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On this Fiftieth Anniversary of “Law Day,” coinciding with the Fiftieth Anniversary of the founding of the American Board of Trial Advocates, the 115 plaintiff and defense trial lawyers of the Washington Chapter declare:

The right to a civil jury trial, provided by the Seventh Amendment, U.S. Constitution, and Article 1, Section 21, Constitution of the State of Washington, is fundamental to our democracy. Permitting citizens from all walks of life to participate in making important decisions infuses the justice system with transparency and the fresh thinking of non-lawyers.

The vast majority of jurors, working for low pay, little thanks and often for extended periods, take their temporary jobs very seriously, and do them well, benefiting the parties and all of society.

The collective decision and verdict of multiple jurors, providing checks and balances on each other, is a generally superior decision making process to other mechanisms without the same checks and balances.

Groups with special interests from virtually all segments of society, often including as jurors, wrongly portray civil jury trials as ineffective in the present era to resolve disputes. We strongly disagree.

Phrases such as “runaway juries,” or “judges legislating from the bench,” have become popular, but in no way accurately describe what happens with most jurors and judges who carefully and conscientiously do their jobs well.

The right to civil jury trial is being eroded, slowly but surely, and as jurors participate less, citizen authority is diminished, shifting the balance of power to other segments of the justice system or to other branches of government. We strongly oppose this.

More needs to be done to support jurors, judges and the justice system, and, starting with the lawyers, more needs to be done to make the system efficient, cost-effective and accessible. We are committed to this.

On this Fiftieth Anniversary day, and with such important Constitutional principles at stake, we extend our sincere thanks and appreciation to those who serve as jurors, and to the judges with whom they work, in courthouses throughout our state.

Respectfully,

Timothy D. Blue
President
ABOTA Washington Chapter
Access to Justice 101

The legal needs of thousands of low-income people in our state are not being adequately met. What can we do to help?

This Bar Association has several core values, but none is more important than advancing and promoting access to justice. Lawyers have a monopoly on the practice of law; only lawyers can represent clients in court and only lawyers have the keys to the judicial system. However, this monopoly comes with a price — the obligation to ensure that everyone has equal access. As officers of the court and as stewards of justice, we have a professional responsibility to guarantee that every member of our community has access to the justice system.

Equal access to justice is a cornerstone of our democracy. It is woven into the fabric of our culture, and it is one of the foundations upon which our government was built. The Declaration of Independence declares as “self-evident” the notion that all men are created equal — free to pursue life, liberty, and the pursuit of happiness. The United States Constitution guarantees every citizen the equal protection of the laws. These guarantees are echoed in the Washington State Constitution — and no doubt in the constitutions of all 50 states. The phrase “equal justice under law” is a caption on the front of the U.S. Supreme Court building in Washington, D.C. Even our Pledge of Allegiance, the same pledge repeated everyday by school children everywhere, ends with the words: “With liberty and justice for all.”

I wish I could tell you there is justice for all, but we know there is not. I wish I could tell you the legal needs of all our state’s more than one million poor people are being adequately met, but we know they are not.

I do not exaggerate when I say that the civil justice system in our state faces a grave crisis. Pro bono service plays an important role in meeting the need, but our society’s justice system serves not only as an important barometer for the layperson’s trust in government, but also as a safeguard for the rights of all members of our society, even the poorest and most disenfranchised. In a society that still harbors deep rifts along the lines of race and economic status, the promise of justice must be made accessible to all, not just those with the means to afford it. In this context, we as lawyers face a critical choice. We can structure our justice system in an idealized vacuum, pretending that inequality does not exist. Or we can use the power we wield in our system of government to build a system available to and trusted by all, from the richest to the poorest. For anyone who truly believes in the ideal of equality enshrined in our Constitution, the choice is clear — we can’t afford not to act.

— Shankar Narayan, policy director, Hate Free Zone

Access to justice is a critical tool in the fight to eliminate poverty. When we use our skills as lawyers to provide a poor person meaningful, fair, and equal participation in the legal system through pro bono service, we play a significant role in helping that person resolve problems that will perpetuate the condition of poverty. Whether we help someone to attain safety by escaping an abusive relationship, avoid homelessness by preventing eviction, protect vital disability payments from termination, prevent wrongful termination and joblessness, or stand up against institutional oppression, it is through access to our system of justice that a poor person might find empowerment to escape further poverty and realize a sense of equality of opportunity and a chance for economic success.

— Jason Vail, staff attorney/legal editor, Sargent Shriver National Center on Poverty Law

Access to justice is of deep historical importance to the Asian community in Washington. In the past, efforts to exclude Asians from equal participation in America’s social and legal systems were overt, including the illegal expulsions of Chinese immigrants from a number of Washington communities in the late 1800s, denial of American citizenship to many Asians until the mid-1900s, and the mass internment of Japanese Americans during World War II. An example from within our own profession was the denial of bar admission to Takuji Yamashita in 1902 based on his Japanese ancestry. Today, Asian immigrants still face a myriad of challenges to obtaining access to justice, including limited language proficiency, cultural barriers, and poverty. From traffic violation hearings to family and criminal court procedures, Asian immigrants face an uphill battle in finding justice. Ensuring meaningful and timely access to counsel and the courts remains vitally important to Washington’s Asian community.

— Andrew Ko and Jill Otake, Asian Bar Association
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unfortunately the overwhelming number of people in poverty who require legal assistance far outstrips our capacity to provide volunteer services. An astonishing 75 percent of Washington’s low-income households experience a civil legal problem each year, and over 80 percent of these households are unable to obtain assistance from a lawyer. The civil legal problems experienced by low-income people in Washington generally affect basic human needs, such as housing, family safety, personal security, and employment matters. The very integrity of our state’s justice system is at stake when the vast majority of low-income people who need its protection cannot secure necessary legal assistance. Legal representation from actual lawyers is the key to securing effective outcomes for those whose legal rights are at stake. Legal aid promotes fairness and justice; helps families in crisis return to safe, productive lives; and saves dollars for taxpayers by preempting a spiral of costly social problems and ensuring a well-ordered society.

What can you do? The answer is simple. Your financial contribution can significantly help alleviate the problem. We are all asked to support a number of worthy causes throughout the year, but the justice system is our “home turf,” and I suggest that you give serious thought to making a generous contribution to either the Campaign for Equal Justice or the Endowment for Equal Justice. Both are equally deserving of our support, and they complement each other. The Campaign for Equal Justice is the cornerstone of civil legal aid giving. Annual support of the Campaign gives legal aid programs throughout Washington the ability to serve clients each and every day. The Endowment for Equal Justice ensures civil legal aid will be available for low-income and vulnerable families in perpetuity. The Campaign supports legal aid programs today; the Endowment secures those programs for the future.

Contributions to either fund can be made outright by check, credit card, electronic funds transfer, or through a gift of securities. To make a pledge or contribution you can visit www.c4ej.org. Donations and pledges can also be mailed to 1325 Fourth Ave., Ste. 1335, Seattle, WA 98101.

WSBA President Stan Bastian can be reached at stanb@jdsalaw.com or 509-662-3685.
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What makes you so committed to enhancing access to the justice system for all?" The question seemed to stump the other panelists as much as it did me. How do you explain something that you believe at your core, which is part and parcel of who you are? As I listened to the other panelists take a swipe at answering, I reflected on the question.

I remember sitting in my office in Colorado and thinking about all the various bar efforts I had been involved in back in Washington. After leaving the UW Law School as assistant dean in 2002, my husband and I relocated to Telluride, Colorado, where he had been living for 20-plus years heading up the Telluride Freestyle Ski Team. I left both the state and the legal profession for that year, and it was from this new vantage point that I began to realize how proud I am to be a member of the Washington State Bar Association. There was never any question, whether at the law school or through the numerous bar committees I had served on, that access to justice and diversity were core ideals that permeated our culture.

Are we an unusual bar association? I don’t know. But having worked for the WSBA now for close to five years, I know it is a solid structure that supports our membership’s ability to be committed to the ideal of a justice system that is open and accessible to all in our society. The Board of Governors commits extensive resources through funding and staffing to support this principle. Indeed, in the Guiding Principles adopted by the Board last year, access to the justice system is prominent in a list of five basic ideals:

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

WSBA’s efforts in the access to justice arena are handled by the staff in the Justice and Diversity Initiatives Department. The staff in this department supports, among other things, the Access to Justice Board (a Supreme Court-created entity that is responsible for oversight and coordination of the delivery of civil legal aid in our state), the Council on Public Legal Education, the Pro Bono and Legal Aid Committee, the Committee for Public Defense, and our diversity and legislative outreach efforts.

The opportunities for getting involved in public-service work in Washington surround us, so as you read this issue of Bar News, I hope you will find useful information about the access to justice landscape in our state and the numerous ways to get involved.

As for the question posed to the panelists that day, I don’t recall exactly how the other panelists answered, but all of us had spent most of two hours talking with law students about the various opportunities available to maintain an integral place for public service in their careers and lives, no matter where their careers take them.1 When it was my turn to respond, I reflected on how sometimes it takes looking at a situation from a new perspective to appreciate what was in front of you all that time. Then I shared a quote from the side of a shopping bag that had been staring me in the face for two weeks: "Whether you think you can or think you can’t, you’re right."

So if your thinking says “I can,” please don’t hesitate to visit the WSBA’s website or call us for more information!

Paula Littlewood is executive director of the WSBA and can be reached at paulal@wsba.org.

1. The panel was facilitated by John McKay and Don Horowitz and was one session in a four-part symposium they moderated called “Making a Difference: Using Your Law Degree to Make the World a Better Place No Matter Where You Go in Your Career — and Life.” To view the symposium online, visit http://media.law.seattleu.edu/public/events/events.htm.
Rudi is an Eastern European immigrant who immigrated to the United States 12 years ago with his wife. He owned a small woodworking business which provided a very modest income. Rudi and his wife enrolled in the Basic Health Plan for low-income people and paid the premiums. Later, these benefits were cancelled because the couple was slightly over income. The very next month, Rudi’s wife was diagnosed with an aggressive cancer and had surgery. Overnight, their medical bills topped $80,000 and they were ineligible for Medicaid. Rudi turned to a volunteer lawyer program for help. Legal advocates worked with the hospital to waive the medical bills through the Charity Care Program, and helped the couple qualify for Medicaid. Rudy’s wife received the medical care she desperately needed without incurring a mountain of debt.

**LAW (Legal Assistance for Whatcom) Advocates**
**Mary Swenson, executive director**

After a prolonged period of unemployment, a King County family faced foreclosure and became the victims of a mortgage rescue scam. A group of “investors” offered to help by entering into a complicated sale-leaseback transaction that sold the home for pennies on the dollar. This deal purported to give the family the right to rent the property until their finances allowed them to buy back the home. In fact, the transaction was a thinly veiled refinance that bore a 29 percent interest rate and caused the family to forfeit the home and all of their equity. The Northwest Justice Project defended the family against the investors’ efforts to remove them and successfully litigated to a settlement that recovered the family’s equity after sale of the home.

**The Northwest Justice Project**
**César Torres, executive director**

John and his mother became homeless after his mother lost her job. A friend of the family offered to let them park their camper in the front yard. Because the friend’s house was located within the boundaries of another school district, John’s school refused to allow him to return. A federal law requires schools to let homeless children continue to attend their home school despite having transitional living arrangements. TeamChild worked with the district to readmit John and provide him with transportation to school. His mother recently found a new job, and John is now finishing the school year while he and his mother look for an apartment.

**TeamChild**
**Anne Lee, executive director**

Peter was born in Somalia and entered the United States in 1993 with his family after fleeing systematic ethnic cleansing. After a head injury resulted in permanent brain damage, Peter experienced some minor brushes with the law, including a traffic infraction. Peter was arrested by Immigration and Customs Enforcement...
and brought to the Northwest Detention Center. An attorney from the Northwest Immigrant Rights Project met with Peter, realized that none of the convictions should have rendered him subject to removal, and filed a motion to terminate the proceedings against him. On the date of Peter’s final removal hearing, six months after his original detention, the proceedings against Peter were terminated. Without an attorney to represent him, the improper removal proceedings would have gone unnoticed. Peter would have been deported and likely faced the same danger his family had fled from more than a decade earlier. Because of legal aid, Peter is safe and reunited with his family.

Northwest Immigrant Rights Project
Matt Adams, interim executive director

Dawn is disabled, lives on $603 per month, and was getting food stamps through a DSHS program called WASHCAP. One day, Dawn received notice that DSHS was reducing her food stamps. “What I didn’t know was that I could get more food stamps if I wasn’t in WASHCAP and the letter didn’t tell me that,” she said. “It wasn’t until after I talked with Columbia Legal Services that I understood what had happened.” Dawn and another person in the same situation, represented by Columbia Legal Services, filed a class action lawsuit as a representative plaintiffs on behalf of about 40,000 people who were in WASHCAP. The lawsuit was successful and resulted in the ability for all in the class to decide whether to move to a different food program. Dawn moved to the alternate program and received $39 more per month in food stamps. This meant a lot to her: “Because of the class action lawsuit, I have more to spend on food now. It’s still hard to get by, but because I get more food stamps, I can buy better food. I can buy fresh fruits and vegetables. I can buy meat and don’t have to eat potatoes as often. And, I don’t have to skip any meals now — I don’t go hungry like I used to. I told my lawyer how grateful I was that there was someone who would help people like me that don’t have much and were going hungry.”

Columbia Legal Services
John Midgley, executive director

A Native American mother of three young children, Kaya had survived seven years of an extremely violent marriage. She always kept a car key with her and sometimes carried a knife in her sock. She was forced to prepare for violence. One day, Kaya found the courage and the moment to take her children and flee for safety. She found a volunteer attorney at her county’s pro bono program to help her obtain a divorce and parenting plan. Two months later, Kaya received a phone call from the tribal police; they asked Kaya to come to her ex-husband’s home where her children were visiting. Her ex-husband had been drinking heavily and assaulted his girlfriend. Kaya found her children hiding and terrified. Now familiar with the availability of legal aid in her community, the next day Kaya called the pro bono program and arranged to file an ex parte order restraining her husband from unsupervised visitation. She stood in front of the judge and spoke bravely about the events she witnessed. The judge signed the restraining order. Today, this family is safe.
Access to Justice: A Justice System Imperative

by Chief Justice Gerry L. Alexander

The term "access to justice" is a term of art, which, over the years, has meant different things to different persons. Fortunately, when the Washington Supreme Court employed the term in its 1994 order creating Washington’s Access to Justice Board, it endeavored to give practical meaning to the term. The Court said then that the Access to Justice Board was authorized and charged with “assuring access for low and moderate income residents of the state of Washington to the civil justice system through high quality services.”

One of the first challenges faced by that initial Access to Justice Board was to develop and implement policies and initiatives that would carry out the broad charge the Washington Supreme Court had given it. It did so in its Statement of Principles and Goals, which are, necessarily, somewhat complex, reflecting the challenges those of us in the justice system face as we work to ensure that access to justice is an imperative of the system. The goals and principles are set forth below.

The board also faced the challenge of addressing the troubling findings of the Supreme Court’s 2003 Civil Legal Needs Study, which concluded that 87 percent of all low-income people with serious civil legal problems in our state cannot get legal help. The study revealed, additionally, that nearly half of those with a legal problem did not seek legal assistance because they did not know they had one; did not know there were laws to protect them; or did not know that relief could be obtained from the justice system. Others, the study revealed, did not know where to turn; were fearful; believed they could not afford legal help; or had language barriers. According to the study, nine out of 10 low-income people who did not get legal assistance received no help at all and ended up living with the consequences of the problem.

These findings, although disturbing, have had a positive impact on our justice system. Indeed, the Civil Legal Needs Study was a key factor in the Access to Justice Board’s 2004 decision to revise its Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (State Plan). The revised State Plan, which was adopted in 2006, carefully documented the need for improved rural client service. This, in turn, was instrumental in securing a recent biennial increase in state funding. Significantly, these funds have enabled the Northwest Justice Project to open four legal services offices in rural areas of the state which had closed their doors in the 1980s because of funding cuts. The study’s findings also support the premise that improvements in technology, availability of interpreters, and reduction of costs are important goals for the justice system. These goals, among others, are being aggressively pursued by justice system partners.

From my vantage point as the chief justice, and as a member of this justice community for many years, I am confident that we are improving access to the justice system in this state. I attribute this to the years of work by many to build a highly coordinated and disciplined justice community in this state. The members and supporters of this community, which we now call the Washington State Alliance for Equal Justice, have approached seemingly intractable problems by adhering to a common vision and a set of core principles, and through a framework which addresses the access to justice goals articulated by the ATJ Board.

The goal of this issue of Bar News—which has informally been dubbed “Access to Justice 101”—is to provide the reader with a general understanding of access to justice in our state. This issue features articles that touch on the fundamentals of this state’s approach to the challenges of ensuring access to the civil justice system and, importantly, includes stories from low-income clients who have benefited from the provision of legal services.

Access to Justice Board Chair Judge Greg Tripp introduces the Washington State Alliance for Equal Justice and the Washington State Access to Justice Board. Through his article you will become acquainted with the supporters and directors of many alliance providers, who describe the work of their respective organizations. On page 21 there is a map showing the location of the alliance providers and information about the poverty population in each of the service delivery regions. These 18 regions have been delineated by the ATJ Board’s Revised State Plan, the implementation of which is described in an article by ATJ Board member Greg Dullaire. There are also informative articles about how the Alliance is funded. In that regard, Equal Justice Coalition (EJC) Chair Scott Smith and LAW Fund Board President J. Richard Manning provide an overview of the major funding sources. You will also learn about the Campaign for Equal Justice and get important information about the upcoming Access to Justice and WSBA Bar Leaders Conferences on June 6–8, 2008, in Vancouver, Washington.

This issue strongly focuses on the professional responsibility of the bar. WSBA President Stan Bastian and WSBA Executive Director Paula Littlewood use their monthly columns to provide their unique perspec-
tives on the role of the WSBA as an institution and of individual attorneys. You will learn about the perspectives of a pro bono attorney, Cheryl E. Handy, and of a pro bono program director, John Brett. WSBA Pro Bono and Legal Aid Committee member Gregory Abbott authors an article about WSBA’s very successful Emeritus Attorney Pro Bono Program.

The Supreme Court has authored an article on the importance of pro bono participation by WSBA members in addressing the findings of the Civil Legal Needs Study. That study concluded that “[l]ow income people who get legal assistance experience better outcomes and have greater respect for the justice system than those who do not.” We speak for judges across Washington state who believe that the pro bono participation of WSBA members is essential if we are going to realize the goal of justice for all.

As chair of the Board for Judicial Administration (BJA), I can report that the BJA’s Justice in Jeopardy Initiative is committed to continuing efforts to increase funding for civil legal aid, consistent with the recommendations of the Supreme Court’s Task Force on Civil Equal Justice Funding. The Justice in Jeopardy Initiative is the most direct and cohesive effort ever undertaken to substantially alter and improve funding for Washington’s justice system. This coalition of justice-system partners campaigns for adequate state funding for our trial courts, civil legal aid, and our public-defender systems. In a nation that exalts the concept of justice for all, this must continue to be a priority.

Access to Justice Statement of Principles and Goals
(Revised, 2006)

Justice involves the determination and realization of legal needs, rights and responsibilities and the fair resolution of disputes. Access to justice is based on the following principles and goals.

Principles

• Access to justice is a fundamental right in a just society.
• Access to justice requires an opportunity for meaningful participation and deliberation whenever legal needs, rights, and responsibilities are affected. Legal issues must be adequately understood, presented, and dealt with in a timely, fair, and impartial manner.
• Access to justice depends on the availability of affordable legal information and services, including assistance and representation when needed.
• Access to justice requires adequate funding, resources, and support.
• Equal justice under the law requires that access to justice be available to all people. All persons or groups shall be afforded equal access to justice regardless of the popularity of the cause involved, status, or other considerations or characteristics.

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FURY BAILEY is proud to announce that CRAIG SIMS has joined our firm.

A Seattle University School of Law graduate (1997), Craig served the citizens of Washington State in an outstanding ten year career as a King County Senior Deputy Prosecuting Attorney.
Goals

- Persons and institutions involved in the justice system must make access to justice an essential priority.
- Adequate and sustained public and private funding, resources, and support must be provided to assure access to justice for low- and moderate-income and other vulnerable persons.
- Adequate and sustained public and private funding, resources, and support must be provided to maintain a strong, independent judiciary, the individuals, institutions, and organizations that provide or assure access to justice.

• The delivery of justice must be prompt, understandable, and affordable without sacrificing quality.
• A coordinated and comprehensive statewide system for delivering legal services must be maintained.
• Available and emerging technology and other resources must fairly and efficiently maximize access to justice.
• Barriers to access to justice must be prevented, removed, or reduced.
• The justice system must be inclusive and have the values, skills, and resources necessary to meet the legal needs of a diverse and multicultural population.

Access to justice shall not be limited or denied for any reason of condition or status, including race, ethnicity, nationality, religion, creed, age, gender, sexual orientation, physical or mental ability, education, language or communication skills, finances, cultural background, or social status.

- The justice system must collaborate with other persons, professions, and organizations to meet the legal and law-related needs of the public.
- Public legal education must be provided to create and sustain an informed and empowered public and to build broad support for access to justice.

The Washington State Civil Legal Needs Study
September 2003

The Civil Legal Needs Study can be found at: www.courts.wa.gov/newsinfo/content/taskforce/civillegalneeds.pdf

In 2001, the Washington State Supreme Court established the Task Force on Civil Equal Justice Funding. The Task Force was charged with conducting a study of the civil legal needs of Washington’s low-income and vulnerable populations. The 2003 study’s methods included a field survey of in-depth interviews, a telephone survey of randomly chosen households, and a survey seeking anecdotal input from a broad array of legal and social services professionals.

The 2003 Civil Legal Needs Study documented a disturbing justice gap in Washington:
- More than three-quarters of all low-income households in Washington experience at least one civil legal problem each year.
- Low-income people face more than 85 percent of their legal problems without help from an attorney.
- Women and children have disproportionately more legal problems than the general population.
- Most legal problems experienced by low-income people affect basic human needs such as housing, safety, and economic security.
- A significant percentage of legal problems experienced by low-income people are perceived to include a wrongful discrimination component.
- Legal problems do not differ significantly regionally or between those who live in close proximity to urban centers and

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those who do not.

- While the legal problems of urban and rural low-income residents are similar, residents of rural areas have less knowledge of available legal resources, and have less access to and success in using technology-based legal services.
- Nearly half of all low-income people with a legal problem do not seek legal assistance because they do not know that there are laws to protect them. Often they do not know where to turn, are fearful, believe they cannot afford legal help, or experience language barriers.
- Nine out of 10 low-income people who do not get legal assistance receive no help at all and end up living with the consequences of the problem or turning to organizations that cannot provide legal help for assistance.
- Though widely divergent by region and demographic cluster group, nearly half of low-income households have access to and the capacity to use the Internet, but often do not know how technology can help address their legal needs.
- Low-income people who get legal assistance experience better outcomes and have greater respect for the justice system than those who do not.

Despair Defined

There is no event more joyful than the birth of a healthy child and none more devastating than when a baby is neurologically damaged during labor or delivery. We have extensive experience in birth injury cases. We would appreciate the opportunity to work with you to help your client.
Washington’s Alliance for Equal Justice (Alliance) is a network of more than 30 organizations providing and supporting civil legal aid for those with nowhere else to turn. Formed to coordinate and foster collaboration in the equal justice community, Alliance provider organizations are staffed pro bono programs, staffed legal aid offices, and specialty legal aid programs which deliver critically needed legal services — information, advice, and representation — to roughly 30,000 low-income people each year. Organizations supporting the Alliance complement this direct service work through educating the public, providing financial support and accountability, strategic planning, technological improvements, effective communications, and legislative advocacy.

The following describes core participants in the Alliance — this list is not exhaustive. The Alliance is a growing and changing network of organizations that welcomes new partners in the equal justice movement. Visit www.allianceforequaljustice.org to learn more about the Alliance for Equal Justice.

**Legal Aid Providers**

“Civil Legal Aid” refers to free legal services designed to help low-income individuals, families, and communities resolve important civil legal problems. Alliance providers deliver a range of civil legal aid services, including advice, brief service, and direct representation to low-income people with important legal problems. Legal aid providers serve as resources to low-income communities and the community at large, providing information and education about rights and responsibilities under the law. Working with courts, social and human service organizations, and the community to ensure fair treatment and equal access to justice for their clients, legal aid providers are a community-based deterrent to illegal practices, thereby protecting the community’s most vulnerable members. Core Alliance providers include the following.

**Pro Bono Programs (also called Volunteer Lawyer Programs)**

Pro bono programs coordinate the services of volunteer lawyers providing a continuum of services from brief advice in clinics to extended representation in court. Every year, hundreds of pro bono attorneys donate roughly 58,000 hours of free legal assistance, valued at more than $10 million. There are 21 pro bono programs in Washington.

- **Asotin County Legal Services**
  - Georgina Kinyon, coordinator
- **Benton-Franklin Legal Aid Society**
  - Barbara Otte, executive director
- **Blue Mountain Action Council Volunteer Attorney Program**
  - Cheri Cosper, coordinator
- **Chelan-Douglas County Volunteer Attorney Services**
  - John Brett, director
- **Clallam-Jefferson County Pro Bono Lawyers**
  - Nancy Rohde, director
- **Clark County Volunteer Lawyers Program**
  - Susan Arney, director
- **Cowlitz-Wahkiakum Legal Aid**
  - Anita Quirk, coordinator
- **Eastside Legal Assistance Program**
  - Jennie Bigley, director
- **King County Bar Foundation Community Volunteer Legal Services**
  - Val Carlson, director
- **Kitsap Legal Services**
  - Alisha Freeman, executive director
- **Legal Assistance by Whatcom (LAW) Advocates**
  - Mary Swenson, executive director
- **Lewis County Bar Legal Aid**
  - Larry Cook, executive director
- **North Columbia Volunteer Attorney Services**
  - Gina Yañez, legal coordinator
- **Skagit County Community Action Agency Volunteer Legal Services Program**
  - Catherine Brown, program manager
- **Snohomish County Legal Services**
  - Thresa Milligan, executive director
- **Spokane County Bar Association Volunteer Lawyer Program**
  - Kellee Spangenberg, coordinator
- **Tacoma-Pierce County Bar Association Volunteer Legal Services Program**
  - Laurie Davenport, director
- **Thurston County Volunteer Legal Services Foundation**
  - Scott Douglas, director
- **Volunteer Lawyer Program of Island County**
  - Michelle Cook and Cristin Head, directors
- **Whitman County Legal Services Community Action Center**
  - Gene Siple, coordinator
- **Yakima County Volunteer Attorney Services**
  - Nieves Negrete, program manager

**Staffed and Specialty Legal Aid Providers**

- **Northwest Justice Project (NJP)**
  - César Torres, executive director
  
  The Northwest Justice Project is a statewide legal aid organization that provides legal aid services to people with low incomes. NJP is the largest civil legal aid provider in Washington—it serves about 19,000 eligible low-income people every year. NJP operates the state’s intake and referral process — through CLEAR (Coordinated Legal Education, Advice and Referral) and 211 (King County’s community information hotline) — and online self-help resource, Washington Law Help, www.nwjustice.org.

- **Columbia Legal Services (CLS)**
  - John Midgley, executive director
Columbia Legal Services is a statewide legal aid program that provides civil legal aid services in areas of critical legal need, often for groups or large numbers of clients. The six offices of CLS provide advice and education, representation in negotiations and court proceedings, and representation of clients before governmental bodies such as administrative agencies and legislatures. www.columbialegal.org.

Northwest Immigrant Rights Project (NWIRP)
Matt Adams, interim executive director
Northwest Immigrant Rights Project provides comprehensive immigration legal services and community education to advance the rights and well-being of low-income immigrants living in Washington. NWIRP focuses on providing legal representation, and provides training and workshops to the immigrant communities throughout the state and to service providers who work closely with immigrant communities in Washington. www.nwirp.org.

TeamChild
Anne Lee, executive director
TeamChild is a nonprofit agency that provides free civil legal representation and community education to help youth involved in the juvenile justice system secure the education, health, housing, and other support they need to achieve positive outcomes in their lives. TeamChild’s work enhances young people’s access to support in the community and reduces their juvenile justice involvement. TeamChild provides a full continuum of civil legal representation to more than 1,000 indigent youth every year. www.teamchild.org.

Northwest Health Law Advocates
Janet Varon, executive director
Northwest Health Law Advocates promotes increased access to health care and basic healthcare rights and protections for all individuals through legal and policy advocacy, education, and support to community organizations in the Pacific Northwest. www.nohla.org.

Unemployment Law Project
Marc Lampson, director
The Unemployment Law Project provides free legal assistance and information to people who have been denied unemployment
benefits or whose right to those benefits is being challenged. Offices in Seattle and Spokane will provide information and advice to anyone with a Washington state claim and will directly represent individuals in specifically chosen cases. www.unemploymentlawproject.org.

Solid Ground
Evonne Zook, director of the Family Assistance Program
Solid Ground is a community organization with more than 30 programs working to eliminate poverty, prejudice, and neglect. The Family Assistance Program provides information and referral, advice, and direct legal representation to individuals who have had their state public assistance benefits reduced, terminated, or denied. www.solidground.org.

Legal Action Center (LAC)
Mark Chattin, director
The Legal Action Center’s mission is to reduce homelessness by preventing illegal or unnecessary evictions and/or housing subsidy terminations. LAC also provides assistance to tenants who are facing barriers to obtaining housing because of alleged debts to past landlords and other landlord-tenant issues. LAC uses a combination of full-time staff, volunteer attorneys, and law students to achieve these goals. www.lac.org.

Seattle Community Law Center
Liz Ligon, executive director
The Seattle Community Law Center provides legal assistance to low-income and homeless individuals in the region related to their eligibility for disability benefits. The Center simultaneously works to address the short-term problems of their clients and advocates for long-term social change. www.seattlecommlaw.org.

Alliance Supporters
The Alliance receives broad support from the legal community, government leaders, businesses, law-enforcement officials, healthcare providers, educators, and community- and faith-based organizations. Whereas Alliance providers are programs whose primary mission is to provide civil legal aid, Alliance supporters complement direct service work in critical ways. Supporters work broadly to provide policy development and oversight; educate the public about the importance of civil legal aid; ensure stable and sufficient financial support; and provide planning, fundraising, technical, communications, and strategic support to the Alliance.

Washington State Supreme Court
The Honorable Gerry L. Alexander, chief justice
The Washington State Supreme Court is our state’s highest court. Members include Chief Justice Gerry L. Alexander and Justices Tom Chambers, Mary E. Fairhurst, Charles W. Johnson, James M. Johnson, Barbara R. Madsen, Susan J. Owens, Richard B. Sanders, and Debra L. Stephens. The Supreme Court has been a leader in this state and throughout the country in its active support of the justice system. www.courts.wa.gov.

Washington State Bar Association (WSBA)
Paula Littlewood, executive director
The Washington State Bar Association supports the Alliance by housing and staffing the Access to Justice Board and hosting the annual Access to Justice Conference. The WSBA also provides funding and support for the Pro Bono and Legal Aid Committee and its initiatives, such as the Emeritus Attorney Program; CLE credits for pro bono service; and raising awareness of RPC 6.1 pro bono publico. The WSBA is part of the judicial branch, exercising a governmental function authorized by the Washington State Supreme Court to license the state’s more than 32,000 lawyers. www.wsba.org.

Access to Justice Board (ATJ Board)
Judge Greg Tripp, chair; Joan Fairbanks, director
In response to a growing need to provide continuity and focus for the access to justice efforts in Washington, the Access to Justice Board was established by the Washington State Supreme Court in 1994 at the request of the Washington State Bar Association. The ATJ Board works to achieve equal access to the civil justice system for those facing economic and other significant barriers by coordinating the efforts of the Alliance for Equal Justice, and through the work of its 12 standing committees. The ATJ Board is administered by the Washington State Bar Association. www.wsba.org/atj.

Access to Justice Board Members:
Daniel S. Gottlieb (chair-elect), M. Wayne Blair, Gregory R. Dallaire, Judge Elizabeth Fry, Judge Steven C. González, Millicent D. Newhouse, Nieves Negrete, and Bruce W. Reeves

Committees of the Access to Justice Board:
Access to Justice Conference Planning Committee — Colleen Kinerk, chair; Communications Committee — Michele Storms,
Upholding the promise of “justice for all.”

Our laws guarantee basic rights and protections for all of us — not just those who can afford a lawyer.

Almost 90% of low-income people who experience urgent civil legal problems must face those problems without any legal help or representation due to a lack of resources.

The Campaign for Equal Justice raises charitable support to provide civil legal aid for thousands more low-income and vulnerable people throughout Washington state.

To give real and full meaning to the rule of law, each of us must be active participants in making real the promise of “justice for all.” Please join us in making a gift to the Campaign for Equal Justice, because justice for all is everyone’s business.

Make your tax-deductible donation in one of three easy ways:

**ONLINE:** Go to www.c4ej.org and click “Donate Now”

**BY MAIL:** Campaign for Equal Justice, 1325 Fourth Avenue, Suite 1335, Seattle, WA 98101

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The Campaign for Equal Justice is a 501(c)(3) non-profit corporation. Contributions are tax-deductible to the extent allowable by law. Federal Tax ID Number: 94-3131284

Visit us online and view videos that show the impact of your gift at: www.c4ej.org

**CAMPAIGN FOR EQUAL JUSTICE**

It’s not justice if it’s not equal.
Washington Law Help

Washington Law Help is a free online resource (www.washingtonlawhelp.org) that provides legal educational materials and self-help tools that assist people in navigating the legal system and finding solutions to their civil legal problems. The site contains do-it-yourself packets containing instructions and necessary forms for pro se litigants to use in family law, landlord-tenant, government benefit, estate planning, and a variety of other common civil cases. Several hundred “know your rights” publications and links to other relevant content are also available. Visitors seeking legal assistance can access a statewide directory of legal aid programs by county. There is a Spanish version of the site, as well as translations of many resources in other languages. In 2007, there were more than 247,000 unique visits to the website and 1.8 million page views. Washington Law Help is a public service provided by the Northwest Justice Project, in collaboration with other legal service providers in the Alliance and the Washington Courts. For more information, contact Danielle Rebar at danieller@nwjustice.org.

The Equal Justice Coalition

The Equal Justice Coalition (EJC) educates policymakers and the public about the importance of civil legal aid in our communities, and advocates for sufficient public funding for civil legal aid on behalf of low-income people living in Washington. The EJC is a non-partisan, broad-based organization working statewide to ensure that all people are treated equally and fairly before the law. Since 1995, the EJC has been a standing committee of the Access to Justice Board. The EJC is composed of a core volunteer work group, an advisory council, member organizations, and hundreds of individual friends of equal justice who know that the health of our democracy depends on equal justice for all.

Originally formed to combat slashed federal funding for civil legal aid in the 1990s, the coalition’s role — representing Washington’s low-income and legal-aid communities to our elected officials — remains indispensable. Success at increasing resources for civil legal aid is made possible by building a strong base of support within the legal community and beyond. This past year, the Equal Justice Coalition received an award from the American Bar Association for Grassroots Advocacy.

Visit www.ejc.org to join us in support of civil legal aid. We have a lot of work to do. Every day, more than 80 percent of our low-income and vulnerable neighbors face serious legal problems without any help. We must continue moving forward so that justice for all becomes a reality in Washington — because it’s not justice if it’s not equal.

Legal Foundation of Washington (LFW)
Caitlin Davis Carlson, executive director
Created by the Washington State Supreme Court in 1984, the Legal Foundation of Washington supports the Alliance by funding programs and supporting policies and initiatives which enable the poor and the most vulnerable to overcome barriers in the civil justice system. The LFW administers IOLTA funds and charitable support from the Campaign for Equal Justice to more than 30 programs through its annual grant process. www.legalfoundation.org.

Campaign for Equal Justice (C4EJ)
Karen Falkingham, director
The Campaign for Equal Justice is the civil legal aid community’s united effort to raise charitable contributions from the private bar and beyond for Washington’s more than 30 legal aid programs. The Campaign eliminates competition for funding among legal aid programs and simplifies giving by ending donor confusion over which deserving program to support. www.c4ej.org.

Office of Civil Legal Aid (OCLA)
Jim Bamberger, director
Created by the Legislature in 2005, the Washington State Office of Civil Legal Aid (OCLA) is an independent judicial branch agency that administers and oversees the use of state funds appropriated by the Legislature for civil legal aid. OCLA contracts with the Northwest Justice Project (NJP) to help underwrite NJP’s regional client service offices, the statewide CLEAR client intake system, the statewide legal services self-help website, advocacy coordination, and training for legal aid advocates throughout the state. OCLA is overseen by a bipartisan Civil Legal Aid Oversight Committee. www.ocla.wa.gov.
Bill Kirk has been aggressively defending DUIs since 2000 and has earned a reputation as a creative and passionate defender. A five time recipient of Super Lawyer status, he has also been named one of the Top 25 Criminal Defense Attorneys in the State of Washington the last two years by Washington Law & Politics magazine.

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Washington State Human Rights Commission (WSHRC)
Marc Brenman, executive director
The mission of the Washington State Human Rights Commission is to eliminate and prevent discrimination through the fair application of the law, the efficient use of resources, and the establishment of partnerships with the community. The WSHRC enforces the broadest civil rights statute in the nation. WSHRC is a state agency headquartered in Olympia. More information can be obtained at www.hum.wa.gov (the complaint process can be initiated online) and 800-233-3247.

County, Minority, and Specialty Bar Associations
There are active voluntary bar associations — professional, organized bodies of lawyers — throughout Washington. Many of these help to recruit attorneys to do pro bono work. A complete list can be found at www.wsba.org/lawyers/groups/guide.

Washington’s Law Schools
Students and faculty at the law schools of Gonzaga University (Dean Earl Martin), Seattle University (Dean Kellye Y. Testy), and the University of Washington (Interim Dean Gregory A. Hicks), are a valuable resource for Alliance members and their clients. Programs such as the Gonzaga Center for Law and Justice, Seattle University’s Access to Justice Institute, and the University of Washington’s William H. Gates Public Service Law Program play a crucial role in ensuring continued commitment to access to justice in Washington by instilling a passion for public interest law in young lawyers. Visit www.law.gonzaga.edu, www.law.seattleu.edu, and www.law.washington.edu for more information.

This article is designed to be a brief overview of the Alliance. Please visit the respective websites for additional information.

The Honorable Greg Tripp is completing his second year as chair of the Access to Justice Board and his seventh year as a member of the Board. He currently serves as a Spokane County District Court judge. Judge Tripp also served as chair of the Legal Foundation of Washington Board of Trustees for four years.

The Campaign for Equal Justice: Did You Know?

Number of years the Campaign for Equal Justice has been in existence, including 2008: 4

Number of volunteers statewide who asked their friends and colleagues to support the Campaign for Equal Justice in 2007: 134

Number of counties that had donors contributing to the Campaign for Equal Justice in 2007: 30

Number of civil legal aid programs supported by the Campaign for Equal Justice in 2008: 30

Number of Cy Pres Award contributions directed to the Campaign for Equal Justice in 2007: 4

Most successful local Campaign for Equal Justice fund drive in 2007: Snohomish County, with 15 percent of the legal community donating

Second most successful local drive in 2007: Whatcom County, with 13 percent of the legal community contributing

Number of contributions the Campaign asks you to make to its drive in a single year: 1

Number of times Co-Chairs Gary Locke and Slade Gorton will write to you to ask for your gift: Up to 3, depending on when you give

Largest source of revenue to the Campaign for Equal Justice: Individual donors comprise 32 percent of all annual giving

Percentage of annual Campaign revenue provided by law firms statewide: 28 percent

Average number of hours volunteer callers contribute to raising Campaign funds each year: 5

Average number of calling assignments given to volunteer callers: 7

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Recognizing the need for effective planning and oversight of our complex state civil legal aid delivery system, the Supreme Court has directed the Access to Justice Board to "establish, coordinate, and oversee a statewide, integrated, non-duplicative civil legal services delivery system that is responsive to the needs of poor, vulnerable and moderate means individuals."\(^1\)

In keeping with this charge, in May 2006, the Access to Justice Board adopted its current Plan for the Delivery of Civil Legal Aid to Low-Income People in Washington State.\(^2\) This State Plan was developed over a two-year period with input from many members of the Alliance. While recognizing the strengths in our collaborative delivery system, the State Plan identifies components that need improvement, divides the state into geographic regions, and calls for regional planning teams to form and plan for a more efficient and effective delivery system. Over the past two years, regional and state planning teams have risen to the task, worked hard, and have made significant headway in implementing the State Plan goals. This progress is described below.

### Upgrading the Delivery System in Rural Areas of Washington

A key goal of the State Plan is improving the delivery system in rural areas of the state. Basic service benchmarks provide that not less than three legal aid FTEs (full-time equivalents) be located in each region to minimally meet the needs of the client population. Together with the recommendations from the local regional plans and an infusion of additional state dollars appropriated for the 2007–2009 biennium, much has been accomplished in the past two years, including:

- **The opening of four new Northwest Justice Project (NJP) offices** in Aberdeen, Colville, Longview, and Port Angeles — all regions that have not had an attorney-staffed legal aid office in over 20 years;
- **The addition of staff attorneys** to existing NJP offices in a number of rural regions throughout the state, including Omak, Pasco, Spokane, Walla Walla, Wenatchee, and Yakima; and
- **The opening of a Moses Lake office** focused on serving rural clients throughout north central Washington, anchored by attorneys from Columbia Legal Services and the Northwest Immigrant Rights Project.

### Strengthening Pro Bono

Strengthening the pro bono component of our system is another key goal of the State Plan. To accomplish this, the State Plan calls for upgrading support, training, and assistance for pro bono managers. Additionally, the plan recognized that 10 of the 24 pro bono programs were small undercapitalized programs in areas of the state with insufficient numbers of private attorneys available to provide services. To eliminate inefficiencies inherent in maintaining these small independent pro bono programs, the 10 programs have been asked to develop alternative approaches to pro bono administration, recruitment, and support. In the remaining regions, planners are asked to consider innovations to strengthen the existing pro bono component. Discussions are currently underway among pro bono programs and other stakeholders on how to address these issues in order to strengthen the pro bono delivery system.

### Centralizing Client Intake and Access in King County

When the State Plan was adopted in May 2006, NJP’s CLEAR intake system served clients across the state except for those living in King County. King County regional planners worked to create a centralized telephone intake system through a creative partnership between NJP CLEAR and King County 211. With money appropriated by the state Legislature, this system became operational on January 1, 2008. As a result, people in King County with legal problems can now call 211 to learn about the many free and low-cost civil legal services that are available in the county and, if appropriate, receive a referral to CLEAR for advice and assistance.

### Next Steps

The Access to Justice Board’s State Plan Oversight Committee (SPOC) oversees the implementation of the State Plan. SPOC includes representatives of a number of service providers, funders, and ATJ Board members. In the coming months, we will continue to work on other components of our delivery structure, including systems to improve advocate training.
Today, because of the Legislature’s commitment to increasing access to justice, low-income people in King County with legal problems have one centralized source for legal information and referrals. Trained 211 specialists stand ready to identify legal issues and direct callers to appropriate legal resources.

advocacy coordination, performance accountability, and technology upgrades — all in an effort to further improve our legal aid system.

Greg Dallaire is a member of the Access to Justice Board and chairs the Access to Justice Board’s State Plan Oversight Committee (SPOC). He was the founding director of Evergreen Legal Services in 1976. Before then, he managed legal services programs in Oakland, Seattle, and the state of Georgia. In 1985, he moved to the commercial law firm of Garvey, Schubert and Barer where he was the managing director until his retirement in 2002. Lynn Greiner is an attorney presently working for the Access to Justice Board on the implementation of the Revised State Plan. Previously, she was the director of the Unemployment Law Project.

NOTES
2. See the Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State at www.wsba.org/atj/board, click on Committees, go to the State Plan Oversight Committee link: the State Plan is listed at the top in PDF format.

CLEARing the Path to Civil Legal Aid

The Northwest Justice Project (NJP), Washington’s largest statewide legal aid program, supports our statewide legal aid information, intake, and referral system. Low-income persons and seniors seeking assistance with a civil legal problem may call one number to find out if they are eligible for civil legal aid and to receive legal assistance. People in King County with legal problems can call 211 to receive information about and referrals to many free and low-cost civil legal services. For people living outside King County, CLEAR (Coordinated Legal Education, Advice, and Referral) is the gateway to civil legal aid.

As of January 2008, the Northwest Justice Project has partnered with King County’s 211 community information and referral service to extend hotline services previously unavailable to people living in King County. This new partnership and enhanced service result from our Legislature’s $5.27 million state funding increase for civil legal aid in the 2007–2009 biennium. Today, because of the Legislature’s commitment to increasing access to justice, low-income people in King County with legal problems have one centralized source for legal information and referrals. Trained 211 specialists stand ready to identify legal issues and direct callers to appropriate legal resources. Clients and service providers may also access 211’s website at www.resourcehouse.com. This website features information on legal services as well as a comprehensive list of social service resources.

Most calls coming through CLEAR are answered by screeners who determine whether the caller is eligible for services and whether the problem is one that CLEAR can handle. People with problems CLEAR cannot handle are referred to other community resources whenever possible. Eligible callers are put into a telephone queue to speak with attorneys or paralegals who diagnose the problem and provide a variety of legal services. CLEAR can handle calls in English and Spanish and has five Spanish-speaking attorneys on staff. Callers who speak languages other than English or Spanish are assisted with Language Line telephonic interpretation. In addition to the regular CLEAR line, CLEAR has two special projects. CLEAR*Sr has a separate phone number for people age 60 and over. CLEAR DV works with victims of domestic violence who are referred by domestic-violence advocates. In addition to providing telephonic legal assistance, many of the CLEAR staff members participate in statewide substantive law task forces and WSBA or Access to Justice Board committees, bringing valuable insights to state planning formed by assisting hundreds of low-income clients.

Numbers to Call for Client Intake and Referral

Outside King County

Hours: Monday–Friday, 9:15 a.m.–12:15 p.m. and Tuesday, 3:30 p.m.–6:15 p.m.

CLEAR: 1-888-201-1014
CLEAR*Sr (for those age 60 and over): 1-888-387-7111
TTY: 1-888-201-9737

King County

Hours: Monday–Friday, 7:30 a.m.–7:30 p.m. and Saturday, 9:30 a.m.–2:30 p.m.

CLEAR: 2-1-1
Pay phone: 1-877-211-WASH
TTY: 711
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The Alliance:
Where Does the Money Come From?

by Scott A. Smith and J. Richard Manning

In our state, a unique public-private partnership supported by public leaders and the legal community has risen to the challenge to seek stable and incremental increases in funding for civil legal aid, as called for in the Civil Legal Needs Study. State and federal funding complements IOLTA (Interest on Lawyers’ Trust Accounts) and charitable contributions (such as the statewide Campaign for Equal Justice) to support the work of pro bono attorneys and staffed legal aid offices providing a full range of legal services and resources for those in need. Funding components for the Alliance for Equal Justice include:

Public Funds for Civil Legal Aid
Federal funds: Congress provides federal funding through the Legal Services Corporation (LSC) to nonprofit organizations providing civil legal aid to low-income people. LSC distributes funds nationwide based on the number of people living in poverty in each state. The Northwest Justice Project (NJP) is the sole recipient of the federal funds in Washington. LSC funding is heavily regulated and subject to numerous restrictions on client eligibility and types of legal work.

State funds: The Washington State Legislature appropriates general funds for civil legal aid to the Office of Civil Legal Aid (OCLA), which in turn contracts with a qualified legal aid provider. Since state appropriations have many of the same restrictions on client eligibility and service provision as federal monies, OCLA also contracts with the Northwest Justice Project to provide legal aid services throughout Washington. State funds are also used to support some pro bono programs and other legal aid providers.

Interest on Lawyers’ Trust Accounts (IOLTA) Resources
The Washington State Supreme Court created the Legal Foundation of Washington in 1984 to manage the funds generated by the Interest on Lawyers’ Trust Accounts (IOLTA) program. IOLTA funds, which also come from some funds deposited in real estate closings, complement state and federal funds to provide low-income people in Washington access to the justice system. IOLTA funding helps the civil legal aid system in Washington by ensuring that clients ineligible for governmentally funded civil legal aid can get help with their important legal problems.

Private Financial Support
The Campaign for Equal Justice (promoted and administered by the LAW Fund Board) was created by lawyers statewide to serve as the unified annual giving drive for all Alliance for Equal Justice civil legal aid programs in order to increase and simplify donations to legal aid. Instead of competing for the same charitable dollars, Alliance programs work as a team to raise increasing levels of charitable support for legal aid throughout the state. The Legal Foundation of Washington distributes the IOLTA funds and Campaign donations in annual grants to Alliance programs. The Campaign for Equal Justice provides a stable and flexible source of financial support to prevent the neediest among us from having to face legal crises alone. (You can help close the Justice Gap by making a secure online donation at www.c4ej.org.)

Together, these critical sources of funding help ensure that more vulnerable clients can receive legal assistance for the entire spectrum of civil legal problems they face.

Funding for Calendar Year 2008

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal (Legal Services Corporation)</td>
<td>$5.8 million</td>
</tr>
<tr>
<td>State (OCLA)</td>
<td>$11.5 million (average calendar year level during FY 2007–09 biennium)</td>
</tr>
<tr>
<td>Private (LAW Fund/Campaign for Equal Justice)</td>
<td>$900,000</td>
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</tbody>
</table>

Final Recipients:
Northwest Justice Project (statewide delivery, CLEAR, and website operation support): $5.8 million (Legal Services Corporation); $11 million (Office of Civil Legal Aid; of which $1.6 million is subcontracted to support six specialized legal aid providers and local pro bono programs); $105,000 (Legal Foundation of Washington).

Columbia Legal Services, Northwest Immigrants Rights Project, and other specialty programs (serving special populations or providing representation that cannot be underwritten with state or federal funding): $7.8 million (Legal Foundation of Washington).

Local Pro Bono Programs (leverage local pro bono attorney involvement in legal aid delivery): $1.6 million (approximately half is funded by Legal Foundation of Washington and half is funded by the State).

Scott A. Smith currently serves as chair of the Equal Justice Coalition and is a past chair and member of the Access to Justice Board. He served as president of the King County Bar Association from 1996 to 1997. He is a civil trial attorney with Riddell Williams P.S. in Seattle. J. Richard “Dick” Manning is a former president of the Washington State Bar Association and served a three-year term on the WSBA Board of Governors. He is a former chair of the Equal Justice Coalition and currently is the president of the LAW Fund Board.
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Encouraging Pro Bono Participation
by the Washington State Supreme Court

The release of the Washington State Supreme Court’s Civil Legal Needs Study in 2003 brought to light some staggering statistics. Clearly, the ability to secure legal assistance is critical if poor people in our state are going to achieve equal justice under our laws. While Washington is home to a nationally recognized civil equal justice delivery system, that system is extremely understaffed given the extent of the need as detailed in the aforementioned study. Private attorneys provide valuable services to low-income people, but the untapped potential for greater pro bono attorney involvement would make a significant difference in filling the “need” gap.

In 2006, Washington attorneys contributed approximately 58,000 hours of pro bono service to low-income clients through 24 local volunteer attorney programs (currently there are 21). This figure does not include additional hours provided by other volunteer attorney partnerships. Volunteer attorneys provide the equivalent of 50 full-time attorneys’ worth of assistance each year, which means they provide more than $10 million in donated time and expertise for the benefit of Washington’s low-income people. That’s an impressive record to stand on, but we can do better. Our state’s RPC 6.1 sets an aspirational goal for attorneys to contribute 30 hours per year in pro bono legal services.

Pro bono leaders believe that the cumulative number of volunteer hours leveraged by volunteer attorney programs throughout the state can be increased by 50 percent over the next five to seven years, which would effectively increase by 25 the number of equivalent full-time attorneys leveraged through volunteer contributions. This would result in the equivalent of 75 full-time attorneys working to secure basic needs for poor people.

Given the findings of the Civil Legal Needs Study, the Supreme Court strongly encourages attorneys to volunteer as much time as they can to address the equal justice crisis in our state. Here are just some of the ways attorneys can volunteer to help meet this glaring need:

- The greatest unmet need is for full representation for poor people with cases involving basic human needs such as housing, family law, and employment. While volunteer attorneys around the state are currently taking cases for full representation, the demand far exceeds the number of available volunteers.
- Almost every day around the state, there are volunteer lawyer clinics that provide low-income people with consultation on their cases. In many instances, the attorneys advise clients of their legal position in a case, what procedural steps they can anticipate, what their rights are, what steps they can take to resolve the case, or help the clients fill out the proper forms.
- In King, Kitsap, Snohomish, and Spokane counties, the local Housing Justice Project programs provide volunteer attorneys for low-income tenants who need representation at their eviction hearings or who need help negotiating with their landlord outside the courtroom. Volunteer attorneys show up at the county courthouse for a morning and provide an invaluable service to a low-income family by preventing an illegal eviction, explaining their options, or negotiating for more time to move out.
- Many volunteer lawyer programs around the state offer free continuing legal education classes and credits in exchange for the participant agreeing to take one case referral in that subject area over the next year.

The need is great. Individuals and families with nowhere else to turn need your help. The experience will be invaluable for all involved, and will help ensure that the basic rights and protections afforded by our laws are guaranteed for all of us — not just for those who can afford a lawyer.

Please contact your local bar association or local volunteer lawyer program to find out where you can help. Alternatively, the WSBA’s Access to Justice Liaison Sharlene Steele can help you identify the most appropriate legal services provider for your area of interest, expertise, and geographical location. She can be reached at 206-727-8262, 800-945-9722, ext. 8262, or sharlene@wsba.org.

Pro Bono Service: Lawyers Tell Their Stories

Advocate, Advisor, Negotiator, Evaluator — and Volunteer

by Cheryl Handy

Attorneys fill a variety of roles: advisor, advocate, negotiator, and evaluator. Another important role is that of a public citizen participating in our community. “A lawyer, as a member of the legal profession, is a representative of clients, an officer of the court and a public citizen having special responsibility for the quality of justice.” Preamble, Rules of Professional Conduct (emphasis added).

The responsibility for the “quality of justice” embraces the opportunity and obligation of pro bono and volunteer service. The opportunity is always there; I have volunteered as a pro bono attorney in a number of ways over the years. As a law student, I volunteered with the Spokane Volunteer Lawyers’ Program, answering phones, doing client intake, and helping run the clinics. In 2005, I was hired...
as an assistant attorney general in Olympia, where I had the good fortune of joining a part of the office where many of the lawyers participate regularly in local clinics or take on direct-representation cases. I immediately began to volunteer, assisting with evening advice clinics and shadowing a more experienced colleague. Soon, I was considered an “expert” and I mentored lawyers on cases. I continue to volunteer regularly, have gotten to know the local bar, have gained trial experience, and have really helped a number of my clients. This experience has been fun, rewarding, and has helped me do my “real” job even better.

Recently I was asked to join the board of Thurston County Volunteer Legal Services (TCVLS). This gives me another point of view regarding the importance of volunteer legal work and pro bono service. TCVLS is proud of its contribution in helping victims of domestic violence find safe ways to end their relationships, in helping parents establish rational plans for parenting their children in irrational relationships, in helping those with insufficient means to develop housing options, and in giving people the opportunity to be heard in their own legal proceedings. This is the essence of what law and justice are about. Pro bono attorneys are critical to maintaining pro bono and volunteer legal services for those in need.

There are a number of ways attorneys can become involved. Many pro bono programs and local bar associations have regular legal clinics which require only an hour or two of an attorney’s time. Legal clinics are devoted to different types of legal problems: family law, bankruptcy, housing, or other issues of interest of clients. Volunteer attorneys can provide advice, information, or full direct representation. For those who are interested in this but nervous about a lack of experience, the pro bono program managers usually assign basic cases to start with. New attorney volunteers can look to mentors and more experienced attorneys for advice, or as co-counsel to the case. And the same holds true for experienced lawyers who are asked to assist a client with an unfamiliar type of issue; resources are available to support the attorney during this process.

My pro bono work has been rewarding in so many ways: I have learned lots about different types of law and procedures, have met many interesting clients, and have learned to navigate language barriers. I urge you to use your skills and energy to help those less fortunate; the need is there...
A Professional Leadership

Pro Bono: Central to Lawyers Bar Association.

Cheryl Handy is an attorney in Olympia and serves on the board of Thurston County Legal Services. She recently received the WSBA Local Hero Award for her work with the Government Lawyers Bar Association.

Pro Bono: Central to Professional Leadership

BY JOHN BRETT

As a pro bono coordinator in a predominantly rural setting working out of a single-person office, I take on many roles. Tasks from day to day vary from scheduling clinics with clients and volunteer lawyers to writing grants and reports. Whether supporting my board of directors or advising on policy locally and statewide, providing services to clients occupies my job’s central role. Whatever the schedule, my day quickly fills with details crucial to obtaining needed legal assistance for the hundreds of low-income people who annually find help through my office.

Many clients must travel over 60 miles to reach the services they need to fight unlawful evictions, attempt to preserve custody of their children, and defend themselves against various civil claims. Many clients do not have their own transportation; a significant portion speak a primary language other than English; and some face additional hurdles of physical and mental disabilities.

Though my office will never be able to meet all of the demand, I am fortunate to work in a county where the bar association and individual lawyers give their full support to legal services and have done so for over 30 years. When making calls or sending e-mails attempting to place pro bono cases or schedule advice clinics, more often than not, the attorneys in Chelan County say “yes” to pro bono.

In 2007, I had the opportunity to help organize a workshop at the annual Access to Justice Conference in Wenatchee. The theme of the conference was Valuing Leadership: Ensuring Justice for All. The workshop focused on the historic ethic of service fostered within the Chelan-Douglas County Bar Association. Per capita, this area logs some of the highest pro bono participation rates in the state. The workshop sought to explain the extraordinarily strong support for Access to Justice initiatives in Chelan and Douglas counties. We ultimately determined that the expectation of pro bono service, actively expressed and supported amongst our bar leaders and judiciary, constitutes the cornerstone of excellent pro bono service delivery.

Senior partners volunteer to give advice and take cases, and expect their associates to do the same. Judges play a central role in communicating to new lawyers in the Chelan-Douglas bar that the court values and takes seriously a lawyer’s professional responsibility to provide pro bono service. Bar leaders set an example by volunteering and calling other lawyers to encourage their participation whenever needed. With this level of support from the local bar, our pro bono program is able to provide high-level legal aid to low-income people in our region. And our clients, already burdened with numerous hurdles to overcome, know that they can turn to us for help.

WSBA President Stan Bastian has focused on access to justice issues and professionalism during his tenure of service. As a member of the bar in Chelan County who gives of his time and encourages others to do the same, Mr. Bastian, and bar leaders and attorneys like him, understand that their pro bono service supports not only individual clients, but the legal profession as a whole. Pro bono service remains vital to preserving the rule of law by ensuring that low-income people feel that the legal system responds
to their needs. As the WSBA and pro bono programs statewide continue working to increase attorney participation in pro bono, I am hopeful that bar leaders across the state promote an ethic of professional responsibility and service as diligently as the Chelan-Douglas County Bar Association.

John Brett is the director of the Chelan-Douglas County Volunteer Attorney Services program.

**Man on a Mission: A Profile of H. Scott Holte**

Since graduating from the University of Washington School of Law in 1974, Scott has consistently volunteered with the legal aid community. In response to a period of drastic federal funding cuts, in 1985 he helped establish Snohomish County Legal Services, a volunteer lawyer program that has been meeting the urgent civil legal needs of clients since then.

During Scott’s many years of volunteering with the legal aid community, it became apparent to him that erratic funding for legal aid programs was the greatest obstacle to ensuring access to justice for low-income people. In 1996, he joined the board of the Legal Aid for Washington Fund (LAW Fund) and became president of the Endowment for Equal Justice in 2000 to help create a stable base of financial support for civil legal aid for years to come.

Scott met with other leaders in the access to justice community for several years in an effort to combine the resource development activities of Washington’s more than 30 legal aid programs in order to reduce duplication of effort, eliminate competition among legal aid programs for the same funding dollars, make it easier for donors to make charitable contributions, and work together as a team to raise as much annual charitable support for legal aid as possible. In 2005 the Campaign for Equal Justice became a reality and is our state’s unified annual fundraising drive supporting legal aid programs throughout Washington.

Last year, Scott helped to lead the third annual local Campaign for Equal Justice effort in Snohomish County. With the help of colleagues, the support of 15 percent of the area’s legal community was secured, donating more than $25,000. Much of this success came in a single evening when the volunteers gathered at a law firm for a phone-a-thon where more than 40 pledges were made in just two hours.

When asked about his role as a fundraiser, Scott says: “Most people have a natural aversion to asking others for money. But if you believe in the importance of the mission and know the difference legal aid makes in the lives of families, individuals, and our community, you can overcome that fear pretty easily.”

Scott intends to continue his involvement with the Campaign for Equal Justice. His goal this year is to see a 25 percent participation rate from Snohomish County attorneys, which amounts to donations from more than 200 attorneys and judges. And he has similarly high expectations for the Endowment for Equal Justice, hoping over the next two to three years that this fund will hit the $10 million mark, at which point it will generate $500,00 or more for legal aid programs statewide each and every year.

Scott actively encourages attorneys to donate to the Campaign for Equal Justice, stating: “Donating the equivalent of a single billable hour of time is a relatively simple and pain-free way for each attorney to make an enormous difference in provide legal aid to those in need.”

H. Scott Holte has been an attorney for over 20 years, has served on the LAW Fund Board since 1996, and became president of the Endowment for Equal Justice in 2000.
WSBA Emeritus Program Enables Lawyers to Continue to Contribute

BY GREGORY ABBOTT

More and more attorneys leaving the active practice of law are enjoying the benefits of the WSBA’s innovative Emeritus Program. Designed for attorneys who are fully retired from their law practices, as well as those who are temporarily withdrawing from the profession for personal, family, or other reasons, the program is geared to lawyers who wish to retain their Bar membership and would like to contribute their skills to pro bono activities.

This special status affords Bar members a significantly reduced annual membership fee (currently $120 per year), abatement of CLE requirements, and the ability in most cases to change back to active WSBA membership status in the future, at the election of the attorney. In exchange for these benefits, Emeritus attorneys are asked to link up with one of a number of recognized legal aid organizations (called Qualified Legal Services Providers or QLSPs) and provide pro bono representation to indigent clients referred by the QLSP or to the QLSP itself. APR 8(e) Emeritus defines QLSPs as “a not-for-profit legal services organization whose primary purpose is to provide legal services to low-income clients.” The list of QLSPs include all legal service providers in the Alliance for Equal Justice and several additional specialized legal services providers. No specified minimum amount of pro bono work is imposed, and the attorney has the opportunity to enjoy the satisfaction of helping those who are truly in need of legal services. Most QLSPs provide specialized training and support, and malpractice liability coverage to their volunteer attorneys.

The Emeritus Program provides an excellent opportunity for retiring and inactive lawyers to maintain their connection to the practice of law without most of the headaches and expenses of keeping their law license. Moreover, Emeritus status offers a fulfilling way for attorneys to contribute their skills and compassion to enhancing access to justice for indigent individuals in need of legal help. For more information, see www.wsba.org/lawyers/licensing/faq-rule8e.htm, or contact Sharlene Steele at 206-727-8262 or 800-945-9722, ext. 8262, or e-mail sharlene@wsba.org.

Gregory Abbott is an attorney and member of the WSBA Pro Bono and Legal Aid Committee. He also volunteers his time at the Northwest Immigrants Rights Project.

An ATJ Call to Action — How You Can Help!

We need you for all three!

Give time — do pro bono work
Volunteer your time with a local legal aid provider.

Contact the Advocate Resource Center (ARC) to learn about other volunteer opportunities. The ARC is an online resource for legal services and pro bono advocates representing low-income people in Washington state. See www.advocateresourcecenter.org.

Give money
Donate to the Campaign for Equal Justice. See www.c4ej.org.

Get involved
Become a member of the Equal Justice Coalition (EJC). See www.ejc.org.


Get involved in your regional planning teams.
Join an ATJ committee. See www.advocateresourcecenter.org/oppsguide.

We hope you can join us for the 13th annual Washington State Access to Justice Conference and WSBA Bar Leaders Conference. The conference is in Vancouver, Washington, June 6–8 at the Red Lion at the Quay.

Access to Justice Conference workshop topics include immigration issues, difficulties faced by pro se litigants, legal issues of the homeless, public-interest law, law-student issues, community education and engagement, Native American issues, nonprofit board issues, and counsel for children in dependency hearings. Shelley Davis, deputy director of Farmworker Justice, will provide the keynote address on Friday evening. She is also coordinating a conference workshop focusing on health and safety issues of indigenous farmworkers.

The annual WSBA Bar Leaders Conference is held in conjunction with the Access to Justice Conference and will offer workshops including a roundtable discussion with the Washington State Supreme Court, immigration raids, and a panel discussion about the changing face of the profession.

For information about the conference, contact Sharlene Steele at 206-727-8262 or 800-945-9722, ext. 8262 or sharlene@wsba.org, or view the entire conference program at www.wsba.org/atj.

Justice Without Borders
June 6–8

Washington State Bar News | May 2008
Meeting March 7–8 in Tacoma, the Board of Governors approved the addition of an Eastern Washington bar examination site for 2010 and filled the vacant seat of a resigning board member.

Regarding the long-discussed proposal for an Eastern Washington bar examination, the Board voted 7–3 to administer the examination in Spokane in summer of 2010, at the same time it is given in Bellevue. Supporters of the proposal included Dean Earl Martin of Gonzaga University School of Law, who testified via teleconference. He suggested that “equities strongly favor” giving Eastern Washington residents a local option for taking the examination. A survey of Gonzaga law graduates showed that they spend an average of more than $1,000 in travel-related expenses to take the test in Western Washington, he said. WSBA surveys have shown that approximately 115–150 out of roughly 900 total summer examinees would take the examination in Spokane. Cost estimates for adding the examination have ranged from $23,000 to $35,770 plus additional staffing, depending in part on the exact location of the test. Because of the additional expense, logistical challenges, and need for additional staff resources, WSBA staff had opposed the change.

However, despite the potential hurdles, a majority of BOG members, including several from Western Washington, spoke in support of the proposal, saying it would add to WSBA’s credibility among Eastern Washington members. In response, Governors Doug Lawrence and Sal Mungia, who voted against the change, noted that Western Washington residents also incur travel and lodging expenses to take the examination in Bellevue and questioned whether the savings to Eastern Washington residents justifies the additional expense and logistical obstacles WSBA would face. Proponents replied that a modest increase in the examination fee would cover the additional costs and that staffing and other issues can be solved in the more than two years remaining before the first Spokane examination.

In other action, the Board interviewed three finalists to fill the at-large Board of Governors position representing the Washington Young Lawyers Division. The seat was vacated by Jason Vail, who relocated to Chicago. The board selected Seattle solo practitioner Carla C. Lee. Ms. Lee is involved in several WSBA committees as well as other organizations, including Washington Women Lawyers, the Loren Miller Bar Association, and Washington Lawyers for the Arts. Ms. Lee is the first African-American woman to serve on the BOG. The other finalists for the position were Lisa J. Dickinson of Spokane and Gyasi Ross of Brownsville. Ms. Lee will serve out the remainder of former Governor Vail’s term and, under a recent change in bylaws, be eligible for re-election to a second term.

Meanwhile, the board unanimously approved an amendment of the WSBA Bylaws that spells out the degree to which the WSBA president, BOG members, and other WSBA officers (the president-elect, immediate past president, and executive director) may become personally involved in political campaigns and related activity. The rules were meant to generally allow political participation by those covered while prohibiting most political activity involving judicial races or issues directly affecting the administration of justice. Under the new rules, the WSBA president is prohibited during his or her term of office from publicly supporting or contributing funds to a candidate for judicial office, a candidate for an office (such as county prosecutor) that must be held by an attorney, or a candidate for an office (such as mayor) in which the holder has the power to appoint, hire, or fire judicial officers. The rules contain an exception for candidates who are members of the president’s immediate family. The president is also prohibited from publicly taking a side in any issue being submitted to the voters or pending before the state Legislature, unless the BOG has specifically authorized the president to do so. Current WSBA President Stan Bastian spoke in support of the limitations, saying that since he has been serving as president, he has learned that many WSBA members indeed pay close attention to the president’s apparent position on political issues. Also under the new rules, BOG members and other WSBA officers are prohibited from supporting or contributing to candidates for offices that must be filled by an attorney. They may participate, however, if the candidate is an immediate family member.

In other business, the BOG approved a proposed amendment to General Rule 34 that would lower the income threshold for parties to qualify for a waiver of court and clerk’s fees in civil matters. The rule reduces the eligibility requirement from 200 percent of the federal poverty level to 125 percent. The provision will be forwarded to the Washington State Supreme Court with a recommendation that it be adopted. The change would bring the eligibility standard for civil matters into accord with the standard for indigency in criminal cases.

The BOG nominated Spokane attorney Elizabeth Schoedel to replace the Honorable Gregory Tripp for a three-year term on the Access to Justice Board. Judge Tripp’s term expires this year and he is ineligible for reappointment, having now served two terms. The BOG also nominated Gregory Dallaire for reappointment to the ATJ Board. The nominations will be forwarded to the Washington State Supreme Court, which makes the appointments. The BOG also appointed six people to the Council on Public Legal Education. They are the Honorable Leila Mills, the Honorable Judith Hightower, Linda McLane, Judith Billings, Margit McGuire, and Mary Hotchkiss.

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

SPEEDING TICKET? TRAFFIC INFRACTION? CRIMINAL MISDEMEANOR?

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In Memoriam

This In Memoriam section contains brief obituaries of WSBA members. The list is not complete and contains only those notices that the WSBA has learned of through newspapers, magazine articles, trade publications, and correspondence. Additional notices will appear in subsequent issues of Bar News. Please e-mail notices or personal remembrances to inmemoriam@wsba.org.

**Anderson, Ronald Evan**
Ronald Anderson was born in Bremerton in 1946. He served in the United States Army before going on to receive his law degree from Gonzaga University School of Law in 1976. He started his law practice in Kingston, Washington, in 1979 before relocating to Bremerton in 1983, where he was hired by and became partners with Merrill Wallace. He was an active outdoorsman, camper, hiker, and explorer. He enjoyed his other hobbies of painting and car restoration. He had preserved and maintained the family heirloom, a 1958 Ford Edsel Bermuda Wagon, for many years. Anderson was especially known and admired for his dedication to Law Day, a successful annual Kitsap County event. He died March 26, 2008, aged 61.

**Ertischek, Mark**
Originally from New York, Mark Ertischek received his law degree from Georgetown University as well as a master’s degree in biomedical ethics from the University of Washington. He married his high school sweetheart and settled in Anchorage, Alaska, where he was an attorney for the State of Alaska’s Attorney General’s Office, Human Rights Commission, and the Municipality of Anchorage. He loved the outdoors and enjoyed hiking with his faithful companion, Quincy. He died June 9, 2007, at age 60.

**Davenport, William**
William Davenport was born and raised in Montana. He graduated from Georgetown School of Law, and practiced law for six years until World War II, when he volunteered in the Naval Reserves and served as a lieutenant on an aircraft carrier in the South Pacific. He moved to Spokane and became a partner with Witherspoon Kelley Davenport and Toole, and retired in 1996. He was 96 when he died on March 2, 2008.

**Diana, Carl**
Carl Diana was born in Longview in 1925, reportedly the first baby boy born in the then newly formed logging town. During World War II, he served in the Navy Air Corps, and met his wife while in training. Carl received his law degree from Gonzaga School of Law and relocated to Spokane with his family, where he spent the rest of his life. He was an avid hunter and enjoyed spending time in the family cabin in Idaho. He was 83 years old when he died on February 23, 2008.

**Doces, Gust (Konstans)**
Gust Doces (born Konstans) grew up in Chicago and moved with his family to Seattle in 1949. He attended Roosevelt High School and played for the Roughriders. He received his law degree from the University of Washington School of Law, where he graduated in the top of his class. His focus was on helping his clients regardless of their ability to pay, and he was known to give hours of free counsel or accept payment in jars of homemade pickles. He was a judge pro tem, taught law courses at Seattle community colleges, and had a passion for photography.
He died January 27, 2008, aged 69.

**Griffin, Robert Glaye**
Robert Griffin was born in Victory, Wisconsin. During World War II, he served in the Army, and received these decorations: American Theatre, Good Conduct, EAME Ribbon Battle Stars, the Victory Medal, and the Prisoner of War Medal. He received his law degree from the University of Washington. He was a founder of the Tacoma Legal Aid Society, and often served as judge *pro tem* for Pierce County. He died January 8, 2008, aged 83.

**Harvey, Glenn Leroy**
Glenn Harvey was an Olympia attorney who practiced personnel law. He was an avid fan of his children's school competitions, raised bumper tomato crops and aquarium fish, and rooted for the Lakers. He enjoyed camping, hunting, poker, swimming, and racquet ball. He died October 8, 2007, aged 55.

**Johannsen, Linda**
Linda Johannsen was born in Aurora, Colorado, and moved to Lake Oswego, Oregon, in 1963. She received a bachelor's degree and a law degree from Lewis & Clark College. She was an attorney for K&L Gates, and had lived in Portland since 1987. She died March 15, 2008, aged 57.

**Langston, Van Curtis**
Van Curtis Langston was born in Seattle in 1952. He was admitted to the WSBA in 1982 and was a member of the Loren Miller Bar Association. He died on January 29, 2008, aged 56.

**Lombard, John Cutler**
John "Jack" Lombard was born October 9, 1918, in Berkeley, California. He settled in the Northwest in 1949, and provided a stability for his children that he had not known after his own family lost much of its wealth in the Great Depression. He served in the Army during World War II in the 63rd Bombardment Squadron of the 43rd Bombardment Group. He and his squadron developed and refined the highly risky but highly effective technique of low-altitude "skip bombing" to attack enemy transport and supply ships. He received his law degree from Northwestern Law School in 1949 and practiced in Seattle for more than 50 years. He died February 8, 2008, aged 89.

**Luce, Charles F.**
Charles Luce was born in Platteville, Wisconsin. He earned a law degree and then a graduate fellowship in law at Yale, where he met his wife, Helen. After moving to Vancouver, Washington, he found steady and fulfilling work as a lawyer for the Umatilla Tribe. President Kennedy appointed him to head the Bonneville Power Administration, which he led from 1967 to 1982. Luce later served as undersecretary of the Interior. He died January 26, 2008, aged 90.

**Mathewson, Dion David**
Originally from California, Dion Mathewson received his bachelor’s degree from UC Berkeley and his law degree from Georgetown University. He had worked as an attorney for Microsoft since 2004, and previously worked as an associate with Cairncross &
Hempelmann. He enjoyed spending time with his wife and two children, taking walks through the neighborhood park or at the beach. He died January 29, 2008, aged 41.

Mucklestone, Patricia Shanahan
Patricia Mucklestone was raised in West Seattle, and received her bachelor’s degree and law degree from the University of Washington. She and her husband, John Mucklestone, established the firm of Mucklestone and Mucklestone. She also served as a judge pro tem for Seattle Municipal Court. She practiced law for more than 50 years. She enjoyed traveling, dancing, skiing, and the outdoors. She died January 24, 2008, aged 82.

Preston, Casromo Lamond Jr.
Casromo Preston was born in Tucson, Arizona, and attended Seattle University with an athletic scholarship. He graduated from Seattle University School of Law and went on to become an in-house attorney for Safeco. He built a home for his family and loved music, golf, basketball, and soccer. He died January 20, 2008, aged 38.

Reed, Richard C.
Richard Reed served during World War II in both the FBI and the Army. He received political science and law degrees from the University of Chicago. He was a senior partner and chairman of the board of Reed McClure, from which he retired in 1989 to become a law office management consultant for various firms. He enjoyed skiing, Dixieland jazz, and travel, visiting more than 50 countries on six continents with his wife. He died January 7, 2008, at age 86.

Schultheis, Richard
Dick Schultheis, a longtime lawyer for Kitsap and Grant counties, was born in Bremerton in 1929. He received his law degree from the UW School of Law, practiced in Port Orchard, and was president of the Kitsap County Bar Association. He practiced law for 54 years, and was involved in his community, striving to build a hospital for south Kitsap County. He enjoyed collecting Native American art, mountain climbing, skiing, and hunting. He died March 18, 2008, aged 78.

Skellenger, David Peer
A remembrance from the lawyers and staff of Skellenger Bender.
David joined our law firm as a partner in 1978 after previously serving as of counsel for several years. He was a valued colleague until his well-deserved retirement in 1995 and remained a friend to many of us since. We will miss him. David was of the generation of attorneys whose lives and values were shaped by the Great Depression and World War II. David had a great deal to teach us about the daily struggles of many Americans and citizens of the rest of the world just to survive. He encouraged us to recognize the value, contributions, and abilities of others — whatever their economic circumstances, race, or religious beliefs. Throughout his life, David’s values informed him, and as a friend and mentor, helped inform us.

David taught numerous of our younger attorneys to be forceful advocates for the interests of our clients, while at the same time preserving civility and dignity in all of their dealings with whomever they might encounter. In any dialogue, David reminded us of the respect owed to all people. If a client was in need of service, but could not afford it, David was always willing to offer his services on a pro bono basis. He was very proud of the pro bono and community service interests of our growing cadre of
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Storz, Edwin N.

Edwin Storz was a member of the Oregon Bar since 1976 and the Washington State Bar since 1984. He was born in Bangkok, Thailand, and after growing up in both Vietnam and the Philippines, his family moved to Oregon. He served as a medic during the Vietnam War. He graduated from Willamette University School of Law in 1976. He practiced in Hermiston, Oregon, as a sole practitioner. Storz was a pilot in the Civil Air Patrol, an avid skier, scuba diver, and hiker. He died on May 20, 2007, aged 57.

Weight, Michael

Bothell City Attorney Michael Weight joined the city in 2001 as Bothell’s first legal in-house counsel and built the department over the years to include a prosecuting attorney, paralegal, and office specialist. “Michael never ceased to amaze us on how much energy he possessed. The city is eternally grateful for the joy and knowledge Michael brought to the city of Bothell personally and professionally,” said City Manager Bob Stowe. He is survived by a wife and daughter. He died on December 20, 2007.

Warner, John F.

A Seattle native, John Warner was born in Seattle, graduated from Bellevue High School and Seattle University, and received his law degree from the University of Puget Sound in Tacoma. He practiced law in Seattle and Kent. He enjoyed classic cars, model trains, and collecting maps, John and his wife fostered cats through Persians Plus Rescue, and adopted some into their own home. He died February 8, 2008, aged 59.

West, William F.

William West was born in Water Valley, Mississippi. He met his wife while serving in the Army, and they moved to the Pacific Northwest to raise a family. After working in the King County Prosecutor’s Office, he spent most of his career as a sole practitioner in Kenmore and Bothell. He loved his family, liked boating, and enjoyed collecting arcane and obscure historical facts. He died October 10, 2007, aged 77.

William Williams was born in Tacoma. He served in the Army Air Force during World War II and received his bachelor’s degree and law degree from the University of Washington. He met his wife while handling her divorce case. With his son Kinnon, he built the firm of Williams & Williams. His less affluent clients sometimes paid in chickens, pots, and pans, and, once, dozens of cymbal-clanging mechanical monkeys. He was 82 when he died January 15, 2008.

Bar News has also been advised of the death of Theodore Deaton on March 16, 2007; George A. Cooney Jr. on June 30, 2007; Sandra Victoria on July 31, 2007; and the Honorable Alan A. McDonald, who died on July 26, 2007.

Younger attorneys, especially when he saw a willingness to help those who otherwise would not have access to justice in our legal system.

These are important times for all of us to remember the lessons of the Great Depression and the consequences of global conflict. We will miss our valued colleague who lived and understood these lessons and made these lessons a part of the fabric of our firm. Thank you, David.

David Skellenger died January 28, 2008, aged 79.
WSBA Presidential Search

Application Deadline: May 15, 2008

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

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

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

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

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

Application deadline: May 16, 2008

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 positions will be available in August 2008. 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 approximately 550 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. 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.

Further information about the Commission can be found at their website, www.cjc.state.wa.us, or by contacting them at 360-753-4585.

Law Clerk Committee — Two Positions

Application Deadline: June 15, 2008

The Law Clerk Committee is a regulatory board composed of seven lawyers who are appointed for six-year terms: Two terms are ending on September 30, 2008. Members are appointed with consideration for the geographic distribution of the law clerks in the program. The positions starting October 1, 2008, serve primarily the South Sound/Southwestern Washington and Spokane/Eastern Washington regions. Preference will be given to applicants in these areas of the state. The Committee is composed of both law school graduates and those who completed the Law Clerk Program; a balance of experience is sought.

Each Committee member acts as liaison for an average of six law clerks enrolled in the program. A liaison receives monthly exams and certificates to review and assess the law clerks’ progress. The Law Clerk Committee meets quarterly in February, May, August, and November. At the quarterly meetings, the liaison makes recom-
mendations to the Committee 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 the liaison must be willing to host a meeting in his or her office or travel to the potential tutor’s office. 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.


Members interested in participating on the Law Clerk Committee should submit a letter of application and résumé to: WSBA Regulatory Services, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; 206-239-2112 or 800-945-9722, ext. 2112.

Practice of Law Board — Three Positions
Application deadline: June 1, 2008

Three positions on the Practice of Law (POL) Board are open effective October 2008. These appointments will be for a three-year term. All interested persons are encouraged to submit a résumé and letter of interest to the POL Board by June 1, 2008. The Board is established by General Rule 25. Nominations may be made by the WSBA Board of Governors and other people and organizations.

GR 25 provides that the purpose of the Board is to promote expanded access to affordable and reliable legal and law-related services; expand public confidence in the administration of justice; make recommendations regarding the circumstances under which nonlawyers may be involved in the delivery of certain types of legal and law-related services; enforce rules prohibiting individuals and organizations from engaging in unauthorized legal and law-related services that pose a threat to the general public; and ensure that those engaged in the delivery of legal services in the state of Washington have the requisite skills and competencies necessary to serve the public.

The Board is composed of 13 members, at least four of whom shall be nonlawyers. The Board should represent the public interest in the delivery of legal services, and it should reflect the broad range of diversity of individuals who are part of or who use the legal system.

Persons interested in seeking nomination for appointment to the POL Board should submit letters describing their background and qualifications for Board membership to the address shown below. Applicants should have a demonstrated commitment to the Board’s purposes as set out in GR 25. Members of the Board will not be compensated for their services, but will be reimbursed for necessary expenses consistent with the reimbursement policies of the WSBA. The Board sets its own meeting schedule, currently meeting the second Friday of each month.

Please submit letters seeking nomination by the Board of Governors to the Practice of Law Board not later than June 1, 2008, to: Practice of Law Board, WSBA, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539. If you have questions, contact POL Board Administrator Julie Shankland at julie@wsba.org, 206-727-8280 or 800-945-9722, ext. 8280.

2008 Board of Governors Elections
Ballots have been mailed and will be counted on or about May 15. Following are statements received from candidates.

Governor-elect Loren S. Etengoff — 3rd District – Unopposed
Loren attended and graduated from the State University of New York at Buffalo. He attended Gonzaga University School of Law, where he graduated with honors in 1980. In 1982, Loren moved to Vancouver, Washington. Loren served as a partner in a three-person firm until June of 2006, when he opened his own practice. Loren has served on the Board of Governors for the Washington State Trial Lawyers Association, Evergreen School District Foundation, and Evergreen Soccer Club. Loren is a member of the American Association for Justice, the WSBA, and the Clark County Bar Association.

Tracy S. Flood — 6th District
My qualifications to represent the Sixth Congressional District can be assessed by my experience in various nonprofit organizations. For three years, I was president-elect of the Kitsap County YWCA, and I served as president of the Kitsap County Chapter of Washington Women Lawyers for two years.

I was elected to the Family Law Executive Committee for the Family Law Section; president of the Pierce County Minority Bar Association; and chair of the Civil Rights Committee. I am a graduate of the Washington State Bar Association Leadership Institute, and as a solo practitioner, I have cases in Kitsap, Mason, and Pierce counties.

Patrick A. Palace — 6th District
Since starting a firm in 1995, I have been the president of the Washington Young Lawyers Division (WYLD) (1999), served the WSBA on a number of committees, including the president’s task force to promote judicial independence, and have produced and moderated two television programs about the
To apply for any of the following board or committee positions, please complete the waiver below and send with a letter of interest and résumé. Deadline is May 30, 2008. Please send to WSBA, Bar Leaders Division, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539.

Character and Fitness Board
The Board of Governors is seeking applications from WSBA members who have been active members for at least seven years for appointment to the Character and Fitness Board. This is a three-year term commencing October 1, 2008. Applicants are sought from districts 1, 2, 8, and 9. There is also a nonlawyer vacancy, and WSBA members are encouraged to inform nonlawyers of this opportunity for service. The 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.

Disciplinary Board
The Board of Governors is seeking applications from WSBA members who have been active members for at least seven years (ELC 2.3 (b) (2)) to serve a three-year term on the Disciplinary Board commencing October 1, 2008. Applicants are sought from districts 1, 3, 5, 7, and 9. There are also two nonlawyer vacancies, and WSBA members are encouraged to inform nonlawyers of this opportunity for service. The 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 is required; meetings are on Fridays in Seattle.

Lawyers’ Fund for Client Protection Committee
The Board of Governors is seeking applications from active WSBA members for appointment to the Lawyers’ Fund for Client Protection Committee. Applicants are sought from districts 1, 3, 6, and 9. This is a three-year term commencing October 1, 2008. Pursuant to APR 15, the Committee reviews claims for reimbursement of financial loss sustained by reason of an attorney’s dishonest actions; decides claims up to $25,000; and makes recommendations to the Board of Governors on claims for greater amounts. The Committee meets four times a year.

Mandatory Continuing Legal Education (MCLE Board)
The WSBA Board of Governors is seeking applications from active WSBA members for appointment to the MCLE Board. One position is available, and members from any district may apply. This is a three-year term commencing October 1, 2008. 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.

If you are not sure which congressional district you reside in, please see: http://apps.leg.wa.gov/districtfinder.

Additional Opportunities

Lawyer to Lawyer (newer admittee mentorship program)
Experienced WSBA members (minimum seven years’ experience preferred) help new lawyers transition into the practice of law after law school or clerkship (case consulting not permitted). There are no required meetings of the volunteers. Written guidelines suggest regular, agreed-upon phone, e-mail, and/or meetings between the matched lawyers. Participants are supported by WSBA staff.

File Custodian (ELC 7.7)
Seeking interested lawyers as potential ELC 7.7 volunteer file custodians. A custodian, when appointed, is authorized to act as counsel for the limited purpose of protecting clients’ interests whenever a lawyer has been transferred to disability inactive status, is suspended, is disbarred, dies, or disappears, and no person appears to be protecting the clients’ interests. The custodian takes possession of the necessary files and records and takes action as seems indicated to protect the clients’ interests or required by the chair’s orders or these rules. If the WSBA is notified of the need for a custodian and no other option is available, the WSBA would affirm the willingness and ability of a potential volunteer and seek their appointment as custodian. Costs incurred may be reimbursed.

To complete your application, please include the waiver below with application materials.

WSBA 2007-2008 Waiver for Committee, Board, and Panel Application

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. Providing this information is optional.

Ethnicity:

☐ American Indian/Native American/Alaska Native
☐ Asian
☐ Black/African descent
☐ Caucasian/White
☐ Pacific Islander
☐ Spanish/Hispanic/Latina/o
☐ Multi-racial
☐ Other

Gender:

☐ Male ☐ Female

Disability:

☐ Yes ☐ No

Sexual orientation: Do you openly identify as a sexual minority, to include the following: gay, lesbian, bisexual, transgender?

☐ Yes ☐ No

Number of years in practice

Employer

Area of practice
Catherine Moore — 7th-East District
Active in the WSBA over the past seven years, my service has included membership on the Pro Bono and Legal Aid Committee, the Mediation Panel, the Judicial Selection Task Force Subcommittee and current appointment as a Disciplinary Hearing Officer. I have been a lawyer for 20 years, short of a four-year hiatus as a consumer rights advocate in New Zealand. Legal experience includes trial/appellate criminal defense, family law, juvenile justice, dependency, civil commitment, guardian ad litem, legal services program manager, tribal court judge, and ongoing pro tempore judicial service in superior and municipal courts. My pledge: accountable and accessible.

Stephen A. Teller — 7th-East District
I am a Seattle native. I attended Reed College (Psychology, 1989) and the University of Munich, Germany, then the University of Washington, where I earned an M.S. in Psychology (1992) and my J.D. (1993). After seven years as an associate, I started my law firm in 2001. We emphasize employment law and cases opposing fraud against the U.S. government under the False Claims Act. I have served in leadership of the Washington Employment Lawyers Association (WELA) and am currently chair of the Board of Directors of the Unemployment Law Project. I would be honored to serve as your BOG representative.

Brian L. Comstock — 8th District
As Eighth District Governor, my goals will be to enhance WSBA services benefiting you as a practicing attorney and advance the interests of our profession and service to the community. My practice is broad, emphasizing business. Law firms: Foster Pepper & Shefelman; Short Cressman & Burgess; The Comstock Law Firm, Bellevue. Education: University of Washington; Harvard Law School. Professional: Past trustee, Seattle-King County Bar Association, chair of several committees; initiated WSBA Fee Arbitration Panel; adjunct professor, Seattle University Law School; CLE lecturer. Civic/Charitable: Mercer Island Rotary; Board of Directors, Northwest Center; commissioner, Washington State Lottery.

Jeff Smyth — 8th District
Jeff Smyth has been engaged in the private practice of law since 1975. He has represented a broad variety of business clients in trials and arbitrations in several state and federal courts. He is a member of the American Board of Trial Advocates and a several time Washington Super Lawyer. Jeff has served as a fee disputes arbitrator, as a member of the Editorial Advisory Board, and as a member of the Judicial Recommendation Committee for the Bar Association. Jeff is currently a member of the Board of Trustees of the Western Washington University Foundation. He is a lifetime member of the Pioneers of Washington.

At-Large
The Board of Governors will elect the at-large governor at their meeting on June 6, 2008, and will consider endorsement letters received by May 23, 2008. Applications have been received from the following individuals: Anthony David Gipe, Nancy C. Ivarinen,

Claire Cordon law practice. Claire has more than 25 years experience as a litigator and counselor, advising employers on their responsibilities and employees on their rights. A former EEOC attorney, Claire understands the challenges employers and employees face in today’s work environment. Claire has the experience, judgment and impartiality both sides seek when faced with a discrimination complaint.

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Claire Cordon announces the opening of her law practice. Claire has more than 25 years experience as a litigator and counselor, advising employers on their responsibilities and employees on their rights. A former EEOC attorney, Claire understands the challenges employers and employees face in today’s work environment. Claire has the experience, judgment and impartiality both sides seek when faced with a discrimination complaint.

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Roger A. Leishman, and Stan Morse.

**WSBA Board of Governors Elects Carla C. Lee At-Large Governor**
The WSBA is pleased to announce that the Board of Governors has elected Carla C. Lee as the new governor at large representing the Washington Young Lawyers Division. Ms. Lee will assume the seat in April, and her term will expire in September 2009. Ms. Lee will be the first African-American woman to serve on the Board of Governors. A Seattle native, Ms. Lee received undergraduate degrees in English and Philosophy from the University of Washington, and her law degree from Seattle University School of Law. She is a solo practitioner practicing in Seattle.

**Notice of Intent to Form a WSBA Civil Rights Law Section**
Petitions are now being circulated to form a new WSBA Civil Rights Law Section pursuant to Article IX of the WSBA Bylaws. This area of law falls within the purposes of the WSBA as provided in General Rule (GR) 12. There currently is no other section or WSBA entity whose primary focus is on civil rights law, other than the Civil Rights Committee.

Whether the Board of Governors determines to continue or discontinue the Committee, the Section, supported by Section member dues, would be in a stronger position to present CLE programs, publications, and work with other WSBA entities such as the Council on Public Legal Education, the Committee for Diversity, and others. A subcommittee of the WSBA Civil Rights Committee chaired by Patricia Paul, and including Tracy Flood, Molly Maloney, Sharon Payant, and Wilberforce Agyekum, will work on this during the required six-month waiting period. They intend to report to the Board of Governors with a recommendation not later than September 2008. For more information, please contact Ms. Paul at 360-230-2369, or e-mail patricia.pauljd@msn.com. Intended jurisdiction: The Civil Rights Law Section would address concerns with all aspects of civil rights law in Washington within the parameters of GR 12.

**2008 Licensing and Suspension Information**

**Presuspension Notices Have Been Mailed.**
If you have not paid all of your license fees and late fees or if you are on Active status and have not paid your Lawyers’ Fund for Client Protection assessment or filed your Mandatory Professional Liability Insurance Disclosure Form, a Presuspension Notice was mailed to your address on record on March 14, 2008.

The Supreme Court will enter an order suspending you from the practice of law if such failure is not completely corrected within 60 days of the date of the Presuspension Notice.

**Payment and Confirmation Information.** Pay online at http://pro.wsba.org using your MasterCard or Visa. The system allows payments only for the full amount billed, i.e., no Keller deductions or status changes. If you are mailing in payment and/or mandatory forms, send these items to the WSBA at 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539.

License fee payments and receipt of forms can be confirmed online 10 days after mailing at http://pro.wsba.org by checking your online Lawyer Directory information and your Member information.

**Provide WSBA with Current Contact Information.** You are required to keep your contact information current; see Admission to Practice Rule 13. If your contact information has changed, please complete and return the Contact Information Change Form.
available on the Annual Licensing webpage. Forms should be mailed to the WSBA, faxed to 206-727-8313, or e-mailed to questions@wsba.org.

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

ADR Training Announcement — 2008 Fee Dispute Mediation Training Seminar

Members of the ADR Committee cordially invite you to attend the May 29, 2008, training seminar focusing on mediation. The training will be held at the WSBA office in Seattle, from 1:00 to 4:00 pm. It is anticipated that participants will receive 2.75 CLE credits. Topics this year are geared toward providing training to lawyers and nonlawyer members of our Mediation Panel to help them perform their duties, as well as to provide mediation information and training for Bar members interested in mediation. With a practical emphasis, the topics will include the WSBA ADR Program, History, Objectives, and Procedures, with WSBA staffer Darlene Neumann; Ethics and Mediation, with Mediation Panel member David Lenci; The Mediation Process — A Perspective on the Benefits Generally, and on the WSBA Program, with Stephanie Bell from King County Dispute Resolution; and Mock Mediation Demonstrations, with ADR Committee members. Admission to this popular seminar is free, but has limited seating and fills up quickly. To register, or for additional information, please contact Darlene Neumann, ADR Program coordinator, at 206-733-5923, 800-945-9722, ext. 5923, or darlenen@wsba.org.

Success Strategies Workshop

The Success Strategies Workshops hands-on/how-to intensives will teach new-to-practice attorneys or more experienced attorneys the skills and processes to better manage their law practices in an ethical, effective, efficient, and profitable manner. Through a combination of teaching methods and experiences in a confidential workshop setting held at the WSBA office, law office management consultant Ann Guinn will assist attorneys in solo or small firms to develop and reach their career goals. Workshops will be held the first Wednesday of each month from 5:30–8:30 p.m. You may join during any month. Three MCLE-approved CLE credits are available for each workshop. For information or to pre-register, contact Ann Guinn at 253-946-1896 or anngp15@aol.com, or Jennifer Favell, Ph.D., at jenniferf@wsba.org, 206-727-8267, or 800-945-9722, ext 8267.

Third Annual Statewide Diversity Conference

Washington's minority bar associations are pleased to announce the Third Annual Statewide Diversity Conference on Friday, May 30 at Seattle University, and the pre-conference reception at Perkins Coie on Thursday, May 29. The conference will feature a wide range of sessions on issues impacting diversity. The plenary session is entitled “Courtroom Bias: How Do Judges and Juries React to Diverse Counsel and Litigants?” and will address how issues of race, ethnicity, gender, and sexual orientation impact the litigation process (including voir dire and jury deliberations). In addition to the plenary, this year's conference includes a three-session track on "Considering a Judicial Career," and a variety of concurrent sessions on topics ranging

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from the financial aspects of law firm partnership to over-representation of minority communities in the juvenile justice system. Full conference details are available at www.wambac.org. For more information, contact conference co-chairs Michael Heath and Kim Tran at conference@wambac.org.

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

**Contract Lawyer Meeting**
Discuss the issues with other contract lawyers on May 13 from noon to 1:30 at the WSBA office. Bring your lunch — coffee is provided — and network with other contract lawyers. For more information, contact Julie Sulmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

**Computer Clinic**
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 May 12 clinic will be held from 10:00 a.m. to noon and will focus on using Excel and Word. The May 15 session will be held from 2:00 to 4:00 p.m. and will focus on PowerPoint and Adobe Acrobat Version 8 for redaction and Bates numbering. Classes are held at the WSBA office. For more information or to RSVP, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

**Job Seekers Discussion Group**
Looking for a job or making a transition? Join the Job Seekers Discussion Group the second Wednesday of each month from noon to 1:30 p.m. The next meeting is May 14 at the WSBA office. The group discusses where to look for jobs, how to grow your network of contacts, strategies for résumés and cover letters, and how to keep yourself organized and motivated. Come as you are — no need to RSVP. Bring your business cards and practice networking skills. For more information, call 206-727-8269 or 800-945-9722, ext. 8269, or e-mail rebeccan@wsba.org.

**Upcoming Board of Governors Meetings**
June 6, Vancouver • July 25–26, Walla Walla • September 18–19, Seattle
With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact WSBA Executive Director Paula Littlewood at 206-239-2120, 800-945-9722, ext. 2120, or paulal@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 April 2008 was 1.635 percent. Therefore, the maximum allowable usury rate for May is 12 percent. Information from January 1987 to date is on the WSBA website at www.wsba.org/media/publications/barnews/usury.htm.
GORDON TILDEN THOMAS & CORDELL LLP

is pleased to announce three important events in the life of the firm.

Michael Rosenberger
was elected Partner as of January 1, 2008

Dale L. Kingman
joined the firm as a Partner and

Matthew F. Pierce
joined us as an Associate Attorney on January 14, 2008.

Gordon Tilden Thomas & Cordell LLP was formed in 1996. We do only civil trial work.

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Celia M. Rivera

is pleased to announce the opening of

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Sarah S. Mack
Angela N. Marshlain
Jennifer R. Porto
Keith A. Talbot
Monica Torrez
Angela R. Vogel
Brian P. Waters
Brendan Winslow-Nason

are pleased to welcome new associate attorneys

Nicole M. Brodie
Adam G. Cuff
Greg D. Pendleton

Ms. Brodie is a former Associate Attorney at Suttell & Associates, P.S.

Mr. Cuff is a former Senior Associate Attorney at Winterbauer & Diamond, P.L.L.C.

Mr. Pendleton is a former Policy Fellow for the Office of the Under Secretary, National Oceanic and Atmospheric Administration, Washington, D.C.

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Stafford Frey Cooper, P.C. is pleased to recognize
Anne M. Bremner
a partner in our firm, upon her induction into the
International Academy of Trial Lawyers.

Founded in 1954, the IATL is widely regarded as the most exclusive and prestigious trial lawyer group in the world, and currently numbers only 14 Washington attorneys in its ranks.

Anne’s admission to fellowship in the academy follows rigorous investigation by peers and the judiciary that concluded Anne possesses, in an exceptional degree, the following qualifications: superior skill and recognized ability in trial and appellate practice, services rendered in promoting the best interests of the legal profession and the highest standards and techniques of advocacy and excellent character and absolute integrity.

We are proud that Anne is a member of Stafford Frey Cooper.

The law firm of Reed, Longyear, Malnati & Ahrens, PLLC is pleased to announce
Christina L. Corwin
has become a member of the firm.
Ms. Corwin will continue her practice in family law including traditional litigation, collaborative, and cooperative law.

Douglas W. Ahrens
Eric E. Brunstrom
Christina L. Corwin
Claudia A. Gowan
James A. Jackson
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Fredric D. Reed
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William L. Maltman
(1921–2004)
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(1899–1993)

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J. Richard Aramburu
and
Jeffrey M. Eustis
announce the formation of
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Our new address is:

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Tel: 206-625-9515
Fax: 206-682-1376

rick@aramburu-eustis.com
eustis@aramburu-eustis.com

Lee Smart, P.S., Inc. Pacific Northwest Law Offices is proud to announce

Timothy D. Shea
Mark A. Horey
Stefanie L. Peppard
Wayne Vavrichek
and
Allison L. Micheli
have joined that firm as new associates, and

Mary E. DePaolo
has become a member of the firm.

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Disciplinary Notices

These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct, and pursuant to the February 18, 1995, policy statement of the WSBA Board of Governors. For a complete copy of any disciplinary decision, call the Washington State Disciplinary Board at 206-733-5926, leaving the case name, and your name and address.

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

Resigned in Lieu of Disbarment

Anthony Z. Szabo (WSBA No. 23210, admitted 1993), of Enumclaw, resigned in lieu of disbarment, effective January 9, 2008. In connection with his resignation in lieu of disbarment, Mr. Szabo admitted that the WSBA could prove by a clear preponderance of the evidence sufficient violations of the Rules of Professional conduct to result in his disbarment, but did not admit any specific misconduct. The misconduct and violations described in the Statement of Admitted and Alleged Misconduct (none of which are specifically admitted by Mr. Szabo) are as follows:

Mr. Szabo operated Escrow Authority II (EA II), a real estate escrow business in connection with his law practice. At all times relevant to these matters, Mr. Szabo had access to, control of, and responsibility for EA II’s trust account, including the passwords for the account. Substantial sums of money were deposited and disbursed from EA II’s trust account in connection with real estate closings. Mr. Szabo was responsible for maintaining and recordkeeping for the EA II trust account, including reconciling the account. Although he had possession of the bank statements, Mr. Szabo did not reconcile the trust account to the bank statements or to the client ledgers on a monthly basis.

In April 2002, Mr. Szabo prepared the incorporation documents for Western Trustee Services LLC (Western Trustee), which was owned by his law partner, Western Trustee handled reconveyances for EA II. Mr. Szabo also prepared the incorporation documents for Sammanish Title in October 2002. Mr. Szabo was manager of Sammanish Title, which handled the recording of documents for EA II. Mr. Szabo maintained, controlled, and was responsible for the bank accounts for Western Trustee and Sammanish Title, to which he deposited fees payable to Western Trustee and Sammanish Title. Mr. Szabo withdrew money from the Western Trustee and Sammanish Title bank accounts to pay bills for EA II, and otherwise treated the accounts as though they were EA II accounts.

Between April 2005 and March 2007, Mr. Szabo engaged in the following conduct, which involved one or more of the before-mentioned businesses and/or another real estate escrow business that Mr. Szabo later operated in connection with his law office, Action Escrow:

• Failed to disclose to clients that Western Trustee and Sammanish Title were affiliated with Mr. Szabo and/or with EA II, and that amounts paid to Western Trustee and/or Sammanish Title were actually payments to Mr. Szabo;
• Failed to maintain funds belonging to clients and other third parties in the EA II trust account;
• Failed to promptly pay to clients or to third parties the money belonging to them;
• Intentionally misappropriated funds belonging to clients, and thereby committing the crime of theft in the third degree, a violation of RCW 9A.56.050;
• Falsely notarized signatures on documents in violation of RCW 42.44.160 (official misconduct), RCW 9A.72.040 (false swearing), RCW 9A.60.050 (false certification that individuals appeared before you), RCW 40.16.030 (false statement on recorded instrument), and RCW 9A.60.020 (forgery);
• Assisted and/or induced two nonlawyer employees to falsely notarize documents and failed to properly supervise them;
• Failed to file a trust account declaration with the Bar Association as required by ELC 15.5 and failed to provide a response to a grievance in compliance with ELC 5.3(e).

Mr. Szabo’s conduct violated RPC 1.7(b), prohibiting a lawyer from representing a client if the representation of that client may be materially limited by the lawyer’s responsibilities to another client or to a third person or by the lawyer’s own interests, unless the lawyer reasonably believes the representation will not be adversely affected and the client consents in writing after consultation and a full disclosure of the material facts; former RPC 1.14(a), requiring all funds of clients paid to a lawyer or law firm, including advances for costs and expenses, be deposited in one or more identifiable interest-bearing trust accounts maintained as set forth in the rules; former RPC 1.14(b)(4), requiring a lawyer to promptly pay or deliver to the client as requested by the client the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive; RPC 5.3, requiring a lawyer with direct supervisory authority over a nonlawyer to make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer and making the lawyer responsible for the conduct of such a person; RPC 8.4(a), prohibiting a lawyer from violating or attempting to violate the Rules of Professional Conduct, from knowingly assisting or inducing another to do so, or from doing so through the acts of another; RPC 8.4(b), prohibiting a lawyer from committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; RPC 8.4(l), prohibiting a lawyer from committing any act involving moral turpitude, or corruption, or other act which reflects disregard for the rule of law; RPC 8.4(l), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter; and RPC 8.4(n), prohibiting a lawyer from engaging in conduct demonstrating unfitness to practice law.

Debra J. Slater represented the Bar Association. William Cameron represented Mr. Szabo.

Resigned in Lieu of Disbarment

Todd W. Wetsel (WSBA No. 20720, admitted 1991), of Portland, Oregon, resigned in lieu of disbarment, effective February 26, 2008. In connection with his resignation in lieu of disbarment, Mr. Wetsel admitted that the WSBA could prove by a clear preponderance of the evidence sufficient violations of the Rules of Professional conduct to result in his disbarment, but did not admit any specific misconduct. The misconduct and violations described in the Statement of Admitted and Alleged Misconduct (none of which are specifically admitted by Mr. Wetsel) are as follows:

In October 2006, Mr. Wetsel was hired to represent a client in a marital dissolution in Clark County, Washington. In January 2007, the client received a check for $243,371.19, which represented proceeds from the sale of the client’s marital residence. These funds were owned jointly by the client and his soon to be ex-spouse. Mr. Wetsel deposited the funds into his trust account in Oregon. In January 2007, Mr. Wetsel stopped working on the client’s dissolution. During January and February 2007, Mr. Wetsel did not return the client’s phone calls. Consequently, the client hired another lawyer to represent him. Mr. Wetsel intentionally removed approximately $94,000 of the client’s money from his trust account and used it for personal purposes without the knowledge, consent, or authority of the client. Mr. Wetsel intentionally did not respond to the client’s repeated requests to disburse $243,371.19. In June 2007, Mr. Wetsel was suspended by the Washington State Supreme Court for failing to pay State bar dues and by the Oregon State Bar for 18 months in a disciplinary matter involving six unrelated client matters. In September 2007, the Washington State Supreme Court entered an order of reciprocal discipline suspending Mr. Wetsel for 18 months, effective September 13, 2007. After being suspended from the practice of law in Oregon and Washington, Mr. Wetsel continued to hold approximately $150,000 be-
longing to the client in his trust account. He did not return these funds despite repeated requests by the client. Mr. Wetsel agreed to promptly disburse $150,000 to the registry of the Clark County Superior Court by December 28, 2007, and the remaining funds owed ($94,371.19) to the registry within 90 days.

Mr. Wetsel’s conduct violated RPC 1.15(a), prohibiting a lawyer from using, converting, borrowing, or pledging client or third-person property for the lawyer's own use; RPC 1.15(f), requiring a lawyer to promptly pay or deliver to the client or third person the property the client or third person is entitled to receive; RPC 8.4(b), prohibiting a lawyer from committing a criminal act (here, theft under RCW 9A.56.020) that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects.

Jonathan Burke represented the Bar Association. Mr. Wetsel represented himself.

Disbarred

Jack L. Burtch (WSBA 4161, admitted 1955), of Ocean Shores was disbarred, effective January 31, 2008, by order of the Washington State Supreme Court following an appeal. This discipline is based on conduct in two matters involving failure to act diligently, failure to communicate, charging unreasonable fees, failure to return unearned fees, frivolous defense, lack of candor towards a tribunal, knowingly disobeying an obligation under the rules of a tribunal, misrepresentation, and violating a sanction imposed under the Rules for Enforce ment of Lawyer Conduct in connection with a disciplinary matter. For further information, see In Disciplinary Proceeding Against Burtch, 175 P3d 1070 (2008).

Matter #1: Mr. Burtch represented Client A from approximately 1988 to the end of 1996 in separate, but related, matters. Twice during his representation of Client A, Mr. Burtch incurred monetary sanctions for his conduct toward the court. Mr. Burtch tried Client A’s case in December 1996. During the course of the trial, Client A rejected a settlement offer; ultimately the jury returned an adverse verdict.

Client A has consistently maintained that she understood Mr. Burtch had agreed to a contingent fee agreement with payment of costs and sanctions. Mr. Burtch has at various times confirmed that he had agreed to a contingent fee agreement on the condition that Client A pay some fees and provide him with sufficient funds to pay sanctions. Throughout this proceeding Mr. Burtch has maintained the original agreement was an hourly agreement which was converted to a contingent fee agreement before trial.

On January 29, 1997, Mr. Burtch sent Client A an invoice claiming she owed him his firm $11,738.24 in addition to amounts paid during the 1988 to 1996 period. On January 30, 1997, Mr. Burtch received a cover copy of Client A’s letter and a grievance cover sheet from the Bar Association. Mr. Burtch sent the invoice to collection on April 2, 1997. Client A’s original letter to the Bar Association, which was treated as a grievance, appears to complain about Mr. Burtch requiring her to pay sanctions levied against him.

The relationship between Mr. Burtch and Client A was the subject of a prior disciplinary hearing on September 11, 2000. During this proceeding, Mr. Burtch testified he had an hourly fee agreement with his client, which was transformed into a contingent fee agreement. Mr. Burtch also testified the invoice had been sent in error. The hearing officer concluded Mr. Burtch owed Client A $2,640.15 in restitution because he forced her to pay the sanctions which were levied against him, and recommended that he be suspended for a period of six months. Mr. Burtch appealed.

The Board heard Mr. Burtch’s argument on appeal on April 13, 2001. Mr. Burtch again testified he had agreed to a contingent fee arrangement with Client A. The Board reduced the hearing officer’s recommended sanction to admonition based on its reversal of one count, and ordered Mr. Burtch to pay Client A $2,640.15 with 12 percent interest on that amount from January 29, 1997, until paid in full. Mr. Burtch filed an exception to costs and expenses on August 1, 2001. The Bar Association informed him the restitution payment was to be paid by September 5, 2002. The order became final September 19, 2002.

In an attempt to collect the restitution as ordered by the Board, Client A filed an action in district court in 2004. Mr. Burtch defended this action by claiming he was entitled to an offset from the restitution by the amount contained in the invoice sent January 29, 1997. Mr. Burtch testified in district court that “at all times” his agreement with Client A was for an hourly rate, not a contingent fee agreement, and Client A owed him over $11,000. His testimony was very clear that the payment agreement “was always an hourly rate,” but he had lost the hourly rate agreement, and thus could not prove the billing agreement. The district court judge ordered Mr. Burtch to pay the amount directed by the Board as restitution, but inadvertently neglected to include interest. This order did not overrule the order by the Board. Mr. Burtch paid $2,640.15 but has not paid interest as ordered by the Board.

Matter #2: Mr. Burtch entered into an attorney-client relationship with Client B in August 2004. Mr. Burtch was hired to bring a bad-faith claim against Farmer’s Insurance and to take action regarding a lien that had been filed against Client B’s property. Client B, and a contractor she brought to their home. Mr. Burtch indicated that he would have the lien taken care of in a week and would file the lawsuits within two weeks. Mr. Burtch had Client B sign a retainer agreement that refers to a $2,000 nonrefundable retainer. Client B has difficulty reading and testified that she simply signed where Mr. Burtch instructed her to do so. Mr. Burtch maintains he adequately explained the payment of the retainer and observed Client B read and sign the agreement. For several months, Mr. Burtch took no action to obtain further information regarding the case. Client B first contacted Mr. Burtch on September 10 and 14, 2004, expressing concern whether he had made any effort to remove the lien. On September 27, Client B informed Mr. Burtch that she felt he was misrepresenting her and wanted her file returned. Mr. Burtch assured her he would complete the promised services within a week. He did not work on the file again until October 2004. Client B contacted Mr. Burtch in late November setting a deadline for completion of the promised services. Mr. Burtch failed to complete the work. Client B terminated Mr. Burtch’s services in December 2004, and requested a refund of $1,600, less than 30 days before the statute of limitations was set to expire. Mr. Burtch refused to refund the fees and instead produced an accounting to Client B which documented provision of services valued in excess of the $2,000 retainer already paid by Client B. The hearing officer did not find the accounting credible. Mr. Burtch failed to adequately and accurately explain the fee agreement to his client. The circumstances of her claim and the toxic living conditions of her home required immediate action. There is no evidence, other than his testimony, that Mr. Burtch did anything other than make one call to Client B’s contractor regarding the services he allegedly provided Client B. Client B sought alternative representation and was able to commence her legal action in a timely fashion.

Mr. Burtch’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4(b), requiring a lawyer to explain a matter to the extent reasonably necessary to permit a client to make informed decisions regarding the representation; RPC 1.5(a), requiring a lawyer’s fee to be reasonable; RPC 1.5(b), requiring a lawyer who has not regularly represented a client, or if the fee agreement is substantially different than that previously used by the parties, to communicate to the client preferably in writing, the basis or rate of the fee or factors involved in determining the charges for legal services and the lawyer’s billing practices; RPC 1.15(d), requiring a lawyer to take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client and allowing time for employment of other counsel; RPC 3.1, prohibiting a lawyer from bringing or defending a proceeding, or asserting or controverting an issue therein, unless there is a basis in law and fact for doing so that is not frivolous; RPC 3.3(a), prohibiting a lawyer from knowingly making a false statement of material fact or law to a tribunal or from offering evidence that the lawyer knows to be false; RPC 3.4(c), prohibiting a lawyer from knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and RPC 8.4(l), prohibiting a lawyer from
violating his or her oath as an attorney.

Jonathan Burke represented the Bar Association. Mr. Burtch was represented by himself pro se and by Therese Wheaton. Bertha B. Fitzner was the hearing officer.

**Disbarred**

Thomas P. Sughrua (WSBA No. 14117, admitted 1984), of Seattle, was disbarred, effective February 20, 2008, by order of the Washington State Supreme Court following approval of a stipulation. Mr. Sughrua agreed that if the matter were to proceed to a public hearing, there was a substantial likelihood that the Bar Association would be able to prove, by a clear preponderance of the evidence, the facts and misconduct described herein. This discipline is based on conduct in four matters involving failure to maintain complete records of all clients’ funds coming into his possession and intentional misappropriation of client’s funds.

**Matter #1:** Beginning in 2002, Mr. Sughrua represented a client in a dispute with a mortgage lender. The client gave Mr. Sughrua $10,000 in 2003 to be deposited in a court registry and then paid in whole or in part to the mortgage lender when the dispute was settled. Mr. Sughrua failed to maintain any record of these funds and intentionally misappropriated some or all of the funds for his own use.

Beginning in 2004, Mr. Sughrua represented the same client in two separate personal-injury claims. Mr. Sughrua settled both of the client’s claims, one without her knowledge. In July 2005, Mr. Sughrua received settlement checks of $5,000 for the first claim and $8,750 for the second claim. Mr. Sughrua failed to notify the client of receipt of these funds and, without the client’s knowledge, endorsed the checks in the client’s name and deposited them into his lawyer trust account. Mr. Sughrua failed to maintain any record of these funds and intentionally misappropriated some or all of the funds for his own use.

In January 2007, the client terminated the representation and the client’s new lawyer demanded a presentation and the client’s new lawyer demanded a settlement. Mr. Sughrua agreed that if the matter were to proceed to a public hearing, there was a substantial likelihood that the Bar Association would be able to prove, by a clear preponderance of the evidence, the facts and misconduct described herein. This discipline is based on conduct in four matters involving failure to maintain complete records of all clients’ funds coming into his possession and intentional misappropriation of client’s funds.

**Matter #2:** Mr. Sughrua represented a client in an appeal before the Board of Industrial Insurance Appeals from a decision by the Department of Labor and Industries. Mr. Sughrua settled the client’s claim and received a settlement check for the amount of $2,138.40 in June 2006, which he deposited into his lawyer trust account. Mr. Sughrua failed to maintain any records of these funds and intentionally misappropriated some or all of the funds for his own use. Between June and December 2006, the client made numerous attempts to contact Mr. Sughrua to inquire about the settlement funds. Mr. Sughrua did not respond to the client’s inquiries. By December 8, 2006, Mr. Sughrua had only $22.23 in his trust account. On December 21, 2006, Mr. Sughrua sent to the client a check for $1,025.67 representing the client’s share of the settlement funds.

**Matter #3:** In April 2005, Mr. Sughrua acted as the escrow closing agent with respect to the sale of commercial property by a corporation (seller) to a limited liability company (purchaser). In order to effect the transaction, the purchaser deposited $25,000 as earnest money with a realty company. The realty company transferred the earnest money to Mr. Sughrua, who deposited the funds into his lawyer trust account. Mr. Sughrua failed to maintain any records of the funds and intentionally misappropriated some or all of the funds for his own use. By July 2005, Mr. Sughrua only had $634.12 in his trust account. Between December 2006 and January 2007, lawyers for both parties sent at least five letters to Mr. Sughrua informing him that the parties had reached a settlement concerning the distribution of the earnest money and requesting that Mr. Sughrua distribute the earnest money in accordance with the settlement. Mr. Sughrua did not respond to these requests and did not distribute the money to either party. By January 16, 2007, Mr. Sughrua only had $20.94 in his trust account.

**Matter #4:** In January 2003, Mr. Sughrua filed a wrongful death action on behalf of the estate of a decedent and the decedent’s family. Mr. Sughrua reached a settlement with one of the defendants in November 2006. The defendant’s insurer sent Mr. Sughrua two checks, each for $10,000 and each payable to one of the members of the decedent’s family and to Mr. Sughrua as his or her attorney. Mr. Sughrua endorsed both checks, each in the name of the family member to whom the check was written, and deposited the checks into his lawyer trust account. Mr. Sughrua failed to maintain any records of these funds and intentionally misappropriated some or all of the funds for his own use. He did not disburse any of the settlement funds to the two family members to whom the checks were written. By March 2007, Mr. Sughrua only had $24.91 in his trust account.

In June 2007, Mr. Sughrua reached a settlement with one of the remaining defendants, whose insurer sent Mr. Sughrua a check for $50,000 payable to Mr. Sughrua as attorney for the estate of the decedent. These funds were to be held in trust for the decedent’s minor son. Mr. Sughrua deposited the funds into his lawyer trust account. He failed to maintain any records of the funds and intentionally misappropriated some or all of the funds for his own use. Mr. Sughrua has not disbursed any of the funds to either the decedent’s minor son or to the decedent’s estate. By August 2007, Mr. Sughrua had only $19,071.09 in his trust account.

Mr. Sughrua’s conduct violated RPC 8.4(b), prohibiting a lawyer from committing a criminal act (here, theft) that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and former RPC 1.14(b)(3) and current 1.15B(a), requiring a lawyer to maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to his or her client regarding them.

Scott G. Busby represented the Bar Association. Lowell H. Ashbach Jr. represented Mr. Sughrua.

**Suspended**

Robert C. Brungardt (WSBA No. 8214, admitted 1978), of Shelton, was suspended for 30 days, effective February 20, 2008, by order of the Washington State Supreme Court following approval of a stipulation. This discipline was based on conduct involving failure to timely report and pay workers’ compensation premiums.

In June 2004, Mr. Brungardt discovered that his bookkeeper (a long-time employee and relative) had embezzled approximately $50,000 from his operating account. Mr. Brungardt fired the bookkeeper, but did not report the theft to the authorities because she was a member of his family. The embezzlement severely impacted Mr. Brungardt’s personal and business life. As a result, he decided to retire and close his practice. Mr. Brungardt did not know how to do payroll for his law office. He asked his secretary/legal assistant (secretary) if she could do his payroll, but she declined since she had no training in bookkeeping or accounting. Instead of hiring a temporary bookkeeper to do his payroll, Mr. Brungardt asked his secretary if she could pay her in cash for the few months it would take him to close his practice. His secretary had been working for him on a full-time basis since the late 1990s. She agreed, because she thought it would be for a short time and knew that Mr. Brungardt had been severely impacted by his bookkeeper’s embezzlement. Mr. Brungardt did not close his practice and did not pay the Department of Labor and Industries (L&I) any workers’ compensation premium for the second quarter of 2004 through the third quarter of 2006.

In 2006, L&I received an anonymous tip that Mr. Brungardt had been paying three employees in cash for the past two years. L&I audited Mr. Brungardt for the time period October 1, 2003, through September 20, 2006, and concluded that he had employed seven persons during that time. Because of the lack of documentation, L&I estimated Mr. Brungardt’s payroll and workers’ compensation premiums. Three of the persons identified by L&I as Mr. Brungardt’s employees were relatives. In order to arrive at the number of hours they had worked, Mr. Brungardt divided Mr. Brungardt’s gross payments to them by an average hourly wage.

Robert C. Brungardt (WSBA No. 8214, admitted 1978), of Shelton, was suspended for 30 days, effective February 20, 2008, by order of the Washington State Supreme Court following approval of a stipulation. This discipline was based on conduct involving failure to timely report and pay workers’ compensation premiums.
employees. Instead, he states that he gave them money for other reasons.

The other four persons identified as employees by L&I had been paid in cash or by check drawn on Mr. Brungardt’s operating account. As Mr. Brungardt kept no records, L&I assumed that each person was a full-time employee, employed at a rate of 520 hours per quarter. Two of the employees were JG and his wife. In addition to his own law practice, JG shared space with and worked as a contract lawyer for Mr. Brungardt. JG’s wife assisted JG with his law practice. She occasionally filled in as Mr. Brungardt’s receptionist and did some book-keeping for Mr. Brungardt’s firm. Mr. Brungardt treated JG as an independent contractor, and did not believe he owed workers’ compensation premiums for the work JG did in his office. Mr. Brungardt has since been informed by the L&I auditor that JG was deemed his employee, among other reasons, because JG provided services for Mr. Brungardt at Mr. Brungardt’s office and did not obtain his own business license until June 2005.

Mr. Brungardt employed his secretary as a salary, and later hourly, employee during the audited period. She left his employ in August 2006. Mr. Brungardt also employed an individual in 2003, at a time when he had a bookkeeper and was reporting and paying workers’ compensation premiums to L&I. Mr. Brungardt asserts that the auditor orally told his office that he owed $1,158.23 in overdue workers’ compensation premiums to L&I. Mr. Brungardt agreed that he owed L&I $1,158.23 for past due workers’ compensation premiums, but believed that the balance of L&I’s assessment was unjustified. In May 2007, to resolve the issue, Mr. Brungardt paid L&I the entire assessment. Additionally, he asked an employee to withdraw $1,000 from his general account. In fact, the bank withdrew $35,000 from his trust account instead of $3,500 from his business account to a new advertising account. Mr. Brungardt asks his bank to transfer $3,500 from his business account to a new advertising account. Additionally, he asked an employee to withdraw $1,000 from his general account. In fact, the bank withdrew $35,000 from his trust account instead of $3,500 from his business account. When notified of the error, the bank credited the amount to the business account instead of the trust account. Although Mr. Brungardt indicated that he reconciles his bank accounts monthly, he did not discover this error for two months. He hired an accountant to reconcile his accounts. During the audit process, three of his client ledgers had negative balances. Mr. Brungardt had corrected all of these negative balances.

Mr. Brungardt’s conduct violated former RPC 1.14(b)(3), which requires a lawyer to maintain complete records of all funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive. Ms. Griffin’s conduct violated the State of California’s Business and Professions Code, section 6068(a), which makes it the duty of an attorney to support the Constitution and the laws of the United States and of the state of California.

Felice P. Congalton represented the Bar Association. Ms. Griffin represented herself.

Admonished

Wesley K. McLaughlin (WSBA No. 35374, admitted 2004), of Tacoma, was ordered to receive an admonition on January 4, 2008, by order of a review committee. This discipline was based on conduct involving trust-account irregularities.

During 2006, the Bar Association received two overdraft notices for Mr. McLaughlin’s client trust account. Following an audit, the Bar Association found three trust-account errors. In January 2006, Mr. McLaughlin deposited a settlement check. After verifying by phone that the check had cleared, he wrote two checks against the deposit. In fact, the check had not cleared. In October 2006, Mr. McLaughlin asked his bank to transfer $3,500 from his business account to a new advertising account. Additionally, he asked an employee to withdraw $1,000 from his general account. In fact, the bank withdrew $35,000 from his trust account instead of $3,500 from his business account. When notified of the error, the bank credited the amount to the business account instead of the trust account. Although Mr. McLaughlin indicated that he reconciles his bank accounts monthly, he did not discover this error for two months. He hired an accountant to reconcile his accounts. During the audit process, three of his client ledgers had negative balances. Mr. McLaughlin had corrected all of these negative balances.

Mr. McLaughlin’s conduct violated former RPC 1.14(b)(3), which requires a lawyer to maintain complete records of all funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive.

Fuchsia Dulan represented the Bar Association. Kenneth S. Kagan represented Mr. McLaughlin.

Non-Disciplinary Notices

Suspended Pending the Outcome of Disciplinary Proceedings

Stephen J. Oelrich (WSBA No. 29263, admitted 1999), of Tacoma, was suspended pending the outcome of disciplinary proceedings, pursuant to ELC 7.2(a)(3), effective March 3, 2008, by order of the Washington State Supreme Court. This is not a disciplinary action.

Suspended Pending the Outcome of Disciplinary Proceedings

James E. Jacobson Jr. (WSBA No. 19431, admitted 1990), of Las Vegas, Nevada, was suspended pending the outcome of disciplinary proceedings, pursuant to ELC 7.2(a)(1), effective March 21, 2008, by order of the Washington State Supreme Court. This is not a disciplinary action. Mr. Jacobson is to be distinguished from James P. Jacobson of Seattle.
CONSTRUCTION SITE INJURIES

Bradley K. Crosta

Counsel for plaintiff in *State v. PBMC, Inc.*, 114 Wn.2d 454 (1990) (General contractor has primary responsibility for the safety of all workers).

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### Business Law

**Business Law Midyear**
June 5 — Seattle. CLE credits pending. By the WSBA Business Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Construction Law

**Construction Law Midyear**
June 13 — Seattle. CLE credits pending. By the WSBA Construction Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Environmental and Land Use Law

**2008 Environmental and Land Use Law Section Midyear Meeting and Seminar: Context and Conflict: Differing Perspectives on Environmental & Land Use Issues in Washington State**
May 15–17 — Blaine. 13.25 CLE credits, including 1 ethics. By the WSBA Environmental and Land Use Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Ethics

**Essentials of Trust Accounts and Setting Up Your Own Practice**
June 18 — Seattle. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Family Law

**2008 Family Law Midyear**
June 20–22 — Vancouver. 13.75 credits, including 2 ethics pending. By the WSBA Family Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### General

**Essentials of Legal Research and Writing**
June 26 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Indian Law

**Annual Indian Law Conference**
May 2 — Seattle. CLE credits pending. By the WSBA Indian Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Litigation

**Handling Your Next Motor Vehicle Accident Case**
June 18 — Seattle. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Law Office Management

**Essentials of Trust Accounts and Setting Up Your Own Practice**
June 18 — Seattle. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Litigation Section Midyear

**June 20 — Seattle. 6 CLE credits, including 1 ethics pending. By the WSBA Midyear Session and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.**

### Courts of Limited Jurisdiction

**June 25 — Seattle. CLE credits pending. By the WSBA Midyear Session and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.**

### Real Property, Probate and Trust

**2008 Real Property, Probate and Trust Section Midyear**
May 20 — Seattle. 6.5 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

**2008 Real Property, Probate and Trust Section Midyear**
June 6–8 — Vancouver. 11.5 CLE credits, including 2.75 ethics pending. By the WSBA Midyear Session and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Senior Lawyers

**Senior Lawyers Section Annual Meeting and CLE**
May 2 — SeaTac. 4.5 CLE credits, including 1 ethics. By the WSBA Midyear Session and WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

### Taxation Law

**Oregon-Washington Tax Institute**
May 1–2 — Seattle. 9 CLE credits. By the OSB Taxation Section, OSB CLE Seminars, the WSBA Taxation Law Section, and WSBA-CLE; 503-431-6413.

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

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