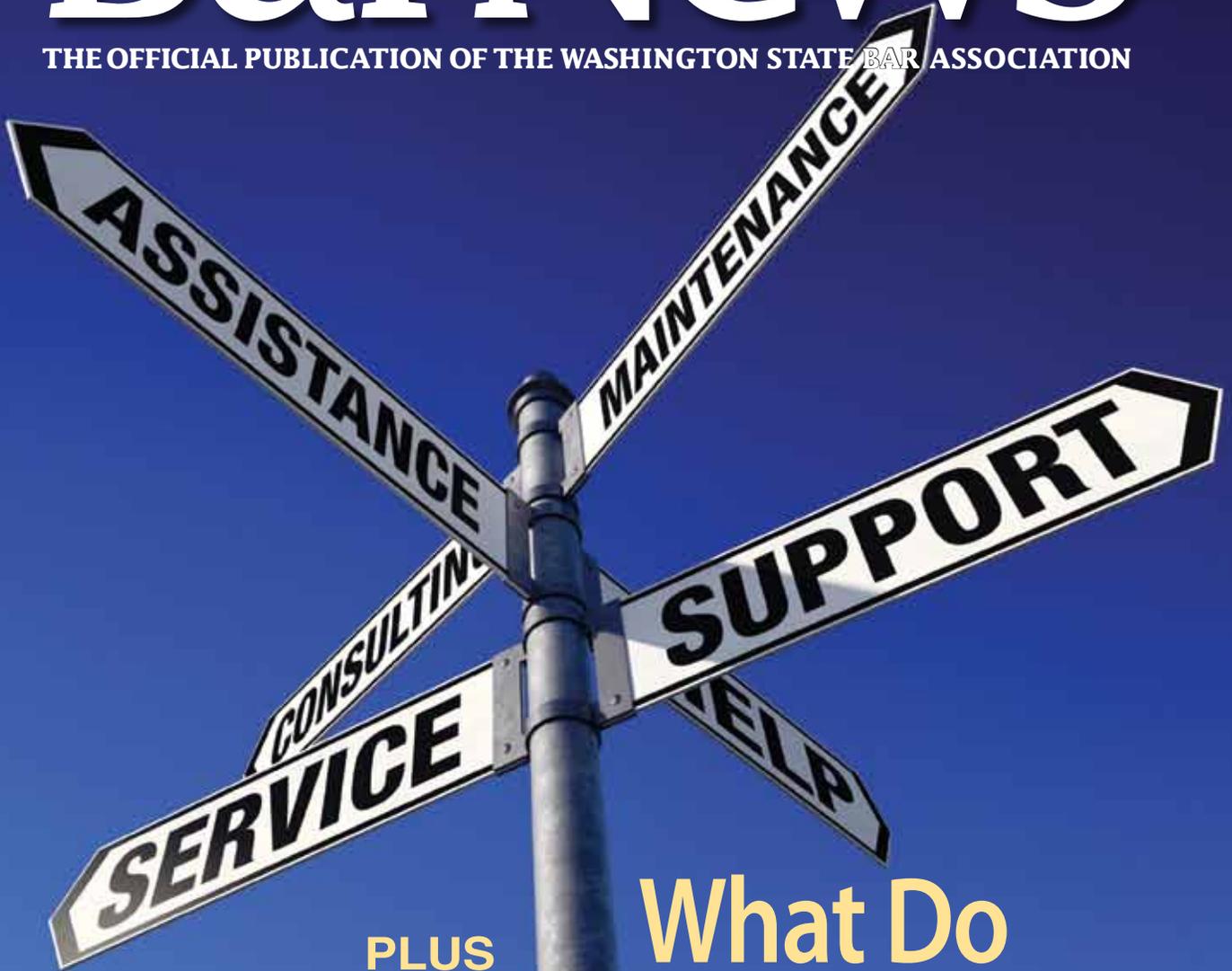


Washington State

BarNews

MARCH 2010

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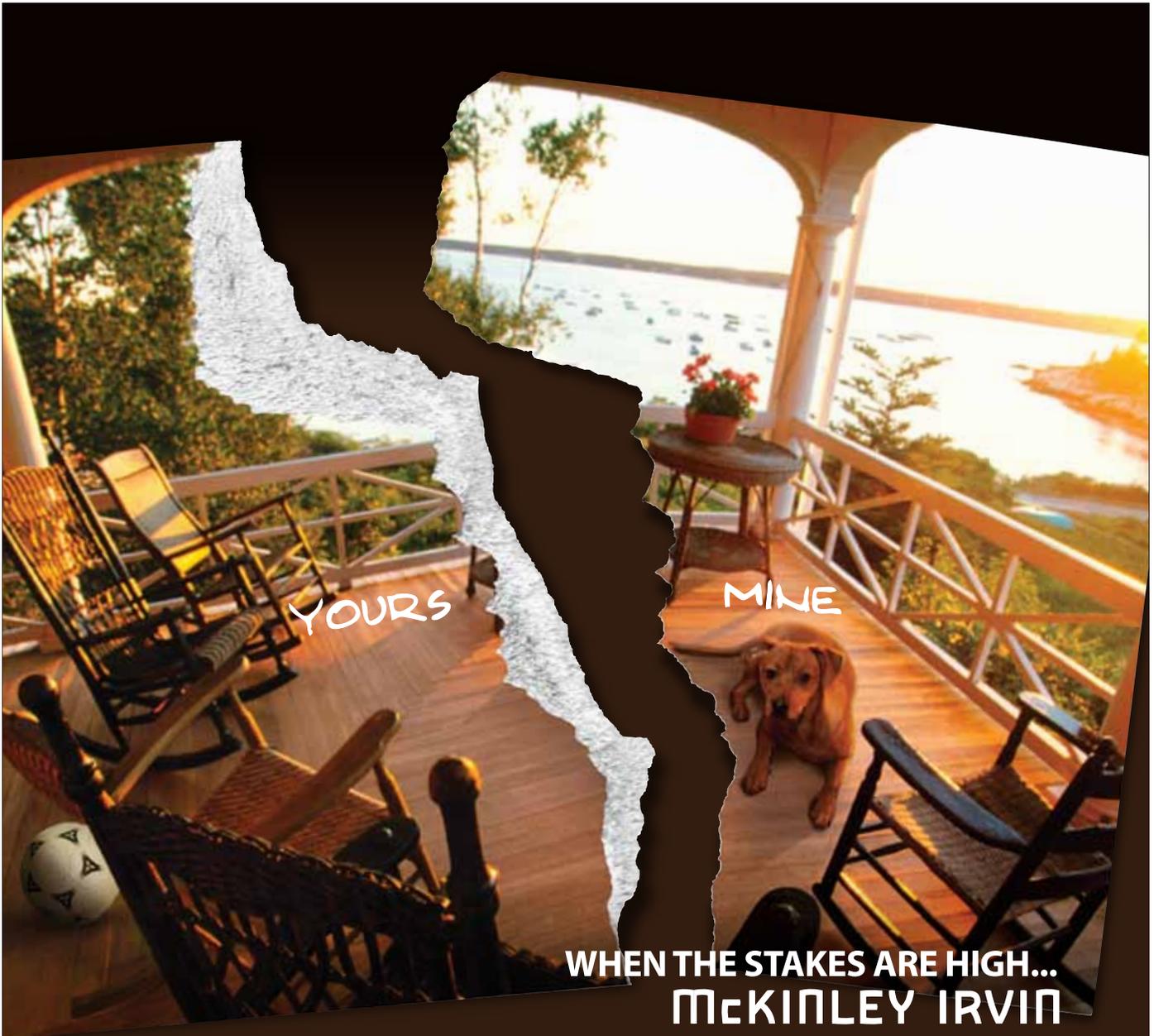
“True Grit” by
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Safeguarding vulnerable adults

The article “Vulnerable Adult Abuse: What You Need to Know” [January 2010 *Bar News*] raises important issues regarding our duty to safeguard vulnerable citizens and the special responsibilities of attorneys toward this growing population. The authors, however, omitted a critical component of the problem: Unscrupulous guardianship companies and their attorneys are being enabled in their abuse of the vulnerable by an overwhelmed judiciary. Their misconduct can be easily seen:

1. Scrutinize the billing statements. Note the excesses, the inflated charges, the inaccuracies, and the ambiguities. The attorney is a ubiquitous presence because the company knows the court will charge all attorney fees to the client.
2. Examine the courtroom docket. It will become apparent that major decisions and requests will receive only a few minutes of court time. Note the percentage of decisions that favor the guardianship company.
3. Note the guardians’ handling of family, medical, residential, and social issues. Notice the frequency with which those decisions favor the wishes of the guardian rather than the needs of the client.

In addition to the suggestions of the authors, honest attorneys and honest guardians could do the following: Ostracize fellow attorneys and guardians whose greed and dishonesty stain the profession. Speak out against judges and commissioners who apply the rubber stamp to guardianship crimes, demand that the state bar develop a set of guidelines to deal specifically with guardians’ attorneys, request the legislature add “teeth” to guardianship laws, and demand

that the Guardianship Board systematically apply its standards to the guardians.

The authors note that the majority of those who abuse the vulnerable are family members. However, given the courts’ automatic approval of the crimes before it, and the uniform refusal of state agencies to protect the vulnerable, that claim is questionable. Abuse of the vulnerable is a hideous perversion of “what should be.” The victim suffers injury and the sting of betrayal whether the abuse is committed by the family or by the state.

Sharon Denney, Seattle

Growing up different

President Sal Mungia’s article, “Crossing the Room” [“President’s Corner,” February 2010 *Bar News*], tackled a very complex subject on growing up and being “different” in America. He wrote with the insight and diplomacy that I’ve not seen captured among many who have written of similar experiences. He shared a personal story that I believe — ah, hope — reaches people of all colors. The “Richard” who walked across the room with him is my husband, who had painfully similar experiences growing up in the rural Central Valley of California in the 1950s and 60s. I, on the other hand, grew up among Asians, Blacks, Chicanos, and Whites in the heart of Los Angeles during that same period, and later built my public health career within diverse communities in the San Francisco Bay Area. My need to adjust to working in a predominantly White profession occurred only after we moved to Washington state 10 years ago.

Sal wrote one paragraph that I believe speaks volumes: “It’s easy to accept diversity — when diversity looks a lot like you. But then again, that’s not really diversity, is it?” Thanks, Sal, for sharing your story and providing a perspective that calls upon lawyers to expand themselves to effectively serve our ever-changing demographics.

Arlene Joe, University Place

Hearing a different tune

Salvador A. Mungia, President of the Washington State Bar, writes that everyone should hear the music of the revolution [“President’s Corner,” January

2010 *Bar News*].

The music of the revolution is the noise of those short little rifles killing people who oppose the revolution. That’s because revolution is the process of taking political power by killing opponents, hardly the stuff of democratic society. Mr. Mungia continues his metaphor with a picture of a woman with a raised gavel in a clenched fist, the symbol of many leftists who imply they want to take power by hitting their opponents. [ED. NOTE: President Mungia is not responsible for the choice of graphics for his column.]

Mr. Mungia uses these unsavory metaphors to emphasize his support for a plan to intimidate all judges into contributing money to the “Campaign for equal justice,” an umbrella for groups such as Columbia Legal Services with political agendas that almost always or always favor the Democratic Party. Judges are not supposed to favor litigants or policies, or tenants over landlords. That is for the Legislature. This proposal violates the Code of Judicial Conduct, which requires judges to be independent and neutral. No Washington court litigant can be the beneficiary of a plan for the judges to fund that litigant.

We all swore to support the Constitution. That means no “revolution,” not even if you are willing to wait.

Roger B. Ley, Astoria, OR

Speaking for the community?

I read with some interest the January *Bar News* article about Justice Sotomayor’s appointment to the U.S. Supreme Court. What is interesting to me is the vagueness and lack of thought that went into the article. The writer makes assumptions that are not shared by all. Sentences like “until recently in Washington state, Latinos practicing law mostly kept their ethnic identity hidden”; and “[w]ith Justice Sotomayor’s appointment... we must do more as a community”; and “[o]ur court system needs to reflect the diverse communities it serves”; all assume these are issues requiring solutions.

The article never explains why “Latinos practicing law” kept their ethnicity hidden. “Justice Smith recalled a time when attorneys of Latino heritage would never have publicly shared their ethnic identity,” but it is not reported why that

was so. Could it have been because it should not, and did not, matter?

The writer goes on to say, “we must do more as a community.” Do more what? What community? What’s wrong with being an American? Why would Latinos want to separate themselves, for public purposes, from the rest of Americans? Is this another way of saying that Latinos (or other “communities”) are entitled to, or require, special treatment in the justice system? And if so, why?

And why does our court system need to “reflect” the “communities” it serves? That statement assumes a judge from one “community” is incapable of being fair to a person from a different “community.” What evidence is there to support this assumption?

James A. Winterstein, Olympia

Defining moments in baseball

As a former ball player (lost out to Pete Rose in spring training 1963), there is a very significant difference between “control” and “command” of a pitcher [“Talkin’ Baseball and Fryin’ Eggs in Synecdoche, USA,” February 2010 *Bar News*]. It is just that modern commentators don’t bother with accuracy on the nuances. Joe Morgan sure would.

“Control” refers to a pitcher’s ability to put the ball where he or the catcher wants it, and the speed he wants it. High and inside or on the outside corner, low. Ball goes where aimed. Speed change; hiding the type of pitch. “Poor control” has meaning, including losing the point of release, loss of mechanics.

“Command” refers to a pitcher’s ability to throw a good quality type of pitch. What present-day commentators call the “repertoire.” Curve, slider, slurve, knuckler, change-up, fastball, rise. “Poor” doesn’t really go with “command.” If we meant the pitcher had a poor curve, i.e., it didn’t break much, we would say “bad,” “weak,” “no real” or the more expressive, “crappy” or “s....y.” Nowadays, they say “it didn’t break much.” If we meant the pitcher could only throw one pitch, a fastball, say, we called him an ex-pitcher.

An example is where a particular pitch does not work on a given day. “Joe’s curveball ain’t workin’ today, guys, so sit on his fastball.” Then you get up and strike out on three straight fastballs as

the pitcher climbs the ladder. That’s the difference where the pitcher lost command of the curve, but sure has control over the fastball.

“Command” did not mean command over the batter. Intimidate, fool, or the more colorful “own” the batter, maybe, but not command. But then what do I know, I’m just another field of dreams ex-ballplayer.

I agree that meanings have changed, and I think mostly through sloppy misuse or ignorance. Like “orientated” for “oriented,” or “re-lator” for “realtor,” or “nucular” for “nuclear,” some of my pet peeves. Really enjoy Cumbow’s articles, keep them coming.

Jake Dulin, Sequim

As a long-time pitcher (now in my 50th year of pitching baseballs, which includes a 20-year hiatus for softball in the middle), I distinguish control from command in this way. Command is the ultimate goal; control is one element of command. A good pitcher controls the baseball. That means he can throw strikes. A better pitcher commands the strike zone. That means that he can place a particular pitch in a particular spot, on either side of the plate or just off the plate, to make it hard for the batter to adjust. The art of pitching is having command of multiple pitches. A hitter can’t possibly be ready to hit a good fastball in on his hands, and at the same time be ready

to hit a good slider down and away. You just can’t react that fast, especially when pitchers are throwing in the 90+ mph range. If you can throw your slider just off the plate at the knees repeatedly, you have control and command (and your name is probably John Smoltz).

Bart Waldman, Executive Vice President, Legal & Governmental Affairs — Seattle Mariners

AUTHOR ROBERT CUMBOW RESPONDS: Messrs. Waldman and Dulin are not the only people I heard from who are far more schooled than I in the lore of baseball. In addition to Mr. Waldman’s welcome explanation of “command” and “control,” several baseball fans advised me that the term “quality start” has been, since the 1980s, a specifically measurable statistic, referring to the performance of a starting pitcher who completes at least six innings and gives up no more than three earned runs. Which doesn’t, of course, change the fact that the term “quality” is used here as a synonym for “high quality.” I am also advised that for at least two centuries English-speaking societies have used the word “quality” to refer to people of wealth, refinement, and high standards of behavior. I remain concerned that this substitution of “quality” for “high quality” would seem to foreclose any meaningful use of the term “quality” to refer to something of low quality. But, as Mr. Dulin suggests, “bad” probably gets the job done.

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WSBA President
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I would have likened her odds to that of the proverbial snowball's chance in hell. And you know what? I doubt that you would have disagreed with me.

You see, her life was tougher than the steak special at Denny's. Black, poor, and being raised by a mom who gave birth to her at age 15. No father — he died before she was born — the story she was told was that he was ill and local Seattle hospitals refused to treat a young black man until he got to Harborview — and then it was too late.

This led to a lot of questions when she was young. Why don't I have a dad? Why are we poor? Why don't I have what other kids have? Why do the other kids treat me differently? Then she saw "Roots"¹ at age 12. "Why would something like that happen?" She just couldn't comprehend how human beings could treat other human beings that way. It was too much for her. She literally went inside a closet for three days trying to answer the question "why."

She asked her favorite uncle these questions, and more. He couldn't answer her questions. He did, however, tell her that she needed to go to college. She should become either a member of Congress or a lawyer. They could change things — they could help other people. She knew that was her path.

And then the gods (or were they demons) must have had a peculiar sense of humor — must have wanted to ensure that this young girl would never realize her dreams. At age 13, she got pregnant and gave birth to her daughter, Tameka.

Thirteen years old and a parent — are you kidding me? When I was thirteen, I was delivering newspapers, playing with my neighborhood friends, taking care of my dog — which, frankly, I didn't do such a great job of doing. Raise a child — *getoutofhere*.

Female, black, poor, and a thirteen-year-old mother — I know this isn't news to you but most thirteen-year-old girls who fit that description don't end up being lawyers. If I

had a kid when I was thirteen, I'd be earning my living through physical labor, just like my mom and dad before me, and just like their parents before them.

But she had one thing going for her — she was determined. She had the determination of Olympic marathoner John Akhwari.² She stayed in school — not her school but an "alternative" school, and ultimately finished high school. She tried going to a community college. But she came to the fork so many before her had faced: follow her dreams and risk her child's welfare or give up those dreams to devote her life to her child's success. Tameka came first. She wouldn't go to college, well, at least not yet. She did promise herself that when Tameka went to college, she would go with her.

And she did. Eleven years later, both mother and daughter went to the UW together. Having already had some college credits, she graduated before Tameka. She was ready to fulfill her delayed dream. But determination will only get you so far — here, it got her as far as filling out the blanks on the application forms and submitting them. And that's as far as it got her. Her applications to the University of Washington and Seattle University law schools were both denied. She had good grades — a 3.5 GPA. But her LSAT scores were below where she needed them to be — not by a whole lot, but enough to keep the key to her dreams just out of her reach.

She was crushed. Life wasn't fair — hey, that's a novel thought for her. But then again, if life were fair, there wouldn't be wheelchairs.

She went back to school and got a second degree, hoping that addition would get her accepted. She applied again.

If you want to see change, change the way you do things.

A lot of institutions talk of their desire to become more diverse. Yet they get on the same train, taking the same route, and end up at the same destination year after year, and wonder why the landscape hasn't changed.

Seattle University School of Law got serious about changing its landscape. It started taking a different train years ago. As a result,

Thirteen years old and a parent — are you kidding me? When I was thirteen, I was delivering newspapers, playing with my neighborhood friends, taking care of my dog — which, frankly, I didn't do such a great job of doing. Raise a child — *getoutofhere*.

it changed its own landscape and, in turn, has helped change the landscape of our legal profession.

The Academic Resource Center's (ARC) Alternative Admissions Program at Seattle University was started in 1987. ARC's goal is not only to admit diverse and non-traditional students into SU School of Law but also to help them succeed. But as ARC's director, Professor Paula Lustbader, will tell you, the program is for SU's benefit — it enhances the education SU provides its students by exposing and sensitizing them to multicultural issues. As Professor Lustbader tells the students admitted into the ARC program: "You are here to bring something only you can bring."

Don't think that SU is willing to sacrifice its standing in the education rankings — it won't. Making sure that its graduation rates don't fall, its bar passage rates don't suffer, its alumni succeed (you don't get donations from your graduates who don't have jobs) are just as important to SU as

they are to every other law school.

For those applicants whose test scores and GPA are a little lower (too far out of the range and you won't get considered — like I said, a law school still has to ensure that it succeeds, and for that to happen, it has to have reasonable assurances that the people it is admitting will succeed), they get a second look by Professor Lustbader and her colleagues at the ARC Program. The ARC admissions group reviews about 400 applications a year knowing that they will send out acceptance letters to about one in ten applicants. They look beyond grades and GPA — they consider life experiences, hardships that had to be overcome, work experiences, what is driving the applicant into becoming a lawyer. Professor Lustbader spends around 200 hours going through all the applications. As she commented, "I should get a bonus when I add it up this way."

SU's commitment to these students doesn't stop after they are admitted. They take part in a mandatory seven-week summer course taught by Professor Lustbader and Professor Dave Boerner³ that combines criminal law, legal writing, and study strategies, that takes place in the summer before the start of the first-year classes. (Other first-year students can take the criminal law class

as well — but it's optional for them.) The ARC students do more than that, however; they meet from eight in the morning until four in the afternoon five days a week during the summer. They take six practice exams and receive regular feedback. They are taught how to outline and how to synthesize material. They become a community.

SU isn't the only one who stepped up to the plate — a program like this isn't cheap. An attorney in our state, who wishes to remain anonymous, has donated over six million dollars to the ARC program to give those with a lot of determination and talent the opportunity to change their lives — and hopefully the lives of others. That's more than just stepping up to the plate — that's hitting the freaking ball out of the ballpark.

Sometimes the snowball wins.

She was in the shower when the mail came. Horace shouted that a letter from SU came in the mail. She said she wasn't going to get out of the shower — she was too scared that it was a rejection letter. She didn't think she could handle a second rejection. Horace opened the letter and told her — "acceptance." Normally as calm as a cavern pool, she screamed. Then she cried the tears of a little girl who, years ago, holed

up in the closet asking "why." The dream deferred would no longer be deferred.

Carla Lee graduated from Seattle University School of Law and joined the Washington State Bar in 2006. She's been in private practice since then in Seattle. I've known Carla since 2007, when the Board of Governors elected her to join the BOG as the Young Lawyers Division representative. When Carla first told me her story, I was inspired. I still am. I'm not the only one. Carla has shared her story with others — many of whom are young women and men who no doubt have gained courage, determination, and hope from hearing her tell her story.

Carla readily admits: "I don't know if I would be here if it weren't for that program." Seattle University, and the anonymous donor, made that possible. The quality of Seattle University has not been sacrificed — just the opposite: ARC, and the students admitted through ARC, have made SU a better school. Carla is a success story. That's the happy ending. The not-so-happy ending: how many Carlas are out there who never get the chance?

For those of you who want your institutions to be more reflective of our community at large, it can be done. It can be done without compromising the quality of your people. It can be done without compromising the quality of your product. It will, however, require you to stop doing business as usual.

You can do it. You just have to have the courage to stop taking the same train, with the same route, as you have done in the past. If you do, you'll find a new landscape just waiting for you. And the landscape is beautiful. ☺

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

NOTES

1. A 1977 television dramatization of author Alex Haley's family line from ancestor Kunta Kinte's enslavement to his descendents' liberation.
2. In the 1968 Olympics held in Mexico City, Tanzanian marathon runner John Stephen Akhwari was the last runner in the marathon. He came in about an hour and a half after the winner, hobbling on his bloodied and bandaged leg. When asked why he didn't quit, he said, "You don't understand. My country did not send me 5,000 miles to start a race, they sent me to finish it."
3. Professor Boerner retired from full-time teaching after 2009 but is planning on continuing to teach the ARC summer program. ARC alums, showing their appreciation of Professor Boerner and the ARC program, have started a fund to create an ARC Professorship.



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The Washington State Bar ... Foundation?



WSBA Executive Director
Paula Littlewood

Introducing the WSBF's new development director, Colleen Crowley

If you had to read the title of this column a couple of times because you weren't sure what it refers to, I suspect you aren't alone. For many of you, the mention of the Washington State Bar Foundation (WSBF) may be news; for others, you may have heard of it but may not know much more than that.

In 1957, a thoughtful group of lawyers established the Washington State Bar Foundation with hopes of raising funds so the lawyers of the state could own their headquarters building. While the building never came to fruition, since its establishment the Foundation has been involved with various endeavors, including supporting existing Bar Association programming, as well as developing and growing its own programs, such as the Presidents' and Governors' Diversity Scholarship Fund.

The Foundation's mission is "to foster leadership to further social justice," and it is led by an all-volunteer Board of Trustees from across the state. Foundation President Ron Ward set the tone with regard to the vision and potential of Foundation efforts in a *Bar News* article one year ago when he wrote: "The Foundation is undertaking a new beginning, with new leaders and new energy." He noted that all the elements for the WSBF to be successful were present: excellent leadership, an outstanding mission, and a wealth of opportunities and programs to fund. One thing was still missing: a dedicated staff person to lead its fundraising efforts.

After much planning and discussion last year, the Foundation Board of Trustees presented a proposal to the WSBA Board of Governors (BOG) at its September meeting, requesting funding for a half-time development director. The purpose of the new position was to further the goals, mission, and programs of the Foundation through

the work of a professional fundraiser. Prior to this request, the Foundation had been staffed through in-kind contributions of WSBA staff time. The Board of Governors overwhelmingly approved the request of the Foundation.

In January 2010, Colleen Crowley was hired to help bring the needed fundraising leadership and, over time, an infusion of capital to further the Foundation's efforts. "The selection of Colleen Crowley as WSBF development director, coupled with the

"The Foundation has tremendous potential to provide support to critical programs established by the WSBA that meet the needs of both our members and many people in the greater community."



Photo by Todd Timmecke

provision made by the Board of Governors for the requisite administrative staffing, signals the commencement of an exciting period in this Foundation's history, which we believe will culminate in substantial progress toward the achievement of our mission to foster leadership to further social justice," said Ron Ward.

Colleen brings high hopes and years of legal and fundraising experience to her position. Colleen completed her undergraduate degree at the State University of New York at Albany in political science. She moved across the country to attend law school at Gonzaga School of Law in Spokane. After receiving her J.D., she continued her move westward and put down roots in Seattle. Her first job in the legal arena was as a law clerk

to the Honorable Lee Kraft in King County Superior Court. She subsequently spent a number of years in private practice focusing on civil litigation.

In the early '90s, Colleen moved from the practice of law into the nonprofit sector. She became the executive director of Washington Women in Need, a local nonprofit organization. Colleen was instrumental in growing the organization from a start-up into a successful and thriving nonprofit providing assistance to more than 3,000 low-

income women in Washington.

Prior to joining the Foundation, Colleen was working as a senior consultant with The Collins Group, the oldest nonprofit consulting firm in Seattle. In this capacity, she worked with 19 nonprofit organizations throughout the Pacific Northwest, spanning the sectors

of healthcare, arts, environment, social services, and education. She provided expertise and support covering all aspects of nonprofit management with an emphasis on fund development.

In her capacity as a consultant while engaged with The Collins Group, Colleen obtained the certification of Certified Fund Raising Executive, an advanced designation reflecting knowledge, tenure, and expertise in all elements of fund development.

Colleen has been an active member of the Bellevue Rotary for 15 years, having served as secretary on the board, as well as on numerous committees over the years. She is also a member of The Center for Women and Democracy and served on their board of directors for three years.



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“I am delighted to have the opportunity to bring my career path full circle by moving back into the legal arena with a different skill set related to fund development for the benefit and promotion of the Bar’s Foundation,” Colleen says. “The Foundation has tremendous potential to provide support to critical programs established by the WSBA that meet the needs of both our members and many people in the greater community.”

With Colleen Crowley’s leadership and expertise, the Foundation is without question poised to move forward. The legal community in Washington has consistently stepped up to volunteer and also give financially. We live in difficult economic times, but we will continue to count on the generosity of our members and the greater community to support our work. Colleen and the Foundation need your help. For more information on the Foundation or its Board of Trustees, see www.wsba.org/lawyers/wsbf.htm.

Paula Littlewood is the WSBA executive director and can be reached at paulal@wsba.org. Colleen Crowley is the Washington State Bar Foundation development director and can be reached at colleenc.foundation@wsba.org.

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Partial Appeals in Multiple-Party and Multiple-Claim Cases

Tips and Traps from the Trenches and the Benches

BY JAMES VERELLEN, LEONARD J. FELDMAN,
AND DANIEL A. SWEDLOW

This article examines whether, how, and when litigants in Washington trial courts can file an appeal relating to one or more — but fewer than all — claims or parties in a multi-claim or multi-party case. Imagine, for example, that you represent a single defendant in a case that involves many defendants and many claims against each. The trial court rules in favor of the plaintiff on each and every claim that the plaintiff asserted against your client. Can you file a notice of appeal, or do you have to wait until the court resolves the rest of the litigation? Or you represent the plaintiff, and the court rules in favor of the defendants on the plaintiff's large damages claim but allows smaller claims to proceed to trial. Again, can you file a notice of appeal, or do you have to wait until the court resolves the other claims?

The answer to these questions generally is that you have to wait. In Washington, as in other states, the “final judgment rule”

typically prohibits piecemeal appeals during an ongoing case. This rule makes sense because further developments at the trial court level often moot the need for interlocutory appeals on each ruling. If parties routinely appealed every issue, the cost and complexity of litigation would spiral out of control and our appellate courts would be overwhelmed. Washington Civil Rule 54(b) and its appellate companion, Washington Rule of Appellate Procedure 2.2(d), provide an important exception to this rule. These rules authorize the entry of a judgment and a corresponding appeal as to one or more but fewer than all claims or parties in a multi-claim or multi-party case. Together, the rules allow piecemeal appeals, but only in appropriate circumstances and only if litigants satisfy CR 54(b)'s stringent requirements.

Appellate commissioners in this state are often responsible for deciding which litigants have satisfied CR 54(b) and which have not. In Division One, there are approximately three to four dozen appeals that implicate CR 54(b) each year, and roughly a third to a quarter of those

are unsuccessful. This article focuses on what distinguishes the successful litigants from the unsuccessful ones. The authors — an appellate commissioner and two appellate lawyers — offer advice based on personal experience and published case law (from the trenches and benches) so that you can successfully and properly navigate the requirements of CR 54(b) certification.¹

CR 54(b) Certification

Although trial courts have substantial discretion to grant or deny a request for CR 54(b) certification, the Washington Court of Appeals has cautioned that trial courts should grant such requests “only in the infrequent harsh case.”² More specifically, there are four requirements that must be met before a court can grant a request to enter judgment under CR 54(b):

There must be: (1) more than one claim for relief or more than one party against whom relief is sought; (2) an express determination that there is no just reason for delay; (3) written

findings supporting the determination that there is no just reason for delay; and (4) an express direction for entry of the judgment.³

Each of these requirements is discussed briefly below. Some, like the fourth requirement, are extremely straightforward, while others require more thought and analysis.

1. More than one claim for relief or more than one party against whom relief is sought.

This first requirement is generally

obvious in multiple-party cases. Not so in multiple-claim cases. CR 54(b) applies only when the resolved and unresolved claims are distinctly separate. It is often difficult to tell when claims are truly separate, rather than simply alternative ways of seeking the same relief for the same wrong. The Washington State Supreme Court addressed this issue in *Doerflinger v. New York Life Insurance Co.*⁴ The plaintiffs sued their insurance company for failure to pay claims. They sought relief under various legal theories. When all but two of their theories were dismissed, plaintiffs persuaded the trial court to certify a partial final judgment under CR

54(b). The Supreme Court dismissed the appeal, holding that various legal theories of recovery, based on the same facts, is not the same as multiple distinct claims.

Most lawsuits arise out of one set of facts, or at least a fairly closely related set of facts. This stands to reason, as truly unrelated facts, even between the same parties, tend to result in separate lawsuits. So what, in the context of a multiple-claim lawsuit arising out of one factual scenario, constitutes multiple claims in a CR 54(b) context? To answer this question, Washington courts have looked to federal cases for guidance, noting that CR 54(b) “was copied from the federal rule and the two rules are essentially the same.”⁵ Picking from various approaches, Washington appears to have settled on a test from the Second Circuit:

The ultimate determination of multiplicity of claims must rest in every case on whether the underlying factual bases for recovery state a number of different claims which could have been separately enforced. Thus, when the facts give rise to more than one legal right or cause of action, or there is more than one possible form of recovery and they are not mutually exclusive, the claimant has presented multiple claims for relief.

While this may not be a paradigm of clarity, it is consistent with the rule against piecemeal appeals. The court will accept a CR 54(b) certification in multiple-claim cases if the claim on appeal is a distinct claim with a distinct remedy.

2. No just reason for delay.

Too often, orders from the trial court certifying an order as final under CR 54(b) utter the talismanic phrase “there is no just reason for delay” in the hopes that this will suffice. Not so. The Washington State Supreme Court has said that “for any case to come within the provisions of CR 54(b) or RAP 2.2(d), there must in fact be no just reason for delaying entry of final judgment, not simply *pro forma* language to that effect in the trial court’s order.”⁶ Waiting for final judgment on all the claims or parties must expose the appellant to “some danger of hardship or injustice” that can be alleviated only through an immediate interlocutory appeal.⁷ “[A] showing of hardship or prejudice is crucial, and its absence would

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normally preclude review.”⁸

In determining whether there is no just reason for delay, Washington courts examine:

1. The relationship between the adjudicated and the unadjudicated claims;
2. Whether questions that would be reviewed on appeal are still before the trial court for determination in the unadjudicated portion of the case;
3. Whether it is likely that the need for review may be mooted by future developments in the trial court;
4. Whether an immediate appeal would delay the trial of the unadjudicated matters without simplifying and/or facilitating that trial; and
5. The practical effects of allowing an immediate appeal.⁹

Analysis of each factor is vital to a successful CR 54(b) certification. A trial court’s certification will be rejected as “untenable” if it does not discuss all of the factors.¹⁰

3. Written findings supporting no just reason for delay.

In 1989, CR 54(b) and RAP 2.2(d) were amended to require written findings supporting the determination that there is no just reason for delay. Written findings are important because “[e]xplanation produces intellectual discipline; a judge who sets down in writing (or articulates in court) the reasons pro and con, and his method of reaching a decision, must work through the factors before deciding, and we then may be sure that the conclusion is based on appropriate considerations even if not necessarily one we would have reached ourselves.”¹¹ Failure to comply with this requirement is fatal to an appeal, except in those rare instances when the trial court’s opinion or the record provided to the appellate court makes clear the basis for the written determination that there is no just cause for delay.¹²

4. An express direction for entry of the judgment.

This last requirement is straightforward. It is generally referred to as a ministerial task and requires no analysis.

Tips from the Trenches and the Benches

CR 54(b) certification is not justified

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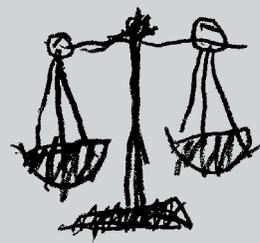
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where a plaintiff seeks relief under a variety of alternative legal theories to rectify a single wrong. Many lawsuits are variations on that theme, and accordingly CR 54(b) certification is not often granted. There are, however, times when certification is appropriate. Comprehensive guidance is elusive, but some examples, based on personal experience reviewing CR 54(b) appeals, may be of value.

Starting with unsuccessful motions, the vast majority of failed certifications fall into one of the following categories:

Nominal boilerplate

“There is no just cause for delay.” This approach is ineffective because it fails to provide the basic information required by cases addressing CR 54(b).

Extended boilerplate

“There is no just cause for delay; delay will cause injustice; the claims on appeal are only indirectly related to claims that remain for litigation in the trial court; the need for review is not likely to be mooted; an immediate appeal will simplify the trial of remaining claims; and the practical effect of an immediate appeal will help to speed the resolution of key issues.” This approach is ineffective because it fails to provide the explanation required by cases addressing CR 54(b).

The deep pocket/judicial economy redux

“The defendant who has been dismissed from the litigation has insurance coverage; the remaining defendants do not; the issues as to the deep pocket defendant will drive the resolution of the entire litigation; and forcing a trial limited to the remaining defendants will waste time and judicial resources.” This approach is ineffective because the economics of the plaintiff’s lawsuit without the deep pocket defendant has never been a basis for a CR 54(b) certification.

“There is a risk of two expensive trials if an appeal is not allowed at this time.” This approach is ineffective because it ignores the countervailing risk of two expensive appeals if an immediate appeal goes forward.

The vague and veiled risk of harm

“The failure to enter a final judgment under CR 54(b) will unnecessarily prevent [the plaintiff] from recovering its damages from the assets of [defendant no. 1]. Any delay of the appeal would unnecessarily delay the execution of the judgment and

determination of the liability of these parties on appeal. Such actions would cause a danger of undue hardship and injustice to [plaintiff]’s ability to recover on its judgment.” This approach is ineffective because mere delay in collecting a judgment until all claims have been resolved as to all parties is not a compelling hardship.

“The resolution of the issues in an appeal by plaintiff may materially affect the trial or need for retrial of the issues raised by the remaining parties and claims and avoid the possibility of inconsistent verdicts and duplication of costs both as to liability and damages and no prejudice to the objecting defendants” This

approach is ineffective because it fails to explain a specific risk of harm particular to this case.

Turning now to successful motions, the following examples all include tangible risks of harm or prejudice:

- An elderly personal injury plaintiff suffering from a documented serious health condition faces the risk of losing the practical benefits of her claim without an immediate appeal.
- Time will run out on a developer’s legal ability to complete a substantial construction project without an immediate appeal.

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- A business owner is subject to an order of abatement precluding the owner from operating the business or entering the premises “for any reason” for one year.
- In litigation over insurance coverage for environmental liability where the trial court has dismissed claims against a foreign insurer, “[t]he potential hardships that could result from a delay in the appeal of the [partial summary judgment include] ... the possibility that [the plaintiff] will incur unnecessary expenses to conduct international third-party discovery” from the dismissed insurer, under costly Hague Convention procedures.
- Six years after an assault, the victim died as a consequence of the assault and the trial court ultimately dismissed some of the defendants in the wrongful death litigation. “The trial court entered extensive findings of fact to support its certification that there is no just reason for delaying the appeal. In particular, the court noted that the evidence is already very old; and without an immediate appeal on the central issue, the potential for two or more trials against splintered groups of defendants is great, with an accompanying risk of piecemeal depositions, inconsistent rulings, appeals and further trials.”¹³

If there is a common theme to successful CR 54(b) certifications, it is specific and detailed findings revealing a genuine and tangible risk of harm particular to the case.

In addition to deciding whether CR 54(b) certification and appeal are appropriate, litigants must also satisfy CR 54(b)’s procedural requirements. The following practice tips are brought to you from the trenches and benches occupied by the authors of this article:

- Lawyers must fully brief both the multiple-claim and the “no just reason” requirements, as well as each of the five factors. Any proposed order should be carefully crafted to ensure a complete analysis by the trial court. The order cannot simply state that there is no just reason for delay; there must be a reasoned analysis.
- Even if a judgment meets all the qualifications for certification, there may be no need to rush to appeal because further developments at the trial level

could moot the need for an appeal. To be persuasive and complete, a trial court’s CR 54(b) certification should explain why immediate review is necessary and not just desirable.

- Lawyers should build a solid factual foundation for CR 54(b) certification. Although the appellate court reviews the trial court’s decision and not the parties’ briefing, a deficient CR 54(b) certification is not a jurisdictional defect.¹⁴ An appellate court can therefore decide such an appeal as long as the record shows that certification was appropriate.
- Lawyers should pay particular attention to “the practical effects of allowing an immediate appeal.” The appellate court must be convinced that allowing a piecemeal appeal makes sense — in other words, that such an appeal will benefit the appellant and that the appellate court will not be asked to decide issues prematurely or unnecessarily.
- A proponent of the appeal who decides early in the appeal to return to the trial court for more detailed CR 54(b) findings does not need the permission of the appellate court because that is part of the entry of the judgment. Even late in the appeal, the appellate court would almost always give permission to allow the trial court to clarify its findings for this purpose.
- Unless a stay is obtained, the trial court retains authority to proceed with the portion of the case that is not being reviewed under the CR 54(b) certification.¹⁵
- A certification does not start the clock running on a potential appeal by the aggrieved party because a certification merely allows and does not compel the aggrieved party to commence an immediate appeal.¹⁶
- A few cautious litigants have obtained a “belt and suspenders” combination of a certification of no just cause for delay under CR 54(b) together with a discretionary review certification that there is a controlling question of law as to which there is substantial ground for a difference of opinion and that immediate review of the order may materially advance the ultimate termination of the litigation under RAP 2.3(b)(4). The same underlying facts may provide overlapping support for both certifications, but be careful not to blur the specific factors that need to

be addressed for these two very distinct grounds for an interlocutory appeal.

Conclusion

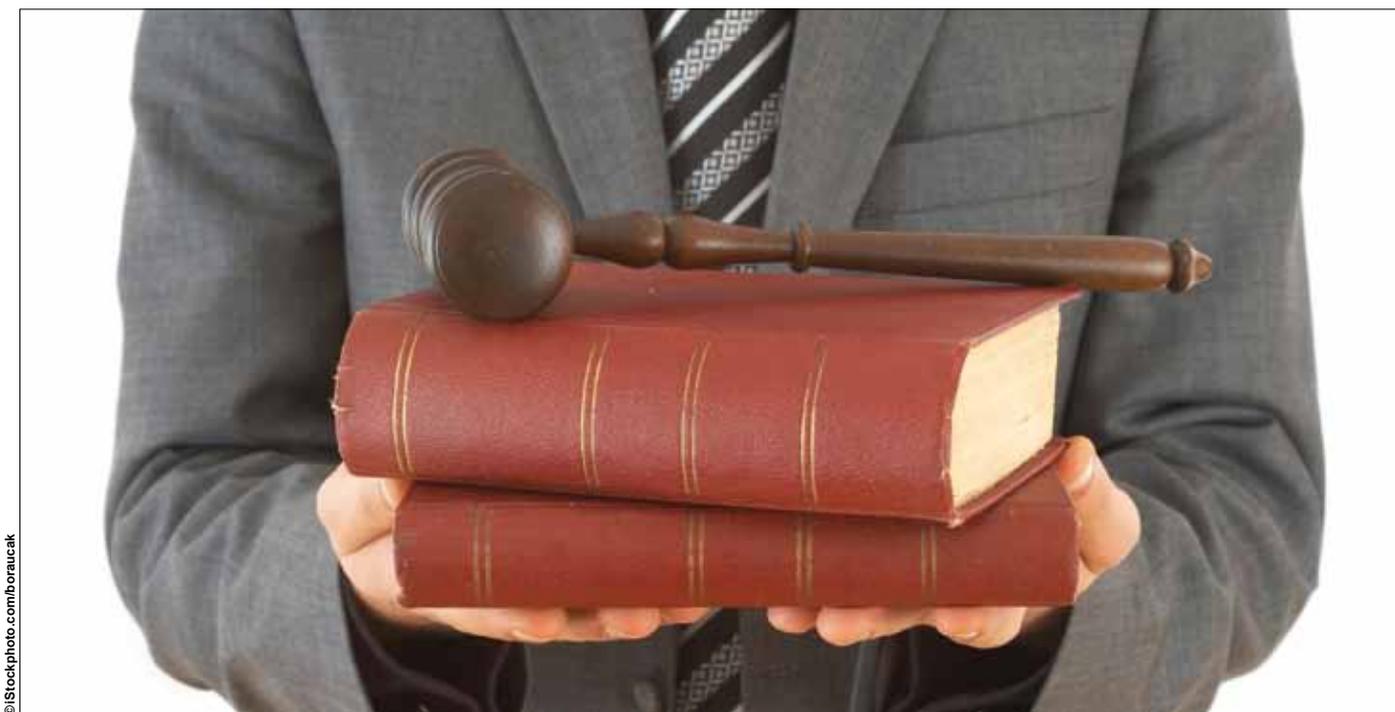
CR 54(b) and RAP 2.2(d) exist because there are some instances where delaying an appeal in a multiple-party or multiple-claim case simply does not make sense. If lawyers keep that purpose in mind and seek CR 54(b) certification only where allowing a piecemeal appeal makes sense, fewer appeals will be filed under RAP 2.2(d) and fewer of those appeals will be rejected. 

James Verellen has been a commissioner at Division One of the Washington State Court of Appeals for 18 years. Leonard Feldman is an attorney at Stoel Rives LLP, where his practice focuses on appeals before the Ninth Circuit and Washington appellate courts. Daniel Swedlow is also an attorney at Stoel Rives, where his practice emphasizes all aspects of labor and employment litigation.

NOTES

1. Although neither CR 54(b) nor RAP 2.2(d) refer to an actual “certification,” that term is often used as shorthand for the findings required to invoke those rules.
2. *Snyder v. State*, 19 Wn. App. 631, 636, 577 P.2d 160 (1978).
3. *Nelbro Packing Co. v. Baypack Fisheries, L.L.C.*, 101 Wn. App. 517, 523, 6 P.3d 22 (2000) (citing *Pepper v. King County*, 61 Wn. App. 339, 345, 810 P.2d 527 (1991)).
4. 88 Wn.2d 878, 567 P.2d 230 (1977).
5. *Nelbro Packing Co.*, 101 Wn. App. at 522.
6. *Fox v. Sunmaster Prods., Inc.*, 115 Wn.2d 498, 504, 798 P.2d 808 (1990).
7. *Doerflinger*, 88 Wn.2d at 882.
8. *Pepper v. King County*, 61 Wn. App. 339, 353, 810 P.2d 527 (1991).
9. *Nelbro Packing Co.*, 101 Wn. App. at 525; *Lindsay Credit Corp. v. Skarperud*, 33 Wn. App. 766, 772, 657 P.2d 804 (1983).
10. *Nelbro Packing Co.*, 101 Wn. App. at 526.
11. *Id.* at 532–33 (citations omitted).
12. *Nelson v. National Fund Raising Consultants, Inc.*, 64 Wn. App. 184, 191 n.6, 823 P.2d 1165 (1992); *Pepper v. King County*, 61 Wn. App. 339, 351, 810 P.2d 527 (1991).
13. *Cameron v. Murray*, 151 Wn. App. 646, 651, 214 P.3d 150 (2009).
14. *Kershaw Sunnyside Ranches, Inc., v. Yakima Interurban Lines Ass’n*, 156 Wn.2d 253, 261, 126 P.3d 16 (2006); *Glass v. Stahl Specialty Co.*, 97 Wn.2d 880, 882–83, 652 P.2d 948 (1982).
15. RAP 7.2(1).
16. *Fox*, 115 Wn.2d at 504–05 (1990).

Washington Citizens' Attitudes Concerning **Judicial Elections**



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Survey indicates that voters are open to merit-selection system for judges

BY DAVID BRODY AND NICHOLAS LOVRICH

In the fall of 2008, a random sample of registered voters were asked to participate in a survey about the manner in which Washington's judges are selected. Respondents were asked their opinions about the current system, their perceptions about a hypothetical commission or merit system of judicial selection, and their views concerning a number of underlying components of the two judicial selection methods. The results of the study, which involved 1,185 survey respondents from across the state, indicate that Washington voters would support a move toward a merit-selection process for judges if it would provide more citizen input overall than the current open-election system. This article summarizes and discusses the results obtained from this survey.¹

Perceptions of Washington's Current Judicial Selection System

In order to fairly and accurately measure citizens' thoughts regarding how Washington's state judges are selected, rather than assume universal knowledge of Washington's judicial selection process, it is essential to provide an *accurate, non-leading* description of how judges actually are selected to serve in judicial office. To meet the need for clear and cogent descriptions of the current judicial selection system, the survey instrument contained a definition that features: a) the selection methods laid out in statute; and b) a description of how the system has worked in practice over the course of recent years. Specifically, respondents were asked to assess the nonpartisan election selection system based on the following description:

CURRENT SYSTEM OF JUDICIAL SELECTION IN WASHINGTON STATE

There are 218 supreme court, court of appeals, and superior court judges in Washington state. These judges take office in one of two ways; judges are either:

- a. Elected by voters in nonpartisan elections, or
- b. Appointed by the Governor to fill a vacancy due to retirement or death of a current judge.

Currently, 87 judges (40 percent) reached the bench by nonpartisan election, and 131 judges (60 percent) reached the bench by being appointed by the Governor.

No matter how judges first reach office, at the end of their terms they must run in a contested election to keep their position. However, if no one challenges a judge, he or she automatically remains in office for another term.

In 2008, 84 percent of judicial elections are uncontested.

Immediately upon being presented with this description of the current judicial selection system, survey respondents were asked the following question: *Given the information presented above, how would you rate the system currently used to select judges?*

In general, citizens who are registered voters in the state had a rather negative view of the current system used to select judges in Washington. As seen in Table 1, while a little more than one-fourth of survey respondents rated the current system as either “good” or “very good,” more than one-third rated it as being either “bad” or “very bad” (see Table 1 below).

Rating	Percentage
Very Good	3.3
Good	23.3
Neither Good nor Bad	31.0
Bad	25.0
Very Bad	10.1
Not Sure	7.2

Table 1: Rating of Current System for Selecting Judges

Key Aspects	Percent Positive	Percent Negative
Nonpartisan Elections	68	9
Having Contested Elections	64	10
Candidate Advertising	38	27
Governor Filling Vacancies	27	31
Judges Consider Public Opinion	25	56
Special-Interest Ads	15	67
Retention if Unchallenged	13	44
Candidates Raising Money	12	50

Table 2: Citizen Perceptions of Major Aspects of the Current Nonpartisan Election Judicial Selection System in Washington

To better understand the underlying sentiments behind the opinions about the current system of selecting judges, survey respondents were asked whether they viewed several aspects present in the judicial selection process in a positive light or in a negative light. As illustrated in Table 2, a majority of respondents viewed having contested elections and nonpartisan elections to be positive components of the current system. In stark contrast, advertising by special-interest groups, automatic retention of judges who are not challenged, and the need for candidates to raise money were viewed by many citizens as negatively affecting the court system (see Table 2 above).

When one considers the findings from Table 2 in conjunction with the overall perception of the current system, several items come into focus. Respondents are clearly frustrated by the lack of input in the selection and retention process. They view aspects of the current system that promote citizen participation positively and the systematic and automatic retention of unchallenged judges negatively. Regardless of what title is used to describe the means of selecting judges, the results indicate that a system in which citizen participation is limited is viewed poorly.

Citizen Perceptions of a Proposed Commission System of Judicial Selection

As was done in examining perceptions of the current system of selecting judges, in an effort to document the opinions of Washington’s citizens about a commission-based system of judicial selection, the survey questionnaire contained a description of such a system. The description, which was based on typical commission systems used in other states, read as follows:

COMMISSION SYSTEM OF JUDICIAL SELECTION

A proposal has been made to change the way judges are selected in Washington. A description of this system is provided in the box below.

Under the COMMISSION SYSTEM method, a bipartisan, broad-based commission (made up equally of lawyers and non-lawyers from across the state) interviews and evaluates candidates for judicial positions and recommends the most highly qualified to the Governor. The Governor is then required to appoint one of the people recommended by the commission. This system is sometimes referred to as “merit selection.”

Under this system all judges would face periodic retention elections in which voters decide whether each judge should remain in office.

After being presented with this description of the commission system, survey respondents were asked the following question: *Given the information presented above, how would you rate the commission system for selecting judges?*

In general, registered voters in Washington had a rather positive view of the commission system of judicial selection. In response to this direct question, more than 61 percent of survey respondents expressed the view that the proposed commission-based system was either “good” or “very good,” while only one in eight (16 percent) thought it was either “bad” or “very bad” (see Table 3 following).

Rating	Percentage
Very Good	22.0
Good	39.2
Neither Good nor Bad	12.8
Bad	10.5
Very Bad	5.8
Not Sure	9.7

Table 3: Rating of Commission System for Selecting Judges

The survey questionnaire also asked respondents to opine whether they believed specific items associated with a commission-based judicial selection system would be a positive or negative component of that system (see Table 4 below).

Key Aspects	Percent Negative	Percent Positive
Use of Retention Elections	9	82
Nominating Commission	15	80
Judges Always on Ballot	14	79
Limiting Governor Discretion	23	67
Not Having Contested Elections	36	32

Table 4: Perceptions of Key Aspects of a Commission-Based Judicial Selection System

Two distinct categories of features associated with the commission system were viewed very positively by registered voters in Washington. First, survey respondents showed strong support for the ability to hold judges accountable at the ballot box. Roughly eight in ten respondents indicated that requiring judges to appear on the ballot periodically and the use of retention elections would be a positive aspect of a judicial selection system. The importance of these items likely stems from the small number of contested judicial elections taking place in Washington, and the corresponding absence of electoral accountability faced by the judiciary.

The second category of features viewed positively by registered voters involves limiting the power the Governor currently holds over interim judicial appointments. Two-thirds of survey respondents believed limiting the Governor’s discretion by requiring him or her to make judicial appointments from among a set of individuals submitted by a nominating commission was a positive aspect of a commission-based system. Similarly, 80 percent of survey respondents expressed the view that the idea of a nominating commission that would pre-screen candidates and identify a short list of

nominees for gubernatorial appointments was a good idea.

Comparing Attitudes Toward the Two Judicial Selection Systems

In addition to being able to compare whether respondents viewed the selection systems positively or negatively, it was deemed worthwhile to have them indicate which of the two selection systems they would prefer to be used in Washington. To facilitate this type of assessment, survey respondents were asked to indicate which system they would like to see used in Washington on a 1-to-7 continuum. The survey results for this question are displayed in Figure 1. As shown in this graph, in a head-to-head choice, after having considered in some detail the major characteristics of both the current nonpar-

Conclusion

From the results obtained from the survey and discussed in this report, it is clear that citizens of Washington are frustrated by the absence of direct voter input into the selection of the state’s judges. Such concern was predicted by the late Pro-

... it has been a widely held belief among people who have followed judicial politics in the Evergreen State that “Washingtonians would never give up their right to elect their judges.” Given the evidence of citizen interest in and support for a merit selection process documented in this survey, it may be time to set aside this long-established belief

fessor Charles H. Sheldon, the leading authority on the Washington state judicial system, when he astutely noted, “Whether Washington utilizes nonpartisan elections, the merit plan, or gubernatorial appointments matters less than what transpires within these formal selection

tisan election system and the hypothetical commission-based system, the registered voters surveyed clearly prefer the commission system. While it is important to bear in mind that this survey is but a snapshot in time, and responses are based on a hypothetical system, the breadth of the support shown for a commission system, which was seen across all demographic categories and geographic regions, is striking (see Figure 1 below).

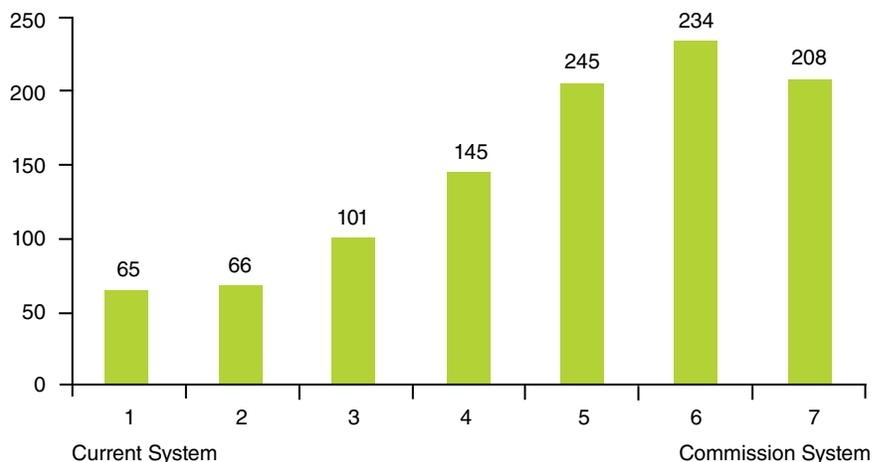


Figure 1: Judicial Selection System Preference by Number of Respondents



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systems.”² We suspect that Professor Sheldon would not be surprised by the results presented in this report. While the results are open to varied interpretation, they do raise some important issues and challenge heretofore untested assumptions. Specifically, it has been a widely held belief among people who have followed judicial politics in the Evergreen State that “Washingtonians would never give up their right to elect their judges.”³ Given the evidence of citizen interest in and support for a merit selection process documented in this survey, it may be time to set aside this long-established belief and adopt a stance more open to the possibility of change in how the state’s judges ought to be selected. 

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NOTES

1. The full report and appendices containing detailed tables and verbatim comments to open-ended questions are available at www.spokane.wsu.edu/academics/crimj/documents/wa%20survey%20report.pdf and www.spokane.wsu.edu/academics/crimj/documents/wa%20survey%20appendix.pdf.
2. Sheldon, Charles H., “Politicians in Robes: Judges and the Washington Court System,” *Government and Politics in the Evergreen State 138* (Nice, David C., Pierce, John C., and Sheldon, Charles H., eds., 1992).
3. “Political Speech Doesn’t Need any More Controls,” *Everett Herald*, December 27, 2006; Riley, Kate, “Cleaning Up Judicial Elections,” *Seattle Times*, November 14, 2006, at B6.



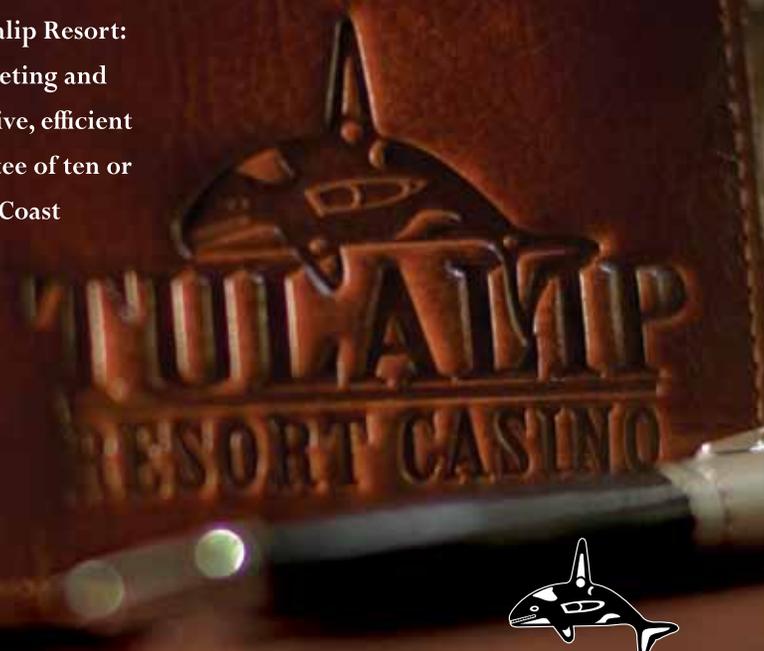
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What Do Clients Want?

Investing in and building relationships with your clients

BY ANN KRUSE AND COLLEEN YAMAGUCHI

George interviewed four law firms before choosing one to help him start up his technology company (all situations described in this article are real; the names have been changed). All four firms had the necessary level of technical expertise. In the end, he selected the lawyer who “invested in building the relationship.” That investment showed in several ways:

- Time spent getting to know George and his new business idea.
- Giving a discounted rate up front to help George get started.
- Creating a shared understanding of how they would work together. After a couple of hours talking with his lawyer, George “had a good sense of what it would be like to work with the firm.”

Ken, general counsel for a national company, works with many lawyers around the country, from mega- to small

firms. He values a lawyer who quickly picks up what he’s grappling with and the kind of advice that will help him do his job. For Ken, that often means an off-the-cuff summary of significant issues and pragmatic guidance as to whether it’s worth pursuing the matter further.

Clients want to know that their lawyers understand and care about them, their business, their issues — in other words, lawyers who “get” them.

What frustrates him is the technician with a narrow perspective who focuses only on what can go wrong with each scenario Ken presents. He values the lawyer who offers new ideas and solutions and who anticipates what would be helpful for him and his company. “Sheer technical brilliance” is not enough.

Susan looks for lawyers who invest in their relationship by learning about her company’s business and way of operating. As senior attorney for a major global company, she favors firms that develop a

team with depth to service her account. She is willing to invest in her outside counsel by providing them with insights into her company. In turn, she expects that information to be shared with other attorneys through training and mentoring, so that all lawyers on the team understand

the company’s business, preferences, and points of view. This “seamless transition” greatly benefits Susan, and she prefers the law firm that makes it happen. One of her pet peeves is partners who hoard clients. She appreciates the senior partner who exercises good judgment in determining when and to what extent to be personally involved, and when to delegate to lawyers with lower billing rates.

Priya is a business owner who is thinking about “cutting the cord” with the law firm she has been using. At first she was

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impressed by her lawyer's expertise. But she sees the senior partner on the team doing a lot of "project management" work. She wants to know that the fees she is paying are providing her with real value. Her attorney has not been willing or able to engage in a meaningful conversation with her that will give her that assurance.

The authors of this article have spoken with business owners, executives, and senior in-house counsel to understand what attracts and repels them when it comes to choosing lawyers and law firms, particularly in this economy. While fees and competence are important to those who purchase legal services, they also mentioned other key, and often decisive, factors.

One theme stood out in terms of what clients want: Clients most appreciate lawyers and law firms who demonstrate a willingness to "partner" with them. This shows primarily in three ways.

1. Clients want to know that their lawyers understand and care about them, their business, their issues — in other words, lawyers who "get" them. They want their lawyer to:
 - Spend time getting to know key factors affecting their client's business and operations.
 - Be able to figure out, when their client calls, what is needed and when, and then deliver accordingly.
 - Put themselves in the client's shoes so that they can respond in a way that is not just technically correct, but also helpful.
2. The one-on-one relationship is important. Even when the relationship is institutional, the individual in-house lawyer will likely, when given the chance, choose to work with the lawyer (not necessarily the law firm) with whom he has the best personal connection. Lawyers develop loyal clients by engendering trust. They do this by (a) consistently being on point with advice that is responsive to their client's needs; (b) showing self-awareness as to strengths and limitations and not "winging" it when they are out of their depth; and (c) being genuine (not a "schmooser").
3. While clients are concerned about fees, they focus primarily on value. They tolerate high fees when they are confident in the value they are receiving and when they know their lawyer is being judicious in deciding the extent of work to be done and who on the team handles what work. Value is a function

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of perception, and a lawyer who can appreciate the larger concerns of his or her client will be better equipped to address the issue of value without becoming defensive.

What turns clients off? Quite simply, not being helpful. Our interviewees were very vocal about this! They dislike lawyers who:

- Respond narrowly to just the questions asked directly, who only poke holes in proposals, and who don't think about other scenarios or possibilities or the "big picture." This leaves the client feeling exposed and stressed. They prefer — and feel supported and strengthened by — counsel who offers other possible solutions.
- Take a formal legal opinion approach in responding to every request for advice. Often the client prefers the lawyer's off-the-cuff, pragmatic reaction to the situation.
- Deal only in theory or whose every answer starts, "It all depends." Clients operate in a world where decisions and actions are required. Lawyers who don't help their clients make decisions and take action will frustrate more than help their clients and will not be seen as valuable.
- Are not appropriately supervised or mentored, leading to unpolished work and having little insight into the client.
- Write or communicate poorly in a way that is not sensitive to the needs and demands of their client. This can include overly long e-mails, writing in "legalese" rather than plain English, or being off point.
- Are abrasive or arrogant, acting as though the client should appreciate the privilege of working with them.
- Are not available, especially if they are not forthright about their tight schedules.
- Don't solicit feedback, or upon receiving feedback, don't make modifications in response to it.
- Are not sensitive to the financial limitations of a "bootstrap start-up."
- Do work that has no clear value for the client, fail to communicate the value of their work, or who, as senior lawyers, do work that could be assigned to a more junior (and less expensive) lawyer.

In addition to what we heard in our interviews, we found additional insight in the 2008 Managing Outside Counsel Survey,

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a collaboration between the Association of Corporate Counsel (ACC) and Serengeti Law, which provides law departments with a widely used system for electronic billing and matter management.

Among the 337 corporate law departments that participated in the survey, over 40 percent reported that they have *terminated* relationships with some of their outside counsel during the prior year. Specific reasons for termination included lack of responsiveness, costs that were too high, and poor work product or results. Of particular interest, notes Serengeti's Rob Thomas, the author of the survey report, is that one-third of the respondents now cite

"communication and personality issues" as a major reason for termination.

According to Thomas, "An important message for law firms is that they should consider redirecting at least part of the time and money that they are spending on new client marketing to assess and address existing client concerns."

There is no one formula lawyers can follow to attract or retain clients. Instead, each lawyer has to be sensitive to the needs and preferences of the individual client. This requires tuning in to clients and effectively communicating, not simply about the legal issues, but also about the relationship and how things are going.

Lawyers who take the time to really listen to their clients, who pick up on cues and feedback, and who respond not solely on the narrow legal issues presented but more broadly in a way that is helpful to that client, will be better able to understand how they can add value for their client and then communicate the value that justifies their fees.

As a profession, we lawyers do not take naturally to seeking, accepting, and acting upon feedback. We tend to be perfectionists who want to cover every base and not show vulnerability. In avoiding feedback, however, we decrease our ability to relate to and best serve our clients. The lawyers and law firms who serve clients most effectively have the mindset that "feedback is good" and take the time to (1) seek out feedback from clients and (2) acknowledge and respond to the feedback by reporting changes that will be and have been made. This is fundamental to understanding clients' expectations and how we, as counsel, are doing in meeting those expectations.

In today's market, with abundant talent and computerization that can increasingly level the playing field, lawyers can no longer differentiate themselves based simply on technical expertise. What matters more is how they discern and respond to client needs and the nature of the relationships they build. [®]

Colleen Yamaguchi, J.D., MBA, is a lawyer and professional certified coach focusing on leadership, professional development, and transition. In coaching professionals to help them in their careers, and in her leadership development work, she draws on her 20-plus years' experience as an international transactions lawyer, both as partner in global law firms and as senior in-house counsel. She can be reached at 206-228-4827 and c.yamaguchi@comcast.net. She is located in Seattle. Ann Kruse, J.D., MSO, is a lawyer and leadership development expert. She is the creator of the Client-Centered Advisor Program, which helps lawyers develop deep, enduring, and high-trust relationships with clients. Her website is www.annkruse.com. She can be contacted at 425-391-1882 or ann@annkruse.com. She is located in Sammamish. The authors thank Mary Jane Pioli for contributing perspectives from clients she interviewed. Mary Jane is an executive coach, group facilitator, and business strategist whose practice includes coaching lawyers.

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BY LAINIE PATTERSON

Your day starts out like any other. Coffee, checking e-mail, sorting through correspondence. And then you see it. The envelope from the Bar marked “CONFIDENTIAL.” Your heart pounds as you discover you have been randomly selected for an examination of the client trust account (IOLTA). If you are part of a large firm, you immediately call the Accounting Department and pass this off like a hot potato. If you are a small firm or solo practitioner, you tell yourself, “Everything is in order. I shouldn’t have anything to worry about.” But worried you are. What will they find?

This article addresses the three most common violations found, regardless of the firm’s size. It provides information regarding the applicable Rules of Professional Conduct (RPC), as well as the preferred remedy. The first, inactive client accounts and aged outstanding checks, you will recognize immediately, but may not know how to fix. The second, failure to reconcile client ledgers, you may not know how to do.

The third, processing overpayments, you may not like, but it’s the rule. The ultimate goal is an exam with no reportable findings.

Inactive Client Accounts and Outstanding Checks

Inactive client account balances in the trust account and outstanding checks from the trust are closely related. They both fall under RPC 1.15A(f),¹ which addresses a lawyer’s duty to promptly pay or deliver client funds to the client or third person. This rule is further clarified by Comment [6],² which charges the lawyer with a duty to take reasonable steps to locate clients for whom the lawyer is holding funds. However, if the client cannot be located, the Unclaimed Property Statute may be the best solution to disbursing these funds. That statute indicates three years is the magic number for declaring property unclaimed.

During an exam, we look for client matters with no activity during the last 12 months, and focus on accounts with no activity in more than three years. Obviously some practice areas, such as probate, have matters go on for years with no activity occurring in the trust. If

the matter is ongoing, or the client has specifically requested the funds remain in trust, it would not be a noted violation. However, if the matter has been inactive more than three years and the client cannot be located with reasonable efforts, Unclaimed Property procedures should be used to disburse the client’s funds. The Washington State Department of Revenue website (<http://dor.wa.gov>) has the forms and instructions to complete this process.

The same is true for aged, outstanding checks in the trust account. During your next bank reconciliation, look for checks dated more than a year in the past, contact the client, and request he cash the check. If it has been lost, stop payment and reissue a new check. (Don’t forget to put sufficient funds in the trust account to cover the stop-payment fee.) If you cannot locate the client, use the Unclaimed Property procedures discussed above.

Failure to Reconcile Client Ledgers

The Rules require trust account records to be reconciled as often as bank statements are received.³ Each month when the

bank statement comes, you must reconcile the bank statement to the trust account check register. However, do not stop here. After reconciling the bank statement, add up the individual client balances that are supposed to be in the trust account as of the date of the bank statement, and make sure the total agrees with the check register on that date. For example:

Check register balance	
as of 1/31/10	\$500.00
Client A balance on 1/31/10	\$100.00
Client B balance on 1/31/10	\$150.00
Client C balance on 1/31/10	\$250.00
Total	\$500.00

Check register and client totals agree.

If there is a discrepancy, verify that all deposits and withdrawals are noted on the client ledgers. If there is more money in the trust account than the total of client balances, perhaps a deduction for earned fees is on the client ledger, but not yet withdrawn from the account. If there is less money in the bank than the client totals, perhaps a payment was made on behalf of a client but not noted on the client's ledger, or worse, funds were used that had not been deposited.

If you follow these steps and still cannot get the balances to reconcile, contact the WSBA at 206-733-5949 or 800-945-9722, ext. 5949 for additional information on locating the discrepancy. Finally, make sure you keep a copy of this reconciliation with the bank statement.

Processing Overpayments

This is a sore point when found during an exam, so let's deal with it up front. The Rules require overpayments to be deposited into the trust account, with the earned portion withdrawn once the check has cleared.⁴ However, RPC 1.15A(h)(3) prohibits withdrawing earned fees before the client has been billed through an invoice or statement and has had an opportunity to dispute the bill.⁵ If the client has not been billed for the work and a reasonable amount of time passed for the client to dispute the bill, the money needs to be in the trust account.

If a client overpays or double-pays, the entire amount must be deposited into trust. Yes, even if the overpayment is only a penny. Yes, even if there is work in progress for that month exceeding the overpayment amount. Yes, even if the client states it is acceptable to keep the balance as a credit. Deposit all

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overpayments into the trust account, and once the deposit has cleared, the earned portion that has already been billed can be withdrawn. Alternatively, the check containing the overpayment can be returned to the client with a request for a new check in the correct amount.

These are the most common violations found during an examination, regardless of the firm's size. Other violations occur, but with less frequency. Clearing these up before the examination happens will go a long way toward having no reportable findings. Remember, auditors are here to help with trust account questions even if you have not been selected for an examination. And calling us with a question will not get you onto the random exam selection list. So have your coffee, check your e-mail, and don't panic if the inevitable letter for an examination shows up one day. The auditors are here to help. If you have additional questions, contact Lainie Patterson at 206-733-5949. 

Lainie Patterson is a WSBA auditor and can be reached at lainiep@wsba.org.

NOTES

1. RPC 1.15A(f) states: "Except as stated in this Rule, a lawyer must promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive."
2. Comment [6] states: "A lawyer has a duty to take reasonable steps to locate a client or third person for whom the lawyer is holding funds or property. If after taking reasonable steps, the lawyer is still unable to locate the client or third person, the lawyer should treat the funds as unclaimed property under the Uniform Unclaimed Property Act, RCW 63.29."
3. RPC 1.15A(h)(6) states: "Trust account records must be reconciled as often as bank statements are generated or at least quarterly. The lawyer must reconcile the check register balance to the bank statement balance *and reconcile the check register balance to the combined total of all client ledger records.*" (emphasis added).
4. RPC 1.15A(h)(1)(ii) states: "Funds belonging in part to a client or third person and in part presently or potentially to the lawyer must be deposited and retained in a trust account, but any portion belonging to the lawyer must be withdrawn at the earliest reasonable time."
5. RPC 1.15A(h)(3), states in part: "The lawyer may withdraw earned fees only after giving reasonable notice to the client of the intent to do so, through a billing statement or other document."

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- Shop at the WSBA store (order CLE recorded seminars, deskbooks, *Resources*, etc.)
- Voluntarily report your pro bono hours under RPC 6.1
- Sign up to volunteer for the Home Foreclosure Legal Aid Project
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groundbreaking conference also came “A Report from the American Bar Association to the Legal Profession.”

This report has far-reaching diversity implications affecting retention efforts of attorneys with disabilities practicing law, as well as employers and even law students with disabilities. The report includes information on the following topics:

- The status of lawyers and

tion is currently promoting the Pledge, a one-page commitment statement for legal employers to sign. The Pledge affirms the signatory’s commitment to diversity, specifically disability diversity, and recognizes that diversity is in the

Disability Diversity in the Legal Profession: A Pledge for Change

BY EMILY COOPER PURA

January 18, 2010, marked the 27th anniversary of Martin Luther King Jr. Day celebrations in this county. It was President Ronald Reagan who signed the holiday into law in 1983 to honor Dr. King for his nonviolent activism in the civil rights movement.

One of Dr. King’s most powerful statements was, “Injustice anywhere is a threat to justice everywhere.” This is a

principle that attorneys can identify with as we seek to promote all that is good and lasting in the justice system. That is why the ABA’s most recent efforts to contribute to diversity efforts in the practice of law is so profound: it affects every one of us and the judicial system, even if we do not individually identify as having a disability.

In 2009, the ABA hosted the Second National Conference on the Employment of Lawyers with Disabilities. Out of this

law students with disabilities, including statistics and surveys, and why we need lawyers with disabilities in the profession

- How to make the transition from law school to the workplace with a disability
- How and why you should recruit, hire, retain, and promote lawyers with disabilities
- Practical tips on how to make your place of employment both welcoming and legally compliant for those with disabilities
- Personal stories and anecdotes from lawyers with disabilities, including the first blind U.S. Supreme Court clerk, an associate general counsel, and an official from President Obama’s White House staff

Another pivotal issue that came out of the conference and the subsequent report was the Pledge for Change. One of the primary purposes of the Conference was to encourage legal employers, including law firms and corporate counsels, to sign the “Disability Diversity in the Legal Profession: A Pledge for Change” (Pledge), in order to support disability diversity in the legal profession. In furthering its commitment to disability diversity in the legal profession, the ABA Commis-



DISABILITY DIVERSITY IN THE LEGAL PROFESSION: A PLEDGE FOR CHANGE

As Legal Employers, Chief Legal Officers, Hiring Partners, and Hiring Personnel, we hereby affirm our commitment to diversity, including diversity regarding individuals with mental, physical, and sensory disabilities, in the legal profession. Our Pledge for Change is based on the need to enhance opportunity in the legal profession and our recognition that the legal and business interests of our clients require legal representation that reflects the diversity of our employees, customers and the communities where we do business. In furtherance of this commitment, this is intended to be a pledge for the profession generally and in particular for our law departments, firms, agencies, and organizations. We further pledge that we will encourage those law departments, firms, agencies, and organizations that we do business with to make a similar diversity commitment.

Organization: _____

Signed: _____ Date: _____

This Pledge was inspired by “A Call to Action,” a diversity pledge for the legal profession, created by Rick Palmore, Esq.

best interest of the profession, those the profession serves, and the organization making the commitment. The Pledge also announces that the signatory will encourage others in the legal industry to make this commitment.

It is this pledge that I, as an attorney with a disability who works at Disability Rights Washington, ask each employer and law school to consider in the next year. The ABA is hoping to have all signatures gathered by 2011.

The Pledge for Change was created in response to the lack of lawyers with disabilities in the profession, and was the centerpiece of the Second ABA National Conference on the Employment of Lawyers with Disabilities held in June 2009. The ABA Commission on Mental and Physical Disability Law will be leading the effort to have legal employers sign the Pledge for Change. If you are interested in collaborating with the Commission in having your employer or others sign the Pledge for Change, please contact William Phelan at:

ABA Pledge for Change
 c/o William J. Phelan, IV, Esq.
 740 15th Street, NW, 9th Floor
 Washington, DC 20005-1022
 phelanw@staff.abanet.org
 202-662-1576 (phone)
 202-442-3439 (fax)

You may also review the Pledge for Change by going to www.abanet.org/disability/pledge.

In the time since the ABA issued its call to employers and universities to sign the Pledge for Change, nearly 50 (includ-

ing several from Washington state) have signed the Pledge, showing their commitment to diversifying their workforces, specifically for lawyers with disabilities.

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Washington state has made important strides to support and increase diversity in the legal profession. In 2007, the WSBA Board of Governors adopted five Guiding Principles, one of which is to “advance and promote diversity, equality, and cultural understanding throughout the legal community.” This commitment has been made possible through significant efforts by WSBA leadership in partnership with the various Minority Bar Associations, the WSBA Committee for Diversity, the Board of Governors Diversity Committee, and other stakeholders in the legal community and community at large. This commitment would be strengthened if more Washington

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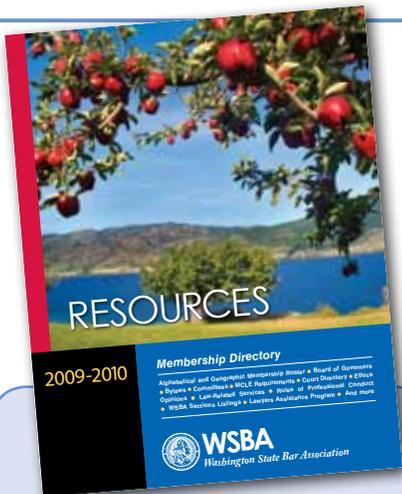


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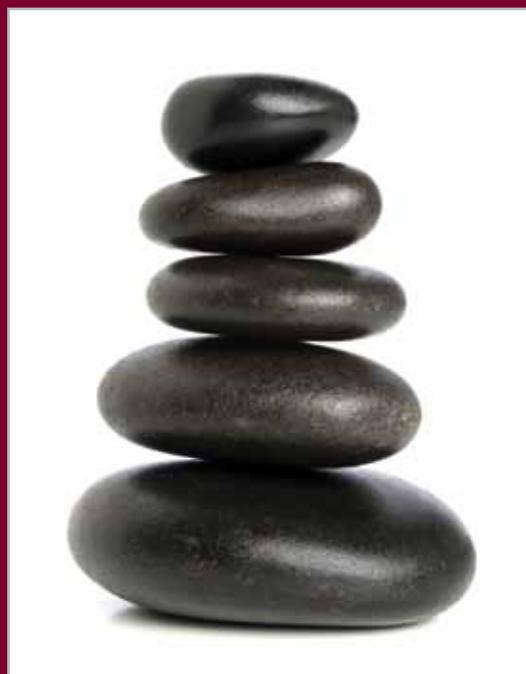
state employers were to sign the Pledge. Please take a look at the Pledge and talk to your colleagues and your employer about committing to support disability diversity in the legal field by signing this one-page pledge.

Pledging to change the diversity of the legal profession ultimately upholds Dr. King's statement that "injustice anywhere is a threat to justice everywhere." 

Emily Cooper Pura is a graduate of Seattle

University School of Law. She has spent her legal career practicing in areas of public interest focusing on state and federal benefits law, as well as addressing the issues impacting individuals with disabilities. She works at Disability Rights Washington and also serves as a pro bono attorney with KCBA Volunteer Attorney for People with AIDS. Professional activities include serving on WSBA Committee for Diversity and Q-Law. Wilberforce Agyekum and Assistant Attorney General Maureen Mannix provided edits to this column.

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Life Begins for Washington Lawyers Who Are “55 and Counting” — A Brief History of the Senior Lawyers Section

BY PHILIP H. DE TURK

It was 1995 and I was attending an ABA meeting in some city that hosted those events — Orlando, Florida, I recall. I belonged to the ABA Senior Lawyers Section. One of the meetings involved

reports of the statewide organizations that existed. During the presentation, solicitation was made for more to be started.

The gist of the program was that each of us should sally forth into our own domain creating Senior Lawyer conclaves. I was skeptical. What would be the advantage of such a

program? I did not respond, did nothing to foster the movement at that time.

Probably it was a meeting in another city in 1997 that finally caused me to believe there would be value in a Washington Senior Lawyers Section. I agreed to do my best for my mentors in the ABA to foster such a movement. I could say that the rest was history, but that is what this is about: the history of our section, now in its 13th year.

The first item that had to be completed back in 1997 was getting the WSBA to accept another section. To do that, a petition had to be prepared setting forth the purpose of the proposed group. It had to have 20 endorsers. Our section began with three general principles: We would have annual CLE meetings with subjects of interest to members of the Bar who were at least 55 years of age; there would be social events in various cities in Washington for our members; and we would issue a quarterly publication with articles by and for our members.

Jumping ahead, we have greatly succeeded with numbers one and three. Only two has been lacking, although we did put together a program in Spokane at the final state bar convention.

Getting the 20 signatures was a difficult task. However, it need not have been. I learned later that the WSBA would have assisted in this effort. But I did it my way, going to the San Francisco ABA convention, where I corralled people I knew, seeking their John Hancock after explaining what I was trying to accomplish.

We were accepted in late 1997. Now all that had to be done was to get some members. An organizational meeting took place at the WSBA headquarters in downtown Seattle. Exactly two people besides me attended. One was Howard Breskin, a longtime lawyer in Seattle. I was terribly dejected, but Howard urged me on, saying we should proceed as if we would have hundreds attending the first CLE meeting.

So we set it for August 1998 at the Sea-Tac Hyatt. Mr. Breskin helped me arrange an agenda and get the speakers. The WSBA advised they would give us seed money with which to front the first news publication, as well as some other mailings. These would be

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sent to lawyers who were admitted in 1958 and before, since the Bar keeps members' ages confidential.

I was in my office fooling around with the first quarterly newsletter. Suddenly it came to me: "Life Begins When You Retire," or perhaps "When You Retire, Life Begins." This was to be our motif: CLE subjects that would assist an attorney seeking retirement. The first issue advised all recipients of the forthcoming program. It was mailed around the spring of 1998.

Our first meeting's speakers were an eclectic group. We had Arnie Robbins telling about the travel he had done since retiring. Barrie Althoff talked about files and what the retiree should do with them. He also appeared again with Paula Ledbetter, my office manager, to discuss what can happen if a lawyer does not prepare for sudden death, insofar as his clients and caseload are concerned.

Stan Wagner chaired a two-hour session where laptop equipment for use in the office was reviewed. Then video aids for future trial use were demonstrated. Steve Jobs and Terry Tainter were speakers. The latest in the appellate field of decisions was presented, as well as the importance of various forms of insurance and trusts for the retiree.

Richard Gemson told us why we should have malpractice insurance, not only while still practicing, but for at least three years following termination of our legal efforts. Until the Statute of Limitations takes effect, lawyers are subject to suits by disgruntled clients.

Howard Breskin stepped to the fore with a humorous outline of what the retiree must anticipate: loss of office space and a secretary; loss of face; loss of income. Wow. His talk probably did not inspire too many of our early members to unhitch from the practice.

We also had our first business meeting. During the weeks prior to the important CLE event, which had more than 100 attendees, individuals had sent in their 20 dollars to join the section. We were an active section with more members than many of the others.

At that 1998 meeting, I was officially elected the next chair, or first chair, or following chair after organization had been completed. Fredrick Frederickson volunteered to be the second chair, beginning in August of 1999.

"Life Begins" was published every quarter. It was usually eight pages with some local topics as well as legal ones taken from other state publications (with the permission of the section involved).

Our next CLE annual meeting was also in August. A number of helpers materialized to arrange the program. These included Kenneth Selander, who became the third chair,

and the always ready-to-serve Robert Berst, our fourth.

Somewhere along the line, the annual CLE event was shifted to early spring. It was also moved to the Sea-Tac Marriott. Monthly meetings of the officers began to take place, usually at the Broadmoor. Herbert Freise was a member of that Seattle golf club and arranged for our group of eight to 12 to gather there for discussion of CLE speakers and other events.

Bob Berst and I put together a program for Spokane to be held during the last WSBA convention. Sparsely attended, with some speakers withdrawing at the last minute, it was a marginal success. A pro-

gram of ethics received some controversial input. The annual CLE was presented in Tacoma at the Fircrest Golf Course. Attendance was substantially lower than at the Marriott proceedings. The consensus has been that Sea-Tac is the best place for all future activities.

Following Berst, Pete Francis stepped forth to chair the organization. Our annual meetings never had fewer than 150 members attending at the cost of \$100. This fee included a lunch and cocktail party following the speakers. Jim McClendon's Pacific Financial Group sponsored these soirées, where no one ever took advantage of the drinks on the house.

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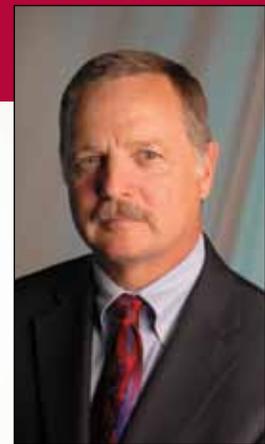
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After Francis did a two-year stint as chair, Dudley Panchot headed the section for a period of time. His successor was Jerome Jager. It was during the latter's regime in September 2006 that we did a three-hour program prior to the honoring of the lawyers who had been WSBA members for 50 years. The number of attendees was adequate, but the effort was a money loser, due to the high expense of the meeting room.

Our current chair is Steve DeForest. Joanne Primavera ably served as secretary over the years. John Bergmann now serves in that capacity. The aforementioned Friese was active on the executive committee, as have been Gene Annis, Weston Foss, Thomas Wampold, and Roderick Dimoff.

Truly, without the efforts of these individuals, there would not be a section ready to celebrate its thirteenth year. Also, praise must be offered for the continuation of "Life Begins." After I moved to North Carolina in 2003 and could no longer do the job, Bob Berst took over. When he needed a sabbatical, the job was handed to Carole Grayson, although before assuming her duties, she confessed that, at a few months shy of "55 and counting," she was underage!

Then, too, our presence as a viable force

Save the Date!

Friday, April 16, 2010

2010 Senior Lawyers Section Annual Meeting and CLE

at the Sea-Tac Airport Marriott

Scheduled presenters include
Washington Supreme Court
Justice Charles Johnson,
Gonzaga School of Law Dean
Earl Martin, Scott Osborne (real
property), Barbara Harper (WSBA
Lawyers Assistance Program),
and Donald Querna (estate
conflicts of interest).

Consider joining the section
and/or attending the CLE.
Bring a friend!



[www.wsba.org/lawyers/groups/
seniorlawyers](http://www.wsba.org/lawyers/groups/seniorlawyers)

among WSBA sections would not have lasted without the outstanding speakers we have had over the years — people who volunteered their time to do papers for use in the program booklets given to each member attending the function, and speaking for anywhere up to an hour. There have been well over 100 such people, so to name them at this time is not feasible. Suffice to say, we applaud each and every one of them.

As I conclude this third rewrite of the history, sitting in my den in Pinehurst, North Carolina, on September 12, 2009, where it is 85 degrees outside, I realize that my final effort for the WSBA has come to pass. Henceforward, truly life begins here in the South. 

Philip H. De Turk attended George Washington University on a basketball scholarship and received a J.D. from GWU Law School. He was admitted to the WSBA in 1956. He has worked for small firms, as a solo practitioner, and at government positions. His career involved trial work including criminal, personal injury, real estate, and probate. He is now retired after 50 years of practice and lives in North Carolina to enjoy a life of golf and travel. He can be reached at hliplruted@aol.com.

Civil legal aid programs currently are experiencing a flood of clients facing homelessness due to foreclosures, a skyrocketing need for bankruptcy assistance, and other serious legal problems as a result of the economic downturn.

Please join us in donating the equivalent of at least one billable hour to the legal community's annual Campaign for Equal Justice. Your charitable contribution to the Campaign gives our state's 26 legal aid programs the ability to address critical survival needs of Washington's most vulnerable.

Make a secure 2009–2010 online tax-deductible contribution today at www.c4ej.org.

Or donate as part of your WSBA 2010 licensing at www.mywsba.org.



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WSBA 2010–2011 Committee, Board, and Panel Application Form

The WSBA Board of Governors invites applications for appointments to WSBA committees, boards, and panels. Appointments are limited, and only active WSBA members may be appointed. However, committee meetings are open to the public and may be attended by any member. More information is on the WSBA website at www.wsba.org/lawyers/groups/committees.htm. Brief descriptions of the committees, boards, and panels can be found on page 43. Please note that the WSBA will send appointment letters by September 2010.

Deadline: Completed applications and materials must be received at the WSBA office by March 12, 2010.

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

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

Materials must be received by March 12, 2010, to be considered for appointment.

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

Your Name (print) _____ WSBA number _____

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

1st choice _____

- Check here if you have served on this committee previously. Approximate years of service: _____
- I am interested in serving as chair.

2nd choice _____

- Check here if you have served on this committee previously. Approximate years of service: _____
- I am interested in serving as chair.

3rd choice _____

- Check here if you have served on this committee previously. Approximate years of service: _____
- I am interested in serving as chair.

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

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

Describe your relevant skills or experience.

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

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

Step 4: Provide demographic information (required).

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

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

Gender: Male Female Choose not to respond

Disability: Yes No Choose not to respond

Sexual orientation: Do you openly identify as a sexual minority, to include the following: gay, lesbian, bisexual, or transgender?
 Yes No Choose not to respond

Number of years in practice: _____ Choose not to respond

Employer: _____ Choose not to respond

Area(s) of practice: _____ Choose not to respond

Number of lawyers in law firm: solo 2-5 6-10 11-20 21-35
 36-50 51-100 101+ Choose not to respond

Step 5: Sign the waiver.

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

Signature _____ Print name _____

E-mail _____ Daytime phone _____

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

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

Application Deadline: March 12, 2010

Log on to myWSBA.org to apply online. Thank you for your interest in serving!



Overview of Standing Committees, Regulatory Boards, and Panels for 2010–2011

STANDING COMMITTEES

Amicus Curiae Brief Committee

Reviews all requests for *amicus curiae* participation by the WSBA, and provides a recommendation to the Board of Governors pursuant to the WSBA Amicus Curiae Brief Policy.

Continuing Legal Education (CLE) Committee

Provides policy guidance for the WSBA CLE Department in fulfilling its mission of serving the ongoing education needs of Washington lawyers. Has four subcommittees: Quality Control, Technology, Section Relations, and Programming.

Court Rules and Procedures Committee

Studies and develops suggested amendments to designated sets of court rules on a regular cycle of review. Performs the rules study function outlined in GR 9 and reports its recommendations to the Board of Governors. The Evidence Rules (ER) and Infraction Rules for Courts of Limited Jurisdiction (IRCLJ) will be reviewed in 2010–2011. Lawyers with experience or interest in these areas are encouraged to apply.

Committee for Diversity

Works to increase diversity within the membership and leadership of the WSBA; promote opportunities for appointment or election of members to the bench; support and encourage opportunities for minority attorneys; aggressively pursue employment opportunities for minorities; and raise awareness of the benefits of diversity.

Editorial Advisory Committee

Acts mainly in an advisory capacity, supervising the publication of *Bar News*, including the recommendation of finalists for the editor position for selection by the Board of Governors, and the establishment of guidelines for format, content, and editorial policy.

Judicial Recommendation Committee

Screens and interviews candidates for state appellate court and Supreme Court positions. Recommendations are reviewed by the WSBA Board of Governors and referred to the governor for consideration when making judicial appointments.

Legislative Committee

Reviews proposals from WSBA sections for state legislation that relate to the practice of law and the administration of justice, and makes recommendations to the BOG for a position thereon.

Pro Bono and Legal Aid Committee

Deals with questions in the fields of pro bono and legal aid, with respect to: (1) supporting activities that assist volunteer attorney legal services programs and organizations, and encouraging pro bono participation to meet the aspirational goals in RPC 6.1, Pro Bono Publico Service; (2) addressing the administration of justice as it affects indigent persons; and (3) cooperating with other agencies interested in these objectives.

Professionalism Committee

Recommends programs to increase professionalism by assisting attorneys in fostering better client relations; improving civility among attorneys; and creating and promoting educational opportunities focusing on issues related to professionalism, ethics, and civility.

Rules of Professional Conduct Committee

Considers and responds to inquiries arising under the Rules of Professional Conduct (RPC) and may, upon request, express its opinion to the Board of Governors concerning proper professional conduct.

REGULATORY BOARDS

Board of Bar Examiners

Prepares the questions and grades the papers for the bar examinations under the direction of the Board of Governors, in accordance with the Admission to Practice rules as approved by the Supreme Court.

Character and Fitness Board

Deals with matters of character and fitness bearing on qualifications of applicants for admission to practice law in Washington; conducts hearings on the admission of any applicant; makes recommendations to the Board of Governors and Supreme Court; and considers petitions for reinstatement after disbarment. Three positions are available, one which must be filled by a member from District 1, one by a member from District 3, and one by a member from any district. Members must have been an active member of the WSBA for at least seven years.

Disciplinary Board

Carries out the functions and duties assigned to it according to the Rules for Enforcement of Lawyer Conduct adopted by the Supreme Court. The full board meets at least six times a year, reviewing hearing officer decisions and stipulations. Three-member review committees meet at least an additional three times a year and review disciplinary investigation reports and dismissals. Considerable reading and meeting preparation are required. Four positions are available, one which must be filled by a member from District 1, one by a member from District 2, one by a member from District 4, and one by a member from District 6. Members must have been an active member of the WSBA for at least seven years.

Lawyers' Fund for Client Protection Board

Pursuant to APR 15, reviews claims for reimbursement of financial loss sustained by reason of an attorney's dishonest actions or failure to account for client funds; decides claims up to \$25,000; and makes recommendations to the Board of Governors on claims for greater amounts. Meets four times a year.

PANELS

Adjunct Investigative Counsel (AIC) Panel

Assists the Office of Disciplinary Counsel as needed pursuant to Rule for Enforcement of Lawyer Conduct 2.9. AIC volunteers may be asked to investigate a grievance against a lawyer; assist staff disciplinary counsel with a portion of an investigation; serve as special disciplinary counsel and represent the Association in the prosecution of a disciplinary case; provide staff disciplinary counsel with an outside opinion on an area of law; serve as a probation monitor following imposition of a disciplinary sanction; serve as a file custodian when a lawyer dies, disappears, or otherwise becomes incapable of protecting clients' interests; or serve as a limited guardian or guardian *ad litem* for an incapacitated lawyer. Members must have been an active or judicial member of the WSBA for at least seven years with no record of disciplinary misconduct. Appointment is for a five-year term.

Hearing Officer Panel

Panel members serve as hearing officers for lawyer disciplinary matters and are expected to make evidentiary rulings, rule on motions, and prepare written findings of fact, conclusions of law, and (as necessary) sanction recommendations according to strict deadlines. Attendance at annual training is required. Hearing officers may not serve as expert witnesses on professional conduct issues, represent respondents in disciplinary matters, or serve as special disciplinary counsel or adjunct investigative counsel. Please review the Rules for Enforcement of Lawyer Conduct, particularly ELC 2.5 to 2.6 and ELC Title 10, prior to applying. A hearing officer must be an active member of the WSBA, have been an active or judicial member of the WSBA for at least seven years, have no record of public discipline, and have experience as an adjudicator or advocate in contested adjudicative hearings. The Hearing Officer Selection Panel reviews applications and makes recommendations to the Board of Governors for appointments to the panel. In addition to the application form, first-time applicants are required to submit a letter of interest (highlighting relevant skills and experience) and résumé to the Hearing Officer Selection Panel, WSBA, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or elizabethth@wsba.org. Initial appointment is for one year commencing October 1, 2010, and may be followed by reappointment for five-year terms. All application materials and requested information must be submitted in order to be considered for appointment, and the Selection Panel may request additional information during the evaluation process.

Opportunities for Service

WSBA Presidential Search**Application deadline: May 3, 2010**

The WSBA Board of Governors is seeking applicants for the position of WSBA president for 2011–2012. Pursuant to Article IV (A)(2) of the WSBA Bylaws, the primary place of business of candidates for president for 2011–2012 must be from Eastern Washington. The WSBA member selected to be president will have an opportunity to provide a significant contribution to the legal profession.

Applications for 2011–2012 WSBA president will be accepted through May 3, 2010, 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 17, 2010. 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 4, 2010, Board of Governors meeting in Wenatchee. 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 2010, following selection. A one-year term as president-elect will begin at the Annual Business Meeting on September 23, 2010. 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 2011, 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. The Bylaws can be found at www.wsba.org/info/bylaws.

Law Clerk Board**Application Deadline: March 12, 2010**

The Law Clerk Board is a regulatory board composed of seven lawyers who are appointed for six-year terms. Members are appointed with consideration for the geographic distribution of the law clerks in the program. There are two positions starting October 1, 2010; one will serve primarily Eastern Washington and one Western Washington. The Board is composed of both law school graduates and those who completed the Law Clerk Program; a balance of experience is sought.

Each Board member acts as liaison for an average of seven law clerks enrolled in the program. Liaisons receive monthly exams and certificates to review and assess the law clerks' progress. At quarterly meetings, liaisons make recommendations to the Board on petitions of enrolled law clerks and on the admission of new law clerks and tutors to the program, as well as other issues. Screened applicants to the program are required to meet in person with a liaison, so liaisons must be willing to host meetings in their offices or travel to the potential tutors' offices. The time commitment is generally four to eight hours per month in addition to the quarterly six-hour meetings and possible special meetings and projects.

Interested members should review APR 6 and the Regulations for the Law Clerk Program www.wsba.org/lawyers/licensing/apr6rulesandregulations.pdf. General information about the Law Clerk Program can be found at www.wsba.org/lawyers/licensing/faq-rule6.htm. To apply for appointment to the Law Clerk Board, submit a letter of application

and résumé to: WSBA Bar Leaders Division, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or e-mail barleaders@wsba.org.

Mandatory Continuing Legal Education (MCLE Board)**Application deadline: April 30, 2010**

The WSBA Board of Governors is seeking applications from active WSBA members for appointment to the MCLE Board. Two positions are available, and members from any district may apply. These are three-year terms commencing October 1, 2010. The MCLE Board approves courses and educational programs that satisfy the educational requirements of the mandatory CLE rule and considers MCLE policy issues, as well as reporting and exception situations. Interested individuals should submit a letter of interest and résumé to WSBA Bar Leaders Division, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or e-mail barleaders@wsba.org.

American Bar Association (ABA) House of Delegates**Application deadline: May 14, 2010**

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the ABA House of Delegates representing the WSBA. Four delegate positions will be available in August 2010. A written expression of interest and résumé are required for any incumbents seeking reappointment.

The control and administration of the ABA are vested in the House of Delegates, the policy-making body of the ABA. The House, composed of 555 delegates, elects the ABA officers and board, and meets out of state twice a year. Delegate attendance is required.

The WSBA's allowance is \$800 per year per delegate. Terms are two years, and members may serve a maximum of three consecutive terms. Those serving on the ABA House of Delegates must be ABA members in good standing throughout their terms. Please submit a letter of interest and résumé to WSBA Bar Leaders Division, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; or e-mail barleaders@wsba.org.



2010 WSBA Awards Nominations Sought

Each year, WSBA members 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 non-lawyers.

Professionalism Award. This honor is awarded to a WSBA member 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 Petruss Award for Lawyers in Public Service. Named in honor of the late Angelo R. Petruss, 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, non-lawyer, 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. 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 recognizes 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 go to www.wsba.org/2010wsbaawardsinfo.htm for more information and to download 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 the Pro Bono Award and Norm Maleng Leadership Award nominations is March 31, 2010. The deadline for all other nominations is April 30, 2010. Please send nominations to: WSBA, Attn: Annual Awards, 1325 Fourth Ave., Ste.

Opportunity For Employment Lawyer

A Seattle litigation firm with twenty-two attorneys is interested in having an employment law attorney join the firm.

Interested individuals are assured that their inquiries regarding our firm will be kept confidential. We are seeking a partner/shareholder level attorney with a business portfolio sufficient to fully engage that attorney plus at least one associate. We are looking for someone with skills in litigation as well as counsel for clients. We believe our firm will present the successful candidate with significant contacts for referrals of employment matters from the firm's clients. Many of the firm's clients are self-insured companies. Compensation is based on an objective formula applied to receipts.

Inquiries can be made by
calling the firm's Managing Director at 206-467-2645
or by email at jdalton@mhlseattle.com

600, Seattle, WA 98101; fax: 206-727-8310; e-mail: emilyr@wsba.org. Please contact Emily Robinson at 206-239-2125 for more information.

The awards will be presented at the WSBA Annual Awards Dinner in Seattle on September 23, 2010, with the following exceptions: the Pro Bono and Norm Maleng Leadership awards will be presented at the Access to Justice/Bar Leaders Conference in Wenatchee, June 4-6, 2010.

Seeking Questionnaires from Candidates for Judicial Appointments

Deadline: April 30, 2010, for June 11, 2010, interview

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

Online Licensing for 2010

Deadline was February 1, 2010. If any portion of your license fee or late fee remains unpaid, or if you are on Active status and haven't paid your Lawyers' Fund for Client Protection assessment or filed your Professional Liability Insurance Disclosure after two months' written notice of your delinquency, a recommendation for suspension will be submitted to the Supreme Court. You may file the disclosure either online at www.mywsba.org or on the A1 License Renewal form. Check www.wsba.org/licensing for detailed instructions.

Changes Regarding IOLTA Accounts

The Washington State Supreme Court issued an order on November 5, 2009, which became effective on December 1, 2009, that amends the Rules of Professional Conduct (RPC) and Rules for Enforcement of Lawyer Conduct (ELC) governing the Washington IOLTA (Interest on Lawyers' Trust Accounts) program. RPC 1.15A and ELC 15.4 were amended, and a new ELC 15.7 was created. These changes affect your bank's current IOLTA account policies.

Under the rule changes, banks offering IOLTA accounts are required to comply with a new "comparability rule." Comparability means that IOLTA accounts must earn a comparable rate of interest with non-IOLTA accounts of similarly-sized demand accounts. In other words, IOLTA accounts must earn the same level of interest as non-IOLTA accounts.

Within the next few months, the Legal Foundation of Washington (LFW) will be working with financial institutions to comply with the new rules. These changes should not impact lawyers. If a financial institution decides to stop offering IOLTA accounts, it will notify its customers accordingly (although in experience nationwide this has not occurred).

Additionally, under the rule changes, the LFW, rather than the Washington State Bar Association, will maintain the list of financial institutions that are authorized to offer IOLTA accounts. These financial institutions must comply with the comparability rules and report overdrafts on lawyer trust accounts to the WSBA.

The list of approved banks can currently be found at www.wsba.org/info/operations/finance/iolta.htm. Once the transition has been made, the list will be posted on the LFW's website and a link will be provided on the WSBA website.

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

A petition for reinstatement after disbarment has been filed by Peter A. Slowiaczek, WSBA No. 23649, who was disbarred on May 11, 2004. At the time of his suspension and disbarment, Mr. Slowiaczek practiced in Pierce County, Washington.

A hearing on Mr. Slowiaczek's petition will be conducted before the Character and Fitness Board on April 16, 2010. Not later than 5:00 p.m. April 14, 2010, anyone wishing to do so may file with the Character and Fitness Board a written statement for or against reinstatement, setting forth factual matters showing that the petitioner does or does not meet the requirements of Admission to Practice Rule 25.5(a). Except by its leave, no person other than the petitioner or petitioner's counsel shall be heard orally by the Character and Fitness Board.

Communications to the Character and Fitness Board should be sent to Robert D. Welden, General Counsel, Washington State Bar Association, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539, or to bobw@wsba.org. This notice is published pursuant to APR 25.4(a).

"Foundations of American Democracy" Civics Pamphlet

The WSBA offers a pamphlet for the public called "Foundations of American Democracy" that describes the basics of American

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



LAP/LaSD Statewide Conference

The WSBA Lawyer Services Department (LAP and LOMAP) presents its 13th annual Statewide Conference, "Creating Extraordinary Effectiveness in Your Law Practice," April 16–18, 2010, at Campbell's Resort on Lake Chelan. Registration is \$140 and includes nine CLE credits (pending) and all meals. Room rates are \$98–118 (to be paid by attendees). This year's presentations will explore "Fostering Positive Intergenerational Understanding: Professionalism, Civility, and Cooperation," "Setting the Tone for Effective Client Relations," "The Role of Effective Communication and Emotional Intelligence in Practicing Law: How It Makes a Difference," "How to Communicate Your Practice Through Your Website," "Protecting Client Interest in Case of the Disability or Death of a Lawyer," and "An Update on Issues and Rule Changes in the Past Year." To register before the April 2 deadline, visit www.wsbalap.org, or call 206-733-5914.

Lawyer Services 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.

Opportunity for Lawyers to Contribute to "Every Day Is Baby Day"

Lawyers Helping Hungry Children (LHHC), a nonprofit organization dedicated to the cause of fighting childhood hunger, is working with Northwest Harvest on "Every Day Is Baby Day" — a statewide drive held during the month of March dedicated to collecting food, formula, diapers, and other needed baby items. Those interested in helping or making contributions, please contact LHHC at lhhcwa@gmail.com. For more information about LHHC, see www.lawyershelpinghungrychildren.org.

Get More out of Your Software

The WSBA offers a hands-on computer clinic for members. Learn what programs such as Outlook, PowerPoint, Excel, Word, and Adobe Acrobat can do for a lawyer. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Computers are provided, and seating is limited to 15 members. There is no charge, and no CLE credits are offered. The March 8 clinic will be held from 10:00 a.m. to noon at the WSBA office and will focus on using Word. The March 11 clinic will meet from 2:00 to 4:00 p.m. and will focus on using Casemaker, CourtTrax, and other online research resources. For more information or to RSVP, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or julies@wsba.org.



Monthly Job Search Session

Join us March 10 to hear guest speaker Jeff Minzel discuss his insights about the interview process. These free informational sessions take place the second Wednesday of each month from noon to 1:30 p.m. at the WSBA sixth floor conference center. For more information, call 206-727-8267 or e-mail danc@wsba.org. Come as you are — no need to RSVP unless you would like to attend the meeting by telephone (RSVP by March 9 at 206-727-8268).

Weekly Job Finders Strategy and Support Group

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

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Facing an Ethical Dilemma?

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



55 and Over?

WSBA's Lawyers Assistance Program sponsors the "Lawyers in Transition: Attorneys 55 and Over" group. A range of topics will be covered, such as making changes in one's career, nurturing interests outside of the law, and giving and receiving support to fellow lawyers. The group meets at the WSBA offices the first Tuesday of the month; the next meeting is March 2, from 10:30 to 11:45 a.m. The cost is \$10 per session. If you are interested in taking part or have questions or recommendations, please contact Dr. Dan Crystal at 206-727-8267 or danc@wsba.org.

Search WSBA Ethics Opinions Online

Formal and informal WSBA ethics opinions are available online at <http://pro.wsba.org/io/search.asp>, or from a link on the WSBA homepage, www.wsba.org. You can search opinions by number, year issued,

ethical rule, subject matter, or keyword. Ethics opinions are issued by the WSBA to assist members in interpreting their ethical obligations in specific circumstances. The opinions are the result of study and analysis in response to requests from WSBA members. For assistance, call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

Learn More About Case-Management Software

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

Assistance for Law Students

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

Upcoming Board of Governors Meetings

March 5-6, Bremerton • April 23-24, Port Angeles • June 4, Wenatchee

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

Usury Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in February 2010 was 0.167 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.



Circle of Professionalism

Randall Beighle, the litigation practice development coordinating counsel at Lane Powell, demonstrates that professionalism extends beyond the courtroom and into one's



community. Randy is the son of the Rev. Gwen Beighle, a Presbyterian minister who founded Multifith Works (formerly the Multifith

AIDS Project of Seattle), and Douglas P. Beighle, who has held numerous public-service positions, including chair of the Pacific Science Center, and chair of the Greater Seattle Chamber of Commerce. Inspired by his parents' service to others, Randy has incorporated service to his community into his legal career. He is the former chair and current member of Lane Powell's Diversity Committee, serves as a trustee of the Children's Museum of Seattle, has served on the WSBA Board of Bar Examiners, and has spent endless hours coaching youth soccer and basketball. In 2008, Randy was awarded Lane Powell's inaugural Seattle office Mentor of the Year award. Whether volunteering his time in the community, representing a client in court, or mentoring a new associate, Randy is thoughtful and considerate. In this way, Randy achieves the goals promulgated by the WSBA's Professionalism Committee — to foster positive client relations, improve civility among practicing attorneys, and develop a better public image of attorneys in the community at large.

The WSBA Random Acts of Professionalism Award is given from lawyers to lawyers to recognize and encourage professionalism among the members of the Bar. Neither the WSBA Professionalism Committee nor the WSBA Board of Governors explicitly endorses a selection; the award is simply from one professional to another. Look for the best among your peers and nominate them. Visit www.wsba.org/professionalism to learn more.

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 Gene Poole (WSBA No. 15578, admitted 1986), of Everett, was disbarred, effective October 16, 2009, by order of the Washington State Supreme Court. This discipline was based on conduct in three matters involving a conflict of interest, misrepresentations to a tribunal, improper *ex parte* communication, failure to inform the tribunal of all relevant facts during an *ex parte* proceeding, dishonest conduct, and non-cooperation during a Bar Association investigation.

Matter No. 1: In 2003, Mr. Poole represented clients who were seeking to remove a lien filed against their residential property by former tenants. The lien holders (Mr. and Mrs. C) were in the process of dissolving their marriage. Upon agreement of all counsel, Mr. Poole's clients posted a cash bond, which was deposited in the court registry. In September 2004, Mr. and Mrs. C's marriage was dissolved and, in their Property Settlement Agreement, each was awarded "one half of the net proceeds from the lawsuit" involving Mr. Poole's clients after paying "one half of approved combined attorney and professional fees and costs." Mrs. C's attorney subsequently filed a lien against the funds in the registry of the court on Mrs. C's behalf.

In April 2005, Mr. Poole entered into an agreement on behalf of his clients with Mr. C, who was *pro se* at that time, in the form of a written stipulation under which Mr. Poole's clients agreed to dismiss Mr. C from their lawsuit in exchange for a \$10,000 payment to Mr. C from the funds in the court registry. Neither Mrs. C nor her attorney (Attorney B) knew of this agreement. On Friday, April 29, 2005, Mr. Poole left a voicemail message and signed a letter to Attorney B regarding the settlement and Poole's intention to appear *ex parte* on May 2, 2005, to present an Order. He then faxed Attorney B a fax cover sheet refer-

ring to an attached letter. On Saturday, April 30, Attorney B retrieved Mr. Poole's voicemail message, but only received the fax cover sheet without the letter. That same day, Attorney B faxed a letter to Mr. Poole stating that he did not receive anything more than the fax cover page and objecting to the settlement. The fax did not go through on April 30, but was completed May 2. Mr. Poole received Attorney B's fax and saw that Attorney B had received only the fax cover page. Approximately one hour before the hearing, Mr. Poole faxed Attorney B a copy of his letter. Attorney B had already left his office that day for a hearing in another matter.

Mr. Poole went to the court's Ex Parte Department and presented the Order. When questioned by the court, Mr. Poole misrepresented that Attorney B had been adequately notified. Mr. Poole failed to inform the court that Attorney B had an objection to the Stipulation. Based on those misrepresentations and omissions, the court granted Mr. Poole's request and signed the Order. Later that month, with notice to Attorney B, Mr. Poole moved in the Court of Appeals to have Mr. C dismissed from the litigation. Attorney B filed an objection to the motion to dismiss, asserting that Mr. Poole had not provided notice to him of the *ex parte* application for an order disbursing funds from the court registry. In a memorandum and a declaration dated May 25, 2005, Mr. Poole misrepresented to the Court of Appeals the dates that a letter giving Attorney B notice of the *ex parte* appearance was in fact faxed to him.

Matter No. 2: In December 2003, Mr. Poole filed a lawsuit in district court against a former client (Mr. M) to collect attorney's fees and costs. Mr. M initially filed a notice of appearance on behalf of himself and his wife. By early April 2004, Attorney C was assisting Mr. M. Attorney C did not formally appear until June 10, 2004, but Mr. Poole served Attorney C with documents prior to that date. On June 2, 2004, Mr. Poole appeared in district court for the trial. Neither Attorney C nor Mr. M appeared for trial. After the conclusion of the court proceedings, Mr. Poole sent the judge a letter with a proposed Judgment, which the judge subsequently signed. He did not send copies to Mr. M or Attorney C, who had not yet formally appeared. On June 3, 2004, Attorney C communicated a settlement offer to Mr. Poole. Mr. Poole informed Attorney C that he was not interested in settlement because the court had already awarded a judgment. On June 4, 2004, Attorney C visited the district court, discovered the clerk had not sent Mr. M notice of the trial date, and then advised Mr. Poole that he would be moving to "set aside what happened June 2...."

On January 4, 2005, Mr. Poole, Mr. M, and Attorney C appeared in superior court for supplemental proceeding so that Mr. Poole

could gather additional information from Mr. M to assist him in collection of the judgment. Instead of submitting to an examination, Mr. M agreed to pay the amount of the judgment into the court registry on the understanding that the funds would remain in the registry until the dispute over the judgment's validity was resolved. Minutes before the commencement of the supplemental proceedings calendar, Attorney C filed a motion for an order vacating the judgment, quashing the supplemental proceedings, and terminating and enjoining further collection action by Mr. Poole. The judge declined to consider the motion, as it had not been properly noted. Before leaving the courthouse, Attorney C deposited, on behalf of his client, \$11,941.01 in the registry of the court. By letter dated January 5, 2005, Attorney C informed Mr. Poole that he would be amending the motion filed on January 4, 2005, and requested that Mr. Poole serve notice on him of any further actions taken in the matter. Mr. Poole received and responded to Attorney C's letter that same day.

On January 7, 2005, Mr. Poole filed an *ex parte* motion for an order disbursing to himself \$11,460.27 of the funds Mr. M had placed in the court registry. Mr. Poole did not provide Attorney C or Mr. M with a copy of this motion prior to going to court, and did not notify them of his intention to seek such an order. In his *ex parte* motion, Mr. Poole stated that on January 4, 2005, Mr. M "and his counsel agreed to pay the judgment into the court registry." The motion did not inform the court that they did so on the understanding that the funds would remain in the court registry until the validity of the judgment was resolved, or that Attorney C still intended to pursue the issue of the validity of the judgment. Mr. Poole presented the *ex parte* motion to the supplemental proceedings judge, who granted it. Mr. Poole received \$11,460.27 disbursed from the court registry.

On January 11, 2005, Attorney C filed in superior court a Motion to Set Aside and Vacate Judgment and requested a court order refunding the \$11,941.01 to Mr. M, which he believed was still in the court's registry. In his response, Mr. Poole asserted, "[O]n January 4, 2005, [Mr. M] deposited funds sufficient to pay the judgment in full into the registry of the court without reservation and did not designate the funds as a *supersedeas* bond to stay collection." The superior court denied Attorney C's motion, without prejudice to the motion being brought in district court. Subsequently, Attorney C amended the motion and filed it in district court. Mr. Poole filed a response stating that Mr. M had received notice of all actions. On April 21, 2005, the district court heard argument from Attorney C and Mr. Poole on the pending motion to vacate. The district court judge vacated the

June 6, 2004, judgment, but allowed Mr. Poole to retain possession of the funds pending the resolution of the lawsuit through a bench trial. At the bench trial, held on September 16, 2005, the court ruled in Mr. Poole's favor, indicating the funds previously collected remained his, but did not make an award of any additional costs or fees because "it was the Court's error [in failing to send Mr. M notice of the original trial date which necessitated this last hearing.]"

Matter No. 3: In early August 2004, Mr. Poole began representing Mr. K. Mr. K owned valuable commercial real estate and generated his living expenses by refinancing his properties. Mr. K was also the sole owner and member of a limited liability company (LLC), which owned two parcels of property. At the beginning of the representation, Mr. Poole advised Mr. K that he must provide security for payment of Poole's attorney's fees and costs. Between August 2004 and January 2006, Mr. Poole provided representation to Mr. K in multiple lawsuits; he also served as manager of certain limited liability companies owned by Mr. K. On October 15, 2004, Mr. K signed a written fee agreement with Mr. Poole providing for payment of fees at certain hourly rates and security for payment of fees and costs, with the amount and terms of security not agreed to at that time. Between October 19, 2004, and December 22, 2004, Mr. Poole sent regular billing statements to Mr. K, which grew to a balance of \$116,892.44 by December 22, 2004. On multiple occasions, Mr. Poole communicated his interest in obtaining payment from Mr. K by re-financing one or more of Mr. K's properties. He repeatedly suggested that Mr. K consult with independent legal counsel regarding this arrangement.

On January 4, 2005, Mr. Poole prepared and delivered to Mr. K a letter that Mr. Poole called a Security Agreement. The Security Agreement set forth the understanding that Mr. K would "provide a note for \$200,000.00 on each of the [two properties owned by LLC]" and "execute an irrevocable escrow instruction" that Mr. Poole's firm would be paid the net proceeds from any loan on Mr. K's property after payment of certain amounts. Mr. Poole also advised Mr. K to consult with independent legal counsel before signing the Security Agreement, the notes, the deeds of trust, and the irrevocable escrow instruction. Mr. K signed the Security Agreement on January 5, 2005.

After the Security Agreement was signed, Mr. Poole prepared a Promissory Note in the amount of \$200,000 "or the full balance owed under the Security Agreement signed on January 4, 2005," and had Mr. K sign the Promissory Note, as the sole member of LLC and personally. In February and March 2005, Mr. Poole served as legal counsel for Mr. K and manager of LLC to arrange for a

\$335,000 loan from Corporation W to LLC, secured by the two parcels of property. The net proceeds of the loan to the borrower were to be approximately \$118,000. At the time, Mr. Poole intended that approximately \$95,000 of the net proceeds of the loan would be used to pay his outstanding attorney's fees and costs, and that an additional amount would be used to reimburse Mr. Poole for \$10,000 he had advanced to Mr. K for living expenses. Mr. Poole intended to have Mr. K grant him a deed of trust on the property after the loan closed, so that Mr. Poole's deed of trust would be subordinate to Corporation W's deed of trust on the property. Mr. Poole did not advise Mr. K of any actual or potential conflict of interest nor explain any risks or possible implications in his representation of Mr. K in obtaining a loan from Corporation W, secured by the LLC property, even though Mr. Poole had a personal financial interest in the loan and the property. Mr. Poole did not obtain consent in writing from Mr. K to the potential or actual conflict of interest.

As of March 21, 2005, in order to secure payment of his attorney's fees and costs, Mr. Poole prepared two Deeds of Trust, one on each property owned by LLC. Each Deed of Trust was in the amount of \$200,000 and Mr. Poole was the beneficiary of each. On March 21, 2005, Mr. K signed both Deeds of Trust. The loan from Corporation W was finalized and Mr. Poole received and deposited \$118,371.83 net proceeds into his trust account. Between March 25, 2005, and April 18, 2005, Mr. Poole transferred more than \$94,000 of the loan funds to his firm for payment of invoiced fees and costs and more than \$14,000 of the loan funds for reimbursement of advances made to Mr. K. On March 29, 2005, Mr. Poole recorded the two Deeds of Trust naming himself as grantee (beneficiary). Monthly payments on the loan were due beginning May 1, 2005. Mr. K, who had no regular income and no liquid assets, had no ready means for making the monthly payments on the loan. He was not assured enough time to refinance another property in order to make his monthly payments on the loan to avoid foreclosure.

In November 2005, Mr. K signed a purchase and sale agreement under which LLC agreed to sell one of its parcels of property for \$500,000. At that time, Mr. Poole was claiming a right to payment of approximately \$187,000 from any sale of LLC property on which Mr. Poole had a Deed of Trust. Mr. Poole withdrew from any and all legal representation of Mr. K and his business entities in December 2005. On January 5, 2006, the Washington State Supreme Court ordered that Mr. Poole be suspended from the practice of law for a period of six months. In January 2006, Mr. K and the buyer of the LLC property entered into a written Addendum to the Purchase and Sale

Agreement of the property. The Addendum provided for wrap-around arrangement under which Mr. Poole would receive no funds on the closing of the sale. Instead, the buyer would sign a promissory note in the amount of \$360,000 secured by a Deed of Trust that would "wrap" around the "existing Deed of Trust in favor of Jeffery [sic] Poole." Mr. K would receive payments on the promissory note with the final cash out occurring on January 31, 2007. This arrangement provided Mr. K with time to reach an agreement regarding the payoff of Note, Deeds of Trust, and any other outstanding claims with Mr. Poole.

Non-cooperation: Between June 2005 and July 2007, Mr. Poole failed to cooperate with the Bar Association's investigation of five grievances filed against him. Mr. Poole's non-cooperation included failing to respond in a timely fashion, despite multiple reminders, to grievances and to requests for additional information. Mr. Poole also failed to appear for a deposition and to produce all documents set forth in subpoenas issued during the investigation of one of the grievances. Mr. Poole made misrepresentations to the Bar Association in three of the grievances and a misrepresentation in a declaration sent to the Supreme Court regarding one of the grievances.

Mr. Poole's conduct violated RPC 1.7(b), prohibiting a lawyer from representing a client if a conflict of interest exists; RPC 3.3(a)(1), prohibiting a lawyer from making a false statement of fact or law to a tribunal; RPC 3.3(f), requiring a lawyer, in an *ex parte* proceeding, to inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse; RPC 3.5(b), prohibiting a lawyer from communicating *ex parte* with a judge except as permitted by law; 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(1), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter; and RPC 8.4(n), prohibiting a lawyer from engaging in conduct demonstrating unfitness to practice law.

Christine Gray and Kathleen A.T. Dassel represented the Bar Association at hearing. Christine Gray and M. Craig Bray represented the Bar Association on appeal. Kurt M. Bulmer represented Mr. Poole at hearing on some of the counts of the Formal Complaint, and Mr. Poole represented himself on others. Mr. Poole represented himself on appeal to the Disciplinary Board. Lawrence R. Mills was the hearing officer. 

BARRETT & WORDEN, P.S.

take great pleasure in announcing the addition of

Heather M. Jensen

as a principal of the firm,

Kevin J. Kay

as an associate, and

Philip D. Mortenson and Sean Sheehan

as senior of counsel.

Heather received her J.D. from George Washington University in 1999. Heather worked for seven years at the King County Prosecutor's Office where she honed her courtroom skills trying over 50 felony jury cases. She has an additional four years of civil litigation experience with Barrett & Worden.

Kevin received his J.D. degree in 2003 from Seattle University School of Law, where he graduated *magna cum laude*. Prior to joining Barrett & Worden, Kevin gained experience first as a municipal prosecutor, then as an associate with an insurance defense firm.

Phil graduated from Hastings Law School in 1967. He is admitted to practice in U.S. District Courts in California and Washington, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court. Phil's work history includes a position as Litigation Attorney and Director for the Seattle City Attorney's Office, and as Litigation Counsel for Washington Mutual Bank.

Sean graduated from the University of Washington School of Law in 1975. He served as a litigation assistant city attorney for the cities of Lynnwood, Tacoma, and Seattle, with his service for Seattle lasting 31 years. His last assignment was as the director of the Torts Section of the Seattle City Attorney's Office, 1990-2009. He has handled more than 100 jury trials to date.

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Kasey D. Huebner

has become a Shareholder in the firm.

We are also pleased to announce that

Christopher L. Neal

has joined the firm Of Counsel

and

John T. Fetters

has joined the firm as an Associate.

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Dana S. Scheele

became a partner with the firm
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and will continue to practice
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David J. Fisher

and

Misty A. Edmundson

have become Shareholders in the firm.

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DITLEVSON RODGERS DIXON, P.S.

is pleased to announce that

Heather Christenson

who has been Of Counsel with the firm since 2005, has joined the firm as an associate. Her practice emphasizes general business transactions, real estate, and healthcare

and

Joe D. Frawley

a May 2009 graduate of the University of Oregon School of Law, has joined the firm as an associate. His practice will include transactional and litigation services for the firm's business and real property clients.

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HANIS IRVINE PROTHERO, PLLC

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is pleased to announce that

Amy E. Meharry

has become an associate of the firm practicing in homeowners' associations, real estate, business, and family law.

Ms. Meharry graduated from Seattle University School of Law in 2003. She received her Bachelor of Arts degree from Seattle University in 2000.

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GROFF MURPHY, PLLC

is pleased to announce that

Kevin W. Reed

has joined the firm as an associate.

Mr. Reed is a 2006 graduate of Tulane University Law School, where he was a member of the Tulane Law Review and Order of the Coif.

Mr. Reed was formerly an associate attorney with Stone Pigman Walther Wittmann, L.L.C. in New Orleans, Louisiana. Mr. Reed's practice will focus on complex litigation, construction law, and government contracts.

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ATTORNEY FEES/ADR

Phil Talmadge and Tom Fitzpatrick are available to assist you in all aspects of disputes relating to attorney fees. This includes serving as counsel, or providing expert witness testimony, in these matters. Both can also provide alternative dispute resolutions services as a mediator or arbitrator. With the WSBA ADR program ending, Talmadge/Fitzpatrick can provide an ADR alternative to litigating attorney fee disputes. Both are A/V-rated and have over 30 years of experience as lawyers.

Phil is a former justice of the Washington Supreme Court and a co-author of "Attorney Fees in Washington." Tom has extensive experience as a professional responsibility lawyer, including the ethical and legal requirements relating to fee agreements and fees.

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ATTORNEY FEE DISPUTE ARBITRATION

Camden M. Hall, former Seattle Municipal Court Judge *pro tem* and King County Superior Court Judge *pro tem* and member of the Washington State Bar Association's former Fee Arbitration Panel, is available to assist attorneys and clients in the arbitration of their attorney fee disputes.

CAMDEN M. HALL, PLLC
1001 Fourth Avenue, Suite 4301
Seattle, WA 98154-1142

Tel: 206-749-0200
E-mail: chall@camdenhall.com

Web: www.camdenhall.com

APPEALS

Anne Watson, former law clerk to the Washington State Supreme Court, welcomes consultation, association, or referral of appellate cases.

**LAW OFFICE OF
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An appellate court reviewing a case sees issues for the first time. The trial lawyer, having spent years with the case, often misses these issues. There is value in referring an appeal to new counsel. Mr. Lawrence-Berrey has more than 20 years of appellate experience, and has assisted numerous trial counsel on appeal.

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& NAUGHT, PLLP**

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MEDIATION

Mac Archibald

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

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

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

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E-mail: mac@archibald-law.com

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ETHICS AND LAWYER DISCIPLINARY INVESTIGATION AND PROCEEDINGS

Stephen C. Smith,

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

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anne@walegaethics.com

www.walegaethics.com



CLE Calendar

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

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

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

Business Law

30th Annual Northwest Securities Institute

March 5-6 — Seattle. 10 CLE credits, including 1 ethics pending. By WSBA-CLE and WSBA Business Law Section; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Antitrust, Consumer Protection, and Unfair Business Practices: Consumer Protection Basics

March 10 — Spokane. By Gonzaga University School of Law. Contact Ted Stiles, tstiles@lukins.com.

Elder Law

Annual Senior Lawyers Conference

April 16 — Seattle. CLE credits pending. By the WSBA Senior Lawyers Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Employment Law

Annual Employment Law Institute

April 30 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Environmental Law

3rd Annual Sustainable Development and Green Building

March 26 — Seattle. 7 CLE credits. By The Seminar Group; 206-463-4400; www.the-seminargroup.net/seminar.lasso?seminar=10.grnwa.

Land Use and Environmental Due Diligence When Acquiring Property (Including Distressed Property)

March 31 — Seattle and webcast. 6.75 CLE credits pending. By the WSBA Environmental and Land Use Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Estate Planning

7th Annual Trust and Estate Litigation Seminar

March 12 — Seattle. 6.75 CLE credits, including 1 ethics pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Estate Planning for the Small- to Medium-Sized Estate

April 27 — Seattle and webcast. 6.5 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Federal Estate Tax and GST Issues: What Now? Featuring Steve Akers

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

General

American Legal History: The Cherokee Cases

March 10 — Teleconference with online PowerPoint; 1.5 CLE credits pending. By Rubric CLE; www.rubriccle.com; 206-714-3178.

Sex Offense Defense

March 12 — Seattle. By Washington Association of Criminal Defense Lawyers; www.wacdl.org.

American Legal History: Trial of Leschi, the First Washington Murder Case

March 17 — Teleconference with online PowerPoint; 2 CLE credits, including .5 ethics pending. By Rubric CLE; www.rubriccle.com; 206-714-3178.

Best Practices for Owning and Operating a Winery

Mar. 18–19 — Napa Valley, California. 9.75 CLE credits. By The Seminar Group; 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=10.wineca.

The Cost-Effective Small Practice

March 19 — Seattle. 6.25 CLE credits including 1 ethics credit. By the WSBA Solo and Small Firm Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

East Side Pro Tem Training

March 19 — Seattle. 7 CLE credits, including 2.5 ethics pending. By the Washington State District and Municipal Court Judges' Association and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

Gun Control Since *DC v. Heller*

March 25 — Teleconference with online PowerPoint; 2 CLE credits. By Rubric CLE; www.rubriccle.com; 206-714-3178.

The War on Terror: From Guantanamo Bay to the Shores of Australia

March 26 — Spokane. By Gonzaga Journal of International Law Symposium. CLE credits pending. www.law.gonzaga.edu/Career-Services/cle/default.asp.

Indian Law

Inaugural Indian Law CLE — Multi-Jurisdictional Issues

March 18 — Spokane. By the Spokane County Bar Association, Indian Law Section, and Gonzaga University School of Law. www.law.gonzaga.edu/career-services/cle/default.asp.

Insurance Law

Annual Insurance Law Update

April 9 — Seattle. By Washington Defense Trial Lawyers; www.wdtl.org/default.aspx?tabid=647.

Intellectual Property

15th Annual Intellectual Property Institute

March 11 — Seattle. 6.25 CLE credits, including 1.5 ethics credit pending. By the WSBA Intellectual Property Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

Litigation

7th Annual Trust and Estate Litigation Seminar

March 12 — Seattle. 6.75 CLE credits, including 1 ethics credit pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

Personal Injury Boot Camp

March 17 — Seattle. 6.25 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

2010 Ethics in Civil Litigation Institute

April 21 — Seattle and webcast. 6.25 ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

Mediation

40-hour Professional Mediation Training

March 11–13 and 18–20 — Olympia. 37.5 credits, including 5.25 ethics. By the Dispute Resolution Center of Thurston County; onlewis@mediatethurston.org or www.mediathurston.org.

Mediation Training

March 22, 24, 25, 31, and April 1 — Seattle. 34.25 credits, including 1.75 ethics. By Dispute Resolution Center of King County; kaseya@kcdrc.org; www.kcdrc.org.

17th Annual NW Dispute Resolution Conference

April 30–May 1 — Seattle. CLE credits pending. By UW School of Law; www.law.washington.edu/cle; 206-543-0059.

Real Property, Probate, and Trust

7th Annual Trust and Estate Litigation Seminar

March 12 — Seattle. 6.75 CLE credits, including 1 ethics credit pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

Real Estate Law Toolbox 2010

April 23 — Seattle. CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

Solo and Small Practice

The Cost-Effective Small Practice

March 19 — Seattle. 6.25 CLE credits, including 1 ethics credit. By the WSBA Solo and Small Firm Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

Webcast Seminars

American Legal History: The Cherokee Cases

March 10 — Teleconference with online PowerPoint; 1.5 CLE credits pending. By Rubric CLE; www.rubriccle.com; 206-714-3178.

Sex Offense Defense

March 12 — Seattle. By Washington Association of Criminal Defense Lawyers; www.wacdl.org.

American Legal History: Trial of Leschi, the First Washington Murder Case

March 17 — Teleconference with online PowerPoint; 2 CLE credits, including .5 ethics pending. By Rubric CLE; www.rubriccle.com; 206-714-3178.

Gun Control Since *DC v. Heller*

March 25 — Teleconference with online PowerPoint; 2 CLE credits. By Rubric CLE; www.rubriccle.com; 206-714-3178.

Land Use and Environmental Due Diligence When Acquiring Property (Including Distressed Property)

March 31 — Seattle and webcast. 6.75 CLE credits pending. By the WSBA Environmental and Land Use Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

2010 Ethics in Civil Litigation Institute

April 21 — Seattle and webcast. 6.25 ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

Estate Planning for the Small- to Medium-Sized Estate

April 27 — Seattle and webcast. 6.5 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbackle.org.

Veterans Law

National Organization of Veterans' Advocates Seminar

April 22–24 — Seattle. By NOVA. 5 CLE credits pending for each session. www.vetadvocates.com; 877-483-8238.



Classifieds

Reply to **WSBA Bar News**
Box Numbers at:

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Bar News Classifieds
1325 Fourth Ave., Ste. 600
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Positions available are also
posted online at www.wsba.org/jobs.

Events

Expand your practice! Veterans need representation. Learn how at the Seattle seminar, April 22–24, 2010, from NOVA. www.vetadvocates.com; 877-483-8238.

Positions Available

WSBA New Lawyer Education program development specialist — Continuing Legal Education. Job grade E11; exempt; full-time; Monday–Friday. Starting salary range: \$66,761–\$75,000; DOE plus benefits. This position will lead development of the strategy and project plan for New Lawyer Education (NLE) throughout the state, including free and low-cost programming, in collaboration with the WSBA Young Lawyers Division. This position also manages the WSBA-wide delivery of new lawyer training/education in an organized, comprehensive fashion. The goal of the NLE project plan is to incorporate the use of a learning management system (LMS), and learning content management system (LCMS) which must combine elements that effectively impart the desired knowledge and enhance the experience for all involved. This position leads a significant effort of advancing NLE and CLE programs into an e-learning environ-

ment with an eye towards creating robust and interactive online learning experiences utilizing multimedia components, i.e., interactive elements such as videos, webcasts, downloadable content, learning activities, animations, games, etc. This position also manages the CLE Department’s “mini-CLE” programming, working jointly with department staff, and provides support for department initiatives. The development of online programming will include supporting the department in selecting and utilizing appropriate software systems and contracting with vendors to develop the actual online electronic programming for delivery of those programs. For more details and to apply, visit www.wsba.org/jobs.

Private asset manager in Kirkland seeks a real estate attorney. This position will be responsible for providing front-line legal support to a real estate asset management team engaged in overseeing a large, diverse portfolio of real property holdings and investments, as well as assisting in the negotiation and documentation of real estate acquisitions. Responsibilities: primary contact for day-to-day administration of a growing portfolio of real estate holdings; draft, negotiate, and administer property leasing, development, service, and management arrangements; assist in negotiating, documenting, and closing direct and JV investments in land and improved real estate; implement systems, policies, and procedures to standardize and track leasing, property management, and service contracts for a large rental portfolio in conjunction with asset management, tax, and accounting teams; and oversee local and litigation counsel on real estate-related matters. Assist in the negotiation and documentation of real estate acquisitions. Qualifications: J.D. degree with five-plus years’ experience in real estate working in a major law firm or corporate legal department with direct client responsibility. Must be knowledgeable in a broad range of real estate work, including: entitlement, zoning, and eminent domain issues and procedures; landlord-tenant issues; general tax and accounting principles applicable to real estate transactions and operations. Strong ability to assess risk and negotiate positive client outcomes. Some travel required. E-mail résumé to REresumes@hotmail.com.

Opportunity available for a workers’ compensation attorney. Candidates must

have: Washington worker’s comp experience; litigation and trial experience; ability to positively interact with clients, DLI personnel, Board of Industrial Insurance Appeals, and healthcare providers; capability to handle a mature case load. This is a full-time position with benefits. Compensation DOE. Please e-mail cover letter and résumé to patricia@palacelaw.com.

The Employment Security Department is seeking a chief review judge. This position manages, directs, and monitors the activities of the Commissioner’s Review Office, whose function it is to issue decisions of the commissioner in unemployment insurance benefit and tax matters. We are seeking an impartial chief review judge who understands the litigation process, understands public policy, and is an excellent writer. Top candidates will have a Juris Doctorate and at least five years of litigation, appellate, and/or judicial experience. In addition, the most successful candidates will be a current, active State Bar Association member or have judicial status. This posting is open until filled; however, please apply by January 18, 2010, for first consideration. Find more information about the chief review judge opportunity by viewing the complete posting at <http://www.esd.wa.gov/newsandinformation/aboutesd/esdjobs/wms3-chief-review-judge-6010w.php>. Send inquiries or applicant packets via e-mail to HRRecruiting@esd.wa.gov, or call 360-902-9571.

Small but dynamic and growing firm seeks attorney with minimum three years’ insurance defense experience. Familiarity with coverage matters a plus. We offer a congenial atmosphere and excellent benefits. Please submit your résumé and writing sample to cpettersen@mullinlawgroup.com.

Commercial and construction litigation associate — job opening #1262. Posted 1/2010. Ball Janik LLP is seeking an experienced litigation associate for its Portland, Oregon, office. Qualified applicants should be capable of managing complex multi-million dollar commercial and construction litigation disputes. Outstanding writing and oral advocacy skills are required, as well as strong academic credentials and admission in the Oregon State Bar. Admission to the Washington State Bar is preferred. Qualified applicants should submit a résumé, cover letter (referencing Job #1262), and writing

sample in confidence to Mindy Becker, Human Resources Manager, Ball Janik LLP, 101 SW Main St., Ste. 1100, Portland, OR 97204. Applications are also accepted electronically at mbecker@balljanik.com. Equal opportunity employer.

Government procurement and federal grant compliance attorney with approximately 10 years' experience sought for Honolulu boutique law firm. Exclusive assignment seeks excellent academics, consistent record of achievement and 10 or more years' experience in federal government procurement and grant compliance. Former JAG officer a plus. DC or comparable experience in procurements, grants, and labor standards compliance most desired. Relocation to Honolulu required. More detail: www.nwlegalsearch.com/viewJob.cfm?ID=60. E-mail: linda@nwlegalsearch.com. Linda Green Pierce, Northwest Legal Search, Inc.

Seattle exclusive: Legal Ease, L.L.C. — Washington's Attorney Placement Specialists since 1996 — has been exclusively retained to fill an environmental associate attorney opening for our Seattle client law firm. This firm is one of our city's most well-respected and established boutiques. They offer large law firm compensation and highly sophisticated work in a smaller, congenial environment. The successful candidate for this position must possess outstanding academic credentials, superior legal writing skills, and a minimum of two years' experience in complex litigation from a highly regarded law firm or esteemed other legal environment. Environmental experience is preferred, but not mandatory. Starting salary: \$125,000–\$140,000. All inquiries will be handled in strict confidence and should be directed to Lynda Jonas, Esq., at LJONAS@legalease.com.

An industry-leading law firm is currently recruiting for an associate litigation attorney for our Bellevue, Washington office. Our firm focuses on the representation of financial institutions in matters related to licensing, servicing, mortgage banking, consumer finance, title insurance, real estate finance, and the enforcement of mortgage loans. The ideal candidate will have at least three years' experience in litigation, including pleadings practice and in court argument. Related industry experience a plus but not required. Must have strong writing skills and the ability to

work self-directed on a volume of files. Salary DOE with full benefits including health insurance, paid vacation, and payment of all required bar license fees and CLE fees. Please send a Word-formatted résumé to bellevueattorney@gmail.com with the job code "Associate Attorney" in the subject line. Equal opportunity employer.

Fain Anderson VanDerhoef, PLLC, a boutique firm of seven defense attorneys in downtown Seattle, is seeking a litigation attorney to join its Seattle office. We are looking for an attorney with at least five years of significant litigation experience, preferably in medical malpractice. Candidates must possess outstanding academic credentials along with strong writing, research, communication, and interpersonal skills. We offer a friendly business environment with competitive salary and benefits package. Mail résumé and cover letter to Charice Bale, 701 Fifth Ave., Ste. 4650, Seattle, WA 98104, or e-mail to charice@favfirm.com.

Small town needs lawyer. Since my retirement, the Grand Coulee Dam area has no lawyer in full-time private practice. My former office at 306 Spokane Way in Grand Coulee, an established location for the last 39 years, is available for rental. Basic furniture available and maybe an experienced secretary. Nice area: Banks Lake, Lake Roosevelt, and the Columbia River. More information available: Robert Castrodale; telephone 509-682-1194; bobkat@nwi.net; 203 East Highland, Chelan, WA 98816.

Technology attorneys — Bellevue-based T-Mobile USA seeks three attorneys to add to its in-house legal department. One position focuses on managing T-Mobile's growing patent portfolio, as well as handling a variety of trademark and IP-related issues. A second position focuses on providing counsel to T-Mobile's product development team. This position has a heavy deal focus, working on matters such as the acquisition of handsets and other consumer devices, bringing cutting-edge social network services to our customers, and procuring content. The third position focuses on providing counsel to T-Mobile's information technology and engineering clients, with additional work supporting the corporate strategy group. This position also has a heavy deal focus, working on matters such as buying the hardware, software, and services that makes the T-Mobile wireless network and back end

systems operate. Please see <http://www.t-mobile.com/jobs> for additional information and to submit your application. T-Mobile is an equal opportunity employer (EOE). We strongly support diversity in the workforce.

Associate attorney position at six-attorney firm in Lewis County. Criminal law experience necessary. Salary negotiable. Send résumé to PO Box 1123, Chehalis, WA 98532, or e-mail to JohnM@chehalislaw.com.

Executive director — Snohomish County Legal Services: SCLS, a staffed, nonprofit volunteer attorney program providing a full range of legal assistance to low-income clients in Snohomish County, seeks an executive director. Responsibilities include overseeing all program services, implementing policies established by the board of directors, managing budget and grants, supervising staff attorneys, recruiting and supporting volunteer attorneys, serving as a liaison between the agency and human services resources in the county and throughout the Washington Access to Justice community, and providing occasional direct client assistance. Qualifications include law degree and license to practice law in Washington state and at least five years' experience. Family law experience required, but need not be five years. Further requirements include experience with nonprofits, ability to work collaboratively and creatively, and a demonstrated commitment to addressing the civil legal needs of low-income people, including the unique needs of vulnerable populations. Salary DOE. Deadline for submissions is March 31, 2010. Full job description available at www.snocolegal.org. To get a full job description or to submit a résumé, contact Matt Brady at mattb@nwjustice.org.

Bankruptcy associate — Pacific Law Recruiters is currently assisting a premier Northwest law firm in their search for a bankruptcy associate. This position affords an outstanding opportunity to work closely with a noted shareholder in providing legal representation on various matters pertaining to a sophisticated commercial bankruptcy and creditors' rights practice. Strong and immediate consideration will be given to those candidates with a minimum of three years' practical experience in bankruptcy and real estate law, coupled with a sound knowledge of Chapter 11 and Chapter 13 bankruptcy and reorganization proceedings.

Top-tier law firm experience, solid writing skills, and excellent academic credentials are also necessary, while Washington State Bar membership is preferred. Significant client interaction is a prominent feature of the position, and superior communication skills are essential. Generous compensation and benefits package provided. Tremendous opportunity for career growth and development. Qualified candidates are encouraged to e-mail a confidential résumé and cover letter to Greg Wagner, Principal, at: gww@pacificlajobs.com. No telephone inquiries, please.

The Shiers Law Firm, a well-established, general-practice law firm founded in 1916, seeks to bring aboard another capable and motivated lawyer to assist with our transactional and probate practices, as well as our civil, commercial, and personal injury litigation practices. 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.

Controller/bookkeeper — Birch Horton Bittner & Cherot, an established Alaskan law firm located in Anchorage, Alaska, with an office in Washington, D.C., seeks a controller/bookkeeper with experience directing the accounting function in a professional services firm. Successful candidate must be able to provide leadership and coordination of the firm's overall accounting functions. The position is primarily responsible for payroll, general ledger functions, benefits administration, and supervision and support of a staff accountant and assistant accountant. Applicant must have knowledge of finance accounting, budgeting, and cost control principles including Generally Accepted Accounting Principles, experience with automated financial and accounting reporting systems, and knowledge and practice interpreting federal and state financial regulations. Excellent analytical, time management, and organizational skills are required. Knowledge of Thomson Elite Enterprise Accounting software is preferred. Work requires professional written and verbal communication and interpersonal skills and the ability to direct and motivate support staff. Must be detail-oriented and able to simultaneously manage multiple projects. Preferred education/experience of

combination bachelors' degree in finance or accounting; minimum five years' experience in a senior-level accounting or bookkeeping position, or CPA. Excellent salary and benefit package commensurate with qualifications and experience. Depending on skills and experience, applicants interested in a reduced or flexible work schedule will be considered. Please send résumé and cover letter by e-mail to jalexander@bhb.com. Jennifer Alexander, Birch Horton Bittner & Cherot, 1127 W. Seventh Ave., Anchorage, Alaska 99501. www.birchhorton.com.

Mid-level business associate — The Vancouver, Washington, office of Miller Nash is looking for an associate with minimum three years of law practice experience in general business and real estate matters, including transactions. The successful candidate will have good research and writing skills, be willing to learn and work in a team environment, and be able to interact well with clients. This position will work with and report directly to a senior partner, as well as work with others in the Vancouver office. Knowledge of and a willingness to engage in the southwest Washington community is a must. No search firms or headhunters please. To apply, please submit a cover letter, résumé, law school transcript, and writing sample online at www.millernash.com/careers, or by e-mail to michelle.baird-johnson@millernash.com. EOE.

Part-time attorney needed for employer workers' compensation litigation practice in Bellevue. \$50–\$95/hour, DOE. Outline workers' compensation experience (five-year minimum). Case summaries, briefing, motions, discovery. Flexibility in work location with reasonable deadlines. E-mail résumé referencing Job Code #722 in the subject line to classifieds@wsba.org.

Employment litigation senior associate opportunity. Downtown Seattle firm with clearly one of very top employment litigation practices in the region seeks to hire a senior associate with over four years of employment litigation experience. Will also consider excellent general litigation candidates who are interested in focusing on employment litigation. Candidates must have strong academic credentials and experience at a well-regarded law firm. Compensation should be very competitive. Position offers a real partnership track and an opportunity to work with some of the best attorneys in

the field and on behalf of well-known corporations. Direct all confidential inquiries to: Gordon A. Kamisar, Esq., Kamisar Legal Search, Inc., gkamisar@seattlesearch.com; 425-392-1969. www.seattlesearch.com.

Game company — Seattle toy and game company seeks candidate for troubleshooting, negotiating, and large-customer oversight. Tenacious, hard-working, extroverted, honest. An attorney or paralegal who is looking for a unique environment would be a great fit. Half-time position. Fremont neighborhood. Benefits and some travel. Fun place to work! Salary DOE. E-mail résumé referencing Job Code #723 in the subject line to classifieds@wsba.org.

Tektronix, Beaverton, Oregon. Trade regulation counsel — this is an opportunity to join an established group of in-house trade regulation professionals who will be key to building future business with responsibility over complex and interesting legal issues. Primary responsibility for development of ITAR program and compliance. For a complete job description, go to www.tektronix.com/careers and apply.

The Law Office of Felicia A. Malsby, P.S. is a well-established firm located in Gig Harbor, Washington, handling all aspects of family law. We have an immediate opening for an associate attorney with a minimum of two years' experience in family law practice preferred. Candidate must be able to work independently, possess sound judgment, have a strong work ethic, be well organized, and possess excellent verbal and written communication skills. Additionally, the successful candidate must be resolution-oriented, empathetic, respectful, professional in demeanor, and be willing to exemplify the values of the firm. WSBA membership required. Salary and benefits DOE. Interested candidates should submit cover letter, résumé with three professional references, and writing sample to 5262 Olympic Drive, Suite B, Gig Harbor, WA 98335, or via e-mail to malsbylaw@aol.com.

Legal Assistance by Whatcom (LAW) Advocates seeks an executive director. The executive director has overall responsibility for the leadership and management of LAW Advocates, a nonprofit entity that provides free legal services to qualified low-income residents in Whatcom County via direct referral to volunteer attorneys and a host

of specialized legal clinics and programs. This position implements policies and objectives established by and at the direction of the Board of Directors, and directs the operation of LAW Advocates in all areas, including program supervision, administration and development, finance, personnel, general administration, fundraising and event coordination, volunteer recruitment, and community and public relations. JD with current license to practice in Washington strongly preferred. 30-40 hours per week. Salary/benefits DOE. For complete job description and a description of our programs, visit our website at www.lawadvocates.org. Send résumé to Hiring Committee, PO Box 937, Bellingham, WA 98227, or via e-mail to lawadvocates@lawadvocates.org.

Services

Forensic document examiner: Retired from the Eugene Police Department. Trained by the U.S. Secret Service and the U.S. Postal Inspection Service. Court-qualified in state and federal courts. Contact Jim Green at 888-485-0832.

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

Résumé/career consultations for attorneys — 30-minute sessions — \$65. Lynda Jonas, Esq., owner of Legal Ease L.L.C. — Washington's Attorney Placement Specialists since 1996 — works with attorneys only, in Washington state only. She has unparalleled experience counseling and placing attorneys in our state's best law firms and corporate legal departments. It is her opinion that more than 75 percent of attorney résumés are in immediate, obvious need of improvement. Often these are quick, but major, fixes. Lynda is uniquely qualified to offer résumé assistance and advice/support on best steps to achieve your individual career goals within our local market. She remains

personally committed to helping attorneys land the single best position available to them. All sessions are conveniently offered by phone. Please e-mail legalease@legalease.com or call 425-822-1157 to schedule.

Experienced contract attorney with 28 years of experience writes trial briefs, motions, and memoranda for other attorneys. Resources include LEXIS Internet libraries, state and national, and UW Law Library. WSBA member with many satisfied clients. Elizabeth Dash Bottman, 206-526-5777, bjelizabeth@qwest.net.

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

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

Fast cash for seller carry-back notes, www.wallstreetbrokers.com. Fast cash for divorce liens, www.divorceliens.com. New book by Lorelei Stevens, www.fastcashbook.com. Larry and Lorelei Stevens; 800-423-2114. Notes appraised for estates.

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

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

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

Contract attorney available for court appearances, client interviews, research,

document review, memo, motion and brief writing. Experience in appellate work. Very reasonable rates. Robert Jaeggli, 425-269-6257, rob@jaegglilegal.com. For more information, see jaeggliLegal.com.

Impairment ratings for chiropractic patients, by an Independent Medical Examiner, using the AMA Guides to the Evaluation of Permanent Impairment, 5th and 6th Editions. Call for schedule, fees, and specifics by contacting Dr. Michael Upton, DC, at 425-358-1698.

Contract attorney available for research and brief writing for motions and appeals. Top academic credentials, law review, judicial clerkship, complex litigation experience. Joan Roth, 206-898-6225, jlrmcc@yahoo.com.

Experienced nurse-attorney available for litigation support. Ten years' medical-negligence/personal-injury litigation experience, both plaintiff and defense, added to 15-plus years of ED/critical-care nursing. Five years' experience as mediator. Expert medical records review, organization, and analysis; medical/legal research; and obtaining experts, drafting case-specific discovery and briefs. Hourly or flat-rate basis. Contact PJH Litigation Support at hanlon.pj@gmail.com or 206-307-5654.

Experienced patent attorney available for contract work. Patent application drafting; background research. Biotech/medical device/chemical. Reasonable flat fee. Contact Stan Sastry, Ph.D., J.D., 425-357-6241.

Attention: Solos/small firms — new e-book by Washington lawyer shows how your website can rank number 1 on Google. Free for immediate download: www.HowToRankNumber1onGoogle.com.

Space Available

Downtown Seattle executive office space: Full- and part-time offices available on the 32nd floor of the 1001 Fourth Avenue Plaza Building. Beautiful views of mountains and the Sound! Close to courts and library. Short- and long-term leases. Conference rooms, reception, kitchen, telephone answering, mail handling, legal messenger, copier, fax, and much more. \$175 and up. Serving the greater Seattle area for over 30 years. Please contact Business Service Center at 206-624-9188 or

www.bsc-seattle.com for more information.

Kent — spacious, fully furnished office(s) in very elegant, newly constructed building. Gated entrance with parking. Totally turn-key. All amenities included. Highly visible location on Meeker Street within walking distance of RJC. Possible referrals. Contact 206-227-8831 or donkron1@msn.com.

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

Pioneer Square firm offering sublease for two professional offices and one staff office. For details, see Craigslist ad titled “3 Offices Available (Pioneer Square).” Contact Griff Flaherty at 206-682-2616.

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

Tacoma office space for rent. Large office space that is a block from the Pierce County Courthouse. Includes ample parking, reception area with receptionist, use of law library, conference room, kitchen, copy room, storage room, local telephone, and fax. \$850 per month. Fully furnished secretarial space is also available for rent. Call Terry McCarthy at 253-272-2206.

Mill Creek office space for rent. Well-appointed professional office space available. Cubicles: ideal for newly practicing attorney. Conference room: hourly rates available. Call 206-999-7433.

Downtown Seattle Waterfront — Alaskan Way. Two spacious furnished view offices and reception desk available in downtown Seattle waterfront law office. Access to conference facilities, work room, kitchen, and copier. Unique building and beautiful location. Please contact Genevieve at 206-583-0155 ext. 116, or ghood@faolaw.com.

Justice Center, Kent. Office building for

rent four blocks from Justice Center. Was formerly used by attorneys. 1,200 sq. ft., \$1,800/month. Ask for Dave Senior at 253-854-1999 or e-mail inquiries to pat@maddockinsurance.com.

Offices available in downtown Seattle. Available for immediate occupancy, IBM Building, new offices, collegial environment. Offices \$1,000 per month; with assistant station, \$1,200. Three offices and two stations available. Rent includes reception, kitchen, copier, fax, postage meter, and conference room. Parking and storage in building available. Please contact Anne-Marie, 206-654-4011, aes@cslawfirm.net.

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

Pioneer Square (Seattle). Congenial, full service offices available (Maynard Building).

Walking distance to courthouse. Includes receptionist, conference room, messenger service, library, DSL, fax, copier with e-mail scanner, kitchenette. Steve, 206-447-1560.

For Sale/Rent

Recreational rental — La Quinta, California. Luxury two-story townhouse. Spacious and elegantly decorated. Three bedroom, three and one-half bath. Near Old Town, La Quinta Resort, multiple golf courses, biking, and hiking. Directly on semi-private pool. Sleeps up to eight. HD TVs, bikes, cable, and wireless Internet with small extra fee. From \$175/night low season to \$400/night high season. Reduced rates for weekly/monthly rental. 541-579-5090, 541-345-3333. See photos/info at www.vrbo.com/282631.

Will Search

Will search for Robert E. Mitchell, resident of Seattle, who died August 15, 2009. Please contact Brian D. Ives at 206-547-1400 or ives@holmancahill.com.

Will search for absentee T. Mark Stover, resident of Anacortes, Skagit County, Washington. Missing since October 28, 2009. Call Gerald T. Osborn, Esq., 360-293-1157.

The Isaksen Family Revocable Living Trust. We are searching for the Isaksen Family Revocable Living Trust, dated April 29, 2000, for Kjell and May Alice Isaksen, both deceased. Please contact Monica E. Kim at 206-783-3123.

To Place a Classified Ad

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

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

Qualifying experience for positions available — state and federal law allow minimum, but prohibit maximum, qualifying experience. No ranges (e.g., “5-10 years”). Ads may be edited for spelling, grammar, and consistency of formatting. If you have questions, please call 206-727-8213 or e-mail classifieds@wsba.org.



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You Do Haiku

For the January Bar Beat, I employed the Japanese poetic style of haiku to organize and express miscellaneous thoughts that had been cluttering my

mind. In the spirit of participatory journalism, I invited readers to submit their own haiku. I received an outstanding response, with several readers producing excellent verse. As promised, I am sharing the best of them with you. I would like to thank all the authors who contributed, especially since they made this the easiest column I have ever done.

The apparent popularity of haiku among lawyers suggests both that the practice of law requires an advanced facility in the use of language and that some of us have too much time (presumably after-hours) on our hands. That reminds me, I need to get some work done on my statute of frauds villanelle and my sonnet involving the rule against perpetuities.

[Disclaimer: Neither the Washington State Bar Association, the Bar News, nor the editor and author of this column take responsibility for the views expressed in the following haiku or for the occasional lapses in proper haiku form contained therein.]

**bitter cold outside
reciting Bar Beat haikus
like ice, I crack up.**

— A.E. McLaughlin, Spokane

**how much did i like
thoughts in haiku to amuse?
only part i read.**

— Pennie Leachman, Fallbrook, CA

**January rain and gloom
as Bar News arrives
for once a good laugh**

— Steven Fitzer, Tacoma

**retire twenty ten?
the dew is off the rose bloom
will it ever end?**

— Michael Riggio, Tacoma

**can I meet Bar Beat's
challenge with tact, sanity?
please, brain, engage now!**

**pick up writing tool,
program brain: five, seven, five
old dog learns new trick?**

**maybe not so hard?
alas, my prose does lack depth
better luck next year**

— Sharon Kantor, Danville, CA

**sun in wintertime
rare as lawyer who enjoys
counting billables.**

**drops of rain deluge
lawyers scurry for in-house
counsel position.**

— Donald Friedman, Portland, OR, and
Edward Friedman, high-school student

**why do plaintiffs,
Scrooge-like, file briefs or motions
just at Christmastime?**

— Katie Krueger, La Push

**deposition starts
witness does not remember
deposition ends**

**court takes a recess
why is there no sliding board?
this is no recess!**

**called to partner's office
no one else is there but me
this could not be good**

**client promises
I just want what I deserve
run the other way**

**mediator smiles
I think things are going well
then she smiles at them**

**no case on point — but
one unpublished opinion
that really helps me**

— George Haldeman, Seattle

**a granite fortress
or a Potemkin Village
the jury decides**

**a fight for trifles
only a lawyer can win
choose battles wisely**

**clever advocate
he built a castle of sand
but was justice served?**

— George Houston Luhrs, Seattle



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

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When it seems **the world**
is on their shoulders,
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Ms. Callahan, author of the widely acclaimed Washington DUI Practice Manual, part of the Washington Practice Series™, believes that knowledge of the science and law of DUI cases is merely the foundation upon which a successful trial strategy is built. These difficult cases can be won, but first, must be mastered.

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