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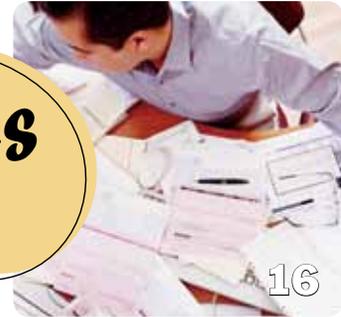
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TARRTF and feathered?

Due to the misdeeds of a few bad apples who took money from clients and ran off, or inconsiderately upped and died before the work was done, the RPCs on retainers are being revised (February 2008 *Bar News*). TARRTF apparently stands for: Too bad, Attorneys are Rarely Responsible enough to be Trusted with Funds, and convened under the "Micromanagement of Lawyers Campaign" by the Board of Governors (BOG); Motto: "How can we BOG down overworked attorneys this week?"

The proposed rules are inherently illogical. You can charge an "availability retainer" and do nothing, but you can't get paid first for hourly fees. I find it highly demeaning and insulting to be told that I am too dishonest or incompetent to accept advance fees. In 20 years of practice I have never hesitated to refund unused fees. Thanks, BOG, for confirming the public's worst suspicions about lawyers.

I will have to raise my rates to cover the increased administrative costs associated with these convoluted rules. Thanks, BOG, for forcing me to take more time away from my clients so I can stay out of trouble with the trust account police.

By the way, now that the problem has been solved, will the Bar stop charging us that \$15 annual assessment to cover the misdeeds of the bad apples?

An article-length version of this letter, including a mock schedule of flat fees in family law cases, can be found at my website www.RealFamilyLaw.com under "Real Law Practice."

Lisa Scott, Bellevue

Briefly

Now that the Supreme Court, by a 7-2

majority in *King v. King*, has followed other states and determined there is no constitutional right to a lawyer at taxpayers' expense in a dissolution proceeding, maybe the Bar Association will think twice before again committing our resources to filing an amicus brief on an issue unsupported by precedent and that the membership is divided on.

Charlie Blackman, Everett

WSBA PRESIDENT STAN BASTIAN RESPONDS: *The WSBA has a long-standing commitment to issues involving access to justice and the unmet legal needs of persons with limited or moderate income. In King, WSBA members serving on the Amicus Brief Committee unanimously approved filing an amicus brief to discuss the vital role lawyers play in assuring all parties have meaningful access to the courts, and preserving limited judicial resources. The WSBA was well served by Monty Gray, who volunteered his time in drafting the WSBA brief. Mr. Gray practices at Davis, Wright, Tremaine LLP.*

Objection to objection

Regarding the comments by Andy Hess in the January issue to comments by Jeanette Burrage in the December issue under the subject heading "Legislating morals," I do not know either of them, but I find Mr. Hess' comments unsupported by any substantial evidence, scientific or

otherwise. Mr. Hess' questionable opinion is just as objectionable as he finds Ms. Burrage's "assumption" to be "baseless" on the subject of the morality of sexual orientation. His opinion that the American Medical Association, the American Psychiatric Association, and the American Psychological Association are "reputable" on this issue because in his words, they "consider sexual orientation to be a legitimate part of who one is — not a moral choice," and his last comment that sexual orientation (as compared to sex itself) "is a result of birth," suffer from apparent bias and lack of objective evaluation.

Some thoughtful information about the medical and psychological associations' approaches to this subject can be found in a well-researched and referenced book by Anne Hendershott, *The Politics of Deviance*, ©2002.

The WSBA should cease advocating and espousing questionable political and/or moral positions, period! Disguising such as appropriate legal discussion in a law journal in order to advocate such positions, especially when significant numbers of its members may not approve of such, is inappropriate, in my view. The WSBA should not spend its members' dues to promote, support, or publish any such positions and should limit its activities to testing, licensing, discipline, and legal education.

David Mickelson, Bellevue

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But Supreme Court agrees 5-4 with “personal opinion” ...

I wish that you had not devoted so much space for Mr O’Ban’s personal opinion piece on same-sex marriage (February 2008 *Bar News*). I believe that social policy should follow facts and science, not personal preferences. Throughout his article, Mr. O’Ban fobbed off “obiter dictum” as “precedence,” but even real precedence is valuable only when based on sound knowledge, not mythology, bigotry, and personal taste. For that reason, I find Attorney O’Ban’s citation of “authority” against same-sex marriage to be of limited validity and inappropriate for inclusion in the *Bar* magazine.

First, Mr. O’Ban’s citations are not based on scientific knowledge. According to the American Anthropological Association: “The results of more than a century of anthropological research on households, kinship relationships, and families, across cultures and through time, provide no support whatsoever for the view that either civilization or viable social orders depend upon marriage as an exclusively heterosexual institution.”

Second, Mr. O’Ban’s citations are based on the quaint concept of marriages that last a lifetime. I say “quaint” because we now live in a world of de facto serial monogamy. Being raised by biological parents does not assure a stable and humane home.

Society itself does not see marriages that last a lifetime as the sole source of a stable and humane environment for children. Since World War II, the West has seen a dramatic increase in divorce (once at six percent and now over 40 percent of first marriages), cohabitation without marriage, a growing unmarried population, children born outside of marriage (once five percent and now over 33 percent of births), and an increase in adultery (once eight percent to now over 40 percent).

Next time you seek a variety of opinions, remember to give those opinions their proper weight. Mr. O’Ban’s citation of historical, but unscientific and non-fact-based, rationales, should not have been labeled so definitively as “Why Voters, State Governments, and the Courts Support the One Man/One Woman Marriage Limitation.”

Kevin Myles, Portland, Oregon

Don’t forget to reproduce

In his February article supporting the marriage status quo, Steven O’Ban asks “What is the purpose of civil marriage?” and responds “[To recognize] society’s

choice of the optimal environment in which to channel heterosexual sex for the sake of [resulting] children” or, as he puts it elsewhere, to “protect the biological relationship.” I have enjoyed the privileged treatment our laws afford married people for nearly four decades, though my wife and I have no children. Mr. O’Ban’s response, to me, reflects an extravagantly narrow view of civil marriage, with the many benefits and commitments that come with it.

In any case, Mr. O’Ban has little to say about how permitting same-sex couples to marry would discourage the relationships he wishes to protect. His response here is “It may or it may not, but it would certainly change the purpose and definition of marriage.” It *would* change the definition of marriage, affording what a rapidly increasing number of our contemporaries view as equitable treatment to members of same-sex couples and to children they are raising. And the purposes of marriage are, I think most would agree, more various than Mr. O’Ban’s formula suggests. They aren’t all about sex or children.

I support the policy statement adopted by the King County Bar Association: “Two people of the same sex should have the right to marry under state law and to undertake the legal responsibilities and enjoy the legal protection associated with civil marriage under the law.”

Peter Greenfield, Seattle

End marriage copyright

I read with dismay Steven O’Ban’s half-

a-loaf apologia of those dedicated to furthering homosexual discrimination. The piece only served to illustrate the fallacies of Mr. O’Ban’s position, and no number of footnotes can dignify what he attempts. Given that his central argument seems to be about preserving “marriage” to those who want to reproduce, one might ask why there is no reference to the more than 33 percent of children now born to single (heterosexual) mothers and the nearly 20 percent of women who are childless into their 40s — despite marrying. I doubt homosexuals are at the root of this precipitous rejection of the marriage as “encouraging heterosexual procreation within marriage.” In lieu of explaining how married homosexuals could possibly undermine his central tenet of marriage, Mr. O’Ban instead trots out the hoary specter of polygamy and the question begging revelation that no appellate court has held same-sex marriage to be a fundamental right. Mr. O’Ban, like legions before him determined to preserve the discriminatory status quo, offers the specious claim that homosexual discrimination is not part of the equation while never broaching the nettlesome fact that sexual orientation is intrinsic. Finally, Mr. O’Ban fails to distinguish between private religious rights and civil equal rights. Fortunately, one doesn’t have to be a lawyer to appreciate that marriage is best served by the enduring commitments of those who choose it and not by the legal parsing of those who fear extending choice to all.

Bruce Clark, Seattle

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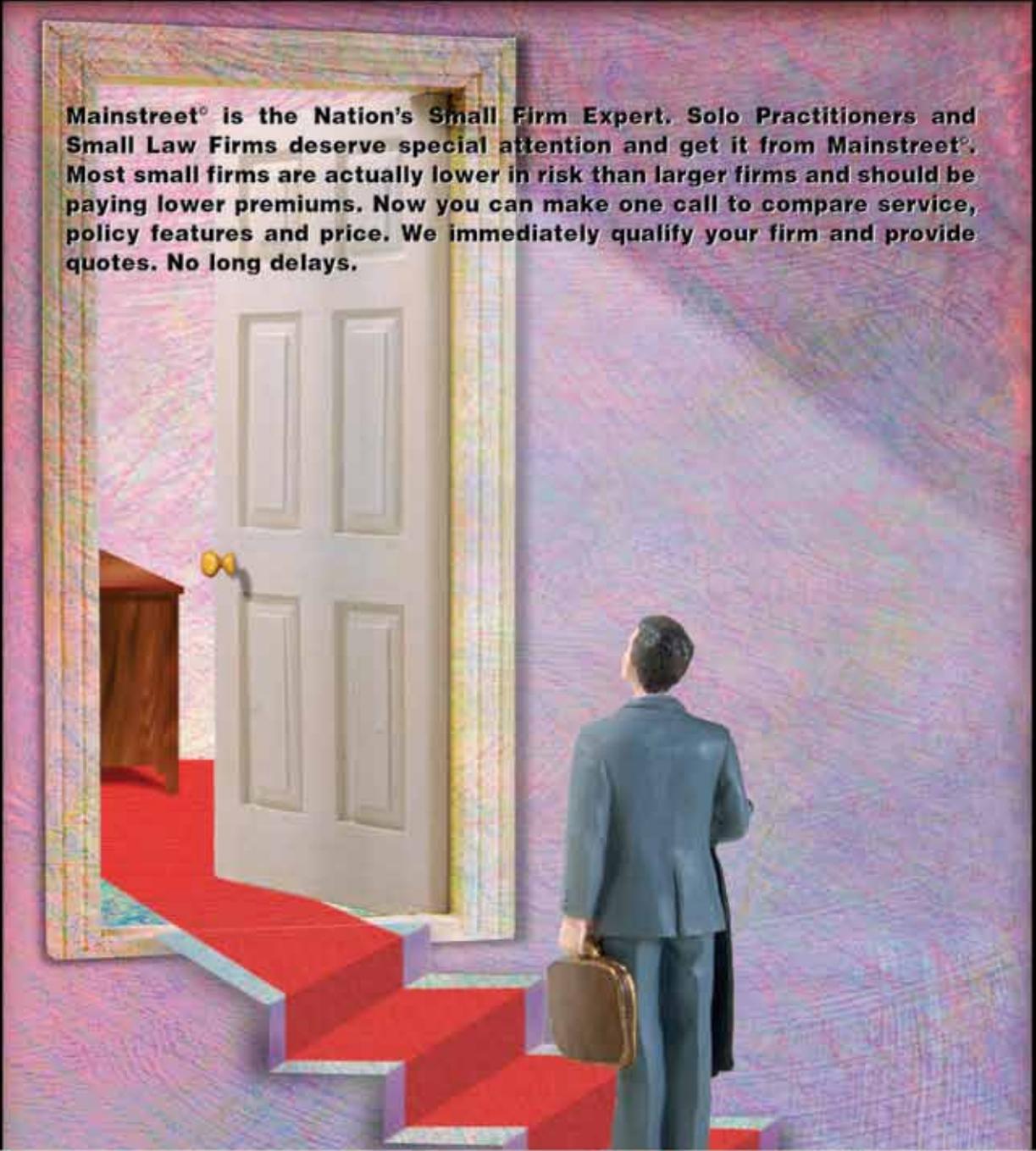


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**WSBA President
Stan Bastian**

The Washington State Bar Association is more than just the bar examination, CLE compliance, annual dues, and discipline. Much more. These regulatory functions are certainly important; however, they are not the only reasons this bar association exists.

This edition of the *Bar News* is dedicated to explaining many of the various non-regulatory services offered to members of the WSBA. Within these pages you will read and learn about such award-winning programs as the Ethics Line, the Lawyers Assistance Program, the Law Office Management Assistance Program, and Alternative Dispute Resolution Programs. These programs serve as models for others like them across the country. In fact, in March 2007, the WSBA Lawyers Assistance Program received the Outstanding Leadership Award from the ABA Commission on Lawyer Assistance Programs. The award was given for its "superior leadership and dedication to the health and well-being of lawyers."

However, the real hidden gems are not the programs, but the people who supervise them. The employees at the Lawyer Services Department are an amazing group of individuals. As a team, they are knowledgeable, professional, and dedicated to helping you build and maintain a successful legal career.

Let me introduce you to them.

Barbara Harper



Barbara Harper, MA, LMHC, LMFT, is the director of the Lawyer Services Department of the Washington State Bar Association and in that role

supervises the following programs: Law Office Management Assistance, Alternative Dispute Resolution, Professional Responsibility, and Lawyers Assistance Program. Barbara has been with the WSBA since 1987, and she is a psychotherapist state-licensed in both mental counseling and marriage and family therapy.

She is a member of the American Bar Association Solo and Small Firm Section and the Commission on Lawyer Assistance Programs (CoLAP) Advisory Commission. She was a member of the CoLAP Commission from 2002–2004 and served as the chair of the ABA Annual National CoLAP Conference in both 2003 and 2004. She is a member of the ABA Judicial Assistance Project Education Committee, and the Washington State District and Municipal Court Judges' Association Judicial Assistance Committee.

Barbara has authored numerous articles and presents trainings on several topics, including stress management for lawyers and judges, the effects on the legal profession caused by lawyer depression, personality disorders, and addictions. She recruits and educates volunteers for the Lawyers Assistance and Judicial Assistance programs and writes and lectures on the issues impacting both aging and young lawyers.

Jennifer Favell, Ph.D.



Jennifer Favell graduated from Stanford University and the University of Washington. Before joining the WSBA, she was the clinical director of

separation and loss services at Virginia Mason Medical Center in Seattle. She has also been the co-investigator on several national-level research and training grants offering clinical services to families after the violent loss of loved ones. She has worked with researchers, clinical staffs, prosecuting attorneys, medical examiners, victims' assistance workers, psychiatric residents, and incarcerated adolescents. Currently, in her position with the Lawyers Assistance Program at the WSBA, Jenny specializes in treating trauma, stress, grief, eating disorders, depression, and life transition issues. She provides training to local, state, and national organizations. She is also the WSBA's diversion administrator, working collaboratively with the Office of Disciplinary Counsel. Jenny also maintains a private psychotherapy practice in Seattle, specializing in trauma.

Rebecca Nerison, Ph.D.



Rebecca Nerison's passion is helping lawyers improve their lives and workplaces. She has counseled, coached, and consulted with lawyers at the WSBA

Lawyers Assistance Program since 1997. She earned a doctorate in counseling psychology from the University of Iowa in 1992 and is a licensed psychologist in



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Washington state. Prior to joining the WSBA staff, Rebecca ran a private practice on Cape Cod, Massachusetts, and prior to that she worked at Central Missouri State University, where she helped students decide what they wanted to be when they grew up.

Darlene Neumann



Darlene Neumann graduated from the University of Washington with a degree in communications and a paralegal certificate from the UW Extension Program. Prior to joining the Bar, she worked with a nonprofit organization which helped low- to moderate-income homebuyers purchase their first home through a mix of affordable housing programs and financial assistance. Darlene is currently the Alternative Dispute Resolution Program coordinator responsible for administering the Fee Arbitration and Mediation programs. She also supports the professional responsibility counsel as the Ethics Program coordinator.

Peter Roberts



Peter Roberts has 18 years of experience as a legal administrator in law firms in Washington, D.C.; New Hampshire; Boston; and Seattle. He earned his MBA from The College of William & Mary and a certificate as small business webmaster from the University of Washington. Pete is a frequent speaker and has consulted with more than 300 WSBA members in Washington, Idaho, and Oregon. Since 2001, Pete has been the practice management advisor in the WSBA Law Office Management Assistance Program (LOMAP).

Julie Salmon



Julie Salmon has been the coordinator for the Law Office Management Assistance Program since February 2004. She began working in the legal field almost 25 years ago as a legal assistant to solo attorneys in Iowa practicing in family law and bankruptcy. Since that time, Julie has been a real estate assistant and worked on the 2000 Census project. She enjoys assisting Pete Roberts with

providing guidance in law office management issues to the members of the Washington State Bar Association.

Abby Smith



Abby Smith is a licensed chemical dependency professional and a licensed mental health counselor. She is currently working at the WSBA as a psychotherapist and addictions counselor. She worked in chemical dependency treatment for about 19 years, which included working at Virginia Mason, Residence XII, and the Men's Recovery Program at A Positive Alternative. She also taught addictions and mental health courses at Edmonds Community College part-time for eight years. Her favorite classes to teach are Group Counseling and Women's Issues in Recovery.

Christopher Sutton



Christopher Sutton is a graduate of The College of William & Mary and the Marshall-Wythe School of Law. He has been practicing law for over 30 years in many areas, including domestic relations, trusts and wills, and business transactions. In 1995, Chris started working at the WSBA as disciplinary counsel. After two years, he became the professional responsibility counsel for the Bar Association. He operates the Ethics Line and supervises the WSBA Alternative Dispute Resolution Program. He averages 20-30 ethics calls from members every day, and last year he took approximately 5,000 calls. Unfortunately for us, Chris recently decided to retire. He has been a valuable member of the WSBA staff and was instrumental in making the Ethics Line an important and useful member service. I wish him well.

I encourage you to save this edition of the *Bar News* and keep it as a handy reference tool. Some day you may need some help from the people at the WSBA Lawyers Services Department, or you may want to refer them to a friend or colleague. Help is only a phone call away. ☎

Stan Bastian can be reached at stanb@jdsalaw.com or 509-662-3685.



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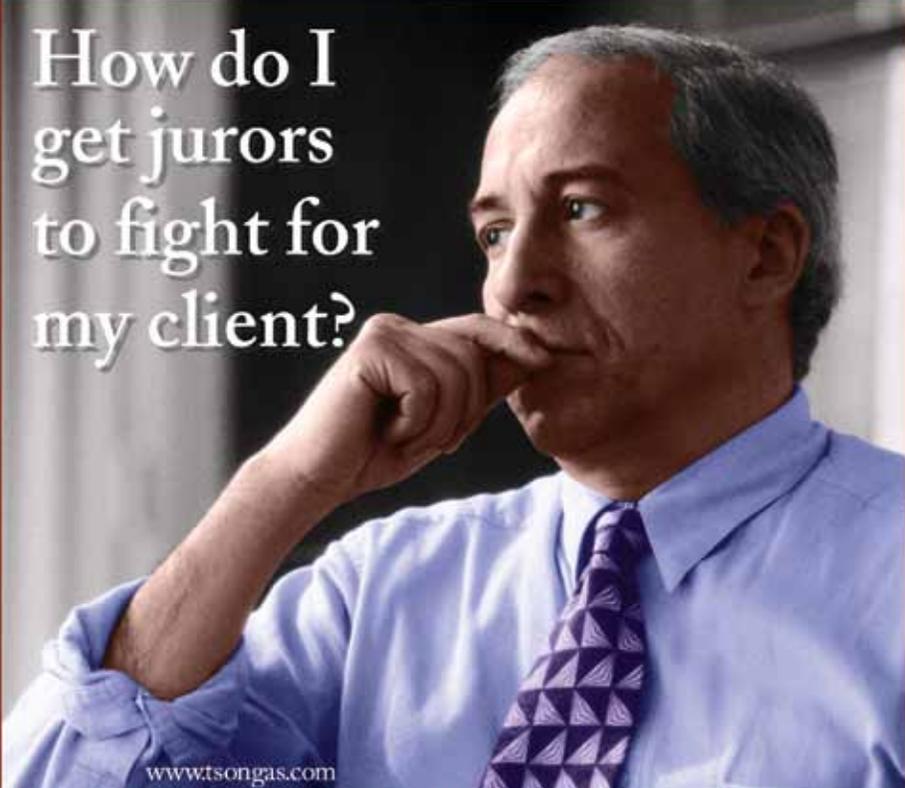
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Pete sent Steve a questionnaire that asks about procedures Steve currently uses in his practice. The answers Steve provided gave Pete an understanding of how best to assist Steve when Pete scheduled a convenient date for them to meet. It is important for Pete to visit the member's office and to see how things

several changes, and urged him to require a larger advance fee deposit. Steve said that he had a difficult time asking for the money, but knows he has to do so for the sake of his practice.

Pete suggested that 25 to 40 open matters was the usual range that a sole practitioner could handle well without staff support. Since Steve had Sally to assist him, he could perhaps increase that number to 50 open matters, depending on their complexity and

activity.

Returning to his office, Pete wrote a memorandum to Steve that included suggestions for improving his practice and asked Steve to contact him in three months with a description of the actions that he and Sally had taken.

Pete prepared a bill to Steve for the time in Steve's office and the time in Pete's office on Steve's behalf.²

Steve called about two months later and reported that he was feeling much better about his practice. The best news was that his clients were paying higher advanced fee deposits, and he and Sally were deciding to upgrade the office computer system.

Steve thanked Pete again and said that he would refer other members to LOMAP whenever he had the opportunity. 

Peter Roberts has 18 years of experience as a legal administrator in law firms in Washington, D.C.; New Hampshire; Boston; and Seattle. Pete has his MBA from The College of William & Mary and a certificate as small business webmaster from the University of Washington. He is a frequent speaker and has consulted with more than 300 WSBA members in Washington, Idaho, and Oregon. Since 2001, Pete has been practice management advisor in the WSBA Law Office Management Assistance Program.

NOTES

1. Consultations are confidential and there is no contact with the WSBA's Office of Disciplinary Counsel.
2. Fees for consultations are based on the length of time that the member's legal entity has been established: \$35 per hour if less than one year; \$50 per hour if one to five years; and \$85 per hour if over five years.

LOMAP Is Here for You

BY PETER ROBERTS



"I wish that I had done this 10 years ago!" said Steve. "Just to be able to discuss my practice with someone familiar with many legal practices around the state is so helpful." Steve's was a common reaction to the law practice consultations that LOMAP offers to members.

Peter Roberts is the practice management advisor employed by the WSBA to help its members practice more efficiently with improved client satisfaction. Statistics reveal that satisfied clients rarely file a grievance, and Pete notes that members who practice more efficiently frequently report lower stress.

Steve had contacted WSBA's Law Office Management Assistance Program (LOMAP) for help with some financial concerns and to "take the pulse" of his family law and criminal defense practice in a town in eastern Washington. Steve had seen Pete appear as part of the annual Traveling Seminar that visits many smaller Washington communities.

are set up. Pete asked if it was okay to meet also with Sally, Steve's legal assistant, to allow her a chance to express any concerns about how the office was running.

Pete often says that he learns so much from members during these visits. In particular, certain practice areas may require differing procedures. What Pete learns can be communicated to other members in similar practice areas with total confidentiality, of course. Pete's work is confidential, and the member signs an agreement that certifies the confidentiality of the consulting engagement.¹

Pete traveled to Steve's office (travel time and cost is paid by the WSBA, not by the member) and spent about three hours discussing Steve's practice and focusing on areas where Steve might change his procedures. Pete met with Sally and learned that she was happy working with Steve, but hoped that Steve might upgrade the office computer system soon. He also reviewed Steve's family law fee agreement and suggested

WSBA Lawyer Services Glossary

Addiction Counseling: Confidential assistance with questions or concerns about alcohol and drug problems. Call 206-733-5988; 800-945-9722, ext. 5988.

ADR: Alternative Dispute Resolution Program. Provides a procedure for settling disputes without litigation through mediation and fee arbitration. 206-733-5923; 800-945-9722, ext. 5923.

Career Transition Issues: Confidential assistance with job or career management, or transitioning out of the law. 206-727-8269; 800-945-9722, ext. 8269.

Casemaker: Online research library provided free to WSBA members. Access through www.wsba.org, click on Casemaker logo on the right sidebar. For help, call 206-733-5914; 800-945-9722, ext. 5914.

Computer Software: For help, call 206-733-5914; 800-945-9722, ext. 5914.

Computer Clinic: Classes to help you make the most of software you already own. Call 206-733-5914; 800-945-9722, ext. 5914.

Depression: Confidential assistance. Call 206-727-8268; 800-945-9722, ext. 8268.

Diversion Program: Option for less serious disciplinary grievances. Goals are to educate, rehabilitate, provide restitution, and protect the profession and the public. Call 206-727-8267; 800-945-9722, ext. 8267.

Ethics Line: Confidential opportunity to discuss prospective ethical dilemmas. 206-727-8284; 800-

945-9722, ext. 8284.

Ethics Opinions: Ethics Opinions are approved by the Board of Governors and the Rules of Professional Conduct Committee. They address ethical concerns of the members. www.wsba.org/lawyers/ethics/about.htm.

Fee Arbitration: Program for resolving disputes over fees without litigation. 206-733-5923; 800-945-9722, ext. 5923.

Financial Management: Call the Law Office Management Assistance Program at 206-733-5914; 800-945-9722, ext. 5914.

Job Seekers Discussion Group: Strategies and support for job seekers. Monthly meetings. 206-727-8268; 800-945-9722, ext. 8268.

Judicial Assistance Service Program: Confidential assistance for judges facing personal or professional challenges. Call 206-727-8265; 800-945-9722, ext. 8265.

LAP: Lawyers Assistance Program. A resource for lawyers who want to function at their best. Call 206-727-8268; 800-945-9722, ext. 8268.

LaSD: Lawyer Services Department. The WSBA department housing the Lawyers Assistance Program, Judicial Assistance Service Program, Law Office Management Assistance Program, Professional Responsibility Program, and Alternative Dispute Resolution Program. Call 206-727-8268; 800-945-9722, ext. 8268.

Law Student Assistance: Personal and professional counseling for third-year law students through the Lawyers Assistance Program. Call 206-727-8268; 800-945-9722, ext. 8268.

Life Balance Issues: The tension between work and personal life, including family, friends, avocation, recreation, and spiritual development.

LOMAP: Law Office Management Assistance Program. Assistance with the nuts and bolts of running the business of a law practice. Call 206-733-5914; 800-945-9722, ext. 5914, or visit www.lomap.org.

Mediation: Call 206-733-5923; 800-945-9722, ext. 5923.

Mental Health Counseling: Confidential assistance with relationship issues, depression, anxiety, addictions, and other concerns through the Lawyers Assistance Program. Call 206-727-8268; 800-945-9722, ext. 8268.

Office Management: Call LOMAP at 206-733-5914; 800-945-9722 ext. 5914, or visit www.lomap.org.

Peer Counselors: Lawyers trained to support and encourage other lawyers. Call 206-727-8268; 800-945-9722, ext. 8268.

PRP: The Professional Responsibility Program concerns providing ethical guidance to members through the Ethics Line, issuance of ethics opinions, and continuing legal education presentations.

Solo Attorney Help: Call LOMAP at 206-733-5914; 800-945-9722 ext. 5914.

Stress Management: Call LAP at 206-727-8268; 800-945-9722, ext. 8268.

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It Takes Courage

BY ABBY SMITH

Think about this research finding for a moment: One study of the general population found that most people were more willing to tell their employer that they had committed a petty crime and served time in jail than to admit to being in a psychiatric hospital for treatment of mental illness.

Stigma, the definition of which is “a mark of disgrace or infamy,” is one of the most insidious aspects of our culture’s attitude toward any type of mental health problem or addiction. Consequently, it takes courage to walk through the doors of a counseling office. Those seeking help with these issues must first find the courage to face down the stigma before they can get the help they need.

It can be unimaginably difficult to call the WSBA office and ask for help with an addiction, or admit that stress and anxiety are so overwhelming that you’ve been avoiding work. Fortunately, lawyers do so every day. A typical lawyer who receives services at the WSBA Lawyers Assistance Program (LAP) comes in to solve problems that are causing — or have the potential to cause — his or her work to suffer. Many are lawyers whose resources are limited and who have debts to pay off or families to support. The sliding-fee scale at LAP provides access to professional mental health and addiction counseling at an affordable cost.

Although the lawyers and scenarios that follow are fictional, they are representative of the work we do here at LAP.

Relationship Problem Spills Over

On a typical afternoon at LAP, I took a phone call from a lawyer seeking help. “I need to talk to someone,” he told me. “My girlfriend left me a couple of months ago and I haven’t been able to pull myself together. I’m avoiding work and I don’t know what to do.”

We talked on the phone for a few minutes and he agreed to make an appointment. When he entered my office later that week he immediately apologized for taking up my time, saying, “I should really be over this by now.” Later on in our session, he told me that he hadn’t been sleeping, was eating only once or so a day, and living on energy drinks and lattes. He’d tried working out daily and talking to

friends, but still found himself distracted and anxious and wasn’t getting much work done. He worked in a small firm, and people were starting to notice that he wasn’t in the office much. His billable hours were dropping.

After several sessions helping him learn and practice tools for relaxing and managing his anxiety, we both agreed that he needed some help with organizing his practice. Admittedly, he wasn’t well-organized; his firm owned software he never used, and he felt guilty and anxious about it, which wasn’t helping. He was afraid someone at his firm would discover the disorganization in his paperwork and he would lose his job. He called the WSBA Law Office Management Assistance Program (LOMAP) and got started. Over the next few months, as he gained traction on the organization of his practice, he became less anxious about it. His counseling at LAP helped him work through the loss of his relationship, manage anxiety, and make healthy choices about his life while he used the services of LOMAP to better organize his practice.

Poor practice management is a common reason that our clients feel stressed and overwhelmed. Fortunately, LOMAP is just next door to assist with solutions. But sometimes lawyers don’t make it in the doors of LAP or LOMAP, and none of this help reaches them. Lawyers who believe that if they seek help they will be treated differently by their colleagues are reluctant to let anyone know that they even have a problem. Others don’t ask for help because they think competent people should be able to handle problems themselves. That’s unfortunate, because they miss an opportunity for support from sympathetic colleagues as well as professional guidance.

Statewide Help from Peer Counselors

Another caller to LAP was fresh from an inpatient chemical dependency treatment center. She lived outside the Seattle area,

and her inpatient counselor at the center instructed her to call LAP when she got home. She wasn’t sure what to expect, but since the treatment center told her to call, she complied. After a few minutes on the phone, I told her about LAP’s peer counselors, and she was interested. Peer counselors are lawyers who volunteer to serve other lawyers. There are peer counselors in many locations around the state. Peer counselors have walked the same road themselves — through recovery from addiction or another type of problem — so they know the territory. Within several days, the caller had a peer counselor and they soon met for coffee. She called a few days later to set up a counseling session by telephone, “just to make sure I’m going in the right direction.”

This experience made me grateful for our peer counselors. Once the caller got home from inpatient treatment, she had been doing so well at not drinking that she had pretty much talked herself out of following through with an outpatient treatment program. Unfortunately, she started going out to bars with friends and falling back into old habits. She seemed to be on the way to a relapse. Fortunately, her peer counselor had spotted the

signs, shared her concerns, and encouraged her to get help before she had a relapse. In our telephone session, she said she was ready to look for continuing care, so I helped find an outpatient program in her area.

Naturally, we help lawyers who are headed for trouble, but we also help lawyers find and maintain balance and a sense of health in their personal and professional lives. If an ounce of prevention is worth a pound of cure, then LAP’s services are surely that ounce of prevention for the lawyers who overcome the stigma about seeking help. 



Abby Smith, MA, LMHC, CDP, is the addictions counselor for the WSBA Lawyers Assistance Program. She has 19 years of experience in the addictions and mental health fields. She can be reached at 206-733-5988 or 800-945-9722, ext. 5988, or abbys@wsba.org.

3 Tips to Avoid Office Snares

1. Use systems for all activities.

Organization means:

- **Manage time by prioritizing tasks.** Do the most important tasks first. Consider putting certain tasks on your calendar. Take breaks. Relax between projects. Above all, limit procrastination.
- **Keep things in their proper place.** Files go into file cabinets or onto shelves; limit or eliminate the number and size of piles. Organize files to facilitate getting documents into the proper client files. If your printer or fax machine is too far away, move it as close to your desk as is feasible to cut down footsteps.
- **Create and follow a protocol for every process that occurs in your office.** Define the procedure and document the steps involved for handling office tasks such as the mail —e.g., sorted? Opened (by whom)? Date stamped (where)? Copied? Scanned to PDF? Information extracted and put on a task list? Copies sent to others? Staged or filed where?

2. Ask for the money.

The best way to ensure there is enough money to sustain your practice is to obtain sufficient funds at the outset of the matter in an advanced fee deposit or a flat fee. When you need to accept a new matter in order to keep your practice going and complete the work that you already have, you know that you are collecting insufficient funds from previous matters. The spiral that ensues from too many matters and not enough money can lead to being overwhelmed, which is probably the most serious situation you can face because you will risk paralysis of action.

3. Say no to:

- **That most difficult client by politely and ethically “firing” him or her.**
- **Doing work outside the original scope of the engagement without a new or amended fee agreement.**
- **New business that, if accepted, will cause you to postpone that family vacation — yet again.**

Why say no? Because the practice is yours — not the client’s or anyone else’s. Maintain control of your practice by saying no in appropriate circumstances, and you will feel better about your ability to set boundaries. Being in control of your practice reduces stress.

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New postings include...

Forfeiture by Wrongdoing

lawyers and nonlawyers serving on the Bar's fee arbitration and mediation panels are experienced, trained volunteers who understand the dynamics of the lawyer-client relationship.

That relationship is the cornerstone of the Fee Arbitration Program, whose sole purpose is to determine the fair and rea-

could be better spent earning fees rather than defending them. He considered how likely it was that his former client might file a bar complaint if he declined. In the end, Paul agreed to participate because he believed his fees were fair and reasonable and the program offered a way to finally resolve the lingering dispute with his former client.

Finding a Way Out of Disputes

BY DARLENE NEUMANN

When Michelle thinks about her former lawyer, Paul, a feeling of frustration comes over her. She hired Paul to represent her in a personal injury case. However, after a few months, she began to feel she was being overcharged and she became annoyed by Paul's lack of communication. She had growing concerns about his handling of the case. Finally unable to maintain her trust in Paul any longer, she fired him. Now Paul and his firm are left unpaid for the hours of work they had put into the case.

Not every lawyer will face the type of fee dispute just described. Clients, for the most part, do pay their bills, even if the outcome does not favor them.

But what if you are faced with a client who refuses to pay? If, after making a good-faith effort to explain the charges, your client still balks, what are your options? You could threaten him with collections or file a lien — not pleasant options for either side. Probably the worst option is to sue the client and risk retaliation in the form of a malpractice claim or accusation of ethical violations.

Fortunately for WSBA members and their clients, the Bar offers a forum for both sides to resolve their disputes. Since the mid-1970s, the Alternative Dispute Resolution (ADR) Program has provided fee arbitration to help the public and members resolve arguments over fees. In 1999, the program began to offer mediation as an additional alternative.

Fee Arbitration

While both programs address fee disputes, fee arbitration seems to be favored by clients. It gives them an opportunity to tell their stories and explain their positions to a neutral third party. For WSBA members, the programs are voluntary, confidential, and non-disciplinary. The cost is minimal (between \$75 and \$125) compared to private ADR providers who charge hundreds of dollars per hour for mediation and arbitration services. The

sonable value of the lawyer's legal services to the client. Both sides must agree on the amount in dispute and agree to arbitrate. Although participation is voluntary, a lawyer is encouraged, as a matter of conscience, to participate in either arbitration or mediation established by the Bar (RPC 1.5 Comment 9). The authority of the Bar to mediate disputes voluntarily brought by parties is also provided for in APR 16.

Michelle turned to the ADR Program after receiving a letter from Paul's firm informing her that she would be sent to collections if she did not pay her outstanding bill. She first considered filing a grievance. All she really wanted, though, was a way to resolve the dispute between her and Paul that was fair. "I was worried that it would hurt my credit. I didn't feel his charges were reasonable, so I was glad to find out there was a program available to decide this," said Michelle.

After one side proposes ADR, the respondent has 30 days to decide whether to agree or decline to participate. If the respondent agrees, the ADR program coordinator assigns an arbitrator (or mediator, if the mediation program was selected) who is as close as possible to the geographical location of the parties. The ADR program has panel volunteers throughout the state, making the service available to all members and their clients.

For Paul, the decision to arbitrate was not a quick one. He thought about the amount of preparation time involved — time that

For disputes under \$10,000, a single lawyer-arbitrator is assigned to hear the matter. For disputes of \$10,000 and over, a three-member panel consisting of one lawyer and two nonlawyers is assigned. Hearings usually take place within 30 to 60 days after assignment of the arbitrator. The hearings are informal, and clients do not have to be represented by counsel. In the spirit of the consumer-protection movement begun in the 1970s, the ADR program is intended as an economical forum for clients to resolve their disputes without having to take on the



additional expense of hiring another lawyer.

After the hearing is complete, the arbitrator generally issues a decision within 30 days. Parties are notified of the award by the ADR program coordinator. Unless there was a procedural violation which prejudiced the rights of either party, the award is binding and cannot be appealed. For those seeking to end their disputes once and for all, fee arbitration provides that result in one session.

Mediation

Mediation is a broader program with a different approach. It can be used for lawyer-to-lawyer disputes such as dissolution of partnerships, or disputes involving experts or other professionals. It is often used for fee disputes, since issues such as miscommunication and misunderstanding are often compo-

nents of such disputes and can be addressed non-confrontationally in mediation.

Mediation allows the parties the chance to resolve the dispute themselves with the assistance of a neutral third party. The program uses a facilitative method to help both sides communicate and identify solutions. It requires the active involvement of both sides and often results in a more satisfactory resolution, since a settlement crafted by the parties is more likely to be complied with voluntarily. Mediation can be stopped at any time if one side no longer wishes to continue. If the parties reach a settlement, the mediator assists them in putting it into writing, which then becomes binding. If mediation fails to resolve the matter, the parties are free to pursue fee arbitration as another alternative.

At times, it may be impossible for a lawyer to avoid fee disputes or disputes with others. The ADR Program offers members and the public an effective way to resolve differences and avoid costly litigation — which is something that even disputing sides can agree is a good thing. 

Fee Arbitration

- Lawyers and clients
- Fee disputes only
- Must agree on the amount in dispute
- Voluntary and confidential
- Hearing within 30 to 60 days
- Binding decision
- Fees: \$75 for disputed amounts under \$10,000; \$125 for disputed amounts \$10,000 and over

Mediation

- For lawyers and clients, lawyers and lawyers, lawyers and other professionals
- Fee disputes, communication issues, inter-professional disputes
- Voluntary and confidential
- Must agree to use best efforts to resolve dispute
- Mediation session within 30 to 60 days
- Non-binding unless agreement reached
- Fees: \$75

Program guidelines and forms can be found at www.wsba.org/lawyers/services/adr.htm or by contacting ADR Program Coordinator Darlene Neumann at 206-733-5923 or 800-945-9722, ext. 5923, or darlenen@wsba.org. Darlene holds a B.A. from the University of Washington and a Paralegal Certificate from the University of Washington Extension.

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WSBA's Diversion Program

The Diversion Program's goals include education, rehabilitation, prevention of future ethical lapses, and protection of the profession and the public.

BY JENNIFER L. FAVELL

"I've never gone through anything like this with the Bar in all my years of law practice!"



Thus begins an interview between me — the WSBA diversion program administrator — and a respondent lawyer.

"But wait a minute," you say. "What is the Diversion Program? Who is in it and why? What do participants have to do?"

The brief answer: Diversion is a relatively recent component of the disciplinary process. The Diversion Program may be an option when a lawyer is charged with grievances that cannot be dismissed but do not warrant a sanction restricting the lawyer's license to practice law. Such grievances constitute "less serious misconduct" that do not include misappropriation of funds or fraud, and the respondent lawyer must be free from a history of previous discipline. Since the program began five years ago, 200 lawyers are either currently under diversion contracts or have completed the customary two-year diversion period and had their grievances dismissed.

How Does It Work?

How does diversion work? Let's look at a hypothetical. This would be a typical example of a case, although with slightly more complicated circumstances than some cases in diversion.

"John" is a 50-year-old attorney who has practiced family law for more than 20 years. He runs a solo firm, prepares his own documents, and hires a part-time bookkeeper. John took a case he knew he shouldn't have. All the warning signs were there, but he thought he could help the client whose cause he championed:

a young father, "Dan," whose ex, "Marie," had alleged child sexual abuse. After an initial meeting and a handshake, Dan thought he had a lawyer.

The case came in John's door at a bad time. Not only was he on the downward slope of the solo-practice "roller coaster" in terms of caseload (AKA income), but his adolescent daughter was engaging in highly risky behaviors. His wife needed surgery and they had only catastrophic medical insurance with premiums he

Diversion is a relatively recent component of the disciplinary process. The Diversion Program may be an option when a lawyer is charged with grievances that cannot be dismissed but do not warrant a sanction restricting the lawyer's license to practice law.

couldn't afford to pay. To make matters worse, he didn't have time to learn to use his newly purchased computer and software package, his taxes were due, and he was behind on his son's college tuition payments. On top of all that, John's best friend had died suddenly in the past year. John's head spun as he realized he was overwhelmed, exhausted, burdened with an extra 50 pounds, churning with anxiety, struggling with marital problems, and dependent on a 15-year-old car that was about to self-destruct.

Mail piled up on John's desk. The red light on his phone blinked incessantly but he often wasn't there to see it — and

ignored it when he was there. He missed a court hearing and stopped returning phone calls from Dan, as well as everybody else. When Dan showed up at John's office late one afternoon, John knew he had to act fast to show his client he was still on the ball. John was so desperate that instead of contacting the attorney for Dan's ex, Marie, John picked up the phone and called Marie directly, berating her and demanding that she withdraw her modification papers. He assured Dan that he was "on it," not to worry, he knew his way around the system.

That did not, however, turn out to be the case. Marie's male friend, Paul, showed up on John's doorstep threatening that, if John ever called Marie again, Paul would be the one answering the phone. When Marie's attorney heard about John's call, she decided to file a grievance. Her grievance was filed one day after Dan's. And that was two days before a superior court judge called the Lawyers Assistance Program (LAP) asking a psychologist to write a confidential third-party letter to John because John had come drunk to court, on the wrong day, had made inappropriate comments to court staff, and, in a rage, had to be escorted from the court by the bailiff.

Upon investigation of the grievances by the WSBA Office of Disciplinary Counsel (ODC), John was charged with violating four RPCs. ODC decided that although the grievances could not be dismissed, they did not warrant a sanction restricting John's license to practice law. After discussions with disciplinary counsel about the Diversion Program, John agreed to arrange the next step, which was to call the Diversion Program administrator, a mental health professional, to schedule an interview. He was assured that the information disclosed during the interview was confidential and would not be released to ODC. It

would form the basis for the Diversion Program administrator's recommendations for diversion contract terms.

Help with Ethics, Office Management, ADR

Disciplinary counsel agreed that in addition to attending Ethics School — the one standard term required of all diversion respondents — John should get some law office management assistance and training. This would involve contacting the Law Office Management Assistance Program (LOMAP) and working with Peter Roberts, program advisor. He would attend at least one LOMAP computer clinic to update his skills and learn how to use the software and equipment he had purchased. He would talk with the Bar's professional responsibility counsel (PRC) to be sure he had an opportunity to discuss the ethical violations with a professional outside the formal discipline system. He would contact the Alternate Dispute Resolution (ADR) coordinator in an attempt to resolve the fee dispute with Dan.

Counseling for Personal Issues

John also agreed to contact a Lawyers Assistance Program counselor or other mental health professional licensed in Washington state and to follow treatment recommendations. This would include an initial drug/alcohol evaluation. Finally, he should earn 20 continuing legal education credits over a two-year period. The seminars should focus on solo/small firm management, specifically client communication, work/life balance, ethics, and attending the LOMAP and Ethics Traveling Seminar.

Low-Cost Help

"How do you expect me to pay for all of these services?" John asked disciplinary counsel. He was unaware that the PRC's consultation and the computer clinic are offered at no cost, that LOMAP and LAP charge on a sliding scale, that ADR's services are at nominal cost, and that he would receive ethics credits from a full day at Ethics School.

John's case illustrates some of the resources and options available to lawyers whose grievances can't be dismissed but don't warrant a hearing that could lead to suspension or disbarment. The Diversion Program's goals include education, rehabilitation, prevention of future ethical lapses, and protection of the profession

and the public.

Since the program is only five years old, we don't know yet how successful it will be in permanently resolving troubled lawyers' problems. However, based on feedback from respondents who have successfully completed diversion, we know that they consider the program to have been very helpful.

Word of our program has gotten around. Other state bar associations have contacted us, and we have been able to assist them in developing programs unique to their own states' needs. We believe John would recommend his experience to others in the profession

who may be struggling. 

Jennifer L. Favell, Ph.D., a graduate of Stanford University and the University of Washington, is a therapist who specializes in treating trauma, stress, complicated grief, eating disorders, depression, and life transition issues through the WSBA Lawyers Assistance Program. She is the WSBA diversion administrator, working collaboratively with the Office of Disciplinary Counsel. She also maintains a private psychotherapy practice in Seattle. Jennifer can be reached at 206-727-8267 or 800-945-9722, ext. 8267, or jenniferf@wsba.org.

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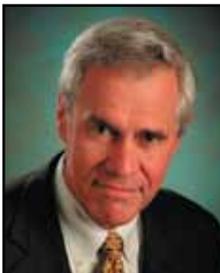
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Ethics Line, May I Help You?

BY CHRISTOPHER SUTTON



ello, Ethics Line. May I help you?" So begins one of 5,000 calls received each year from WSBA members seeking guidance about ethical issues encountered in their daily work. Since 1998, when the position of professional responsibility counsel was created by the Board of Governors, there has been a full-time lawyer at the end of your phone line ready to assist you in dealing with the difficult questions that frequently arise in your practice.

All Calls Confidential

Every day I receive 20 to 30 calls on the Ethics Line from lawyers across the state, from solos to large firms. Some frequently asked questions include:

- How long must I keep a client file?
- Is there a conflict of interest if I represent . . . ?
- My client lied about something important. Do I have to tell the court?
- I just got married. May I continue to use my maiden name?



- Opposing counsel lied in court today. Must I report it to the WSBA?
- My client is changing his mind every day about decisions in his case. What can I do?

The calls may last from five to 30 minutes and range from simple to complex. *All calls are confidential and no records are kept.* Since the Ethics Line is limited to WSBA members, callers must identify themselves and give their WSBA number. I tell each caller

that, as a Bar staff member, I may offer my opinion on a matter but I am not permitted to speak officially for the Bar Association. An additional limitation arises from the nature of the Ethics Line itself — the high volume of calls. Within these constraints, I try to be as helpful as I can by offering the opinion of an experienced, disinterested lawyer who deals with the ethics rules daily.

Typical Calls

"Hello, Ethics Line. May I help you?" The caller responds: "Yes. I do estate planning and about three years ago I prepared a will, power of attorney, and medical directive for my client. My client was insistent that her daughter be disinherited and that she not be named or participate in any way in the client's care. Recently, I discovered that my former client may be incompetent and that her daughter has petitioned the court to become her guardian. I want to help my client. Do the RPCs allow me to take action to prevent the daughter from being named as guardian?"

The first issue raised was whether the lawyer had a duty to act. If not, should the lawyer do something and, finally, what could the lawyer ethically do?

Another caller asks: "Pursuant to a court order, I am holding funds in my trust account pending the outcome of litigation over ownership of the funds. I represent the plaintiff, who

has prevailed at trial. A judgment has been entered in favor of the plaintiff. Defendant has appealed the judgment but has failed to stay enforcement of the judgment by posting a supersedeas bond. Plaintiff demands the funds immediately. It is ethical if I pay the funds to my client?"

The issue here is whether, in light of the lack of a supersedeas bond, the lawyer must comply with the client's demand for the funds held in trust or wait until the appeal is resolved.

Another caller asks: "I've been invited to speak to a church group about wills and probate. May I pass out my business cards to people who ask for them after my talk?"

This question entails the rules concerning solicitation.

For quick ethical guidance, contact the Ethics Line at 206-727-8242 or toll-free at 800-945-9722, ext. 8242.

To request a written ethics opinion, write the RPC Committee, c/o Professional Responsibility Counsel, WSBA, 1325 4th Ave., Ste. 600, Seattle, WA 98101.

To research current ethics opinions, go to www.wsba.org/io/search/asp.

Requesting a Written Ethics Opinion

Occasionally, a caller seeks guidance about a novel question not specifically answered by the RPCs or any ethics opinions. WSBA members may seek the guidance of the Rules of

Professional Conduct Committee, so I suggest that a letter be sent to the Committee. The RPC Committee will respond in writing to the inquirer, who may rely on the direction of the Committee. Once the letter has been sent to the member, I redact identifying information from the letter (the name of the inquirer is confidential) and post it to the WSBA website so that it is easily available to the membership. Currently, there are more than 1,200 ethics opinions in this database, which is searchable.

Assistance from LOMAP

Other Lawyer Services staff help members who call the Ethics Line. For instance, callers who ask questions about the operation of their law offices are referred to the Law Office Management Assistance Program. The following inquires are examples of those sent to LOMAP:

- Should I have professional liability insurance and, if so, how much?
- What case-management software is best for a solo practitioner?
- How do I use Casemaker?
- Should I buy or lease my office equipment?
- Is it worthwhile to advertise in the yellow pages?

Conclusion

More than one-third of all calls deal with

conflicts of interest. Calls about client confidentiality and terminating the lawyer-client relationship constitute another 20 percent each. The remaining calls concern everything from advertising to fee-sharing.

Whatever the nature of your question, don't hesitate to call the Ethics Line when an issue arises. No question is ever too simple to ask. Above all else, if you have that feeling in the pit of your stomach that something might be amiss, call the Ethics Line. ☺

Christopher Sutton is a graduate of The College of William & Mary and the Marshall-Wythe

School of Law. He has been practicing law for more than 30 years in many areas, including domestic relations, trusts and wills, and business transactions. In 1995, Mr. Sutton started working at the WSBA as disciplinary counsel. After two years, he became the professional responsibility counsel. He operated the Ethics Line and supervised the WSBA Alternative Dispute Resolution Program.

Many members have called Chris Sutton on the Ethics Line during Chris's 10 years as professional responsibility counsel. On February 1, Chris capped his legal career with retirement to Palm Springs, California. Since 1997, he helped thousands of attorneys talk through their

ethical dilemmas and clarify the ethical issues involved. Chris also was a key member of the LOMAP Roadshows, and staffed several WSBA committees. We will certainly miss Chris's sage advice and his familiar presence as part of the Traveling Seminar that brings education and ethics credits to the smaller communities where our members practice. Thanks for everything and best wishes to you, Chris!

Rest assured, however, that the WSBA Ethics Line will continue to be staffed with knowledgeable, helpful lawyers who are eager to be of assistance to members. The Ethics Line is open Monday through Friday during normal business hours.

5 Steps to Starting a Law Practice

1. Build a business plan.

Identify your strengths and needs. As you think about your goals, assess available assets, both tangible and intangible. The planning process yields information and insight into what is really important to you and how to achieve it.

2. Obtain business licenses.

Washington and its municipalities require business licenses. After creating your business plan, obtain state and municipal licenses. You may also consider a trade name or a "doing business as" name. Consult counsel and/or a CPA for information about the best legal entity for your situation.

3. Buy malpractice insurance.

While not required in Washington, it is strongly recommend that you maintain this coverage.

4. Establish banking relationships.

At a minimum, you will have two accounts: your general account from which you pay your business expenses such as rent and telephone; and your trust account, also known as an IOLTA account.

5. Establish written procedures.

Write procedures for tasks such as communicating fees and deadlines to clients; engagement, non-engagement, and disengagement letters; copies to clients; phone-call return; and e-mail return.

LOMAP offers a checklist for establishing your new practice at www.lomap.org. You may also request LOMAP's New Practice Packet by e-mailing juliesa@wsba.org. The Lending Library includes many relevant titles — see www.wsba.org/lawyers/services/library.htm.

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Why You Should Never, Ever Call the LAP: Five Misconceptions Exposed

BY REBECCA NERISON

Perception is a funny thing. The WSBA Lawyers Assistance Program (LAP) has been around for 20 years, helping to keep lawyers balanced and healthy. Yet many WSBA members have some *very interesting* ideas about whom we serve and what happens here. So, we offer a few of the more common misconceptions we've encountered over the years — and the facts that counter them — in hopes of setting the record straight.

1 LAP is just for alcoholics, addicts, and mentally ill lawyers.

Wrong. About 80 percent of our clients don't qualify for any of these categories. Instead, our clients are pretty much ordinary folks who have an issue they'd like some help with. Here are some common situations our clients bring:

- Managing stress and looking for balance
- Transitioning to another workplace or career
- Feeling overwhelmed by doing legal work *and* running a business
- Financial stress
- Difficulty relating to friends and loved ones
- Feeling too depressed or anxious to get work done
- Procrastination
- Crises such as illness, loss, separation, and divorce

In other words, what we handle is pretty much normal stuff that most lawyers face at one time or another. Those who come to see us recognize that these

issues could interfere seriously with their lives, and they want to address them before suffering or damage occur.

Of course, we do help people who use alcohol, drugs, gambling, and other compulsive behaviors to cope with their stressful lives. These behaviors — in addition to untreated mental illness — can ruin a career, a relationship, or a life very quickly. So it's important that we address them and do it well.

2 It isn't really confidential.

We can think of at least three reasons why people might have this misconception. First, many of you associate the WSBA with its discipline and licensing functions. Second, LAP is housed in the same building as the WSBA offices — though on a completely different floor from the public, discipline, and regulatory areas. Third, we are WSBA employees. Why, indeed, should you trust us? Consider these reasons:

- We risk losing our professional licenses if we blab about you to *anyone* without your written permission.
- APR 19 protects your confidentiality. You have the same level of protection as provided by the attorney-client or psychologist-client privilege.
- We'd have zero clients if the above weren't true. (And we do have more than zero clients.)
- There *are* certain things we *do* have to report, just like any other licensed mental health provider in Washington state. Reportable circumstances include the abuse or neglect of a child or vulnerable adult, and plans for suicide or homicide. You sign a Services Agreement in our office that explicates



limits on confidentiality, so there is no mystery about this. And if something is reportable, it is reported directly to DSHS or the police — with the lawyer's knowledge — and not to another department within the WSBA.

- Since we don't accept health insurance, there are no electronic records and/or diagnoses about you flying around in the virtual ether.

3 I'll have to spend years in counseling. I can't afford the time — or the cost.

Happily, most people don't need years of counseling. Some of our clients come for one or several sessions and then feel confident that they're on the right track. Others come for a few months or longer.

Sometimes a small issue becomes a big problem if you don't address it early on, so it can actually be more ef-

ficient to get a little help at the outset. Routine maintenance can even ward off problems, much like servicing your car regularly will keep it healthy.

As for the cost of LAP services, we've structured our fee agreement such that everyone can access us regardless of their financial situation. Money is never a barrier.

4 I have to live close to Seattle to access LAP services.

Thanks to the telephone, you can access LAP services from anywhere in the country. We've worked successfully with people we've never met in person. If circumstances dictate face-to-face meetings (and some do), we help members find a provider local to them. (If referred, members pay the provider's rate, since LAP does not have financial agreements with private providers.)

Sometimes a small issue becomes a big problem if you don't address it early on, so it can actually be more efficient to get a little help at the outset. Routine maintenance can even ward off problems, much like servicing your car regularly will keep it healthy.

In the interest of better serving members outside the Seattle metro area, LAP is working on several initiatives. We welcome your input and invite you to stay tuned on the WSBA website for more information.

5 I can handle my problems by myself. Besides, it's a sign of weakness to ask for help.

Well, okay. Just because you're a lawyer doesn't mean you automatically have issues needing "professional help." You may have all kinds of personal and professional resources available that help you get through the day — and your career.

But if there is an issue that needs your attention, we hope you'll attend to it

sooner rather than later, for the reasons mentioned above. And if you'd like an objective set of eyes and ears to help you assess the situation, we're available. Our job is to help members be as healthy, happy, and functional as they can possibly be. That's our sole agenda.

And yes, some people will always have a hard time asking for help. My view is this: The law business is difficult enough without getting all John Wayne about it. Even star athletes have personal trainers and agents and don't expect to figure it all out on their own.

Just know that we're here if you ever want to use us. See for yourself if your

ideas about us are true! 

To make an appointment for a free confidential consultation, call LAP at 206-727-8268 or 800-945-9722, ext. 8268.

Rebecca Nerison has counseled, coached, and consulted with lawyers at the WSBA Lawyers Assistance Program since 1997. She earned a doctorate in counseling psychology from the University of Iowa in 1992 and is a licensed psychologist in Washington state. She can be reached at 206-727-8269 or 800-945-9722, ext. 8269, or rebeccan@wsba.org.



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Judge Jekyll and Mr. Hyde?

BY THE HONORABLE SUSAN A. DUBUISSON
AND THE HONORABLE DOUGLAS H. HAAKE

In *Strange Case of Dr. Jekyll and Mr. Hyde*, Robert Louis Stevenson dealt with the psychopathology of a split personality brought on by ingestion of a potion. While not rising to the level of pathology experienced by Dr. Jekyll, judges at times experience symptoms that can negatively impact their ability to do their jobs, the people around them, and their careers as judges. Determining what “potion” set off the change and how best to deal with the problem is of interest to all of us. Losing the services of experienced and productive judges has personal and societal costs that can and should be avoided.

Let's look at two hypothetical cases. Judge “Sam Lowery” is a well-respected senior judge in the superior court of a mid-sized county. He is regarded by lawyers as somewhat eccentric, but decisive and even-handed in his rulings. Lately, however, Judge Lowery appears short-tempered, unusually rude to litigants, and

late in getting his decisions out. Courtroom spectators report that the judge has appeared to be asleep at the bench. Judge Lowery's colleagues are noticing changes, too, including withdrawal and abusive or otherwise inappropriate dealings with court staff.

In the next county to the north, Judge “Mary Ellen Baxter” is the sole district court judge. She has a reputation for efficiency and decorum in managing her calendars. Recently, she is showing up later and later for court. On occasion, she has not appeared at all, leaving her staff scrambling to find *pro tems*. When Judge Baxter is there, she is inattentive and appears preoccupied. The court manager increasingly finds himself making important administrative decisions without Judge Baxter's input or support.

Busy lawyers, faced with losing hours of time waiting for Judge Baxter, are considering filing a complaint with the Commission on Judicial Conduct. Lawyers practicing in Judge Lowery's court are filing affidavits of prejudice in order to protect their clients. Judge Lowery's longtime bench mates, many of whom are also friends, know there is a

problem affecting the court but are unsure what the problem is or how to deal with it.

Affidavits may address the attorneys' immediate concerns, but at the cost of shifting workload to other judges. Complaints to disciplinary authority may eventually get to the underlying problem, but they take time and can be highly disruptive to the court. Affidavits or complaints will likely result in public scrutiny that may negatively affect the judge's potential for a productive future.

To return to our Jekyll and Hyde analogy, the first question to ask is what “potion” brought about the change in the judges' behavior. That question is as easy — and as hard — to answer as identifying which of the myriad stressors to which all people react is responsible for a change in behavior. Perhaps Judge Lowery suffers from emotional burnout after a gruesome murder trial or a particularly contentious child-custody dispute. Maybe Judge Baxter has recently lost a close family member.

It is not surprising that judicial officers face stress on many levels. It may come from the pressures of moving large dockets, dealing with emotionally wrenching and horrible



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evidence, crushing workloads, isolation from former friends and colleagues, or the difficulty of balancing professional demands with a satisfying personal and family life.

There is a growing body of scholarship documenting that jurors are traumatized by such things as viewing gruesome evidence and the pressure to make life-affecting decisions without enough information, compounded by the sometimes contentious atmosphere of jury deliberations. We're beginning to understand that judges also experience "vicarious trauma" and that they, too, may act out in response. Unlike the expectations for jurors, judicial culture and rules of conduct constrain judges from expressing their feelings or talking about their decisions in most cases. There are also societal expectations — to which most judges strive to adhere — that they appear calm and in control at all times.

While judges understand that all of this comes with the territory, and most judges adapt to these demands, there may come a time in their careers when some event or series of events overwhelms their usual resilience. At that point, they may respond in ways similar to Judges Lowery and Baxter.

Lawyers and judges seem to share a reluctance to seek help when the demands of their profession become overwhelming. Concerns about damaging the reputation of a once respected and productive judge may lead those who are aware of problems to look the other way or try to provide cover. Lawyers or court employees may also be reluctant to "turn in" a judge they appear before or work with regularly.

This raises another question: Is there anywhere lawyers, court staff, colleagues, or the judges themselves can turn for help? This one is easy to answer. The Judicial Assistance Service Program offers a confidential referral source for judges experiencing personal or professional problems. Anyone can access the service. The process is simple: just call the program director at 206-727-8265 or 800-945-9722, ext. 8265. You may also send a confidential e-mail to judicialassistance-committee@courts.wa.gov. Depending on the concern, referrals may result in a letter or phone call to the judge by a professional in the WSBA Lawyer Services Department, or the judge may be contacted by a specially trained peer counselor from the Judicial Assistance Committee. Judges may be referred to specialized counseling or treatment if necessary. Program staff and peer counselors will respect the confidentiality of both the referring party and the judge (DRJ 14).

In Stevenson's novella, Dr. Jekyll ulti-

mately changes permanently into the evil Mr. Hyde. The Judicial Assistance Service exists to offer a curative for the symptoms resulting from whatever "potion" is threatening a judge's personal and professional lives in the hope that society can continue to benefit from the services of experienced, productive judges. ☺

Judge Susan A. Dubuisson has served on the Thurston County District Court bench since 1984. She is a past judicial representative on the Judicial Conduct Commission, a trained peer counselor, and a member of the Judicial Assistance Committee. Judge Douglas H.

Haake is a graduate of Northwestern School of Law, Lewis and Clark College. He worked as an attorney for Metropolitan Public Defender in Portland, Oregon, practicing in district, circuit, and juvenile courts. After 13 years as a public defender, he moved to Washington and began working for the Washington State Administrative Office of the Courts, where his primary duties were to provide staff support to the District and Municipal Court Judges Association. As staff to the DMCJA, he was actively involved in the formation of the DMCJA Judicial Assistance Committee and has participated in and provided staff support to that committee. Judge Haake was recently appointed judge for the Bonney Lake Municipal Court.

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What's Ahead for Lawyers and the WSBA Lawyer Services Department

BY BARBARA HARPER

The practice of law continues to change in Washington. Many attorneys now face technological, managerial, and regulatory challenges which did not exist when they began their practice.

Others are looking to balance their personal lives with professional responsibilities. The Washington State Bar Association's Lawyer Services Department (LaSD) is currently taking a close look at what new lawyers and those approaching their "second season of

service" (lawyers having practiced for more than half of their lives) will require from the department over the next few years.

In response to the stress-laden, break-neck pace of the average law office, both new and seasoned lawyers are asking: "Are there alternatives to inordinate numbers of billable hours? How can I have a successful practice without neglecting my personal life?" Experienced lawyers are exploring options for a future which might include pro bono or other volunteer community activities. New lawyers are seeking alternate work options such as law-related nonlawyer

In response to the stress-laden, break-neck pace of the average law office, both new and seasoned lawyers are asking: "Are there alternatives to inordinate numbers of billable hours? How can I have a successful practice without neglecting my personal life?"

positions. Both experienced attorneys and those new to law are exploring legal practices that bring about not only high-quality professional service to their clients, but also maximum personal satisfaction.

In a culture addicted to speed, there appears to be a shift in attitude for some in the profession. These lawyers are asking for guidance in making their practices work for them instead of the other way around. It is a goal of the LaSD to encourage lawyers who are seeking personal and professional balance to consider shifting gears, to learn to relax without giving up their individuality or their practice. We are aware that some lawyers find cerebral activities more relaxing than a massage or a day at a spa. We encourage them to identify and mobilize their energy and intrinsic values to stimulate personal and professional growth.

Creating career satisfaction and a balanced personal life may mean running a tighter ship in the office so one can spend more leisure time with family and friends. The services offered by the programs of the Lawyer Services Department are:

- Alternative Dispute Resolution (ADR)
- Law Office Management (LOMAP)
- Lawyers Assistance Program (LAP)

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Judge Churchill
Comr. Lerner

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Judge Meyer
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Barbara Harper, MA, LMHC, LMFT, is director of the Lawyer Services Department. She has been with the WSBA since the inception of the Lawyer Assistance Program in 1987. She is particularly interested in enhancing LaSD services to lawyers and judges who are beginning their careers and those who are looking toward transitioning into the second season of their professional lives. You can reach Barbara by calling 206-727-8265, or 800-945-9722, ext. 8265, or e-mailing barbarah@wsba.org.

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Meeting in the Capital

BY MICHAEL HEATHERLY

January 17, 2008

Tumwater Valley Lodge, Olympia

With blue skies above and a chill in the air, the Board of Governors met on January 17, 2008, at the Tumwater Valley Lodge to tackle issues including a potential shortfall in the Lawyers' Fund for Client Protection. While in the Olympia area,

the BOG also hosted a reception for legislators and had a dinner and meeting with the justices of the Washington State Supreme Court.

Christopher Mertens, chair of the Lawyers' Fund for Client Protection Committee, reported to the BOG concerning applications filed for compensation regarding a former Everett attorney, Barry A. Hammer, who resigned in lieu of disbarment and filed for Chapter 7 bankruptcy protection following allegations of impropriety relating to a real estate investment business he operated. Pending applications in the case claim total losses of more than \$3.6 million, and further

applications are expected, Mertens reported. Even after applying the program's \$75,000 per-claim cap, the potential liability of the claims totals nearly \$1.7 million. That exceeds the \$1.09 million projected to be available from the fund for the fiscal year to cover all claims, not just those involving the case at hand. The BOG considered possible solutions, including increasing the current \$15-per-member annual assessment for the fund, imposing a special assessment, reducing the per-claim cap, or prorating claim payments. Noting that all payments from the fund are entirely discretionary, BOG members rejected the notion of increasing all members' assessments to cover claims caused by one member's actions. Upon motion by Governor **Salvador Mungia**, the BOG voted to instruct the fund committee to operate under the assumption that no special assessment or other change will be instituted to increase available funds. The committee is to defer further payments through September, the end of the fiscal year, then pay claims *pro rata* from then-available funds.

The BOG voted to endorse a proposed American Bar Association resolution calling for the federal government to refrain from preempting the states in enforcing marijuana laws. "States should be allowed to adopt and implement legislation governing the production, distribution and use of marijuana," the resolution reads. "[F]ederal law should not impede or preempt the exercise of state authority in this area." Supporters of the resolution include the King County Bar Association, whose Drug Policy Project promotes shifting the focus of drug enforcement from criminal prosecution to regulation and rehabilitation. Meanwhile, BOG members voted to oppose a proposed ABA Model Rule that would have allowed a bar applicant to be conditionally admitted to practice law after recently undergoing treatment for chemical dependency, mental illness, or other illness rendering the applicant unfit to practice law, and where the applicant still required monitoring to ensure protection of the public. WSBA General Counsel **Robert Welden** noted that the rule would conflict with Washington Admission to Practice Rule 24.2(c), which requires at least a two-year recovery period from chemical dependency or an expert's opinion that the recovery had been adequate.

James Bamberger, director of the Office of Civil Legal Aid (OCLA), and Aberdeen attorney **Thomas Brown**, a member of the organization's oversight committee, reported on OCLA's operations. OCLA is an indepen-

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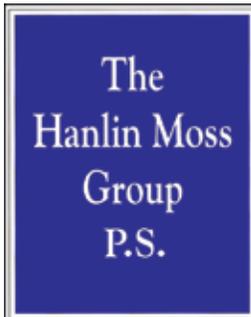
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dent agency of the state judicial branch that obtains and distributes funding for various civil legal aid programs benefitting low-income Washingtonians. They reported that the state's "justice gap" — the difference between the level of funding needed to adequately provide civil legal assistance and the actual funding available — has been reduced from \$18.3 million in 2004 to approximately \$12 million.

WSBA Civil Rights Committee Chair **Tracy Flood** reported to the BOG regarding the committee's investigation of incidents of racial harassment in 2005 in the Grays Harbor area and proposed several remedies, which focus on public education. She also advised the Board that petitions are circulating to create a WSBA section based on the Civil Rights Committee, which would provide increased resources for such activities as the harassment investigation.

The BOG reviewed the final, audited financial figures for the fiscal year ended September 30, 2007, which showed a net fund balance that was more than \$1.3 million better than what had been projected for the year.

Board members discussed an ambiguity that had arisen from a 2004 BOG action involving permission for law students to join WSBA sections. Language was unclear as to whether law students were allowed to join any WSBA section or only those sections whose bylaws explicitly provided for student membership. The BOG voted to allow current law student members to remain on sections but to defer a final decision on the issue until the section leaders have an opportunity to comment.

The BOG voted to amend the WSBA Bylaws to allow governors elected to fill a vacancy who serve 18 months or less to run for re-election. Under the current rules, governors may not run for re-election. Consideration of the new rule was prompted in part by the recent resignation of **Jason Vail**, the BOG member representing the Washington Young Lawyers Division, who now must be replaced. Board members discussed how to reach a balance between keeping former BOG members — and their valuable experience with WSBA issues — involved in WSBA governance, while ensuring that new voices are heard by a regular turnover of governors each term. The BOG will consider a second related proposition later: whether to allow a governor to run for election again after sitting out at least nine years.

Board members voted to recommend

that the Washington State Supreme Court adopt amendments to the Rules of Appellate Procedure that would expedite the handling of juvenile dependency disposition orders and orders terminating parental rights. A Supreme Court task force proposed the changes, which are meant to speed finalization of adoptions, which currently must be delayed while the disposition and parental-rights orders make their way through the courts.

The BOG also approved the following appointments: **William Garcia**, to the WSBA Leadership Institute Advisory Board;

Matthew Reiber, **C. Robert Wallis**, and **Rachel Miyoshi**, to the Bar Examiners Committee; **Julia Bahner**, alternate, to the ABA House of Delegates; **Shannon Smith**, **Julia Gold**, **Diana Singleton**, **Margaret Fisher**, the Honorable **Mary Fairhurst**, the Honorable **Marlin Appelwick**, **Paula Fraser**, and **Will Linser**, to the Council on Public Legal Education. 

Bar News Editor *Michael Heatherly* practices in Bellingham and can be reached at 360-312-5156 or barnewseditor@wsba.org.

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Fulfilling the Dream: Individually We Could, Together We Can

A Perspective from Loren Miller Bar Association President Craig Sims

Greetings from the Loren Miller Bar Association (LMBA) of Seattle. My name is Craig Sims

and I have the absolute honor and privilege of serving as the 28th president of the Loren Miller Bar Association for the 2007–2008 year. I am also humbled and inspired to be able to work with LMBA's enthusiastic Executive Board, a dedicated group of team-minded people motivated to work together to fulfill our goals for this year.

Our theme for the year 2007–2008 is "Fulfilling the Dream: Individually We Could, Together We Can." This theme reminds us that as African-American attorneys, we have a responsibility to look back at the unfulfilled dreams of our ancestors and to work col-

lectively to serve our community and bring those dreams to reality. Thurgood Marshall changed the world with *Brown v. Board of Education*, but he could not have prevailed without the wisdom and guidance of mentor Charles Hamilton Houston and a cadre of social engineers who labored along with him. One of our goals this year is to provide that kind of legacy, that kind of mentorship back to the community here. We do that by extending our reach into the African-American legal community in Seattle and surrounding areas and encouraging attorneys who have been away from LMBA, or who have not been involved, to re-commit to LMBA's goals and to re-commit to work together to have a greater impact in our community.

LMBA is active and committed to developing law students and young lawyers. The LMBA Young Lawyers Committee (YLC) has sponsored two programs this year.

We have had a full agenda this year, replete with programs and activities aligned with our mission. We began this year with a Summer Associates Networking Dinner that brought together LMBA members and current law students and summer associates. The purpose was to provide an opportunity for students to collaborate with experienced attorneys and learn from their collective wisdom. A few days later, we celebrated LMBA's founders at our annual LMBA Founders' Day Picnic. This was a wonderful day of fellowship for LMBA founders, members, family, and friends, as well as law students and future law students.

LMBA is active and committed to developing law students and young lawyers. The LMBA Young Lawyers Committee (YLC) has sponsored two programs this year. One program was entitled "How to Navigate Your Way through Law School." The other program was a writing workshop entitled "How to Write a Résumé/Cover Letter," which gave students and young lawyers the opportunity to have LMBA attorneys review résumés, cover letters, and recent writing samples.

LMBA will continue to have a voice in the Washington judicial selection process again this year through LMBA's Judicial Evaluation

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Committee. In light of recent openings in our judiciary, our Judicial Evaluation Committee has reviewed numerous recommendations for those candidates seeking Governor Gregoire's appointment to the bench.

Because young people need to make informed choices, we also plan to continue our Fresh Start Program, which each year educates high-school students about the impact of being involved in the criminal justice system and the long-term effect of having a criminal record. We will hold sessions at a local alternative high school where LMBA members will share personal testimonies regarding their journeys to their law careers, and provide students with basic information regarding the criminal justice system and vacating juvenile criminal records. We will provide resources and assistance to students who have past juvenile criminal records and who seek to protect or vacate their record so they can move past a juvenile record. Our goal is to inspire young people to make insightful and good choices to help them move forward into a rewarding and productive adulthood.

We also plan to continue to provide continuing legal education programs that address topics relevant to our community, and to continue to collaborate with other minority bar associations to address global issues that impact lawyers of color and the communities that we serve.

This is just a sampling of the LMBA programs for 2007-2008. The Executive Board and I look forward to continuing our service to the community, to the LMBA membership, and to the members of the Washington State Bar Association. We look forward working with you all in the pursuit of "fulfilling the dream." When we in LMBA speak of fulfilling the dream, we speak not only of the legacy of "The Dream" of such leaders as Dr. Martin Luther King Jr., but also of our own individual dreams. History has shown us that individually, we could achieve our dreams, but together, we most definitely can. ☺

Attorney Craig Sims is the current president of the Loren Miller Bar Association and an adjunct professor at Seattle University School of Law. He received his Juris Doctor degree from Seattle University School of Law in 1997. He was most recently a senior deputy prosecuting attorney for the King County Prosecuting Attorney's Office, where he worked for approximately 10 years. Mr. Sims currently works

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for the plaintiffs' firm of Fury Bailey, where he focuses on wrongful death and serious bodily injury cases. Attorney Wilberforce Agyekum and Assistant Attorney General Maureen Mannix edited this column.

Upcoming Events

Asian Bar Association of Washington
— www.abaw.org

The Cardozo Society —
www.jewishinseattle.org/jf/about/
attorneys/attorneys.asp

GLBT Bar Association of Washington
— www.q-law.org

**King County Washington Women
Lawyers** — kcwwl.org

Korean American Bar Association
— www.kaba-washington.org

**Latina/o Bar Association of
Washington** — www.lbaw.org

Loren Miller Bar Association —
www.lmba.net

May 16 — *Annual Dinner at the
Grand Hyatt Hotel in Seattle*

**Mother Attorneys Mentoring
Association of Seattle (MAMAS)**
— www.mamaseattle.org

Northwest Indian Bar Association
— www.nwiba.org
March 13 — *NIBA Annual Dinner at
the Fifth Avenue Red Lion, Seattle.
NIBA will be opening an Urban Indian
Legal Clinic in March 2008*

May 2 — *Indian Law Section Annual
CLE, Daybreak Star in Magnolia, Seattle*

**Pierce County Minority Bar
Association** —

www.orgsites.com/wa/pcmaba
March 14 — *Pierce County Annual
Dinner, Tacoma Landmark Conven-
tion Center. Tickets: \$60. March
15 — Youth and Law Forum at the
Pierce County Courthouse. April
24 — WSBA Civil Rights Com-
mittee CLE, Gonzaga University,
Spokane. Contact PCMBA Presi-
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South Asian Bar Association —
www.sabaw.org

Vietnamese American Bar Association
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**Washington Attorneys with Disabilities
Association** — http://groups.yahoo.
com/group/wash-adg

Washington Women Lawyers — www.
wwl.org

Opportunities for Service

WSBA Presidential Search

The WSBA Board of Governors is seeking applicants for the position of WSBA president for 2009–2010. Pursuant to Article IV (A)(2) of the WSBA Bylaws, the primary place of business of candidates for president for 2009–2010 must be Western Washington (non-King County). The WSBA member selected to be president will have an opportunity to provide a significant contribution to the legal profession.

Applications for 2009–2010 WSBA president will be accepted through May 15, 2008, and should be limited to a current résumé, a concise application letter stating interest and qualifications, and no fewer than five or more than 10 references. The Board of Governors will consider endorsement letters received by May 23, 2008. Applications and endorsement letters should be sent to the WSBA Executive Director, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101.

Direct contact with the Board of Governors is encouraged. All candidates will have an interview with the full Board of Governors in open session at the June 6, 2008, Board of Governors meeting. Following the interviews, the Board will select the president.

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

The commitment begins in June 2008 following selection. A one-year term as president-elect will begin at the Annual Business Meeting in September 2008. The president-elect is expected to attend the two-day board meetings held approximately every five to six weeks, as well as numerous subcommittee, section, regional, national, and local meetings. In September 2009, at the WSBA Annual Business Meeting, the president-elect will assume the position

as president. During his or her service, the president-elect and president will also be required to meet with members of the Bar, the courts, the media, and public and legal interest groups, as well as be involved in the Bar's legislative activities. Appropriate time will need to be devoted to communication by letter, e-mail, and telephone in connection with these responsibilities.

The duties and responsibilities of the president are set forth in the WSBA Bylaws. See www.wsba.org/bylaws.

Call for Applications for One of Two Board of Governors At-Large Seats

Deadline: March 3, 2008

To increase member representation on the Board of Governors, the WSBA Bylaws provide for two at-large seats. The full text of the Bylaws can be reviewed at www.wsba.org/bylaws. One of these seats is up for election to a three-year term commencing at the close of the annual meeting in September 2008.

Persons interested in filling an at-large position should submit a letter of application and current résumé. The Board of Governors will elect the at-large governor at their meeting on June 6, 2008. The application should include a statement addressing how the applicant believes he or she meets the intent specified in Article III, Section N. There is no intent that these seats are dedicated or rotationally filled by any one element of diversity or group of members.

(Excerpt from the WSBA Amended Bylaws, Article III, Section N)

N. ELECTION OF AT-LARGE GOVERNORS. Any active member of the Bar, except a member previously elected to the Board of Governors, may apply for the office of At-Large Governor. Filing of applications shall be in accordance with Section C of this Article.

At the regularly scheduled June meeting of the Board of Governors following the regular election of Governors from Congressional Districts, or at a special meeting called for that purpose, the Board of Governors shall elect additional Governors from the active membership

at-large. Election may be by a secret written ballot. There shall be two at-large Governor positions to be filled with persons who, in the Board's sole discretion, have the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance, or who represent some of the diverse elements of the public of the State of Washington, to the end that the Board of Governors will be a more diverse and representative body than the results of the election of Governors based solely on Congressional districts may allow. Under-representation and diversity may be based upon the discretionary determination of the Board of Governors at the time of the election of any at-large Governor to include, but not be limited to, age, race, gender, sexual orientation, disability, geography, areas and types of practice, and years of membership, provided that no single factor shall be determinative.

Members interested in the at-large position on the Board of Governors should submit a letter of application and résumé to the WSBA Office of the Executive Director, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101; call 206-727-8244 or 800-945-9722, ext. 8244, for more information.

Notice of Board of Governors Elections for 2008

Deadline: March 3, 2008

Four positions on the WSBA Board of Governors will be up for election this year. These are the governors representing the 3rd, 6th, 7th-East*, and 8th Congressional Districts. These positions are currently held by Kristal K. Wiitala (3rd District), Salvador A. Mungia (6th District), Liza E. Burke (7th-East District), and Douglas C. Lawrence (8th District).

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

by filing a statement of interest and a biographical statement of 100 words or less.

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

Nomination forms are available from the Office of the Executive Director, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; 206-727-8244 and on the WSBA website at www.wsba.org/info/bog/default.htm. The WSBA executive director must receive nomination forms by 5:00 p.m. on March 3, 2008. The Board of Governors determines the official dates of the election. Ballots are mailed on or about April 15 and must be returned by May 15.

Note: Biographical statements of nominated candidates will be published in the May issue of *Bar News*.

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

WYLD President-elect and Trustee Applications Sought

Young lawyers interested in serving on the WYLD Board of Trustees are invited to submit applications for the following positions: trustee, Greater Olympia District; trustee, King County District; trustee, North Central District; trustee, Northwest District; trustee, South Central District; trustee, Southeast District; president-elect, Washington state. Applications must be received by 5:00 p.m. on Thursday, May 1, 2008. For detailed information and application instructions, please visit www.wsba.org/lawyers/groups/wyld.

2008 WSBA Awards Nominations Sought

Each year, members of the WSBA are asked to identify those who deserve the legal profession's recognition and appreciation. Nominations are sought for the following awards:

Award of Merit. First given in 1957, this is the WSBA's highest honor. The Award of Merit is most often given for long-term service to the Bar and/or the public, although it has also been presented in recognition of a single, extraordinary contribution or project. It is awarded to individuals only — both lawyers and nonlawyers.

Professionalism Award. This honor is awarded to a member of the WSBA who exemplifies the spirit of professionalism in the practice of law. "Professionalism" is defined as the pursuit of a learned profession in the spirit of service to the public and in the sharing of values with other members of the profession.

Angelo Petrus Award for Lawyers in Public Service. Named in honor of the late Angelo R. Petrus, a senior assistant attorney general who passed away during his term of service on the WSBA Board of Governors, this award is given to a lawyer in government service who has made a significant contribution to the legal profession, the justice system, and the public.

Outstanding Judge Award. This award is presented for outstanding service to the bench and for special contribution to the legal profession at any level of the court.

Pro Bono Award. This award is presented to a lawyer, nonlawyer, law firm, or local bar association for outstanding efforts in providing pro bono services. This award is based on cumulative efforts, as opposed to a lawyer's or group's pro bono hours or financial contribution.

Courageous Award. This award is presented to a lawyer who has displayed exceptional courage in the face of adversity, thus bringing credit to the legal profession.

Excellence in Diversity Award. This award is made to a lawyer, law firm, or law-related group that has made a significant contribution to diversity in the legal profession's employment of ethnic minorities, women, persons with disabilities, and other persons of diversity.

Outstanding Elected Official Award. This award is presented to an elected official for outstanding service, with special contributions to the legal profession. It is

awarded to an individual who has demonstrated a commitment to justice beyond the usual call of duty.

Excellence in Legal Journalism Award. This award recognizes that describing the context, facts, and players involved in the legal system with fairness and sensitivity requires intelligence, knowledge, dedication, and skill. This award is given to the journalist and his/her organization that has set the standard for relevance, clarity, accuracy, and understanding in reporting.

Lifetime Service Award. This is a special award given for a lifetime of service to the WSBA and the public. It is given only when there is someone especially deserving of this recognition.

President's Award. The President's Award is given annually in recognition of special accomplishment or service to the WSBA during the term of the current president.

Community Service Award. This award was created in 2006. Lawyers are known for giving generously of their time and talents in service to their communities. This award recognizes exceptional non-law-related volunteer work and community service.

Norm Maleng Leadership Award. This award is given jointly by the WSBA and the Access to Justice Board in honor of Norm Maleng's legacy as a leader. He was an innovative and optimistic leader committed to justice and access to justice in both civil and criminal settings. Within the profession, his leadership was characterized by his love of the law and commitment to diversity and mentorship. This award will recognize those who embody these qualities.

Award presentation. It is important to note that presentation of any WSBA award is made only when there is a truly deserving recipient. Some years, no award is given in some categories. Awards are limited to one recipient per category, except when a group of individuals earned the award together.

Nomination submissions. If you know an individual who fits the criteria set forth above, please visit www.wsba.org and complete and submit the nomination form. Self-nominations will not be accepted. Please note that the completed nomination form must accompany each nomination in order to be considered. The deadline for Pro Bono Award and Norm

Maleng Leadership Award nominations is March 31, 2008. The deadline for all other nominations is April 30, 2008. Please send nominations to: WSBA, Attn: Annual Awards, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; fax: 206-727-8310; e-mail: greggh@wsba.org.

The awards will be presented at the WSBA Annual Awards Dinner in Seattle on September 18, 2008, with the following exceptions: The Pro Bono and Norm Maleng Leadership Awards will be presented at the Access to Justice/Bar Leaders Conference in Vancouver on June 7, and the Outstanding Judge Award will be presented at the Fall Judicial Conference.

Seeking Questionnaires from Candidates for Judicial Appointments

Deadline: May 1 for June 12 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 Governor Gregoire for consideration when making judicial appointments. Materials must be received at the WSBA office by the deadline listed above. To obtain a questionnaire, visit the WSBA website at www.wsba.org/lawyers/groups/

judicial recommendation or contact the WSBA at 206-727-8212 or 800-945-9722, ext. 8212, or barleaders@wsba.org.

2008 License Fee, Late Fees, and Suspension Information

2008 License Fee Packets. Licensing packets were mailed in early December. If you have not received your licensing packet, please call the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA (9722), or e-mail questions@wsba.org to request a duplicate. Please note that it is your responsibility to pay your annual license fee, regardless of whether you receive the licensing packet.

Fees. Payments were due to the WSBA office on February 1, 2008. WSBA bylaws require a 20 percent late-payment fee if the annual license fee remains unpaid after March 3, 2008. After April 1, 2008, a 50 percent late-payment fee is imposed. If any portion of your license fee, late fee or Lawyers' Fund for Client Protection assessment remains unpaid after May 2008, the delinquency will be certified to the Supreme Court, which will enter an order of suspension from the practice of law. In order to be reinstated to your former status after suspension for nonpayment, you must pay double the amount of the combined fee and late fees (triple the original fee).

You may pay your license fee online. To pay online, go to www.wsba.org, select the "For Lawyers" tab, and see "Pay License Fee Online." Please note that there may be

forms in your licensing packet that you are required to submit even if you pay online.

Presuspension Notice. A presuspension notice will be issued in mid-March to those members who have not paid their 2008 license fees. If you receive a presuspension notice and have paid your license fees, you can confirm receipt by the WSBA 10 days after you sent your payment by checking online at <http://pro.wsba.org> or contacting the WSBA Service Center at 206-443-WSBA (9722), 800-945-WSBA (9722) or questions@wsba.org.

New Fee to Change Status to Active. Beginning January 1, 2008, all members on inactive, judicial, or emeritus status who apply for a change to active status will be required to pay a \$100 investigation fee at the time of filing an application for a change of membership status to active. The Board of Governors approved the fee to help defray the costs associated with researching a member's background and membership history.

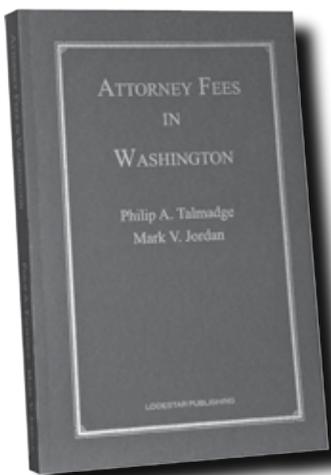
More Information. Full explanations of license fees, forms, policies and deadlines are on the WSBA website at: www.wsba.org/lawyers/licensing/annuallicensing.htm. Also, the WSBA Service Center is available to assist you Monday through Friday, 8:00 a.m. to 5:00 p.m., at 800-945-WSBA (9722), 206-443-WSBA (9722) or by e-mail at questions@wsba.org.

APR 11 Amendments Published for Comment

The amendments to Admission to Practice Rule (APR) 11 and Appendix APR 11, sent to the Supreme Court in June 2007, have been published for comment by the Court. The amendments and instructions for making comments can be found at www.courts.wa.gov/court_rules/?fa=court_rules_proposed. The comment period will close on April 30, 2008. The suggested amendments to APR 11 would:

- Change the official title of the Board of Continuing Legal Education to the "Mandatory Continuing Legal Education Board" or "MCLE Board";
- Bring all of the credit requirements for mandatory continuing legal education for lawyers into one rule (APR 11.2), pulling some out of the existing regulations;
- Reduce the number of credits that must be earned as "live" credits;
- Do away with a three-month grace period for lawyers to become compliant

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with their MCLE requirements after the end of their actual reporting period; and

- Separately set out provisions of APR 11.4 and 11.6 regarding enforcement and appeals from decisions, to make them easier to locate and understand.

The suggested amendments to APR 11 Appendix would:

- Make the requirements for course accreditation and the requirements imposed on all sponsors more uniform, assuring quality education through a system of advance submission of agendas, review of course materials (when appropriate), evaluations by attendees, and spot audits of seminars;
- Eliminate the existing limits on the number of credits that can be earned through open and closed in-house CLE seminars sponsored by private law firms, corporate legal departments, and government agencies, addressing concerns raised by those groups regarding the current Regulation 104(e);
- Increase the list of topics eligible for accreditation, allowing for accreditation of more topics applicable to small- and solo-practices and more topics related to mental-health issues;
- Revise requirements for sponsors to become "accredited sponsors" (sponsors allowed to set credit awards for their own courses, subject to review by the MCLE Board);
- Streamline some regulatory processes; and
- Clarify and simplify the wording of the regulations.

A more detailed explanation of each amendment will be available on the WSBA website on the MCLE Board's APR 11 Review Project 2007 page: www.wsba.org/lawyers/groups/mcle/apr11review07.htm.

MCLE Certification for Group 1 (2005-2007)

If you are an active WSBA member in MCLE Reporting Group 1 (2005-2007), you should have received your Continuing Legal Education Certification (C2/C3) forms in the license packet that was mailed in early December. The deadline for returning the C2/C3 form to the WSBA was February 1, 2008. Any C2/C3 forms delivered to the WSBA or postmarked after March 3, 2008, will be assessed a late fee.

Members in Group 1 include active

members who were admitted to the WSBA through 1975 or in 1991, 1994, 1997, 2000, or 2003. Members admitted in 2006 are also in Group 1 but are not due to report until the end of 2010. Their first reporting period will be 2008-2010; however, any credits earned on or after the day of admittance to the WSBA may be counted for compliance.

The Continuing Legal Education Certification (C2/C3) form that you received in your license packet is a declaration that lists all the MCLE Board-approved courses that were in your MCLE online profile for the 2005-2007 reporting period as of mid-October 2007. If you took other courses after mid-October, you can add these to the back of the C2/C3 form when you receive it. The C2/C3 form, not your online profile, is the official record of MCLE compliance. The original copy of the C2/C3 form must be returned to the WSBA to meet compliance requirements.

All MCLE Board-approved courses that you list on your C2/C3 form must have an Activity ID number. This number is listed in your online MCLE profile and is assigned at the time that the Form 1 for each course is input to the MCLE system. If you have taken courses that have not yet been approved by the MCLE Board, please submit Form 1s for these courses immediately to ensure that they are approved before your C2/C3 is due. A "Certificate of Attendance" or other sponsor-provided certification is not sufficient to receive course credit. If the sponsor has not received course accredita-

tion from the Washington MCLE Board, you must submit a Form 1 application and full agenda for the course in order to receive credit. Because of high volumes from October through February, Form 1s submitted electronically (at <http://pro.wsba.org>) could take up to four weeks or more to process. Paper Form 1s may take up to six weeks or more to process. If you submit a paper Form 1, you will be notified by mail of its Activity ID number.

If you were not able to meet the credit requirement by December 31, 2007, and need more time to complete your credits, an automatic extension will be granted until May 1, 2008. There is no need to apply for it. However, a late fee will be assessed if you took any courses after December 31 that are needed for compliance or if your C2/C3 form is submitted late. If this is the first reporting period in which you will not meet MCLE compliance requirements, the late fee will be \$150. The late fee increases by \$300 for each consecutive reporting period you are late in meeting MCLE requirements.

If you have questions about the Form 1 process or MCLE compliance, please contact the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA (9722), or e-mail questions@wsba.org.

MCLE Certification for Active Members

Due Date for MCLE Reporting. WSBA members are divided into three MCLE reporting groups based on year of admission.



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(Newly admitted members are exempt. See “Newly Admitted Members” below.)

Group 1: Admitted through 1975, 1991, 1994, 1997, 2000, 2003, or 2006

Group 2: Admitted in 1976 through 1983, 1992, 1995, 1998, 2001, 2004, or 2007

Group 3: Admitted in 1984 through 1990, 1993, 1996, 1999, 2002, or 2005

Reporting Group	Next Reporting Period	Complete Credits by	File C2/C3 Form by
Group 1	2005–2007	December 31, 2007	February 1, 2008
Group 2	2006–2008	December 31, 2008	February 1, 2009
Group 3	2007–2009	December 31, 2009	February 1, 2010

Credit Requirements. The following credit requirements must be met by December 31 of the last year of an active member’s reporting period:

- At least 45 total credits of MCLE Board-approved CLE activities must be taken, which need to include a minimum of 30 live credits and six ethics credits. The courses must meet the requirements of APR 11, but they do not need to be taken in Washington state. Many courses are offered around the world which meet the requirements of APR 11. “Live” courses include classroom instruction, live webcasts (not pre-recorded webcasts), and teleconferences.

- “Ethics” courses, and segments of larger courses, must meet the requirements of APR 11 Regulation 101(n) or (o) to be considered for ethics credit.

- Pre-recorded self-study (A/V) courses cannot be more than five years old, except MCLE Board-approved “skills-based” courses. Pre-recorded self-study courses include the traditional audio-visual (A/V) media of video tapes and cassette tapes. They also include archived webcasts, DVDs, compact disks, and other media with a sound track of the MCLE Board-approved course presentation. Written materials should be included with these courses and reviewed prior to claiming credit. In addition, written materials must be purchased by each member, where required by the sponsor, prior to claiming credit.

- Six pro bono credits can be earned per year. Two of these credits are for approved annual training, which must be taken prior to being able to earn credit for the pro bono work. Four pro bono credits may be earned each year if at least four hours of pro bono work was provided through a qualified legal services provider.

Carry-over CLE Credits. Carry-over credits from the previous reporting period may be used to meet the requirements of the current reporting period. If your current reporting period credits total exceeds 45, you may carry over a maximum combined total of 15 credits to your next reporting period. Only two ethics credits and five A/V credits may be carried over.

C2/C3 Reporting Requirement. All active members due to report are required to file a Continuing Legal Education Certification (C2/C3) form listing all CLE courses

taken for credit compliance. The deadline for filing your C2/C3 form is February 1 of the year following the end of your reporting period. Note:

- Your online roster is not a substitute for filing the C2/C3 form.
- The C2/C3 form is a declaration and must be signed and dated, and the city and state where signed must be identified.
- C2/C3 forms are included in the license packets sent in early December to all members due to report (Group 1 members this year).
- All CLE courses listed on member rosters as of October 2007 will be printed on the back of the C2 form. If you took more CLE courses after October 1, and if they appear on your online roster and you do not want to hand-write them on the back of the C2 form, you may print a copy of your roster and attach it to your C2/C3 form. State on your C2/C3 form that the attached online roster printout is a true and correct statement of the CLE courses taken for credit compliance.
- You must verify that the credit hours listed on the C2/C3 and on your online profile correctly reflect the hours actually attended for each CLE. Online credits may be edited by clicking on the “edit” link next to each course. Credits on the C2/C3 may be corrected manually.
- The C2/C3 form should be filed by February 1 even if all the credits needed for compliance have not been completed.

MCLE Late Fees. All active members who have not completed their credits by December 31 of the last year of their reporting period, or who submit their C2/C3 reporting forms after March 1 of the following year (the end of the grace period after the February 1 deadline), must pay a late fee. The late fee for the first reporting period of noncompliance is \$150 and increases by \$300 for each consecutive three-year reporting period of noncompliance.

Newly Admitted Members. If you are a newly admitted member, you are exempt from reporting CLE credits for the year of your admission and the following calendar year. If you were admitted in 2006, you will not report for this reporting period (2005–2007) even though you are in Group 1. You will first report at the end of the 2008–2010 reporting period. Members admitted in 2007 will not report until the end of the 2009–2011 reporting period.

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When you report at the end of your first reporting period, you may claim all CLE credits earned on or after your date of admission to the WSBA.

MCLE Comity. If you are an active member of the WSBA and your primary office for the practice of law is outside of Washington and if you are a member of the Oregon, Idaho, or Utah state bars (comity states), you may meet your Washington mandatory CLE requirements by providing proof of current MCLE compliance from your comity state bar. Only a Certificate of MCLE Compliance from your comity state bar (not a "Certificate of Good Standing"), sent with your WSBA C2/C3 form, will satisfy your MCLE requirements in Washington.

MCLE System — Course Listing and Member Profiles. You can use the online MCLE system to: review courses taken and credits earned; apply for course approval; apply for writing credit, pro bono credit, or prep-time credit; and search for approved courses being offered.

To use the MCLE system, go to the WSBA website at www.wsba.org and click on "MCLE Web Site" in the upper left corner. On the next screen, click on the "Member" tab, then select "Member Login." The online instructions lead you through the process of creating a confidential password and using the system. Online help is available. If you have questions about using the MCLE system or about the MCLE compliance requirements, see the online FAQs at www.wsba.org/lawyers/licensing/faq-mcle.htm, call the WSBA Service Center at 800-945-WSBA (9722) or 206-443-WSBA (9722), or e-mail questions@wsba.org.

New APR 11 Regulation 104(e) Requirements for In-House CLEs. Starting with the 2005-2007 reporting period, members are limited to a total of 15 credits of private-law-firm CLEs and 15 credits of corporate-legal-department CLEs in each reporting period, regardless of who the private legal sponsor was and regardless of whether the course was open or closed. There are no limits on the number of credits you may earn at CLEs sponsored by government agencies. These limitations are the result of amendments to APR 11 Regulation 104(e) adopted by the Supreme Court that went into effect on November 8, 2005.

MCLE Compliance Report (C4/C5) in 2008 License Packets

All active members who are not due to

report MCLE compliance at the end of this year, including new admittees, should have received the C4/C5 form in their 2008 license packets. The report on the C4/C5 form lists all credits reported to the WSBA for the member's current reporting period as of mid-October 2007. APR 11.6(a)(3) requires that the WSBA provide an annual report to each active member regarding the credits and courses posted to their MCLE online rosters. This report helps non-reporting active members to better track their credits, as well as ensure correct reporting and compliance at the end of their reporting period.

If you received the C4/C5 form in your 2008 license packet, it is for your information only. No action needs to be taken unless you want corrections to be made. If you want to make corrections to your WSBA MCLE roster, go to <http://pro.wsba.org>. Click on the "Member" tab, and then on "Member Login." The online instructions lead you through the process of creating a confidential password and beginning to use the system. Online help is available. You may also contact the WSBA Service Center to have corrections made and/or to request an MCLE system instruction booklet at 800-945-WSBA (9722), 206-443-WSBA (9722), or questions@wsba.org.

2008 Judicial Campaign Forums

The 2008 Judicial Campaign Forums will be held in Seattle on April 2 and Spokane on April 8. Registration information can be found at www.courts.wa.gov.

WYLD Annual Awards

Join us in congratulating the following 2007 WYLD Annual Award Recipients! The Outstanding Young Lawyer of the Year Award was presented to Breana Roos, of Perkins Coie LLP. The Thomas Neville Pro Bono Award was presented to Sara Lingafelter, of First Ascent Law PS. The Professionalism Award went to Charles Wiggins, of Wiggins & Masters PLLC, and the Outstanding Affiliate Organization Award went to Clark County Young Lawyers Division. Read more about the honorees at: www.wsba.org/media/releases/wyld2007awards.htm.

YMCA Mock Trial Program Seeks Volunteers State Championships

The YMCA Youth and Government Mock Trial Program allows high-school students to participate in a "true-to-life" courtroom drama. Each team of attorneys and witnesses prepares the case for trial before a real judge in an actual courtroom. A "jury" of attorneys rates teams for their presentation while the presiding judge rules on the motions, objections, and ultimately the merits. Participants develop critical thinking and analytical skills, learn the art of oral advocacy, and gain a respect for the role of law and the judiciary. The state championship competitions will be held Friday, March 28, through Sunday, March 30, at the Thurston County Courthouse in Olympia. Volunteer attorney raters and judges are needed. To volunteer, please contact Janelle Nesbit at 360-357-3475 or youthandgovexec@qwest.net. Visit www.ymca.org.

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The Success Strategies Workshops “hands-on/how-to” intensives will teach new-to-practice attorneys or more experienced attorneys the skills and processes to better manage their law practices in an ethical, effective, efficient, and profitable manner. Through a combination of teaching methods and experiences in a

confidential workshop setting held at the WSBA office, law office management consultant Ann Guinn will assist attorneys in solo or small firms to develop and reach their career goals. Workshops will be held the first Wednesday of each month from 5:30–8:30 p.m. You may join during any month. Three MCLE-approved CLE credits are available for each workshop. The cost per workshop is \$100. For information or to pre-register, contact Ann Guinn at 253-946-1896 or annngp15@aol.com; or Jennifer Favell, Ph.D., at jenniferf@wsba.org or 206-727-8267 or 800-945-9722, ext 8267.

**Lawyer Services Communication
Conference**

Join us April 4 and 5 for 24 hours of communication skill building at Campbell’s Resort at Lake Chelan. CLE credits are available. For registration information, call the Lawyers Assistance Program at 206-727-8268.

**ADR Training Announcement
— 2008 Fee Dispute Mediation
Training Seminar**

The WSBA ADR Committee is pleased to announce that it will sponsor the 2008 Fee Dispute Mediation Training Seminar on May 29, 2008. The seminar will be held at the WSBA office in Seattle from 1:00 to 4:00 p.m. It is the committee’s goal this year to have practitioners present a practical and engaging seminar that focuses on the benefits of mediation, pointers on handling common problem areas, and tips for handling difficult people during mediation, with demonstrations and role-playing. In addition to practitioners, the seminar will feature WSBA staff speakers on various topics related to mediation services. CLE credits will be offered.

Admission to the training seminar is free; however, seating is limited, and the seminar historically fills up quickly. Open registration will be on a first-come, first-served basis. For additional information, or to register, contact Darlene Neumann, WSBA Dispute Resolution/Ethics Program coordinator at 206-733-5923 or 800-845-9722, ext. 5923 or darlenen@wsba.org. We invite you to join us.

Computer Clinic

The WSBA offers a hands-on computer clinic for members. Learn about what programs, such as Outlook, PowerPoint, Excel, Word, and Adobe Acrobat, can do for a lawyer. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Computers are provided, and seating is limited to 15 members. There is no charge, and no CLE credits are offered. The March 10 clinic will be held from 10:00 a.m. to noon at the WSBA office and will focus on PowerPoint and Adobe Acrobat Version 8. The March 13 session will be



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held from 2:00 to 4:00 p.m. and will focus on Casemaker and other online research resources. For more information or to RSVP, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

Recovery Support Group for Lawyers

The WSBA Lawyers Assistance Program is offering a new weekly group in Seattle for lawyers in their first three years of recovery from drug or alcohol dependency. We meet on Tuesdays, 8:15 to 9:30 a.m. Discussion topics include relapse prevention, improving relationships, work/life balance, and other themes chosen by the group. Coed. Sliding-fee scale of \$5-\$15 per session. Call Abby Smith, LAP addictions counselor, at 206-733-5988 or 800-945-9722, ext. 5988.



Contract Lawyer Meeting

Discuss the issues with other contract lawyers on March 11 from noon to 1:30 p.m. at the WSBA office. Bring your lunch — coffee is provided — and

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

LAP Solution of the Month: Anger Management

Got rage? Does your temper cause problems for staff, family, or friends? Learn constructive ways to handle your anger before you lose someone or something you value. If you'd like suggestions on how to proceed, call the Lawyers Assistance Program at 206-727-8268 or 800-945-9722, ext. 8268.

Job Seekers Discussion Group

Looking for a job or making a transition? Join us at the Job Seekers Discussion Group the second Wednesday of each month from noon to 1:30 p.m. The next meeting is March 12 at the WSBA office. The group discusses where to look for jobs, how to grow your network of contacts, strategies for résumés and cover letters, and how to keep yourself organized and motivated. Exchange information and ideas with other lawyers looking to make a change. Come as you are — no need to RSVP. Bring your

business cards and practice networking skills. For more information, call 206-727-8269 or 800-945-9722, ext. 8269, or e-mail rebecca@wsba.org.

Upcoming Board of Governors Meetings

March 7-8, Tacoma • April 25-26, Spokane • June 6, Vancouver, WA

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 Donna Sato at 206-

727-8244 or 800-945-9722, ext. 8244, or donnas@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/info/bog/schedule.htm.

Usury Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in February 2008 was 2.22 percent. Therefore, the maximum allowable usury rate for March is 12 percent. Information from January 1987 to date is on the WSBA website at www.wsba.org/media/publications/barnews/usury.htm.

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has joined the firm as an associate.

Mr. Tindal earned his B.A. in Political Science from Western Washington University (1993) and his J.D. from Seattle University School of Law (*cum laude* 1999). His primary areas of practice include insurance law, personal injury, criminal law and traffic citations, real estate, business formation, construction law, estate planning, probate, and general litigation.

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— Francesco di Marco Datini —
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These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct, and pursuant to the February 18, 1995, policy statement of the WSBA Board of Governors.

For a complete copy of any disciplinary decision, call the Washington State Disciplinary Board at 206-733-5926, leaving the case name, and your name and address.

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

Disbarred

Jeffrey K. Day (WSBA No. 22867, admitted 1993), of Puyallup, was disbarred, effective December 20, 2007, by order of the Washington State Supreme Court following an appeal. This discipline resulted from conduct involving the commission of a felony.

In early 2002, Mr. Day began representing a minor client (minor) in a criminal matter. During the representation, Mr. Day learned that the minor was being raised by a single mother and that the family had limited means. After the criminal matter was dismissed, Mr. Day became friendly with the minor and the minor's mother. Over time, the mother began to trust Mr. Day because he was an attorney and also had served as a judge pro tem. The mother allowed her son to spend time with Mr. Day and to stay overnight at Mr. Day's house. Mr. Day testified that he instructed the minor to sleep in another room of the house when spending the night. Mr. Day also testified that during one night, the minor came into Mr. Day's room and got into bed with him. Mr. Day stated he was uncomfortable about having him in his bed, but did not confront the minor about it at the time or inform the minor's mother.

On February 14–15, 2004, the minor was 11 years old. Mr. Day and the minor were watching a movie at Mr. Day's house and the minor fell asleep. While the minor was asleep, Mr. Day removed the minor's pants, leaving him in his boxer shorts, and Mr. Day went to his own bedroom to go to sleep. The minor woke later in the night and again went to find Mr. Day's bedroom and got into bed with Mr.

Day. The minor claimed he woke during the night to Mr. Day touching his genitals. The Pierce County Prosecuting Attorney charged Mr. Day with first-degree child molestation under RCW 9A.44.083, a Class-A felony. A jury convicted Mr. Day and sentenced him to a minimum term of confinement of 60 months and a maximum term of life.

Mr. Day's conduct violated RPC 8.4(b), prohibiting a lawyer from committing a criminal act (here, child molestation in the first degree) that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; and RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude, or any other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise.

Joanne S. Abelson represented the Bar Association. Brett A. Purtzer represented Mr. Day. Gregory J. Rosen was the hearing officer.

Disbarred

Roger D. Ost Jr. (WSBA No. 22141, admitted 1992), of Seattle, was disbarred, effective December 7, 2007, by order of the Washington State Supreme Court. This discipline was based on conduct involving failure to act with reasonable diligence; lack of communication; withholding client funds and property; failure to withdraw from representation; failure to expedite litigation; failure to comply with a discovery request; conduct involving dishonesty, fraud, deceit, or misrepresentation; and conduct that is prejudicial to the administration of justice.

In August 2002, a client hired Mr. Ost to represent her in her marriage dissolution. The client paid Mr. Ost an advanced attorney's fee of \$2,000 and provided him with documents supporting her claim that she invested money in her husband's home. Mr. Ost agreed to represent the client in the dissolution and also suggested that he draft estate-planning documents for her. The documents that Mr. Ost drafted prematurely contained the client's maiden name, which prevented her from getting them notarized.

In September 2002, the client was served with a petition for dissolution of marriage. Although the client immediately gave the petition to Mr. Ost, he did not file a written notice of appearance until February 2003. Throughout 2002 and 2003, the client telephoned and mailed letters to Mr. Ost asking

for information about her case. Mr. Ost did not return her telephone calls or answer her letters. The attorney representing the client's husband filed a default motion, serving it on Mr. Ost on March 17, 2003. Mr. Ost filed an answer to the petition on March 27, 2003, but did not give a copy of the answer to his client or communicate with her about it. In April, the husband's attorney served Mr. Ost with interrogatories, to which Mr. Ost did not respond or request an extension for a response. In June, Mr. Ost told the client that he had filed for and received a court date, which was false. The client discharged Mr. Ost and demanded an accounting of his time, a refund of any unearned fees, and the return of the documents she gave to him. Mr. Ost did not respond to the client and did not immediately withdraw from the representation.

Through the efforts of the client and her husband's lawyer, the decree dissolving the marriage was filed in August 2003. As a result of Mr. Ost's lack of action in the case, the client was unable to prove her total claim that she had invested money into her husband's home and the husband's legal fees were higher. Mr. Ost filed a notice of withdrawal in September 2003. The client filed a grievance against Mr. Ost in May 2003.

In 2005, Mr. Ost misrepresented to Bar Association disciplinary counsel that he had paid restitution to the client, when in fact he had not paid restitution. He sent to disciplinary counsel a copy of a cashier's check as proof, which he later admitted to having altered in order to make it appear that he had paid restitution to the client. His failure to promptly pay restitution to the client caused the client serious injury.

Mr. Ost's conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; former RPC 1.4(a), requiring a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information; former RPC 1.14(b)(4), requiring a lawyer to promptly pay or deliver to the client as requested by a client the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive; former RPC 1.15(a)(3), prohibiting a lawyer from representing a client if the lawyer is discharged; former RPC 1.15(d), requiring a lawyer to take steps to the extent reasonably practicable to protect a client's interests, such as surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not

been earned; RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client; RPC 3.4(d), prohibiting a lawyer, in a pretrial procedure, from failing to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

M. Craig Bray represented the Bar Association. Kurt M. Bulmer represented Mr. Ost. Charles K. Wiggins was the hearing officer.

Disbarred

George Thomas Ryan (WSBA No. 9634, admitted 1979), of Puyallup, was disbarred, effective December 28, 2007, by order of the Washington State Supreme Court following approval of a stipulation by the Disciplinary Board. In entering into the stipulation, Mr. Ryan agreed that if the matter were to proceed to a public hearing, there was a substantial likelihood that the Association would be able to prove by a clear preponderance of the evidence the facts and misconduct summarized herein. This discipline is based on conduct involving failure to act diligently, lack of communication, trust-account irregularities, theft of client funds, dishonest conduct, conduct prejudicial to the administration of justice, and violations of duties imposed under the Rules for Enforcement of Lawyer Conduct.

Between December 2002 and January 2003, Mr. Ryan transferred a total of \$10,150 from his trust account into his business and personal bank accounts, without entitlement or authority to the funds. Mr. Ryan used some or all of the converted funds to gamble at a local casino.

Between December 2004 and July 2006, in four separate client matters, Mr. Ryan:

- Failed to deposit advance fees and funds paid by clients into his trust account in three matters and used client funds in one matter on expenses unrelated to that client's case;
- Failed to maintain complete records of client's funds coming into his possession in one matter;
- Failed to keep clients in two matters reasonably informed as to the status of their cases and failed to promptly respond to their reasonable requests for information; and

- Failed to prepare draft wills for clients in one matter, failed to resolve a client's case with reasonable diligence in a second matter, and failed to prepare and file a client's petition to modify child support with reasonable diligence in a third matter.

Mr. Ryan failed to provide written responses to grievances filed by clients in three of the four preceding matters, resulting in the Association subpoenaing Mr. Ryan to appear in two non-cooperation depositions. At the second deposition, Mr. Ryan failed to testify truthfully. In addition, Mr. Ryan agreed to provide the Association with certain files and documents by October 27, 2006, which he did not provide until December 2006 and January 2007.

In March 2006, Mr. Ryan stipulated to a reprimand (stipulation) in order to resolve a 2005 client grievance filed against him. The hearing officer approved the stipulation on March 16, 2006. Pursuant to the stipulation, Mr. Ryan agreed to pay the client restitution of \$3,510.50. Pursuant to ELC 13.7, payment of the restitution was due within 30 days after the stipulation was approved "unless the respondent enters into a periodic payment plan with disciplinary counsel." Mr. Ryan did not enter into a payment plan to pay the restitution and did not pay the client any restitution until January 2007, when he sent the client a check for \$150. In October 2006, the client filed a new grievance against Mr. Ryan for his failure to pay the agreed restitution.

Mr. Ryan's conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4(a), requiring a lawyer to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information; former RPC 1.14(a), requiring that all funds of clients paid to a lawyer or law firm be deposited in one or more identifiable interest-bearing trust accounts maintained as set forth in the rules; former RPC 1.14(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 and render appropriate accounts to his or her client regarding them; RPC 8.4(b), prohibiting a lawyer from committing a criminal act (here, theft) that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to

the administration of justice; RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude, or corruption, or any other act which reflects disregard for the rule of law; 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 (here, ELC 5.3(e)).

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

Disbarred

Robert M. Storwick (WSBA No. 17328, admitted 1987), of Mercer Island, was disbarred, effective December 6, 2007, by order of the Washington State Supreme Court following a default hearing. This discipline resulted from conduct involving trust-account irregularities; commission of a criminal act; and conduct involving dishonesty, fraud, deceit, or misrepresentation.

In late 2004 or early 2005, a client contacted Mr. Storwick regarding a European patent filing. The client had a provisional patent filing in the United States with a priority date of September 4, 2002. The client paid Mr. Storwick a \$3,000 advance fee deposit as requested, which Mr. Storwick deposited into his client trust account. Mr. Storwick contacted a German lawyer about handling the European patent application for the client. Mr. Storwick told the client he would need an additional \$4,325 to pay the German lawyer for services regarding the patent filing, which the client paid to Mr. Storwick in April. Mr. Storwick deposited the client's check into his client trust account. Mr. Storwick paid none of the funds to the German lawyer, instead converting the \$4,325 to his own use.

In June 2005, the client received a letter from the German lawyer indicating that Mr. Storwick had not paid the fees and costs for the European patent application. The German lawyer had not been able to reach Mr. Storwick nor had any contact with him since early April. The client tried numerous times to contact Mr. Storwick by e-mail, telephone, fax, and mail without success. The client found that Mr. Storwick's office telephone and fax number had been disconnected. The client paid approximately \$7,500 directly to the German lawyer in fees to pursue the European patent application and an additional €2,333.50 to the European patent office in penalties for late payment of patent fees. The client hired another U.S. patent attorney to

revive his pending U.S. patent application, for which the client incurred \$1,587 in fees and costs.

Mr. Storwick did not respond to the client's grievance or to attempts by the Bar Association to contact him. The Bar Association subpoenaed Mr. Storwick's bank records, which revealed that he had withdrawn most if not all of the client's funds by May 2005. Bank records also revealed numerous telephone transfers between Mr. Storwick's personal or business accounts, including his IOLTA account, and that the majority of the funds in the IOLTA account had been transferred into his business and personal accounts. Mr. Storwick also issued checks from his client trust account to pay for his 2006 Bar Association dues and to the postmaster for post office box rental. Mr. Storwick deposited several checks designated as payment of invoices for earned client fees into his client trust account. Between January 2005 and June 2006, Mr. Storwick's business and personal accounts incurred approximately 20 NSF or overdraft charges.

Mr. Storwick's conduct violated former RPC 1.4, requiring a lawyer to keep a client reasonably informed about the status of a matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; former RPC 1.14(a), requiring that all funds of clients paid to a lawyer or law firm be deposited into one or more identifiable interest-bearing trust accounts and no funds of the lawyer be deposited therein; former RPC 8.4(b), prohibiting a lawyer from committing a criminal act (here, theft) that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; and RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Nancy B. Miller represented the Bar Association. Mr. Storwick did not appear either in person or through counsel. Anthony A. Russo was the hearing officer.

Suspended

Fernando Perez-Pena (WSBA No. 4858, admitted 1973), of Seattle, was suspended for 60 days, effective October 4, 2007, by order of the Washington State Supreme Court following an appeal. This discipline was based on conduct involving an unjustified act of

assault and failure to return an unearned fee. For further information, see *In re Disciplinary Proceeding Against Perez-Pena*, 161 Wash.2d 820, 168 P.3d 408 (2007).

In March 2001, a married couple (clients) hired Mr. Perez-Pena to help them in an immigration matter. The clients agreed to a \$2,000 fee, which they paid via check. There was no written fee agreement. Due to a number of concerns, the clients decided not to proceed with the matter and asked for a refund. Mr. Perez-Pena agreed to return \$1,500, charging a flat fee of \$500 for the work he had done, and gave the clients a check in that amount. However, they were unable to deposit the check because the bank account had only the client wife's maiden name on it. Mr. Perez-Pena had possession of the clients' marriage certificate, so they went back to his office to obtain the certificate. Their demeanor was hostile and, after obtaining the certificate, they threatened lawsuits and WSBA complaints. Based on the threats and what he perceived as a lack of appreciation for his agreement to refund the money, Mr. Perez-Pena stopped payment on the check. He did not notify the clients, and the check bounced.

After a series of hostile dealings, letters, and phone conversations, Mr. Perez-Pena agreed to give the clients a refund of \$1,600 if they agreed to sign releases of liability (note: this arrangement potentially violates RPC 1.8(h)(1), but was not included in the formal complaint). The clients agreed and went to Mr. Perez-Pena's office with the releases and the bounced check. The client husband went into the office, where he was disruptive. Mr. Perez-Pena called the police and the client husband left.

Mr. Perez-Pena ultimately agreed to go to his bank to obtain a cashier's check for the clients, and the parties met to exchange the documents. During the exchange, the client wife tried to keep the check and grab the releases back from Mr. Perez-Pena. Mr. Perez-Pena pushed or hit the client wife, who ended up with the check but tore the release document in half. Mr. Perez-Pena thereafter reported the check stolen, and it bounced. The city of Seattle charged Mr. Perez-Pena with misdemeanor assault, and a jury convicted him on January 30, 2002. In February, the court granted Mr. Perez-Pena a deferred sentence. Mr. Perez-Pena completed the conditions of his deferred sentence and, in July 2003, the court vacated his judgment and sentence and dismissed the complaint. In May 2005, in anticipation

of his disciplinary proceedings, Mr. Perez-Pena filed a motion to clarify the docket entries of July 2003 asking, *inter alia*, for the court to vacate the jury sentence. The court clarified that it had vacated the judgment and sentence and dismissed the complaint but, notably, it would not vacate the jury verdict. In May 2002, the clients filed a claim against Mr. Perez-Pena in small claims court for the unearned portion of the fee they paid to Mr. Perez-Pena. The court awarded the clients \$1,431.45, which Mr. Perez-Pena has not paid.

Mr. Perez-Pena's conduct violated RPC 8.4(b), prohibiting a lawyer from committing a criminal act (here, assault) that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(i), prohibiting a lawyer from committing any unjustified act of assault or other act which reflects disregard for the rule of law; and former RPC 1.15(d), requiring a lawyer to take steps to the extent reasonably practicable to protect a client's interests upon termination of representation, such as refunding any advance payment of fee that has not been earned.

M. Craig Bray represented the Bar Association. Anthony Savage represented Mr. Perez-Pena. James C. Lawrie was the hearing officer.

Non-Disciplinary Notices

Suspended Pending the Outcome of Disciplinary Proceedings

Tolan S. Furusho (WSBA No. 25055, admitted 1995), of Bellevue, was suspended pending the outcome of disciplinary proceedings, pursuant to ELC 7.1, effective December 28, 2007, by order of the Washington State Supreme Court. This is not a disciplinary action.

Transferred to Disability Inactive Status

Richard E. Dullanty (WSBA No. 1936, admitted 1957), of Rockford, was by stipulation transferred to disability inactive status, effective December 4, 2007. This is not a disciplinary action. *Richard E. Dullanty is to be distinguished from Richard Charles Dullanty of Spokane.*

Transferred to Disability Inactive Status

John F. Warner (WSBA No. 14571, admitted 1984), of Kent, was by stipulation transferred to disability inactive status, effective December 4, 2007. This is not a disciplinary action.



Calendar

Please check with providers to verify approved CLE credits. To announce a seminar, please send information to:

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

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

Animal Law

6th Annual Animal Law Conference

April 24 — Seattle. 6.5 CLE credits pending, including .5 ethics. By the WSBA Animal Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Arts/Entertainment Law

Sports, Art and Entertainment Law I

April 1 — Tele-CLE. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Sports, Art and Entertainment Law II

April 8 — Tele-CLE. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Sports, Art and Entertainment Law III

April 15 — Tele-CLE. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Criminal Law

Ethical Problems during Pretrial in Criminal Cases

March 4 — Tele-CLE. 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

What You Can and Cannot Do in *Voir Dire* and Jury Selection

March 11 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Laying the Groundwork in Case of Appeal

March 18 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Sealing the Record

March 25 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Estate Planning

5th Annual Trust and Estate Litigation Seminar

March 13 — Seattle. 6.5 CLE credits, including 1 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Estate Planning for Small to Medium Sized Estates

April 16 — Seattle. 6.75 CLE credits pending, including .5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Trust and Estate Litigation

April 18 — Spokane. CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics

Ethical Problems during Pretrial in Criminal Cases

March 4 — Tele-CLE. 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics in Civil Litigation Institute

April 23 — Seattle. 6.25 ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

General

Jimmy Rogers Product Liability Seminar

Mar 19 — Seattle. For information or to register, go to www.wstla.org/CLE/CLECalendar.aspx or call WSTLA, 206-464-1011.

The Birth, Life, and Death of Professional Practice

March 26 — Seattle. 6 CLE credits pending,

including 2.25 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Auto Cases

April 4 — Seattle. For information or to register, go to www.wstla.org/CLE/CLECalendar.aspx or call WSTLA, 206-464-1011.

E-Trial 101

April 18 — Seattle. For information or to register, go to www.wstla.org/CLE/CLECalendar.aspx or call WSTLA, 206-464-1011.

Intellectual Property

13th Annual Intellectual Property Institute

March 7 — Seattle. 6.25 CLE credits, including .75 ethics. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Labor and Employment Law

Annual Employment Law Institute

April 9 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Law Office Management

The Birth, Life, and Death of Professional Practice

March 26 — Seattle. 6 CLE credits pending, including 2.25 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Marketing without Madison Avenue

April 4 — Seattle. 2 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Litigation

Ethical Problems during Pretrial in Criminal Cases

March 4 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

What You Can and Cannot Do in *Voir Dire* and Jury Selection

March 11 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

5th Annual Trust and Estate Litigation Seminar

March 13 — Seattle. 6.5 CLE credits, includ-

ing 1 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Laying the Groundwork in Case of Appeal

March 18 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Sealing the Record

March 25 — Tele-CLE. 1.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

E-Trial 101

April 18 — Seattle. For information or to register, go to www.wstla.org/CLE/CLECalendar.aspx or call WSTLA, 206-464-1011.

Trust and Estate Litigation

April 18 — Spokane. CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics in Civil Litigation Institute

April 23 — Seattle. 6.25 ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Mediation/Dispute Resolution

Finding Success at Mediation: Skills that Make a Difference

March 20 — Seattle. 6.25 CLE credits pending, including 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

2008 ABA Dispute Resolution Conference "Pacific Currents: Sound Perspectives on ADR"

April 3-5 — Seattle. Up to 18 CLE credits available. By University of Washington CLE, Washington Law School Foundation. 206-543-0059 or 800-CLE-UNIV.

Real Property, Probate and Trust

5th Annual Trust and Estate Litigation Seminar

March 13 — Seattle. 6.5 CLE credits, including 1 ethics. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Trust and Estate Litigation

April 18 — Spokane. CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

View Covenants, Easements, Liens and Encumbering Title — Seattle

April 25 — Seattle. 6.25 CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

View Covenants, Easements, Liens and Encumbering Title — Spokane

April 30 — Spokane. 6.25 CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Sports Law

Sports, Art and Entertainment Law I

April 1 — Tele-CLE. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Sports, Art and Entertainment Law II

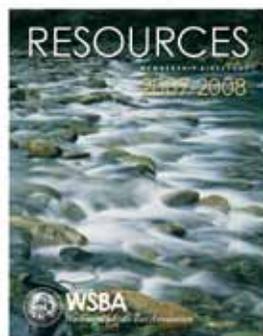
April 8 — Tele-CLE. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Sports, Art and Entertainment Law III

April 15 — Tele-CLE. 1.5 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Reserve Your Yellow Pages Listing Now for Resources 2008-2009

Resources is the Washington State Bar Association's annual directory, used by thousands of attorneys, judges, and law-related consultants. The yellow pages is a special advertising section within the *Resources* directory. The cost for a yellow pages listing is just \$35, and includes your firm's name, address, phone, fax, e-mail, and website. The 2008-2009 edition will be published in late spring 2008. To reserve your yellow pages listing in the 2008-2009 *Resources* directory, please contact Stephanie Perry at stephaniep@wsba.org.



Classifieds

Reply to WSBA Bar News Box Numbers at:

**WSBA Bar News Blind Box # _____
Bar News Classifieds
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539**

Positions available are also posted online at www.wsba.org/jobs.

For Sale

AKC male and female English bulldog puppies available for adoption. Puppies are AKC registered, with champion bloodlines and will come with a pedigree, microchip, vet check, and health certificate. One-year guarantee against congenital defects, and all shots and wormer. For more info, please contact mrslason_queen@yahoo.com.

Positions

Gonzaga University School of Law invites applications for the position of Assistant Dean of students. The core responsibility of the Assistant Dean will be to provide leadership and management support to the Dean of the School of Law in all areas of student life and culture. This position is specifically responsible for: providing counseling and advice to students regarding educational, professional, and personal matters; consulting with the faculty and staff on matters of curriculum and student retention, success, and behavior; leading law school efforts to recruit, retain, and support racially and ethnically diverse students; and managing various student activities and events, and student organizations. The Assistant Dean

must possess a Juris Doctorate degree and have five years' professional experience in law or higher education. The Assistant Dean must also possess: excellent interpersonal, leadership, organizational, and verbal and written communication skills; have the ability to interact with a variety of constituencies; and be able to meet tight deadlines and work under pressure. Visit our website at www.gonzaga.edu/employment for a full position announcement and to apply online. Position is open until filled, with review of applications beginning 2/1/08. Questions? Call 509-323-5996. Gonzaga University is a committed EEO/AA employer, and diversity candidates are encouraged to apply.

Technology transactions lawyer: Cairncross & Hempelmann, P.S. is seeking an attorney to join its Intellectual Property and Technology Transactions Group. Candidates should have at least three years of transactional experience, superior academic credentials, excellent written and verbal communication skills, and current WSBA membership. We offer competitive salary, friendly people, and a wonderful working environment. To apply, send cover letter, résumé, and law school transcript to Sophia Bell Lavin, Human Resources Director, Cairncross & Hempelmann, 524 Second Ave., Ste. 500, Seattle, WA 98104; or slavin@cairncross.com.

Family law attorney: Exciting opportunity to join a dynamic and growing mid-sized law firm located in downtown Seattle. Our Family Law Department includes senior and junior associates, paralegals, and support staff. We are seeking a team-oriented attorney with five-plus years of family law experience. The salary will be commensurate with the candidate's experience in client counseling, document drafting, and court appearances. In addition to our friendly staff and enthusiastic attorneys, we also offer great benefits, parking (or bus pass), and potential for growth. If interested, please fax your résumé, list of references, and writing sample to 206-223-1677, Attention: Hiring Coordinator.

The Shiers Law Firm is a well-established, general practice law firm, founded in 1916, seeking to bring aboard another capable and motivated lawyer for civil, personal injury, and commercial litigation. Candidates shall have strong interpersonal skills and outstanding academic credentials. Please

send résumé, law school transcript, and brief writing sample to Cynthia Samuels, Shiers Law Firm, 600 Kitsap St., Ste. 202, Port Orchard, WA 98366, or via e-mail to Samuels@shierslaw.com.

Litigation attorney. Small downtown Seattle litigation firm seeks litigation attorney with four-plus years' experience with strong record of academic and professional excellence. Work is a mix of sophisticated business and intellectual property litigation. Full benefits and competitive salary. E-mail to jrogers@rohdelaw.com.

Seattle, four-attorney firm with established litigation/general practice is seeking an experienced attorney to join its downtown office. The successful candidate will have superior credentials, a strong commitment to client service, a healthy client base, and a desire to work as part of our team to build and enhance our existing practice. Submit résumé and work history to Managing Partner, 819 Virginia St., Ste. C-2, Seattle, WA 98101.

Staff attorney II. Supreme Court Commissioner's Office, Olympia. Under the direction of the Supreme Court commissioner, deputy commissioner, or lead staff attorney, prepares legal memoranda explaining, analyzing, and recommending disposition of cases brought before the Supreme Court. Also prepares draft opinions, rulings, and orders as required. A person holding this position is responsible for researching and writing legal memoranda on all types of cases reaching the appellate courts. The staff attorney II acts independently with minimal guidance/supervision from senior staff. Cases assigned at the staff attorney II level are typically more complex and are assigned in greater volume than at the staff attorney I level. Graduation, with a strong academic record, from an accredited law school and a member in good standing in the WSBA and at least two years' experience working in an appellate court or equivalent experience. For application information, please visit our website at www.courts.wa.gov/employ.

Deputy prosecuting attorney: The Clark County prosecuting attorney has an opening for a Child Support Division deputy prosecuting attorney, with a salary of \$43,464 to \$77,232, depending on experience. Prior child support/family law and trial experience is preferred. Applicants must be a

member of the WSBA. Please send résumé and cover letter to Jolene Sell, Clark County Prosecuting Attorney's Office, PO Box 5000, Vancouver, WA 98666-5000. Position will be open until filled. Clark County is an equal opportunity employer.

Associate — complex commercial litigation. Danielson Harrigan Leyh & Tollefson, AV-rated, 12-lawyer, complex commercial litigation firm, seeks associate with a minimum of two years' experience or judicial clerkship. This is an excellent opportunity for a motivated individual who desires a challenging and rewarding practice. Candidates should possess excellent interpersonal, writing, and research skills, and strong academic credentials. Send résumé to Randall Thomsen, 999 Third Ave., Ste. 4400, Seattle, WA 98104. All inquiries kept confidential.

Associate position — Environmental, Natural Resources and Land Use Group. Stoel Rives LLP seeks an associate attorney to join its nationally recognized Environmental, Natural Resources and Land Use practice group in the Seattle office. The ideal candidate must have exceptional legal advocacy writing skills, strong legal/academic credentials and a working familiarity with the practice group subject matter area. Please submit résumé and cover letter to Lianne Caster at lecaster@stoel.com. EOE.

The Law Office of Skinner & Saar, a general practice, AV-rated firm located in Oak Harbor, is seeking an associate attorney to begin immediately in its Oak Harbor office. We have offices in Friday Harbor and Oak Harbor and represent a wide variety of individuals and corporate clients in Island, Skagit, and San Juan counties. If you want to get out of the back room and into the courtroom, please e-mail your résumé and cover letter to chris@skinnerlaw.net or mail to Christon Skinner, managing partner, 740 SE Pioneer Way, Oak Harbor, WA 98277.

Gonzaga University School of Law is currently accepting applications for a full-time LR&W professor starting in fall 2008. Gonzaga has a required four-semester LR&W Program taught by experienced LR&W professors, who are eligible for long-term security, and have full voting rights and representation on faculty committees. The first-year course, LR&WI & II, is a year-long, four-credit class. It focuses on developing

and refining the following skills: legal analysis; legal research, both in print sources and online; and objective, predictive legal writing. Students work on a series of increasingly complex research and writing projects. The goal is to teach the skill, critique the skill, and then grade the skill each semester. Individual conferences and rewrites are hallmarks of the first-year writing course. The second-year classes (two credits) focus on transactional drafting and persuasive writing. The first-semester class, LR&W III, focuses on introducing students to transactional drafting with a drafting exercise. Students then move on to persuasive writing through a series of litigation documents. For the final semester, LR&W IV, students work in pairs on an appellate brief. They then argue that brief either in a classroom setting or through an intra-school moot court competition that culminates in oral argument before members of the Washington and Idaho Supreme Courts. The LR&W faculty are ranked professors and have the opportunity to apply for five-year, presumptively renewable contracts in their fourth year of teaching LR&W. LR&W faculty have full voting rights and representation on all faculty committees. The teaching load varies depending on enrollment. LR&W teachers may teach outside the LR&W curriculum and are eligible for sabbaticals and full research stipends. Finally, the LR&W Program encourages academic freedom. Although the LR&W teachers coordinate the number and types of formal assignments, each teacher is free to develop syllabi and select textbooks. Applicants should have practice experience and be able to demonstrate excellent research and writing skills. Gonzaga University is a Jesuit, Catholic, humanistic institution interested in candidates who can contribute to its distinctive mission. As an AA/EO educator and employer, it is also committed to diversity. This position will remain open until filled. Please send letter of interest and résumé to: Professor Cheryl A. Beckett, Gonzaga University School of Law, PO Box 3528, Spokane, WA 99220. 509-323-3721, cbeckett@lawschool.gonzaga.edu.

Houser Martin Morris has been exclusively engaged by Community Health Plan of Washington to recruit a general counsel to provide legal counsel and assist with general legal issues such as contract administration and regulatory requirements. This position reports to the Chief Executive Officer and works at the highest advisory level for the strategic policy making functions of the

Board of Directors and the operating and strategic making activities of the Leadership Team. The position requires six-plus years' healthcare related legal experience, including federal and state healthcare, insurance, and tax-exempt organizations experience at an executive level. For detailed position description, visit the website at www.houser.com or contact Victoria Harris at vharris@houser.com or Kathy Holert at kfh@houser.com.

ERISA/employee benefits attorney. Song Mondress PLLC seeks an ERISA/employee benefits attorney for a partnership-track position in its tax and technical compliance practice group. ERISA or tax experience is desirable. We will mentor the right candidate who has outstanding academic credentials and work references. We have a sophisticated ERISA tax, fiduciary, and litigation counseling practice in a small-firm environment, representing major corporate, multi-employer and governmental benefit plans, and institutional service providers. All inquiries will be kept confidential. Please submit cover letter and résumé to: Hiring Committee, Song Mondress PLLC, 720 Third Avenue, Suite 1500, Seattle, WA 98104 or sm@songmondress.com.

Scheer & Zehnder LLP is seeking attorneys with at least two years of solid litigation experience for its Portland, OR, and Seattle offices. We handle a wide variety of cases including construction defect, insurance defense and coverage, professional liability, tort defense, personal injury, appellate, employment, and commercial litigation. Excellent research, writing, and analytical skills; attention to detail; and the ability to work professionally with clients, attorneys, and staff under pressure with little or no supervision are a must. Scheer & Zehnder LLP is a Seattle-based firm with a broad and rapidly growing litigation and appellate practice, offering competitive salaries, excellent benefits, and an enjoyable work environment. Please forward cover letter and résumé (in Word), including availability, salary requirements, and the location you are applying for to resume@scheerlaw.com. Website: www.scheerlaw.com.

Audit Manager. Washington State Bar Association Administration Department. Exempt; Full-time; Monday-Friday; Starting salary range: 63,551-71,400/year DOE plus benefits. The audit manager manages

the Audit Department and supervises the audit staff. The audit manager performs "for cause" and random audits, trust account reconstructions and other financial and forensic analysis of lawyers' trust activity; assists disciplinary counsel in determining what records are needed; attends depositions; and testifies at administrative or court proceedings. The audit manager is expected to become an expert in the area of lawyer trust accounts, which requires significant knowledge of the Rules of Professional Conduct, Rules for Enforcement of Lawyer Conduct, auditing procedures, forensic accounting, independent decision-making, and analytical ability. The deputy director of finance and administration will rely upon the audit manager to provide supervision, training, and guidance to the auditors to ensure they have a good working knowledge of the trust account rules, regulations, and procedures, and also to ensure that random examinations are conducted in a professional manner. This position must utilize confidentiality, discretion, and diplomacy, and keep information regarding those audited/investigated and the findings/outcomes confidential. The audit manager also educates members and the public regarding trust account rules by handling inquiries, giving presentations, and teaching continuing legal education seminars. Qualified candidates for this position must have: at least a Bachelor's degree in accounting, business administration, finance or related field; a Washington state CPA license for a minimum of two years (certified fraud examiner credentials and forensic auditing experience preferred); previous accounting and auditing work experience (public accounting, internal auditing, etc.); experience preparing work papers and audit reports, preferably in a regulatory and/or legal environment; and advanced skills in the use of computer software (QuickBooks, Outlook, Word, Excel, PowerPoint). Knowledge of governmental regulations and compliance auditing is desired. Must be able to work independently, analyze complex sets of financial records, correctly interpret rules and regulations (including "gray" areas of law), solve problems, maintain confidentiality, and exhibit diplomacy and tact, handle multiple tasks, and meet deadlines. Must be detail-oriented; be exceptionally organized; have excellent time-management skills; have written and oral English communication skills; and have customer-service skills

(particularly with members and staff). Ideal candidate works well both independently and as a positive, dynamic manager who actively promotes the team's mission, standards, and values. Overnight travel is required. Candidates must have reliable transportation, WA driver's license, and auto insurance. To apply for this position, please mail, fax, or e-mail your résumé and a cover letter to WSBA Human Resources Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; fax 206-727-8321; e-mail hr@wsba.org. The WSBA is an Equal Opportunity Employer with a commitment to diversity. If you need assistance in the application or interview process, you are encouraged to contact the WSBA Human Resources office. 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.

A rare opportunity to join a well-established estate planning, trust, guardianship, and probate practice group in downtown Seattle. You will spend your time supporting our probate, trust, and guardianship practice. We are a people-oriented firm in existence for more than 20 years. Our ideal candidate will have either: (1) three years of litigation experience in Washington state; or (2) experience and expertise in the probate, trust, and guardianship practice areas. Excellent writing skills, ability to work with a diverse client base, highest ethical standards, and a sense of humor are valued characteristics. To apply, please fax or e-mail a cover letter and résumé to Mary Anne Vance at 206-682-2382 or maryanne@vancelaw.com.

Shareholder/senior associate position. Bellevue law firm wants to add a smart, creative, and practical shareholder or senior associate who practices in the areas of land use, environmental law, business law, real estate, or estate planning. Our firm is AV-rated and has provided legal services to companies and individuals in the Pacific Northwest for more than 50 years. Our practice is focused on business issues, all aspects of real estate, real estate finance, construction, land use, and estate planning. We pride ourselves on the quality of our legal services and the quality of our lives outside the office. Successful applicants must have at least five years of experience working in one or more of the desired practice areas. If

you are looking for a friendly and supportive work environment where you will work with attorneys and staff who are committed to providing practical, well-reasoned advice to their clients, please send your résumé and cover letter to: Magnus Andersson, Hanson Baker Ludlow Drumheller P.S., 2229 112th Ave. NE, Ste. 200, Bellevue, WA 98004. For additional information, please visit www.hansonbaker.com.

Of counsel or associate attorney — divorce and family law. Busy downtown Seattle law firm experiencing exciting and explosive growth has an immediate opening for a full-time divorce and family law attorney. A minimum of two years of divorce and family law experience is strongly preferred, but all applicants with a strong work history and/or with a strong educational background will be seriously considered. Our law firm focuses primarily on family law, consumer bankruptcy, criminal law (emphasizing DUI), and traffic ticket cases. Accordingly, any prior experience in any of these areas will be considered a significant plus. This position requires extensive personal interaction with new clients, existing clients, opposing counsel, and the courts. Our family law practice has grown steadily over the last five years, and we are looking for someone who can exercise initiative and work effectively with a minimum of oversight. Experience drafting divorce and family law pleadings is required. You will be fielding calls, signing up clients, and building a caseload from day one. Accordingly, strong writing, briefing, and oral advocacy skills are essential. This has been an "of counsel" position over the last year, and salary was based on a percentage of revenue generated. Ideally, we are looking for someone to come on board in a similar capacity. Under this scenario, we would expect your first year's compensation to be somewhere between \$60,000 and \$80,000. We are, however, willing to consider making it a salaried associate position with a substantial performance bonus for the right person. Some portable business is a benefit but not required. Please e-mail your résumé and salary requirements to Jason Newcombe at legalboyj@yahoo.com or fax them to the Law Offices of Jason S. Newcombe at 206-624-3677.

AV-rated Kirkland firm seeks associate in real estate and family law. Emphasis on quality work and lifestyle. Partnership opportunity ahead. Only accepting résumés

with at least two years' experience. Résumés by fax 425-827-8725; or mail to PO Box 817, Kirkland, WA 98033.

Lateral / partner — business transactions: Are you seeking a firm with strategic vision? Are you seeking an exciting change with greater opportunities? If you are a business transactional attorney, we know a highly regarded law firm in Seattle that would be interested in meeting you. This law firm provides excellent support and has experienced significant growth in its profits per partner this year and over the past several years. In addition to enjoying financial success, the firm's culture and people are one of its most appealing attributes. Attorneys here are guided by an abiding respect for each other and professional excellence. The compensation structure is innovative and fair, as well as highly competitive. The firm represents a broad range of business, commercial, and litigation practices and focuses on sophisticated real estate, corporate, patent, and intellectual property transactions. You should have at least 10 years of experience and a portable book of business. Strategic planning for and development of this firm has allowed the law firm to offer you a robust platform of expertise. For immediate and serious consideration, please contact, in confidence, Jean Seidler Thompson, Esq. at JT@QPQLegal.com or 206-224-8270.

Attorneys. Quid Pro Quo is the leading provider of quality attorney recruitment for direct hire and contract attorney placement in the Puget Sound, including lateral hires. For over 12 years, Quid Pro Quo, the attorney placement division of Law Dawgs, Inc., has specialized in engagements with Puget Sound's premier law firms, boutique practices, corporate legal departments, and governmental agencies. We have current openings for litigation contract attorneys. We also have current in-house counsel, partner, of counsel, and associate opportunities. Interested attorney candidates, please contact Quid Pro Quo in confidence at 206-224-8269 or JT@QPQLegal.com. Please visit our website at www.QPQLegal.com for attorney openings.

Contract lawyer/associate position: Well-respected litigation firm seeks a lawyer with a minimum of five years' experience to support active civil trial practice. High-quality work and commensurate opportunity. Initial contract lawyer position with

potential for associate position depending upon performance and needs. Superb research and writing skills and broad-based litigation experience desired. Excellent academic and professional credentials required. Please send cover letter, résumé, and writing sample to: Office Manager, Smith & Hennessey PLLC, 316 Occidental Ave., Ste. 500, Seattle, WA. 98104 or e-mail to: info@smithhennessey.com. Please, no telephone inquiries.

Brett & Coats, an AV-rated Bellingham personal injury firm with a growing statewide practice, seeks an associate with three-plus years' experience in PI/trials/litigation to help build out our Seattle and Spokane offices. We are looking for someone who is innovative, creative, and entrepreneurial. Candidate must be able to inspire trust and confidence in clients, must have excellent writing skills, must have courtroom experience and aptitude, and must be willing to do some travel from our home office in Bellingham. Please send response to classifieds@wsba.org or WSBA Bar News Blind Box #687, Bar News Classifieds, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539.

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Downtown Seattle insurance defense firm seeks associate attorney. Litigation and/or insurance defense experience preferred (two years plus). All applicants should have a strong academic background and possess superior verbal and written communication skills. Excellent benefit package. E-mail résumé, salary history, and two writing samples to rhall@clwl.net. All inquiries will be kept confidential.

Deputy prosecuting attorney: The Clark County prosecuting attorney has an opening

for a deputy prosecuting attorney in the Civil Division, salary \$80,316 to \$120,108, depending on experience. Responsibilities include: (1) Attorney will advise elected officials and departments on matters relating to current and long range planning; (2) Must have extensive experience in growth management policies and administrative hearings; (3) Represent the County in administrative hearings, as well as complex land use litigation; (4) Draft legislation and county ordinances and assist in the formation of land use policies; (5) Perform other duties as may be assigned. Applicants must be a member of the Washington State Bar Association with a minimum of five years experience in land use matters. Please send résumé and cover letter to Shari Jensen, Clark County Prosecuting Attorney's Office, PO Box 5000, Vancouver, WA 98666. Position will be open until filled. Clark County is an equal opportunity employer.

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Experienced brief and motion writer available as contract lawyer. Sixteen years' litigation experience, including trial preparation and appeals. Reasonable rates. Lynne Wilson, 206-328-0224, LynneWilsonAtty@gmail.com.

Contract attorney loves legal research and writing. WSBA member with 26 years of experience: drafts trial briefs, motions, and memoranda, using UW Law Library and LEXIS online resources. Elizabeth Dash Bottman, 206-526-5777, bjelizabeth@qwest.net.

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Will Search

Anyone with knowledge or information regarding the last will and testament of Borgny H. Nickerson, D.O.B. 1/27/1926, please contact: Law Office of James B. Dolan, PLLC, PO Box 2784, Mount Vernon, WA 98273. Phone: 360-336-9516. Fax: 360-336-9518.

Seeking original will and trust of Arthur Dennis Johnston who resided in Clark County and Chelan County. DOD 12/8/07. Please contact Steve Crossland, 509-782-4418.

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Linda M. Callahan
Principal



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Think you can enjoy a drink out with dinner and not be in danger of a DUI arrest on your way home? Not anymore. Increasingly, DUI cases are filed based on very low test results—some as low as .03 for adults. Prosecutors rely on field sobriety tests and the officer's observations of the odor of alcohol, bloodshot eyes, slurred speech and poor coordination to justify the charges. However, field sobriety tests were never validated to detect impairment, nor to accurately estimate the BAC, and the obligatory observations

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Ms. Callahan receives overwhelmingly favorable reviews from clients on the firm's website. She is ranked 10 out of 10 on Avvo.com, and has been endorsed by the most respected criminal defense attorneys in the state and the nation—earning national recognition for her efforts in defense of those who drive. Ted Vosk, of counsel to the firm, has also received national accolades for exposing numerous irregularities and unethical conduct at the Washington State Patrol Toxicology Lab. His efforts are resulting in widespread suppression of breath tests by judges across the state offended by the alleged perjured oaths of government witnesses and the failure to adhere to scientific principles that ensure accurate and reliable breath tests. He has distinguished himself as one of the most brilliant lawyers of our generation; his JD from Harvard Law and PhD in Physics uniquely prepared him for this challenge.

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