the University of Montana and was chosen as a Rhodes Scholar. He served in the U.S. Army and graduated from Stanford Law School. He focused on international law in his practice with Perkins Coie. He devoted many hours to improving the lives of those with mental disabilities, and was key in establishing the Northwest Center for the Retarded and Spring Meadows, a group home for those with developmental disabilities. He loved travel and photography.

Pat Eyer died January 16, 2011, at the age of 77.

Dennis V. Gilbert
Born in Des Moines, Iowa, Dennis Gilbert’s family came to Oregon in 1953. He earned his J.D. from Willamette University College of Law. He had a solo practice, then joined the firm of Erwin & Gilbert, P.C., and eventually maintained an office in Tillamook. He served as an aero-medic with the U.S. Air Force Reserve. He enjoyed fishing, running, biking, hiking, and golf.

Dennis Gilbert died December 29, 2010, at the age of 69.

Arthur G. Grunke
Art Grunke was born in 1919 in North Dakota. He earned his law degree from Catholic University of America Law School in 1943 and moved to Seattle in 1944. He practiced for 47 years with Bogle and Gates and retired in 1991. He served several charitable causes, including the Hearing Speech and Deafness Center and United Way of King County.

Art Grunke died January 27, 2011, at the age of 91.

John E. Heath Jr.
John Heath Jr. was born in Walla Walla, attended Whitman College, and received his law degree from the University of Washington School of Law in 1952. He practiced in Spokane with Witherspoon Kelley Dav-enport & Toole for more than 50 years. He served as president of the Spokane County Bar Association and on the WSBA Board of Governors. He gave many charitable hours serving on the boards of the Music Festival Northwest, the Junior Symphony, and KPBX. He loved a good debate, reading, and was known for his colorful attire, which included a trademark bow tie. He led the Spokane County Bar Players, a group of theater fans who wrote and sang songs and spoofed Broadway musicals.

John Heath Jr. died December 27, 2010, at the age of 83.
Judge James B. Hovis

A Zillah native, Judge James Hovis served in World War II in the Pacific theater. He received his law degree from the University of Washington School of Law. He argued many cases before the U.S. Supreme Court in his 33 years of representing the Yakama Nation — cases involving land use, jurisdiction, and taxation. He was instrumental in pushing for a presidential order that placed the eastern slopes of Mount Adams, considered sacred to the Yakama people, inside the boundaries of the reservation. He served as the first full-time federal magistrate judge in Yakima when he was appointed in 1987. He retired from the bench in 1995.

Judge James Hovis died January 6, 2011, at the age of 88.

Lyman W. Hull

Lyman Hull grew up in Illinois, attended Harvard University, and served in Korea in the U.S. Army. He earned his law degree from Northwestern Law School in 1958. He practiced real estate and corporate law for more than 35 years and was a founding partner of George Hull Porter & Kohli P.S. He gave of his time to community and environmental causes, including Plymouth Housing, Epiphany School, Northwest Parkinson’s Foundation, San Juan Preservation Trust, George Pocock Rowing Foundation, and the Lake Washington Rowing Club. An accomplished oarsman, he devoted much of his life to rowing. He enjoyed visiting his vacation home on Henry Island.

Lyman Hull died January 30, 2011, at the age of 82.

JoAnn R. Locke

A remembrance from her daughter Victoria Locke Bartke

Born in Everett, JoAnn Locke received a J.D. from the University of Washington School of Law in 1951, and an LL.M. from Yale Law School in 1973. She became a member of the WSBA in 1951 and remained an active member until the day she died, some 60 years later. When she attended the University of Washington School of Law, she was the only woman in her class, and one of only four in the entire law school. As a student, she served as editor of the Washington Law Review. After graduation, she joined the Seattle law firm of Wright, Booth, and Beresford. While there, she met her husband, Richard W. Bartke, attorney, when they were on opposite sides of a case. With the advent of the computer,
she became a sole practitioner, focusing on estates, trusts, and probate. She often joked that she should prepare her own probate papers, all ready to be filed.

JoAnn Locke died January 28, 2011.

Judge Douglas W. Luna
Of Tlingit and Filipino heritage, Judge Doug Luna was born in Seattle. He served in the U.S. Air Force in the Vietnam War, and volunteered for many helicopter missions. He graduated from the University of Washington and received his law degree from the University of Oregon School of Law in 1973. He first worked on the Alaska Pipeline and then started his legal career at Boeing. Ultimately, he worked as an administrative law judge for the Washington State Employment Security Department and as a review judge for DSHS. He spent much of his free time volunteering for the Central Council of the Tlingit and Haida Tribes of Alaska and other Northwest tribes. He was a founding member of the Asian American Bar Association, the Washington State Supreme Court’s Minority and Justice Commission, and the Filipino American National Historical Society. Luna was deeply concerned with homelessness and hunger and devoted his later years to the Seattle Indian Center Community Services Department, the Seattle Food Committee, Northwest Harvest, and other charitable organizations.

Judge Doug Luna died February 23, 2011, at the age of 67.

David V. Marshall
David Marshall was born into a military family in Baltimore. He attended Johns Hopkins University and received his law degree from American University Washington College of Law. An avid outdoorsman, Marshall longed to live out West, and in the 1980s took a job with the U.S. Attorney’s Office in Seattle. Later in his career, he was to concentrate on environmental law and was one of the first lawyers in the United States to focus on criminal environmental prosecutions. He worked at Davis Wright Tremaine representing many Alaskan native corporations. He enjoyed skiing, mountain climbing, and playing the classical guitar.

David Marshall died February 2, 2011, at the age of 60.

James A. Murphy
Born in Yakima, Jim Murphy attended Stanford University and graduated from
its law school. He then worked at the law firm that would later become Ogden Murphy Wallace. He served as president of the Washington State Association of Broadcasters from 1961 to 1988. He was a nationally recognized authority on the FCC and authored several books on the subject. He was a principal moving force to get broadcast microphones and cameras into Washington courtrooms. Murphy served as the City of Edmonds attorney in the 1960s and helped to create the Edmonds Underwater Park, believed to be the first municipally owned underwater park in the United States. He enjoyed snow-skiing, Scuba diving, and spending time at his cabin in the San Juan Islands.

Jim Murphy died January 20, 2011, at the age of 78.

Robert I. Odom Sr.
Born in Seattle, Bob Odom attended O’Dea High School and Seattle University. He joined the Army in World War II and his tour of duty included landing at Utah Beach during the Normandy invasion. After the war, he attended Gonzaga University School of Law and earned his law degree in 1949. He worked as a trial lawyer in Seattle for many years and was last at Preston, Thorgrimson, Ellis, and Holman.

Bob Odom died March 17, 2011, at the age of 88.

Brenda K. Pahmeier
Born in St. Louis, Missouri, Brenda Pahmeier graduated from the University of Missouri–St. Louis in 1983. After moving to Seattle, she completed her J.D. at the University of Washington School of Law. She was known for her sense of humor, sharp wit, and her passion for work.

Brenda Pahmeier died April 12, 2011, at the age of 52.

Carl A. Palmer
Carl Palmer served in the U.S. Army in Korea. He graduated from UCLA and received his law degree from Loyola Law School–Los Angeles. He practiced for 25 years with the firm of McCune, Godfrey, and Emerick in Seattle’s University District. His cause was defense of tenants with low incomes, and he volunteered for the King County Bar Housing Justice Project and other legal services programs. He faithfully followed the news and current events, and loved fly-fishing, canoeing, and being a grandfather.

Carl Palmer died March 18, 2011, at the age of 68.

Fred Porter was born in Vancouver, Washington, and grew up in Seattle. He served in the U.S. Marine Corps in Japan and Korea. He attended Willamette University and the University of Washington where he studied economics. Porter earned his law degree at Gonzaga University School of Law in 1966. He practiced in Yakima. He was an avid Husky fan and enjoyed listening to the Doobie Brothers in his Porsche.

Fred Porter died January 22, 2011, at the age of 74.

Howard P. Pruzan
Born in Seattle, Howard Pruzan attended Garfield High School and the University of Washington. His studies were interrupted in World War II, where he served in the U.S. Army and was awarded a Purple Heart. He graduated from the University of Washington School of Law in 1948. He was a dedicated trial lawyer for more than a half-century and focused on personal injury. As a community leader, Pruzan was known for his work with civil rights. He was appointed
in 1962 as one of the original members of the Seattle Human Rights Commission, was instrumental in writing the Seattle Open Housing Law, was active in the ACLU, and was president of the local chapters of B’nai Brith and the Anti-Defamation League. He was recognized with the Professionalism Award from the Washington State Trial Lawyers Association (now WSAJ) and for lifetime achievement by the King County Bar Association.

Howard Pruusan died February 21, 2011, at the age of 88.

Judge Dominic E. Puzzo
Judge Nick Puzzo was born in Seattle. He attended Seattle University, Gonzaga University in Florence, Italy, and earned his law degree from the University of Washington School of Law. He served in the U.S. Navy and retired as captain in the U.S. Naval Reserve. He was an administrative law judge for 32 years.

Judge Nick Puzzo died March 2, 2011, at the age of 68.

Carl G. Sonderman
Born in Spokane, Carl Sonderman grew up in the Tri-Cities. He received his J.D. from Gonzaga University School of Law in 1967 and practiced in Benton and Franklin counties. He was past-president of the Benton-Franklin Counties Bar Association and the Prosser Jaycees and was past commodore of the Clover Island Yacht Club. He was active in the Benton County Historical Society. Sonderman enjoyed classical music, reading, traveling, and eating great food accompanied by great wine.

Carl Sonderman died January 29, 2011, at the age of 68.

David L. Tingey
From Covington, David Tingey was a “rocket scientist turned patent attorney.” He enjoyed scouting, guitars, healthy food, fast cars, and his work. He loved kids, especially his 23 grandchildren.

David Tingey died March 30, 2011, at the age of 67.

James S. Turner
Jim Turner was born in Longview and graduate from O’Dea High School in Seattle. He served in the U.S. Army in Korea. He earned his law degree from the University of Washington School of Law in 1955. He practiced civil law in the Seattle area for 42 years. He served as president of the King County Bar Association and created and organized its Alternative Dispute Resolution Section. He enjoyed the theater and acting, and he played the role of the cardinal in the TV series “Northern Exposure.” He completed writing a novel in 2007.

Jim Turner died January 24, 2011, at the age of 81.

Lenny Van Pelt
Born in Yakima, Lenny Van Pelt grew up on a dairy farm in Sunnyside. He attended Washington State University and earned a B.A. and master’s degree in communications. He was a college professor and then earned his J.D. from the University of Puget Sound in 1989. Van Pelt was the founder and attorney for the International Patient Advocacy Association, an organization devoted to advocacy for people with genetic and chronic illnesses, especially patients with Gaucher’s Disease, a disease that Van Pelt was diagnosed with. He had law offices in Bellevue, England, and Japan. He enjoyed sports, especially basketball and skiing, and playing the piano and guitar.

Lenny Van Pelt died December 8, 2010, at the age of 51.
Victor Van Valin
Born in Denver, Colorado, Victor Van Valin grew up in Snohomish. He studied at Williams College in Williamstown, Massachusetts, Harvard University, and earned his law degree at the University of Washington School of Law. He served in the U.S. Air Force during the Pueblo Crisis in 1968. He practiced law in Seattle and Bellevue until his retirement in 2005. He published a book titled Casting Out Fear, which concerns finding one’s authentic self.

Victor Van Valin died January 2, 2011, at the age of 74.

Mary H. Wechsler
Mary Wechsler was born in Green Bay, Wisconsin, and grew up in Chicago. She attended the University of Washington and earned her law degree from the University of Puget Sound School of Law. She was a family law attorney in Seattle for 31 years. She served as president of the King County Bar Association (KCBA) and the Washington chapter of the American Academy of Matrimonial Lawyers. She was named Outstanding Lawyer by the WSBA Family Law Section in 1988 and Outstanding Attorney by the KCBA in 1999. Wechsler was devoted to and influential in the reformation and improvement of the Washington judicial system. In 1995, she was appointed to the Walsh Commission on Judicial Selection and she served at president of the Washington chapter of the American Judicature Society.

Mary Wechsler died January 21, 2011, at the age of 63.

Harold E. Winther
Born in Portland, Oregon, Hal Winther grew up in Seattle and Edmonds. He spent four years serving in the U.S. Navy. He attended the University of Washington and earned his J.D. from Gonzaga University School of Law in 1971. He was a Husky fan, world traveler, artist, and writer.

Hal Winther died January 11, 2011, at the age of 74.

Ramona L. Writt
Ramona Writt graduated with honors from Seattle University School of Law in 1991. After practicing law and clerking for the Honorable Elaine Houghton of the Washington State Court of Appeals, Writt joined the legal writing faculty at Seattle University. She was also a legal writing professor for the school’s summer Academic Resource Center program. After leaving teaching, she clerked at the United States District Court for the Western District of Washington and practiced at Whitener and Rainey in Tacoma.

Ramona Writt died March 7, 2011, at the age of 52.

Zachary A. Zabinsky
Zach Zabinsky graduated from Whitman College majoring in political science and went on to earn his law degree at the University of Oregon School of Law. He practiced in Coos Bay for several years and then moved to Portland where he started his own practice.

Zach Zabinsky died December 20, 2010, at the age of 56.

Congratulations to the 324 candidates who passed the Winter Bar Exam! The exam was administered in February 2011, at the Meydenbauer Center in Bellevue. Of the 479 candidates who took the exam, 67.6 percent passed.

**A**
Addison, Misty Lynn, Tacoma
Agnew, Ryan Milton
Alvarado, Joseph, Seattle
Amstadder, Susan G., Spokane
Anderson, Melissa, Shoreline
Angels, Oceania Liones, Seattle
Annis, David C., Seattle
Ashby, Amber T., Victorville, CA

**B**
Bailey, Christina Sue, Covington
Baker, La Rond, Seattle
Baldwin, Kacie L., Seattle
Baner, Jonathan A., Tacoma
Baner, Miranda, Tacoma
Bangert, Richard Elmer, Seattle
Banks, Megan Anne, Olympia
Barmby, Erin Catherine, Seattle
Barraza, Vicente Omar, Seattle
Baxter, Eriko Iwasaki, Kirkland
Baxter, Kirsten, Beaverton, OR
Becket, Kristian Scott, Summannish
Bennett, Sarah B., Edina, MN
Benson, Ann E., Port Townsend
Benward, Kate, Coulee Dam
Bertman, Nadine L., Seattle
Besagno, Adam M., Redondo Beach, CA
Beschen, Emily Caillín, Seattle
Biswas, Shreya, Seattle
Blye, Jessica L., Everett
Bohan, Brent Patrick, Seattle
Bokde, Ashok C., Brooklyn, NY
Bone, Thomas J., Boston, MA
Boston, Michelle R., Newcastle
Bouchiaa, Jayne Windsor, Richland
Brault, Brian, San Diego, CA
Bryant, Michael, Austin, TX
Burnett, Margaret Ann, Auburn
Burk, Susan Delany, Tacoma
Burnett, Margaret Ann, Auburn
Burr, Jonathan S., Penn Valley, CA
Busono, Julia J., Woodinville
Butts, Sally Ruth, Lewiston, ID
Byers, Richard J., Spokane

**C**
Cain, Natalie, University Place
Caldwell, John H., Seattle
Campbell, Abigail V., Seattle
Care, Kristen Elizabeth, El Paso, TX
Carr, Christopher Patrick, Enumclaw
Carr, Laurene A., Seattle
Carter, Miles Wilton, Seattle
Carter, Thomas Salazar, Arlington, VA
Castillo, Elvira, Seattle
Cha, Kristen, Mukilteo
Chang, Magnus, Seattle
Cheuv, Maria Lucia, Moses Lake
Chibib, Michael, Austin, TX
Chi, William, Seattle
Chung, Brianna Allred, Seattle
Cogdill, Mika Sul Hee, Everett
Coldwell, Heather Ann Ahlstrom, Seattle
Cole, Jonathan Wayne, Palo Heights, IL
Collins, Jesse G., Burlington
Cook, Todd James, Wymissing, PA
Cooper, Matthew Dean, Mercer Island
Cornellier, Sasha, Olympia
Cox, Traci Lee, Shelton
Crawford, Daniel, Gig Harbor
Creason, Samuel Toews, Lewiston, ID
Curtis, Kimberly S., Fife

**D**
Dahl, Christopher B., Seattle
Daniels, James Ronald, Covington
Davis, Julia, Colfax
Desai, Neema Patel, Bellevue
Deshpande, Pradnya P., Bellevue
Deutsch, Kathleen Jane, Kirkland
DiVittorio, Daniel, Lake Oswego, OR
Dixon, Henry N., Los Angeles, CA
Donahue, Susan Gale, Winthrop
Doyle, Julia Kravets, Kenmore
Duffy, Colin Owen, Bellevue
Dutton, Marianne Elizabeth, Seattle
Dyer, Edward J., Seattle

**E**
Deshmukh, Pradnya, Bellevue
Devine, Anthony, Seattle
Dorsey, Douglas, Seattle
Edwards, David Benjamin, New York, NY
Edwards, Elizabeth T., Seattle
Elam, Courtneym, Mercer Island
Eldredge, Sharon O’Brien, Seattle
Elliott, Darcey, Issaquah
Engel, Madeline, Portland, OR
Ericksen, Matthew, Seattle
Etsell, Karen, San Diego, CA
Everett, Jonathan Jubal, Olympia

**F**
Fard, Dominika Szreder, Chicago, IL
Farza, Oliver Omid, Tigard, OR
Faught, Jeffery Douglas, Vancouver
Fisher, Nikki Jean, Port Orchard
Flaschen, Joan Steward, Seattle
Flothe, Jacob Ian, Ravensdale
Fortney, Katrina Kleinwachter, Washington, DC

**G**
Gabryelski, Henry, Sammamish
Galgan, Stephen John, Seattle
Gardner, Andrew M., Seattle
George, Erika, Kettle Falls
Gibbs, Nathen M., Seattle
Glouner, Gary D., Jr., Seattle
Gohmann Bigelow, Sarah, Glenview, IL
Gouder, Synthia Aradhna, Tukwila
Griffie, Ryan D., Burien
Guizar, Alva, Grandview

**H–I**
Habib, Sameena Beguwalla, Anaheim, CA
Hackett, Thomas Arthur, Vancouver
Haldeman, Anthony, Olympia
Hallberg, Charles Clifford, Bellevue
Hamar, Rachel V., Lynnwood
Hani, James Robert, Seattle
Hann, Kim A., Tacoma
Hanna, Sylvia Eskander, Seattle
Hannum, Erin E., Spokane
Harleman, Justin C., Marysville
Hartless, Laura M., Lansing, MI
Helman, Cathy Madere, Spokane
Hermse, Tyler J., Seattle
Hernandez, Rebecca A., Pittsburgh, PA
Herr Waldroup, Sara M., Spokane
Hess, Bjorn Anders, Vancouver
Higgin, E., Seattle
Hogan, Sally Lee, San Diego, CA
Hollars, Adam B., Milwaukee, WI
Hooper, Matthew H., Seattle
Hooper, Tracy, Portland, OR
Hudak, Courtneym, Seattle
Hudson, Nicholas, Seattle
Hunt, Daniel, Seattle
Hunter, Louis, Seattle
Hurst, Robert Isaak, Issaquah

**J**
Jenkins, Chad A., Moses Lake
Johnson, Benjamin Albert, Seattle
Johnson, Denise L., Kirkland
Johnson, Matthew Erik, Marysville
Jones, Lucinda A., Woodinville
Jones, Thomas Louis, Summit Hill, PA
Jordan, Sarah J., Seattle
Justham, Drew Brody, Bainbridge Island
K
Karczewski, Jacob L., Santa Monica, CA
Kattel, Ajay Manan, Seattle
Kaur, Rajvinder, Union City, CA
Kиchler, Staci Rene, Orange Beach, AL
Kim, Ji Min, Alexandria, VA
Kittleson, Kelsey Lauren, Spokane
Knight, Sunny J., Vashon
Konnersman, Jolene, Seattle
Krusche, Troy Daniel, Hayden, ID
Kusumi, Jeff, Montchanin, DE
L
Larsen, Keil A., Lake Forest Park
Larson, Christopher, Renton
Larson-White, Tammy, Tukwila
Laughlin, Andrew Lang, Seattle
LeBlanc, James E., Vancouver
Lee, Bryan, Seattle
Lee, Kwon H., Lynnwood
Leung, Denise, Seattle
Leung, Peter, Kent
Ling, Helen DaoXi, Seattle
Litterine-Kaufman, David, Seattle
Lofing, Nicholas James, Helena, MT
Lucy, Zac, Milton
Luther-Shiflett, Judith E., East Olympia
M
Macfarlane, Duncan Clayton, Los Angeles, CA
Magoon, Tania, Bellevue
Maks, Jennifer L., Portland, OR
Martinez, Michael, Washington, DC
Masch, Brett, Summanish
Matarazzo, Andrea A., Sacramento, CA
Matthews, Sarah Weinrich, Salt Lake City, UT
Matthiesen, JoAnn, Houston, TX
Mattis, Elizabeth Higley, Yorba Linda, CA
Mayo, Boyd McFadden, Spokane
McConnell, Andrew James, Shoreline
McDonald, Andrew M., Everett
McDonald, Robert William, Seattle
McDonald, William Marc, Fort Worth, TX
McGrath-Agg, Spencer William, New Westminster, BC
McGrue, Nicholas Jennings, Santa Monica, CA
McLaughlin, Mary, Seattle
McLellan, Nathan A., Manchester
McNeely, Michael Shawn, Edmond, OK
McWhorler, Bryan Gregory, Seattle
Mendoza, Elias Gabriel, Elk Grove, CA
Menendez, Arturo David, Seattle
Mezistrano, Lee, Seattle
Milesnick, Robert Stanley, Portland, OR
Miller, Michael Hamilton, Pittsburgh, PA
Miller, R. Andrew, Seattle
Milner, Marnee Wyn, Seattle
Mitchell, Lisa Ann, Seattle
Moore, Byron J., Wenatchee
Moore, Daniel J., Seattle
Morgan, Bridget Gallagher, Seattle
Morrill, Kimberly Anne, Seattle
Mumford, Seann Michael, Coeur d’Alene, ID
N
Naipo, Erin Kekulaokalani, Spokane
Narciso, Dennis Geoffrey Macabuhay, Everett
Nemore, Stephanie Catherine, Boise, ID
Newmark, Gideon S., Gig Harbor
Nguyen, Hang Samantha, Renton
Nyberg, Sean Elliot, Issaquah
O
O’Brien, Thomas Michael, Seattle
Ogan, Naomi R., Seattle
Ondrak, Andrew J., Seattle
O’Neill, Richard, New York, NY
Ott, Jeffrey David, Portland, OR
P–Q
Parashar, Deepak K., Seattle
Parker, Stephen D., Bothell
Parker, Timothy T., Mercer Island
Pechtel, Adam Robert, Yakima
Peet, Daniel Ryan, Bremerton
Perkins, Larkinsa, Arlington
Peterson, Alexander Malouf, Spokane
Peterson, Lacey Elizabeth, Seattle
Pierson, Lauren Burdette, Seattle
Pops, Joshua A., Seattle
Price, Sarah, Beaverton, OR
Prince, Diana W., Winthrop
Pringle, Emily J., Portland, OR
Pruitt, Denise R., Seattle
R
Rae, Meghan Dias, Seattle
Ramirez, Samuel, Ukiah, CA
Rammelsberg, Jessica A., Richland
Ramos, Jorge Antonio, Kent
Rao, Emily Chieh, Bellevue
Rappaport, Rachel, Seattle
Raudebauh, Kevin, Seattle
Reynolds, Kevin Michael, Sunrise, FL
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The Board’s Work

BY MICHAEL HEATHERLY

Spokane, March 18, 2011
Bellevue, April 29, 2011

At the regular Board of Governors meetings conducted March 18, 2011, in Spokane and April 29, 2011, in Bellevue, the Board debated and ultimately passed a Bylaw change that will allow the WSBA president to be chosen from any region of the state three out of each four years, and from Eastern Washington exclusively every fourth year. In other business at the meetings, the BOG discussed proposed standards for indigent criminal defense, approved a plan for disclosure of WSBA records, endorsed recommended improvements to the Lawyers Assistance Program, and authorized staff to negotiate an extension to the WSBA’s legal research contract with Casemaker.

Election of WSBA President-elect — Geographic Rotation

At the March meeting, the Board continued discussion of a recommendation by the Governance Committee to change the geographic rotation used for election of the WSBA president-elect. Each year the BOG elects the president-elect, who serves one year in that position before moving up to president the following year. Under the existing system, nominees for the position must be from specified areas, which rotate in a four-year cycle: 1) west of the Cascades but outside King County, 2) within King County, 3) east of the Cascades, and 4) again within King County.

At the April meeting, the BOG voted unanimously to adopt the Governance Committee’s recommendation, under which the president-elect position will be open to Bar members from any geographic region three out of four years, with the fourth year reserved exclusively for candidates from Eastern Washington. The new system will go into effect in 2012, affecting the election of the 2012–2013 president-elect (the 2013–2014 president).

The Governance Committee had previously proposed suspending geographic requirements for the position altogether for a trial period. However, Committee members from Eastern Washington — as well as others from both sides of the mountains — argued that guaranteeing a president from the eastern side of the state every four years is critical for Bar members there to feel they have a full stake in the WSBA. The new proposal represented a compromise, under which Eastern Washington is still guaranteed a president every four years, while the position is open to nominees from any geographic region the other three years.

In related business at the April meeting, the BOG heard a first reading of two additional Governance Committee proposals. The first would alter the annual procedure for electing the WSBA treasurer, a position always held by a current Board member. Under the current system, the treasurer is nominated by the president-elect and must be confirmed by the Board. The proposed change would require the treasurer to be elected directly by the BOG, from nominees chosen by a special committee made up of the president-elect, the outgoing treasurer, the WSBA executive director, the WSBA chief financial officer, and three Board members who are not seeking the nomination themselves.

The second proposal receiving its initial reading in April would expand the jurisdiction of the Legislative Committee. Under the recommendation, the Committee’s authority to propose or adopt legislative positions on behalf of the WSBA would extend beyond measures in the Washington State Legislature to those involving local governments within the state, the U.S. Congress, and the American Bar Association. However, the new rule would apply only in situations where the full BOG had insufficient time to act.

Standards and Guidelines for Indigent Defense

Also at the March and April meetings, the BOG addressed proposals regarding statewide standards and guidelines that would apply to all lawyers who represent indigent defendants in criminal cases. The Board heard testimony and debated the proposals before tabling them until the June 3, 2011, meeting for possible action.

The proposals constitute requests by the WSBA Council on Public Defense for the BOG to do three things: 1) approve an updated version of the 2007 WSBA Standards for Indigent Defense Services ("Standards"); 2) approve a resolution recommending adoption by the Washington State Supreme Court of specific portions of the Standards in connection with the
Court’s recent enactment of rules requiring all lawyers serving in an indigent-defense capacity to certify their compliance with applicable criteria for competence; and 3) approve an additional, new document pertaining to criminal defense practice, the Performance Guidelines for Criminal Defense Representation. All three measures are part of the courts’ and WSBA’s efforts to ensure effective representation of indigent criminal defendants.

At both the March and April meetings, the BOG heard testimony on the proposals from a number of Bar members involved in prosecution and defense of criminal cases. Most of the testimony focused on portions of the Standards limiting the number of cases a lawyer may handle. In particular, several speakers opposed a rule prohibiting any lawyer who practices misdemeanor defense from handling more than 300 to 400 cases (depending on the type of case) in a year.

Opponents of the caseload limits were primarily attorneys who defend large volumes of misdemeanor cases on public defender contracts, together with municipal and county attorneys who prosecute those cases. The Washington State Association of Municipal Attorneys, Association of Washington Cities, and Washington State Association of Counties all opposed the Standards, urging instead adoption of caseload guidelines that don’t include numerical limits. Opponents generally argued that numerical limits ignore the fact that experienced, skilled attorneys may well be able to competently handle a larger volume of cases, particularly if the majority are simple misdemeanors. Imposing such limits would force firms doing public defense on contracts to hire additional attorneys, ultimately increasing the cost to taxpayers, they asserted. For economic reasons, less experienced and less skilled lawyers would be hired, which would actually reduce the overall effectiveness of counsel to the indigent clients, they argued.

Supporters of the proposals, including members of the Council on Public Defense, countered that the Standards, including the caseload limits, resulted from decades of research and debate nationwide and in Washington. They noted that WSBA has long endorsed defense standards with caseload limits, including the original 2007 Standards. (The Standards have the status of guidelines currently, but they presumably would be enforced as court rules if adopted by the Supreme Court.) Some proponents likened the caseload limits to speed limits, which serve a critical public purpose even if they over generalize regarding motorists’ varying skills in controlling cars at speed.

BOG members seemed split on the issues. A particular concern expressed by some was the arguably vague definition of “case” contained in the proposed updated Standards: “[T]he filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation.” Eventually, the Board voted 8–7 (including the tie-breaking vote by WSBA President Steve Toole) to table a vote on passage of the proposals until the June 3, 2011, meeting in Kennewick. In the meantime, the Board asked the Council on Public Defense to provide additional information, including a more specific definition of “case.”

**GR 12.4 — WSBA Public Records Rules**

At the April meeting, the BOG voted to approve a proposed set of court rules that would govern public disclosure of WSBA records. The rules would need to be adopted by the Supreme Court before they
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As more and more families throughout our state are finding themselves struggling with poverty, all it takes is one unresolved legal issue—consumer abuse, domestic violence, wrongful eviction—to create a downward spiral of costly social problems that can ruin lives and impact the whole community. Access to a civil legal aid attorney can mean the difference between shelter and homelessness, safety and abuse, food on the table and hunger, economic stability and bankruptcy, productive work and unemployment.

Through their generous charitable support of the 2010-2011 Campaign for Equal Justice, which provided more than $491,000 for essential operating support for 25 civil legal aid programs throughout Washington, our area’s most civically-engaged law firms are helping strengthen our neighborhoods and our economy by helping stabilize housing, income, and benefits for thousands of families.

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Front Row (L to R): Gloria Lung Wakayama, Harris Mericle & Wakayama, PLLC; Joel Gordon, GordonDerr LLP; Laura Yamashita, MFR Law Group PLLC; Philip E. Cutler, Cutler Nyland & Hayton; John Teutsch, LAW Fund; Kate Battuello, KCBF; Crol Anderson, Schroeter Goldmark & Bender; Charlie Burdell, Judicial Dispute Resolution, LLC; Anne Preston, Garvey Schubert Barer; Howard Goodfriend, Smith Goodfriend, P.S.; Gordon W. Wilcox, Inc. P.S.

Back Row (L to R): Philip Lempiere, Keesal, Young & Logan; Bruce E. Larson, Karr Tuttle Campbell; Lucinda Dunlap, Chihak & Gustad; Robert Mitchell, K & L Gates LLP; Carl J. Carlson, Carlson & Dennett, P.S.; Sims Weymuller, Johnson Flora PLLC; David K. Eckberg, Skellenger Bender, P.S.; Scott Zanig, Hall Zanig Caflin McEachern; William Holt, Gordon Thomas Honeywell; Peggy Williams, Danielson Harrigan Leyh & Tollefson, LLP; Nancy Williams, Perkins Coie; Kelby Fletcher, Stokes Lawrence, P.S.; Daniel S. Gottlieb, Gottlieb, Fisher PLLC; Steve Ellis, Davis Wright Tremaine LLP

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). www.c4ej.org
would take effect. If approved, the rules would give WSBA its own public disclosure requirements rather than subjecting it to rules being created for judicial entities or to the general state Public Records Act.

The BOG had debated the proposed rules at previous meetings. One issue that remained a loose end was what recourse to make available to those whose requests for records are denied by WSBA. The final draft of the rules passed by the Board provides that the exclusive remedy for denial of a records request would be review by the chief justice of the Washington State Supreme Court.

**Lawyers Assistance Program**

Also at the April meeting, the BOG reviewed an independent assessment of the Lawyers Assistance Program (LAP) and voted to endorse, in general terms, several recommended changes. The LAP promotes the health and well-being of WSBA members with services including education, referrals for outside assistance, and direct confidential mental health and addiction counseling. WSBA hired a consultant, Seattle psychologist Dr. Michael J. Badger, to assess the effectiveness of the LAP. He began his evaluation in January and reported his conclusions and recommendations to the Board in person at the April meeting.

Recommendations included enhancing the ability to provide LAP services to WSBA members where they live, throughout the state. This could be accomplished by either contracting with an existing employee assistance program or establishing a formal network of WSBA-approved individual service-providers in communities throughout the state, Badger said.

Another of Badger’s recommendations was to expand beyond LAP’s existing services — which are weighted toward traditional individual psychotherapy — to more group- and prevention-oriented activities. Badger cited the LAP’s existing job-seeker workshops as a successful example of such programs. He also recommended targeting specific under-served segments of potential LAP clientele, such as law students and lawyers approaching retirement.

Further recommendations by Badger included greater use of technology and volunteers to help provide services more efficiently and economically. He also suggested evaluating pricing for services and seeking alternative funding sources.

**Casemaker Renewal**

In other business at the April meeting, the BOG authorized WSBA staff to negotiate a two-year contract with legal research provider Casemaker to continue providing free online legal research to WSBA members and to begin handling electronic publishing of WSBA-CLE materials. The latter will allow members to link directly from citations in CLE publications to the cited source materials.

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Michael Heatherly is the Bar News editor and can be reached at barnewseditor@wsba.org or 360-312-5156. For more information on the Board of Governors and Board meetings, see www.wsba.org/about-wsba/governance/board-of-governors. For more information on issues addressed by the Board, visit the WSBA website at www.wsba.org, click on the “News and Events” tab, select “Publications, Newsletters, Brochures,” then see “News Flash.”

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Washington State Bar Foundation Board of Trustees

Application deadline: June 30, 2011

The Washington State Bar Foundation is the fundraising arm of the WSBA. Its mission is to provide financial support for WSBA programs that promote diversity within the legal profession and enhance the public's access to and understanding of the justice system. Bar Foundation funding helps to power vital programs like the WSBA Moderate Means Program, the WSBA Leadership Institute, and more. The WSBA Board of Governors is seeking to fill five positions on the Washington State Bar Foundation Board of Trustees, three of which are open to WSBA members. Terms begin on October 1, 2011; are for one, two, or three years; and are renewable. Trustees are stewards of the Bar Foundation, a 501(c)(3) nonprofit, and are actively involved in all aspects of donor development. To learn more about time and financial commitments, contact Megan McNally, director of development, at mmcnally.found@wsba.org, 206-727-8272, or 800-945-9722, ext. 8272. To be considered, please submit a cover letter and résumé by email to foundation@wsba.org.

Board for Judicial Administration Court Security Committee

Application deadline: June 30, 2011

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a two-year term on the Board for Judicial Administration Court Security Committee. The term will begin upon appointment, and expire June 30, 2013. The Court Security Committee reviews and recommends revisions to Washington’s court security guidelines; recommends minimum security standards that should be met by all courts; determines most likely threats to courts through risk assessment; investigates funding sources for improving court security; and regularly reviews the security guidelines and local court security measures against evolving security risks. The committee consists of 11 members, one of whom is appointed by the WSBA. Please submit letters of interest and résumés to the WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or email barleaders@wsba.org. A letter of interest and résumé are also required if the incumbent seeks reappointment.

Further information about the BJA Court Security Committee can be found at www.courts.wa.gov/committee/index.cfm?fa=committee.home&committee_id=131, or by contacting committee staff at 360-357-2129.

WSBA Reviewing Rules for Enforcement of Lawyer Conduct

A WSBA task force has been reviewing the Rules for Enforcement of Lawyer Conduct (ELC), the procedural rules that govern Washington’s lawyer discipline system. At the March Board of Governors meeting, the task force reported to the Board on a number of the ELC amendments being considered. A matrix of the suggested amendments and information about the task force are on the WSBA website (www.wsba.org). Please send comments by July 1, 2011, to Scott Busby, ELC task force reporter, at scottb@wsba.org.

The final meeting of the task force is scheduled for June 30, 2011, at the WSBA office. It is anticipated that the task force will present its final report at the July 22–23 Board of Governors meeting and ask the Board to approve the proposed changes for submission to the Washington State Supreme Court.

“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. Requests for copies should be directed to Pam Inglesby, WSBA outreach programs manager, at pami@wsba.org.

LOMAP and Ethics on the Road: The 2011 Traveling Seminar

The WSBA comes to you! Join us in Spokane on June 8; Pullman on June 28; Walla Walla on June 29; or Richland on June 30. Four ethics credits are available and the cost is $99. To register, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org. For additional information, see www.lomap.org.

Get More Out of Your Software

The WSBA offers hands-on computer clinics for members wanting to learn more about what Microsoft Office programs — Outlook and Word, as well as Adobe Acrobat — can do for a lawyer. We also cover online legal research such as Casemaker and other resources. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Computers are provided, or bring your laptop. Seating is limited to 15 members. The June 13 clinic will meet from 10 a.m. to noon at the WSBA office and will focus on using Outlook and practice-management software. The June 16 clinic will meet from 2:00–4:00 p.m. and will also focus on using Outlook and practice-management software. There is no charge and no CLE credit. To reserve your seat, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

Monthly and Weekly Job Seekers Groups

On June 8 from noon to 1:30 at the WSBA office, WSBA Lawyers Assistance Program (LAP) psychologist Dan Crystal will host a roundtable to address your career search needs. The roundtable environment allows for more personalized attention to your job-search methods, approaches to interviewing, and résumé writing. No RSVP is required. We also host a Weekly Job Seeking group that provides strategy and support to unemployed attorneys. The group runs for eight weeks and is limited to eight attorneys. For more information about Monthly and Weekly Job Group programming, contact Dan Crystal at danc@wsba.org, 206-727-8267, or 800-945-9722, ext. 8267.

Work/Life Balance Group

The WSBA Lawyers Assistance Program is currently offering From Surviving to Thriv-
interested 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.

**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 206-727-8284, 800-945-9722, ext. 8268, or visit www.wsba.org.

**Casemaker Online Research**
Casemaker is a powerful online research library provided free to WSBA members, that can be accessed from the WSBA website at www.wsba.org. For help using Casemaker, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, juliesa@wsba.org, or call the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA (9722).

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

**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 3, Kennewick • July 22–23, Ocean Shores • September 22–23, 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/about-wsba/governance/board-of-governors.

**Usury Rate**
The average coupon equivalent yield from the first auction of 26-week treasury bills in May 2011 was 0.102 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.

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**Accounts Receivable Collection**

**Financial Services**

“Collection Services for the Legal Professional”

- Skip Tracing
- Asset Searches
- Enforcement of Judgments
- Credit Bureau Reporting
- Settlement Negotiations

**Assisting Northwest Law Firms Since 1985**

1402 Third Avenue, #619 • Seattle, WA 98101 • (206) 340-0883
So many of our state’s low- and moderate-income families are unable to obtain the legal help they need, simply because they cannot afford it. The need is great, especially in the areas of family, housing, and consumer law.

A survey conducted several years ago found that approximately 75 percent of Washingtonians of moderate means — those who are within 200–400 percent of the federal poverty level — experience at least one legal problem each year. Many go without legal help.

To help address this serious problem, the WSBA created the statewide Moderate Means Program, a reduced-fee lawyer-referral service designed to help bring greater access to justice for people of moderate means. The WSBA is partnering with Washington’s three law schools to implement this exciting program; law students will handle the client intake and referral to participating lawyers.

**Why Should I Participate?**

Help yourself while helping others!

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

**How Do I Sign Up?**

In order to be eligible to participate, you must be an active member of the WSBA, and you must carry your own malpractice insurance. All lawyers applying to participate will be subject to a discipline screening. Lawyer registration is done online through mywsba.org, where you will complete a short registration form. Simply go to www.mywsba.org and click on the Moderate Means Program logo.

**What's Next?**

Referrals will begin later this spring. When a service opportunity arises, you will be contacted by a student at one of the three Washington law schools.

For more information, please visit the Frequently Asked Questions page. You can also contact WSBA Public Service Manager Catherine Brown at 206-733-5905 or catherineb@wsba.org.

**Enhancing Our Culture of Service**

Public service is a hallmark of the legal profession. Through projects like the Moderate Means Program, the WSBA is enhancing our culture of service, providing ways for lawyers to give back to the communities of which they are such an integral part.

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

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 disciplinary notices should be read carefully for names, cities, and bar numbers.

Resigned in Lieu of Disbarment

Edward Lawrence Lane (WSBA No. 27799, admitted 1998), of Bellevue, resigned in lieu of disbarment, effective March 25, 2011. This resignation was based on conduct in two matters involving conversion of client funds, trust account irregularities, and dishonesty.

While not admitting to the misconduct herein, Mr. Lane agreed that the Bar Association could prove, by a clear preponderance of the evidence, the violations set forth in the Statement of Alleged Misconduct. Those violations are as follows:

Mr. Lane handled the trust and operating accounts for his law firm. In March 2009, the firm received a $400,000 settlement check for a client’s personal injury claims, which Mr. Lane deposited into the firm’s trust account. Mr. Lane began disbursing part of the settlement in March, but did not provide the client with a settlement statement until August 2009. Mr. Lane also did not promptly remit to the client her entire portion of the settlement, which totaled $209,980.70. Instead, the client received $10,000 in March 2009, $10,000 in May 2009, $10,000 in June 2009, and the remaining balance in August 2009. Mr. Lane transferred the firm’s earned fees to its operating account in increments, ultimately transferring more from the trust account than the amount of earned fees on deposit. The amounts in excess of earned fees derived, in part, from the client’s share of funds in the trust account, which Mr. Lane knowingly borrowed to pay the firm’s expenses (e.g., payroll, rent, taxes, etc.), without the client’s knowledge or authority. Mr. Lane repaid the trust account when funds in the operating account became available. As of August 13, 2009, there was only $167,847.73 on deposit in the trust account, instead of the $179,980.70 of the client funds that the law firm should have been holding. Thus, the firm’s trust account was short $12,132.97.

Similarly, in another client matter, Mr. Lane failed to maintain the client’s $13,299.19 of settlement in the firm’s trust account,
and withdrew portions of it to pay some of the firm's operating expenses (e.g., payroll, rent, taxes, etc.), without the client's knowledge or authority. Mr. Lane ultimately disbursed the funds to which the client and his ex-wife were entitled from the firm's operating account.

Mr. Lane's conduct violated RPC 1.15A(b), prohibiting a lawyer from using, converting, borrowing, or pledging client or third-person property for the lawyer's own use; RPC 1.15A(c), requiring a lawyer to hold property of clients and third persons separate from the lawyer's own property; RPC 1.15A(e), requiring a lawyer to promptly provide a written accounting to a client or third person after distribution of property or upon request; RPC 1.15A(f), requiring a lawyer to promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive; RPC 1.15A(h) (1), prohibiting funds belonging to a lawyer to be deposited or retained in a trust account except funds to pay bank charges, funds belonging in part to the lawyer, and funds necessary to restore appropriate balances in the account; and RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Leslie C. Allen represented the Bar Association. Mr. Lane represented himself.

Disbarred

Charmaine Lynette Clark (WSBA No. 28000, admitted 1998), of Silverdale, was disbarred, effective April 4, 2011, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order by the Supreme Court of the State of Nevada. This discipline is based on conduct involving Ms. Clark abandoning her clients in Nevada, effectively ceasing communication with them, and leaving their cases languishing in various Nevada courts. For more information, see Nevada Lawyer Magazine (February 2011), available at www.nvbar.org/publications/nevadalawyer.htm.

Ms. Clark's conduct violated Nevada's RPC 1.1 (competence); Nevada's RPC 1.3 (diligence); Nevada's RPC 1.4 (communication); Nevada's RPC 1.5 (fees); Nevada's RPC 1.15 (safekeeping property); Nevada's RPC 1.16 (declining or terminating representation); Nevada's RPC 3.1 (meritorious claims and contentions); Nevada's RPC 3.2 (expediting litigation); Nevada's RPC 3.4 (fairness to opposing party and counsel); and Nevada's RPC 8.1(b) (bar admission and disciplinary matters).

Joanne S. Abelson represented the Bar Association. Ms. Clark did not appear either in person or through counsel.

Disbarred

Christina S. Denison (WSBA No. 25096, admitted 1995), of Bellevue, was disbarred, effective December 27, 2010, by order of the Washington State Supreme Court following a default hearing. This discipline was based on conduct involving failure to provide diligent representation, abandonment of practice, failure to communicate, and failure to comply with duties imposed by the Rules for Enforcement of Lawyer Conduct.

In March 2006, a client hired Ms. Denison to represent her in removal proceedings in an immigration matter after the client's Application for Temporary Protected Status (TPS) was denied. The client paid Ms. Denison a $3,000 non-refundable flat fee. On July 31, 2006, Ms. Denison appeared on the client's behalf at the hearing in the removal proceedings, but had not yet submitted a Freedom of Information Act (FOIA) request. At that hearing, Ms. Denison requested the immigration court to perform a de novo review of the TPS denial and informed the court that she would file the FOIA request for the TPS file. The court set the next hearing for January 8, 2007, giving Ms. Denison five months to obtain the documents in her FOIA request.

In August 2006, Ms. Denison moved her office. She informed her client of the new address. However, around this time period, the client began having difficulty reaching her. The client, and others on her behalf, made multiple unsuccessful attempts to contact Ms. Denison in order to obtain information about the case. The client's employer sent the client a letter requesting information about her immigration status, which the client copied and mailed to Ms. Denison. The client never received a response. Sometime after July 2006, Ms. Denison submitted the FOIA request. Ms. Denison had not yet received the requested documents by the time of the January 8, 2007, hearing. She asked the court for a continuance, which the court denied because Ms. Denison had not tried to expedite or compel the government to honor the FOIA request. The court further found it did not have jurisdiction to hear the client's TPS request de novo and that nothing in the FOIA request would provide the court with jurisdiction. The court found the client ineligible for any other form of relief, granted voluntary departure in lieu of removal, and ordered the client to pay a voluntary departure bond.

In February 2007, Ms. Denison appealed the client's case to the Board of Immigration Appeals (BIA). Ms. Denison did not inform the client that she filed an appeal on her behalf. In March 2007, Ms. Denison moved her office. Again, she communicated her address change to the client, who met once with her at her office's new location. The client attempted to meet with Ms. Denison a second time, but Ms. Denison refused to meet with her. Thereafter, communication with Ms. Denison became increasingly difficult for the client. Ms. Denison did not respond to the client's numerous telephone messages.

In late 2007, while the appeal was pending, a favorable decision in another immigration case gave the immigration court judges authority to issue decisions on TPS applications, and the government filed a motion to remand the client's case to the immigration court. The BIA remanded the client's case, and the immigration court sent Ms. Denison a notice of hearing in the client's removal proceedings, scheduled for February 3, 2010. Ms. Denison did not inform her client of this hearing and continued to ignore requests for information. In August 2009, Ms. Denison moved from her office without leaving any notes, contact information, or a forwarding address. At some point, Ms. Denison disconnected her office telephone.

By November 2009, the client hired a new lawyer to handle her immigration matter. The new lawyer did not know the status of the case, was not aware of the February hearing, and was unable to send Ms. Denison a copy of his motion to substitute counsel. Ms. Denison provided the client with her client file and a transmittal letter indicating that she could no longer represent her. However, the file was not complete and did not clearly indicate whether the government ever complied with the FOIA request. On February 3, 2010, the client and her new lawyer appeared at the master calendar hearing. Despite the fact that she was still counsel of record, Ms. Denison did not appear at the hearing.

The client subsequently filed a grievance against Ms. Denison. Ms. Denison's failure to update the Bar Association with her address or other contact information resulted in her failing to respond to the Bar Association's request for a written response to the client's grievance.

Ms. Denison's conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to promptly inform the client of any decision of circumstance with respect to which the client's informed consent is required, reasonably consult with the client about the means by which the client's objectives are to be accomplished, keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; and RPC 8.4(c), 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.

Sachia Stonefeld Powell represented the Bar Association. Ms. Denison did not appear either in person or through counsel. Julian C. Dewell was the hearing officer.

Disbarred

Theodore A. Mahr (WSBA No. 19555, admitted 1990), of Moses Lake, was disbarred, effective
December 27, 2010, by order of the Washington State Supreme Court following a default hearing. This discipline is based on conduct involving failure to act with reasonable diligence, failure to communicate, charging unreasonable fees, failure to protect clients’ interests, false statements to a tribunal, conversion of clients’ funds, dishonesty, and noncooperation during the investigation of a disciplinary matter.

Between May 2006 and January 2010, Mr. Mahr was hired by clients to represent them in 14 different immigration matters. Mr. Mahr charged these clients flat fees and, in many of the matters, either did not diligently pursue the work required or did not complete or even start the outlined legal work. Mr. Mahr’s lack of diligence often resulted in delays in the clients’ cases. Mr. Mahr’s conduct in these matters included:

• Failing to appear at scheduled hearings, file applications, and, in one matter, file an appeal;
• Failing to adequately communicate with clients about their cases or the basis for the fee he was charging them and, in some cases, making misrepresentations to clients in order to receive additional funds;
• Making misrepresentations about his fee to a small claims court after being sued by clients;
• Forging a client’s signature on a petition;
• Withdrawing from representation of clients without explanation and then failing to return clients’ repeated phone calls or refund their unearned fees; and
• Failing to inform clients, opposing counsel, or the court about his three-year suspension, effective November 10, 2009, and continuing to accept fees from clients following the effective date of the suspension.

The Office of Disciplinary Counsel sent certified letters regarding each grievance to Mr. Mahr, seeking his response and requesting clients’ files and other information. Mr. Mahr did not claim the letters and never responded to the requests.

Mr. Mahr’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to promptly inform the client of any decision of circumstance with respect to which the client’s informed consent is required, reasonably consult with the client about the means by which the client’s objectives are to be accomplished, keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; RPC 1.5(a), prohibiting a lawyer from making an agreement for, charging, or collecting an unreasonable fee or an unreasonable amount for expenses; RPC 1.5(b), requiring the lawyer to communicate to the client, preferably in writing, before or within a reasonable time after commencing the representation, the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible; RPC 1.16(d), requiring the lawyer, upon termination of representation, to take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee or expense that has not been earned or incurred; RPC 3.3(a), prohibiting a lawyer from knowingly making a false statement of fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to the tribunal by the lawyer; RPC 8.4(b), prohibiting a lawyer from committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; 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.

Linda B. Eide represented the Bar Association. Mr. Mahr did not appear either in person or through counsel. Lawrence R. Mills was the hearing officer.

Disbarred

J. David Smith (WSBA No. 8993, admitted 1979), of Mineoa, New York, was disbarred, effective January 13, 2011, by order of the Washington State Supreme Court following an appeal. This discipline is based on conduct involving the commission of crimes, dishonesty, and acts which reflect disregard for the rule of law. For more information, see In re Smith, 170 Wn.2d 721, 246 P.3d 1224 (2011). J. David Smith is to be distinguished from David J. Smith, of Seattle; David H. Smith, of Seattle; David J. Smith, of Kirkland; David C. Smith, of Tacoma; David E. Smith, of Renton; and David P. Smith, of West Linn, Oregon.

On February 12, 2004, federal prosecutors charged Mr. Smith with several violations of federal law. Pursuant to a plea agreement, Mr. Smith pleaded guilty to one count of criminal conspiracy to commit securities and wire fraud in violation of 18 U.S.C. § 371. Consistent with Smith’s plea, a federal district court convicted Smith and sentenced him to 18 months of confinement and three years in a supervised release program. Under ELC 10.14(c), the court record of an attorney’s criminal conviction is conclusive evidence of his guilt at a disciplinary proceeding. On appeal, Mr. Smith argued ELC 10.14(c) was unconstitutional. The Supreme Court held that ELC 10.14(c) did not violate Mr. Smith’s due process rights and ordered Mr. Smith disbarred.

Mr. Smith’s conduct violated RPC 8.4(b), prohibiting a lawyer from committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude or corruption, or any other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not.

Erica Temple represented the Bar Association at hearing. Scott G. Busby represented the Bar Association on appeal. Kurt M. Bulmer represented Mr. Smith. Donald William Carter was the hearing officer.

Suspended

Gary Evan Randall (WSBA No. 15020, admitted 1985), of Woodinville, was suspended for six months, effective December 27, 2010, by order of the Washington State Supreme Court following approval of a stipulation. This discipline resulted from conduct involving failure to act with reasonable diligence, failure to communicate, violations of duties, practicing law while suspended, and non-cooperation with disciplinary counsel during an investigation. Gary Evan Randall is to be distinguished from Gary C. Randall, of Spokane.

Matter No. 1: In August 2006, Client A hired Mr. Randall to bring contempt proceedings against her ex-husband for failure to pay her share of the equity from the sale of their marital residence as set forth in their dissolution decree. Client A expressed to Mr. Randall her concern that her ex-husband would sell assets or otherwise spend the money that was owed to her. Client A paid Mr. Randall $200 for an initial meeting and a retainer of $1,000. Over the next month, Mr. Randall failed to return any of Client A’s calls or meet with her. In October 2006, Mr. Randall sent Client A another bill, some incomplete draft form pleadings, and a draft letter to obtain a copy of Client A’s divorce decree. Mr. Randall never filed any of the pleadings, never mailed the letter, and subsequently failed to return Client A’s numerous phone calls to him. Client A terminated his services. Mr. Randall subsequently refunded to Client A the $1,000 retainer, but did not return to her the $200 for the initial meeting. In February 2007, Client A hired a different lawyer, who obtained a judgment against her ex-husband for approximately $55,000 but was unable to collect on the judgment because by that time her ex-husband had sold his business and declared bankruptcy.

Matter No. 2: Mr. Randall represented Client
Randall states that he did not open the envelope. On January 23, 2009, disciplinary counsel sent Mr. Randall a certified letter regarding his duties on suspension, including notice that he was prohibited from practicing law. Mr. Randall received that letter, but states that he did not open the envelope. During his suspension, Mr. Randall filed an answer to the complaint in the superior court matter, negotiated a resolution of the case, and signed and presented the court a stipulation for dismissal. Mr. Randall did not inform his client, the court, or opposing counsel that his license to practice law in Washington was suspended.

Mr. Randall’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to promptly inform the client of any decision of circumstance with respect to which the client’s informed consent is required, reasonably consult with the client about the means by which the client’s objectives are to be accomplished, keep the client reasonably informed about the status of the matter, and promptly comply with reasonable requests for information; RPC 1.16(a)(1), prohibiting a lawyer from representing a client if the representation will result in violation of the Rules of Professional Conduct or other law; RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client; RPC 5.5(a), prohibiting a lawyer from violating a duty to a client; RPC 5.8(a), prohibiting a lawyer from engaging in the practice of law while on inactive status, or while suspended from the practice of law for any cause; 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.

Special Disciplinary Counsel Scott A.W. Johnson represented the Bar Association. Leland G. Ripley represented Mr. Randall.

Suspended

Jeffrey Lee Street (WSBA No. 32197, admitted 2002), of Gladstone, Oregon, was suspended for a period of four months, effective March 10, 2011, by order of the Oregon Supreme Court imposing reciprocal discipline in accordance with an order of the Oregon Supreme Court. If Mr. Street fails to complete the probation requirements set forth by the stipulation in the state of Oregon, an additional eight months will be imposed in the state of Washington. This discipline is based on conduct involving failure to file federal and state personal income tax returns between 2003 and 2008. For more information, see the Oregon State Bar Bulletin (January 2011), available at www.osbar.org/publications/bulletin/1jan/baractions.html. Jeffrey Lee Street is to be distinguished from Jeffrey B. Street of Portland, Oregon.

Mr. Street’s conduct violated Oregon’s former DR 1-102(A)(2) and current RPC 8.4(a)(2), which prohibit a lawyer from committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness to practice law.

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

Reprimanded

Anthony Rocco Castelda (WSBA No. 28937, admitted 1999), of Tonasket, was reprimanded following approval of a stipulation by the hearing officer on January 27, 2011. This discipline is based on conduct involving conflicts of interest.

Mr. Castelda represented plaintiffs A, B, and C in an action to force the partition of property jointly owned with D. After D agreed to partition his interest in the property from that of the plaintiffs, and while Mr. Castelda was attorney of record for all three of the plaintiffs, Mr. Castelda began to represent the interests of A and B against the interests of C in an effort to further partition the property. When C objected to his representation of A and B against her in partitioning the property, Mr. Castelda advised C that if she did not agree to partition the property under the terms offered by A and B, then he would file a partition lawsuit on A and B’s behalf to force partition of the property. Mr. Castelda neglected to obtain informed consent in writing from any of the plaintiffs to represent A and B against C. Mr. Castelda failed to withdraw from representing any of the plaintiffs until C told him that she would file a grievance against him. Mr. Castelda’s conduct violated RPC 1.7, prohibiting a lawyer from representing a client if the representation involves a concurrent conflict of interest, unless each affected client gives informed consent, confirmed in writing.

Leslie C. Allen represented the Bar Association. Dustin D. Deissner represented Mr. Castelda. Erik S. Bakke Sr. was the hearing officer.

Reprimanded

Jingzhou Kang (WSBA No. 26670, admitted 1997), of Bellevue, was reprimanded following approval of a stipulation by the Disciplinary Board on November 12, 2010. This discipline is based on conduct involving failure to act diligently in representing a client and violations of duties imposed under the Rules for Enforcement of Lawyer Conduct.

In or around September 2002, Mr. Kang was hired to represent a client in his asylum petition. Mr. Kang prepared an I-130 Petition for the benefit of his client. Mr. Kang thought he had mailed the I-130 Petition to the INS office on October 15, 2002, but he never received a receipt notice. Over the next year, Mr. Kang failed to follow up to determine whether INS received the
Non-Disciplinary Notices

Suspended Pending the Outcome of Disciplinary Proceedings

Carmen K. Bullard (WSBA No. 19839, admitted 2000), of Moses Lake, was reprimanded following approval of a stipulation on February 2, 2011. This discipline was based on conduct involving failure to act with reasonable diligence and promptness in representing a client, and RPC 8.4(d), 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.

Erica Temple represented the Bar Association. Mr. Kang represented himself.

Reprimanded

Robert A. Moser (WSBA No. 32253, admitted 2002), of Moses Lake, was reprimanded following approval of a stipulation on February 2, 2011. This discipline was based on conduct involving failure to act with reasonable diligence, trust account irregularities, failure to expedite litigation, and conduct prejudicial to the administration of justice.

In 2004, Mr. Moser took over as attorney for a probate from a disbarred lawyer, who continued to serve as personal representative. As part of the transfer of duties, Mr. Moser received funds from the estate, including $100,000 in proceeds from an accidental-death insurance policy for which the decedent had declared no beneficiary. Mr. Moser placed these funds into his IOLTA account rather than a separate, interest-bearing trust account where the funds would earn interest for the estate or the ultimate payee. Although he determined that the insurance proceeds should pass to the deceased’s children, Mr. Moser did not inform the children that he had placed the funds into his IOLTA account.

After losing track of the personal representative in 2005, Mr. Moser took no action to close the estate until July 2010, after the children hired separate counsel and the court removed Mr. Moser as attorney for the estate.

Mr. Moser’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.15A(e), requiring a lawyer to promptly provide a written accounting to a client or third person after distribution of property or upon request; former RPC 1.14(c)(2)-(3) and current RPC 1.15A(1)(2), requiring a lawyer to place client or third-person funds that will produce a positive net return in a separate interest-bearing trust account for the particular client or third person with earned interest paid to the client or third person, or in a pooled interest-bearing trust account with sub-accounting that allows for computation of interest earned by each client or third-person’s funds with the interest paid to the appropriate client or third person; RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client; and RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

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

Statement of Concern

Based on information from a pending investigation into apparent ongoing serious misconduct, the WSBA chief disciplinary counsel is concerned that Rosemary Kamb (WSBA No. 16532, admitted 1986), of Mount Vernon, has failed to notify and make distributions to beneficiaries of a testamentary trust established by Paul Keating of Mount Vernon. Mr. Keating died in August 2010. Ms. Kamb is the sole trustee of the trust assets, which were held by the investment firm DA Davidson & Co. of Burlington, Washington.

A charitable beneficiary of the trust has not received notice from Ms. Kamb of Mr. Keating’s bequest to it of more than $200,000. One of the non-charitable beneficiaries has received notice from Ms. Kamb, but has not received any funds. It is unknown whether the remaining non-charitable beneficiaries are aware of their bequests. Since Mr. Keating’s death, Ms. Kamb has withdrawn over $220,000 in trust assets from the investment firm, but she has not distributed any funds to trust beneficiaries. Ms. Kamb is not a beneficiary of the trust.

Under Rule 3.4(f) of the Rules for Enforcement of Lawyer Conduct (ELC), the WSBA chief disciplinary counsel has discretion to file a statement of concern when deemed necessary to protect members of the public from a substantial threat. Ms. Kamb is entitled to a full and fair hearing on any charges that may be filed in the future based on information received. No discipline may be imposed unless and until the Association proves allegations of misconduct by a clear preponderance of the evidence. To obtain information about the disciplinary process, call 206-727-8207 or 800-945-9722, ext. 8207, or contact the Washington State Bar Association at questions@wsba.org.

(LETTERS, continued from page 6)

covered by malpractice insurance (“The Top 5 Myths for Avoiding Pro Bono: Making the Case for Volunteering,” May 2011 Bar News). The Bar News blithely rebuts, “No need to worry; virtually all [pro bono opportunities in the state] provide malpractice insurance to their volunteers...” (Id) But four pages later, a full-page “ad” for the WSBA Moderate Means Program instructs, “you must carry your own malpractice insurance.”

The WSBA naively assumes a have/have-not division exactly paralleling the lawyer/lawperson divide: presumably, all lawyers have money (for malpractice insurance) and discretionary time (to be spent volunteering or working at reduced rates instead of breadwinning), while low-income clients do not. Yet many WSBA members (new and experienced) are themselves unemployed and/or low-income. The WSBA further neither member satisfaction with the profession, nor the public’s access to affordable legal services, when it bars the obvious pairing of experienced (or willing-to-be-trained) low-income lawyers with similarly low-income clients. The Moderate Means Program recognizes that some clients cannot afford to pay market rate for legal services, but it ignores the front-page reality (e.g., the 1/9/11 New York Times) that the very lawyers who would be happy to receive even cut-rate income, may not be able to afford predicate malpractice insurance.

The Moderate Means Program should include Bar-subsidized malpractice insurance for provider participants. And why not also include a refund of Bar dues for low-income lawyers who provide at least 1000 hours of pro bono or reduced-rate services per year?

Catherine Brown Responds: The WSBA-sponsored insurance provider, Kibble & Prentice, offers a broad selection of professional liability insurance coverage options, including special consideration in relation to pricing and underwriting. More information is available from John Chandler (206-695-3144) at Kibble & Prentice. I would be happy to speak with members interested in learning more about the Moderate Means Program. Please contact me at catherineb@wsba.org, 206-733-5905, or 800-945-9722, ext. 5905.

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MEDICATION
Mac Archibald
Mac has been a trial lawyer in Seattle for over 40 years. He has tried a wide range of cases including maritime, personal injury, construction, products liability, consumer protection, insurance coverage, and antitrust law.

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

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

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ETHICS and LAWYER DISCIPLINARY INVESTIGATION and PROCEEDINGS

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

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CLE Calendar

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

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

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

Alternative Dispute Resolution

Professional Mediation Training
June 20–24 — Olympia. 37.5 CLE credits, including 5.25 ethics. By the Dispute Resolution Center of Thurston County (DRC); 360-956-1155; onlewis@mediatethurston.org; www.mediatethurston.org.

Mediation Training
June 27–July 1 — Seattle. 34.25 CLE credits, including 1.75 ethics. By the Dispute Resolution Center of King County; www.kcdrc.org/training/communitytraining.html.

Settlement Conference Mediator Training
June 28 — Tacoma. 2.75 CLE credits. By the Pierce County Center for Dispute Resolution; 253-572-3657; www.pccdr.org.

Basic Mediation Training
Bankruptcy Law

Bankruptcy Boot Camp
June 28 — Seattle and webcast. 6 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Business Law

Mergers and Acquisitions in 2011
June 23 — Seattle. 6.5 CLE credits. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminarigroup.net/seminar.lasso?seminar=11watwa.

Construction Law

Construction Law Midyear
June 10 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Elder Law

Avoiding Elder Law Malpractice
July 20 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Employment Law

Workers’ Compensation
June 1 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By Washington State Association for Justice; www.washingtonjustice.org; 206-464-1011.

Labor and Employment Law Boot Camp
July 7 — Seattle and webcast. 6.25 CLE credits including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Environmental Law

Washington Water Law

Building Bridges, Managing Conflict: What We Can Learn from Neuroscience

Estate Planning

Estate Planning for the Unmarried Adult
June 2 — Seattle. 1 CLE credit. By McKinley Irvin Family Law Speaker Series; 206-625-6900; www.mckinleyirvin.com/resources/cle.

Family Law

2011 Family Law Section Midyear
June 17–19 — Spokane. 15 CLE credits, including 1.75 ethics. By the WSBA Family Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Health Law

Health Law Annual Seminar
June 23 — Seattle and webcast. 7 CLE credits, including .75 ethics. By the WSBA Health Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Litigation

The End of Class Actions? Choice of Law, Causation, and Arbitration

Real Property, Probate, and Trust

Neighborhood Battles — Dealing with Warring Neighbors
June 7 — Friday Harbor. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

2011 Real Property, Probate and Trust Section Midyear
June 10–12 — Stevenson. 11.5 CLE credits, including 2 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Solo/Small Practice

Managing a Small/Solo Practice
June 9 — Seattle. By Washington Associa-

6th Annual WSBA Solo and Small Firm Conference
July 14–16 — Ocean Shores. 16 CLE credits, pending, including up to 2.75 ethics. By the WSBA Solo and Small Practice Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Webcast Seminars

Workers’ Compensation
June 1 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By Washington State Association for Justice; www.washingtonjustice.org; 206-464-1011.

Construction Law Midyear
June 10 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Avoiding Corporate Counsel Malpractice, Negligence, and Liability
June 21 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Health Law Annual Seminar
June 23 — Seattle and webcast. 7 CLE credits, including .75 ethics. By the WSBA Health Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Bankruptcy Boot Camp
June 28 — Seattle and webcast. 6 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Labor and Employment Law Boot Camp
July 7 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Avoiding Elder Law Malpractice
July 20 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Boutique tax practice in Olympia, Washington, seeks energetic associate to join our dynamic team. Candidates must have an LLM. In taxation and a minimum of three years’ practical experience. An ideal candidate will have estate planning, probate, real estate, corporate, and/or transactional experience, as well as excellent oral and written communication skills, and an entrepreneurial spirit. Our small firm environment is collegial and emphasizes quality of life. Qualified candidates may send a résumé, cover letter, and two writing samples by email to info@worthlawgroup.com or by mail to 6963 Littlerock Rd. SW, Olympia, WA 98512.

Virtual Law Firm is seeking new members. Three Seattle area lawyers with good résumés and over 100 years of combined legal experience in litigation, business, and real estate have formed a firm dedicated to low overhead, quality legal services at reasonable prices, collegial practice, and performance-based compensation. We are seeking a few like-minded additional members. Web-based, comprehensive timekeeping and centralized part-time bookkeeping, mutual assistance, and referrals allow practicing your own overhead and time commitment. You can even practice from your home office. We have a strategically placed, convenient mutual conference room to meet with clients, conduct depositions, etc. This is an ideal situation for lawyers returning to practice from other ventures or busy solos looking to find quality support, time for other pursuits, or partial retirement. Lawyers with less than five years of practice and/or no book of business need not apply. If interested, submit detailed résumé with cover letter, explaining specifically why this situation appeals to you; tamblyn3@comcast.net.

Collections attorney — Start-up law firm focusing on consumer and commercial collections litigation has immediate need for a managing attorney in Seattle. The attorney will have a strong work ethic, be attentive to detail, highly motivated, be able to work independently, and career minded. The attorney will be responsible for all aspects of litigation from pre-suit through post-judgment and court appearances. Attorney will also manage risk to firm, and be responsible for the development and implementation of compliance training and oversight of phone-based collections. The attorney must be a

Plauché & Stock LLP is seeking an attorney with a minimum of four years’ land use, natural resources, or environmental law experience to join its Seattle office. In addition to exceptional research, writing, analytical, and communication skills, candidates must have a demonstrated ability to be self-motivated, self-directed, and well-organized. Please also indicate any experience with civil litigation, administrative law, or real estate law. We are a small firm with a dynamic and engaging practice and a collegial environment. Competitive salary and benefits. Mail résumé and cover letter to Terri Tyni, Plauché & Stock LLP, 811 First Ave., Ste. 320, Seattle, WA 98104, or email to terri@plauchestock.com.

Oregon Health & Science University seeks attorney with at least five years of business transactional and healthcare regulatory experience, and excellent negotiation, research, and writing skills. Research regulatory experience a plus. Compensation and benefits competitive. To be considered for the position, you must apply online at www.ohsujobs.com (job # IRC 33438).

Classifieds

Reply to WSBA Bar News Box Numbers at:
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Bar News Classifieds
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Positions available are also posted online at www.wsbacle.org/about-wsbacle/careers/external-jobs.
licensed member of the Washington State Bar Association. All applicants with WSBA membership will be considered. Please email résumés and cover letters to samw@cox.net. Compensation includes contingency opportunity.

Ahlers & Cressman PLLC, a 10-lawyer, construction law firm in downtown Seattle, is seeking an experienced construction law attorney with at least four years' experience with an English degree 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 confidential. If interested, please send résumé and cover letter to: Chris Achman, Administrator, Ahlers & Cressman PLLC, 999 Third Ave., Ste. 3800, Seattle, WA 98104-4088; fax: 206-287-9902; www.ac-lawyers.com; cachman@ac-lawyers.com.

Associate attorney for downtown Seattle law firm — Carney Badley Spellman, PS, seeks an exceptional associate with a minimum of two years' experience to join its litigation department. Ideal candidate will have an excellent academic record; solid analytical, research, and writing skills; and experience with discovery, depositions, and motion/courtroom practice. In addition, the candidate must have quality communication skills and a passion for client service. Salary DOE; full benefits. Please forward your cover letter, résumé, and writing sample to dillard@carneylaw.com. Please insert “associate position” in the subject line.

Family law attorney — McKinley Irvin is an AV-rated 20-attorney law firm focused on complex divorce and family law matters. We are seeking an attorney with a minimum of two years’ family law experience to join our busy and growing firm. The attorney in this position will manage his or her own case load and be supported by a paralegal, file clerk, and other administrative staff. The right candidate will have well-rounded family law litigation experience, observe the highest standards of professionalism, produce exceptional work product, be an effective negotiator and litigator, and deliver attentive client service. We offer an aggressive guaranteed salary, along with bonus opportunities: 401(k) plan with matching contributions; payment of all bar license fees and CLE expenses; professional, medical, dental, and life insurance benefits; an outstanding group of professionals to work with; the opportunity for advanced training and career growth; scale and stability; and professional management. Please forward cover letter, résumé, writing sample, and three professional references to bdevillhiss@mckinleyirvin.com. All responses will be treated confidentially. Please visit our website at www.mckinleyirvin.com for more information about our firm.

Business partner — Pacific Law Recruiters has been commissioned by a well-established, Seattle-based law firm to conduct a search for a partner-level business attorney. Suitable candidates will gain the opportunity to assume a lead role within a core group of accomplished lawyers, and continue to foster a successful business practice. Serious and immediate consideration will be given to those attorneys with 10 or more years of business/transactional experience and the ability to bring a portable book of business. Also necessary are excellent communication skills and a strong interest in joining a firm where mutual respect and life quality integrate with a pledge to client service. The firm features low overhead, advanced technology, competitive partner compensation, and liberal benefits. Interested candidates are requested to submit a résumé and cover letter in strict confidence to Greg Wagner, Principal, Pacific Law Recruiters, at: gww@pacificlawjobs.com. Visit our website: www.pacificlawjobs.com.

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Corporate contract attorney — contract review and drafting, from simple vendor agreements to complex transactions. Former regulatory and transactional attorney for telecom giant, game company, software company, production house, and tribes. Friendly lawyer! NancyCSlick@gmail.com; 360-638-0236.

Medical/legal consultant — Internal medicine/gastroenterology: Theodore W. Bohman, M.D., licensed, board-certified IM/GL. Record review and medical expert testimony. 208-841-0035; tbohman@mindspring.com.

Skilled contract attorney available for legal research, brief writing, and other litigation matters. Strong academic credentials, law journal editor, and reasonable rates. References available. Rachel Stoker, 360-601-3811; stoker.rachel@gmail.com.

Space Available

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

Turn-key — new offices available for immediate occupancy and use in downtown Seattle, expansive view from 47th floor of the Columbia Center. Office facilities included in rent (reception, kitchen, and conference rooms). Other administrative support available if needed. DSL/VPN access, collegial environment. Please call Amy, Badgley Mullins Law Group, 206-621-6566.

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

Belltown (Seattle) law firm offering turn-key sublease. Corner lot building with large windows and beautiful cherry wood interiors. Two professional offices (18’ x 16’ and 14’ x 11’), plus one paralegal office and one staff work station. The office facilities include furnished reception room with working fireplace, built-in reception desk, furnished conference rooms, library, kitchen, working file room with high-speed copier/fax/scanner, and large basement file storage. Administrative support of high-speed Internet, cable, and VoiceIP is available. Contact accounting@aiken-lawgroup.com.
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Office space for lease — one block from County-City Building (930 Tacoma Ave. S., Tacoma, WA 98402); approximately 1,150 sq. ft./2,300 sq. ft. for lease. Parking included, rent negotiable, to include utilities and pro-rata share of insurance and taxes. Great for legal services/law offices/support services. Close to Bates Technical College and library. Please call The Gray Law Firm, PS., at 253-759-1908 for details and showing.

Executive office at Millennium Tower (Seattle): 630 square feet of Class A office space is available for sublease for $1,300 month. The unfurnished office space has its own private entrance and an adjacent conference room/office. Great location for easy court and library access. Potential for office services (scanner, copier, mail handling, and messenger services) is available. Please contact Heather Stephen, Barker Martin, at 206-381-9806, ext 132 or heatherstephen@barkermartin.com.

Issaquah law firm offering turn-key sublease: Corner lot building conveniently located just off I-90 corridor at East Sunset Way. Three professional offices (11’ x 8’, 11’ x 16’, 10.5’ x 8’) all with large windows. Some furnishings available. Rent includes shared use of conference rooms and kitchen. Options include use of copy machine, mailbox, Internet, fax, and phone line. Available immediately. Contact Dana Carrothers 425-837-4717, ext. 107 or dana@carsonnoel.com

Belltown Law Center (Seattle) — Office space available! Phone, receptionist, and Internet services are included. Copier, scanner, and fax service are available. Four conference rooms are available for your use at no additional cost. Office space is located in a beautiful, historic building with large atrium and skylights. Call today! 206-441-4110, or email Belltownlawcenter@yahoo.com.

Congenial attorney offices for rent (Bellevue): Two medium-sized view offices in busy professional office opening up for rent June 1, 2011. Rent includes: free parking for employees and clients; reception; conference room; Internet; break room with refrigerator, sink, and dishwasher. Also available: copier, fax, scanner, and postage. Enjoy a calm, peaceful view of nature and wildlife in Mercer Slough. Your practice must be compatible with plaintiffs’ personal injury and medical malpractice practice. Possible overflow and association possibilities. $1,250 per month for each (negotiable for combined sublease for two offices). Annual or longer sublease required. Contact Larry Kahn at lmk@lklegal.com.

Olympia/state capitol campus office space — Furnished office space available next to state capitol in historic Capitol Court Building. Includes Internet, parking, copier, conference room, and locker room. Large capitol view office $1,500/month; medium office $1,000/month. Contact bill@clarke-law.net.

Seattle — one office available located on the top floor of the Maynard Building in Pioneer Square. Includes reception, fax, photocopier, kitchen, conference room, and security system. $1,000/month. Contact Melisa at 206-621-8777 or Melisa@bellflegal.com.

Looking for House to Rent

August visitor needs house! WSBA member looking for nice Bellevue three-plus bedroom house from July 31 to August 20. Rent $1,000 to $1,500-plus/wk. References available. Non-smoking. Contact: ramotoko@yahoo.com.

Practice for Sale

Small, established, successful, Spokane/eastern WA firm for sale or merger. All civil matters including complete trial work and appeals, contracts, personal injury, real property, etc. Solid business, solid books. Good growth/expansion opportunity for expanding firm or young attorney(s). Send responses to classifieds@wsba.org, referencing “Box 739” in the subject line.
Robert F. Smith  WSBA No. 42790

- **I became a lawyer because** I come from a long line of lawyers. The original law school at the University of Oregon was named after my family.
- **The future of the practice of law is** good, but will be very different from what we do today. Technology and cost will change what we do and how we do it.
- **This is the best advice I have been given:** Never be dilatory.
- **I would share this with new lawyers:** Find the area that you enjoy regardless of the pay level. Making more money in an area you don’t like isn’t worth it.
- **Traits I admire in other attorneys:** Good humor and street smarts.
- **I would give this advice to a first-year law student:** Work hard at the start of every term so you don’t fall behind.
- **People living or from the past I would like to invite to a dinner party:** Winston Churchill and Richard Nixon.
- **I am most proud of this:** The success of our firm.
- **I am most happy when** I’m with my wife, daughter, and son-in-law.
- **My favorite non-work activity:** Reading.
- **On TV, I try not to miss:** I don’t watch television.
- **Best stress reliever:** Manhattan up, no cherry.
- **What I had for lunch:** Pakistani curry.
- **I would never eat:** Tripe.
- **I am currently reading:** *Anna Karenina* by Leo Tolstoy.
- **My favorite vacation place:** Paris.
- **One of the greatest challenges in law today** is cost control.
- **If I were not practicing law, I would have a job in finance.**
- **Technology is** amazing but befuddling (at least to me).
- **Currently playing on my iPod/CD player/record player:** Rolling Stones.
- **If I could live anywhere, I would live right where I am.**
- **I can’t live without** good food and good wine.
- **What keeps me awake at night:** Thinking about a catastrophic injury case I’m working on.
- **If I could change one thing about the law, it would be to make it non-adversarial.**
- **The best part of my job:** Just when I think I’ve seen it all, a new case comes in to prove me wrong.

My name is Bob Smith and I was born and raised in Portland to two Huskies who ended up raising two Ducks and two Beavers. Long ago, I developed a taste for things French and have enjoyed learning the language, eating the food, drinking the wine, and traveling the country. My wife and I are lucky to live close to our daughter and son-in-law and to enjoy good health. I’m also doubly lucky to have as good friends the people I work with and work for.
Pod-less

I lost my beloved iPod the other day. I hadn’t been so distraught since my favorite TV show, “My Dog Ate What?,” was put down. I had been through so much with my little 30-gigabyte buddy. After searching every millimeter of my home and vehicle I went to the local electronics shelter and adopted a replacement. We spent all night reviewing my music library and reloading songs. The next morning I put on my bathrobe and guess what: old iPod in the pocket. Now I have two.

What this means to you is another music-themed Bar Beat. I had an adult beverage or two while reloading tracks and got in a mood, the result of which is the following list: 10 of the most beautiful songs you may never have heard. Download now and thank me later.

“Bold as Love” — Jimi Hendrix, Axis: Bold as Love (1967) — Everyone knows Jimi played guitar with his teeth and made it scream like a dive bomber. But many don’t realize what a brilliant songwriter, arranger, and producer he was. This is an ingenious track graced by mesmerizing lyrics that ascribe a human emotion to each color of the rainbow. Even if you’ve had no more than a five-hour ENERGY® drink you’ll trip like a hippy when you spin this up.

“You Can Close Your Eyes” — James Taylor, Mudslide Slim and the Blue Horizon (1971) — Dudes: Even though you didn’t write it, if you could just learn to sing and play this song 1/1,000th as well as Sweet Baby James, you would need a microphone stand to fend off your admirers.

“A Case of You” — Joni Mitchell, Blue (1971) — Ladies: see above. To wit: “On the back of a cartoon coaster/In the blue TV screen light/I drew a map of Canada/Oh Canada/With your face sketched on it twice.” Nobody’s ever done that for me, and I live right next to Canada.

“Late for the Sky” — Jackson Browne, Late for the Sky (1974) — In high school I had this album on constant play in my Mustang. Even on cassette, with cheesy speakers, the vintage analog production shone through. This is still my favorite track, and the real star is David Lindley’s pleading guitar line, which runs the length of the song in your left ear. The tone is so sweet it’s as if he’s standing next to you. It’s a hunk of wood, some steel strings, and one of the greatest pure musicians you’ll ever hear.

“Veracruz” — Warren Zevon, Excitable Boy (1978) — This is a lyrical account, sung partly in Spanish, of the siege of Veracruz during the Mexican-American War. Really, that’s what it is, and on the same album as “Werewolves of London.” It’s told from the point of view of the civilian residents as they realize “Veracruz is dying.” Bonus: the gut-wrenching words are set to a heart-melting melody by the late, great Zevon.

“The Waters of March” — Susannah McCorkle (Antonio Carlos Jobim, composer), From Bossa to Brazil (1993) — The late U.S. jazz singer’s sparkling rendition of Brazilian legend Jobim’s classic, a sparsely arranged bossa nova with stream-of-consciousness lyrics alternating between English and Portuguese. Sip a caipirinha while listening to this and you’ll be ready to quit your job, fly to Rio, and hire on as a lounge singer on Ipanema Beach.

“Gone to the Movies” — Semisonic, Feeling Strangely Fine (1998) — Guy loses girl = oldest story in the songbook. But the meticulous visual imagery, along with aching vocals and acoustic guitar by Dan Wilson (no, not that Dan Wilson), elevates this to the sublime. So good you’ll be tempted to fall in love just so you can get your heart broken and listen to this all night while clutching a pint — no, a quart — of Häagen-Dazs.

“A Man/Me/Then Jim” — Rilo Kiley, More Adventurous (2004) — One of the weirdest yet loveliest songs in my library, sung by the magnificent Jenny Lewis. It uses just about every instrument in the studio (Vibraphone, pedal steel guitar, mariachi horns) and tells a meandering story involving multiple neurotic characters. Against all odds, it works perfectly.

“Easy as the Rain” — The New Pornographers, Challengers (2007) — My adoration of this lovably odd Vancouver, B.C., indie rock outfit is already a matter of record. This track is marvelous, ending in an extravaganza of vocal splendor that would cure cancer and bring world peace if only a few more people would listen to it.

“Adventures in Solitude” — The New Pornographers, Challengers (2007) — My adoration of this lovably odd Vancouver, B.C., indie rock outfit is already a matter of record. This track is marvelous, ending in an extravaganza of vocal splendor that would cure cancer and bring world peace if only a few more people would listen to it.

Bar News Editor
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Our Partner, Marc T. Christianson, was again selected by his peers for recognition as one of The Best Lawyers in America® 2011 in the field of Family Law.