Online Pinboard
Pinterest's Terms of Use: Did They Get It Right?

Ethical Limits to the Contingency Fee

PLUS
Video Game Violence Legislation
Equal Protection and War Crimes
Blast from the Past
Briefly About Me
Diversity and the Law
People charged with a misdemeanor risk losing a lot—their driver’s license, livelihood, reputation, and even their right to stay in the U.S. If you have a client facing a misdemeanor, call on SGB attorneys Joe Campagna, Brit Mercer, and Colette Tvedt. They have years of experience representing people for everything from DUls and criminal traffic offenses, to assaults, drug charges, and theft cases. Together and alone, they have tried cases in Municipal, District, and Superior courts throughout Washington. Colette, Brit, and Joe bring tenacity, a passion for justice, and a deep knowledge of the law to each and every case.

We welcome your referral or association.
White Collar Crime
Serious Felony Charges
Healthcare Fraud
DUI Defense

We believe that everyone has the right to a vigorous defense. If your client needs representation for a criminal matter, call on SGB.

Misdemeanor Charges
Legal / Judicial Misconduct
Drug Offenses

Misdemeanors may not seem serious, until your client is charged with one. People charged with a misdemeanor risk losing a lot—their driver's license, livelihood, reputation, and even their right to stay in the U.S. If you have a client facing a misdemeanor, call on SGB attorneys Joe Campagna, Brit Mercer, and Colette Tvedt. They have years of experience representing people for everything from duis and criminal traffic offenses, to assaults, drug charges, and theft cases. Together and alone, they have tried cases in municipal, district, and Superior courts throughout Washington. Colette, Brit, and Joe bring tenacity, a passion for justice, and a deep knowledge of the law to each and every case. We welcome your referral or association.

EVALUATE YOUR SITE WITH OUR FREE INSTANT WEB AUDIT TOOL
Visit lawyermarketing.com/freeaudit to see how your current site measures up, or call 1-877-651-3132 to contact your local FindLaw consultant.
AT JAMS, YOU FIND
EXPERIENCE. KNOWLEDGE.
FAIRNESS. SERVICE.

AND AN UNSURPASSED PANEL OF NEUTRALS.

Judge Patricia Aitken (Ret.)  M. Wayne Blair, Esq.  Fred R. Butterworth, Esq.  Judge Robert J. Doran (Ret.)  Judge J. Kathleen Learned (Ret.)


Judge Robert H. Peterson (Ret.)  Judge Gerard M. Shellen (Ret.)  Commissioner Eric B. Watness (Ret.)

JAMS has continually strived to set new standards in dispute resolution, including a highly selective recruiting process that helps us build the strongest neutral panels possible. Nowhere is this any truer than in Washington, where our neutrals draw upon a deep knowledge of the region. To learn more about JAMS in Washington, call us at 800.626.5267.

THE RESOLUTION EXPERTS

JAMS Seattle Resolution Center
600 University Street
Suite 1910  Seattle, WA 98101
www.jamsadr.com
**FEATURES**

9 Ethical Limits to the Contingency Fee: How Reasonable Is Reasonable?
by Michael Caryl

20 Copyright Policies and Pinterest: Did They Get It Right the Second Time?
by Chris Pothering

31 War Crimes and Equal Protection in Africa
by James D. Pirtle

35 Video Game Violence and Legislation — Supreme Court Follows Washington’s Lead
by Elizabeth McLean

**COLUMNS**

7 President and Executive’s Report
Facing Challenges, Affirming Our Mission
by Stephen R. Crossland and Paula C. Littlewood

64 The Bar Beat
Bass Instincts
by Michael Heatherly

**DEPARTMENTS**

6 Letters to the Editor

28 Zeitgeist Postcard
My Best Day as a Lawyer
by Tim Gresback

34 Blast from the Past
“Quotes Quoted” and “President’s Corner” from 1969 Bar News

40 Diversity and the Law
Pre-Law Student Leadership Conference: Students Learn About Law Careers in Yakima
by Alma Zuniga

44 FYI

63 Briefly About Me
Peter Holmes

**LISTINGS**

42 Winter 2012 Bar Exam Pass List

48 Announcements

49 Professionals

51 Disciplinary Notices

56 CLE Calendar

58 Classifieds

Cover: Photo by Todd Timmcke.

The Washington State Bar Association’s mission is to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice.
By joining forces with Hall-Conway-Jackson, HUB Northwest has enhanced its niche practice for Lawyers Professional Liability insurance. With no standard policy form for Lawyers Professional Liability, we take a proactive role as client advocate and consultant. As such, we design, negotiate and deliver comprehensive, cost-effective coverage tailored to meet the specific strategic needs of your firm.

HUB Northwest:
- Represents more than 400 law firms
- Works with 20+ "A" rated insurance companies
- Has been selected by Hanover Professionals to represent the new Value in Partnership (VIP) professional liability program with the Association of Legal Administrators
- Offers enhanced employment practices endorsement for claims defense
- Provides objective counsel on your current coverage

For a no obligation coverage review, please contact our Professional Liability Department.

Scott Andrews, CPCU
scott.andrews@hubinternational.com
425.368.1262

Teri Murphy
teri.murphy@hubinternational.com
425.368.1230
BarNews welcomes letters from readers. We do not run letters that have been printed in, or are pending before, other legal publications with overlapping readership. Letters must be no more than 250 words in length, and emailed to letterstotheeditor@wsba.org or mailed to: WSBA, Attn. Bar News Letters to the Editor, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539. Bar News reserves the right to edit letters for clarity and space. Bar News does not print anonymous letters, or more than one submission per month from the same contributor. With few exceptions, we print all letters that are received.

Voices of the Referendum

This Friday [April 13] on National Public Radio’s morning edition radio program, KPLU staff reporter Kirsten Kendrick began talking about the results of the recent WSBA referendum to reduce licensing fees. As we all now know, this has been a highly contentious issue. But Ms. Kendrick reported that these cuts will result in likely cuts to WSBA services that help those who most need them and can least afford them. Since the story essentially reported that this was all due to lawyers deciding to vote themselves a reduction in licensing fees, this news piece painted our bar association, and Washington lawyers, in a most unflattering light. It seems to me that this report will give Washingtonians a new reason to think poorly of Washington lawyers and our bar.

I do not fault the reporter, as I have no reason to suspect that Ms. Kendrick simply made up what she said. More likely, I suspect that someone told her what to say. Someone must have told her and her employer about the referendum, the results, and the likely dire consequences to the poorest Washington residents, all so lawyers can pocket more licensing fees. This all made me wonder: did someone issue a press release, or have some other communication — maybe a phone call — with the news outlets, including the one Ms. Kendrick works for?

So, I ask these questions: Did the WSBA issue a press release about the referendum, will its contents please be published in the next Bar News? I also ask: Did the WSBA contact Ms. Kendrick, KPLU, NPR, or any other media representative about this referendum, telephonically or otherwise, to report the results and discuss the supposed likely consequences to the poorest of Washington’s residents?

I believe that regardless of how each WSBA member voted on the recent referendum, we all now have a new job — trying to explain that Washington lawyers did not vote out of greed or any lack of interest in helping the poor. Each one of us cares about the integrity of our profession, about the integrity of the WSBA, and about how lawyers are publicly perceived.

Alan Singer, Olympia

WSBA Chief Communications Officer

Debra Carnes responds: The WSBA did not send out a press release about the referendum results. As expected, the results were shared with all 30,000-plus members, and posted online and through WSBA’s social media channels. Additionally, comments continued to be posted on the WSBA’s website as well as the proponent’s website. The word was out.

Some context on the KPLU story: KPLU picked up a story that was written by an Associated Press reporter. The AP posts its stories for use by its many members in the news media, so AP stories are published and broadcast by news outlets across the state, including radio and TV.

I had previously reached out to this AP reporter for another purpose, to discuss WSBA’s press conference introducing the Moderate Means Program. That press conference was held on April 3, and the reporter, while interested, was unable to attend. He assured me he wanted to do a story, but it would have to wait until he completed some other assignments. As timing would have it, he started writing his Moderate Means story Monday, April 9, and after going to our website to find additional information on that program, he discovered news of the referendum. He quickly made the accurate connection that the Moderate Means Program might be at risk, along with all other programs and services.

In this case, it was a matter of timing that led to the focus of the story. It was in no way an overt effort to purposely bring any kind of negative attention to WSBA or its members.

Because we are a high-profile organization, the impact of the referendum results is newsworthy, and WSBA cannot fully control how this action is perceived by the public. Regarding the consequences of the vote, the Board of Governors is addressing the budgetary issues and is expected to continue doing so until the next fiscal year budget is passed in September. As WSBA President Steve Crossland said in the news story, “I can’t tell you what the actual effects are going to be . . . Everything is on the table.”

In the May Letters to the Editor a Bar member wrote that the majority of Bar members were “regressive” due to their vote for the Referendum. It is not liberal thought to say that anyone who does not conform to one’s viewpoints has in some way an inferior thought process. That makes saying people are regressive a regressive statement. Isn’t it fun to play with words that have no real definition!!

William Murphy, Spokane

The Board and its executives are clearly not in touch with the majority of the Bar’s membership. In light of the referendum’s results, I think it would be appropriate for them all to resign.

Timothy MB Farrell, Hood River, Oregon

Referendum: The Numbers

Voting closed on April 6. A total of 12,339 WSBA members weighed in on the license fee reduction referendum, with 52 percent of those who voted casting a YES vote to reduce the current license fee by $125.

6,449 voted in favor (52 percent)
5,890 voted in opposition (48 percent)

The percentage of eligible voters who cast ballots was 43 percent.

The result means that WSBA license fees will decrease to $325. A referendum passes if a simple majority of the members voting is reached.
Facing Challenges, Affirming Our Mission

Meeting the Needs of All WSBA Members

In the face of challenges, there is always great opportunity. And it is opportunity we are embracing as a result of the member referendum passing.

As we continue moving forward to address the impact of a 28 percent reduction in license fees, we wanted to update you on the status of decisions and what to expect in the coming months.

The Board of Governors and the WSBA staff continue to work together closely in order to make informed, thoughtful, and deliberate decisions as we shape a new WSBA. We have been impressed by the dedication and commitment of all involved. There is no doubt that we all seek the same outcome, which is a stronger, more effective Bar that meets the needs of our members.

In last month’s Bar News, you were told the Board of Governors would meet on April 27 to begin their work. At that meeting, the Board unanimously reaffirmed our mission, strategic priorities as captured in our Guiding Principles, and Strategic Goals for 2011–2013.

We will remain true to our commitment of serving our members and the public, while ensuring the integrity of the legal profession and championing justice. As we further our mission, we will continue to focus on ensuring competent and qualified professions by supporting lawyers from the beginning to the end of their careers and promoting the role of lawyers in society by enhancing our culture of service and supporting a culture of professionalism.

At that same meeting, the Board proceeded to approve $1 million in unrestricted reserves be used to help offset the deficit in FY13. Next, they voted to find $100,000 in savings from Board expenses and $200,000 in savings from staff-related costs, which may involve a phased-in approach. The Access to Justice/Bar Leaders Conference was eliminated, making this year’s conference in Yakima on June 9–10 the final one supported and staffed by the WSBA. That decision in no way impacts the WSBA’s commitment to access to justice, but signals the need to find more efficient and effective ways to carry out this work.

Other recommendations before the Board were not voted on, with the go-

The WSBA Mission
The Washington State Bar Association’s mission is to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice.

WSBA Guiding Principles
The WSBA will operate a well-managed association that supports its members and advances and promotes:

- Access to the justice system.
- Diversity, equality, and cultural understanding throughout the legal community.
- A fair and impartial judiciary.
- The public’s understanding of the rule of law and its confidence in the legal system.
- The ethics, civility, professionalism, and competency of the Bar.

WSBA 2011–2013 Strategic Goals
The WSBA should use existing programs, and should implement new programs, to improve our members’ level of satisfaction with their lives and with the practice of law. In order to implement this goal, the WSBA will work to:

- Enhance the culture of service within the WSBA membership.
- Provide more assistance to lawyers with the business of law practice.
- Provide more assistance to lawyers in avoiding or dealing with the stress of law practice.
- Conduct a detailed study of the composition of the legal profession and retention rates within the profession in the state of Washington.
Governors acknowledging the need for more information and time before taking action. Many of these recommendations will be considered at the Board of Governors’ special meeting on May 22.

After the April meeting, we have continued to hone in on the FY13 revenue projections and finalize a fiscal impact analysis. We agree that cutting too deep too fast is a dangerous approach. Instead, we’re approaching this as an opportunity for organizational transformation, moving at a thoughtful pace over the coming years as we reposition for a long-term reduced budget reality and overall reduction in our footprint.

We believe that it is critical that our decision-making process also take into account external factors impacting the profession and the Bar, such as an aging lawyer population, an enhanced need for supporting new lawyers transitioning into the profession, the effects of globalization and technology, and the paramount need for cultural competence.

The Executive Management staff has spent the last several weeks reviewing WSBA programs and operations, and identified eight areas that required the Board to answer a strategic question or select from a range of options involving resource allocation and staffing. For instance, one of those questions addressed customer service, and whether WSBA should continue to provide its current level of high-touch service in an increasingly automated world.

The Budget and Audit Committee discussed these questions on May 16 and made recommendations that moved to the special Board meeting on May 22 (which had not yet occurred when this issue went to print). To view the initial memo that was presented to the Budget and Audit Committee, as well as the outcome of the May 22 Board meeting, we encourage you to go to WSBA’s website, www.wsba.org, and look for the “Shaping a New WSBA” box on the homepage.

The Board also has its regular meeting scheduled for June 8 in Yakima, where we expect more transformational decisions will be made.

We’d like to acknowledge the continued input we’re receiving from members. Whether you participated in the April or May online chats, the Town Hall, or you have emailed or called, your opinions and suggestions matter. Let’s keep the dialogue going.

This is your Bar, and we remain committed to transforming the Bar in a way that best meets your needs while staying true to our mission and strategic priorities.

For more information, please visit the WSBA website at www.wsba.org.
Ethical Limits to the Contingency Fee:
How Reasonable Is Reasonable?

by Michael Caryl


The contingency fee is always reasonable? Stated otherwise, can a contingency fee ever be unreasonable? We should all be aware of the dictate of RPC 1.5(a): “A lawyer shall not make an agreement for, charge or collect an unreasonable fee, or an unreasonable amount for expenses.” Comment 3 to RPC 1.5 makes clear that the rule of reasonableness of attorneys’ fees applies to all fees, including the contingency fee.
Further, courts are directed in certain
jurisdiction and trust matters involv-
ing minors or incapacitated persons
to determine the reasonableness of set-
tlements involving such persons and
the reasonableness of attorneys’ fees
sought to be charged in those cases.
(See SPR 98.16W.) So by law, a contin-
gency fee can clearly be unreasonable,
dergan certain circumstances.

Virtually all attorneys’ fees in per-
sonal injury claims are handled on
contingency. Contingency fees are
also routinely used in many other civil
cases, ranging from collections of
debt to damages claims from condo-
minium defects.

The law properly honors the con-
tingency fee as the key to the court-
house for persons of ordinary means.1
Appellate decision after decision and
most commentators credit the con-
tingency fee as an integral means of
providing justice to those who could
not possibly retain competent counsel
on an hourly basis. (See, e.g., Richette v.
Solomon, 187 A.2d 910, 919 (Pa. 1963),
"If it were not for contingent fees, in-
digent victims of tortious accidents
would be subject to the unbridled,
self-willed partisanship of their tort-
feasors.") The contingency fee is also
a critical means by which lawyers may
be paid in class action cases.

Virtual Independent Paralegals, LLC

Locally Owned, Nationally Known, Virtually Everywhere!

Highest quality 24/7/365 litigation support specializing in:

✓ Medical Record Summaries
✓ Document Review
✓ Redaction Projects
✓ Deposition Digests

Visit VIPHELPME.COM
for Work Done Now™
& Help without the Headache

Columbia Center
701 Fifth Ave., Ste. 4200
Seattle, WA 98104

SeedIP

Custom Crafted Intellectual Property Solutions™

Bill Ferron of Seed IP Law Group is available as
a neutral Mediator for IP and Contract Disputes.

• 30+ years experience in IP and licensing law
• 25 years as business owner and manager
• AAA trained, LR 39.1 panelist W.Dist.Wash.
• Best Lawyers® Seattle Lawyer of the Year—
IP Law 2010 & Information Technology Law 2012

Inquiries: Mediation@SeedIP.com

206.622.4900 www.SeedIP.com 701 Fifth Avenue, Seattle, WA 98104
We’re here to SOLVE PROBLEMS!

We give you an alternative method to resolve your dispute. We have the tools. We have the ability. And, most of all, we have the experience.

Joshua Green Building
1425 Fourth Avenue, Suite 300 · Seattle, WA 98101
206.223.1669 · www.jdrlc.com

Alternative Dispute Resolution Solutions

- Mediation, arbitration, hearing officer, special master and litigation consultation services.
- A well-appointed arbitration room, with breakout rooms for each party; secondary arbitration room with adjacent breakout rooms nearby; and several additional mediation conference rooms as well as an upgraded audio/visual technology system.
- All panelists are former Washington State Superior Court Judges or Court of Appeals Commissioners.
- Talented staff coordinates scheduling and other support.

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

PARIS K. KALAS
Former King County Superior Court Judge

STEVE SCOTT
Former King County Superior Court Judge

JAMES VERELLEN
Former Washington State Court of Appeals Commissioner
addressed by the court in A.G.M., is the fairly apparent policy limits tort claim, as perceived from the outset, and what ethical duties lawyers must exercise in such a case. Put differently, may a lawyer ethically sign up a client to a contingency fee under circumstances existing from the outset where the lawyer knows or reasonably should know that the contingency fee may well be unreasonable? In such a case, what are the lawyer’s ethical duties to the client? A.G.M., and the ethical rules and case law here in Washington and elsewhere, should serve as a wake-up call for plaintiff’s counsel in contingency-fee cases.

**Factual Background in Guardianship of A.G.M.**

The general facts of the A.G.M. case are relatively simple. In March 2006, an entire family of five was injured in an intersection collision where the driver of another vehicle ran a red light and struck the family car. A law firm was retained to represent all injured family members. However, only two very young children appeared to have been more than slightly injured. One child, 11 months old, suffered a laceration on her face and required emergency room treatment costing a little over $3,000. Three-year-old "A.G.M." suffered what the court termed “severe injuries that required hospitalization in the pediatric intensive care unit.” The medical expenses for this child exceeded $68,000. The individual policy limit for this child was only $100,000. Liability for the collision clearly rested with the driver who ran the red light.

The law firm signed the family up to a one-third-of-the-gross contingency-fee agreement that applied to all of the vehicle’s occupants. In October 2006, the lawyer submitted to the insurer a three-page settlement demand letter representing claims for all five of the vehicle’s occupants. Only seven lines of the demand addressed the serious injuries of A.G.M., and no medical records had even been obtained. The court opinion does not describe what the law firm’s work-up of this case consisted of before the demand was prepared. In any event, less than a month after the demand was presented, the insurer tendered its $100,000 individual policy limit for A.G.M.’s injuries. The insurer also offered $4,500 for the 11-month-old’s laceration injury. Both offers were accepted by the law firm shortly thereafter.

The insurer petitioned the court for the appointment of a settlement guardian ad litem (SGAL) to report to the court on the reasonableness of the two settlements and the attorney’s fees, under SPR 98.16W. The SGAL, an experienced Tacoma lawyer with substantial SGAL background, investigated the above facts and reported to the trial judge. The SGAL approved of both settlements as reasonable and concluded that the contingency fee in the case of the 11-month-old child was reasonable. But the SGAL found that the contingency fee in the case of A.G.M. — one-third of the $100,000 policy limit — was unreasonable. Given the large medical expenses owed from the settlement, such a fee left insufficient compensation for the injured child and resulted in a windfall to the lawyer, reasoned the SGAL. The SGAL found that the bulk of the law firm’s time was spent on the parents’ claims, while the children’s claims settled quickly. The SGAL report included the following:

Based upon my investigation and examination of the work done by the minor's attorney and staff concerning the claim of this child, it is my estimate that no more than
a few hours of attorney time and a few more hours of staff time were involved in this claim to date. I am convinced that the offer of policy limits was made by the adjuster once she confirmed the hospital discharge assessment and the amount of medical specials.

Taking into consideration the desire to see to it that the minor is fully compensated, while also considering the novelty of the claim or lack thereof, as well as the time devoted to settlement of the claim, it is my opinion that attorney fees for (the law firm) of between $10,000 and $12,000 would represent fair compensation. (In re A.G.M., 154 Wn. App. at 65.)

Based on the SGAL’s report, the trial court approved a fee of $15,000, not the $33,333.33. The A.G.M. opinion states that the trial court used the “lodestar” basis (reasonable hourly rate times reasonable number of hours spent on the case) in arriving at $15,000 as the reasonable fee, the method required to be used in Washington in fee shifting applications. The law firm admittedly did not keep any contemporaneous time records nor attempt to reconstruct any later for the proceeding conducted to examine the reasonableness of the settlement and contingency fee. Further, for nine to ten months the law firm did not provide the SGAL even with medical records, bills, medical liens, subrogated interests, and “what amounts had to be paid back,” delaying payment to the injured child. The plaintiff’s lawyer originally submitted a declaration to the trial court that claimed the law firm had spent 2.5 hours of lawyer time and 56 hours of paralegal time on the A.G.M claim. The SGAL challenged the accuracy of the lawyer’s declaration, including the statement that the law firm spent over 11 hours of lawyer time and nearly seven hours of paralegal time dealing with the SGAL. The Court of Appeals approved of the trial court’s decision in this way:

The superior court then discussed the information (the lawyer) had provided for each of these (RPC 1.5(a)) factors, noting specifically that (the lawyer) had failed to provide information for several factors, despite the superior court’s request. With regard to the time, labor, and difficulty involved in the case, the superior court stated that (the lawyer) had “admitted on the record that it was a relatively easy case” and that “[n]ot much effort was necessary to be expended in order to secure [the policy limits settlement].” RP (June 6, 2008) at 4–5. Based on its analysis of the above factors, the superior court determined that $15,000 was a reasonable amount for A.G.M’s attorney fees. (Id. at 69–70.)

The plaintiff’s law firm unadvisedly took an appeal from the more than 50 percent reduction of its fee by the trial court. The Court of Appeals affirmed and determined that the appeal was frivolous. The court ordered that the law firm pay the SGAL’s lawyer’s fees on appeal as a sanction under RAP 18.9(a). Presumably, the law firm lost all of its fee and possibly more for this misadvised appellate challenge.

The Appellate Court’s Reasoning
Prudent lawyers handling contingency fee cases would be wise to study this case carefully. Multiple lessons are revealed here. First, the trial court unquestionably has the authority to re-
First, SPR 98.16W authorizes attorney fees for settlements on behalf of a minor and contemplates the superior court’s exercise of discretion over these fees. For example, SPR 98.16W(f) provides in relevant part, “At the time the petition for approval of the settlement is heard, the allowance and taxation of all fees . . . shall be considered and disposed of by the court.” (Emphasis added.)

Second, this rule also contemplates that in determining a reasonable fee amount for representing a minor, the superior court will consider both the minor’s attorney’s submissions and the SGAL’s recommendations. SPR 98.16W(g) requires “[a]ny attorney claiming fees, costs or other charges incident to representation of the [minor]” to file an affidavit or declaration in support of the request for fees or costs and to attach a copy of the written fee agreement. And SPR 98.16W(e)(12) requires the SGAL to include in his report “a discussion and recommendation regarding the expenses and fees for which payment is requested.” (Emphasis added.)

Division II then noted that the trial court had properly taken into account the nine factors underlying the reasonableness of fees contained in RPC 1.5(a).

The lawyer argued that the trial court should have considered only the contents of the lawyer’s declaration in determining reasonableness, rather than an itemized “lien” the lawyer later provided. Division II observed that the declaration was an insufficient basis upon which to make the reasonableness determination. Lastly, the lawyer criticized the trial court’s use of the lodestar method in determining reasonableness of fees. Division II responded to this argument this way:

Although there is no published opinion approving the lodestar method in a minor settlement case where SPR 98.16W applies, the lodestar method is, nevertheless, the clearly preferred method for calculating attorney fees in Washington. Somsak v.
WASHINGTON STATE BAR NEWS
June 2012

Sexual Assault & Domestic Violence Offenses

Those charged with a Domestic Violence or Sexual Assault offense need an attorney who is experienced handling these types of crimes.

WAGNILD LAW

My 12 years with the King County Prosecutor’s Office have provided me with extensive experience handling criminal cases including:

• Three years as Vice Chair of the Special Assault Unit.
• Over nine years exclusively handling Sexual Assault, Child Abuse, and Domestic Violence offenses.
• Extensive experience handling Violent Crimes including Murder, Assault, Robbery, and Firearm charges.
• Tried over 100 cases before King County juries.

REFER WITH CONFIDENCE
wagnildlaw.com | 206-623-5822
The Hoge Building
705 Second Avenue, Suite 1111
Seattle, WA 98104
E-mail: zach@wagnildlaw.com

What A.G.M. Does Not Address — the Fairly Apparent Limits Case with Little or No Risk

Because it was not raised by the SGAL or the child’s parents, Division II in A.G.M. did not address the issue of a fairly apparent policy limit case, i.e., where settlement for the policy limit was easily foreseeable, there was virtually no risk of the lawyer not being paid, and the whole exercise would clearly require little real work or passage of much time. In A.G.M., the $100,000 settlement was obtained with seven lines of a three-page demand letter and only 2.5 hours of lawyer work. What are the ethical duties and considerations of the lawyer in such a situation who is prepared to take a one-third contingency fee? This is the crux of the rest of this article.

Basic Ethical Rules

The ABA Model Rules of Professional Conduct replaced the old Code of Professional Responsibility in 1985. Most states have adopted the ABA Model Rules in their entirety or substantially. Washington has largely adopted the Model Rules. We begin with Washington’s RPC 1.5(a) (identical to the Model Rule and largely followed across the nation), which is quoted above in this article: “A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses.” As a rule nationwide, lawyers are prohibited from charging or collecting unreasonable and excessive fees. “A lawyer may not charge a fee larger than is reasonable in the circumstances or that is prohib-
Contingent fees are not per se unreasonable merely because the lawyer does not have to spend hundreds of hours or try the case to the jury.

These factors directly address the considerations that underlie the law’s support for the contingency-fee system. Contingency fees may and should provide for greater-than-normal hourly rates typically charged to paying hourly clients, for the very reason that in most contingency-fee engagements, the lawyer risks losing the case entirely, or having a bad result, after putting in a lot of work and advancing substantial costs and expenses. Bad or no results affect the lawyer’s compensation and ability to recover the costs and expenses. Where the amount of work required is small, the probability of a limits settlement is high, there is little or no risk of non-recovery, and all of this is or should be apparent from the outset to the lawyer, signing the lay client up to a substantial contingency fee is ethically dubious.

What duties does a lawyer have when the probable policy-limit case walks into his or her office? There is no case law guiding us in Washington in this situation. Nonetheless, the RPCs offer some clear guidance. To start, “a lawyer may not make an agreement for an unreasonable fee.” (RPC 1.5(a).) Comment 3 to the ABA Model Rule, adopted in Washington, specifically raises the question “whether it is reasonable to charge any form of contingency fee...”. RPC 1.4(a) states that the lawyer shall “promptly inform the client of any decision or circumstance with respect to the client’s informed consent, as defined in Rule 1.0(e), is required by these Rules.” Further, RPC 1.4(b) provides, “A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.”

There can be no aspect of legal representation more fundamental than how the client will be charged for legal services. Washington’s RPC 1.5(b) requires that the lawyer must explain to every new client the basis by which the lawyer is to charge the client. Strong public policy exists throughout the nation that requires counsel...
On June 23, 2012, Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S. will celebrate its 5th anniversary. Reaching this milestone is no small feat. Since we opened our doors in 2007, we have worked steadfast through a decline in the economy and supported our clients as they tackled increasing budget cuts and tough financial decisions. We have been fortunate enough to grow during these five years and have expanded our presence in the Northwest with a new Portland office.

Since opening our doors, we have also expanded all of our practice areas, including litigation defense, general counsel work, religious entity, and municipal liability defense. We accomplish this work economically and efficiently, with the needs and budgets of our clients in mind. While providing the focus and familiarity of a local practice, in many areas we can offer the breadth, knowledge and experience of a national firm. We look forward to continuing these services for many years to come.

So, on the occasion of our 5th anniversary, we would like to extend a sincere thanks and our deepest gratitude to the clients who have stood by us and have trusted us with their business. Thank you to our talented attorneys and staff and our loyal friends. We could not have made it this far without all of you.
to fully disclose and explain the contingent-fee agreement to the client. (See, e.g., Luna v. Gillingham, 57 Wn. App. 574, 580, 789 P.2d 801 (1990); Joyce v. Elliott, 857 P.2d 549, 552 (Colo. App. 1993).) What would be more important to the client than to be informed that a contingency fee in his or her particular circumstances might well be excessive and unreasonable?

The lawyer must ask him/herself the three questions recited above. If the answers reasonably point in the positive direction, does not the lawyer then have duties of disclosure to the client? In my view, RPC 1.4(a)(1) and (b) mandate disclosure to the client of circumstances that bear on the reasonableness of the contingency fee. When reading these disclosure requirements with RPC 1.5(a) (make no agreement for an unreasonable fee), the requirement to meaningfully discuss the fee arrangement in RPC 1.5(b), and comment 3 to RPC 1.5 (whether it is unreasonable to charge any form of contingent fee), does not a duty arise on the lawyer’s behalf to advise the client that a contingency fee might be unreasonable under the circumstances? Further, even if the lawyer is slow to grasp the three positive answers to the key questions above, once it becomes reasonably apparent, does not the lawyer have a duty to disclose that the contingency fee might be excessive?

ABA Formal Opinion 94-389 answered the question, among others, whether a contingency fee agreement is reasonable where there is no risk of non-recovery and liability is clear. The opinion states that such a contingent-fee agreement “may” be reasonable. However, the opinion went on to state:

For example, if in a particular instance a lawyer was reasonably confident that as soon as the case was filed the defendant would offer an amount that the client would accept, it might be that the only appropriate fee would be one based on the lawyer’s time spent on the case since, from the information known to the lawyer, there was little risk of non-recovery and the lawyer’s efforts would have brought little value to the client’s recovery. (Emphasis added.) (ABA Formal Op. 94-389, at p. 8.)

Blithely going ahead with the contingency fee, aware that it is likely to be unfair and unreasonable, opens the door to a later fee dispute and possibly discipline. So what should the lawyer do in the intake interview or a few weeks later when he/she realizes that the contingency fee is unreasonable, given the absence of risk of recovery, no delay in getting paid, and little work to be done? The lawyer can simply offer to handle the case hourly, with a maximum fee, or offer a rather small flat fee that estimates the probable time to process an easy limits settlement. How to address this situation in detail is a subject for another day.

Plaintiffs’ counsel needs to be sensitive to this issue as new cases arise. Any case with serious injuries and potentially large damages, but with a small policy limit, should raise red flags. If the three risks discussed above cannot clearly be said to exist, then the contingency fee is probably unreasonable. Taking the contingent fee anyway is unethical and unwise. The best interests of the client in personal injury practice, as elsewhere, must always be paramount. Full disclosure to the client, including reasonable alternative fee arrange-
ments, is the wisest course. 

Michael Caryl, a graduate of George-town University Law Center (J.D.) and George Washington School of Law (LL.M.), is a civil trial lawyer in his 40th year of practice. He is the author of Chapter 3 of the WSBA Legal Ethics Desk Book. His practice is limited to matters of disputed lawyers’ fees, including lawyer ethics relating to attorneys’ fees, and providing expert testimony in litigated matters of disputed lawyers’ fees. He can be reached at michaelc@michaelcaryl.com.

NOTES
1. See, e.g., Pollack, Book Review, 90 Harvard L. Rev. 484, 1976; Carboy, Contingency Fees: The Individual’s Key to the Courthouse, 2 Litigation 27 (1976); Wikipedia, Contingent Fee: “A contingency fee arrangement provides access to the courts for those who cannot afford to pay the attorney’s fees and costs of civil litigation. Contingency fees also provide a powerful motivation to the attorney to work diligently on the client’s case. In other types of litigation where clients pay the attorney by the hour for their time, it makes little economic difference to the attorney whether the client has a successful outcome to the litigation. Finally, because lawyers assume the financial risk of litigation, the number of speculative or unmeritorious cases may be reduced.”

2. The opinion does not discuss whether the law firm discussed the apparent conflicts where the insurance coverage may not have been sufficient to cover all claimants’ injuries, and whether potential conflicts were disclosed and waived under RPC 1.7(a). See Gustafson v. Seattle, 87 Wn. App. 298, 941 P.2d 701 (1997). This matter of potential conflicts played no part in the decision.

3. Fee shifting is the situation where a prevailing party in litigation is entitled to an award of reasonable attorney’s fees, in contrast to the American Rule that parties ordinarily have to bear their own attorney’s fees. See Talmadge and Jordan, Attorney’s Fees in Washington, pp. 21–26. Fee shifting is permitted where provided for in a contract between the litigating parties, pursuant to a statute, or where based upon some other ground in equity. The fee shifting opportunities known to most plaintiffs’ tort counsel are Olympic Steamship fees, fees awardable under the Consumer Protection Act, and fees incurred in an unsuccessful trial de novo from mandatory arbitration, RCW Chapter 7.06 and MAR 7.3.

4. The Court of Appeals noted in its opinion certain falsehoods and inaccuracies in the lawyer’s declaration and the lawyer’s failure to offer any hard evidence of what work was actually done. The lawyer did not show up for the initial hearing on reasonable-ness of the settlement and fees, and misled the court on the reasons for the no-show. A second hearing was held, at which time the trial court learned that only 2.5 hours of lawyer time had been spent to justify a $33,333 fee. The lawyer ultimately admitted on the record that the case was a fairly easy case and little effort was necessary to secure the policy limits offer.

5. This “itemized lien” does not appear to have been an RCW 60.40.010 attorney’s lien, and little about this lien but its existence is really discussed in the opinion. The “lien” apparen-tly purported to show what had been done by the lawyer.

6. The Rules have been amended several times since 1985, most recently in 2008. In 2008, Washington adopted some but not all of the official comments to the Model Rules, and adopted some of its own comments.

7. For instance, Colorado’s comment 5 to RPC 1.5(a) states, “...When there is doubt whether a contingent fee is consistent with the client's best interests, the lawyer should offer the client alternative bases for the fee and explain their implications...”
Copyright Policies and Pinterest

Did They Get It Right the Second Time?

BY CHRIS POTHERING

interest is a social media site that allows users to create and manage collections of images surrounding their interests and hobbies. It is like a virtual bulletin board or scrapbook, where you “pin” images for inspiration and sharing. Many users are unaware that these shared images are protected by copyright law.

Cold Brew Labs, the owner of Pinterest, came under fire earlier this year after its terms and conditions were exposed and discussed across the Internet as inflammatory and contrary to copyright law. In an unusual step, Cold
Brew Labs listened to the criticism and released new terms and conditions, which went into effect on April 6, 2012. Do these new terms and conditions address and fix the problems? This article compares the original and new versions.

**Copyright Becomes a Problem**

In late February, photographer and lawyer Kirsten Kowalski wrote a blog post: "Why I tearfully deleted my Pinterest inspiration boards." In this post, Kowalski outlined the copyright and liability issues in Pinterest’s terms and conditions. She concluded that a pinner was taking on a huge legal liability by pinning items to a Pinterest board. Kowalski’s post went viral, and suddenly this issue was the talk of the Internet.

Under the original terms, what was a pinner’s responsibility to the owner of an image when pinning it to a Pinterest board? And what was the pinner’s responsibility to Pinterest? The key to answering these questions was contained in the original Pinterest terms and conditions. In short, these stated that a pinner/user was representing to Pinterest that she or he was either the owner of the copyright of the image posted or had been granted permission from the owner. The terms and conditions were as follows:

You acknowledge and agree that you are solely responsible for all Member Content that you make available through the Site, Application and Services. Accordingly, you represent and warrant that: (i) you either are the sole and exclusive owner of all Member Content that you make available through the Site, Application and Services or you have all rights, licenses, consents and releases that are necessary to grant to Cold Brew Labs the rights in such Member Content, as contemplated under these Terms; and (ii) neither the Member Content nor your posting, uploading, publication, submission or transmittal of the Member Content or Cold Brew Labs’ use of the Member Content (or any portion thereof) on, through or by means of the Site, Application and the Services will infringe, misappropriate or violate a third party’s patent, copyright, trademark, trade secret, moral rights or other proprietary or intellectual property rights, or rights of publicity or privacy, or result in the violation of any applicable law or regulation.

Pinterest’s terms and conditions then went on to place on the pinner/user the entire responsibility of abiding by copyright law, and Pinterest took no responsibility itself for validating copyright ownership:

YOU ACKNOWLEDGE AND AGREE THAT, TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE ENTIRE RISK ARISING OUT OF YOUR ACCESS TO AND USE OF THE SITE, APPLICATION, SERVICES AND SITE CONTENT REMAINS WITH YOU.

To make matters worse, Pinterest then added a one-way indemnity clause:

You agree to defend, indemnify, and hold Cold Brew Labs, its officers, directors, employees and agents, harmless from and against any claims, liabilities, damages, losses, and expenses, including, without limitation, reasonable legal and accounting fees, arising out of or in any way connected with (i) your access to or use of the Site, Application, Services or Site Content, (ii) your Member Content, or (iii) your violation of these Terms.

In other words, if Pinterest was sued for copyright infringement by someone whose image a user pinned, not only was the user responsible for defending the lawsuit — he or she was also responsible for paying all of Pinterest’s costs and attorney fees as well.

Finally, just to drive home the point, Pinterest went on to disclaim any liability to its pinners and to limit its aggregate liability to $100 for any and all claims by any pinner or anyone making a claim related to Pinterest.

What did all of this legal terminology mean for the Pinterest pinners out there? Don’t pin an image onto your board unless you 1) properly credit the source and 2) have permission from the image owner to pin the image.

**Pinterest Proposes Solutions**

The need to give credit and receive permissions in order to pin (or repin) an image could effectively kill the easy use of Pinterest — which makes it so popular. Pinterest offered a solution: a “nopin” metatag that can be placed on a content site that essentially states “don’t pin this image.” The problem with this so-called solution is that anyone can still right-click and save the image and then pin it with no credit given, thus easily sidestepping the supposed solution. The onus is on the owner of the copyright.

Copyright lawyers have been curious to see if Pinterest would find a real solution to address the copyright issues — or if the site would at least step up and take a more participatory role in enforcing copyright ownership and stop trying to pass the legal buck to the pinners. It was a short wait. On March 24, 2012, an email containing the following message went out to all Pinterest users:

Over the last few weeks, we’ve been working on an update to our Terms. When we first launched Pinterest, we used a standard set of Terms. We think that the updated Terms of Service, Acceptable Use Policy, and Pri-
22 Washington State Bar News | June 2012

FURY
Bailey, PS
serious personal injury

“Thank you Francisco...
Your hard work and care
that went into me and my case
is so much appreciated!!!
I am still in shock and awe
with your talent in that courtroom...
I am a very, very proud client!”

J.B.

710 Tenth Avenue East.
PO Box 20397
Seattle, WA 98102

T (206) 726-6600
F (206) 7260288
www.furybailey.com

Like everything at Pinterest, these updates are a work in progress that we will continue to improve upon. We’re working hard to make Pinterest the best place for you to find inspiration from people who share your interest. We’ve gotten a lot of help from our community as we’ve crafted these Terms.

Language and Right to Sell

How did Pinterest do this time around? The first thing that stands out about the new terms and conditions is the style and language. Instead of the cold legalese that the original set of terms and conditions was written in, the new terms and conditions are expressed in very friendly, plain-English style. Clearly, an attempt was made to get away from the formal legal structure and style that many people find off-putting and hard to understand.

Pinterest also removed the language stating that Pinterest has the right to sell your pins — although it still has a worldwide license to your pins. The license illustrates another

vacancy Policy are easier to understand and better reflect the direction our company is headed in the future. We’d encourage you to read these changes in their entirety, but we thought there were a few changes worth noting.

• Our original Terms stated that by posting content to Pinterest you grant Pinterest the right to sell your content. Selling content was never our intention and we removed this from our updated Terms.

• We updated our Acceptable Use Policy and we will not allow pins that explicitly encourage self-harm or self-abuse.

• We released simpler tools for anyone to report alleged copyright or trademark infringements.

• Finally, we added language that will pave the way for new features such as a Pinterest API and Private Pinboards.

• We think these changes are important and we encourage you to review the new documents here. These terms will go into effect for all users on April 6, 2012.

Skillful, tenacious and careful representation in complex family law matters involving significant estates and business or professional practice issues.

AV rated by Martindale-Hubbell.

Kenneth E Brewe
Chosen to Super Lawyers® 2001-2012
Fellow - American Academy of Matrimonial Lawyers
Best Lawyers in America™ 2012

BREWE LAYMAN

brewelaw.com 425 252 5167

Like everything at Pinterest, these updates are a work in progress that we will continue to improve upon. We’re working hard to make Pinterest the best place for you to find inspiration from people who share your interest. We’ve gotten a lot of help from our community as we’ve crafted these Terms.

Language and Right to Sell

How did Pinterest do this time around? The first thing that stands out about the new terms and conditions is the style and language. Instead of the cold legalese that the original set of terms and conditions was written in, the new terms and conditions are expressed in very friendly, plain-English style. Clearly, an attempt was made to get away from the formal legal structure and style that many people find off-putting and hard to understand.

Pinterest also removed the language stating that Pinterest has the right to sell your pins — although it still has a worldwide license to your pins. The license illustrates another
change that Pinterest made. With the exception of repins by others who do have a perpetual license, you can now delete your boards and pins. After a reasonable amount of time, Pinterest will entirely delete your content from its site.

**Copyright**
How do the new Pinterest terms and conditions address the issue of legal liability for copyright infringement? Let’s take a look.

d. Your responsibility for your content:

ii. To third parties. Pinterest values and respects the rights of third party creators and content owners, and expects you to do the same. You therefore agree that any User Content that you post to the Service does not and will not violate any law or infringe the rights of any third party, including without limitation any Intellectual Property Rights (defined below), publicity rights or rights of privacy. We reserve the right, but are not obligated, to remove User Content from the Service for any reason, including User Content that we believe violates these Terms or the Pinterest Acceptable Use Policy. It is important that you understand that you are in the best position to know if the materials you post are legally allowed. We therefore ask that you please be careful when deciding whether to make User Content available on our Service, including whether you can pin or re-pin User Content on your boards. To learn more about copyright and fair use, please click here for some links to useful third party resources. [Emphasis added.]

Pinterest removed the legal representation by pinners that each and every pin is in compliance with copyright law. With respect to third parties, Pinterest now only requires that you pin only those items that don’t violate a third party’s copyrights.

When you pin an item of content onto your Pinterest board, you should do your best to give credit to the original source and verify permission to pin or repin (look for the handy “pin me” buttons starting to appear on sidebars...
Despair Defined

There is no event more joyful than the birth of a healthy child and none more devastating than when a baby is neurologically damaged during labor or delivery. We have extensive experience in birth injury cases. We would appreciate the opportunity to work with you to help your client.

JOHNSON | FLORA PLLC

2505 Second Avenue, Suite 500, Seattle, Washington 98121
www.johnsonflora.com Tel. 206.386.5566
If you open an account on behalf of a company, organization, or other entity, then (a) “you” includes you and that entity, and (b) you represent and warrant that you are an authorized representative of the entity with the authority to bind the entity to these Terms, and that you agree to these Terms on the entity’s behalf.

The big difference for business pinners is that they are likely pinning content that they themselves already own. By pinning this content, they are not only licensing it to Pinterest but also providing a perpetual license to anyone who repins that content.

Is this something a business really wants to do? The answer to this question depends on the business and its marketing strategy. For the most part, the answer is probably yes. You want to place your company on a site where a large audience (97 percent female, although this is also changing) is located. Of course, you should consult your legal team first.

Disturbing Content
In addition to copyright and liability issues, Pinterest was also getting bad press over disturbingly popular pro-anorexia and pro-self-harm boards. To the website's credit, Pinterest addressed this issue in its new terms and conditions, under its Accepted Use policy.

You agree not to post User Content that:
• Creates a risk of harm, loss, physical or mental injury, emotional distress, death, disability, disfigurement, or physical or mental illness to yourself, to any other person, or to any animal;
• May create a risk of any other loss or damage to any person or property;
• Seeks to harm or exploit children by exposing them to inappropriate content, asking for personally identifiable details or otherwise;

Pinterest reserved the right to take down any pins and/or boards — found or reported — that violate this Accepted Use Policy. It remains to be seen how Pinterest backs up its policy with action.

Summary
Did Pinterest get its terms and conditions right the second time around? It definitely addressed a lot of concerns. The change in tone and language was purely stylistic and made no substantive difference. Removing the perpetual license and right to sell was a huge move, as was removal of the pinner’s legal representation that he or she either owned the copyright or had permission to pin the content. Adding business users was an excellent way to add more traffic to the site. In spite of these changes, however, pinners should still be wary of the fact that, should there be a nasty copyright action, they could end up paying a huge bill.

Chris Pothering is a lawyer and partner with the Seattle law firm of Short Cressman & Burgess PLLC. Her practice focuses on issues relating to social media and blogging, as well as commercial transactions and licensing. You can reach her at 206-223-2112 or cpothering@scblaw.com.
Put 30 years of experience in your client’s corner . . .

Fox › DUI › Defense

Your referrals are appreciated and handled with care.

- Founding Member, Washington Association of Criminal Defense Lawyers (1987)
- Founding Member, National College of DUI Defense (1995)
- Featured speaker at DUI defense seminars in eight states
- Presenter to judges at DUI regional seminars regarding DUI law and technology
- Co-Author, Defending DUIs in Washington State (Lexis Nexis Publishing)
- Litigator and counselor for clients from all walks of life including workers, executives, and professional athletes


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

Access and update your information quickly and easily!

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

Kibble & Prentice announces affordable supplemental long-term care, long-term disability and life insurance products available to WSBA members and their families. Your business, livelihood, family and freedom of choice depend on it.

Contact Clark Daffern at 206/676/5666 or clark.daffern@kpcom.com to discuss how you can take advantage of this offer today, to make sure you’re covered tomorrow.

www.kpcom.com • 206/441/6300
I have tried numerous cases before a jury and celebrated many great courtroom verdicts. My best day as a lawyer, however, did not unfold in a courtroom. It took place on a baseball diamond with the New York Yankees at Safeco Field in Seattle.

Three years ago I met my client, Candelario Perez. He had come to the United States in 1999 from Panama, seeking a better life for himself and his children. Candelario first came to Idaho on a legal work visa, initially earning about two dollars per hour planting trees near Orofino.

Prior to coming to Idaho, Candelario worked as a fisherman in Panama for several years. To come to this country, he left behind his parents and two young children, Jorge and Yadi. As Candelario worked in Idaho, the school children in Panama teased Jorge: “Your dad will never come back for you.” Jorge knew otherwise. The happiest day of his life was when he and his sister, Yadi, arrived in Lewiston to live with their father and explore the promise of America.

Calamity then befell the Perez family. Candelario worked on a crew building a fence on treacherous rocky terrain. Sadly, the fence company provided no real safety equipment or training. While stretching a wire, Candelario fell off a cliff and landed on his head. It took paramedics four hours to get him to a hospital; he has not walked since.

Candelario’s rehabilitation efforts were spectacular, but the cervical fractures left him mostly paralyzed from the chest down. This proud man was suddenly dependent upon others for even the smallest of tasks. He lives in constant fear of a catheter infection; sometimes his blood pressure gets too low and he passes out; and, although paralyzed, he still has pain.

With his numerous limitations, I expected my client to become clinically depressed — if not suicidal. To my surprise, Candelario has accepted his injury: he does not like it, but he is not consumed by anger or self-pity. For example, he never complained when my legal team filmed him trying to get from his wheelchair to a bed, or while nurses gave him a shower. He fully trusted the American legal system even though it allowed company lawyers to depose his teenage children. He resisted the urging of some “friends” to fire me and get the lawyer who could “guarantee” millions. Instead, he followed my advice, not only through his personal injury maze, but also on our successful naturalization journey. Candelario was sworn in last year as a U.S. citizen. The same facts that aligned so terribly to paralyze Candelario aligned beautifully in law. His material needs are now met; construction has begun on his specialized house. (I had the good fortune of working on Candelario’s case with Karen Koehler, Paul Stritmatter, and Kevin Coluccio from the Seattle firm of Stritmatter, Kessler, Whelan, and Coluccio. Without them, our result would not have been possible.)

As we worked together on his case, Candelario mentioned his dream of seeing his hero, Mariano Rivera, and the New York Yankees play a game. Mariano Rivera, the future Hall of Fame relief pitcher for the New York Yankees, has been Candelario’s hero for many years.

Mariano Rivera’s achievements as a baseball player are remarkable. His numbers as a relief pitcher are unequaled: more than 1,000 appearances, 600 saves, and a 2.22 career ERA. He is a World Series MVP, a 12-time All-Star, and has five World Series rings. His influence on the game goes beyond simply relief pitching. His signature cut fastball is rarely hit. A cutting fastball comes into the fists of a left-handed
My best day as a lawyer . . . did not unfold in a courtroom. It took place on a baseball diamond with the New York Yankees at Safeco Field in Seattle.

batter — but unpredictably so. Rivera does not overpower hitters with pure speed; he is not considered crafty for throwing a traditional change-up to fool hitters. Instead, everyone on the diamond — especially the batter — fully knows the cutting fastball is coming. Even with this advance notice, it is nearly impossible to hit. The 42-year-old’s legacy is that now most pitchers — starters included — emulate his cutting fastball with great success. His influence on the modern game cannot be overstated.

Like Candelario, Rivera is from Panama and moved to America for a better life. I told Candelario that when his case was done, we would travel across Washington to watch the New York Yankees and Rivera play the Seattle Mariners. Our legal team purchased box seats for the game, and on Memorial Day weekend 2011, to Seattle we went — lawyers, assistants, investigators, friends, and family.

I did not know anyone in the Yankee organization. I did not know anyone who knew anyone in the Yankee organization. But personal injury lawyers are optimists. We sent letters to almost every person with the Yankee organization. We told Candelario’s story; we told Jorge’s story; we then waited on pins and needles. When I got the email from the Yankee organization informing us that they would do something to make Candelario’s day at Safeco Field “special,” we were elated. The message, however, was cryptic. Did this mean Candelario would get to meet his hero? How could I prepare my client for an event, the details of which were left unclear?

On game day, I arrived early at Safeco Field with Candelario, his children and nurse, and my 12-year-old son, Luke. We were escorted downstairs. On our way to the field, we stopped in the media room and held a fake press conference. We then entered the playing field near home plate. Players took grounders to warm up. The field looked spectacular, the grass a vivid green.

We moved toward the Yankee dugout. The Yankee organization was waiting for us. The great Reggie Jackson,
Five-time All-star catcher Tony Peña, now a Yankee coach, hit fungos. Joba Chamberlain, another Yankee pitcher, also came by to say hello.

The likelihood that Candelario would meet Mariano Rivera was not enhanced by the game the night before. Rivera rarely blows a save opportunity, but he did the previous evening. The Mariners scored a run on him in the ninth inning and had come back to beat the Yankees. I suspected Rivera would be in no mood to chat with someone he did not know. I was wrong.

Mariano Rivera walked out of the Yankee dugout and kneeled down to Candelario’s wheelchair level. Candelario was overwhelmed. Photos were taken and I assumed Rivera would quickly be on his way. Instead, he chatted in Spanish with Candelario and his children for 15 minutes.

Because I did not want to jinx the event by presuming that Candelario would meet his hero, I had brought nothing on which players could sign autographs. Another Yankee pitcher, mid-inning reliever Luis Ayala, saw this, walked into the dugout, grabbed eight balls, and passed them to us so Mariano could sign them. Ayala, from Mexico, exchanged pleasantries in Spanish with Candelario’s family and then, without urging, invited my son onto the infield to play catch.

After Mariano said goodbye to Candelario, our escort from the Mariners looked at his watch and gently reminded us that the game would soon start. As Candelario wheeled himself towards the exit tunnel, a player emerged from the Mariners’ dugout. It was Cy Young Award winner Félix Hernández, who visited with us, signed the same baseballs Rivera did, and wished Candelario well.

My best day as a lawyer climaxed before no jury, but on the infield of Safeco Field. The New York Yankees and Seattle Mariners gave great joy to a courageous man, injured in body, but resilient and inspiring in spirit.
A lot of ink has been spilled of late related to “Kony 2012,” Invisible Children’s viral web video highlighting Joseph Kony, the notorious leader of the Lord’s Resistance Army (LRA) in Africa. I have written in my own blog on the subject and appeared on radio to discuss and criticize. But long before this newfound interest in Africa’s longest war and its leader, there was the tragic tale of Thomas Kwoyelo, a former child soldier turned commander in the LRA, and the first person to be tried under Uganda’s new International Crimes Division of the High Court. Thomas Kwoyelo is my client.

Being invited to join Thomas Kwoyelo’s defense team in Uganda thrilled and terrified me. I wasn’t sure if I had the legal acumen or intestinal fortitude to travel to Africa and fight for a man accused of the worst possible things. But this particular call to the adventure was simply too compelling to pass up, especially once I wrapped my head around the magnitude and importance of the case.

Thomas Kwoyelo was abducted by the LRA and its infamous leader, Joseph Kony, when he was only 13. This was during the height of the terror in Africa’s longest-running war. Like most child soldiers, he was drugged, indoctrinated, and forced to do things that I will not describe. He wanted to escape, but knew that if he were caught, he would be murdered. So he stayed. Over the next 20 years, he elevated in rank to the level of commander.

In 2000, the Ugandan government passed a blanket amnesty act to facilitate the end of fighting. The Amnesty Act merely stated that any fighter who renounced rebellion and laid down arms was welcome to return to his village without fear of prosecution. Originally, the Act was supposed to last for six months. As I pen this missive, the Amnesty Act is still in effect.

In 2005, the International Criminal Court (ICC) indicted Joseph Kony and four other top LRA members on war crimes charges. In 2007, the Ugandan government and the LRA began a peace dialogue known as the Juba Peace Talks. Most everyone, including Thomas Kwoyelo, thought the peace talks would succeed. However, one of the sticking points for the LRA was the pesky issue of those ICC indictments. The ICC’s refusal to rescind the indictments ultimately proved fatal to the peace talks.

In March 2009, Kwoyelo and most LRA fighters did not know the talks had failed. They were waiting in the...
jungle in the Democratic Republic of Congo for word that the war was finally over. They learned it was not over when they started getting shelled by Ugandan forces. In the ensuing melee, Kwoyelo was shot through the abdomen and taken into custody.

Severely wounded, Kwoyelo was taken to a military hospital. Before he healed, he was abducted for the second time in his life, this time by military intelligence. He was taken to a "safe house," which is a gentle euphemism for an interrogation and torture chamber. He spent the next three months with a bullet wound in his stomach, living in a small concrete chamber without facilities, and suffering torture and extensive interrogations by the government.

In the interim, the Ugandan government established a new International Crimes Division (ICD) of the High Court. Leaving prosecution of the top leaders (should they be captured) to The Hague, the ICD's purpose is to prosecute the mid-level LRA commanders. Kwoyelo was the first on their list. He faces 53 counts of willful killing, kidnapping, and property destruction.

Kwoyelo spent the next year of his life after his stay in the "safe house" in the notorious Luzira Prison. He did not have counsel, but he did have the wherewithal to apply for amnesty. At the time of his application, approximately 26,000 former LRA members had been granted amnesty. Kwoyelo was denied; the government had not gone through the expense and publicity of setting up the ICD just to have their first defendant walk based on the Amnesty Act. The trial was set to start in July 2011.

Just prior, two Ugandan attorneys, Caleb Alaka and John Francis Onyango, intervened on behalf of Kwoyelo. This was the first time that Kwoyelo had access to counsel, and the attorneys were denied government funds for the defense. They (and I) represent Kwoyelo pro bono. They immediately petitioned the ICD to stay the trial in order to appeal several issues to the Constitutional Court for interpretation, the most important of which was that Kwoyelo was denied equal protection under the Amnesty Act.

Aware that this case not only had enormous implications for Kwoyelo but also had broader impacts on international law and the legitimacy of war crimes prosecutions, they put out a call for international assistance. This is where I came in.

I received a text message from a friend asking whether I knew anything about war crimes. Naturally, that is not the kind of message I am used to receiving. I looked into a publication by Human Rights Watch about the import of the trial and found the contact information for John Francis Onyango. I am a trial lawyer, I do criminal defense work, I have studied law surrounding war crimes, and I was simply curious, so I sent Onyango an email stating essentially that. To my infinite surprise, he wrote back nearly immediately and asked how quickly I could get to Uganda. That's where my thrill and terror started. But, of course, I gave a resounding "yes" to the invitation and started the complex process of preparing for my travel and a case that I was not sure I was ready to handle after only six years of practicing law.

Before I left, I collaborated with my new African partners on the brief to submit to the Constitutional Court. We were sure we would lose the petition and therefore had to prepare for trial. So I made my way to Uganda last August
into an entirely new world. Numerous challenges and adventures ensued, but ultimately we were able to put together a trial strategy, overcome enormous difficulties getting me legitimized as an attorney (their version of pro hac vice) to represent Kwoyelo, and then finally meeting Kwoyelo himself in Luzira Prison. We interviewed one another, and he formalized our representation agreement with his fingerprint as his mark.

I returned to Seattle shortly thereafter to keep my proper law firm afloat and continued working from afar on the Kwoyelo case. Several weeks later, to our delight and surprise, the Constitutional Court ruled in our favor, articulating that Kwoyelo was denied equal protection under the Amnesty Act. The court issued an order that the ICD release Kwoyelo. The director of public prosecution (attorney general) immediately appealed to the Supreme Court, arguing that the Amnesty Act itself was unconstitutional. Nevertheless, recently the ICD ordered the DPP to issue Kwoyelo an amnesty certificate and have him released. Inexplicably, the DPP refused. Kwoyelo is still languishing in Luzira.

So now I am making my plans to return to Uganda to argue this case in the Supreme Court. The ruling will have profound shockwaves no matter which way the Court decides. If we win, Kwoyelo will be freed and allowed to return to his village. They have elaborate and compelling reconciliation rituals that allow people who have injured the tribe to make amends and rejoin society. It will also mean that any member of the LRA who was considering applying for amnesty, but has not yet done so because of Kwoyelo’s situation, will be able to do so. This can help bring the conflict to an end. On the flip side, we will have undermined the very existence of the ICD. How can they prosecute anyone after we have liberated Kwoyelo, when all that needs to be done is for a defendant to apply for amnesty?

If we lose, if the Amnesty Act is found unconstitutional, the 26,000 former fighters who have rejoined society will have their freedom imperiled. There will be nothing to stop the government from rounding up whomever it sees fit for prosecution. They need to justify the existence of the International Crimes Division, after all. What’s more, there is no incentive for any current members of the LRA to lay down arms. Without the guarantee of immunity from prosecution, they will not leave the field.

Perhaps it is possible to have those already granted amnesty to be grandfathered in to a new regime where the Amnesty Act is no longer in effect. But that would have to include Kwoyelo, who was denied equal protection and is still being denied his freedom. I am very much looking forward to returning to Uganda and having this final showdown.

I have chronicled the entire experience to date in my blog: www.warcrimessentinellaw.blogspot.com. Post 9 details what it was like to finally meet Kwoyelo. ☁

James D. Pirtle is a Seattle trial lawyer and founding partner of The Sentinel Law Group, PLLC, and Pirtle Ferguson PLLC. He can be reached at 206-214-5514 or james@pirtleferguson.com. More information on his war crimes and human rights work can be found at www.sentinellawgrouppllc.com and trial work at www.pirtleferguson.com.
The WSBA is now in its 79th year since the State Bar Act of 1933. Blast from the Past revisits what was on the minds of WSBA members from decades past. These articles, from Bar News in 1969, are reprinted as they first appeared.

Quotes Quoted
[From May 1969 Bar News]

... Baccalaureate addresses since my boyhood years have dwelt on the speed of material change, on the rapidity with which one can cross the continent, communicate by voice or electric or electronic impulse, and destroy our material civilization. But I suggest to you that the disorders which plague and perplex us today are less the result of change than the effect of resistance to change.

The King Prejudice that Thoreau spoke of a century ago, has reigned another hundred years, and too many of our institutions have come to be, in the words of John W. Gardner, “managed for the benefit of the people who run them.”

Former Health, Education and Welfare Secretary John W. Gardner gave three Godkin lectures at Harvard University last March. He said in part:

Some believe that the race issue has been over-emphasized recently. It hasn’t. Slavery was the heaviest burden the national conscience has ever borne. The burden was thrown off ... but inequality remained ... that mocked the most ardent professions of the American ideal ... A reckoning was bound to come and it has come in this generation.

Aristotle recognized that poverty was the parent of revolution and crime and that “even when laws have been written down, they ought not always to remain unaltered.”

Samuel Johnson called the law the last result of human wisdom acting upon human experience for the benefit of the public. As such, common law and statutory law have grown and continue to grow dynamically in a constantly changing order.

* * *

Refusal of persons of influence and power to listen to and redress in a peaceful, lawful manner legitimate grievances of the people is directly productive of violence. Legitimacy of a grievance is, of course, sometimes a subject upon which reasonable minds may differ, but such differences are no justification for violence in a truly democratic society among a reasonable people.

As wisely stated by Dr. David L. McKenna of Seattle Pacific College:

Youth needs to learn the value of respect for authority, while adults need to learn the value of authority that can stand the test of criticism and social change.

Violence is thought by some to be necessary just to get attention. Violence to attract attention to grievances is just as hurtful to and intolerable by society as violence for any other reason and tends to become a cloak to envelop and spread webs of crime which, if unchecked by law, paralyze all means of orderly change; and equality and justice are lost entirely in a fog of naked force.

Justice and equality depend upon courageous people, eager and willing to consider new ideas, people who are humane, receptive, and tolerant, who are not afraid to make decisions and choose the side they support, and on law which guarantees and protects individual rights, law which protects the people and their property from lawless invasion both at the hand of criminals and at the hand of government itself....

From the remarks of Alfred J. Schewppe, Law Day, May 1, 1969, Presiding Judge’s Department, King County Courthouse. [Alfred Schewppe served as 1954–1955 WSBA president.]

The President’s Corner
[From February 1969 Bar News]

“Tell it to the judge.” That expression has acquired a clearly understood secondary meaning. Its connotation of disbelief is annoying to say the least. Used by a police officer under certain circumstances it can appear to be inexcusably insulting.

But we all know that things are not always quite as they seem. And if an officer ever was justified in using this ordinarily offensive expression of distrust, this whimsical incident involves such a situation.

It was a lovely afternoon when a young man took off for the local animal farm with his two children in his brand new little red Volkswagen. But the day assumed a darker hue when he returned to the parking lot after several hours of strolling among the cages.

His VW was a mess, badly crushed in front and on top. Naturally he went right to the office to complain. The management was waiting for him.

“Is yours the little red VW? It is all our fault. You see we’ve been training our baby elephant to sit on a pedestal. It happens to be red. On the way past the parking lot, he spied your red VW and before we could stop him he was on top of it. But don’t worry, get it fixed and send us the bill. We’re terribly sorry.”

So the young fellow climbed into his crumpled car and set off down the highway only to be overtaken by a stern state policeman.

“I have a radio report that a little red car left the scene of an accident a few miles back,” said the trooper. “Where have you been?”

“I haven’t been in any accident,” said the young father. “Oh no?” queried the law, “then how did your car get so badly dented?”

“A baby elephant sat on it — just this afternoon!”

“Really now? Why don’t you follow me down to the station? You’d better tell that to the judge.”

Implausible? Aren’t lots of things in our profession?

Payne Karr [1968–1969 WSBA president]
Athough the U.S. Supreme Court’s decision in Brown v. Entertainment Merchants Association, (131 S. Ct. 2729, 180 L. Ed. 2d 708 (2011)), is the most precedential court ruling against video game censorship, it is certainly not the first. Four years ago, Washington courts struck down a statute criminalizing the sale of violent video games to minors, and within the opinion wrote prophetically, “Given the nationwide, on-going dispute in this area, it is reasonable to ask whether a state may ever impose a ban on the dissemination of video games to children under 18. The answer is ‘probably yes’ if the games contain sexually explicit images, and ‘maybe’ if the games contain violent images, such as torture or bondage, that appeal to the prurient interest of minors. State attempts to regulate ultraviolent video games that have no sexual component have failed for a number of reasons.” (Video Software Dealer’s Assn v. Maleng, 325 F. Supp. 2d 1180, 1190 (2004).) Still, legislation almost identical to that declared unconstitutional in Washington was drafted by legislators in California. So it seems history indeed repeats itself, especially in the 9th Circuit. As censorship attempts continue, though, especially against newly emerging media like video games, retailers and creators have to hope that courts will follow Washington’s lead and strike down overbroad and vague legislation that blocks access to constitutionally protected media.

A Pattern of Censorship
In June, the U.S. Supreme Court struck an important blow against government censorship of art and expression when it declared unconstitutional a statute that would have criminalized the sale of violent video games to minors.

In Brown v. Entertainment Merchants Association, the Supreme Court ratified the status of violent speech as protected speech under the First Amendment. This is nothing new. Violence has been a source of entertainment and expression for eons. The Romans cheered for their gladiators,
the Greeks for their Olympians, the medieval gentry for their knights. The Brothers Grimm achieved renown by binding it into page form, and the superheroes of today were born amid the BAMs, CRACKs, and KAPOWs of yesterday’s comic books.

Today, we flock to screens to watch bullets fly and to arenas to watch bodies fall like timber. We try to out-sleuth other viewers watching the same grisly murder mystery mini-series, and more than 12 million of us at some point have wielded a weapon of choice in a World of Warcraft duel.¹ Violent entertainment is as popular as ever, and in the case of Brown v. Entertainment Merchants Association, the Supreme Court struck down California’s attempt to censor it.

At issue in Brown was a California law restricting the sale of violent video games to anyone under age 18, likening violence to obscenity. Justice Scalia, the opinion’s author, clarified that speech about violence is not a legal equivalent to obscenity. Scalia emphasized that the California statute was not the first to try to treat violence as obscenity, and the previous attempts to do so have failed to pass constitutional muster, citing both United States v. Stevens, 130 S.Ct. 1577 (2010) and Waters v. New York (333 U.S. 507, 510 (1948)).

The decisions cited by the majority in Entertainment Merchants Association span from 1915 to 2010, demonstrating an enduring tradition by states and localities to censor unpopular content in newly emerging media. As pointed out by the Comic Book Legal Defense Fund (CBLDF) in its amicus brief, which was cited by Scalia in his opinion:

Californias bid to censor video games is the latest of a long history of moral panics that date back to the early nineteenth century. These recurring campaigns are typified by exaggerated claims of adverse effects of popular culture on youth based on pseudo-scientific assertions of harm that are little more than thinly-veiled moral or editorial preferences. Such censorship crusades have been mounted against dime novels, ragtime music, cinema, comic books, television, and now, video games. (Brief of Amicus Curiae for Respondent at 3–4, Brown v. Entertainment Merchants Association, 131 S. Ct. 2729 (2011) (No. 08-1448).)

Though the Supreme Court’s opinion in Brown is a victory for all First Amendment advocates, it is merely one campaign in a war against censorship. In the past decade, private individuals, retailers, and entertainment organizations have struggled to maintain their ability to own and disseminate certain content that some may consider objectionable.

In 2007, the Entertainment Software Association had to reach out to allies to combat the Minnesota Restricted Video Games Act, a statute mirroring that at issue in Brown. The Act — which prohibited anyone under the age of 17 from purchasing or renting video games rated “M” (Mature) or “AO” (Adults Only), and imposed a $25 fine for violators — was eventually struck down as a violation of free speech.

Last year, the Alaska Senate unanimously passed Bill 222, which criminalized the operation or management of websites or list serves that contain sexually related content deemed “harmful to minors,” even if the content is of the type adults have a First Amendment right to access. Operators found guilty of violating the law were required to register as sex offenders, serve jail time, and face possible loss of their businesses. U.S. District Judge Ralph Beistline declared the law unconstitutional last June 30 in American Booksellers Foundation for Free Expression v. Burns, ruling that the law was not narrowly tailored and would have a chilling effect on

²据哥的战绩资料，是在18世纪末期，哥在西班牙的殖民地多米尼加建立了一支军事力量，与西班牙军队对峙了数年。哥也在哥斯达黎加建立了一支军队，抵抗西班牙的殖民统治。哥领导的军队在1821年推翻了西班牙的殖民统治，建立了哥斯达黎加共和国。

³在哥斯达黎加历史上，哥是著名的军事将领，他与西班牙军队对峙了数年，最终在1821年推翻了西班牙的殖民统治，建立了哥斯达黎加共和国。哥的军事才能和领导能力在哥斯达黎加历史上留下了深刻的印记。

⁴哥是哥斯达黎加著名的军事将领，他与西班牙军队对峙了数年，最终在1821年推翻了西班牙的殖民统治，建立了哥斯达黎加共和国。哥的军事才能和领导能力在哥斯达黎加历史上留下了深刻的印记。
At issue in Brown was a California law restricting the sale of violent video games to anyone under age 18, likening violence to obscenity.

Also last year, after pleading guilty in United States v. Handley, a U.S. Navy veteran was sent to prison for owning comics. In his vast collection of manga comics was a minority of sexually explicit material, none of which depicted actual persons. Christopher Handley was sentenced to six months in jail and five years’ probation, not for engaging in any actions that were a danger to members of his community, but because of his tastes in entertainment. The 40-year-old introvert had spent his time working as a computer programmer and caring for his ailing mother, with whom he lived. His social interaction came primarily from his online gaming and his Bible study. He posed no danger to his community, but was prosecuted for his enjoyment of illustrated cartoon entertainment.

And currently, an American citizen is facing criminal charges in Canada after attempting to cross the border with manga comics stored in electronic form on his laptop. Because some of the characters depicted appeared young, this man was charged with possession and importation of child pornography. If convicted, he will serve a minimum one-year jail sentence and must register as a sex offender — although he never possessed any actual child pornography.

Censorship laws have certainly given credibility to the old adage “history repeats itself.” As the above cases demonstrate, many states have ignored the guidelines issued by the courts when drafting censorship laws. Overbreadth and vagueness permeate much of the challenged legislation and leave many wondering if a balance between protection and restricting access can ever be struck in its creation, or if redrafting will always be required before a censorship statute will stand in court.

Court Says “Game Over” to Washington’s Censorship Law

Video games aren’t what they used to be. They have evolved from the Pac-Man and Pong era and become artistic creations with in-depth story lines, original scores, and dénouements rivaling those of movies and works of literature. The courts recognized the shift from pure entertainment to interactive art form by awarding First Amendment protection to video and computer games in the early 2000s. So, when Washington attempted a content-based regulation of violent video games in 2004, it needed a compelling motive.

Revised Code of Washington 9.91.180 imposed a fine of up to $500 on anyone who sold or rented to someone 17 or
is a law enforcement officer? What qualifies as realistic or photographic violence? Even the most cautious and informed store clerk would have trouble deciding which games were off-limits to minors due to these ambiguities. (See Id. at 1189.)

Even in this case, seven years old now, the court recognized the improbability of violent video games ever being constitutionally censored. Still, it provided some guidance to legislators who would make future attempts to do so.

"While the court cannot give advisory opinions on cases or controversies not before it, future attempts to regulate video games on the basis of their content will be analyzed under a framework such as the Court has undertaken here. Key considerations will be: Does the regulation cover only the type of depraved or extreme acts of violence that violate community norms and prompted the Legislature to act? Does the regulation prohibit depictions of extreme violence against all innocent victims, regardless of their viewpoint or status? Do the social scientific studies support the legislative findings at issue?" (Video Software Dealers Ass'n, 325 F. Supp. 2d at 1190.)

Even after this advice and similar rulings around the country, video game associations, distributors, and retailers are still having to bring suit to retain their First Amendment rights. Brown demonstrated that the same problems of overbreadth and vagueness continue to plague the pens of law-writing legislators. Meanwhile, video-game creators are being put on the defensive, and video-game store managers are being put at risk of being dragged into costly courtroom battles. One has to wonder when state legislatures will finally understand what the U.S. Supreme Court reminded us all in Brown — violent speech expressed through video games is protected speech.

It seems a difficult balancing act, protecting minors from offensive content while protecting the liberties of adults and artists. State legislatures have demonstrated in their attempts at accomplishing the former that narrowly tailored legislation can only be the progeny of careful drafting in the text of a statute and an awareness of accessibility rights of all groups. When censorships attempts are overbroad or underinclusive in effect, they create unintended victims who rarely are aware of the resources available to help them combat the effects of the legislation.
The Real Victims of Censorship

While some of the previous cases illustrate the myriad instances of injustice that accompany large-scale censorship, they also highlight the dangers of allowing the government to decide what constitutes art. A fundamental goal of the First Amendment is to prevent government from controlling what people can express and what expressions people can consume. (See Ashcroft v. Free Speech Coalition, 535 U.S. 234, 253 (2002).) But the history of censorship attempts suggests that moral panics will continue to drive unconstitutional legislation. It seems that no long-term lessons have been learned from the attempted regulation of dime novels, jazz music, cinema, cartoons, comic books, and now, video games. Censorship targets materials that some people find objectionable — but the American public is as diverse in its objections as it is in everything else. It is not the role of the government to do the objecting.

In theory, censorship legislation targets societal evil. But in practice, it cuts against ordinary people: comic book retailers and collectors, video game players, music appreciators, and adults who have a constitutional right to view adult material. What are these ordinary people to do when threatened with criminal charges and/or stigmatic labels just for buying the latest first-person-shooter game, or owning a comic book, or stocking adult-themed literature in a brick and mortar store? ❏

Elizabeth McLean is an intern with the Comic Book Legal Defense Fund (CBLDF), a nonprofit organization that fights to protect the First Amendment rights of comic book creators, sellers, purchasers, and organizations that make them available to the public, such as libraries. To learn more about the CBLDF and the assistance it provides, visit www.cbldf.org.

NOTES
Diversity and the Law

Pre-Law Student Leadership Conference

Students Learn About Law Careers in Yakima

BY ALMA ZUNIGA

Each spring, approximately 60 Eastern Washington high school students attend the Pre-Law Student Leadership Conference. This year’s conference took place at Davis High School in Yakima on May 19.

The Pre-Law Student Leadership Conference provides a unique opportunity for youth in Yakima County, Kittitas County, and the Wenatchee and Moses Lake areas to learn about careers in the legal profession. The conference is open to all high school students but focuses on at-risk and minority youth. The students attend civil and criminal law workshops and have the opportunity to meet with attorneys and judges during the day-long event. The goal is to encourage students to take active leadership roles in their communities and student governments, stay in school, attend college, and consider a career in the legal profession. The Pre-Law Student Leadership Conference is the only program of its type in the Yakima Valley and surrounding areas.

Each year, many organizations help make the Pre-Law Student Leadership Conference a success. The WSBA Young Lawyers Division (WYLD) has hosted the conference for the past 20 years. The Latina/o Bar Association of Washington has financially sponsored the yearly event, and has been instrumental in its planning. Most recently, the Yakima County Bar Association and Stokes Lawrence, P.S. have financially co-sponsored the event.

At the conference, students participate in interactive workshops designed to address real-life and pressing legal issues, including criminal, family, and wage/employment law. Leaders in the law, including superior court judges, trial attorneys, and other practitioners from around the state facilitate sessions throughout the day and directly support the students. Sharing their candid stories, backgrounds, and legal expertise, along with hands-on involvement with the conference, helps inspire and motivate the students to consider legal careers.

For the students, it is transformative and unforgettable. One student stated, “Meeting the attorneys and students [from] around Washington state was the best part of the conference, especially the attorney question/answer [session].” Another student noted that “the information about the law and what it takes to be a good lawyer” was what she liked the best about the conference.

Students leave with renewed hope. They end the day with inspired comments such as, “[The conference] opens your eyes to a possible career choice,” “Thank you for opening up many doors for us with this conference,” “I like that people actually took the time to come [to the Yakima conference] because they care,” and “The attorneys at the conference are a great example of how to make change in today’s society.” One student said, “Thank you for giving us opportunities to believe in our dreams.”

The distinguished guests attending past conferences have included former WSBA presidents Salvador Mungia and Ron Ward, the Honorable James P. Hutton, the Honorable Michael G. McCarthy, retired Supreme Court Justice Charles Z. Smith, the Honorable Steven González, Rep. Mary Skinner, King County Commissioner Elizabeth.
Castilleja, and former U.S. Attorney John McKay.

The conference also inspires the attending practitioners, judges, and bar leaders. “The students ask insightful questions about the path that needs to be traveled to become a lawyer, the obstacles encountered in that journey, and the rewards of being able to help people once you are an attorney,” said former WSBA President Mungia of a recent event. “I hope that the students took with them the understanding that they should become a member of our profession only if they have a deep passion for furthering justice in our community. Those are the students that we would love to see join us in the profession,” he added.

Last year, the Honorable Mary Yu gave the keynote address and left an indelible impression on the students. One student’s comment said it all: “I like hearing Judge Yu [and] luckily I got the chance to have a conversation with her and I found it fascinating.”

This year, we were honored to have had newly appointed Supreme Court Justice Steven González attend. Having the opportunity to meet such influential leaders in the law provides hope and encouragement and presents an invaluable experience for students. From their comments and thanks, it was one they will remember for a lifetime.

I am a relatively new attorney, having joined the profession in 2007. In addition to practicing law at the Northwest Justice Project, I am the South Central District trustee for the WYLD. I also chair the Yakima Pre-Law Conference. As busy as I am, I have supported the conference yearly since 2007. For the past four years, I have worked with the conference’s planning committee and I feel fortunate to have had the opportunity to help shape and plan the conference.

I would like to take this opportunity to cordially invite all Washington attorneys to volunteer, inspire, and educate eastern Washington high school students through the annual Yakima Pre-Law Student Leadership Conference, held yearly in May. Each year, volunteers are needed the day of the conference to guide students through a mock trial and answer questions about the legal profession. For questions about the conference or if you are interested in volunteering at any time, please contact WYLD Liaison Brian Salts-Halcomb at 206-727-8205 or brianh@wsba.org, or me, Alma Zuniga, at 509-574-4234 or almaz@nwjustice.org.

Alma Zuniga is a Yakima attorney and is conference chair. She works at Northwest Justice Project, where she has been practicing consumer and family law for the past four years. In addition to practicing law, Zuniga is actively involved in the WYLD’s South Central District and other law-related activities. The WSBA Committee for Diversity edits this column.

JEANNIE P. MUCKLESTONE, PS.
PO BOX 565
Medina, Washington 98039
(206) 623-3343
jeannie@mucklestone.com
www.mucklestone.com

- Successful Results
- Extensive experience
- Former Judge Pro Tem in King County
- Featured in Vogue magazine May ’03 as a top lawyer for women in Washington
- Front page of Seattle Times “Drivers fighting tickets and winning” June 1, 2006
- Visa/Mastercard accepted

TRADEMARK
Copyright & Patent Searches

“Experienced Washington office for attorneys worldwide”

FEDERAL SERVICES & RESEARCH:
Attorney directed projects at all Federal agencies in Washington, DC, including: USDA, TTB, EPA, Customs, FDA, INS, FCC, ICC, SEC, USPTO, and many others. Face-to-face meetings with Gov’t officials, Freedom of Information Act requests, copyright deposits, document legalization @ State Dept. & Embassies, complete trademark, copyright, patent and TTAB files.

COMPREHENSIVE:
U.S. Federal, State, Common Law and Design searches,
INTERNATIONAL SEARCHING EXPERTS:
Our professionals average over 25 years experience each
FAST: Normal 2-day turnaround with 24-hour and 4-hour service available

GOVERNMENT LIAISON SERVICES, INC.
200 N. Glebe Rd., Suite 321
Arlington, VA 22203
Ph: 703-524-8200, Fax: 703-525-8451
Minutes from USPTO & Washington, DC
TOLL FREE:1-800-642-6564
www.GovernmentLiaison.com
info@GovernmentLiaison.com

Keep it off your record, Keep insurance costs down
Congratulations to the 304 candidates who passed the bar exam administered in February 2012. Of the 470 candidates who took the exam, 64.7 percent passed.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adair</td>
<td>Amanda Bea</td>
<td>Glendale, AZ</td>
</tr>
<tr>
<td>Amborn</td>
<td>Kenyon Alex</td>
<td>Issaquah</td>
</tr>
<tr>
<td>Anderson</td>
<td>Eric</td>
<td>Seattle</td>
</tr>
<tr>
<td>Anderson</td>
<td>Robert</td>
<td>Seattle</td>
</tr>
<tr>
<td>Anthonley</td>
<td>Marjorie Walter</td>
<td>Seattle</td>
</tr>
<tr>
<td>Armstrong</td>
<td>Kristin</td>
<td>Seattle</td>
</tr>
<tr>
<td>Arnold</td>
<td>Geoff</td>
<td>Aberdeen</td>
</tr>
<tr>
<td>Austin</td>
<td>Deborah K.</td>
<td>Seattle</td>
</tr>
<tr>
<td>Arnold</td>
<td>Geoff</td>
<td>Aberdeen</td>
</tr>
<tr>
<td>Armstrong</td>
<td>Kristin</td>
<td>Seattle</td>
</tr>
</tbody>
</table>

Winter 2012 Bar Exam Pass List

Dabbling, Joshua David, Lynnwood  
Dabney, Walton Lawson, Fort Walton Beach, FL  
Dancer, Deshawnté Marie, Seattle  
Daugherty, Mary, Seattle  
Davidson, Cory Michael, Kennewick  
Davis, Terresa, Seattle  
Dawes, Jeanne J., Spokane  
Delos Reyes, Raymond L., Seattle  
Digiadico, Corey Ann, Spokane  
Dillbeck, Lee Ann, Portland, OR  
Disher, Marjan Foruzani, Scotch Plains, NJ  
Diviatia, Akshat, Issaquah  
Doherty, Seth Benjamin, Seattle  
Dohn, Derek S., Seattle  
Dominguez, Octavio Arturo, Dallas, TX  
Dore, Jeffrey, Bellevue  
Dorey, Laura Anne, Seattle  
Doty, Jeffrey Robert, Seattle  
Duggan, Michael, Seattle  
Dunn, Lisa Bondy, Highlands Ranch, CO  
Dupont, Nick Joseph, Bothell  

Eddington, Jennifer Marie, Kent  
Edwards, Zachary David, Kirkland  
Ehrlander, Marcus W., Olympia  
Eide, Joanna M., Seattle  
Ellis, Crystal M., Seattle  

Faerber, Joshua Robert, Seattle  
Fairchild, Susan Jill, Seattle  
Finch, Eric, Bonney Lake  
Flory, Sarah McKenna, Spokane  
Foss, Clinton Richards, Seattle  
Frederickson, Dena, Conroe, TX  
Fuentes, Willow, Seattle  

Gallagher, Sarah Marie, Seattle  
Gamble, Tyson Brunnman, Long Beach, CA  
Garfield, Jamie M., Lynnwood  
Gariguile, Antonio Santino Mario, Bremerton  
Garman, Therese Jane, Alexandria, VA  
George, Colin, Seattle  
Ghoreishi, Mishá Seyed, Redmond  
Gillin, Brandon S., Wenatchee  
Glowitz, Daniel A., Bellevue  
Good, Michael E., Bellingham  
Goodstein, Seth S., Tacoma  
Gordillo, Canek, Seattle  
Gosling, Melissa, Spokane  
Gouldy, Lisa Michelle, New York, NY  
Grant, James R., Seattle  
Greaves, Amber, Alise, Seattle  
Greenfield, David James, Bellevue  
Gui, Fen, Seattle  
Gustafson, Trina, Lake Stevens  

Hall, Linda S., Seattle  
Hall, Steven R., Waldorf, MD  
Han, Song E., Tigard, OR  
Hankins, Michelle L., Issaquah  
Hansen, Robert D., Kent  
Harris, Derek L., Bellevue  
Hartmann, Joshua Thomas, Seattle  
Hause, Kyle, Seattle  
Hay, Nicole, Dallas, TX  
Hayes, James E., Seattle  
Held, Maximilian, Spokane  
Henken, David A., Bellingham  
Hewko, Lillian Marie, Seattle  
Hilken, Katie L., Mercer Island  
Hikses, Emily, Seattle  
Hogaboam, Ryan, Seattle  
Hokenson, Katherine Irene, Seattle  
Hou, Yuejiao, Seattle  
Howard, David Miles, Bellevue  
Howell, Andrew Michael, Richland  

Imakura, Maki, Shoreline  
Ikemata, Dan S., Bothell  

Jackson, Ellen Stuthit, Tieton  
Jacobson, Avrum E., Seattle  
Jameson, Richard Travis, Las Vegas, NV  
Jenson, Rachael Rebecca, Coos Bay, OR  
Jimenez, Andrea, Lynnwood  
Jimenez Velez, Jose J., Lynnwood  
Jo, Christopher, Woodinville  
Johnson, Anna Kristen, Seattle  
Johnson, Katie A., Seattle  
Josephson, Linda, Seattle  

Kaempf, Joseph Thomas, Portland, OR  
Karr, Christopher T., Missoula, MT  
Kawahara, Krystene T., Renton  
Keen, T.K., Bonney Lake  
Kelleman, Joshua Robert, Shoreline  
Kelley, Neil, Seattle  
Kim, Bonnie, Seattle  
Kim, Dorothy Eui Kyung, Lynnwood  
Kim, Phillip Sung-Ho, Mountlake Terrace  
Kintanar, Lady Claire Marion Estillore, University Place  
Kiser, Loren, Olympia  
Kjellulf, John Daniel, Kenmore  

Clapp, Andrew Dean, Hummelstown, PA  
Clark, Daniel M., Hayden, ID  
Clayman, Kerry, Seattle  
Coenen, Ellen Marie, Seattle  
Coplina, Heather Ann, Tacoma  
Costello, Connor, Seattle  
Cox, Rachel Hoffman, Seattle  
Crippen, Sarah Elizabeth, Minneapolis, MN  

42 Washington State Bar News | June 2012
<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perez, Sarah</td>
<td>Kirkland</td>
<td>Seattle</td>
</tr>
<tr>
<td>Jerbert, Sammamish</td>
<td>Kirkland</td>
<td>Seattle</td>
</tr>
<tr>
<td>Parietti, Ryan James</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Parekh, Neetal</td>
<td>Mountain View, CA</td>
<td>Seattle</td>
</tr>
<tr>
<td>Othman, Anna M.</td>
<td>Brier</td>
<td>Seattle</td>
</tr>
<tr>
<td>Oppenheim, Mary Quinn</td>
<td>Philadelphia, PA</td>
<td>Seattle</td>
</tr>
<tr>
<td>Onstad, James M.</td>
<td>Yakima</td>
<td>Seattle</td>
</tr>
<tr>
<td>Olivares, Jamie Anna</td>
<td>Lacey</td>
<td>Seattle</td>
</tr>
<tr>
<td>O'Neill, Sarah</td>
<td>Kirkland</td>
<td>Seattle</td>
</tr>
<tr>
<td>Njeim, Patrick M.</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Lui</td>
<td>Federal Way</td>
<td>Seattle</td>
</tr>
<tr>
<td>Le, Steven</td>
<td>Renton</td>
<td>Seattle</td>
</tr>
<tr>
<td>Leggett, Dorothy Yee</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Liu</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Lo, Karen</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Lockhart, Sarah</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Loftin, Grover Matthew</td>
<td>Mercer Island</td>
<td>Seattle</td>
</tr>
<tr>
<td>Long, Kendra J.</td>
<td>Kirkland</td>
<td>Kirkland</td>
</tr>
<tr>
<td>Lopez, Ana Cecilia</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Lukhtanov, Svetlana E.</td>
<td>Bothell</td>
<td>Seattle</td>
</tr>
<tr>
<td>Ma, Anna</td>
<td>Newcastle</td>
<td>Bothell</td>
</tr>
<tr>
<td>MacKenzie, Brian Earl</td>
<td>Vancouver, WA</td>
<td>Seattle</td>
</tr>
<tr>
<td>Maggioni, Alexander Reid</td>
<td>Dupont</td>
<td>Seattle</td>
</tr>
<tr>
<td>Marshall, Elizabeth Ashery</td>
<td>Cranford, Spokane</td>
<td>Seattle</td>
</tr>
<tr>
<td>McArthur, James B.</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>McCalman, Sarah Adrielie</td>
<td>Kennewick</td>
<td>Seattle</td>
</tr>
<tr>
<td>Mckaliva, Maile Leilani</td>
<td>Mountlake Terrace</td>
<td>Seattle</td>
</tr>
<tr>
<td>McMahon, Patrick J.</td>
<td>Newcastle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Miller, R. Jason</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Monaco, Justin K.</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Mooden, Shawn Lee</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Mourginis, Steven</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Mullaryke, Matthew Francis</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Mura, Nicolas Christian</td>
<td>Renton</td>
<td>Seattle</td>
</tr>
<tr>
<td>Murray, Joel Francis</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Murthy, Karthik</td>
<td>Bellevue</td>
<td>Bellevue</td>
</tr>
<tr>
<td>Nahas, Christopher</td>
<td>Burbank, CA</td>
<td>Seattle</td>
</tr>
<tr>
<td>Naheedy, Sara</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Nam, Crystal</td>
<td>Mukilto</td>
<td>Seattle</td>
</tr>
<tr>
<td>Nguyen, Diem-Chi</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Njeim, Patrick M.</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>O’Connell, Andrew J.</td>
<td>Fayetteville, AR</td>
<td>Seattle</td>
</tr>
<tr>
<td>Olivares, Jamie Anna</td>
<td>Lacey</td>
<td>Seattle</td>
</tr>
<tr>
<td>Onstad, James M.</td>
<td>Yakima</td>
<td>Seattle</td>
</tr>
<tr>
<td>Oppenheim, Mary Quinn</td>
<td>Philadelphia, PA</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>Othman, Anna M.</td>
<td>Brier</td>
<td>Seattle</td>
</tr>
<tr>
<td>Pankiewicz, Kelly Theresa</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Parekh, Neetal</td>
<td>Mountain View, CA</td>
<td>Seattle</td>
</tr>
<tr>
<td>Parietti, Ryan James</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Perez, Sarah Jerbert</td>
<td>Sammamish</td>
<td>Seattle</td>
</tr>
<tr>
<td>Peterson, Katherine Elizabeth</td>
<td>Lake Stevens</td>
<td>Seattle</td>
</tr>
<tr>
<td>Pew, Joseph Newton</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Phelps, Joseph</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Piedfort, Jesse F.</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Pitts, Sonia</td>
<td>Bellevue</td>
<td>Seattle</td>
</tr>
<tr>
<td>Poley, Christina Elizabeth</td>
<td>Bellingham</td>
<td>Seattle</td>
</tr>
<tr>
<td>Powell, Morgan L.</td>
<td>Des Moines</td>
<td>Seattle</td>
</tr>
<tr>
<td>Przekop, Mary Catherine</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Putnam, Alexandra Louise</td>
<td>Woodside, CA</td>
<td>Seattle</td>
</tr>
<tr>
<td>Pyatt, Julie Noelle</td>
<td>Kent</td>
<td>Seattle</td>
</tr>
<tr>
<td>Quale, Kimberly M.</td>
<td>Issaquah</td>
<td>Seattle</td>
</tr>
<tr>
<td>Rado, Alexis Michelle</td>
<td>Everett</td>
<td>Seattle</td>
</tr>
<tr>
<td>Rajski, Sarah Ann</td>
<td>Sammamish</td>
<td>Seattle</td>
</tr>
<tr>
<td>Reyneveld, Sarah Merkel</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Reynolds, Nicholas A.</td>
<td>Federal Way</td>
<td>Seattle</td>
</tr>
<tr>
<td>Rice, Brian Daniel</td>
<td>Mercer Island</td>
<td>Seattle</td>
</tr>
<tr>
<td>Richards, Timothy Ronald</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Richardson, James M.</td>
<td>Olympia</td>
<td>Seattle</td>
</tr>
<tr>
<td>Richartz, Sandra Dawn</td>
<td>Kettle Falls</td>
<td>Seattle</td>
</tr>
<tr>
<td>Rickett, Cynthia H.</td>
<td>SeaTac</td>
<td>Seattle</td>
</tr>
<tr>
<td>Rieken, Jessica</td>
<td>Kirkland</td>
<td>Seattle</td>
</tr>
<tr>
<td>Ritchie, Brandon Mark</td>
<td>Kennewick</td>
<td>Seattle</td>
</tr>
<tr>
<td>Roberts, Collin</td>
<td>Sammamish</td>
<td>Seattle</td>
</tr>
<tr>
<td>Roberts, John Charles</td>
<td>Bainbridge Island</td>
<td>Seattle</td>
</tr>
<tr>
<td>Rockney, Brant Michael</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Rogers, Lindsey Marie</td>
<td>Tacoma</td>
<td>Seattle</td>
</tr>
<tr>
<td>Ruley, Steven Ray</td>
<td>Walla Walla</td>
<td>Seattle</td>
</tr>
<tr>
<td>Scheel, Nina</td>
<td>Bremerton</td>
<td>Seattle</td>
</tr>
<tr>
<td>Schneier, Ariel Lia</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Schopick, Frances A.B.</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Serbousek, Lindsay Rae</td>
<td>Silverdale</td>
<td>Seattle</td>
</tr>
<tr>
<td>Shams, Monica Kim</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Shannon, Holly Michelle</td>
<td>Burlington</td>
<td>Seattle</td>
</tr>
<tr>
<td>Shelton, Eric G.</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Shultz, Amelia</td>
<td>Mercer Island</td>
<td>Seattle</td>
</tr>
<tr>
<td>Simpson, R. July</td>
<td>Kittery, ME</td>
<td>Seattle</td>
</tr>
<tr>
<td>Slonecker, Abigail Conzatti</td>
<td>Nichols, Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Slone-Gomez, Erin J.</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Smith, Sade Ada</td>
<td>Chehalis</td>
<td>Seattle</td>
</tr>
<tr>
<td>Sneed, Adam Lucroix</td>
<td>San Antonio, TX</td>
<td>Texas</td>
</tr>
<tr>
<td>Sonsalla, James L.</td>
<td>Renton</td>
<td>Seattle</td>
</tr>
<tr>
<td>Spanningsby, Erica J.</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Staples, Jeffrey Eric</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Stern, Ronald</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Stetzner, Brett William</td>
<td>Vancouver, WA</td>
<td>Seattle</td>
</tr>
<tr>
<td>Stevens, Brittany French</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Stewart, Amanda</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Stratton, Robert B.</td>
<td>Beaverton, OR</td>
<td>Seattle</td>
</tr>
<tr>
<td>Streit, Aaron Michael</td>
<td>Woodinville</td>
<td>Seattle</td>
</tr>
<tr>
<td>Stuart, Susan</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Sun, Yujing</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Sweeney, Brandon</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
<tr>
<td>Swiney, Ruby Jeanell</td>
<td>Kingston</td>
<td>Seattle</td>
</tr>
<tr>
<td>Symington, Mark Allen Fiorito</td>
<td>Seattle</td>
<td>Seattle</td>
</tr>
</tbody>
</table>

| T                          |                          |                   |
| Taltal, Jeremy Neill        | Gig Harbor               | Seattle           |
| Tami, Eleanor L.            | Eugene, OR               | Seattle           |
| Therrien, Sarah Bryn        | Yakima                   | Seattle           |
| Thomas, Terri A.            | Port Orchard             | Seattle           |
| Thomas, Tyler Bracken       | Seattle                  | Seattle           |
| Thompson, Anna Michele K.P. | Oak Harbor               | Seattle           |
| Thompson, Brent P.          | Oak Harbor               | Seattle           |
| Thorington, Nancy B.        | Santa Rosa, CA           | Seattle           |
| Tomkins, Richard Maurice    | Seattle                  | Seattle           |
| Tomkus, Jay M.              | Lynnwood                 | Seattle           |
| Timmons, Samantha Anne      | Denver, CO               | Seattle           |
| Tinoco, Virginia            | Yelm                     | Seattle           |
| Tredway, Kara Ann           | Seattle                  | Seattle           |
| Truebenbach, Kira L.        | Lakewood                 | Seattle           |
| Turner, Benjamin Stearns    | Lynnwood                 | Seattle           |

| U–V                        |                          |                   |
| Van, Jillayne Ah Sam        | Glendale, CA             | Seattle           |
| VanSickle, Abbie            | Seattle                  | Seattle           |
| VanZeipel, Matthew Phillip  | Moscow, ID               | Seattle           |
| Villani, Heather Renee      | Auburn                   | Seattle           |

| W                          |                          |                   |
| Wainman, Eli Lawrence       | Los Angeles, CA          | Seattle           |
| Wakamatsu, Aaron Yoshio     | Salem, OR                | Seattle           |
| Walia, Sonu                 | Mercer Island            | Seattle           |
| Walker, Jacqueline          | Seattle                  | Seattle           |
| Walsh, Tiffany Closs       | Holt, MI                 | Seattle           |
| Wang, Eleanor               | Mercer Island            | Seattle           |
| Waters, Janell              | Jeffersonville, IN       | Seattle           |
| Watson, Mackenzie           | Auburn                   | Seattle           |
| Weins, Zachary R.           | Woodinville              | Seattle           |
| Weiskopf, Daniel Mark       | Seattle                  | Seattle           |
| Welch, Amee M.              | Maple Valley             | Seattle           |
| Weng, Adam Yang             | Bremerton                | Seattle           |
| Wheaton, Julie Anne         | Seattle                  | Seattle           |
| White, Ashley Noelle        | Ephrata                  | Seattle           |
| Willhite, Elliott Lee       | Kent                     | Seattle           |
| Williams, Nicole Lee        | Tacoma                   | Seattle           |
| Williams, Rosalind Lee      | Seattle                  | Seattle           |
| Williams, Shawn G.          | Tualatin, OR             | Seattle           |
| Williams, Todd Tyler        | New York, NY             | Seattle           |
| Winget, Lauren              | Bellevue                 | Seattle           |
| Winters, Evelyn English     | Portland, OR             | Seattle           |
| Wise, Joseph                | Provo, UT                | Seattle           |
| Wodnik, Shannon L.          | Everett                  | Seattle           |
| Wolfe, Paul F.              | Washington, D.C.         | Seattle           |
| Wallley, Joseph Bennett     | Sequim                   | Seattle           |
| Wood, Adriana               | Woodinville              | Seattle           |
| Woodcock, Erin Elizabeth    | Yakima                   | Seattle           |
| Worden, Ida Marie           | Baltimore, MD            | Seattle           |
| Wyeth, Jennifer Rose        | Olympia                  | Seattle           |

| X–Y–Z                      |                          |                   |
| Yang, Xi                    | Seattle                  | Seattle           |
| Yi, Andrew                  | Lakewood                 | Seattle           |
| York, Daniel T.             | Seattle                  | Seattle           |
| Young, Karrie L.            | Hoquiam                  | Seattle           |
| Zeikus, Jessica Lynn Silva  | Beaverton, OR            | Seattle           |
| Zultoski, Elizabeth Hunter  | Seattle                  | Seattle           |
Judicial Information Systems Committee

Application deadline: July 5, 2012

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving a three-year term on the Judicial Information System Committee (JISC). The term will commence upon appointment and expire on July 31, 2015. The JISCR 2 Rule specifically states that the Washington State Supreme Court Chief Justice shall consider for appointment only those individuals who have demonstrated an interest and commitment to judicial administration and to automation of judicial systems and functions.

The JISC is the policy-level steering committee for the court’s automation system. The committee is composed of four members from the appellate court level; four members from the superior court level; four members from the courts of limited jurisdiction level; and three at-large members from outside the judiciary, one who is a member of the WSBA, one who is a member of the Washington Association of Sheriffs and Police Chiefs, and one who is a member of the Washington State Association of Prosecuting Attorneys. For more information about the JISC, go to www.tinyurl.com/7eflxtg, or contact Pam Payne, senior administrative assistant, at 360-705-5277 or pamela.payne@courts.wa.gov.

Letters of interest and résumés are required for incumbents seeking reappointment. Please submit letters of interest and résumés to: WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539, or email barleaders@wsba.org.

Washington State Center for Court Research Advisory Board

Application deadline: July 5, 2012

The WSBA Board of Governors is accepting letters of interest and résumés for members interested in serving a three-year term on the Washington State Center for Court Research Advisory Board. The Board of Governors will nominate two members who are appointed by the Supreme Court. The term will commence upon appointment and expire on July 31, 2015.

The Washington State Supreme Court order that created the Washington State Center for Court Research calls for creation of an advisory board to “guide the Center’s activities and make regular reports to the Supreme Court.” The Center’s work depends, in multiple ways, on the advisory board. Board functions include:

- Identifying the research needs of the court community
- Evaluating potential projects’ usefulness to the judiciary
- Evaluating potential projects’ feasibility
- Assigning priorities to research projects
- Guiding research design
- Reviewing research products
- Connecting academic researchers to the practicing court community

For more information about the Washington State Center for Court Research and the Advisory Board, go to www.courts.wa.gov/wssccr/?fa=ccr. For information about the Advisory Board, contact Carl McCurley, manager, at 360-705-5312 or carlmccurley@courts.wa.gov.

Letters of interest and résumés are required for incumbents seeking reappointment. Please submit letters of interest and résumés to: WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or email barleaders@wsba.org.

Board of Governors Elections Results — Districts 1, 4, 5, and 7-West

Congratulations to Ken Masters in District 1, Paul Bastine in District 5, and Barb Rhoads-Weaver in District 7-West. All ran unopposed.

Because no candidate received a majority of votes in District 4, there was a runoff election between the top two candidates. The runoff election between Brian J. Anderson and Jerry Moberg commenced April 25 and was completed May 9. Congratulations to Jerry Moberg, the governor-elect for District 4. The certified election results from the District 4 runoff election are as follows:

Eligible voters: 1,289
Ballots cast: 422
Return rate: 32.7%

No selection: 1
Brian J. Anderson: 181 votes, 43%
Jerry J. Moberg: 241 votes, 57%

The governors-elect will take office at the close of the September Board meeting on September 21, 2012, and will hold office for a term of three years until September 2015.

Seeking Questionnaires from Candidates for Judicial Appointments

August 3, 2012, for September 14, 2012, interview

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

Online Directory of Pro Bono Opportunities

The WSBA is pleased to announce the launch of www.probonowa.org, an online directory of pro bono opportunities around the state. Designed to link attorneys with opportunities to serve
low- and moderate-income clients in Washington, www.probonowa.org connects attorneys with organizations in need of pro bono attorneys. As part of the WSBA's strategic goal to enhance the culture of service among its members, the WSBA is excited to maximize the valuable work and dedicated commitment of pro bono attorneys. The WSBA maintains and updates www.probonowa.org, ensuring that attorneys seeking volunteer opportunities have the most up-to-date information available needed to link their skills with the clients who need it most. Special thanks to the Northwest Justice Project, Pro bono.net, and the Washington Young Lawyers Division Pro Bono and Public Service Committee for their invaluable partnership and support to launch pro bonowa.org!

**It Happens Only Once a Year! — the 2012 WSBA-CLE Annual Member Appreciation Online Summer Sale**

Watch your mail for a postcard with full details about WSBA-CLE’s biggest sales event of the year! Coming in July, significant discounts will be offered for online purchases of selected recorded seminar CD sets in a variety of practice areas, including ethics. For orders submitted online only at www.wsbacle.org.

**Notice of Hearing on Petition for Reinstatement of Peter A. Slowiaczek**

A petition for reinstatement after disbarment has been filed by Peter A. Slowiaczek, WSBA No. 23649, who was admitted in 1994 and disbarred in 2004. At the time of his suspension and disbarment, Mr. Slowiaczek practiced in Pierce County.

A hearing on Mr. Slowiaczek’s petition will be conducted before the Character and Fitness Board on July 13, 2012. Not later than June 29, 2012, at 5:00 p.m., anyone wishing to do so may file with the Character and Fitness Board a written statement for or against reinstatement, setting forth factual matters showing that the petitioner does or does not meet the requirements of Admission to Practice Rule 25.5(a). Except by the Character and Fitness Board’s leave, no person other than the petitioner or petitioner’s counsel shall be heard orally by the Board.

Communications to the Character and Fitness Board should be sent to: Jean K. McElroy, General Counsel/Chief Regulatory Counsel, Washington State Bar Association, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539, or to jeannm@wsba.org. This notice is published pursuant to APR 25.4(a).

**“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.

Worried?
A little anxiety is a good thing — it motivates us to get things done. But too much anxiety can result in procrastination or paralysis, and you get way behind in your work before you know it. If anxiety has become a problem, call the Lawyers Assistance Program at 206-727-8268 or 800-945-9722, ext. 8268, to schedule a confidential consultation.

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

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

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

Get More out of Your Software
The WSBA offers hands-on computer clinics and webinars for members wanting to learn more about what Microsoft Office Outlook and Word, as well as Adobe Acrobat, can do for a lawyer. We also cover online legal research such as Casemaker and other resources. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Bring your laptop or use provided computers. Seating is limited to 15 members. The June 11 clinic will meet from 10 a.m. to noon at the WSBA offices and online, and will focus on Microsoft Outlook and Word. On June 14, from 2:00 to 4:00 p.m., we will discuss Microsoft Outlook and Word. There is no charge and no CLE credit. To reserve your seat and obtain conference call instructions, contact Peter Roberts at 206-727-8237, 800-945-9722, ext. 8237, or peter@wsba.org.

Just Starting a Practice?
Think “out of the box” and consider purchasing “Law Office in a Box.” For $79, you receive an hour of consultation time plus everything you see here: http://tinyurl.com/3rn75jh. Questions? Contact Peter Roberts at peter@wsba.org, 206-727-8237, or 800-945-9722, ext. 8237.

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

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

Interested in Mindful Lawyering?
A growing number of legal professionals across the nation are applying mindfulness-based skills and training to lawyering. The Washington Contemplative Lawyers group meets on the last Wednesday of each month (June 27) at the Lawyers Assistance Program office from 8:15–9:00 a.m. For more information, contact Sevilla Rhoads at srhoads@gsblaw.com. On Saturday, June 16, from 9:00 a.m. to noon, a meditation workshop for lawyers will be hosted at the Shambhala Center, in Seattle. For more information, contact Greg Wolk at gregwolk@gmail.com. Learn more about mindful lawyering at www.wacontemplativelaw.blogspot.com.
FYInformation

Speakers Available
The WSBA Lawyers Assistance Program offers speakers for engagements at county, minority, and specialty bar associations, and other law-related organizations. Topics include stress management, life/work balance, and recognizing and handling problem-personality clients. Contact the lawyer services coordinator at 206-727-8268 or 800-945-9722, ext. 8268.

Weekly Job Search Group
The Weekly Job Search group provides strategy and support to unemployed attorneys. The group runs for eight weeks and is limited to eight attorneys. We provide the comprehensive WSBA job search guide “Getting There: Your Guide to Career Success,” which can also be found online at www.tinyurl.com/7xhebh8b. For more information about monthly and weekly job group programming or to schedule a career consultation, contact Dan Crystal at danc@wsba.org, 206-727-8267, or 800-945-9722, ext. 8267.

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.

Casemaker Online Research
Casemaker is a powerful online research library provided free to WSBA members that can be accessed from the WSBA website at www.wsba.org/resources-and-services/casemaker-and-legal-research. 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.

Usury Rate
The average coupon equivalent yield from the first auction of 26-week treasury bills in May 2012 was 0.147 percent. Therefore, the maximum allowable usury rate for June is 12 percent.

Upcoming Board of Governors Meetings
June 8, Yakima
July 13–14, Union
September 20–21, Seattle
With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Pamela Wuest at 206-239-2125, 800-945-9722, ext. 2125, or pamelaw@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/about-wsba/governance/board-of-governors.

2012 ACCESS TO JUSTICE CONFERENCE

Our New Economic Reality: The Legal Profession’s Role will be held June 8–10, 2012, in Yakima, in partnership with the Washington State Access to Justice Board and the Washington State Bar Association. We’ve all witnessed the shift of the economic climate across the United States these past few years. Washington state has not been immune to these changes and has entered what may effectively be termed a new economic reality. The impact of this economic reality on the legal system means that traditional legal services are no longer able to operate with a business-as-usual strategy. This is a new era, and the entire legal profession has an important role in responding to the new economic reality ensuring the goal of a just society. The 2012 conference will focus on exploring solutions and building skills to help address the ever-growing legal service needs.

This year’s conference includes workshops on the practical use of technology, plain language forms, emotional intelligence in the legal profession, lawyer-self-care, volunteer program resources, legal aid models, and more. For more information, see www.wsba.org/justiceconference.

June 2012 | Washington State Bar News 47
We are pleased to announce the formation of

**THIEL KEATON, PLLC**
*Attorneys at Law*

Thiel Keaton, PLLC focuses on construction law, commercial litigation, real property disputes, insurance defense claims, and the exercise of corporate control for its business and individual clients.

**Randal S. Thiel**
and

**Kathryn A. Keaton**

have extensive litigation experience and are devoted to helping clients make informed decisions and solve problems. Our attorneys are available for consultation and referral.

701 Fifth Avenue, Suite 4775, Seattle, WA 98104
Tel: 206-838-2515 • Fax: 206-838-2516

---

**AHRENS DEANGELI LAW GROUP LLP**

is pleased to announce that

**Deborah V. Dunn**

joined ADLG in February of 2012 and brings over 16 years of estate planning expertise. Debbie is a 1995 *summa cum laude* graduate of Brigham Young University's J. Reuben Clark Law School. Prior to joining ADLG, she was a partner with Kirkland & Ellis LLP in Chicago, where she began practicing in 1995. Debbie has concentrated her practice on multi-generational estate planning and administration for families of significant wealth, family offices, and owners of closely held businesses. She has represented taxpayers in complex estate and gift tax audits and appeals, trustees, executors, and beneficiaries with respect to contested matters and trust and estate administration. Debbie has authored numerous articles and a treatise on wealth planning and cutting-edge strategies.

1001 4th Avenue, Suite 4333, Seattle, WA 98154
206-652-0101
250 South 5th Street, Suite 660, Boise, ID 83702
208-639-7799
www.adlawgroup.com

---

**TURNBULL & BORN, PLLC**

is pleased to announce that

**Justin D. Farmer**

has joined our firm.

Mr. Farmer previously served as an Assistant Attorney General where he represented Washington's largest state agency in complex civil litigation matters.

Mr. Farmer is a 2009 graduate of Seattle University School of Law. He served as Student Bar Association President and Treasurer, Trustee to the Washington State Bar Association Young Lawyers Division, and Trustee to the King County Bar Association Young Lawyer Division.

Mr. Farmer's practice will focus on civil litigation, commercial litigation, and labor and employment law.

Commerce Building, Suite 1050
950 Pacific Avenue, Tacoma, WA 98402
Tel: 253-383-7058; Fax: 253-572-7220
jfarmer@turnbullborn.com

---

**FORSBERG & UMLAUF, P.S.**
*a Washington-based litigation defense firm*

is pleased to announce that

**Julie S. Nicoll**

has joined our firm as an Associate.

Ms. Nicoll's practice focuses on insurance coverage litigation in the defense of alleged bad faith claims, with an additional emphasis in the defense of environmental claims.

**FORSBERG & UMLAUF, P.S.**
901 Fifth Avenue, Suite 1400, Seattle, WA 98164
Tel: 206-689-8500 • Fax: 206-689-8501
www.forsberg-umlauf.com
LEGAL MALPRACTICE and DISCIPLINARY ISSUES
“40 Years’ Experience”

Joseph J. Ganz

is available for consultation, referral, and association in cases of legal malpractice (both plaintiff and defense), as well as defense of lawyer disciplinary and/or grievance issues.

2018 156th Avenue NE, Suite 100
Bellevue, WA 98007
425-748-5110
Email: jganzesq@aol.com

APPEALS

Kenneth W. Masters
Shelby Frost Lemmel

We handle or assist on all types of civil appeals in state and federal courts, from consulting with trial counsel to post-mandate proceedings.

MASTERS LAW GROUP PLLC
241 Madison Avenue North
Bainbridge Island, WA 98110
206-780-5033
www.appeal-law.com

INSURANCE AND CLAIMS HANDLING

Consultation, testimony, mediation, and arbitration in cases involving insurance or bad faith issues.

Adjunct Professor Insurance Law.
25 years’ experience as attorney in cases for and against insurance companies.

Developed claims procedures for major insurance carriers.

IRVING “BUDDY” PAUL
522 West Riverside, Suite 800
Spokane, WA 99201
509-838-4261
bpaul@ewinganderson.com

MICHAEL R. CARYL
ATTORNEY FEE EXPERTISE

Expert testimony in attorney’s fee litigation is essential and can make the difference in your case. Mike Caryl has served in a consulting and testifying capacity in dozens of cases and has broad expert witness experience in fee issue areas, including:

- Reasonableness determinations
- Fee shifting proceedings (e.g., CPA, Oly. Steampship)
- Fee agreements, disclosure, intake and billing practices
- RPC violations in discipline
- Breach of fiduciary duty claims
- “Lindy-Bowers” multipliers
- Attorney’s lien foreclosures

MICHAEL R. CARYL, P.S.
200 First Ave. W., Ste. 402
Seattle, WA 98119
206-378-4125
www.michaelcaryl.com

MEDIATION

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.

LAW OFFICES OF EDWARD M. ARCHIBALD
Mediation Services
601 Union Street, Suite 4200
Seattle, WA 98101
Tel: 206-903-8355 • Fax: 206-903-8358
Email: mac@archibald-law.com
www.archibald-law.com

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.

HAWLEY TROXELL ENNIS & HAWLEY LLP
877 Main Street
Suite 1000
Boise, ID 83702
208-344-6000
scsmith@hawleytroxell.com

CIVIL APPEALS

David J. Corbett

Focused on the clear presentation of compelling legal arguments for civil appeals and summary judgment motions. Available for association or referral.

DAVID CORBETT PLLC
www.DavidCorbettLaw.com
253-414-5235

INSURANCE AND CLAIMS HANDLING

Consultation, testimony, mediation, and arbitration in cases involving insurance or bad faith issues.

Adjunct Professor Insurance Law.
25 years’ experience as attorney in cases for and against insurance companies.

Developed claims procedures for major insurance carriers.

IRVING “BUDDY” PAUL
522 West Riverside, Suite 800
Spokane, WA 99201
509-838-4261
bpaul@ewinganderson.com

MICHAEL R. CARYL
ATTORNEY FEE EXPERTISE

Expert testimony in attorney’s fee litigation is essential and can make the difference in your case. Mike Caryl has served in a consulting and testifying capacity in dozens of cases and has broad expert witness experience in fee issue areas, including:

- Reasonableness determinations
- Fee shifting proceedings (e.g., CPA, Oly. Steampship)
- Fee agreements, disclosure, intake and billing practices
- RPC violations in discipline
- Breach of fiduciary duty claims
- “Lindy-Bowers” multipliers
- Attorney’s lien foreclosures

MICHAEL R. CARYL, P.S.
200 First Ave. W., Ste. 402
Seattle, WA 98119
206-378-4125
www.michaelcaryl.com

MEDIATION

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.

LAW OFFICES OF EDWARD M. ARCHIBALD
Mediation Services
601 Union Street, Suite 4200
Seattle, WA 98101
Tel: 206-903-8355 • Fax: 206-903-8358
Email: mac@archibald-law.com
www.archibald-law.com

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.

HAWLEY TROXELL ENNIS & HAWLEY LLP
877 Main Street
Suite 1000
Boise, ID 83702
208-344-6000
scsmith@hawleytroxell.com
THE CONSTITUTION IS NOT A TECHNICALITY

44 years’ experience defending search & seizure, drug, drug DUI, and asset forfeiture cases. Available for consultation, association, or referral for state and federal cases. Pretrial negotiations through appeals.

JEFFREY STEINBORN, PLLC
3161 Elliott Avenue, Suite 340
Seattle, WA 98121
206-622-5117
js@surlaw.com
www.steinbornlaw.com

CLAIRE CORDON
EMPLOYMENT LAWYER
Workplace Investigations
EEO Training • Expert Witness

- Ten years with the U.S. Equal Employment Opportunity Commission.
- Recent graduate of the Seattle University Executive Leadership Program.
- More than 25 years’ experience as a litigator.

When faced with a discrimination issue or complex employment problem, Claire has the experience, judgment, and impartiality both sides seek.

CLAIRE CORDON
Phone: 206-284-7728
claire@ccordonlaw.com
www.cordonlaw.com

INVESTOR CLAIMS

Former NASD Series 7, 66 and life/annuity insurance licensed broker/investment advisor. Available for consultation and referrals in claims involving broker/dealer error, fraud, and investment suitability.

Courtland Shafer
SATTERBERG HEALY
9832 15th Ave. SW
Seattle, WA 98106
206-763-1510
Courtland@seattlejustice.com

INSURANCE BAD FAITH EXPERT TESTIMONY

- Insurance Fair Conduct Act
- Coverage Denial and Claim Handling
- Reservation of Rights Defense

Bill Hight has 30 years of experience in insurance coverage/bad faith litigation.

Please visit www.HightLaw.com for details of experience and credentials.

WILLIAM P. HIGHT
Email: wph@HightLaw.com
Tel: 360-331-4030
www.HightLaw.com

LAW FIRM BREAK-UPS
PARTNER DEPARTURES AND EXPULSIONS

Discreet consultation and litigation of partner withdrawals or expulsions.

SMYTH & MASON, PLLC
71st Floor, Columbia Center
701 Fifth Avenue, Seattle, WA 98104
Tel: 206-621-7100 • Fax: 206-682-3203
www.smythlaw.com

LAWYER DISCIPLINE AND LEGAL ETHICS

Former Chief Disciplinary Counsel
Anne I. Seidel
is available for representation in lawyer discipline matters and advice on legal ethics issues.
206-284-2282
anne@walegaethics.com
www.walegaethics.com

FEDERAL & STATE CRIMINAL APPEALS AND PRE-TRIAL MOTIONS

Arturo Menéndez
Former Assistant Federal Public Defender and Federal Judicial Clerk
Available for referral or association to research, draft, and argue Federal and State Criminal Appeals and Pre-Trial Motions.

THE MENÉNDEZ LAW GROUP LLC
119 1st Ave. S., Ste. 320
Seattle, WA 98104
206-451-7331

CLAIRE CORDON
Employment Lawyer
Workplace Investigations
EEO Training • Expert Witness

- Ten years with the U.S. Equal Employment Opportunity Commission.
- Recent graduate of the Seattle University Executive Leadership Program.
- More than 25 years’ experience as a litigator.

When faced with a discrimination issue or complex employment problem, Claire has the experience, judgment, and impartiality both sides seek.

CLAIRE CORDON
Phone: 206-284-7728
claire@ccordonlaw.com
www.cordonlaw.com

INVESTOR CLAIMS

Former NASD Series 7, 66 and life/annuity insurance licensed broker/investment advisor. Available for consultation and referrals in claims involving broker/dealer error, fraud, and investment suitability.

Courtland Shafer
SATTERBERG HEALY
9832 15th Ave. SW
Seattle, WA 98106
206-763-1510
Courtland@seattlejustice.com

INSURANCE BAD FAITH EXPERT TESTIMONY

- Insurance Fair Conduct Act
- Coverage Denial and Claim Handling
- Reservation of Rights Defense

Bill Hight has 30 years of experience in insurance coverage/bad faith litigation.

Please visit www.HightLaw.com for details of experience and credentials.

WILLIAM P. HIGHT
Email: wph@HightLaw.com
Tel: 360-331-4030
www.HightLaw.com

LAWYER DISCIPLINE AND LEGAL ETHICS

Former Chief Disciplinary Counsel
Anne I. Seidel
is available for representation in lawyer discipline matters and advice on legal ethics issues.
206-284-2282
anne@walegaethics.com
www.walegaethics.com

FEDERAL & STATE CRIMINAL APPEALS AND PRE-TRIAL MOTIONS

Arturo Menéndez
Former Assistant Federal Public Defender and Federal Judicial Clerk
Available for referral or association to research, draft, and argue Federal and State Criminal Appeals and Pre-Trial Motions.

THE MENÉNDEZ LAW GROUP LLC
119 1st Ave. S., Ste. 320
Seattle, WA 98104
206-451-7331

CLAIRE CORDON
Employment Lawyer
Workplace Investigations
EEO Training • Expert Witness

- Ten years with the U.S. Equal Employment Opportunity Commission.
- Recent graduate of the Seattle University Executive Leadership Program.
- More than 25 years’ experience as a litigator.

When faced with a discrimination issue or complex employment problem, Claire has the experience, judgment, and impartiality both sides seek.

CLAIRE CORDON
Phone: 206-284-7728
claire@ccordonlaw.com
www.cordonlaw.com

INVESTOR CLAIMS

Former NASD Series 7, 66 and life/annuity insurance licensed broker/investment advisor. Available for consultation and referrals in claims involving broker/dealer error, fraud, and investment suitability.

Courtland Shafer
SATTERBERG HEALY
9832 15th Ave. SW
Seattle, WA 98106
206-763-1510
Courtland@seattlejustice.com

INSURANCE BAD FAITH EXPERT TESTIMONY

- Insurance Fair Conduct Act
- Coverage Denial and Claim Handling
- Reservation of Rights Defense

Bill Hight has 30 years of experience in insurance coverage/bad faith litigation.

Please visit www.HightLaw.com for details of experience and credentials.

WILLIAM P. HIGHT
Email: wph@HightLaw.com
Tel: 360-331-4030
www.HightLaw.com

LAWYER DISCIPLINE AND LEGAL ETHICS

Former Chief Disciplinary Counsel
Anne I. Seidel
is available for representation in lawyer discipline matters and advice on legal ethics issues.
206-284-2282
anne@walegaethics.com
www.walegaethics.com

FEDERAL & STATE CRIMINAL APPEALS AND PRE-TRIAL MOTIONS

Arturo Menéndez
Former Assistant Federal Public Defender and Federal Judicial Clerk
Available for referral or association to research, draft, and argue Federal and State Criminal Appeals and Pre-Trial Motions.

THE MENÉNDEZ LAW GROUP LLC
119 1st Ave. S., Ste. 320
Seattle, WA 98104
206-451-7331

CLAIRE CORDON
Employment Lawyer
Workplace Investigations
EEO Training • Expert Witness

- Ten years with the U.S. Equal Employment Opportunity Commission.
- Recent graduate of the Seattle University Executive Leadership Program.
- More than 25 years’ experience as a litigator.

When faced with a discrimination issue or complex employment problem, Claire has the experience, judgment, and impartiality both sides seek.

CLAIRE CORDON
Phone: 206-284-7728
claire@ccordonlaw.com
www.cordonlaw.com

INVESTOR CLAIMS

Former NASD Series 7, 66 and life/annuity insurance licensed broker/investment advisor. Available for consultation and referrals in claims involving broker/dealer error, fraud, and investment suitability.

Courtland Shafer
SATTERBERG HEALY
9832 15th Ave. SW
Seattle, WA 98106
206-763-1510
Courtland@seattlejustice.com

INSURANCE BAD FAITH EXPERT TESTIMONY

- Insurance Fair Conduct Act
- Coverage Denial and Claim Handling
- Reservation of Rights Defense

Bill Hight has 30 years of experience in insurance coverage/bad faith litigation.

Please visit www.HightLaw.com for details of experience and credentials.

WILLIAM P. HIGHT
Email: wph@HightLaw.com
Tel: 360-331-4030
www.HightLaw.com
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

**Ronald P. Abernethy** (WSBA No. 14239, admitted 1984), of Seattle, resigned in lieu of disbarment, effective January 31, 2012. This resignation was based on conduct involving failure to act with reasonable diligence in a client matter, conversion of client funds, failure to safeguard client property, conduct that is prejudicial to the administration of justice, failure to obey court orders, non-cooperation in a disciplinary investigation, and conduct demonstrating unfitness to practice law. According to the Statement of Alleged Misconduct:

**Client Matter:** Mr. Abernethy represented Client in a pending Ninth Circuit appeal of a federal criminal conviction for operating a greenhouse supply store that facilitated the growing of marijuana. Mr. Abernethy has never been licensed to practice before the Ninth Circuit. Between November 16, 2010, and June 16, 2011, the Ninth Circuit issued orders requiring Mr. Abernethy to make arrangements on Client’s behalf to pay the appeal fees or file a motion to proceed in *forma pauperis* to submit proof within 14 days of his admission to the Ninth Circuit Court or complete the bar admission form; and to show cause why the court shouldn’t impose sanctions against him after his failure to respond to the first order. The orders provided that, *inter alia,* failure to timely comply might result in a declaratory judgment of his disbarment.

Mr. Abernethy failed to respond or comply with any of the orders. Client sent a letter to the Ninth Circuit requesting the appointment of other counsel, for which the court issued an order. On August 10, 2011, the Ninth Circuit issued an order sanctioning Mr. Abernethy $2,000 for non-compliance with the previous orders. Mr. Abernethy did not pay the $2,000 in sanctions assessed by the Ninth Circuit.

**Non-cooperation:** On August 15, 2011, the Bar Association opened a grievance against Mr. Abernethy for failing to comply with the court orders issued by the Ninth Circuit in the previously stated client matter. On August 24, 2011, and September 27, 2011, the Bar Association sent Mr. Abernethy letters requesting him to respond to the grievance. Mr. Abernethy did not respond to the letters and did not respond to a subsequent *subpoena duces tecum,* with which he was personally served, requiring him to appear at a November 2011 deposition. Mr. Abernethy did not appear at the deposition.

In December 2011, the Bar Association petitioned the Supreme Court for interim suspension due to Mr. Abernethy’s non-cooperation with the Association’s investigation. Mr. Abernethy received a copy of the petition, and was personally served with an Order to Show Cause directing him to appear before the Supreme Court on January 19, 2012, and show cause why he should not be suspended from the practice of law. Mr. Abernethy did not respond to the order or appear at the hearing. On January 25, 2012, the Supreme Court entered an order of interim suspension suspending Mr. Abernethy from the practice of law.

**Violations of Stipulation:** Under a Stipulation to Reprimand filed on August 1, 2011, Mr. Abernethy agreed to deposit $2,500 into his trust account in a client matter within 14 days of approval of the Stipulation and maintain the funds in his trust account until he resolved a particular fee dispute; take reasonable steps to resolve the fee dispute, including interpleading the disputed funds; inform disciplinary counsel on a monthly basis of the status of the fee dispute; and pay costs of $560 to the Bar Association. In August 2011, Mr. Abernethy deposited the $2,500 into his trust account, but never resolved the fee dispute, and later withdrew the funds to use for personal purposes. Mr. Abernethy did not keep disciplinary counsel informed of the status of the matter, did not respond to disciplinary counsel’s written requests for a status report, and failed to pay $560 in costs to the Bar Association.

**Trust Account Matters:** Mr. Abernethy did not maintain client ledgers for clients with funds in his trust account and did not keep his trust account’s check register current. In 2011, Mr. Abernethy issued checks from his trust account that either did not clear or cleared only after he deposited funds from other clients. Mr. Abernethy was unable to determine the extent of his trust account deficiencies and had used funds belonging to certain clients for other unrelated purposes. Because of the overdrafts, the Bar Association opened a grievance and sent letters to Mr. Abernethy in November 2011, requesting a response and additional trust account information. Mr. Abernethy did not respond to the grievance or to the letters.

Mr. Abernethy’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.15A(b), prohibiting a lawyer from using, converting, borrowing, or pledging client or third-person property for the lawyer’s own use; RPC 1.15A(c)(3), requiring a lawyer to hold property of clients and third persons separate from the lawyer’s own property and to appropriately safeguard any property of clients or third persons; RPC 1.15A(g), requiring that, if a lawyer possesses property in which two or more persons (one of which may be the lawyer) claim interests, the lawyer must maintain the property in trust until the dispute is resolved; RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice; RPC 8.4(f), prohibiting a lawyer from willfully disobeying or violating a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear; 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; and RPC 8.4(n), prohibiting a lawyer from engaging in conduct demonstrating unfitness to practice law.

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

### Resigned in Lieu of Disbarment

**Alisa D. Maples** (WSBA No. 25735, admitted 1996), of Tacoma, resigned in lieu of disbarment, effective February 29, 2012. This resignation was based on conduct involving conversion of clients’ funds, failure to deposit advance fees into a trust account, and failure to protect clients’ interests. While not admitting to the misconduct in the Statement of Alleged Misconduct, Ms. Maples admits that the Bar Association could prove the violations, by a clear preponderance of the evidence, sufficient to result in her disbarment. According to the Statement of Alleged Misconduct:

**Misappropriation of Client Funds:** Ms. Maples was hired on a one-third contingent fee basis to represent Client A in her personal injury claim. On March 29, 2010, Ms. Maples received and deposited into her trust account a $25,000 check representing settlement proceeds belonging to Client A. On March 30, 2010, Ms. Maples paid herself $8,250 as her contingent fee, leaving $16,750 of Client A’s settlement proceeds in the trust account. Between March 30, 2010, and December 31, 2010, at a time when she was experiencing financial problems, Ms. Maples knowingly misappropriated client funds held in her trust account, most of which belonged to Client A. During November and December 2010, Client A and her husband contacted Ms. Maples and asked for her settlement proceeds. On December 15, 2010, Ms. Maples paid Client A $1,000. At that time, Ms. Maples’s trust account contained $10,290.31, when it should have contained $15,020.39 of Client A’s settlement proceeds. On September 23, 2011, Ms. Maples withdrew $10,000 from her trust account and used these funds to issue a certified check to
of Los Angeles, California, was disbarred, effective March 16, 2012, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order by the Supreme Court of the State of California following a default hearing. This discipline resulted from conduct in two matters involving the unauthorized practice of law, failure to protect a client’s interests, failure to communicate, failure to account for client funds, acts of moral turpitude, conversion of funds, misrepresentation to a tribunal, a false declaration, and failure to cooperate in a Bar Association investigation. For more information, see the State Bar of California’s Bar Journal (January 2012), available at www.calbarjournal.com/january2012/attorneydiscipline/disbarments.aspx#8.

Mr. Campa’s conduct violated California’s RPC 1-300(B), prohibiting a lawyer from practicing law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction; California’s RPC 3-700(D)(1), requiring a lawyer whose employment was terminated to promptly release to the client, at the request of the client, all the client papers and property; California’s RPC 4-100(B)(3), requiring a lawyer to maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer or law firm and render appropriate accounts to the client regarding them; California’s Business and Professions Code § 6068(m), requiring a lawyer to respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the lawyer has agreed to provide legal services; California’s Business and Professions Code § 6068(l), requiring a lawyer to cooperate and participate in any disciplinary investigation or proceeding pending against the lawyer; and California’s Business and Professions Code § 6106, prohibiting a lawyer from engaging in conduct involving moral turpitude, dishonesty, or corruption.

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

Disbarred

Drago Campa (WSBA No. 23947, admitted 1994),
In 2011, grievances were filed against Mr. Stark involving failing to diligently represent clients, failing to communicate, charging unreasonable fees, failing to attend a court appearance, failing to attend court appearances sober and prepared, failing to cooperate in a disciplinary investigation, and abandoning his law practice. Robert E. Stark is to be distinguished from Robert Stark of Lansdale, Pennsylvania.

Between June 2010 and December 2010, nine different clients hired Mr. Stark, and paid him fees, ranging from $390 to $4,000, to represent them in their individual family law matters. In seven of the matters, Mr. Stark failed to file documents necessary to complete his clients’ dissolutions, and then failed to respond in any way to the clients’ inquiries requesting information about the status of their dissolutions. In nine of the matters, Mr. Stark took fees from clients and failed to perform the work he agreed to do. Mr. Stark attended court appearances on behalf of two clients when he was unprepared and intoxicated, and failed to attend one client’s hearing on January 11, 2011.

In 2011, grievances were filed against Mr. Stark with the Bar Association by 10 different individuals involved in the nine previously mentioned family law matters. The Bar Association wrote Mr. Stark requesting his response to each grievance. He did not respond to the letters. The Bar Association also personally served Mr. Stark with a subpoena requiring his attendance at a deposition on March 30, 2011, but he did not attend the deposition.

Mr. Stark was evicted from his home. In April 2011, Mr. Stark’s landlord allowed one of Mr. Stark’s clients to come into the home and search for her client file. When she arrived, files were stacked on the front and back porch of the home, and the client was unable to locate her own file. After that, all of the items in the home, including client files, were taken to the dump by the landlord. A receptionist at Mr. Stark’s business address told the Bar Association that Mr. Stark no longer occupied the office space at that location and had left no forwarding address.

Mr. Stark’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4(a) (3) and (4), requiring a lawyer to keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information; RPC 1.5, prohibiting a lawyer from making an agreement for, charging, or collecting an unreasonable fee or an unreasonable amount for expenses; RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice; 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; and RPC 8.4(n), prohibiting a lawyer from engaging in conduct demonstrating unfitness to practice law.

Erica W. Temple represented the Bar Association. Mr. Stark did not appear either in person or through counsel. Andrekita Silva was the hearing officer.

Suspended

Stephen T. Araki (WSBA No. 6428, admitted 1975), of Bellevue, was suspended for one year, effective February 16, 2012, by order of the Washington State Supreme Court following approval of a stipulation.

This discipline is based on conduct involving conflicts of interest.

Mr. Araki was a partner in Law Firm. As part of his practice, Mr. Araki and one of his law partners, Attorney B, ran Escrow Company and split the profits. In 2004, an individual (Debtor) declared bankruptcy. Soon after, Debtor sold a property, which had been ordered abandoned by the bankruptcy court, to Mr. X for substantially more than what Debtor had represented to the court as its value. Assisted by Attorney B, Debtor then obtained a loan against the same property while it was ostensibly owned by Mr. X. Escrow Company prepared the paperwork for the loan and Law Firm was listed as the trustee on the deed of trust securing the mortgage. Mr. Araki was not involved in this transaction. The property was later transferred back to Debtor, subdivided, and each subdivided portion was sold to Mr. Y and Mr. Z. Attorney B drafted many of the documents used in the property transfers.

In January 2006, the bankruptcy trustee instituted an adversary proceeding against Debtor based on his activity in obtaining a tax refund. The bankruptcy trustee obtained restraining
orders freezing Debtor's bank accounts and enjoining anyone from transferring money on Debtor's behalf. In January 2006, Attorney B began representing Debtor in the adversary proceeding. Attorney B continued to work with Debtor's case even after another lawyer became the attorney of record. Beginning in February 2006, Attorney B and Debtor disbursed funds from the escrow account on Debtor's behalf in violation of the bankruptcy court's restraining orders. Mr. Araki was not involved with these transactions.

In April 2006, the bankruptcy trustee instituted a second adversary proceeding, in which Messrs. X, Y, and Z were among the named defendants, which was based on Debtor's fraudulent activity involving the property he sold to them. The complaint alleged that Mr. X assisted Debtor in defrauding the bankruptcy court. In May 2006, the bankruptcy court ruled in the first adversary proceeding that Debtor had violated his restraining order by directing that funds be deposited into Attorney B's trust account and then disbursed. On June 6, 2006, the bankruptcy court directed Attorney B to account for every payment that he had received from Debtor and his wife, or from anyone on their behalf. The Court directed Attorney B to turn over to the trustee all funds that he had in his possession belonging to or within control of Debtor and his wife or belonging to "any entity in which the debtors have an interest." Law Firm received the order on June 12, 2006. At that time, Escrow Company had funds in its possession that were within the control of Debtor and in which Debtor had an interest.

On June 20, 2006, Attorney B and Mr. Araki agreed to represent Messrs. X, Y, and Z in the second adversary proceeding. Mr. Araki sent a conflict letter to Messrs. X, Y, and Z disclosing that Law Firm had performed legal services for Debtor and his company in the past, but that Mr. Araki did not believe any of the issues presented in the proceeding created any conflicts of interest. Messrs. X, Y, and Z signed the conflict letter. Mr. Araki did not inform these clients, or obtain their consent, regarding Attorney B's representation of Debtor in the bankruptcy proceedings or regarding Law Firm and Escrow Company's previous involvement in the property transfers and property loan. Mr. Araki did not inform Messrs. X, Y, and Z that the court had found Debtor had violated its restraining order by transferring money to Attorney B's trust account, that Attorney B had been ordered to make an accounting of all funds that he received from Debtor or on Debtor's behalf; or inform Messrs. X, Y, and Z that they had claims against Debtor regarding the bankruptcy proceedings. Mr. Araki did not advise Messrs. X, Y, and Z, or obtain informed consent from them, regarding any potential conflict of interest in having him represent them while he had a personal interest in avoiding any liability for himself, his law partner, and his law firm. There was a significant risk that Mr. Araki's representation of Messrs. X, Y, and Z would be materially limited by his own interests, by Attorney B's interests, or by that of Law Firm or Escrow Company. There was also a significant risk that Mr. Araki's representation of Messrs. X, Y, and Z would be materially limited by Law Firm's responsibilities to Debtor.

On September 6, 2006, the bankruptcy trustee filed an amended complaint, adding Debtor and his wife to the second adversary proceeding. Mr. Araki continued to represent Messrs. X, Y, and Z and Attorney B continued to represent Debtor in the proceedings. Mr. Araki asserts that he did not know his law partner continued to represent Debtor in the proceedings. The Bar Association asserts that substantial evidence would support the conclusion that Mr. Araki did know.

On November 15, 2006, the trustee sent a subpoena to Mr. Araki requiring him to produce copies of all deposits into and disbursements out of his trust account. As of that date, Law Firm and Escrow Company possessed documents that were responsive to the subpoena. Mr. Araki did not inform Messrs. X, Y, and Z of the subpoena or the conflict that it created between them. At a hearing on December 1, 2006, the bankruptcy court judge warned the parties to the second adversary proceeding that she was referring the matter to the United States Attorney's Office for criminal investigation. The judge also noted that Mr. Araki's name and Law Firm appeared on many of the transactional documents regarding the property transfers and they could be called as witnesses in the proceeding. Mr. Araki was present at the December 1, 2006, hearing, but his clients were not. Mr. Araki did not inform Messrs. X, Y, and Z that the Court was referring the matter to the United States Attorney's Office for investigation or that he and his firm were potential witnesses in the case.

In February 2007, Mr. Araki signed and filed amended answers and cross claims on behalf of Messrs. X, Y, and Z. Attorney B continued to represent Debtor in the bankruptcy proceeding. As of February 2007, Mr. Araki's representation of the Messrs. X, Y, and Z was directly adverse to Debtor. In April 2007, during a deposition, Mr. X was informed for the first time about the court's criminal investigation referral and the deposition ended so that he could consult with a criminal defense lawyer. In May 2007, Mr. Araki informed Messrs. X, Y, and Z that he was withdrawing as counsel, citing a potential conflict of interest between the three clients. He withdrew from representing Messrs. X, Y, and Z in June and July 2007.

Mr. Araki's conduct violated current RPC 1.7(a) and former RPC 1.7(b), prohibiting a lawyer from representing a client if the representation involves a concurrent conflict of interest, which exists if the representation of one client will be directly adverse to another client or if there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person, or by a personal interest of the lawyer.

Francesca D’Angelo represented the Bar Association. Kurt M. Bulmer represented Mr. Araki. Malcolm L. Edwards was the hearing officer.
On July 27, 2010, Client A filed a grievance with the Bar Association based on Mr. Dunlap’s failure to attend to her case. The Bar Association sent Mr. Dunlap two letters requesting his response to the grievance, which he received, but he did not respond to the grievance. The Bar Association served Mr. Dunlap with a subpoena commanding him to appear for a deposition regarding Client A’s grievance and to bring certain client files. Mr. Dunlap appeared for the deposition and brought the file.

Matter 2: In May 2009, Client B hired Mr. Dunlap to represent him in a dissolution action filed by Client B’s wife. The matter proceeded uneventfully. In February 2010, parties stipulated to continue the trial date until August 2010. Client B spoke to Mr. Dunlap in May 2010, at which time Mr. Dunlap told him that they should know more in August 2010. Client B heard nothing more from Mr. Dunlap until he filed a grievance, which was after the date for trial had passed. The court held a pretrial conference on July 1, 2010. Mr. Dunlap did not appear. The petitioner’s counsel appeared at the conference and advised the court that the parties were attempting to reconcile. On July 10, 2010, the petitioner’s counsel moved to dismiss on grounds that the parties had reconciled. Mr. Dunlap did not file a response. The court dismissed the case on July 20, 2010. Mr. Dunlap did not advise Client B that the case was dismissed. Client B and his wife did not reconcile, and Client B wanted to pursue dissolution. Client B tried to reach Mr. Dunlap to discuss his case but Mr. Dunlap did not return his calls. Client B ultimately had to hire new counsel and begin the dissolution process anew.

Mr. Dunlap’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information; 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. 

Joanne S. Abelson represented the Bar Association. Mr. Dunlap did not appear in person or through counsel. Carl J. Carlson was the hearing officer.

Admonished

Brian M. Chase (WSBA No. 34101, admitted 2003), of Quincy, was ordered to received an admonition following approval of a stipulation by the chief hearing officer on February 27, 2012. This discipline is based on conduct involving failure to timely comply with a court order and conduct prejudicial to the administration of justice.

In February 2009, Clients hired Mr. Chase to represent them in various legal matters in which Mr. A was the opposing party. Clients’ daughter...
saved a copy of a February 25, 2005, termination letter to Mr. A from a former employer and a thumb drive containing electronic copies of a number of documents related to Mr. A’s employment (the materials), including the 2005 termination letter. Mr. A filed a Motion on Return of Property seeking the return of all copies of the materials from Clients, their daughter, and their counsel. The court granted Mr. A’s motion on September 18, 2009, and stated, “The originals or any copies — paper or electronic — of those documents in the hands of any party, the counsel for any party, or the former counsel for any party in these four cases should be immediately returned to counsel for [Mr. A].” The Judge declined to sign the proposed orders that had been presented to him by the parties, and indicated that counsel for Mr. A should prepare a written order.

On October 21, 2009, the court entered a written order directing an immediate return of all hard copies and electronic copies of the materials to Mr. A’s lawyer. As of November 24, 2009, Mr. Chase had not yet provided the hard copies or electronic copies of the materials to Mr. A’s lawyer, although such copies were still in his possession. On November 25, 2009, Mr. Chase received an Order to Show Cause regarding his failure to comply with the previous orders. Mr. Chase then mailed a thumb drive copy containing the electronic version of the materials, along with some hard copies of portions of the materials to Mr. A’s lawyer.

Mr. Chase’s conduct violated RPC 3.4(c), prohibiting a lawyer from knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; and RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

Christine Gray represented the Bar Association. William L. Cameron represented Mr. Chase. Joseph L. Nappi is the chief hearing officer.

Non-Disciplinary Notices

Interim Suspension Pursuant to ELC 7.3
Belinda Armijo (WSBA No. 32362, admitted 2002), of Seattle, was suspended pending an Order to Show Cause, pursuant to ELC 7.3, effective April 9, 2012, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Interim Suspension Pursuant to ELC 7.3
Erasmo J. Compatore (WSBA No. 19376, admitted 1990), of Seattle, was suspended pending an Order to Show Cause, pursuant to ELC 7.3, effective April 9, 2012, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Interim Suspension Pursuant to ELC 7.2(a)(3)
Bruce M. Hull (WSBA No. 18943, admitted 1989), of Bellevue, was suspended pending compliance to a request or subpoena, pursuant to ELC 7.2(a)(3), effective April 9, 2012, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

CLE Calendar

Non-Disciplinary Notices

Interim Suspension Pursuant to ELC 7.3
Belinda Armijo (WSBA No. 32362, admitted 2002), of Tacoma, was suspended pending an Order to Show Cause, pursuant to ELC 7.3, effective April 26, 2012, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Interim Suspension Pursuant to ELC 7.3
Erasmo J. Compatore (WSBA No. 19376, admitted 1990), of Seattle, was suspended pending an Order to Show Cause, pursuant to ELC 7.3, effective April 9, 2012, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Interim Suspension Pursuant to ELC 7.2(a)(3)
Bruce M. Hull (WSBA No. 18943, admitted 1989), of Bellevue, was suspended pending compliance to a request or subpoena, pursuant to ELC 7.2(a)(3), effective April 9, 2012, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Civil Litigation

Successfully Applying the Pinkerton Doctrine in Supporting the Pleading of Civil RICO Conspiracy

July 25 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Construction Law

Construction Law Section Midyear
June 15 — Seattle and webcast. 6 CLE credits, including 1 ethics. By the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Creditor/Debtor Law

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

Criminal Law

Washington Association of Criminal Defense Lawyers 25th Annual Conference
June 7–9 — Chelan. For more information or to register: info@wacdl.org or 206-623-1302.

Criminal Law Boot Camp: The Basics You Need to Know
June 13 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Successfully Applying the Pinkerton Doctrine in Supporting the Pleading of Civil RICO Conspiracy

July 25 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Business Law

International Law: Dos and Don’ts of Doing Business in Asia
June 21 — Seattle and webcast. 6 CLE credits. By the WSBA International Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Mergers and Acquisitions in 2012
June 22 — Seattle. 6.75 CLE credits. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=12.mnawa.

Company Dissolution and LLC Member Disputes
July 26 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Successfuly Applying the Pinkerton Doctrine in Supporting the Pleading of Civil Rico Conspiracy

July 25 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Elder Law

Your Elder Law Practice
July 13 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.
**Employment Law**

**Discipline, Documentation, Discharge of Problem Employees**  
June 8 — Seattle and webcast. 6.5 CLE credits. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=12.datwa.

**Exiting Your Practice**  
July 13 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**School Law: A K–12 Primer**  
June 19 — Seattle and webcast. 6.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Labor and Employment Law Boot Camp: The Basics You Need to Know**  
July 11 — Seattle and webcast. 6.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Environmental Law**

**5th Annual Eminent Domain: Current Developments in Condemnation, Valuation, and Challenges**  
June 7–8 — Portland. 10 CLE credits, including 1.5 ethics. By The Seminar Group; 800-574-4852 or 206-463-4400; www.the seminargroup.net/seminar.lasso?seminar =12.emdor.

**Health Law**

**Critical Issues in Health Care**  
June 14 — Seattle and webcast. 6.25 CLE credits. By the WSBA Health Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Indian Law**

**24th Annual Indian Law: Transformations of Federal Indian Law and Transitions in Tribal Law Practice**  
June 7 — Seattle and webcast. 6.5 CLE credits, including .75 ethics. By the WSBA Indian Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Intellectual Property**

**Data Protection**  

**International Law**

**International Law: Dos and Don'ts of**  
Doing Business in Asia  
June 21 — Seattle and webcast. 6 CLE credits. By the WSBA International Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Real Estate Law**

**Real Property, Probate and Trust Section Midyear Meeting and Seminar**  
June 8–10 — Spokane. 11.5 CLE credits, including 1 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Construction Law Section Midyear**  
June 15 — Seattle and webcast. 6 CLE credits, including 1 ethics. By WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Residential Landlord-Tenant Law**  
June 20 — Seattle and webcast. 6.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Family Law**

**Family Law Midyear Conference**  
June 22–24 — Ocean Shores. 14.75 CLE credits, including 2 ethics. By the WSBA Family Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Representing Clients in the Child Support Administrative Hearing Process**  
July 25 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Senior Lawyers**

**Exiting Your Practice**  
July 13 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Your Elder Law Practice**  
July 13 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**Solo and Small Practice**

**Exiting Your Practice**  
July 13 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

**7th Annual WSBA Solo and Small Firm Conference: Reinvent, Recharge, and Rejuvenate Your Practice!**  
July 19–21 — Ocean Shores. 16.75 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.
Positions Available

Lateral partner: Smith Alling, P.S. seeks a lateral partner to join the firm’s sophisticated and diverse business, estate planning, real estate, construction, and litigation practice at its office in Tacoma. Successful candidates will have portable business, excellent credentials, at least 10 years' experience, a good reputation in the legal community, and, most importantly, a willingness to be part of a collegial work environment. Smith Alling, P.S. is widely recognized throughout the Pacific Northwest for the superior legal work it performs on behalf of its corporate clients and individuals. For confidential consideration, send résumé and cover letter to mmc@smithalling.com.

Smith Freed & Eberhard is a litigation law firm focused on providing excellent service to our clients. We are currently seeking a lateral insurance defense partner with an established practice in Seattle. Successful candidates will have portable business, excellent credentials, substantial experience, and a good reputation in the legal community. Candidates must also have the desire to market and develop

June 7 — Seattle and webcast. 6.5 CLE credits, including .75 ethics. By the WSBA Indian Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Discipline, Documentation, Discharge of Problem Employees
June 8 — Seattle and webcast. 6.5 CLE credits, including .75 ethics. By The Seminar Group; 800-574-4852 or 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=12.dddwa.

Criminal Law Boot Camp: The Basics You Need to Know
June 13 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Critical Issues in Health Care
June 14 — Seattle and webcast. 6.25 CLE credits. By the WSBA Health Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Construction Law Section Midyear
June 15 — Seattle and webcast. 6 CLE credits, including 1 ethics. By the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

School Law: A K–12 Primer
June 19 — Seattle and webcast. 6.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Residential Landlord-Tenant Law
June 20 — Seattle and webcast. 6.5 CLE credits, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

International Law: Dos and Don’ts of Doing Business in Asia
June 21 — Seattle and webcast. 6 CLE credits. By the WSBA International Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Bankruptcy Boot Camp: The Basics You Need to Know
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: The Basics You Need to Know
July 11 — Seattle and webcast. 6.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Your Elder Law Practice
July 13 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Exiting Your Practice
July 13 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Successfully Applying the Pinkerton Doctrine in Supporting the Pleading of Civil RICO Conspiracy
July 25 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Representing Clients in the Child Support Administrative Hearing Process
July 25 — Seattle and webcast. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Company Dissolution and LLC Member Disputes
July 26 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Lateral partner: Smith Alling, P.S. seeks a lateral partner to join the firm’s sophisticated and diverse business, estate planning, real estate, construction, and litigation practice at its office in Tacoma. Successful candidates will have portable business, excellent credentials, at least 10 years' experience, a good reputation in the legal community, and, most importantly, a willingness to be part of a collegial work environment. Smith Alling, P.S. is widely recognized throughout the Pacific Northwest for the superior legal work it performs on behalf of its corporate clients and individuals. For confidential consideration, send résumé and cover letter to mmc@smithalling.com.

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

**Smith Freed & Eberhard** is a litigation law firm focused on providing excellent service to our clients. We are currently seeking a civil litigation attorney with at least four years’ experience to join our Seattle office. Successful candidates must possess excellent client service skills, including the ability to create long-lasting relationships, in addition to possessing outstanding research, writing, and analytical skills. Please email your résumé and cover letter, including salary requirements, in confidence to the managing partner, Jeff Eberhard, at jeberhard@smithfreed.com. We offer a competitive salary and benefits.

**Family law attorney** — McKinley Irvin is an AV-rated, 21-attorney law firm focused on complex divorce and family law matters. We are seeking an attorney with a minimum 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 WSBA licensing 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 bdevilbiss@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 a minimum of 10 years’ business/transactional experience and the ability to bring a moderate 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, at: gww@pacificlawjobs.com. Visit our website: www.pacificlawjobs.com.

**Lee Smart, P.S., Inc.** is seeking an attorney to join its litigation practice. Interested applicants should have academic credentials and excellent writing skills. A minimum of two years’ experience in insurance defense or similar litigation is preferred. Our firm has a remarkable 99-year history of providing cost-effective service to companies and individuals, with significant expertise in the defense of civil litigation. Lee Smart looks for diverse cultural, educational, and professional backgrounds, and experiences in its job applicants, and is an Equal Opportunity Employer. Please submit your cover letter, résumé, and writing sample electronically to Shari Tipp, human resources manager, at slt@leesmart.com or by mail to 701 Pike St., #1800, Seattle, WA 98101.

**I am a solo practitioner** retiring in the near future and would like to leave a going concern. The thriving practice is located in a southwest Washington coastal town. It emphasizes real estate, probate, and business-related cases. This could be a good opportunity for a person who would enjoy the numerous advantages of a busy practice and smaller town life. Reply with a résumé, writing sample, and statement of interests to classifieds@wsba.org, referencing “Box 749” in the subject line, or mail to WSBA Bar News Classifieds, 1325 4th Ave., Ste. 600, Seattle, WA 98101-2539.

**Corporate/transitional junior associate** — Pacific Law Recruiters is representing a prominent Seattle-based law firm holding national and international practice recognition in its search for a junior-level associate. Ideal candidates will have a Juris Doctorate from a nationally recognized law school, coupled with a strong academic record and at least one year of corporate and transactional casework within a major law firm. Serious consideration will also be given to those graduates of the top 40-ranked law schools who have a minimum of six months’ related experience. Seasoned business partners will provide direct mentorship on a wide range of industry-related matters, affording an outstanding opportunity to develop and broaden business practice skills. An excellent compensation and benefits package is provided. Interested candidates are encouraged to forward a confidential résumé and cover letter to Greg Wagner, principal, for immediate consideration at: gww@pacificlawjobs.com. Visit our website: www.pacificlawjobs.com.

**Patent associate — Portland or Seattle office** — Schwabe, Williamson & Wyatt, a Northwest regional law firm, has an opening in the Portland, OR, or Seattle, WA, office for a full-time patent associate in the intellectual property practice group. The ideal candidate will have a computer science and/or electrical engineering background and a minimum of one year of experience in patent prosecution. Patent counseling, licensing, and/or trademark experience is beneficial but not required. Schwabe, Williamson & Wyatt provides a team-oriented working environment with competitive salary and benefits. Qualified and interested candidates should submit a cover letter, résumé, and law school transcript to Dorianna Phillips, Attorney Recruiting Administrator, Schwabe, Williamson & Wyatt, Pacwest Center, 1211 SW 5th Ave., Ste. 1900, Portland, OR 97204, or via email at dcpillips@schwabe.com. Schwabe, Williamson & Wyatt is an Equal Opportunity Employer.

**Industrial Appeals Judge 3:** The Washington State Board of Industrial Insurance Appeals is seeking qualified individuals to fill Industrial Appeals Judge (IAJ 3) positions. Positions are full-time and require some travel. We offer comprehensive compensation and benefit packages. For more

---

**June 2012 | Washington State Bar News**
Experienced associate — construction litigation. Cosgrave Vergeer Kester LLP is seeking an associate with at least three years of litigation experience to join our construction practice group. Successful applicant will have good academic credentials, construction expertise, and excellent analytical and writing skills. Applicant must be a member in good standing of Oregon State Bar; Washington State Bar Association membership is a plus. Cosgrave’s attorneys are committed to providing extraordinary representation and service to clients who range from individuals and small business owners to national and international corporations. We offer a unique opportunity to develop professionally in a collegial, team-oriented working environment among many of the best trial, appellate, and business lawyers in Oregon. Cosgrave Vergeer Kester offers a full range of benefits and competitive compensation. Qualified applicants should send cover letter, résumé (with references), law school transcript, job application, and writing sample to: humanresources@cosgravelaw.com or Gloria Martin, Human Resources Director, Cosgrave Vergeer Kester LLP, 888 SW 5th Ave., 5th FL., Portland, OR 97204; fax: 503-323-9019. Cosgrave Vergeer Kester LLP is an Equal Opportunity Employer. We welcome all applicants and strive to provide a workplace in which all employees feel included, respected, and valued. All inquiries will remain in confidence.

Professional development and diversity manager — Seattle or Salt Lake City. Stoel Rives LLP, a leading law firm with nearly 400 attorneys operating out of seven states, has an immediate opening for a professional development and diversity manager. We seek a highly motivated, strategic thinker with proven collaboration and organizational skills. This position provides strategic and administrative support for the professional development of our attorneys by designing and delivering training programs, coaching attorneys, implementing evaluation processes, and supporting diversity and inclusion programs. This position works closely with attorneys of all levels, firm leadership, and administrative staff. The successful candidate must be able to build and maintain positive relationships and channels of communication with attorneys and staff throughout the firm. This is an excellent opportunity for a successful attorney who wants to transition his or her law practice into a related field with new challenges and opportunities. This position reports directly to the senior manager of professional development and diversity. This position can be based in either our Seattle or our Salt Lake City office. To view a complete job description and to apply, please visit www.stoel.com/admin_openings.htm. EEO/AA.

Experienced attorneys — Advocates Law Group, www.advocateslg.com, a rapidly expanding Seattle-based virtual law firm, is interested in discussions with lawyers with at least 10 years of practice and a book of business. Look over our website and consider the advantages of our business model in providing the support of a big firm that costs less than solo practice. If you are interested, please contact George Tamblyn at gtamblyn@advocateslg.com.

The Seattle-based personal injury firm of Adler Giersch seeks a “Rising Star” trial attorney with a minimum of five years’ experience with demonstrated interest in seeking justice and fairness for his/her clients, and successful trial advocacy experience. Attorneys from plaintiffs’ injury and defense insurance bars are encouraged to apply. Submissions will be confidential. We started in 1983 and are a successful five-attorney law firm (total 17 people). We are a word-of-mouth referral practice that emphasizes moderate and severe musculoskeletal trauma and major matters involving traumatic brain injury cases. We are an AV-rated firm. We achieve great results and provide top-tier service to our clients. We offer an engaging, highly functional, and fun work environment as noted by our long-term stakeholders, competitive salaries and benefits, performance-based compensation, and professional growth. We are looking for another attorney because we are growing and looking to the future. We need a rising star looking to make the move into an opportunity that seldom comes along: Grow professionally, contribute to the success of a law practice, be involved in the management of the firm, be mentored by experienced and well-regarded attorneys, practice in a client-centric law firm, get rewarded well for all of it, including a fast-track to partnership, and contribute to the community. The position requires exceptional oral and written communication skills, the desire to develop into a top-notch trial attorney, a natural people-person, high emotional intelligence, excellent organizational and time management skills, and a strong work ethic that is client-focused, team-oriented, and driven by a passion for advocacy and excellence. Ready to make the move? Send your cover letter, résumé, writing sample, and references to Patrice Roney, legal administrator, Adler Giersch, 333 Taylor Avenue North, Seattle, WA 98109 or send via email to proney@adlergiersch.com.

Law Office for Sale

Centralia law office for sale. 2,100-plus square feet, six private offices, two baths, elegant conference room, off-street parking. Main Street location. Possible “turn key” sale including law books. $185,000. Windermere Centralia, 360-736-3300.

Looking for Practice to Purchase

Attorney seeking small practice or retiring lawyer in northwest Washington to purchase practice or for partnership. Current practice involves real estate, commercial/corporate transactions, non-patent intellectual property, estate and trust planning/administration. Open to discuss any arrangement. Call 419-651-0296 or email me at dan.g.findley@gmail.com.

Port Orchard — office and secretary share with experienced attorney (35 years). One block from county courthouse. Some criminal cases, some civil case referrals, and divorce cases. Copier and parking. Call 360-876-1028.

Virtual Independent Paralegals, LLC provides comprehensive 24/7/365 litigation support with expertise in: medical record summaries, document review, redaction projects and deposition di-
gests. We hit the ground running, providing highest quality results at unbeatable rates. Locally owned, nationally known, virtually everywhere! VIP, we’re here when you need us, just a phone call or email away! 206-842-4613; www.viphelpme.com.


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

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


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

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


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


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

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

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

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

To Place a Classified Ad

Rates: WSBA members: $40/first 25 words; $0.50 each additional word. Non-members: $50/first 25 words; $1 each additional word. Blind-box number service: $12 (responses will be forwarded). Advance payment required; we regret that we are unable to bill for classified ads. Payment may be made by check (payable to WSBA), American Express, MasterCard, or Visa.

Deadline: Text and payment must be received (not postmarked) by the first day of each month for the issue following, e.g., July 1 for the August issue. No cancellations after the deadline. Mail to: WSBA Bar News Classifieds, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539.

Qualifying experience for positions available: State and federal law allow minimum, but prohibit maximum, qualifying experience. No ranges (e.g., “5-10 years”). Ads may be edited for spelling, grammar, and consistency of formatting. If you have questions, please call 206-727-8262 or email classifieds@wsba.org.
Experienced contract attorney with strong research and writing skills drafts trial and appellate briefs, motions, and research memos for other lawyers. Resources include University of Washington Law Library and LEXIS online. Elizabeth Dash Bottman, WSBA #11791. 206-526-5777; ebottman@gmail.com.


Superior brief and motion preparation, trial consultation. 25 years’ experience in criminal trial and appellate work, personal injury plaintiff and defense, and extensive litigation experience. Reasonable rates. Contact Bruce at brucehanify@msn.com; 360–461-7318.


Space Available

Available in the heart of Seattle’s business district (4th Ave. and Union St.) located in a historic art deco landmark is an office available for $975/month and paralegal workspace for $300/month. Included are reception (your phone line), shared kitchen, and conference room. Please contact Geoff if interested, 206-284-2932.

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.

Downtown Seattle executive suites — Fantastic location just off 1-5 across the street from REI. Easy access for you and your clients! On-site services include mail sorting, conference room, business class Internet/phones, on-site parking, production-quality printer/scanner/copier. Great rates! Call 888-878-2925 or email chloe@inclinemgt.com.

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

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

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


Federal Way: Office space for two attorneys in newly remodeled building in Federal Way professional district near Celebration Park. Rent includes use of conference room, Internet, fax, copier, utilities, kitchen, and parking. Secretary/ receptionist, reception area signage, conference rooms, and videoconferencing available to book by the hour or by the day. Two months’ free rent for all new clients. We also have space in Belltown and Lake Union. Call or email Gina; 206-235-0889 or gina.mcginnis@regus.com.

Bellevue office space available in the heart of downtown at Key Center, Skyline, and Bellevue Place. We have immediate occupancy available in three of the finest Bellevue buildings. Our offices are completely furnished, move-in ready. Our professional staff will receive your mail, greet your clients, answer your calls, book a meeting in one of our conference rooms, etc. We also offer virtual office options for those who don’t need to be in the office daily. Two months’ free rent for all new clients. In addition, we have space in Redmond and Carillon Point (Kirkland). Call or email Gina; 206-235-0889 or gina.mcginnis@regus.com.

Newly remodeled offices in downtown Seattle: Office share space with 40-attorney commercial firm available September 1 on the 30th floor of US Bank Centre. Offices are undergoing complete renovation. Interior and exterior offices available from 165 to 62 square feet. Included in rent are use of numerous conference rooms, reception, kitchen, library, file space, copier/fax/scanner, high speed Internet. Collegial environment, competitive rates. Please contact Pete at Stokes Lawrence for more information; 206-626-6000.

Vacation Rental

Charming vacation condominium in Whitefish, Montana. Easy access to Whitefish Lake, Flathead Lake, and Glacier National Park. Walk to downtown art galleries, antique shops, fine dining, wine bars, and coffee shops. Check out www.vrbo.com, property #405582 or contact susanraefox@gmail.com.
I became a lawyer because I was working in D.C. for the Natural Resources Defense Council when President Reagan appointed James Watt as secretary of the interior, and I knew I needed the ability to sue.

The future of the practice of law is increased specialization resulting in a shortage of generalists who can provide broad-based counsel.

This is the best advice I have been given: As Grandma Hattie would say, “A wise old owl sat in the oak. The more he heard, the less he spoke. The less he spoke, the more he heard; why can’t we all be like this bird?”

I would share this with new lawyers: Don’t postpone public service.

Traits I admire in other attorneys: Patience, civility.

I would give this advice to a first-year law student: Make love, not Law Review.

People living or from the past I would like to invite to a dinner party: Mark Twain, Jimmy Carter, Elizabeth Warren, Molly Ivins.

I am most proud of my kids, Natalie and Paul.

I am most happy when I’m polishing my truck.

Best stress reliever: Polishing my truck.

My favorite non-job activity: Polishing my truck.

On television, I try not to miss: Jon Stewart and Stephen Colbert; on radio, “Car Talk.”

What I had for lunch: A peanut butter sandwich and a Washington Red Delicious apple.

What I would never eat: There’s no reason for olives.

I am currently reading: The New Jim Crow: Mass Incarceration in the Age of Colorblindness by Michelle Alexander and The Unthinkable by Amanda Ripley.

One of the greatest challenges in law today is reconciling our egalitarian government with our slave-holding past.

If I were not practicing law, I would polish my truck more.

Technology is the reason my “swear jar” is full.

Currently playing on my iPod/CD player/record player: The Beatles.

If I could live anywhere, I would live in Seattle.

I can’t live without my daughter, who was in no way responsible for helping me to complete this survey.

What keeps me awake at night: City Hall and our geriatric beagle, Maggie.

If I could change one thing about the law, it would be Citizens United.

This is the best part of my job: Getting to be involved in so many aspects of sorting out Seattle city puzzles.
Bass Instincts

Where would civilization be without great bass lines? I cringe at the thought of a world where booties go unshaken, subwoofers fall silent, moves fail to be busted. Fortunately, in 1986 the Beastie Boys fought for our right to party, and the concomitant right to enjoy a sick bass groove remains indelible. Inspired by the untimely death of Adam Yauch (aka MCA, the Beasties’ bassist), I reviewed my iPod playlist for tracks with audacious bottom ends. Following are a few of my favorites from what I consider the Golden Age of Bass (mid-1960s to mid-1990s), and the stories behind them.

Ain’t Nothing Like the Real Thing. Marvin Gaye & Tammi Terrell (1968), bass: James Jamerson — James Jamerson might have been the most underappreciated musician in history. He was the studio bassist at Motown in its 1960s/70s glory years. He established the bass guitar as its own instrument, rather than just an amplified version of the bass violin. His lines anchored innumerable Motown hits and live on as favorite samples used by hip-hop artists and DJs. While his work has thrilled untold millions, he was uncredited on the records, in keeping with Motown’s policy at the time. His fellow studio hands (The Funk Brothers) enjoyed long-overdue recognition in 2002 with the Standing in the Shadows of Motown book and documentary. Sadly, Jamerson was long gone. He died broke in 1983 at the age of 47.

Something. The Beatles (1969), bass: Paul McCartney — Besides being one of the greatest songwriters, singers, and all-around rock stars, Paul McCartney is a genius on bass. Rather than just thumping along, his lines intertwined with The Beatles’s magnificent melodies, toying with the notes. I could have picked just about any Beatles track, but Frank Sinatra called this the greatest love song ever written, which is good enough for me. (Never mind that it was written by lead guitarist George Harrison.)

All Down the Line, The Rolling Stones (1972), bass: Bill Wyman (electric), Bill Plummer (standup) — This bass line is so massive it took two people to play it, or maybe more (I’m pretty sure the reedy growl just on top of the bass is a baritone sax — Stones sidemen kick horn players, Bobby Keys and Jim Price, are credited on the track). Like many blues/rock/country tunes, the lyrics employ a train metaphor. And this bass line rumbles through your living room like a locomotive.

In France They Kiss on Main Street (live version), Joni Mitchell (1980), bass: Jaco Pastorius — In 1979, Joni Mitchell took her newer, jazzier compositions on a tour that was recorded and released the following year as the album Shadows and Light. For her band she assembled one of the finest lineups of jazz/rock musicians ever to take a stage: Pat Metheny on guitar, Don Alias on drums, Lyle Mays on keyboards, and Michael Brecker on sax. Oh, and Jaco Pastorius on bass, one of the most awe-inspiring musicians ever to pick up any instrument. On YouTube, you can find not only a video of this performance but of other bassists attempting to replicate it. Jaco loved to play funky, and you can hear Jamerson’s Motown influences in his work, dialed up to warp speed. Sadly, Jaco shared something else with Jamerson — an untimely death. After suffering for years with severe mental illness, he died in 1987 at age 35.

Bust a Move. Young MC (1989), bass: Michael Peter Balzary — If you were to hire me as the DJ for your law firm holiday party (which you really should do), there are two tracks I would reach for if I were desperate to get bodies on the dance floor: 1) “Baby Got Back” by Sir Mix-a-Lot, and 2) this ’80s novelty rap masterpiece. What especially sets this track apart is Young MC’s decision to go with a live bass guitar line rather than a looped sample or a synth. And most brilliant of all was his choice of musician: Michael Peter Balzary, better known as Flea of the Red Hot Chili Peppers. Flea is an unabashed fan of Pastorius, and his supremely funky style harkens back to Jaco, and hence to Jamerson. Plus, in the video Flea wears pants made out of stuffed-animal parts. Who else can get away with that?

Cannonball. The Breeders (1993), bass: Josephine Wiggs — Although a male-dominated instrument, the bass guitar has been wielded mightily by many females. Consider Tina Weymouth (Talking Heads, Tom Tom Club), Kim Gordon (Sonic Youth), Meshell Ndegeocello, and Tal Wilkenfeld (25-year-old jazz prodigy who has toured with Jeff Beck and other legends). And there are few stories in popular music better than that of Carol Kaye, the 77-year-old Everrett native considered to be the most prolific bass player of all time, regardless of gender. Look her up on Wikipedia and be astounded at the tracks on which she has played. Also among the most prominent of female bassists is Kim Deal of alt-rock heroes the Pixies, who later founded this band, The Breeders, with her identical twin, Kelley. In The Breeders, though, Kim traded her bass for guitar and left the low groove to fellow veteran rocker Josephine Wiggs, who lays down the smack on this aptly titled track.

Sabotage. The Beastie Boys (1994), bass: MCA (Adam Yauch) — MCA died May 4, 2012. Like Jamerson, he got only 47 years on the planet. But as with all great musicians, he lives on through his grooves. This track is classic Beastie Boys, and the 1970s-cop-show parody video is one of the most hilariously delightful things on YouTube.
SEX OFFENSES
REQUIRE A DEDICATED DEFENSE

The Best Defense. Always.

Refer with Confidence.

James Newton
ATTORNEY AT LAW, PLLC

JAMES NEWTON, ATTORNEY AT LAW
IS A FULL SERVICE, CRIMINAL DEFENSE FIRM.

JimNewtonLaw.com

Call Us.
S King County 253-859-4600
Seattle 206-264-1200
Tacoma 253-383-1300
Jennifer Payseno
Partner, Seattle
Super Lawyers® 2011, 2010

David B. Starks
Managing Partner, Seattle
AAML Fellow
Best Lawyers® 2012
Super Lawyers® 2011, 2010

Marc T. Christianson
Partner in Charge, Tacoma
AAML Fellow
Best Lawyers® 2012
Super Lawyers® 2011-2006


Super Lawyers is a registered trademark of Thomson Reuters. • AV® Preeminent™ are certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies. • McKinley Irvin was ranked Tier 1 in the Family Law specialty for the Seattle Metro in U.S. News – Best Lawyers® “Best Law Firms” in 2011-2012.