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Mr. Hayne is a past President of WACDL and has chaired the Criminal Law Sections of the WSBA, WSTLA and KCBA. He has taught trial practice at the University of Washington and Seattle University Schools of Law, the National Institute of Trial Advocacy and the Trial Masters Program. He has been a featured speaker at over 80 CLE programs in the U.S. and Canada and has published articles in the Bar News, Trial News, Defense and Overruled magazines. Mr. Hayne is also a founding member of the Washington Association of Criminal Defense Lawyers, the National College for DUI Defense, and the Washington Foundation for Criminal Justice.
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My Six-Year High School Career

How Walnut Hills High Prepared Me for College and Life

grew up in Cincinnati. Other than the hot humid summers, it was a great place to live. My fondest memories of my childhood were the six years I spent in high school. I attended Walnut Hills High School (WHHS) from 1960 to 1966 and was there from grade seven through twelve...and that’s the way it was supposed to be. WHHS was and is a very unique and interesting school. It is a public school located in the center of Cincinnati. The school is classic Jeffersonian architecture and the setting from the front or west side of the school is idyllic, with a gorgeous expansive park-like view of tree-lined Victory Parkway far down below. On the other hand, if you walked outside the back or east side of the school, you were in a very depressed, low economic inner-city neighborhood.

WHHS was a college preparatory school. Every sixth grader in the entire city took an IQ test and if you got a high enough score, your parents were given an option of letting you attend your local district junior high school and high school or attending Walnut Hills for a six-year commitment, knowing that the courses would be more difficult and that it was assumed that everyone at the school was going to attend college upon graduation from high school. In fact, in our graduating class of approximately 270 people, my recollection is that about 98 percent attended college and high school and high school or attending Walnut Hills for a six-year commitment, knowing that the courses would be more difficult and that it was assumed that everyone at the school was going to attend college upon graduation from high school. In fact, in our graduating class of approximately 270 people, my recollection is that about 98 percent attended college. As a result of this city-wide pool of potential students, we weren’t just a school of egg heads, but we had an incredibly diverse student body. The students attending WHHS crossed all geographic, economic, religious, and ethnic lines. The poor and the rich, black and white, the Protestants, Catholics and Jews, the students from the inner city and those from the suburbs all took three years of Latin, had lockers next to each other, ate lunch together, showered together after gym class, and socialized with each other on the weekends. The school had then, and continues to have today, a national reputation for excellence in academics.

There was no need for wealthy families to send their children to expensive private schools to assure top-notch high school education. Cincinnati had Walnut Hills High School.

During the 1960s, we all used to say that WHHS was one-third Protestant/Catholic, one-third black, and one-third Jewish. We all got along. We all respected each other. Cincinnati high schools at that time had an interesting social system. On Friday nights following either football games in the fall or basketball games in the winter, different high schools would alternate having what we called open houses. I don’t believe there was any formality to the rotation system. I think we just didn’t want to have open houses going on at all the schools on the same nights. I would like to think that one of the unique aspects of WHHS was that our diversity brought the youth of the city together. If there was an open house in the outlying community of North College Hill, we had WHHS students who lived in that community and were welcome to attend that open house, bringing his or her classmates from WHHS. If the open house was at Withrow, again we had WHHS students who lived in that district and we were all welcome at that open house. The same with open houses at Walnut Hills or Western Hills, Woodward, Aiken, Taft, etc.

The result was we all got to know people from all over Cincinnati and for the most part we got along. We learned from each other. Coming from a middle-class white family living in an old, well-to-do neighborhood, my early childhood was somewhat sheltered. Exposure to such diversity in high school was enlightening. It sold me on the value of public education and it caused me to overcome the fears and prejudices that my parents and the parents of my white
Jewish friends had experienced growing up and in their adulthood. We didn’t think of people as being black or white, rich or poor, privileged or not. We were all friends and shared common dreams and goals. We supported each other and cheered each other on. Although my family and I moved from Cincinnati upon my graduation from high school and I return there only once every four or five years for a few days, I am still close to my friends from high school and I always return to visit WHHS when I am in Cincinnati. The school still follows the same format, still experiences an excellent national academic reputation, still has a very diverse student body, and is still going strong.

I am sharing this story with you partly due to pride. I am proud of Walnut Hills and of the city of Cincinnati for creating a public school of this type. I am proud to be a graduate of WHHS and I am proud to see all the accomplishments that my fellow graduates have achieved. The number of our graduates who have gone on to become educators, lawyers, doctors, scientists, political leaders, etc. is both remarkable and gratifying.

Yet this is not the only reason I am sharing with you my high school experience. The other reason is what it has taught me about diversity and the value of providing equal opportunities to all people, regardless of their economic status, religion, or color of their skin. The WSBA has made great strides in diversity over the last few years. We now have diversity policies in place related to appointing members and chairs to WSBA committees, boards, and councils. This year, out of 14 governors, six are women and nine in total are from a diverse background. If you attend a Board of Governors’ meeting, you will observe generally anywhere from 25 to 50 liaisons and guests in attendance, paying keen attention to the issues facing the BOG and providing valuable input both individually and on behalf of the committees; sections; minority, local, county, and specialty bar associations; the various judicial associations; and the access to justice community they represent. Of these liaisons and guests, a significant percentage represent our diverse community. The leadership of our association, and our association as a whole, would be much poorer but for the contributions of these stakeholders.

I cannot take credit for the strides our association has made over the last several years regarding diversity. Much of that credit goes to past and present leadership on the Board of Governors, including past presidents Ron Ward, Dick Eymann, Dave Savage, and Salvador Mungia and governors such as Eric de los Santos, Brenda Williams, Anthony Gipe, Lori Haskell, Cathy Moore, and Carla Lee, to name just a few. They have been instrumental in acknowledging and engaging our diverse communities in WSBA governance. They have also begun educating the WSBA membership and leadership as to what they didn't previously know or understand about diversity.

As I was fortunate to learn over 40 years ago in high school, our association, the legal community, our neighborhoods, our cities, and our state are much better off when we embrace our diverse communities, empower them, value their contributions, and encourage their involvement in leadership. It is not something that is accomplished in just a few years. It is a never-ending journey that we have essentially just begun.

WSBA President Steven G. Toole can be reached at steve-wsba@sgtoolelaw.com or 425-455-1570.
Cowan Kirk Gaston is proud to welcome Jonathan Rands as Of Counsel to our DUI defense team.

Cowan Kirk Gaston looks forward to the opportunity to better serve our clients throughout Whatcom, Skagit, Island, and San Juan counties. Jonathan’s practice is located in Bellingham, where he has spent the better part of nine years earning a reputation among judges and prosecutors as a formidable advocate on behalf of those charged with DUI. Most importantly, Jonathan possesses the one thing that we value above all else at Cowan Kirk Gaston: a passion for helping his clients. Jonathan has been called upon to lecture both Washington State attorneys and judges about how to defend and handle DUI cases. Jonathan regularly educates other attorneys with respect to DUI immigration consequences specifically regarding travel to Canada. He is a contributor on DUI defense in the third edition of Defending DUIs in Washington, a textbook for DUI lawyers. Washington Law & Politics magazine has for the 4th time named Jonathan a “Rising Star,” recognizing his reputation for dedication to tenacious, creative and “cutting edge” defense of drivers charged with DUI. We are very excited to add Jonathan to our team of lawyers, and look forward to your referrals.

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Save the World
It's All About Our Members

believe that at our core, lawyers want to serve. Most of us went to law school because we wanted to save the world — or at least make it a better place. This ethic of service was resoundingly when we launched the Home Foreclosure Legal Aid Project last year and more than 100 lawyers signed up in the first 24 hours. We have close to 450 lawyers signed up for this Project and have served more than 570 families and individuals in Washington. Lawyers serve others — and our Bar Association should serve the lawyers who compose our membership.

This past year, as the WSBA’s Strategic Planning Committee discussed and developed its next set of Strategic Goals for 2011 to 2013, the focus became clear in two areas: serving our members and creating more opportunities for public service. The Committee was chaired by then-Governor David Heller.

After much deliberation and consideration, the Committee recommended one main goal with a number of sub-goals:

The WSBA should use existing programs, and should implement new programs, to improve our members’ level of satisfaction with their lives and with the practice of law.

In order to achieve this goal, the WSBA will endeavor to:

• Enhance the culture of service within the WSBA membership.
• Provide more assistance to lawyers with the business of law practice.
• Provide more assistance to lawyers in avoiding or dealing with the stress of law practice.
• Conduct a detailed study of the composition of the legal profession and retention rates within the profession in the state of Washington.

Much of the Committee’s discussion focused on the widespread perception among lawyers that sizable numbers of our profession are dissatisfied with their situations. The Committee felt the sources of this unhappiness include:

(1) Disillusionment — “I went to law school to save the world, and now look at what I’m doing”; (2) Disconnection — the majority of Washington lawyers are sole practitioners. Lack of mentors, insufficient networks to rely on, and the hostility inherent in an adversary system tend to isolate lawyers from their peers; and (3) Stress — the practice of law is inherently stressful, and some of that cannot be avoided, but stress is compounded by disillusionment and disconnection, and also by financial problems and the feeling of being “at sea” in dealing with the practical aspects of running a law firm.

Financial stress has been compounded by the rising cost of law school (leading to heavy student loan burdens), the “Great Recession” (leading to fewer cases, fewer paying clients, fewer job openings), and overseas outsourcing leading to local job losses (a vast amount of legal work is already being sent overseas and that amount is predicted to only grow).

The strategic goal and sub-goals were developed with members in mind. The Committee agreed that many of the goals and programs that support them are already underway, and that by making them part of WSBA’s strategic plan, they will continue to receive the attention and resources needed and that other programs can be developed and implemented.

Enhancing a Culture of Service — The idea behind this goal is to help provide the tools and opportunities for lawyers to give back to their communities. As outlined in my August 2010 column, WSBA is increasing its resources dedicated to training and development so attorneys wanting to participate in various pro bono and other service opportunities have the tools they need to do so. In addition, WSBA will be creating a menu of opportunities for giving back to the community: pro bono remains an important avenue for giving back, but other opportunities will include the Moderate Means Program being launched in conjunction with the three law schools (see page 12), and, coming soon, the opportunity to get involved with local middle schools through the national program iCivics, being spearheaded by Justice Mary Fairhurst and Margaret Fisher here in Washington. These programs are just the beginning of many programs that will provide direct opportunities for members to get involved with their communities.

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Provide more assistance to lawyers with the business of law practice — The WSBA already provides assistance in this area with its Law Office Management Assistance Program (LOMAP), Ethics Hotline, and WSBA seminars. However, more can be done, including: developing WSBA social media, social networking tools, and other tools to assist lawyers in connecting with one another and with clients; developing a “Contract Attorney Panel” through the WSBA website (this system would be an online exchange where lawyers looking for extra work could announce their availability, and where law firms looking for a contract attorney could find one); improving WSBA member awareness and use of educational programs (LOMAP, CLE, etc.) that the Bar already provides, and providing more programs aimed at new lawyers and solo or small-firm lawyers; and expanding both member knowledge of, and the availability of, volunteer and reduced-fee programs and opportunities (Moderate Means, etc.)

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The WSBA Moderate Means Program is a partnership between the WSBA, Seattle University School of Law, University of Washington School of Law, and Gonzaga University School of Law. The program is a statewide reduced-fee lawyer referral services program designed to help bring greater access to justice for people of moderate means in Washington state, that is those Washingtonians who are within 200 percent to 400 percent of the federal poverty level (FPL).

WSBA’s role in the partnership is to recruit and provide online training and mentoring opportunities for participating lawyers while law students at the three Washington law schools will coordinate intake of clients, package the intake, and then provide the information to attorneys who agree to participate in the program.

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Provide more assistance to lawyers in avoiding or dealing with the stress of law practice — The WSBA already provides a Lawyers Assistance Program (LAP); however, the WSBA could do much more to help lawyers avoid needing the LAP. For example: offering “work/life balance” presentations to law students and to new lawyers (by WYLD and/or the WSBA Leadership Institute), including emphasis of this subject during the “New Lawyer Education” curriculum; developing short, high-quality, one- to two-minute web videos on subjects such as work/life balance, stress management, options for using a law degree, information on WSBA assistance programs, community resources, and other resources; and seeking recognition from the MCLE Board that CLE credit should be awarded for “the softer side of CLE” seminars on work/life balance.

Conduct a detailed study of the composition of the legal profession and retention rates within the profession in the state of Washington — Many, even most, of the above programs could and should be designed and implemented now, rather than waiting for a survey, which could take years to accomplish. However, a survey should still be done for two reasons: first, it will provide a foundation for future work in the field, and second, it is an essential piece of the WSBA diversity program. The WSBA conducted a modest survey a few years ago, but has never thoroughly studied who we are, where we come from, and where we go. One can (and often must, for lack of better information) govern by anecdote, but it is not optimal. The WSBA needs to know what is truly going on out in the real world, among all lawyers.

The Board of Governors adopted these Strategic Goals at their September 2010 meeting, realizing it is a difficult time for many of our members, and a difficult time for many in our community. The WSBA is committed to bringing enhanced services to our members and also providing avenues for lawyers to give back to the communities of which they are such an integral part.

Paula Littlewood is the WSBA executive director and can be reached at paulal@wsba.org.
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The Practice of Law Is Like the Practice of Medicine

The Foreclosure Epidemic: Analogy and Analysis

BY LISA M. VON BIELA

An ounce of prevention is worth a pound of cure.

Early treatment increases your chance of recovery.

In medicine, these statements convey generally accepted, common-sense notions. I would argue that these concepts apply equally to the law. An examination of the home foreclosure crisis provides an apt illustration at several levels.

I've volunteered part-time with the Home Foreclosure Legal Aid Project (Project), a partnership between the WSBA and Northwest Justice Project, since March 2010. Through a network of volunteer lawyers, the Project provides pro bono representation to moderate-income homeowners with foreclosure-related legal problems. The disease analogy struck me as soon as I began to take cases. Home foreclosure is a complex, multi-faceted “disease” with no single cure. Remedies and approaches shift rapidly in their availability and efficacy. In my private practice, I sometimes encounter practitioners in other areas of the law whose clients now face foreclosure. This article illustrates the foreclosure process to provide such practitioners a basic understanding of what their clients may be facing and how best to assist them.

Home Foreclosure Is Like a Disease

Home foreclosure resembles a deadly communicable disease in many ways. At a population level, we are experiencing an epidemic. Foreclosure filings reached record levels in the third quarter of 2009. The national foreclosure rate leveled in May 2010, yet foreclosure filings in King County rose 50 percent compared to May 2009. Foreclosure is contagious, spreading its malaise both by depressing home prices and by increasing crime rates. The Fannie Mae Foundation reports that each individual foreclosure in a neighborhood reduces the value of surrounding houses by one percent. Further, each one-percent rise in foreclosures increases crime by 2.33 percent within a neighborhood. Unchecked, the damage snowballs, much like a plague. At an individual level, the foreclosure process itself consists of stages that mirror the ever-increasing morbidity of an untreated serious disease. We’ll take a look at the foreclosure process in Washington state, and the nature and efficacy of intervention at each stage.

Preventive Medicine: Sound Lending and Borrowing Practices

We all know the basics: eat properly, get plenty of rest, lose weight, quit smoking, and so on. Sound lifestyle habits can prevent some — though certainly not all — diseases. Sound lending practices help prevent foreclosures. Indeed, risky lending practices set the stage for the current foreclosure crisis well before 2007. These toxic loans bore a high risk of default due to their terms and loose underwriting standards. A softening in housing prices then trapped
high-risk borrowers in homes worth far less than the amount owed.\textsuperscript{10}

If these risky loans had never been made, we would not be facing a crisis of this magnitude now.\textsuperscript{11} Naturally, not all foreclosures would have been prevented. The economic downturn (arguably at least partly fueled by the foreclosure crisis) has played a major role. Some of my clients would have been able to keep up with their mortgages had they not experienced extended unemployment. Sound lending and borrowing practices would have prevented much of the foreclosure crisis, muted its economic ripple effect, and spared many the painful loss of their homes.

\section*{Early Diagnosis: Proactive Steps in Cases of Foreseeable Income Shock}

Medical intervention is generally less intrusive and more successful at the onset of a disease. If a homeowner discovers he will soon be facing an income shock, he can act when the most options exist and no damage has yet been done. For a brief income disruption, the homeowner could perhaps reach out to friends or family for a short-term loan to stay current on his mortgage payments, thus avoiding late fees and damage to his credit history.

If the drop in income is expected to be more severe or long-term, the homeowner may be able to sell the home (if he is not underwater, owing more than the home is worth) or refinance at a more favorable rate while his credit is not yet affected. Perhaps he can take in a renter. If the homeowner has warning before the income shock hits and takes prompt action, there may be ways for him to protect his credit and avoid foreclosure entirely.

\section*{Early-stage Disease: Notice of Default}

In the early stages of a disease, treatment options remain relatively broad and less intrusive, but they do begin to narrow as more damage is done. Circumstances may be such that the homeowner cannot avoid being late with several payments. An unexpected job loss or a massive medical bill may have given him no time to plan or pursue alternatives. Further, the home may be underwater, ruling out an easy sale or refinancing.

Once the lender issues the notice of default, the foreclosure process has begun. Even so, multiple options still exist, though some harm has begun to accrue in the form of late fees, penalties, and a lowered credit score. The homeowner could perhaps muster the resources to cure the default, or he could work out a forbearance plan with the lender to catch up the arrearage on a schedule. Depending on the lender, the homeowner may qualify for a Home Affordable Modification Program (HAMP) loan modification. Refinancing with another lender is not yet out of the question, though proof of income and impairment of the homeowner’s credit score may be issues. The homeowner could possibly still sell the home, though he may need to negotiate with the lender if it would be a short sale.

Prior to the notice of sale, prompt action and experienced guidance can still save the home and minimize the financial damage. At this stage, the services of a HUD-certified housing counselor can be highly beneficial as a means to navigate the process and identify viable choices. In fact, at the Project we find that, unless there is a legal issue such as predatory lending or a foreclosure rescue scam, housing counselors are best equipped to assist the homeowner in this phase of the process.

\section*{Advanced Disease: Notice of Sale}

As a serious disease progresses, treatment options become more limited and drastic, yet recovery remains possible. Some patients become desperate enough to fall victim to the false hope of fraudulent cures. So it is when the notice of sale is recorded.\textsuperscript{12} Op-
tions narrow, and rescue scams enter the picture. The foreclosure now becomes a matter of public record. Scammers use this public information to search for vulnerable homeowners to victimize. Their ruses create harm in a variety of ways. They may charge a significant fee to “save the home,” and then do nothing. In addition to wasting precious funds, the homeowner may rely on the scammer and lose his home while waiting for help that never materializes. If the homeowner has equity in his home, scammers use a variety of schemes to take title and strip the homeowner of both his home and the equity in it. It is critical that distressed homeowners be made aware of the possible scams, so they can avoid falling for false promises in their desperation.

Legitimate solutions do remain, even at this stage. After the notice of sale, the homeowner still has the opportunity to cure the default by paying the arrearage up to 11 days before the sale date. Depending on the homeowner’s situation, this may or may not be remotely possible, but it is an option—and the lender must cancel the sale and reinstate the loan if the homeowner cures the default.

After the 11-day mark, the homeowner can still stop the foreclosure process by paying the loan off in full. However, by this point, refinancing may be nearly impossible because more is now due (thanks to accruing late fees and costs) and the homeowner is that much more behind with his payments. Impaired credit history likely will create a further obstacle. Another last-ditch step to stop the sale is to file bankruptcy.

In addition, there are several special circumstances in which a sale can be postponed. For example, if the homeowner is still in the process of being reviewed for a modification, and has equity in the property, then under Washington law the trustee can be prevailed upon to uphold its good-faith duty to avoid sacrificing the homeowner’s equity. Under the HAMP program, the sale must be delayed until the loan modification decision has been made. In one Project case, I relied on these legal theories to work with the trustee to postpone the foreclosure sale three times for the same client. The client had equity in his home, had applied for a modification, and should have qualified. He endured delay after delay in the modification process, as well as the stress of last-minute postponements of the sale. Finally, the lender offered him a trial modification. The postponements worked to save his home and the equity in it.

The notice-of-sale stage is a critical point in the foreclosure process. The homeowner should seek professional legal help immediately to learn all his options and rights and determine the best course of action—without compounding the harm by falling victim to a rescue scam.

Palliative Care and Heroics: After the Sale
Left untreated, at some point a disease’s progress can only be stopped with heroic measures—or not at all. Palliative care must be given to provide comfort in the face of an inevitable outcome. Such is usually the case after the foreclosure sale.

Unlike some other states, Washington does not normally provide a right of redemption after the foreclosure sale. Indeed, the only post-foreclosure remedy available is money damages. Such damages are generally measured by the homeowner's equity in the home lost upon the foreclosure sale to a third party. In many cases, there is no equity, and so no damages. Also, the homeowner must be refunded any excess funds from the sale if the property sold for more than the amount of the debt. Regardless, after the sale, the homeowner has lost his home and

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suffered severe damage to his credit score. The former homeowner has the legal right to remain in the house for 20 days after the sale.\textsuperscript{21} After that time, the lender can initiate an action for unlawful detainer and evict the residents.\textsuperscript{22} If the property is rented, there is a 60-day right for the tenants to remain in the property and several other procedural considerations.\textsuperscript{23}

At this stage, there is often no legal remedy or defense to pursue. It is sometimes possible to negotiate terms more favorable than outright eviction. In some cases, especially with properties owned by Fannie Mae, Freddie Mac, or larger banks, a cash-for-keys offer may be made. Such offers often provide $3,000 to the client if he moves out within 30 days, or $2,000 if within 60 days, and leaves the property clean. Fannie Mae and Freddie Mac may also be open to leaseback arrangements. With smaller banks, a less generous cash-for-keys arrangement may be negotiated, or perhaps just some additional time in the house, as well as a stipulated judgment and waiver of fees. With a stipulated judgment, if the residents move out by the agreed date, the lender will dismiss the unlawful detainer action against them.

These solutions do not restore the client to his home, but they may provide a little pad for the process of finding new living arrangements. Sadly, many of my Project clients first seek help after the sale. Their situations are often heartbreaking and desperate. I negotiate as best I can in the situation. The client gains some time and perhaps some cash and a waiver of fees. The bank benefits from a date certain move-out without the need to file an unlawful detainer action. While I cannot magically get the house back, I believe that any help that can be provided after the sale is a benefit, compared to eviction right after the 20-day mark.

**Conclusion**

The foreclosure process follows a specific course, much like a serious disease. The problem must be attacked on several fronts. First, prevention, in the form of appropriate, enforced underwriting policies and prudent borrowing, would go a long way to avoid the pain and negative domino effect of foreclosures. Second, building consumer awareness of when and how to ask for help may promote earlier intervention, and thus more positive outcomes. Third, consumer education may help some homeowners recognize and avoid scammers, which is far more effective than trying to locate the scammer and undo the harm after the fact. Pro bono legal services like the Home Foreclosure Legal Aid Project provide crucial assistance to homeowners already in desperate financial straits. For those clients who do not qualify for pro bono services, it is vital for private practitioners to understand the stages of the foreclosure process and know how to address the situation, either directly or by referral.

Lisa M. von Biela, a sole practitioner in Sammamish, focuses her practice on consumer protection. She also serves part-time as a staff attorney at the Home Foreclosure Legal Aid Project, a partnership between the Washington State Bar Association and Northwest Justice Project. She is a member of the editorial board of the ABA publication The SciTech Lawyer. She can be reached at lisavonbiela@live.com.

### NOTES

2. CNNMoney.com, "Foreclosures Hit Record in Third Quarter 2009,” http://money.cnn.com/2009/10/15/real_estate/foreclosure_crisis_deepens/ (last visited May 30, 2010). RealtyTrac reports a five percent increase in foreclosure filings over the second quarter of 2009 and a 23 percent increase over the third quarter 2008. Id.
5. Id.
6. Id.
7. This article does not attempt to address every legal issue associated with foreclosure.
9. Id.
10. Id.
11. Id.
12. The lender may file the notice of sale no sooner than 30 days after the notice of default is served. RCW 61.24.030(8). The sale date is set in the notice of sale, and may be no less than 90 days after the notice of sale is served. RCW 61.24.040(1).
13. RCW 61.24.040(1).
14. RCW 61.24.090(1).
15. RCW 61.24.090(3).
16. Cox v. Helenius, 103 Wd. 2d 383, 388; 693 P.2d 683 (1985) (holding that the trustee must take reasonable and appropriate steps to avoid sacrifice of the homeowner’s property under Washington law); RCW 61.24.101(4) (stating that the “trustee or successor trustee has a duty of good faith to the borrower, beneficiary, and grantor”). This duty is independent of the lender, and if the trustee violates this duty, it may be held separately liable.
17. Making Home Affordable, Home Affordable Modification Program, Supplemenal Directive 09-01 (2009), https://www.hmpadmin.com/portal/docs/hamp_servicer/sd0901.pdf, at 14. The U.S. Treasury policy as stated in HUD Directive 09-01 on HAMP is as follows: To ensure that a borrower currently at risk of foreclosure has the opportunity to apply for the HAMP, servicers should not proceed with a foreclosure sale until the borrower has been evaluated for the program and, if eligible, an offer to participate in the HAMP has been made. Servicers must use reasonable efforts to contact borrowers facing foreclosure to determine their eligibility for the HAMP, including in-person contacts at the servicer’s discretion. Servicers must not conduct foreclosure sales on loans previously referred to foreclosure or refer new loans to foreclosure during the 30-day period that the borrower has to submit documents evidencing an intent to accept the Trial Period offer. Except as noted herein, any foreclosure sale will be suspended for the duration of the Trial Period Plan, including any period of time between the borrower’s execution of the Trial Period Plan and the Trial Period Plan effective date.
18. RealtyTrac, Foreclosure Laws and Procedures by State, www.realtytrac.com/foreclosure-laws/foreclosure-laws-comparison.asp (last visited June 3, 2010). Washington provides for judicial and non-judicial foreclosure processes. Id. There is a one-year right of redemption in judicial foreclosure; however, non-judicial foreclosures are far more common. Id. A judicial foreclosure involves a court proceeding, and can be used for mortgages or deeds of trust. Washington Dept of Fin. Institutions, Foreclosure Assistance and Information for Washington Residents, www.dfi.wa.gov/consumers/homeownership/foreclosure_help.htm (last visited June 7, 2010). A non-judicial foreclosure is accomplished by the creditor’s actions alone, and can only be used for deeds of trust. Id.
19. RCW 61.24.127(2).
20. RCW 61.24.080.
21. RCW 61.24.060(1).
22. RCW 61.24.060.
23. RCW 61.24.060(2).
by Lynne Wilson

On September 2008, Terry Releford successfully convinced Federal Magistrate Judge Mary Alice Theiler that his civil rights claims against two Tukwila police officers deserved to be decided by a jury. This was no small feat. When he filed his initial "Civil Rights Complaint by a Prisoner Under 42 U.S.C. §1983" on a form provided by the federal court in December 2007, Releford was serving a 45-month sentence for unlawful possession of a firearm in a Washington state prison. Releford, a high-school graduate, handled all discovery and summary judgment motions pro se with virtually no outside help beyond the prison law library. Although his excessive-force claims against the officers eventually survived summary judgment, none of the civil rights attorneys that Releford contacted would risk representing him. He was simply unable to overcome the hurdle of being a 40-year-old African-American man with a felony record that included drug convictions, a background that was light years away from that of the average federal court juror and one that held little promise of eliciting their empathy.

In February 2009, I decided to represent Terry as part of the Federal Bar Association of the Western District of Washington Pro Bono Program and was subsequently appointed as plaintiff's counsel by Judge Ricardo Martinez. The Pro Bono Panel, from which attorneys are appointed in select cases to represent pro se litigants, is jointly administered by the District Court judges and magistrate judges, the Federal Bar Association of the Western District of Washington, and the clerk of the Court. Because the need for appointed counsel has increased over the past few years, the panel is currently seeking attorneys as well as law firms to join its ranks.

Altruism was only one motive for my decision to represent Terry. Another was that although the program is labeled "pro bono," a certain amount of attorney's fees (although modest) are available under the civil rights statutes if a settlement or judgment is obtained. In addition, the District Court has a special fund available to panel attorneys to offset most litigation expenses, such as depositions, research, travel expenses, copies, and experts. Further, taking on one of these cases seemed to me to be a great way to sharpen my federal court litigation skills.

Finally, the facts involved in Terry’s case seemed both intriguing and worthy of an effort to push for justice on his behalf: Terry, who stands at 6’5” and weighs nearly 300 pounds, was subjected to simultaneous taserin by the two Tukwila officers for allegedly failing to comply with orders to turn around. It was 1:00 in the morning in early June 2006, and the homeless Releford was walking through a 7-Eleven parking lot. One of the officers had recognized him and knew that he had an outstanding warrant for shoplifting. Before Releford could respond to their commands, each officer (one on the front and one on the back) tasered him simultaneously. The total 100,000-volt jolt knocked him to the ground.

Although Terry Releford’s damages were not substantial, these facts seemed to me to clearly constitute an “unreasonable sei-
An applicant must formally apply for a judgment. Most of these cases go through the "vetting" process that is set forth in the Plan of the United States District Court for the Western District of Washington for the Representation of Pro Se Litigants in Civil Rights Actions (Pro Bono Plan). The Pro Bono Plan provides the basis and the procedure for appointing attorneys in pro se civil rights cases that have been determined by the court to have some chance of success. The cases fall into two categories: prisoner civil rights and non-prisoner civil rights. Prisoner civil rights cases are usually brought under 42 U.S.C. §1983 by an inmate in a state or federal penal institution. Most of these involve allegations of violations of First Amendment rights of speech or religion, or allegations of excessive force during arrest or incarceration. According to Sharon Haas, of the Western District of Washington Clerk's Office, about 40 percent of the total cases qualifying for an appointed attorney are prisoner civil rights cases. The other 60 percent are non-prisoner cases. These include employment discrimination claims brought under Title VII of the Civil Rights Act as well as non-prisoner civil rights claims brought under 42 U.S.C. §1983.

In prisoner pro se cases, the Federal District Court judge may make an appointment directly from the Pro Bono Panel. In virtually all prisoner cases, the pro se plaintiff has managed to survive summary judgment without the assistance of an attorney. The magistrate judges handle many of these prisoner civil rights cases, and many of them do go to trial.

In non-prisoner civil rights cases, the pro se applicant must formally apply for appointment of counsel. Applicants must demonstrate their efforts to obtain counsel on their own as well as their lack of financial resources. Most non-prisoner cases are still in the discovery phase and thus have a much less developed factual record than the prisoner cases. Because of this, the case must go through a screening process set up under the Pro Bono Plan.

Screening of non-prisoner cases is conducted by a Non-prisoner Civil Rights Case Screening Committee made up of at least six members of the Federal Bar Association of the Western District of Washington. Criteria used by the Screening Committee to determine whether pro bono counsel should be appointed include: the inability of the party to obtain counsel by other means, the potential merit of the claims as set forth in the pleadings, the nature and complexity of the action, the presence of conflicting testimony calling for a lawyer's presentation of evidence and cross-examination, the ability of the pro se party to present the case, and the degree to which the interests of justice will be served by appointment of counsel. Based on these criteria, the Screening Committee makes a recommendation to the assigned judge, who makes the final decision regarding whether appointment of counsel is warranted. Fewer than half of cases referred to
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the Screening Committee result in a recommendation that counsel be appointed.

Once a recommendation has been made or a judge determines that appointed counsel is needed, a summary of the case is drawn up by the judge’s law clerk, which is then circulated to the entire Pro Bono Panel. It is up to each Pro Bono Panel attorney to sign up for a case when one is circulated to the roster. There is no mandatory requirement to take a case. Also, according to Judy Ramseyer, chair of the Pro Bono Committee of the Western District of Washington Federal Bar Association, “there is not a steady diet of these cases. If you sign up, it may be months before a case is circulated for you to consider taking on.”

After the court has appointed an attorney from the Pro Bono Panel by court order, the attorney is bound by the Rules Governing Pro Bono Panel. Discovery and other case schedule deadlines can be extended and alternate dispute resolution (ADR) alternatives explored. Relief from the appointment is granted by the court only in limited situations such as a conflict of interest, personal incompatibility with the client, a “substantial disagreement” with the client over case strategy, the party is proceeding for malicious purposes, or the party’s claims are not warranted. A party can discharge an attorney for good cause, such as incompatibility, but the judge can then refuse to appoint a new attorney from the panel to represent him or her.

The appointed attorney represents the party through judgment or an appealable interlocutory order, but not necessarily for an appeal unless they choose to do so. In select cases, a judge will appoint an attorney for the limited purpose of representing the party through early ADR. Should ADR be unsuccessful, another attorney from the Pro Bono Panel may be appointed to take the case through trial if the ADR counsel chooses not to continue. The judges in the Western District are currently considering changes to the Pro Bono Plan that will expressly allow and encourage volunteer attorneys to accept such limited representation in an effort to settle these cases. The judges are also considering revising the monetary limits for cost reimbursement and prepayment.

Magistrate Judge James Donohue had identified many good reasons to sign up for the Pro Bono Panel. If you are a new attorney, a solo practitioner, in a small firm, or simply feel too inexperienced to take on a civil rights case, “this is a great training ground for you.” The Federal Bar
Association’s Pro Bono Committee will find a more experienced attorney to serve as your mentor. A newer attorney in a large firm can team up with a more experienced partner and receive trial experience. A good reason for an experienced civil litigator to take one of these cases is that “you may actually get an opportunity to try a case . . . trying a case is a helpful way to make sure your skills stay as sharp as they should be.”

Another excellent reason is that “[y]ou will earn the undying (at least until your next case) gratitude of the judge assigned to your case. Each judge knows that there are enormous financial pressures on attorneys in private practice, and each is aware that accepting a pro bono assignment has an impact on your practice. You are upholding the best traditions of the bar.” But Magistrate Judge Donohue’s number-one reason for getting involved is that “[i]t will remind you why you decided to go to law school in the first place. For many, this may be in the back recesses of your memories, but it will resurface. For others, it will be much more recent, but perhaps unspoken in these difficult times. In either case, keep those memories alive and well by volunteering.”

To Magistrate Judge Donohue’s reasons for taking one of these cases, I would add the sheer pleasure of getting out of your nose-to-the-grindstone routine. Says one long-time Pro Bono Panel member who practices personal injury law and has taken a number of prisoner civil rights cases to trial: “These cases are simply fun!”

The Pro Bono Committee of the Federal Bar Association of the Western District of Washington administers the Pro Bono Panel roster of volunteer attorneys. Applications for the Pro Bono Panel can be found on the Federal Bar Association’s website, www.fba-wdwash.org. You do not have to be a member of the FBA to be on the Pro Bono Panel, but you do have to be admitted to practice in the Western District of Washington. You can file an application can be filed online at www.fba-wdwash.org/pro_bono_application.php or you can download it and mail it to Sharon Haas, U.S. District Court, 700 Stewart St., Seattle, WA 98101.

Lynne Wilson is an attorney in Seattle who practices civil rights, personal injury, and appellate law. She is a member of the Federal Bar Association’s Pro Bono Committee. She can be reached at 206-328-0224 or lynnewilsonatty@gmail.com. The FBA Pro Bono Committee can be reached by contacting Judy Ramsayer at judy@ramsayerlaw.com. Questions about the Pro Bono Program can also be addressed to Magistrate Judge James Donohue at james_donohue@wawd.uscourts.gov.

NOTES
2. The District Court Fund Regulations Governing the Prepayment and Reimbursement of Expenses in Cases Assigned to the Western District Pro Bono Panel (As Amended, Effective 3/16/90) (currently undergoing revision) is available from Sharon Haas, of the Western District Court Clerk’s Office, at 206-370-8400 or sharon_haas@wawd.uscourts.gov.
7. Donohue, supra note 5.
8. All quotations in this paragraph and the next are from Donohue, supra note 5.
Can You Give It All Away?

Examining Gifts and Property Transfers Under the Uniform Fraudulent Transfer Act

BY LISA DUFOUR

Do you want to give away all of your possessions, move, and start over because you are involved in a horribly contentious divorce. Legally, can you do that? It depends on whether you know that you owe other people money. If the intent is to avoid giving your property to an ex-spouse or a creditor, either now or in the future, it may be a fraudulent transfer under the Uniform Fraudulent Transfer Act (UFTA).

In the current economic climate, where divorce is now often accompanied by home foreclosure or bankruptcy, it is important for the careful practitioner to be aware of this scenario. People can be creative when trying to avoid paying debts, maintenance, or child support. When distributing property within a dissolution proceeding, the ramifications of each property transfer — and how it affects each spouse and the creditors of the parties — must be thoroughly considered.

This issue arises in two fact patterns in family law cases: (1) a person gives away property to avoid sharing it with his or her spouse or domestic partner; or (2) a person gives property to his or her spouse or domestic partner to avoid the claims of other creditors.

Under UFTA, you cannot give away things of value if, at the time of the transfer, you are in debt to someone else or have a known creditor and you are transferring your assets to avoid the debt. For a transfer to be fraudulent (as to current or future creditors) there has to be intent to defraud. This intent can be proven by the 11 listed factors in UFTA. This article outlines these factors and provides examples of fraudulent transfers.

**Intent to Defraud**

In *Sedwick v. Gwinn*, the Washington Court of Appeals held that the enumerated factors listed in RCW 19.40.041(b) are “badges of fraud” and that the court must determine whether there was intent to commit fraud. “[I]ntent is a question of fact best determined by a trier of fact after hearing the testimony and assessing the witnesses’ credibility.”

The eleven factors the court should consider to determine if the transfer was fraudulent are:

1. The transfer or obligation was to an insider;
2. The debtor retained possession or control of the property transferred after the transfer;
3. The transfer or obligation was disclosed or concealed;
4. Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;
5. The transfer was of substantially all the debtor’s assets;
6. The debtor absconded;
7. The debtor removed or concealed assets;
8. The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;
9. The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;
10. The transfer occurred shortly before or shortly after a substantial debt was incurred; and
11. The debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

However, the factors are only circumstantial evidence of intent, and are not sufficient to warrant summary judgment. The court in *Sedwick* also held that the enumerated factors in the statute are non-exclusive, and therefore other evidence of intent should be considered. Under UFTA, proof of actual intent must be demonstrated by clear and satisfactory evidence. However, the 11 badges of fraud enumerated above need not all be present in order to establish this intent.

**Constructive Fraud**

Constructive fraud can be found when the debtor does not receive reasonably equivalent value in exchange for the transfer and the debtor was left with very few assets and would not be able to pay debts as incurred. Selling an asset for three-fourths of its value is not considered constructive fraud. Fraud can be...
imputed where the discrepancy between the value of the property conveyed and the amount of cancelled debt is great and so disproportionate as to put the transferee on notice that he is getting more than mere satisfaction of his claim. ¹¹

**Equivalent Value**

Sedwick addresses the issue of whether equivalent value was received when the exchange was for security only. ¹² The court looked at legislative commentary to UFTA to determine how the element of a “reasonably equivalent value” is applied when the property was transferred as security for a debt. The court held that the transfer could not be invalidated on the basis that the transferred value was greater than the loaned amounts because the amount of value exceeding the debt secured remained available to unsecured creditors. ¹³ The court also declined to find that the debtor had intent to defraud because he did not believe that he would be ordered to pay the debt (attorney fees) to Sedwick. ¹⁴ Without knowledge that he would have the debt, he could not have the requisite intent to defraud.

**Transfer of Community Assets**

Transferring assets to a spouse to avoid other creditors can be fraudulent under the UFTA, and transferring assets to other people to avoid sharing with your spouse can also be fraudulent under the UFTA.

In *Clayton v. Wilson*, the court held that a transfer from the husband to the wife of almost all of the community assets in a divorce was fraudulent. ¹⁵ The husband had been charged criminally with sexual abuse of a minor, and there was the distinct possibility that the marital community could be held financially responsible in a civil suit. Therefore the “hastily prepared property settlement agreement that transferred the bulk of the Wilsons’ community assets to Mrs. Wilson was a fraudulent transfer as to (the minor), a present and future creditor of Mr. Wilson and the community.” ¹⁶ The court ruled that the transaction amounted to actual and constructive fraud under the common law and the transfer was a fraudulent transfer under UFTA. ¹⁷

In *Angelo v. Angelo*, the wife alleged the husband’s transfer of property to a family partnership was fraudulent under common law fraud and the UFTA. ¹⁸ The court held whether or not a spouse commits fraud by transferring community assets to other family members during a divorce is a
question of fact that should be resolved by the trial court in a dissolution proceeding. The court outlined the nine elements of fraud and did not find clear, cogent, and convincing evidence that the husband committed fraud:

The nine elements of fraud are (1) representation of an existing fact, (2) materiality of the fact, (3) falsity of the fact, (4) the speaker’s knowledge of the falsity of the fact, (5) the speaker’s intent that the fact should be acted on by the person to whom the fact was represented, (6) ignorance of the fact’s falsity on the part of the person to whom it is represented, (7) reliance on the truth of the factual representation, (8) the right of the person to rely on the factual representation, and (9) the person’s consequent damage from the false factual representation.19

The court in Angelo v. Angelo held that the dissolution action should determine whether or not the husband had violated his fiduciary duties to his wife.20 The fiduciary duty of spouses to one another during a marriage continues when they are contemplating dissolution.21 Therefore, a transfer of community assets to other people can be a fraudulent transfer if the transfer meets the elements of a UFTA or common-law fraud claim.22 Spouses also have a fiduciary duty to disclose all community assets as well as separate property prior to dissolution. In Seals v. Seals, the husband responded to interrogatories that he did not have any contracts or corporate stocks.23 After the dissolution was final, Ms. Seals discovered the existence of corporate stock in Mr. Seals’s business that he had not disclosed. In addition, Mr. Seals had not disclosed that he had two escrow accounts totaling almost $28,000 and a checking account with a balance of $22,420.24 The court held that the non-disclosure was fraudulent and willful, and awarded attorney fees, costs, and expenses for the two-week trial.25

Debt Reduced to Judgment
A transfer can be fraudulent as to claims, whether or not the debt has been reduced to judgment. In Douglas v. Hill, a wife quit-claimed community property to her husband as separate property to avoid a debt owed.26 The court found the transfer was fraudulent even though a lien had not been filed.27 The court held that under UFTA, a transfer can be fraudulent as to claims whether or not they are liquidated:

The trial court’s holding that there was no claim because the judgment was not recorded is erroneous. The UFTA defines a “claim” as a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.28

Remedies and Statute of Limitations
A creditor can void a fraudulent transfer under UFTA whether the claim arose before or after the obligation was incurred.29 The creditor can void the transfer to the extent necessary to satisfy the creditor’s claim.30 The statute of limitations under UFTA is four years or, if later, within one year of the discovery of the fraudulent nature of the transfer.31

(F)or either common law fraud or a UFTA fraud claim, “the statute of limitations does not begin to run until all of the elements of the cause

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of action for fraud are discovered or should have been discovered.”32

Protecting Clients from Fraudulent Transfers

Although most dissolutions are completed in an above-board and legal manner, on occasion, transfers of property and assets within a dissolution action can be subject to question. The parties could be trying to hide assets from each other or from other creditors. In an attempt to protect their assets, however, they could be committing a fraudulent transfer and risking greater losses. By having a better understanding of UFTA, counsel can be prepared to advise clients against property transfers that could be deemed fraudulent — and to protect clients who are confronted with an opposing party who has fraudulently tried to hide assets. 33

Lisa Dafour is a senior associate at McKinley Irvin (www.mckinleyirvin.com), a Seattle-based firm that practices family law exclusively. She previously spent 15 years with the Family Support Division of the King County Prosecuting Attorney’s Office, where she worked on several fraudulent transfer cases. She can be reached at ldafour@mckinleyirvin.com.

NOTES
2. Id.
4. RCW 19.40.041(b).
5. Sedwick at 887.
6. Id. at 887–88.
8. Douglas v. Hill, 148 Wn. App. 760, 765–68, 199 P.3d 493, 496–97 (Division One, 2009) (citing Sedwick v. Gwinn, 73 Wn. App. 879, 873 P.2d 528 (1994); RCW 19.40.041(b) (that such enumerated factors are non-exclusive and precatory is supported by the use of the word “may” in its directive to decide actual intent).
12. Sedwick.
13. Id.
14. Id.
16. Id. at 101. Name of minor omitted to protect his identity.
17. Id. at 103–04.
20. Angelo at 648.
22. Angelo at 645.
24. Id. at 654.
25. Id.
27. Id.
28. Id. (citing RCW 19.40.011(3)).
29. Id. (citing RCW 19.40.041(a)).
30. Id. (citing RCW 19.40.071(a)(1)).
31. RCW 19.40.091.
32. Angelo at 646 (citing Freitag. 133 Wn.2d at 823, 947 P.2d 1186 (citing Strong v. Clark, 56 Wn.2d 230, 232, 352 P.2d 183 (1960))).
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The Washington Uniform
Law Commission
Promoting Uniformity in Laws Among the
States for 105 Years

BY JUDGE MARLIN APPELWICK AND
REPRESENTATIVE JAMIE PEDERSEN

Although many people don’t realize it, uniform laws touch the lives of lawyers and other Washington citizens every day. The Washington Uniform Law Commission (WULC) has operated in relative obscurity since its inception in 1905. As part of the National Conference of Commissioners on Uniform State Laws (NCCUSL or ULC), the WULC works to promote uniformity in laws among the states. In part, this is to facilitate commerce and the practice of law across state borders, but it also serves to keep Congress from federalizing areas of law usually reserved to the states. Increasingly, the ULC has become involved in international law matters as well. More attorneys can and should participate in — or at least be aware of — the development of these laws.

The Uniform Commercial Code is the most widely recognized product of the ULC, but the Washington Legislature has over the years adopted more than 150 uniform acts created by the ULC. More than 60 are currently on the books, including acts governing arbitration, mediation, partnership, limited partnership, parentage, child custody jurisdiction and enforcement, interstate family support enforcement, declaratory judgments, transfers on death, fraudulent transfers, anatomical gifts, simultaneous death, estate tax apportionment, environmental covenants, management of institutional funds, and the rules of evidence.

ULC acts originate with suggestions to the Scope and Program Committee. A Study Committee evaluates whether a drafting committee is warranted. When a drafting committee is appointed, a reporter is retained to handle the drafting and staff the committee. Committee members are selected from among the 300-plus Commission members and typically meet three or more times per year for two to three days. American Bar Association (ABA) observers are appointed, and others who are interested are welcome to attend committee meetings or to submit materials. When ready, draft statutes are read line-by-line to the committee of the whole at the annual week-long conference. (Of historical interest, the annual conference was conducted in Seattle in 1908, 1928, and 1948 — but has been elsewhere for more than 60 years. However, the 2014 conference will be conducted in Seattle.)

At the conference, every commissioner has the privilege of the floor to critique the draft and its policies and to propose amendments. Typically, this process is repeated a second time before the final product is put before the conference for a vote by the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Uniform acts are then submitted to the ABA House of Delegates for approval. The preparation process typically takes three to four years. Final acts are prepared with official comments and posted on the NCCUSL website (www.nccusl.org) in the late fall.

WULC members participate in this process. In addition, they are statutorily charged with securing the passage of uniform acts in the state legislature. Because most of the acts are of interest to members of the bar and have some effect on the practice of law, the WULC has maintained a practice of introducing the acts but delaying in seeking passage while committees or sections of the WSBA review them. This comity has the practical value of avoiding needless arguments or questions before legislative committees. However, the review process often yields disagreements with policy or language choices and proposals for change. When these proposed changes threaten uniformity among the states, the WULC must weigh the relative importance of uniformity in the law and circumstances particular to Washington that suggest a divergent approach.

WULC maintains a website through the auspices of the code reviser at www.ulc.wa.gov. The site provides a listing of all the uniform acts currently before the Legislature, as well as those in the queue. Each act is linked to the uniform version on the NCCUSL website. Other resources available there include Commission membership, Commission minutes, a table of uniform and model acts which are part of Washington law, and a history of the WULC. (Acts are designated as model acts when reducing diversity of state laws is desirable, but achieving uniformity is not essential or not probable.)

State Representative Jamie Pedersen was appointed to the WULC this year as the 27th commissioner in Washington’s 106-year history. He joined Professor Anita Ramasastry, John Cary, and Code Reviser K. Kyle Thiessen on the Commission. Dennis Cooper and Judge Marlin Appelwick, having served more than 20 years on the Commission and having been appointed by ULC to life-member status, were also appointed by the governor as continuing members of the WULC. Washington has attempted to maintain a mix of legislators, professors, practitioners, and judicial officers on the Commission. The Code Reviser is a member of the WULC ex officio.

Lawyer participation in the development and passage of uniform state laws is available at many points: proposing ideas for uniform laws, attending ULC committees through the ABA or on behalf of clients or individually, reviewing proposed legislation through Bar sections or committees, contacting WULC members, or testifying before the Legislature. Uniform acts touch our lives every day, whether we know it or not, so lawyers should avail themselves of these opportunities to shape the law.

Judge Marlin Appelwick is a member of the Washington Court of Appeals, Division I, and previously served 16 years in the Washington State House of Representatives. He can be reached at j.m.appelwick@courts.wa.gov. Jamie Pedersen has represented the 43rd District in the Washington State House of Representatives since 2006 and has chaired the House Judiciary Committee since 2009. When the Legislature is not in session, he practices corporate law at K&L Gates LLP in Seattle. He can be reached at pedersen.jamie@leg.wa.gov.
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Congratulations to the recipients of the 2010 WSBA Annual Awards! The WSBA Annual Awards Dinner and Business Meeting was held on September 23, 2010. President Salvador A. Mungia was host for the Awards Dinner and led the annual business meeting — 460 WSBA members and guests were in attendance at the Hyatt at Olive 8 ballroom. Immediate Past-President Mark A. Johnson and retiring governors were honored, and Chief Justice Barbara A. Madsen addressed dinner guests and swore in 2010–2011 President Steven G. Toole, President-elect Stephen R. Crossland, and the incoming WSBA governors. President Mungia presented the awards, and each recipient was received with enthusiastic applause. (The Pro Bono Award and the Norm Maleng Leadership Award were presented at the Access to Justice/Bar Leaders Conference in Wenatchee in June.) The following individuals were honored with the 2010 WSBA awards for their outstanding work and accomplishments:

**Professionalism Award**

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

**James M. Danielson**

James Danielson received his undergraduate degree from Dartmouth College, and his law degree from the University of Washington School of Law, where he served as the executive editor of the University of Washington Law Review. Prior to his legal career, he served as an officer in the United States Army, and was honorably discharged in 1968. He has been in private practice at the Wenatchee firm of Jeffers, Danielson, Sonn & Aylward, PS, since 1971.

Danielson’s service to the Bar began in 1978, when he served on the WSBA Board of Governors. He was also the first appointed chief hearing officer for attorney discipline from 2003–2009; served on the Continuing Professional Qualifications Task Force; served on the WSBA Trial Practice Section’s Board of Directors; served on the Mandatory Continuing Legal Education Board; and was chair of the Professionalism Task Force. In addition, Danielson served for 12 years on the Wenatchee School Board, six of them as president. He is also a past-president of the Chelan-Douglas County Bar Association.

“Throughout his nearly 40 years in practice, Mr. Danielson has served both this bar association and the legal profession with enthusiasm and passion,” wrote WSBA Past-President Stanley A. Bastian in support of the nomination. “It was clear to me from the beginning that Jim Danielson was committed to the issues of professionalism and civility. Indeed, my own interest in these issues (which I emphasized in my term as WSBA president) began many years ago because of the example set by Jim Danielson.”

**Angelo R. Petruss Award for Lawyers in Public Service**

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

**Joanne I. Moore**

Joanne Moore received her undergraduate degree from the University of California at Berkeley and her law degree from the University of California at Davis School of Law. She has been a civil legal aid attorney for many years and, in 1989, she was the visionary and first director of Washington’s Court Interpreter Certification Program. In 1998, she was appointed director of the Washington State Office of Public Defense (OPD), an independent judicial branch agency that implements constitutional and statutory guarantees of counsel and ensures the effective and efficient delivery of indigent defense services funded by the state of Washington.

Moore has developed and presented many educational programs for judges on working with interpreters and on immigrants in the court system. She has written articles on court interpreting services that
1. Outstanding Judge Award recipients, the 2009 Superior Court Judges’ Association Executive Committee: (l. to r.) Hon. Tari Eitzen, Hon. Richard McDermott, Hon. Vickie Churchill. 2. Professionalism Award recipient James Danielson. 3. Angelo Petruss Award for Lawyers in Public Service recipient Joanne Moore. 4. Excellence in Diversity Award recipient Aneelah Afzali. 5. Outstanding Elected Official Award recipient Kelli Linville. 6. Community Service Award recipient Ahndrea Blue. 7. WYLD Outstanding Lawyer Award recipient Sarah Leyrer. 8. Lifetime Service Award recipient Hon. Robert Bryan. 9. Award of Merit recipient Hon. Donald Horowitz.

10. 2009–2010 WSBA President Salvador Mungia with President’s Award recipient Mark Hutcheson. 11. Of Counsel Megan Muir accepts the Pro Bono Award on behalf of DLA Piper LLP — Seattle; pictured with Governor Chris Gregoire. 12. 2009–2010 WSBA President Salvador Mungia passes the gavel to 2010–2011 WSBA President Steven Toole. 13. Norm Maleng Leadership Award recipient Lonnie Davis.

14. President’s Award recipient J. David Andrews. 15. Washington State Supreme Court Chief Justice Barbara Madsen swears in incoming WSBA President Steven Toole. 16. 2009–2010 WSBA President Salvador Mungia makes final remarks to dinner guests.

have appeared in Bar News and other legal publications; initiated and edited Immigrants in Courts, a University of Washington Press book on the due process obstacles faced by immigrants in U.S. courts; and wrote and directed three court interpreting videos for the National Center for State Courts.

As director of OPD, Moore spearheaded a successful quality-enhancement program for indigent appellate representation. She instituted the Parents’ Representation Program to provide state-funded, high-quality representation for parents in dependency cases through an effective pilot program, and has shepherded expansion of the program to two-thirds of the state.

“The is no question that Joanne is a remarkable leader,” wrote Washington State Supreme Court Chief Justice Barbara A. Madsen in support of the nomination. “All of us on the Supreme Court appreciate Joanne’s spirit, tenacity, passion, and commitment to public service. Through her work, she has made, and every day continues to make, significant contributions to the legal profession, the justice system, and the public.”

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

Aneelah Afzali
Aneelah Afzali received her undergraduate degree from the University of Oregon, and her law degree from Harvard Law School, where she was co-president of the Middle Eastern Law Students Association. She has worked in private practice since 2003, and is currently with the firm of Stokes Lawrence, where she serves on the firm’s Diversity Committee.

Afzali is a founding member of the Middle Eastern Legal Association of Washington (MELAW), which was launched in late 2008; she currently serves as its president. MELAW has co-presented a Middle East Speaker Series with the World Affairs Council; presented a panel discussion on government surveillance; led a roundtable discussion with community organization leaders to discuss how to better serve the needs of the Middle Eastern community; worked on amicus briefs with groups such as the ACLU; co-sponsored the fourth and fifth annual Statewide Diversity Conferences; and participated in the Joint Committee on Law Firm Diversity. In addition, MELAW is planning a legal clinic to provide assistance to Washington’s Middle Eastern community.

Afzali also serves as a board member for Legal Aid for Washington Fund (LAW Fund); as a member of the WSBA Committee for Diversity; and as a liaison to the WSBA Board of Governors Diversity Committee.

“Aneelah has been indispensable to our organization’s growth and success so far,” wrote Sahar Fathi in support of Afzali. “Under her leadership, MELAW has achieved a place and a strong voice among the other minority bar associations, and gained recognition and visibility among the legal community.”

Outstanding Elected Official
This award is presented to an elected official for outstanding service, with special contributions to the legal profession. It is awarded to an individual who has demonstrated a commitment to justice beyond the usual call of duty.

Representative Kelli Linville
Representative Kelli Linville received her undergraduate and master’s degrees from Western Washington University in speech pathology and audiology, and had a 16-year career as a communication disorders specialist with the Bellingham School District prior to joining the Washington State Legislature. Throughout her 17-year career in the Legislature, Linville has supported state funding for civil legal aid to assist low-income individuals in crisis, and promoted awareness of the critical need for increased public resources for legal aid in Washington.

Linville is chair of the Ways and Means Committee; a past chair of the House General Government Appropriations Committee; and currently serves on the House Audit Review and Oversight Committee, Mental Health Task Force, Joint Legislative Audit and Review Committee, and Legislative Council on River Governance.

As an active member of her community, Representative Linville has served with many agencies, including the Bellingham/Whatcom Chamber of Commerce, the Bellingham Planning Commission, Evergreen AIDS Foundation Board, the Rainbow Center Advisory Board, the Mt. Baker Theatre Board, and the Whatcom Family YMCA Board.

“Time and again, Representative Linville has said that the central purpose of government in our state is to provide for the education of our children and to ensure fair and effective justice for our citizens,” wrote James Bamberger, director of the State of Washington's Office of Civil Legal Aid. "Representative Linville has been an unabashed champion of ensuring and protecting funding for core judicial branch functions."
Justice in Jeopardy Initiative, despite severe budget cuts statewide. Judge McDermott was active in meeting with legislators and testifying before legislative committees, and Judges Churchill and Eitzen reviewed bills and led the SCJA's decision-making. In addition to their three-year commitment to the Executive Committee, the judges were also members of the Board for Judicial Administration, the policy-making body of the judicial branch.

Judge Churchill received her undergraduate degree from the University of Missouri–Columbia and her law degree from Seattle University School of Law. First elected in 1996, Judge Churchill has served as a superior court judge in Island and San Juan counties. Since 2008, when San Juan formed its own judicial district, she has served solely in Island County Superior Court.

Judge Churchill has been instrumental in the implementation of local drug courts for juveniles, adults, and families; in the court facilitator program for indigent civil litigants; and with mandatory parenting classes and mediation in family law cases. She has served as SCJA president and treasurer and on SCJA committees for technology, education, rural courts, and legislation. She was co-chair, with then-Chief Justice Gerry Alexander, of the Board for Judicial Administration from 2007–2009. She has been a member of the Washington State Gender & Justice Commission since 2009.

Judge Eitzen received her undergraduate and master’s degrees from the University of Illinois, and her law degree from Gonzaga University School of Law. Since 1994, Judge Eitzen has served as a Spokane County Superior Court judge.

Over her 16-year judicial career, Judge Eitzen has served as the presiding judge and criminal presiding judge, and she also served for six years as the Drug Court judge. She has chaired several committees, including the Bench/Bar/Community Committee on Parent Education and the Court Commissioner Evaluation Committee, and has served on many more, including the Budget, Criminal, Civil, Family, Juvenile, Personnel, Facilities, Civil Case Tracking, and Guardian Ad Litem committees. She led the court in the creation of a video to explain court processes in family law cases to pro se parties, which is available at www.spokanecounty.org/video/dom.

Judge Eitzen served as the SCJA president from 2009–2010, and as president-elect from 2008–2009. She is a member of the Legislative Committee and has served as chair of the
Judge McDermott received his undergraduate degree from Seattle University and his law degree from the University of Washington School of Law. He was a deputy prosecuting attorney with the King County Prosecutor's Office, and worked in private practice until 2000, when he became a member of King County Superior Court. While in practice, he served on the WSBA Judicial Recommendation Committee for six years. He has served in the Civil, Unified Family Court, and Criminal departments, and has served as the Drug Court judge at the Maleng Regional Justice Center. He was also a special district counsel for the WSBA for several years.

Judge McDermott has served on the Board for Court Education, which coordinates and supervises training to all court employees, from 2003 to the present, and as its chair from 2006–2008. He was the president of the SJCA from 2008–2009; has been a member of the SCJA’s Executive and Legislative committees since 2007; and has been a member of the SCJA Education Committee since 2001, chairing the committee from 2006–2008. Judge McDermott has been a member of the SCJA Spring Judicial Conference Planning Committee since 2002 and chaired that committee in 2002 and 2005; he also served on the Fall Judicial Conference Planning Committee from 2001–2005. He served as vice president of judicial relations for the Washington State Trial Lawyers Association and is a member of the Washington State Minority and Justice Commission.

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

Ahndrea L. Blue
Ahndrea Blue received undergraduate degrees in African-American Studies and Society and Justice from the University of Washington, and her law degree from the University of Washington School of Law. She was the Washington State Governor’s executive policy advisor and legal counsel; was chief operating officer of the Urban League of Metropolitan Seattle; and worked for the firm of Lee, Smart, Cook, Martin and Patterson before becoming the president and CEO of Pinnacle Equities Investments.

Blue is the founder, president, and chair of the Making A Difference Foundation, a non-
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Sarah Leyrer enrolled in law school at the Seattle University School of Law with the goal of becoming a public-service attorney and working with the Spanish-speaking community. During law school, Leyrer volunteered with CASA Latina and the Seattle Journal for Social Justice. Leyrer joined Columbia Legal Services in 2008, helping to establish the Moses Lake office, hire support staff, and interview attorneys and community workers. She primarily represents Spanish-speakers in central Washington and provides community education to inform people about their legal rights. To illustrate common legal problems and legal rights, Leyrer creates Spanish-language cartoons — an effective way to reach people with limited education — that are used during educational presentations and distributed in *El Faro Legal*, an outreach newspaper published by the Northwest Justice Project.

Leyrer is a 2010 graduating fellow of the WSBA Leadership Institute. She is a former board member of the Latina/o Bar Associa-

profit organization that builds classrooms and funds food programs in Peru, Chile, and Thailand; distributes scholarships to underprivileged youth; provides food and economic assistance to seniors, single parents, and the homeless; and manages the Joy Box Ministry, which anonymously sends "joy boxes" containing hand-written letters and gifts to individuals experiencing personal challenges. Her latest project is the Eloise Cooking Pot Food Bank in East Tacoma, which serves more than 700 people per week.

Blue's other community activities include serving on numerous boards: the Matt Talbott Center, the Lifelong AIDS Alliance's Chicken Soup Brigade, the Seattle-Mombasa Sister City Association, and the Urban League of Metropolitan Seattle. Her generosity and compassion for others extends to honoring disadvantaged women with gifts on Mother's Day; providing support and encouragement to women of color who have been diagnosed with breast cancer; volunteering at her church; and providing free legal services.
Hon. Robert J. Bryan

Judge Robert Bryan graduated from the University of Washington School of Law in 1958. He practiced law in Bremerton from 1959 until 1967, when he was appointed to the Kitsap County Superior Court. Judge Bryan returned to private practice in 1984, and came back to the bench in 1986 when he was appointed to the United States District Court. Judge Bryan also served pro tem with the Washington State Court of Appeals and Supreme Court, as well as the Ninth Circuit Court of Appeals.

A senior judge since 2000, Judge Bryan continues to carry a substantial caseload in Tacoma and in other districts throughout the Ninth Circuit. Judge Bryan has served as president of the Washington State Superior Court Judges’ Association and the Ninth Circuit District Judges’ Association. He co-authored seven volumes and supplements of Washington and Ninth Circuit Pattern Jury Instructions. He was also instrumental in converting the Tacoma Union Station to the United States Courthouse, where he maintains his chambers. Judge Bryan served on the board of the Federal Judicial Center, an educational and research agency for the federal courts, and has been a trainer and presenter at legal and judicial seminars throughout his career, including classes for new federal judges. Judge Bryan was a founding member and first president of the Puget Sound Inn of Court, which was renamed the Honorable Robert J. Bryan Inn of Court in 2004 in his honor.

“Judge Bryan was revered as a person of outstanding talent and character during his time in Kitsap County,” wrote Tacoma attorney Douglas Cloud in his nomination. "He has been an exceptional jurist while on the federal bench. He has truly served our profession and our community for a lifetime.”

Award of Merit

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

Hon. Donald J. Horowitz (ret.)

Judge Donald Horowitz received his undergraduate degree from Columbia University and his law degree from Yale Law School. He began his career as a law clerk for Justice Harry Ellsworth Foster of the Washington State Supreme Court, and worked for many years in private practice. A former King County Superior Court judge, he served as a hearing officer in conscientious objector cases for the U.S. Department of Justice, and has served as a mediator and arbitrator. He was a senior assistant attorney general for the state of Washington, was the first chief counsel for the Washington State Department of Social and Health Services, and was later that department’s deputy secretary. He was an adjunct professor of law at the University of Puget Sound (now Seattle University) Law School, and is currently a member of the Board of Trustees of Seattle University.

Horowitz has authored legislation in many important areas, including the Mandatory Child Abuse Reporting Act, the Crime Victim Compensation Act, the Adoption Subsidy Act (providing funds to families who adopt children with disabilities or whose essential needs require extraordinary expense), and laws providing for court interpreters for persons with hearing disabilities during legal proceedings.

Horowitz serves on the Board of Directors of the Washington State Endowment for Equal Justice; on the national Board of Directors for the Fred T. Korematsu Center for Law and Equality; and on the founding board of the University of Washington Information School, where he was awarded an honorary degree. He has served on the Advisory Board to the Access to Justice Institute of Seattle University Law School, and the Advisory Board of the Shidler Center for Law, Commerce, and Technology at the University of Washington School of Law. He serves on the Washington State Minority and Justice Commission, and has served on many WSBA committees, including the Committee for Diversity.

Horowitz was chair of the Access to Justice (ATJ) Board’s Access to Justice Technology Bill of Rights Committee and also serves on the ATJ Board’s Justice Without Barriers Committee, Nominating and Leadership Committee, and its Conference Planning Committee.

"Judge Don Horowitz has an unequaled record of leadership and participation in access to justice issues," wrote former United States Attorney for Western Washington
and Professor John McKay in support of the nomination. “Throughout his distinguished career as lawyer, judge, technologist, [and] futurist...Don has led, inspired, and served as patron to every initiative which lies at the heart of Washington state’s leadership in the national legal aid movement.”

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

J. David Andrews
David Andrews is senior counsel at Perkins Coie, where he focuses his practice in the areas of labor and employment law and litigation. Andrews is also a nationally recognized speaker and writer in labor and employment relations, lawyer ethics, law office management, and state and federal civil litigation.

Andrews is dedicated to serving the legal community. He has served on the Legal Aid for Washington Fund (LAW Fund) Board of Directors and Executive Committee, including a term as president; on the American Bar Association Board of Governors and as its treasurer; and on the American Bar Foundation Board of Directors and as its treasurer. He has served with the American Judicature Society; as a trustee of Cornish College of the Arts; and has been a board member of the Endowment for Equal Justice.

Mark Hutcheson
Mark Hutcheson is a partner at Davis Wright Tremaine, focusing his practice on labor and employment law attorney and labor relations counseling. Hutcheson is a member and past-president of the Legal Aid for Washington Fund (LAW Fund), serves as a board member and president of the Endowment for Equal Justice, and is a board member of the International Development of the Law Organization, USA (IDLO-USA). He is a fellow of the College of Labor and Employment Lawyers and a lifetime American Bar Foundation fellow.

Since 2003, Hutcheson has been named as one of “America’s Leading Lawyers for Business” in Labor and Employment (Washington) by Chambers USA. He has also been named one of the “Best Lawyers in America” in Labor and Employment Law by Woodward/White since 1983, and was selected as a Washington Law & Politics “Washington Super Lawyer” from 1999–2010.

In his award letters to Andrews and Hutcheson, President Mungia wrote: “From the time we met in the early 1990s on the LAW Fund Board and throughout the intervening years, you, and what you stand for, has influenced my values and my abilities in a profound and everlasting manner. My being able to present this award to you allows me to say, “Thank you.”

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

Lonnie G. Davis
Lonnie Davis graduated from Gonzaga University School of Law in 1973. He worked with the Legal Services office in Everett as a VISTA volunteer, staff attorney, and directing attorney before joining the faculty at the University of Puget Sound (now Seattle University) School of Law’s Disabilities Law Project, which is now part of the Alliance of People With disAbilities. Davis’s research was instrumental in producing the 2006 report Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts.
Davis is the technical advisor to the Washington State Supreme Court's Minority and Justice Commission and a member of its Education Subcommittee. He is also an associate member of the Governor's Committee on Disability Issues and Employment, a member of its Legal and Civil Rights Subcommittee, and a member of its Legislative Committee and legislative core group. He is a member of the Pro Bono Panel of the U.S. District Court for the Western District of Washington and a fellow of the American Bar Foundation. Davis has also served as a member and chair of the Seattle Human Rights Commission.

Currently, Davis is working with the Governor's Committee on Disabilities Law Issues and Employment; is a member of the Disability Subcommittee of the Justice Without Barriers Committee of the Access to Justice Board; and serves on the Office of the Court Administrator's ADA, Access, and Accommodation Technical Assistance Group (A3TAG). Recently, he participated in an ad hoc committee to review the strategic plan of the Office of Public Guardianship. He is currently working with the WSBA to have the organization adopt the ABA Commission on Mental and Physical Disability Law's “Disability Diversity in the Legal Profession: A Pledge for Change.”

“Everyone in the disability community, and everyone else who supports the rights and aspirations of people who have disabilities, owes Lonnie Davis a debt of gratitude for his nearly 40 years of outstanding leadership in securing, defending, and advancing those rights,” said Toby Olson, executive secretary of the Governor's Committee on Disability Issues and Employment. “He has worked effectively to ensure that those rights have a powerful positive impact on the daily lives of people who have disabilities, and he continues to be a leader on the frontier exerting a significant influence on the future of disability rights.”

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

DLA Piper LLP — Seattle
DLA Piper Seattle is being honored for its service to the community and dedication to pro bono services. Last year, the lawyers and paralegals at DLA Piper — Seattle donated more than 3,600 hours and over seven percent of their billable time to pro bono work. This work includes representing nonprofit organizations, leading a national research team that is studying the rights of people with disabilities, and appearing on behalf of people charged with crimes in federal court, but the majority of their pro bono service involves representing immigrant families in Washington and around the country.

Seattle partner Jeffrey B. Coopersmith, a former assistant U.S. attorney, has been a committed pro bono advocate for many years, representing individuals in immigration proceedings and individuals who have been charged with crimes in federal court. Associate Byron Dailey serves on the advisory board and case screening committee for Washington Attorneys Assisting Community Organizations, an organization that helps nonprofits in Washington find pro bono counsel. Of Counsel Megan Muir has led a national research project on behalf of the Arc of the United States, coordinating a state-by-state survey of the incentives that states provide to individuals with mental disabilities who live and work in their homes, rather than institutions.

Stephanie Perry is the WSBA communications specialist/publications editor and can be reached at stephaniep@wsba.org.
Using mywsba, you can:

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

Pay your license fee online and save time and paper!

To access mywsba, see the link on the WSBA homepage (www.wsba.org) or go there directly (www.mywsba.org).

If you have questions or don’t have a valid e-mail address on file, help is only a phone call or e-mail away. The WSBA Service Center is staffed Monday through Friday, 8:00 a.m. to 5:00 p.m., with friendly, knowledgeable representatives eager to be of assistance. Call 800-945-WSBA (9722) or 206-443-WSBA (9722), or e-mail questions@wsba.org.

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www.mywsba.org
You are cordially invited to attend

The Washington State Bar Association’s 50-Year Member Tribute Luncheon

Please join us as we honor the 2010 WSBA 50-year members. All members of the legal community are invited.

Name ___________________________________________ WSBA No. __________________
Address ___________________________________________________________________
Phone ___________________________ E-mail __________________________
Affiliation/organization _______________________________________________________

Registration is $45 per person (table of 10 = $450). To make your reservation, please return this form (or a photocopy) with your credit-card information or check payable to WSBA. Space is limited, so please make your reservations early. Reservations and payment must be received by November 3, 2010 (refunds cannot be made after November 3).

☐ MasterCard ☐ Visa No. ___________________________ Exp. date ______________
Name as it appears on card ______________________________________________________
Signature _____________________________________________________________________
_____ (no. of persons) X $_______ (price per person) = $ ____________ TOTAL

Please list the names of all attendees and indicate meal choices. Be sure to include yourself.

__________________________________________ ☐ chicken ☐ salmon ☐ vegetarian
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Send to: Washington State Bar Association
50-Year Member Tribute Luncheon
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
Phone: 800-945-WSBA or 206-443-WSBA • Fax: 206-727-8310

☐ If you need special accommodations, please check here and explain below.
_________________________________________________________________________
Opportunities for Service

**Bench-Bar-Press Committee of Washington**  
*Application Deadline: November 8, 2010*

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the Bench-Bar-Press Committee of Washington. Three positions are available. A written expression of interest and a résumé are also required for any incumbent seeking reappointment. All three incumbents are eligible for reappointment. The term will begin January 1, 2011, and expire December 31, 2013. The Bench-Bar-Press Committee was formed in 1963 to foster better understanding and working relationships among judges, lawyers, and journalists. Its mission is to seek to accommodate, as much as possible, the tension between the constitutional values of free press and fair trial through educational events and relationship building. The committee is chaired by the Chief Justice of the Washington State Supreme Court and includes representatives from the legal profession, judiciary, law enforcement, and news media. The committee meets as a whole once or twice each year. Subcommittees of volunteers are organized on an ad hoc basis to plan and execute events. Please submit letters of interest and résumés to: WSBA Communications Dept., 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or e-mail barleaders@wsba.org.

**Washington State Access to Justice Board**  
*Application Deadline: November 30, 2010*

The Washington State Access to Justice Board (ATJ Board) announces a vacancy for a term beginning May 2011. This position may be filled by either a lawyer or a non-lawyer. Details about the position and the work of the ATJ Board can be found online at www.wsba.org/atj.

The Washington State Supreme Court established the Access to Justice Board in 1994 to assure equal access to the civil justice system for those facing economic and other significant barriers. The ATJ Board works to achieve this mission through the oversight of its State Plan for Delivery of Civil Legal Aid; coordinating and implementing statewide initiatives for improving access for unrepresented and underrepresented populations in Washington state; and building leadership, funding, and other support for equal access to the civil justice system.

The ATJ Board consists of nine members, including up to two lay members, selected on the basis of a demonstrated commitment to, and familiarity with, access to justice issues. Board members may serve up to two three-year terms. The ATJ Board has approximately nine full-day meetings throughout the year in Seattle. Additionally, the Board has an annual retreat and meets at the annual Access to Justice Conference. Travel expenses are reimbursed.

Responsibilities of ATJ Board members include attending Board meetings and the annual planning sessions; serving as liaison to at least one Board committee; and actively participating in Board initiatives. A demonstrated commitment to equal justice principles and an enthusiastic commitment to serve in equal justice community leadership are required, as are strong communication skills and an ability to see the “big picture.” Courage, compassion, consideration, patience, humility, passion, and humor are all valuable traits in ATJ Board members. The ATJ Board strives to have a membership that reflects inclusion, diversity (including geographic diversity), and cross-cultural competence. Please submit a letter of interest and résumé, including a summary of qualifications, by November 30, 2010, to: Allison Durazzi at allisond@wsba.org (preferred) or by mail to WSBA, Attn: Allison Durazzi, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539.

**Thinking of Changing Your WSBA Membership Status? Consider Emeritus**  
*Annual WSBA Training and Orientation: January 12, 2010*

Now that the 2010 WSBA licensing period is here, you may be thinking of changing your membership status to accommodate your current career or lifestyle. If you no longer need your active WSBA license, here’s why you should consider emeritus status.

APR 8(e) creates a limited license status of emeritus for attorneys otherwise retired from the practice of law, to practice pro bono legal services through a qualified legal services provider. A qualified legal services provider is a “not-for-profit legal services organization whose primary purpose is to provide legal services to low-income clients.” There are no MCLE requirements while you are in emeritus status (although you may attend optional CLE seminars at no cost so that you are aware of changes in the law). However, recent amendments to the WSBA Bylaws require reduced MCLE requirements if/when you decide to return to active status. The 2011 license fee for emeritus is $200. This is a significant savings in time and money if you are paying for an active license that you no longer need. Under most circumstances, emeritus attorneys can remain in emeritus status indefinitely without having to re-take the bar exam if/when returning to active status. Most qualified legal services providers provide malpractice insurance for emeritus volunteers. There is no age requirement for emeritus attorneys. Volunteering for a “qualified legal services organization” allows you to control your own schedule. Most importantly, the Emeritus Program provides an opportunity for attorneys to give something back to their communities by helping those who are less fortunate.

One or more qualified legal service organizations are present in most Washington state counties. They include Columbia Legal Services, a statewide legal services program; Northwest Justice Project, a central statewide point of access for clients; specialized legal services programs (such as Unemployment Law Project and Northwest Immigrant Rights Project); and county volunteer attorney programs. These organizations offer a wide variety of volunteer opportunities such as direct representation, mentoring, advice clinics, self-help clinics, board membership, telephone advice, and document preparation. Emeritus also allows for pro bono services for criminal cases through some public defender agencies. Many of these organizations offer training for their volunteers. We will do our best to find a niche to fit your legal expertise, interest, and schedule.
Civil legal aid programs currently are experiencing a flood of clients facing homelessness due to foreclosures, a skyrocketing need for bankruptcy assistance, and other serious legal problems as a result of the economic downturn.

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


Campaign for Equal Justice
It’s not justice if it’s not equal.

2009–2010 Campaign Co-chairs
Paula Boggs & Bill Neukom
Nominations, which are due January 1, 2011, should be made in the form of a letter (maximum 500 words) describing the nominee’s work and how it addresses the mission of the CPLE. The letter should also include the name of a reference who can provide additional information about the nominee. Supporting materials may be submitted; please limit print materials to 10 pages and audio-visual materials to 30 minutes. Self-nominations are encouraged. All nominations will be kept confidential.

Submit nominations to: Pam Inglesby, WSBA, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or by e-mail to pami@wsba.org. Further information about the CPLE may be found at www.wsba.org/plc.

Construction Law Section
Develops Model Residential Construction Contracts
As a public service to the construction industry and its residential consumers, the WSBA Construction Law Section has developed two Model Residential Construction Contracts: the Lump Sum Contract (also known as a Fixed Price Contract) and the Cost Plus Contract. The contracts are available for free download on the WSBA website at www.wsba.org/lawyers/groups/constructionlaw.

2011 Licensing and MCLE Information
Have you used mywsba? Last year, almost half of WSBA members completed their license renewal entirely online at www.mywsba.org. License renewal forms and the Section Membership form were mailed together in mid-October. Remember, there is no longer a “grace period” for the month of February, so renewal and payment must be completed by February 1, 2011. However, as the section membership year is October 1, 2010, through September 30, 2011, we encourage you to join or renew sections now to receive the full benefit of the membership. For detailed instructions, go to www.mywsba.org.

WSBA Bylaws Article III (H)(1)(a)(2) on Armed Forces Fee Exemption provides for a membership fee exemption for eligible members of the Armed Forces whose WSBA membership is active. The WSBA will accept fee exemption requests until February 1, 2011, for the 2011 licensing year.

If you are due to report MCLE compliance for 2008–2010 (Group 1), you should have received your Continuing Legal Education Certification (C2) form in the license packet that was mailed in mid-October. Lawyers in Group 1 include active members who were admitted through 1975, and in 1991, 1994, 1997, 2000, 2003, and 2006. (Members admitted in 2009 are also in Group 1, but are not due to report until the end of 2013.) All credits must be completed by December 31, 2010, and certification (C2 form) must be completed online or be postmarked or delivered to the WSBA by February 1, 2011. Last year, 58 percent of reporting members submitted their C2 certification forms quickly and easily online. For detailed instructions, go to www.mywsba.org.

LOMAP and Ethics Traveling Seminar
WSBA comes to you! Join us on November 16 in Oak Harbor, or on November 17 in Bellingham. In December, you’ll find us in Port Angeles on December 7 and in Port Townsend on December 8. Four ethics credits are available. Cost is $99 for lawyers and $29 for non-lawyer staff. To register, call or e-mail Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

Get More Out of Your Software
The WSBA offers hands-on computer clinics...
Satisfaction: What Do I Want to Do? How Do I Go About It?

Karen’s presentation, “Career Success and Satisfaction: What Do I Want to Do? How Do I Go About It?” with the attorneys who seek her advice. Having practiced law herself, she can empathize with the experience providing guidance to lawyers. Having practiced law herself, she can empathize with the attorneys who seek her advice. Karen’s presentation, “Career Success and Satisfaction: What Do I Want to Do? How Do I Find It?,” will provide insight and practical advice on landing the career opportunity that is right for you. To learn more about Ms. Summerville, visit her website at www.legalcareermanagement.com. The Weekly Job Search Group meets Mondays at 10:30 a.m. Each group runs for eight weeks and costs $40. Contact Dan Crystal at 206-727-8267, 800-945-9722, ext. 8267, or dancr@wsba.org. To access additional job search resources, visit www.wsba.org/lawyers/services/jobsearchresources.htm.

Lawyer Services Solution of the Month: Boundaries

Do you have trouble saying no when you should? Are you struggling with cases your gut told you to avoid? If so, you may have trouble setting and maintaining good boundaries. Figure out what your limits are, then practice saying “no.” If you’d like help, call the Lawyers Assistance Program at 206-727-8268 or 800-945-9722, ext. 8268 to schedule a confidential consultation.

Facing an Ethical Dilemma?

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

Search WSBA Ethics Opinions Online

Formal and informal WSBA ethics opinions are available online at http://mcle.mywsba.org/io, or from a link on the WSBA homepage, www.wsba.org. You can search opinions by number, year issued, ethical rule, subject matter, or keyword. Ethics opinions are issued by the WSBA to assist members in interpreting their ethical obligations in specific circumstances. The opinions are the result of study and analysis in response to requests from WSBA members. For assistance, call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

Learn More About Case-Management Software

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

Upcoming Board of Governors Meetings

December 10–11, La Conner • January 27–28, 2011, Olympia • March 18–19, 2011, Spokane

With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Margaret Shane at 206-727-8244, 800-945-9722, ext. 8244, or margaret@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/info/bog/20102011meetingschedule.htm.

Usury Rate

The average coupon equivalent yield from the first auction of 26-week treasury bills in October 2010 was 0.185 percent. Therefore, the maximum allowable usury rate for November is 12 percent. Information from January 1987 to date is on the WSBA website at www.wsba.org/media/publications/barnews/usury.htm.
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

Leylan Greb (WSBA No. 36433, admitted 2005), of Vancouver, Washington, resigned in lieu of disbarment, effective August 2, 2010. Mr. Greb affirmatively admitted that the WSBA could prove by a clear preponderance of the evidence the alleged violations of the Rules of Professional Conduct, and that proof of such violations would suffice to result in disbarment, but did not affirmatively admit the facts and misconduct herein. This discipline is based on conduct involving failure to provide competent representation, failure to pursue a client's objectives, lack of communication, conflict of interest, and conduct prejudicial to the administration of justice. The Statement of Misconduct reads as follows:

On June 2, 2008, client hired Mr. Greb to represent her in a dissolution matter. Client's highest priority was to obtain primary custody of the children, who were then residing with her husband, and to enter into an acceptable parenting plan. Client also sought child support, shares of the equity in the family home, the assets of a family business, and her husband's pension, and spousal maintenance.

A pretrial hearing was scheduled for July 11, 2008, to address custody and child support and to narrow the issues to be resolved at trial. Mr. Greb agreed to cancel this hearing without consulting client. As trial approached, Mr. Greb had not completed discovery; however, he rejected client's suggestion that they seek a continuance.

Prior to the trial, Mr. Greb had tried only two family law matters and had experienced significant difficulty in obtaining the admission of documentary evidence in each case. In this case, Mr. Greb did not subpoena any witnesses to appear at the trial to authenticate the documents he planned to offer in evidence, although opposing counsel had not agreed to their admissibility. Mr. Greb failed to organize, segregate and properly mark his exhibits in a manner that allowed the court clerk to properly track them in the record. Mr. Greb also appeared unaware of the protocol for offering an exhibit for admission. Of the approximately 30 exhibits he had listed prior to trial, Mr. Greb was able to admit only one into evidence. The court considered that exhibit irrelevant. When faced with opposing counsel's hearsay objections to his exhibits or to the testimony of his witnesses, Mr. Greb frequently was confused and unable to respond, instead abandoning the line of questioning or the exhibit.

The family court evaluator assigned to the case had recommended that Mr. Greb's client be given primary custody of the children. Nevertheless, Mr. Greb did not call the evaluator to testify and presented only scant evidence of client's care for her children over the course of the marriage. Client's husband had purchased the family home before marriage, and later deeded it to himself and Mr. Greb's client as community property. Mr. Greb did not make this known to the judge, nor did he offer any evidence to establish his client's contribution to this community asset. Rather, he stipulated that the family home was a separate asset belonging to the husband, and did not object to it being awarded to him. Mr. Greb did not request spousal maintenance for his client, and introduced no evidence concerning her income during the marriage. As a result, income was imputed to his client at an amount greater than her actual earnings.

After Mr. Greb rested his case, the judge granted opposing counsel's motion for a directed verdict on the award of the family home to the husband with no offset. Mr. Greb then made an unsuccessful attempt to reopen his case. At the conclusion of the trial, the judge announced his findings as to property and stated that he would reserve judgment on primary custody, the parenting plan, and child support. At this point, Mr. Greb asked to be allowed to introduce evidence of his client's income. His request was denied as untimely.

The judge set a hearing for September 5, 2008, to address the remaining issues concerning the children. After the trial concluded, Mr. Greb contacted his malpractice insurer and was advised to withdraw from representation immediately. He filed a Notice of Intent to Withdraw on August 8, 2008, and another attorney appeared for his client; however, the judge did not allow Mr. Greb to withdraw at that point because the judgment rendered orally at the conclusion of the trial had not yet been signed and formally entered.

Between the conclusion of trial and the September 5, 2008, hearing, opposing counsel made a settlement offer under which Mr. Greb's client would receive approximately half of the community's equity in the family home and would have the eldest child live with her, while the two younger children would reside with the husband. In his letter proposing the settlement, opposing counsel stated that "if a new trial is requested...we will be asking the court to award all trial costs including my attorneys fees and our expert witness fees against you [Mr. Greb] personally since your ineffective representation during the first trial is the only basis the court could use to order a second trial."

Mr. Greb strongly urged client to resolve the matter by accepting the settlement offer. Ultimately, however, the court found there was no effective written acceptance under CR 2A.

On September 5, 2008, the judge signed the Findings of Fact and Conclusions of Law prepared by opposing counsel and entered a Decree of Dissolution under which Mr. Greb's client received no interest in the family home, the husband's pension or employment benefits, or in the family business, and no maintenance. The judge then recused himself from further involvement in the case, and took no action relating to the unresolved issues relating to the children. Shortly thereafter, Mr. Greb's client filed a pro se motion to vacate the decree based on Mr. Greb's ineffective representation. The trial judge referred client's motion to another judge while indicating for the record that, were he to decide the motion himself, he would likely have allowed it and, if so, he would have imposed sanctions against Mr. Greb for the opposing counsel's attorney fees. Another judge denied the Motion to Vacate and set a trial date to address the issues of the parenting plan and child support. In the meantime, however, client obtained new counsel who facilitated negotiations under which the parties reached agreement on those issues.

Mr. Greb's conduct violated RPC 1.1, requiring a lawyer to provide competent representation to a client; RPC 1.2(a), requiring a lawyer to abide by a client's decisions concerning the objectives of representation and consult with the client as to the means by which they are to be pursued; RPC 1.4(a), requiring a lawyer to promptly inform the client of any decision of circumstance with respect to which the client's informed consent is required, reasonably consult with the client about the means by which the client's objectives are to be accomplished, keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, and consult
with the client about any relevant limitation on the lawyer's conduct; RPC 1.7(a)(2), prohibiting a lawyer from representing a client if there is a significant risk that the representation will be materially limited by a personal interest of the lawyer; and RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

Natalea Skvir represented the Bar Association. Josephine C. Townsend represented Mr. Greb.

**Disbarred**

Hyon Chun Pak (WSBA No. 24238, admitted 1994), of Tukwila, was disbarred on July 22, 2010, by order of the Washington State Supreme Court following a default hearing. This discipline was based on conduct involving lack of competence, failure to act diligently and promptly, failure to return client property, failure to cooperate with a Bar investigation, failure to notify parties of suspension, and practicing law while suspended.

In October 2003, Mr. Pak was hired by a husband and wife (clients) to represent them in a lawsuit on the wrongful death of their son, who had died while trying to save his girlfriend from drowning in a swimming pool at a resort in September 2003. In September 2006, just before the statute of limitations was about to run out, Mr. Pak filed a complaint in superior court against the owner of the resort. The case was later removed to U.S. District Court. Mr. Pak took little action on the case other than to hire an expert on pools and did not investigate whether the other defendants had liability. By filing the complaint just before the statute expired, Mr. Pak eliminated the possibility of adding additional defendants. He also failed to hire crucial expert witnesses to evaluate economic losses resulting from the son’s death and the effects of the loss on the clients.

On January 4, 2008, while the case was pending, Mr. Pak was suspended from the practice of law for one year based on misconduct in another disciplinary matter. Mr. Pak was informed of the effective date of suspension when he was served with a copy of the Washington Supreme Court order on December 28, 2007. Mr. Pak was required, under ELC 14.3, to file an Affidavit of Compliance with the Office of Disciplinary Counsel within 25 days after being suspended, stating that he had complied with his duties on suspension and notified clients and opposing counsel. Mr. Pak never filed the affidavit.

On January 8, 2008, the clients tried to contact Mr. Pak after he received information that opposing counsel wanted to depose him for a second time. Mr. Pak never responded to clients’ repeated calls and e-mails. On April 17, 2008, defense counsel filed a declaration with the court stating that to his knowledge, Mr. Pak had represented the plaintiffs since the complaint was filed in September 2006, including on January 8, 2008, when Mr. Pak and defense counsel’s associate met to discuss the clients’ case. In his declaration, counsel stated he had recently learned Mr. Pak had been suspended on January 4, 2008, and sought guidance from the court on how to proceed. On April 25, 2008, WSBA opened a grievance against Mr. Pak.

In late May 2008, the clients hired a new attorney, who tried repeatedly to contact Mr. Pak to obtain client’s file, but was unable to reach Mr. Pak and never received the file. On June 18, 2008, WSBA Disciplinary Counsel subpoenaed Mr. Pak to appear and produce documents for a deposition to be held July 1, 2008, to cover the WSBA grievance and another grievance filed in February 2008. Disciplinary counsel informed Mr. Pak that the deposition would be cancelled if he provided the documents requested in the subpoena by June 27, 2008, and if disciplinary counsel confirmed in writing that the response was complete. On June 27, 2008, Mr. Pak delivered documents to the Office of Disciplinary Counsel related to the February 2008 grievance, but did not otherwise respond to either grievance. In a handwritten letter, Mr. Pak requested a continuance of the deposition until the week of July 8, 2008. Because he failed to provide documents or respond to the allegations, disciplinary counsel did not grant Mr. Pak’s request for a continuance and the deposition took place; however, Mr. Pak was given an opportunity to provide a “full and complete response” to the grievances by July 31, 2008. Mr. Pak did not provide any further response.

Mr. Pak’s conduct violated RPC 1.1, requiring a lawyer to provide competent representation; RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness; RPC 1.16(d) requiring that, upon termination of representation, a lawyer take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned or incurred; RPC 5.5(a), prohibiting a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction; RPC 5.8(a), prohibiting a lawyer from engaging in the practice of law while on inactive status, or while suspended from the practice of law for any cause; RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice; and RPC 8.4(l), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct (here ELC 1.5, 5.3(e), 5.3(f), 14.1, 14.2, and 14.3).

Kevin M. Bank represented the Bar Association. Mr. Pak did not appear. Frederic G. Fancher was the hearing officer.

**Suspended**

Ryan Mark Edgley (WSBA No. 16171, admitted 1986), of Yakima, was suspended for six months, effective June 3, 2010, plus 24 months of probation by order of the Washington State Supreme Court following a hearing. Mr. Edgley was also ordered to receive a reprimand. This discipline was based on conduct involving failure to comply with mandatory continuing legal education (MCLE) requirements, practice of law while suspended, failure to notify clients of lawyer’s suspension, and failure to file an affidavit of compliance with ELC Title 14.

On March 1, 2007, Mr. Edgley missed the deadline to report his compliance with his continuing legal education (CLE) requirement for the 2004–2006 reporting cycle. On May 15, 2007, the Association sent Mr. Edgley a Notice of Apparent Non-Compliance, giving him 30 days to report his CLE compliance and stating that he must take action by June 18, 2007, or the CLE Board would take further action. Mr. Edgley signed a return receipt for the notice, but did not provide proof of his compliance by June 18, 2007. The Association sent Mr. Edgley a Pendency Letter on July 13, 2007, informing him that he must take action by July 27, 2007, or the Board would forward to the Supreme Court its recommendation that he be suspended for failure to comply with CLE requirements. On July 25, 2007, Mr. Edgley signed a return receipt for the Pendency Letter and petitioned the Board for an extension until December 31, 2007. The Board approved Mr. Edgley’s request for an extension on October 2, 2007, but warned that failure to comply would result in further action by the Board which may lead to an order by the Supreme Court suspending him from the practice of law. Mr. Edgley failed to provide proof of his compliance by December 31, 2007.

On January 16, 2008, the Association sent Mr. Edgley a second Pendency Letter, requiring him to take action by January 29, 2008, or the Board would recommend his suspension to the Supreme Court for failing to comply with his CLE requirements. Mr. Edgley signed a return receipt for the second Pendency Letter but did not provide proof of his compliance by January 29, 2008. On February 12, 2008, the Association left a voice-mail for Mr. Edgley advising him that he had until 5:00 p.m. on February 20, 2008, to provide proof of his compliance or his name would be sent to the Supreme Court on February 21, 2008, with a recommendation
for his suspension due to non-compliance. Mr. Edgley did not provide proof of his compliance by February 20, 2008.

On February 28, 2008, the Association sent a letter, via registered mail, notifying Mr. Edgley of his impending suspension. The letter was returned "unclaimed." On March 5, 2008, the Supreme Court entered an order suspending Mr. Edgley’s license to practice law for failure to comply with CLE requirements. The Association mailed Mr. Edgley a copy of the Court’s order via certified mail. On March 20, 2008, the copy of the order was returned to the Association, marked "unclaimed." Mr. Edgley subsequently completed his CLE requirements and was reinstated to practice on April 23, 2008.

On July 21, 2008, the Association took Mr. Edgley’s deposition. At the deposition, Mr. Edgley confirmed that his business address on file with the Association was correct. Mr. Edgley testified he was unaware of his suspension until opposing counsel informed him on March 25, 2008. He admitted that when he learned of his suspension, he failed to notify all of his clients of his suspension or of his inability to act as a lawyer. He also testified that he did not file an affidavit of compliance with ELC Title 14, certifying that he had discontinued the practice of law and notified clients of his inability to act. Mr. Edgley stated that between March 5, 2008, and April 23, 2008, he continued to practice law, notwithstanding his suspended status. While suspended from practice, Mr. Edgley attended a mediation on behalf of a client and settled the client’s matter; advised clients on legal matters; drafted, filed, and mailed correspondence and other documents relating to client matters; prepared for depositions; communicated with opposing counsel regarding ongoing cases; and engaged in the practice of law on behalf of approximately 17 clients.

Mr. Edgley’s conduct violated RPC 5.5(a), prohibiting a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession of that jurisdiction; RPC 5.8(a), prohibiting a lawyer from engaging in the practice of law while on inactive status, or while suspended from the practice for any cause; and RPC 8.4(l), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct (here, ELC Title 14).

Sachia Stonefeld Powell and Leslie C. Allen represented the Bar Association. Mr. Edgley represented himself. Dennis W. Morgan was the hearing officer.

**Suspended**

**Terry J. Preszler** (WSBA No. 13836, admitted 1983), of Kennewick, was suspended for three years, effective June 17, 2010, by order of the Washington State Supreme Court, following an appeal. This discipline was based on conduct involving charging unreasonable fees, providing erroneous legal advice, submitting false documents to a tribunal, failing to supervise a non-lawyer employee, and disbursing funds without permission of the court. See *In re Disciplinary Proceeding Against Preszler* 169 Wn.2d 1, 232 P.3d 1118 (2010) (No. 200,570-5).

On December 19, 2000, Clients K and J hired Mr. Preszler to represent them in a chapter 13 bankruptcy. Client K told Mr. Preszler of her unresolved pre-bankruptcy personal injury claim stemming from an auto accident that occurred on September 6, 2000. Without learning the details of the injury claim or its value, Mr. Preszler listed the claim as an asset of the bankruptcy estate with a current value of $16,150 when he filed the chapter 13 bankruptcy on April 4, 2001. On October 12, 2001, the U.S. Bankruptcy Court for the Eastern District of Washington entered the order confirming Client K and J’s chapter 13 plan. At the time, Mr. Preszler did not represent Client K in her personal injury claim.

By August 18, 2003, Client K had not settled her claim and the statute of limitations was about to run. The clients met with Mr. Preszler, who told them that he believed Client K’s claim was worth $53,000, which Client K said she would accept. Mr. Preszler said he was not interested in handling the case because of the statute of limitations, but as a courtesy he would contact the insurance adjuster handling the claim. Mr. Preszler and Clients K and J understood he would not receive a fee for his help. The insurance adjuster told Mr. Preszler that she needed additional medical information from Client K before the claim could be reevaluated. The adjuster did not believe that Mr. Preszler was representing Client K. Mr. Preszler instructed Client K to deliver the necessary records to the adjuster and reiterated that he did not want to take the case.

On August 19, 2003, the clients met with Mr. Preszler. Client J wanted to hire Mr. Preszler to handle the personal injury claim, but Client K had suffered a personal loss the day before and was too emotional to make a decision. Mr. Preszler advised her not to decide that day and she did not hire him.

On August 20, 2003, Client K saw her doctor and requested that he fax her medical records to the insurance adjuster. The next day, Client K called the adjuster to discuss her claim and, at her request, the adjuster sent a letter outlining their conversation to Mr. Preszler, who reviewed it. On August 22, 2003, after receiving the medical information, the adjuster called Client K and offered her policy limits of $50,000, out of which $19,000 would reimburse Insurance Company B for PIP benefits and the remaining $31,000 would go to Client K. To accept the offer, Client K needed to sign a release of claims against the insurer’s company’s insured. At Client K’s request, the adjuster faxed the release and a letter confirming the settlement offer to Mr. Preszler.

That same day, Client K met with Mr. Preszler to discuss the settlement paperwork. Mr. Preszler explained that he could ask for the personal injury exemption in the bankruptcy plan to be increased from $16,150 to $17,425, but the remainder of the settlement proceeds would go to Client K and J’s creditors in the bankruptcy. Mr. Preszler did not advise Client K that almost $10,000 more could have been exempted under the “Wild Card” exemption. Client K signed a contingency fee agreement with Mr. Preszler, which was backdated to August 18, 2003. The fee agreement provided that Mr. Preszler would receive one-third of the remaining $31,000. Mr. Preszler promised that Client K would receive $17,425 and handwrote a guarantee to that effect on the fee agreement.

Mr. Preszler sent the settlement paperwork to the adjuster and requested a settlement check payable to Client K and himself. On August 27, 2003, Mr. Preszler’s office received the check and deposited it as a credit to Client K in Mr. Preszler’s trust account. Mr. Preszler instructed his paralegal to contact the bankruptcy trustee to determine the process for disbursing the funds to himself. Based on directions from the trustee’s employee, Mr. Preszler’s paralegal drafted an application for an order approving Mr. Preszler’s appointment as an attorney for the trustee in the personal injury claim. Being unfamiliar with the application, Mr. Preszler asked his paralegal if the trustee wanted the application; the trustee confirmed he did. Mr. Preszler signed the application without reading it thoroughly or fully understanding it. The application described Mr. Preszler as a fiduciary to Client K and J’s bankruptcy estate and represented, under penalty of perjury, that “the case needs an attorney to settle” and that Mr. Preszler would render services to “settle with [the insurance company] the personal injury claim” and would be paid pursuant to the contingent fee agreement executed by Client K. The application required Mr. Preszler to take payment under the contingent fee agreement in accordance with federal law and bankruptcy court rules which require approval by the bankruptcy judge prior to the time payment is disbursed. When the trustee received the application, he did not know that Client K’s claim had already been settled.

With the settlement in hand, Mr. Preszler prepared and reviewed the bankruptcy schedules. He did not indicate the current market value of Client K’s personal injury claim. Schedule C claimed that $17,425 of the proceeds from the car accident claim was exempt from creditors, but Mr. Preszler wrote “[unknown]" in the schedule C space for the current market value of the car accident claim. On August 29, 2003, Clients K and J signed the amended schedules. After reviewing the amended schedules, the trustee learned about the settlement with Insurance Company, and discovered the fee agreement bore the date of August 18, 2003, when it had actually been signed on August 22, 2003. Although the trustee had concerns, he did not pursue the matter further.
On September 3, 2003, Mr. Preszler’s paralegal was told that the trustee signed the application but could not file it until Clients K and J agreed to commit nonexempt proceeds from Client K’s personal injury claim to funding the bankruptcy plan. Mr. Preszler signed and filed a stipulation agreeing to commit the nonexempt proceeds to funding the plan. Mr. Preszler’s paralegal prepared an order approving employment, which Mr. Preszler signed. The order stated Mr. Preszler was employed for an ongoing personal injury case and provided that Mr. Preszler would “continue the personal injury case in order to obtain a resolution and settlement.” The order mandated that compensation accord with federal statutes and bankruptcy court rules requiring Mr. Preszler request court approval to disburse prior to doing so. Mr. Preszler and the bankruptcy judge signed the order.

On September 15 and 16, 2003, without first obtaining a court order, Mr. Preszler disbursed $10,323 to himself from Clients K and J’s trust account. Mr. Preszler did not prepare a settlement statement nor did he disclose the disbursement to the clients, the trustee, or the bankruptcy court.

In late September 2003, Client K learned that she might have been able to use more of the settlement payment to reduce the term of her chapter 13 bankruptcy plan. She hired a new bankruptcy attorney, who informed Mr. Preszler that he had failed to use the wildcard exemption. The new attorney asked Mr. Preszler to waive his fee so that the exemptions could be amended to provide the clients with an additional $9,650 of personal injury claim recovery. He also indicated the rest of the settlement could be used to reduce the term of the client’s plan and that Mr. Preszler was not entitled to the contingent fee because the case had settled prior to the execution of the agreement. The attorney demanded that Mr. Preszler pay the clients all money received from Insurance Company. He also demanded an itemization of the money actually received, how much had been paid to the clients, and a check for the difference. The attorney offered to have Clients K and J sign a release of all claims against Mr. Preszler.

Mr. Preszler complied with the demands and reimbursed his trust account with the contingent fee he had taken. However, the itemization did not include the portion of the client ledger related to his disbursement to himself or the replacement of the funds back to the trust account. After Clients K and J signed the release, Mr. Preszler issued a check to Client K. The new attorney filed a new amended schedule that included an additional exemption of the personal injury claim proceeds and applied the remaining proceeds to reduce the number of payments to creditors.

In his appeal of the Disciplinary Board’s decision, Mr. Preszler did not argue he did nothing wrong. Rather, he argued that a single instance of impropriety did not justify a finding of conduct prejudicial to the administration of justice; that two counts of misconduct should be merged; and that the Disciplinary Board erred in its sanctions analysis. The Court upheld the Board’s recommendation for a three-year suspension.

Mr. Preszler’s conduct violated former RPC 1.5(a), requiring a lawyer’s fee be reasonable; former RPC 1.4(b), requiring a lawyer to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; former 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; former RPC 5.3(b) and (c)(1), requiring a lawyer with direct supervisory authority over a non-lawyer to make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer, and requiring the lawyer to be responsible for conduct of such a person that would be a violation of the RPC if engaged in by a lawyer, if the lawyer orders or, with knowledge of the conduct, ratifies the conduct involved; and former RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

Jonathan H. Burke represented the Bar Association at hearing. Joanne S. Abelson represented the Association on appeal. Kurt M. Bulmer represented Mr. Preszler. Lewis W. Card was the hearing officer.

Suspended

Jo Nell Walker (WSBA No. 24526, admitted December 1994), formerly of Vancouver, Washington, was suspended for three years, to be followed by one-year probation, effective August 25, 2010, by order of the Washington State Supreme Court following a default hearing. This discipline was based on conduct involving failure to provide competent services, failure to communicate, charging unreasonable fees, failure to properly withdraw from representation, and non-cooperation in a Bar Association investigation.

Ms. Walker was retained by a client in August 2002 for the express purpose of obtaining a finalized dissolution from her husband. Ms. Walker received $700 from client for her representation. In August 2002, Ms. Walker filed a Petition for Dissolution, a Joinder, a Proposed Parenting Plan, and a Proposed Order of Child Support.

For nearly a year, Ms. Walker failed to inform the client regarding the necessary additional steps to complete the dissolution. On July 15, 2003, Ms. Walker entered a Notice of Withdrawal of Attorney in client’s case. Ms. Walker failed to notify her client of the termination of her representation, and failed to finalize the dissolution or advise her that the dissolution was not complete. The case was dismissed on a motion of the clerk in April 2008.

In November 2008, the client learned that her dissolution was never completed. Based upon the erroneous understanding that they were legally divorced, both the client and her ex-husband have, since 2002, remarried, received separate credit cards, and received separate lines of credit. The client also has, since 2002, erroneously filed taxes as a single person and head of household, and occasionally received state assistance as a single parent; however, because the divorce was never finalized, the client has been unable to collect on unpaid child support. The client will likely pay another lawyer additional money to complete the dissolution and to attempt to claim the unpaid child support. Ms. Walker has not returned the unearned fee paid to her by her client.

On November 17, 2008, the Bar Association sent the client’s grievance to Ms. Walker and requested a written response to the allegations within two weeks. Ms. Walker failed to respond to this request, to a certified letter later sent to her home, or to a voice-mail message from the Association. On February 19, 2009, Ms. Walker telephoned disciplinary counsel, stating that she had received correspondence from the Association regarding a separate, unrelated matter. Ms. Walker claimed that she was having difficulty receiving mail and knew nothing about this matter. Ms. Walker requested additional time to respond to the grievance and also stated that she wished to resign from the Association. Ms. Walker confirmed that the Association had her correct address and asked that future correspondence be sent via first-class mail rather than certified.

On February 23, 2009, the Association again sent Ms. Walker, via first-class mail, a copy of the client’s grievance and requested a response within 10 days. Ms. Walker failed to respond to the letter or to communicate further in any way with the Bar Association. On May 21, 2009, Ms. Walker was suspended on an interim basis by the Washington State Supreme Court for failure to respond to the Association’s requests regarding the client’s grievance.

Ms. Walker’s conduct violated former RPC 1.1, requiring a lawyer to provide competent representation; former RPC 1.3, requiring a lawyer to diligently represent a client; former RPC 1.4, requiring a lawyer to keep a client reasonably informed about the status of a matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; former RPC 1.5, requiring a lawyer’s fee to be reasonable; former RPC 1.15, prohibiting a lawyer from representing a client if the representation will result in a violation of the Rules of Professional Conduct and requiring a lawyer to take steps to the extent reasonably
Marlene K. Wenger (WSBA No. 35478, admitted 2004), who practiced in Centralia, was suspended for six months, to be followed by a one-year probation, effective August 25, 2010, by order of the Washington State Supreme Court following approval of a stipulation. This discipline is based on conduct involving failure to provide competent representation, conversion, misrepresentation to a tribunal, concealing evidence, dishonest conduct, and engaging in conduct prejudicial to the administration of justice.

Ms. Wenger met with client shortly after the death of a client’s cousin on June 5, 2007. The client told Ms. Wenger that he had searched the decedent’s home and found only what appeared to be an incomplete draft of a will. Eventually, several incomplete wills on preprinted forms were found, all of which named Mr. M as sole beneficiary. On June 21, 2007, Mr. M brought Ms. Wenger a will, which was apparently signed by the decedent and by three witnesses. The will named Mr. M as the sole beneficiary of the estate. Ms. Wenger was aware of the statute that requires a person in possession of a will to file it with the court. Ms. Wenger made no effort to contact the witnesses and did not file the will with the court. Instead, Ms. Wenger sent the will to a handwriting examiner to obtain an opinion on whether decedent’s signature was genuine. On July 10, 2007, the handwriting examiner reported that it was “highly probable” that decedent’s signature was not genuine. Ms. Wenger put the will in her file and sent the report’s conclusions to Mr. M, informing him that she would initiate proceedings to have the client administer the estate and would not update Mr. M as he would no longer be considered an heir.

On July 26, 2007, Ms. Wenger filed pleadings, including a Petition for Letters of Administration and a proposed Order, with the court stating that decedent had died intestate. These documents gave no indication that Ms. Wenger had in her possession a document purporting to be a will. A judge signed the order on the day the petition was filed. Ms. Wenger hired another attorney to evict interlopers staying on the decedent’s property and to prepare documents for her client to sell the property.

In October 2007, Mr. M hired Lawyer B to represent him. Lawyer B notified Ms. Wenger that he would seek to have the will probated. Shortly thereafter, Ms. Wenger filed the will with the court and Lawyer B filed a Petition for Probate and Revocation of the Letters of Administration, along with written testimony of the witnesses to the will. The judge revoked the letters testamentary, admitted the will to probate, and appointed Ms. Wenger’s client and Mr. M as co-personal representatives of the estate.

In mid-November 2007, the decedent’s estate received a $10,000 refund, which Ms. Wenger placed into her trust account and part of which she used to pay certain expenditures. On December 7, 2007, Ms. Wenger wrote Lawyer B with a summary of these expenditures, advising him that $5,960.08 remained on decedent’s account and that she had accrued $6,550 in fees for work on the estate. Lawyer B wrote to Ms. Wenger that Mr. M agreed with some of her expenditures, but that he did not agree to payment of fees incurred in the attempt to invalidate the will. The next day, Ms. Wenger informed Lawyer B by letter that she was applying the entire remaining balance in her trust account to her fees. Without obtaining approval from the court, Ms. Wenger withdrew a total of $5,570.18 from her trust account for her fees.

Throughout 2008 and early 2009, Ms. Wenger repeatedly informed Lawyer B that she was entitled to collect the balance of fees she claimed were due her, and insisted that her client was entitled to compensation for work he performed in connection with the estate. Ms. Wenger did not accept a $5,000 settlement offer from Lawyer B to her client. Instead, she wrote to Lawyer B that her client should be paid $10,000 from the estate, and her outstanding fees were $2,200. Ms. Wenger did not provide any documentation to either Lawyer B or the court in support of her client’s $10,000 claim. In April 2008, after the deadline for a will contest had passed, Lawyer B sent Ms. Wenger a deed for her client’s signature to convey the decedent’s property to Mr. M. His cover letter requested itemization of work her client performed for the estate. No itemization was ever produced. On December 16, 2008, Ms. Wenger wrote Lawyer B stating her client would not sign the deed absent an agreement that the estate would pay her fees and compensate her client. She later wrote to warn Lawyer B that she would file a lien against the decedent’s property and encourage her client to do the same. Also on December 16, 2008, Ms. Wenger sent Lawyer B the estate inventory and appraisement, stating that she would begin to close the estate and have her client sign the deed if Mr. M signed the inventory. The inventory and appraisement were incomplete.

RCW 11.48.210 provides that the court may allow “just and reasonable” attorney fees in probates and that application for the fees may be made during the probate. At no time did Ms. Wenger or her client make any application to the court for attorney fees or personal representative compensation. The closing of the estate was delayed for almost one year, due largely to Ms. Wenger’s insistence that Lawyer B and Mr. M agree to pay her and her client. By late February 2009, Ms. Wenger’s client had still not signed the deed. Lawyer B filed a petition for a decree of distribution under TEDRA (Trust and Estate Dispute Resolution Act) in an effort to close the estate. In March 2009, Ms. Wenger’s client finally signed the deed to transfer the decedent’s property to Mr. M. On April 17, 2009, the court entered an order resolving the petition for a decree. It allowed Ms. Wenger to keep funds she had already disbursed to herself, but did not allow her any further fees. Ms. Wenger reimbursed Mr. M $3,000 for the legal fees he had expended to have the will admitted and the estate probated.

Ms. Wenger’s conduct violated RPC 1.1, requiring a lawyer to provide competent representation to a client; RPC 1.15A(b), prohibiting a lawyer from using, converting, borrowing, or pledging a third person’s property for the lawyer’s own use; RPC 3.3(a)(1), prohibiting a lawyer from knowingly making a false statement of fact or law to a tribunal failing to correct a false statement of material fact or law previously made to the tribunal by the lawyer; RPC 3.4(a), prohibiting a lawyer from unlawfully obstructing another party’s access to evidence or unlawfully altering, destroying, or concealing a document or other material having potential evidentiary value; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

Natalea Skvir represented the Bar Association. Leland G. Ripley represented Ms. Wenger.

Laura A. Banks (WSBA No. 8377, admitted 1978), of Edmonds, was ordered to receive an admonition on July 30, 2010, following approval of a stipulation by the Disciplinary Board. This discipline was based on conduct involving altering legal documents without permission.

Ms. Banks represented the wife (client) in a legal separation. The couple’s assets included insurance policies in the husband’s name with the wife as beneficiary. Ms. Banks discussed cashing out the policies with the husband’s lawyer. On August 4, 2008, Ms. Banks e-mailed the husband’s lawyer to send forms, titled “Requests to Surrender Policy,” to her so that her client could sign the forms allowing the checks from the insurance company to go into the husband’s lawyer’s trust account. On August 5, 2008, Ms. Banks received the forms from a paralegal for the husband’s lawyer, who instructed that
Ms. Banks’s client should sign and date the documents and forward the documents to the insurance company. The husband had filled out the forms, on which he indicated that the check should be made payable to the policy owner (the husband) and sent to the “policy owner’s address in our records.” Months later, Ms. Banks altered the forms by whiting-out the boxes indicating that the check should be made payable to the policy owner and that the check should be sent to the policy owner’s address. Instead, Ms. Banks wrote on the forms that the check should be sent to her business address. Ms. Banks forwarded the altered forms to the insurance company, along with a cover letter instructing the insurance company to mail the check to Ms. Banks. Ms. Banks made no attempt to hide her changes and she copied the cover letter and the altered forms to the husband’s lawyer. Ms. Banks did not have permission from the husband’s lawyer or from the court to alter the Requests to Surrender Policy forms. After the husband received his copy of the altered forms, he informed the insurance company of the unauthorized changes, and the insurance company placed a hold on the account.

Months later, after a binding property settlement and the Decree of Dissolution had been entered, the parties submitted new Requests to Surrender Policy and each party received half of the proceeds.

Ms. Banks’s conduct violated RPC 8.4(e), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.


Reprimanded

Tom Steven Hyde (WSBA No. 20509, admitted 1991), of Everett, received a reprimand following approval of a stipulation by order of the hearing officer on July 9, 2010. This discipline is based on conduct involving trust account irregularities. Tom Steven Hyde is to be distinguished from Thomas C. Hyde of Wichita, Kansas.

On September 4, 2007, Mr. Hyde wrote two checks from his trust account. Mr. Hyde’s bank sent the Bar Association a Trust Account Overdraft Notice notifying the Association that the two checks had been returned for insufficient funds. One of the checks was returned for insufficient funds of other clients in the account. The same check was presented again on May 6, 2009, after the audit period described above, the bank sent the Association another trust account overdraft notice notifying the Association that a check drawn on Mr. Hyde’s trust account had been returned for insufficient funds. Mr. Hyde had written a check on April 27, 2009, to pay a $20 ex parte fee on behalf of a client. The balance in Mr. Hyde’s trust account was $18.30. At the time he wrote the check, Mr. Hyde had deposited the client’s advance payment in his trust account and it had been collected by the bank. Mr. Hyde had already disbursed a small portion of the client’s filing fee advance from trust and there were insufficient funds of other clients in the account. The same check was presented again on May 6, 2009, and the check cleared. The shortage was the result of a small error.

Subsequent review of Mr. Hyde’s trust-account records by the Association auditor indicated that, after the audit period, Mr. Hyde was still not maintaining adequate client ledgers or properly reconciling his check register balance to his bank statement balance and to the combined total of all client ledger records. From the beginning of the audit period, July 1, 2007, through December 31, 2009, Mr. Hyde had identified $4,162.00 that he had deposited in his trust account as client advances for filing fees. Mr. Hyde’s trust-account records did not properly account for the use to which those funds were put.

Mr. Hyde’s conduct violated RPC 1.15A(b), prohibiting a lawyer from using, converting, borrowing, or pledging client or third-person property for the lawyer’s own use; RPC 1.15A(c)(1), requiring a lawyer to hold property of clients and third persons separate from the lawyer’s own property and to deposit and hold in a trust account funds subject to the rule pursuant to the rule; RPC 1.15A(h)(2), requiring a lawyer to keep complete trust-account records as required by Rule 1.15B; RPC 1.15A(h)(6), requiring trust-account records to be reconciled as often as bank statements are generated or at least quarterly, and requiring the lawyer to reconcile the check register balance to the bank statement balance and the check register balance to the combined total of all client ledger records as required by Rule 1.15B(a)(2); RPC 1.15A(h)(8), prohibiting disbursements on behalf of a client or third person from exceeding the funds of that person on deposit, and prohibiting funds of a client or third person from being used on behalf of anyone else; RPC1.15A(i)(1), requiring that when client or third-person funds will not produce a positive net return to the client or third person, the funds must be placed in an IOLTA; and RPC 1.15B(a), requiring a lawyer to maintain current trust-account records, in electronic or manual form, requiring the records to be retained for at least seven years after the events they record, and setting out the minimum requirements for maintenance of the records.

M. Craig Bray represented the Bar Association. Kurt M. Bulmer represented Mr. Hyde. Sidney Stillerman Royer was the hearing officer.

Non-Disciplinary Notices

Suspended Pending the Outcome of Disciplinary Proceedings

Brenda Joyce Little (WSBA No. 17688, admitted 1988), of Seattle, was suspended pending the outcome of disciplinary proceedings, pursuant to ELC 7.2(a)(2), effective September 22, 2010, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Suspended Pending the Outcome of Disciplinary Proceedings

Paul D. Ryals (WSBA No. 17732, admitted 1988), who formerly practiced in Snohomish County, was suspended pending the outcome of disciplinary proceedings, pursuant to ELC 7.1 (Conviction of a Crime), effective September 2, 2010, by order of the Washington State Supreme Court. This is not a disciplinary sanction.

Suspended Pending the Outcome of Disciplinary Proceedings

Michael John Wynne (WSBA No. 6534, admitted 1976), of Vancouver, Washington, was suspended pending the outcome of disciplinary proceedings, pursuant to ELC 7.1 (Conviction of a Crime), effective September 15, 2010, by order of the Washington State Supreme Court. This is not a disciplinary sanction.
RHODES & MERYHEW, LLP
is pleased to announce that

Adam M. Shapiro
has joined the firm as an associate. His practice focuses on family law, protection orders, and issues related to Child Protection Services

and

Norman D. Partington Jr.
has also joined the firm as an associate. His practice focuses on the defense of those accused in criminal courts of sex offenses and domestic violence.

RHODES & MERYHEW, LLP
600 First Avenue, Suite 410
Seattle, WA 98104
Tel: 206-264-1590 • Fax: 206-264-1593
www.rhodesmeryhew.com

SALTER JOYCE ZIKER, PLLC
is pleased to announce that

Ian T. Sutton
has become an Associate of the firm.

Mr. Sutton will continue his practice in the fields of land use and environmental law, commercial litigation, and business transactions.

Our attorneys focus their practices in environmental law and litigation, commercial law and litigation, and real estate and business transactions.

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GROFF MURPHY, PLLC
is pleased to announce that

Philip T. Kasin
has joined the firm as an Associate.

Mr. Kasin is a 2004 graduate of Seattle University School of Law, where he was a Member of the National Appellate Moot Court Team and the 2002–2003 Dean’s List.

Mr. Kasin was formerly an associate attorney with Schwabe Williamson & Wyatt, P.C., in Seattle. Mr. Kasin’s practice will focus on complex litigation, construction law, and land use litigation.

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Seattle, WA 98122
Tel: 206-628-9500 • Fax: 206-628-9506
E-mail: pkasin@groffmurphy.com

GROFF MURPHY, PLLC
is pleased to announce that

Matthew J. Stock
has joined the firm as an Associate.

Mr. Stock is a 2006 graduate of the University of Washington School of Law, where he was a Managing Editor of the Washington Law Review and an Executive Board Member of the University of Washington Moot Court.

Mr. Stock was formerly an associate attorney with Buck Law Group, PLLC, in Seattle. Mr. Stock’s practice will focus on environmental and land use law.

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bpaul@ewinganderson.com
MEDIATION

Mac Archibald

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

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

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

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Ethics Tips for Busy In-House Counsel and Business Lawyers
November 19 — Seattle and webcast. 4 ethics credits. By the WSBA Corporate Counsel Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA;www.wsbacle.org.

2010 Washington Judicial Highlights: Civil and Ethics
December 17 — Seattle. 4 CLE credits, including 1 ethics. By Rubric CLE; 206-714-3178;www.rubriccle.com.

Construction Contracts and Lien Law

Liens: How to Create Them — How to Enforce Them
December 15 — Seattle and webcast. 6.75 CLE credits pending. By the WSBA Creditor-Debtor Rights Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA;www.wsbacle.org.

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Employment Law
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November 12 — Seattle and webcast. 6.25 CLE credits, including 1 ethics pending. By the WSBA Labor and Employment Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA;www.wsbacle.org.

Civil Law
2010 Washington Judicial Highlights: Civil and Ethics
December 17 — Seattle. 4 CLE credits, including 1 ethics. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Construction Law
Construction Contracts and Lien Law

Criminal Law
Energize Your Felony Defense

Environmental and Land Use Law
19th Annual Oregon Water Law

Hydropower in the Northwest
November 4—Seattle. By The Seminar Group; 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=10.hydwa

Carbon Credits

Land Use 2010 — The Sequel
December 16 — Seattle. CLE credits pending. By University of Washington; 206-543-0059; www.law.washington.edu/cle; uwcle@uw.edu.

Ethics
Ethics: A Conversation with John Strait and David Boerner
November 5 — Seattle. 3 CLE credits. By Seattle University School of Law; www.law.seattleu.edu/continuing_legal_education.xml.

Ethics with Ease: Modern Technology and Ethical Dilemmas
November 8 — Tele-CLE. 1.5 CLE ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA;www.wsbacle.org.

Ethics and the Professions in the New Economy: Are There “New Rules” for Conducting Ourselves in the “New Economy”? November 12 — Pullman. 8 CLE credits, including 1 ethics pending. By Washington State University; statll@wsu.edu.

The Thriving Lawyer: A Toolbox for
Cultivating an Ideal and Ethical Practice
November 12 — Seattle. 6 ethics CLE credits. By Betsy Gutting; 206-605-2900; kaseya@kcdrc.org.

Ethical Dilemmas for the Practicing Lawyer
November 15 — Seattle and webcast. 4 CLE ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Lawyer as Detective: Effectively and Ethically Doing Informal Discovery
November 17 — Seattle. 3 CLE credits, including 1 ethics pending. By King County Bar Association; 206-267-7057; www.kcba.org/cle.

Ethics Tips for Busy In-House Counsel and Business Lawyers
November 19 — Seattle and webcast. 4 ethics credits. By the WSBA Corporate Counsel Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Negotiation Ethics: Winning Without Selling Your Soul — Featuring Martin E. Latz
November 30 — Tele-CLE. 1.5 CLE ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethical and Practice Management Tips for the Solo/Contract Attorney
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Ethics of Communicating with Jurors

Sssshhh! A Primer on Attorney Confidentiality

Estate Planning
55th Annual Estate Planning Seminar
November 1–2 — Seattle. 14.5 CLE credits, including 2 ethics. By the Estate Planning Council of Seattle and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Estate Planning for the Small- to Medium-Sized Estate (video replay)
November 8 — Friday Harbor. 6.5 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Implementation of the Estate Plan: After the Client Signs — What Now?
December 6 — Seattle and webcast. 7 CLE credits, including 1 ethics pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Family Law
Introduction to Collaborative and Cooperative Law
November 4 — Seattle. 1 CLE credit. By McKinley Irvin; 206-625-9600; cle@mckinleyirvin.com; www.mckinleyirvin.com.

Family Law Hot Topics
December 3 — Seattle. 5.25 CLE credits, including 75 ethics. By the King County Bar Association; 206-267-7004; www.kcba.org/cle.

Family Mediation Training
December 6, 8, and 9 — Seattle. 21.25 CLE credits, including 1 ethics. By Dispute Resolution Center of King County; kaseya@kcdrc.org; www.kcdrc.org.

Family Law Boot Camp
December 7 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Legal Writing
November 4 — Seattle. By WSAJ; 206-464-1011; uwcle@uw.edu; www.washingtonjustice.org.

Appellate Strategies and Essentials
December 1 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Winter Conference and Exposition

Emerald City Open College Mock Trial Tournament
December 4–5 — Seattle. By University of Washington School of Law; www.students.washington.edu/uwmt.

Our Courts, Our Constitution
November 12 — Seattle. CLE credits pending. By University of Washington School of Law; 206-543-0059; www.law.washington.edu/cle.

Time Mastery for Lawyers: Over 100 Ways to Maximize Your Productivity and Satisfaction
November 17 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Psychological Injuries

Appellate Advocacy
December 1— Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Final-Term Mock Trial Tournament

The Establishment Clause: Origins and Meaning

5th Annual WSBA Conference on the Law of Lawyering
November 9–10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

The Future of Gun Control

Family Law

Our Courts, Our Constitution
November 12 — Seattle. CLE credits pending. By University of Washington School of Law; 206-543-0059; www.law.washington.edu/cle.

Time Mastery for Lawyers: Over 100 Ways to Maximize Your Productivity and Satisfaction
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Psychological Injuries

Legal Writing
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December 4–5 — Seattle. By University of Washington School of Law; www.students.washington.edu/uwmt.

Monkey Trial to Intelligent Design: The Evolution of Religion in the Classroom
Best of CLE
December 9 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Trial by Fire 3: Infamous Cases that Define America
December 9 — Seattle. 4 CLE credits, including .5 ethics. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Privileges, Protected Information, and Waiver
December 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Harnessing the Power of the Internet for Your Practice
December 14 — Seattle and webcast. 3 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Deposition Techniques: Strategies, Tactics, Skills
December 20 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Bush v. Gore 10 Years Later
December 22 — Tele-CLE. 2 CLE credits, including .5 ethics. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Best of Rubric 2010
December 30 — Seattle. 6.5 CLE credits, including 2 ethics pending. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Immigration Law

Immigration Options for Immigrant Survivors of Domestic Violence: U-Visa under the Victims of Trafficking and Violence Protection Act
November 5 — Seattle. 4.25 CLE credits, including .75 ethics. By the Immigrant Families Advocacy Project, Northwest Immigrant Rights Project, and UW School of Law; linda12@uw.edu; www.uwcle.org.

Insurance Law

Insurance Law Primer
December 2 — Seattle and webcast. 6.75 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

WSBA: www.wsbacle.org

International Practice

International Law: A View From South Africa
November 19 — Seattle. 3 ethics credits. By Seattle University School of Law; www.law.seattleu.edu/continuing_education.xml.

Solo and Small Practice

Solo/Small Firm Success Strategies
November 19 — Seattle. 5.75 CLE credits and 1.5 ethics. By King County Bar Association; 206-267-7057; www.kcba.org/cle.

Ethical and Practice Management Tips for the Solo/Contract Attorney
December 14 (morning session) — Seattle and webcast. 3.75 CLE credits, including 3 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Real Estate, Property, Probate, and Trust

Real Estate Development Incentives

17th Annual Fall Real Estate Conference
December 3 — Seattle and webcast. 6.5 CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Implementation of the Estate Plan: After the Client Signs — What Now?
December 6 — Seattle and webcast. 7 CLE credits, including 1 ethics pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Tax Law

Estate Tax Updates and Practice Pointers: The Lawyer’s Toolbox
December 17 (afternoon session) — Seattle and webcast. 3 CLE credits pending. By the WSBA Taxation Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Webcasts/Tele-CLEs

27th Annual Antitrust and Consumer Protection Seminar

Ethics with Ease: Modern Technology and Ethical Dilemmas
November 8 — Tele-CLE. 1.5 ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

8th Annual WSBA Conference on the Law of Lawyering — Day One
November 9 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

8th Annual WSBA Conference on the Law of Lawyering — Day Two
November 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

The Future of Gun Control

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Negotiation Ethics: Winning Without Selling Your Soul — Featuring Martin E. Latz
November 30 — Tele-CLE. 1.5 CLE ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Appellate Strategies and Essentials
December 1 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Insurance Law Primer
December 2 — Seattle and webcast. 6.75 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

17th Annual Fall Real Estate Conference
December 3 — Seattle and webcast. 6.5 CLE credits pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Implementation of the Estate Plan: After the Client Signs — What Now?
December 6 — Seattle and webcast. 7 CLE credits, including 1 ethics pending. By the WSBA Real Property, Probate and Trust Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Monkey Trial to Intelligent Design: The Evolution of Religion in the Classroom
December 6 — Tele-CLE. 1.5 CLE credits. By RubricCLE; 206-714-3178; www.rubriccle.com

Family Law Boot Camp
December 7 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

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December 9 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

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December 10 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Ethical and Practice Management Tips for the Solo/Contract Attorney
December 14 (morning) — Seattle and webcast. 3.75 CLE credits, including 3 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Harnessing the Power of the Internet for Your Practice
December 14 (afternoon) — Seattle and webcast. 3 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Liens: How to Create Them — How to Enforce Them
December 15 — Seattle and webcast. 6.75 CLE credits pending. By the WSBA Creditor-Debtor Rights Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

The ABCs of Transactional Practice
December 16 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Ethics of Communicating with Jurors
December 16 — Tele-CLE. 1 CLE ethics credit. By RubricCLE; 206-714-3178; www.rubriccle.com

Estate Tax Updates and Practice Pointers: The Lawyer’s Toolbox
December 17 (afternoon) — Seattle and webcast. 3 CLE credits pending. By the WSBA Taxation Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Deposition Techniques: Strategies, Tactics, Skills
December 20 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org

Bush v. Gore 10 Years Later
December 22 — Tele-CLE. 2 CLE credits, including .5 ethics. By RubricCLE; 206-714-3178; www.rubriccle.com

Ssssshhh! A Primer on Attorney Confidentiality
December 28 — Tele-CLE. 1 CLE ethics credit. By RubricCLE; 206-714-3178; www.rubriccle.com

Classifieds

Positions Available

CLE seminar specialist — The WSBA Continuing Legal Education (CLE) Department is expanding with the addition of a new conference facility with webcasting capabilities. This position will be a key addition to the team to help lead the development of high-quality virtual and onsite legal education programs. This role works with member volunteers in providing guidance and support in educational programming, leading the development of an educational strategy, and project planning for various legal practice sections. This position also provides collaborative management and oversight of all of their event, project, and production activities, delivering education in an organized, comprehensive fashion. Previous successes working and supporting the endeavors of work teams is crucial. This position is also responsible for a percentage of the department’s overall revenue plan. For position details and how to apply, visit www.wsba.org/jobs.

WSBA public service manager — This is an exciting opportunity to promote, inspire, and implement the Bar’s strate-
PACIFIC LAW RECRUITERS is conducting an ongoing search on behalf of the Seattle office of a national, multi-practice law firm. Senior level litigation attorneys with a defense-related practice and a concentration in employment law are in strong demand by this progressive, rapidly growing firm, and a solid book of business, coupled with an entrepreneurial outlook, and a strong focus on increasing personal and professional profitability and broadening an established client base will generate immediate consideration. The firm holds a steadfast commitment to excellence in client relations and extends that pledge to its people, where diversity is essential, turnover is scarce, and partnership is lasting and lucrative. Interested candidates are encouraged to e-mail a confidential résumé and cover letter to Greg Wagner, Principal, at gwagner@pacificlawjobs.com. Visit our website: www.pacificlawjobs.com

ERISA/employee benefits attorney: Song Mondress PLLC, a seven-attorney, nationally recognized ERISA/employee benefits law firm located in downtown Seattle, is seeking an attorney for a partnership-track position in its tax and technical compliance practice group. The ideal candidate will have prior ERISA experience with a focus on counseling retirement and health and welfare plans and sponsors with respect to technical compliance and plan design/amendment issues. Candidates must have outstanding academic credentials, excellent communication and client-relations skills, and strong attention to detail. We have a sophisticated practice in a collegial small-firm environment, representing major corporate, multi-employer, and governmental benefit plans and institutional service providers. All inquiries will be kept confidential. Please submit cover letter, résumé, and law school transcript to: Hiring Committee, Song Mondress PLLC, 720 Third Ave., Ste. 1500, Seattle, WA 98104, or sm@songmondress.com.

Legal Ease, L.L.C. — Washington’s Attorney Placement Specialists since 1996 — has been exclusively retained to recruit an associate attorney for a well-established and highly respected Eastside (of Lake Washington) law firm. The hiring firm’s practice is limited to healthcare, personal injury, and insurance law. The firm seeks a strong candidate with two-plus years’ civil litigation experience to join its team as a personal injury associate. The position may or may not evolve to include other practice areas. See more details at www.legalease.com. Please submit your résumé (Word format preferred) in strict confidence to Lynda Jonas at jonas@legalease.com.

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PACIFIC LAW RECRUITERS is actively searching for attorneys of partner status to join the Seattle office of a multinational law firm with a diverse and sophisticated client base. Candidates with an established book of business and a solid command of litigation and employment law who are looking to promote their practice on a broader scale are encouraged to investigate this opportunity. The firm comprises an outstanding assemblage of lawyers who apply a collegial and distinctive approach to client service and retention, and like-minded attorneys can expect to practice in a relaxed and comfortable environment. Partner compensation and benefits are strong and extremely competitive. For immediate consideration, please forward a résumé and cover letter to Greg Wagner, Principal, at gwagner@pacificlawjobs.com. All inquiries will be held in strict confidence. Visit our website: www.pacificlawjobs.com.

Inslee, Best, Doezie & Ryder, P.S. seeks to add partner-level attorneys to its business/real estate group. We are a well-known, Eastside law firm located in downtown Bellevue, Washington. If you have a minimum of eight years of experience in your area of concentration, a proven track record of achievement, and would like to discuss opportunities at our firm we would like to talk to you. Please respond in confidence and in writing to: HiringCoordinator@insleebest.com or Hiring Coordinator, Inslee, Best, Doezie & Ryder, P.S., PO Box 90016, Bellevue, WA 98009.

Associate attorney — New position for entry-level attorney in Olympia plaintiffs’ personal injury and wrongful death law firm. Must have excellent legal writing skills geared toward high-quality independent research, brief writing, discovery responses, and deposition summarization. We are looking for a winning attitude, strong work ethic, and passion for advocating on behalf of injured people. All submissions are confidential. Check us out at www.rm-law.us, then send your letter of interest, résumé, and writing sample as e-mail attachments to kelsie.h@rm-law.us.

In-house counsel — Large foreclosure trustee company seeking in-house counsel to advise on compliance, sale decisions, and to manage outside counsel and negotiations. Must be able to confidently think and act quickly. This is a high-volume and fast-paced environment. The right candidate will have experience with litigation, trustee, and foreclosure work. Experience with FDCPA or related is preferred. Salary DOE with full benefits, including health insurance and paid time off. Please send résumé and cover letter to: bellevueattorney@gmail.com.

Health care litigation partner-level attorney. A national litigation and business law firm is actively seeking a senior member to join their Seattle office. Requirements include substantial litigation experience and practiced knowledge of healthcare law in defense of medical institutions, nursing homes, and retirement care facilities. Also necessary are sound marketing skills, a stable work history, and the ability to bring $500k or more of portable business. Tremendous growth potential and a generously structured origination credit policy account for this firm’s extremely high partner satisfaction and retention rate. Candidates wishing to explore this opportunity are requested to submit a confidential résumé and cover letter for immediate attention to Greg Wagner, Principal, Pacific Law Recruiters.
Mid-sized firm is seeking one or two experienced commercial lawyers with medium-sized books of business for its 10-lawyer Seattle office. We are all former partners from large firms with business, real estate, or commercial litigation practices. We have eliminated outdated overhead and created a highly profitable firm. Due to upcoming retirements, we are seeking two good lawyers that share our commitment to a high-quality practice with a collegial work environment. Send résumé and description of practice in absolute confidence to Vanderberg Johnson & Gandara, c/o James C. Fowler, 600 University St., Ste. 2424, Seattle, WA 98101-1192.

Practice for sale. Take advantage of reciprocity/admission in Oregon. Established, highly successful practice for sale in Bend, Oregon, with focus on litigation, business, real estate, personal injury, criminal, etc. High gross/net income. Owner willing to work for and/or train buyer(s) or new lawyer/buyer(s) for extended period. Owner terms available. Please direct inquiries to John at PO Box 1992, Bend, OR 97709. Will call back or respond promptly.

Résumé/career consultations for attorneys — 30-minute sessions — $65. Lynda Jonas, Esq., owner of Legal Ease L.L.C. — Washington’s Attorney Placement Specialists since 1996 — works with attorneys only, in Washington state only. She has unparalleled experience counseling and placing attorneys in our state’s best law firms and corporate legal departments. It is her opinion that more than 75 percent of attorney résumés are in immediate, obvious need of improvement. Often these are quick, but major, fixes. Lynda is uniquely qualified to offer résumé assistance and advice/support on best steps to achieve your individual career goals within our local market. She remains personally committed to helping attorneys land the single best position available to them. All sessions are conveniently offered by phone. Please e-mail legalase@legalase.com or call 425-822-1157 to schedule.


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

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

Experienced contract attorney and WSBA member drafts trial and appellate briefs, motions, and memos for other attorneys; I enjoy complex research. Resources include LEXIS Internet libraries and UW Law Library. Tell me about your case! Elizabeth Dash Bottman, Attorney, 206-526-5777, bjelizabeth@qwest.net.

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

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

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

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

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Washington litigator available when you're swamped, 20-plus years' experience, top credentials, references, have Lexis, $75 per hour. Contact: lawmotion@gmail.com.

Space Available

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

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

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

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

Pioneer Square (Seattle). Congenial, full-service offices available (Maynard Building). Walking distance to courthouse. Includes receptionist, conference room, messenger service, library, DSL, fax, copier with e-mail scanner, kitchenette. Steve, 206-447-1560.

Downtown Everett: Class-A Everett office — Located on the third floor of the Frontier Bank building: 14’ x 14’, $800 per month. Staff work stations available with potential staff share, full kitchen, new high-speed copier/fax/scan, conference room with 50’ flat screen and digital cable, high-speed Internet. Plenty of parking and close to courthouse. Potential client referrals. View photos at http://photos.frontier302.info. Lease terms negotiable. Contact Mark Olson at 425-388-5516 or mark@mgolsonlaw.com or John Williams at 425-252-8547 or john@WilliamsLawPLLC.com.

Law Dome Tacoma: Up to four offices available for sublease. Flexible terms, near the Tacoma Mall. Facilities include secretarial station, three conference rooms, office equipment (phones, copy machine, fax, mail, utilities, security alarm, Internet access), and kitchen. Great customer parking is available. Please contact krant@lawdome.com.

Rent this 14’ x 8’ x 11’9” office in downtown Seattle. Includes reception, use of law library, two conference rooms (via schedule), kitchen, copy room, etc. Small additional fees provide Internet, unlimited faxing, high speed copier/scanner, and monthly parking. Contact Stacy at 206-621-0600.

Vacation Rentals

Tuscany, six-bedroom farmhouse and farmhouse with four apartments near Florence. 500 to 2,100 euros per week, depending on season and number in party. Contact kenlawson@lawofficeofkenlawson.com.

Mt. Hood cabin, Welches. 1/4 interest in 1,719 sq. ft., 2 bed/2 bath retreat house. Quiet woods setting. Fully furnished. Sleeps up to 10. Large deck, backs to BLM land. Golfing, skiing, hiking close by. $56,000. Tax assessed total value $277,027. Call 503-703-7331, or e-mail torreoo@aol.com for information.
Briefly About Me

George A. Critchlow  
WSBA No. 7819

I became a lawyer because I was an English major without skills who wanted to make a difference.

The future of the practice of law is more emphasis on efficiency, innovation, interdisciplinary teamwork, and global interaction. Large firms will need to develop alternative billing practices. There will be increased numbers of contract lawyers, more outsourcing, more demand for inexpensive approaches to dispute resolution, and more interdisciplinary cooperation to find solutions to large problems that are only partly legal in nature. Lawyers will become more specialized, multi-jurisdictional licensing will become common, and law practice will become more international and seamless. State bar associations will look more and more to limited licensing arrangements in order to meet discrete client needs at lower costs.

This is the best advice I have been given: “Trust your own voice. Watch and learn from others, but be yourself.”

I would share this with new lawyers: Do the best you can do and then let it go. These may appear to be mutually exclusive goals because some lawyers do their best by not letting go. Nonetheless, this tension must be acknowledged, understood, and addressed in order for lawyers to lead healthy and balanced lives.

Traits I admire in other attorneys: Honesty, reliability, cooperativeness, and perspective.

I would give this advice to a first-year law student: Learning to “think like a lawyer” is important but it is meant to add to, not subtract from, the body of other skills, values, and knowledge that are necessary to be a successful lawyer.

People living or from the past I would like to invite to a dinner party: Walt Whitman, Nelson Mandela, and Mary Magdalene.

I am most proud of this: Being a father to my daughter.

I’ve been the most happy when I’m able to sleep eight full hours, successful in resolving an escalating dispute, watching my daughter have fun, golfing on a beautiful day with good friends, making my wife happy, and electing the first African-American president.

My favorite non-job activity: Travel, especially to somewhere new and interesting.

On television, I try not to miss “The Rachel Maddow Show.”

Best stress reliever: Yoga.

I am currently reading The Invisible Bridge by Julie Orringer.

My favorite vacation places: the Oregon coast, Tuscany, and the Scottish Highlands.

One of the greatest challenges in law today is making the adversarial system more efficient and less costly.

If I were not practicing law, I would teach, write, or work with animals, especially dogs.

Technology is two-edged. E.g., air conditioning creates comfort but may not be creating optimal conditions for an efficient future or interactive neighborhoods.

Currently playing on my iPod/CD player/record player: Ella Fitzgerald, Charlie Parker, Van Morrison, Alicia Keys, Pink Martini, and lots more.

If I could live anywhere, I would live on the beach in Hawaii, the Mediterranean, or the Oregon coast.

What keeps me awake at night: Restless leg syndrome, work, market collapses, bizarre ideological positions, and wondering if I have disappointed someone.

If I could change one thing about the law: To make the legal system more accessible to more people by reducing cost and increasing efficient, less adversarial approaches to dispute resolution.

This is the best part of my job: Teaching students about justice, the rule of law, and problem-solving theory, and helping them put these things to the test in practice on behalf of real clients.

My name is George Critchlow, and I have taught clinical law and other courses at Gonzaga University School of Law for 30 years. As a clinical teacher, I have had a career that enabled me to pursue social justice and public service, to combine teaching and client representation, to conduct trials and appeals, and to research and write about topics of interest. I have also taught abroad as a Fulbright professor and performed administrative services as a clinical program director and interim law school dean.

As a young lawyer, I did not set out to be a law teacher, clinical supervisor, or law school administrator. But I said yes to doors that opened along the way and have been rewarded with a fulfilling and interesting career. I am married to a counselor/social worker who works with women in transition. We have a terrific 10-year-old daughter and great dogs.

To learn more about “Briefly About Me” and to submit your own, go to www.wsba.org/lawyers/brieflyaboutme.doc.
most of my life. It was a reunion of our eighth-grade basketball team from St. Bernadette School in southwest Seattle. We had thrown the event together when one of my teammates — a fellow WSBA member I hadn’t seen in probably 20 years — contacted me after reading a Bar News article I had written about my childhood. As hours of reminiscing passed, the sky shifted almost imperceptibly from azure to indigo. It reminded me of watching a similar twilight transition 24 years earlier.

It was a brilliant evening in the summer of 1975 when I found myself under the open sky at Memorial Stadium watching the original Sounders of the North American Soccer League. I was accompanied by two buddies, Bill and Dave. We were between our junior and senior years of high school. Bill, Dave, and I had played soccer together since grade school and continued playing into our college years. I don’t remember who the Sounders were facing that night or what the outcome was. But I’ll never forget how good it felt to hang out with my friends, enjoy our favorite sport, and relish life before it got too complicated.

Although many of us played other sports as well, we grew up on soccer. The county-wide Catholic Youth Organization soccer league of the late 1960s and early 1970s was decades ahead of its time. While many people had barely heard of the sport, soccer was a cultural focus at the Catholic schools. Most of us from St. Bernadette went on to high school at Kennedy in Burien. Until our senior year, soccer wasn’t a varsity sport, so we played on club teams. I was a midfielder most of my career, while Bill and Dave were defenders. For 10 years I roamed the pitch secure in the knowledge that if I got caught too far forward or lost possession of the ball, my steadfast friends had my back.

By the end of the ’70s, I was at the University of Washington. One night my apartment doorbell rang and I opened the door to find another of my lifelong school and sports friends, then a fellow U.W. student. I assumed he was there for a beer and pizza break. But almost immediately I realized something was wrong. With the awkwardly somber tone we reserve for life’s horrible moments, he informed me Bill had just died in a car wreck.

A few days later, we gathered at St. Bernadette for Bill’s funeral. Afterward we met at his parents’ house, where we attempted to comfort his parents and sisters, with whom we had all been close. We talked about the things Bill loved, which included music as well as soccer. After attending Seattle University he had been working as a sound engineer at the Paramount Theater, a dream job for him. Among our favorite musical artists was Jimi Hendrix, who had grown up in south central Seattle, an area we knew from our sporting days. After Hendrix’s death in England several years earlier, his body was returned to the States and famously buried at Greenwood Memorial Park in Renton with one of his prized guitars. As a similar homage to our fallen friend, Dave asked Bill’s family if a pair of Dave’s soccer boots could be buried with Bill, a request they readily granted.

In spring 2009, as I sat around the campfire with my basketball teammates — most of whom played on the soccer teams as well — we talked about Bill and the old Sounders. We talked about the new Sounders and how we enjoyed attending the games with our sons and daughters. Our eighth-grade basketball coach was the father of one of the guys hosting the reunion. He got Coach on the phone and we passed it around the campfire, taking turns updating him on our lives. Now well into his 70s, Coach hadn’t seen most of us in nearly 40 years. He remembered us all, though, and he sounded good.

As the orange fire crackled under the now midnight-blue sky, it felt for a moment like our whole extended sports family was there — even those who were miles away, even those who had left life’s great stadium for good. Coach was there through the miracle of cell-phone technology. Bill was there by the grace of collective fond memory, as was another teammate, Steve, who had died of AIDS. All our dads who had thrown or kicked a ball around the yard with us when we were kids were there, looking young and vital. All our moms who had hauled us to countless practices and games in their vans and station wagons were there, encouraging us with orange slices and Snickers bars. All our sons and daughters who inherited our appreciation of sports were there, in their rave green Sounders kits and deep purple Husky jerseys. The thing about sports is that the game is never really over, even after the last whistle blows. 🏆
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Ms. Callahan is the author of the widely acclaimed *Washington DUI Practice Manual Including Related Driving Offenses*, part of Thomson West’s *Washington Practice Series*™, a treatise relied upon by judges, prosecutors and defense attorneys across the state. When it comes to driving offenses, she’s not only on the map, she’s written it.

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