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A number of facts to consider about JAMS, The Resolution Experts

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<tr>
<th>Rank</th>
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<tr>
<td>1</td>
<td>Our ranking as the world’s largest private provider of mediation, arbitration, discovery management and other ADR services</td>
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<td>23</td>
<td>Number of JAMS Resolution Centers nationwide, including our two convenient Washington state locations in Seattle and Tacoma</td>
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<td>200</td>
<td>Number of full-time, experienced neutrals, including many of the country’s most distinguished state and federal retired judges and attorneys</td>
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<td>1989</td>
<td>The year we opened our first Washington state office in Seattle, making us one of the state’s oldest and most well-established ADR firms</td>
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<td>10,000</td>
<td>Average number of cases JAMS handles each year worldwide, including complex, multi-party cases in virtually every area of the law</td>
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<td>Dollars in public interest grants awarded by the JAMS Foundation, a non-profit funded by contributions from JAMS neutrals and associates</td>
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Former King County Superior Court Judge

ROSSELLE PEKELIS
Former King County Court of Appeals & Supreme Court Judge
Your “equal time” feature to Brooke Taylor’s column on South Dakota’s J.A.I.L. (July 2006 Bar News) was misleading. Judicial accountability advocates are not, as the piece would suggest, a bunch of goofballs or extremists. Many have very real complaints about the inadequate policing of judicial misconduct. I don’t know what the situation is in all states but in Idaho we have a severe problem with lack of judicial discipline and oversight.

In my involvement with judicial accountability movements here for more than a decade, and in reviewing judicial council reports, watching court cases and speaking with many people — I believe it is crystal clear that Idaho judges are not disciplined for misconduct. The record backs up my observations. In Idaho I have found that less than five formal actions have been filed in response to nearly 2000 judicial misconduct complaints since 1995. Compare this to the State of Washington where numerous formal actions are filed every year!

People attempting to address problems with judges/the judiciary, find governmental avenues are a brick wall protecting judge misconduct. People I know who contacted the Governor’s office for assistance, were given the brush-off and their FOIA requests and misconduct evidence were ignored.

Under the circumstances initiatives like J.A.I.L or the Idaho Judicial Accountability Act appear to be the best, and maybe the only way to get accountability in our courts!

Rose Johnson, cosponsor of the Idaho Judicial Accountability Act

**Do not collect $200**

In response to the letters received regarding J.A.I.L. and specifically to the letter authored by Jeff Coder I offer this personal note. I will probably be seen by Mr. Coder and his fellow J.A.I.L. proponents as one of those lawyers scrambling like “cockroaches” to stop J.A.I.L. initiatives from happening in Washington. The need to refer to any group who even might have a differing idea or opinion than oneself as a cockroach says something about the writer...

Bar News welcomes letters from readers. We do not run letters that have been printed in, or are pending before, other legal publications whose readership overlaps ours. Letters should be no more than 250 words in length, and e-mailed to letterstotheeditor@wsba.org or mailed to WSBA, Attn: Letters to the Editor, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330. We reserve the right to edit letters. Bar News does not print anonymous letters, or more than one submission per month from the same contributor.

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Rose Johnson, cosponsor of the Idaho Judicial Accountability Act
I have had the privilege of practicing law for the past 36 years. I have, in 97 percent of that time, had the honor of doing so with lawyers and before judges who were and are men and women of distinction, integrity, and notable dedication to their families, their nation and their profession. Mr. Coder clearly has little or no experience or knowledge of the tenacity and sense of duty the vast majority of the disciplinary arm of the WSBA employs in policing, as he writes, "their lot." I have spent countless hours over these past 36 years representing that lot. As an adversary of the Association in these matters, it could not be more patent Mr. Coder does not know what he is talking about in such matters and his statement "The Bar Associations don't do an effective job of policing their lot ... the system is broke" is false. Is the system perfect? Certainly not. Is the system "broke"? Absolutely not.

Mr. Coder asks rhetorically: "Why is it that there is such a high percentage of politicians who are also lawyers?" Therein we find his logic that politicians are for the most part "cockroaches" because for the most part they are lawyers! Upon lawyers and judges he heaps the blame stating: "... our once proud Republic has slowly been transformed into a 3rd world police state."

In his hurry to summarily condemn multiple institutions and professions he and his fellow proponents use those foundations of our Republic (Declaration of Independence and Constitution of the United States) as examples of how politicians, lawyers, and judges recently invaded these precious places and soiled the principles for which they were created by men not burdened with the shame of lawyers and judges and politicians (planters, merchants, shippers, etc.) Mr. Coder is either ignorant of history or wishes instead to nullify it.

Of the 50-plus men who signed the Declaration of Independence some indeed were planters, merchants, shippers, blacksmiths, publishers, inventors etc. One was a physician, many were soldiers but all were members of the Republic's First Congress and politicians. More than 50 percent were lawyers and of that 50-plus, 90 percent had been or became judges from magistrates to U.S. Supreme Court justices. The following were not only the forefathers of this great Nation — they are the forefathers of my noble profession. These "lawyers and judges" also served the Republic as state representatives, state senators, congressmen, U.S. senators, cabinet secretaries, and several other fathers of our nation served as vice presidents and two as president.

If, in the beginning, lawyers had not been willing to sacrifice their lives, their freedom, their reputations, their life's savings and put their families at great risk to volunteer their time and skill, the Declaration of Independence and the Constitution of the United States and the Republic for which they stand would never have come to be — certainly not in the timeless and enduring form we have revered for 230-plus years. Yes, I am proud to be a lawyer and by the way Mr. Coder, "I have seen cockroaches and I am not him."

Joe Ganz, Seattle

People first

I commend the Bar News for disseminating the excerpt from the new guide, Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts (August 2006 Bar News). Reading the excerpt made me more aware of the barriers, physical, psychological, and emotional, presented by the legal system to people with disabilities and special needs. Besides the practical and practice considerations, I think as lawyers we cannot forget that working for justice includes working toward full accessibility and inclusion.

Related to the Guide and guidelines for people with disabilities and special needs, I want to mention another article that addresses ways in which we lawyers may unwittingly make choices in language or make assumptions with similar effect, that is, the perpetuation of bias and exclusion. Lorraine K. Bannai and Anne Enquist, professors at Seattle University, have published "(Un)Examined Assumptions and (Un)Intended Message: Teaching Students to Recognize Bias in Legal Analysis and Language," 27 Seattle U. L. Rev. 1 (2003). In the article, the professors stress the importance of educating law students to a heightened awareness of ways in which language choices and even legal argument can express and perpetuate bias and exclusion, if made without inquiry and examination. The exclusion can be of people of widely diverse backgrounds and needs. The call to all of us to strive for increased awareness of and greater respect for people of all diversities as demonstrated in what we say, in what we write, and in what we do will lead our profession toward our mission and goal: equal justice.

Sharon A. Sakamoto, Seattle

Marrying up or divorcing down?

When are we going to quit using divorce as a method of social and economical advancement ("A New Era Deserves a New Divorce Model," July 2006 Bar News)? If a nurse marries a doctor and they divorce, of course the doctor should have a higher income after the divorce. Instead of making the earning parent support the children and the ex-spouse under the guise of "child support," why don't we factor into the custody decision which parent has the financial wherewithal to actually support the children? Rather than making the working/educated/higher-earning spouse economically elevate the lesser earning spouse, focus on the children. Women for years have used marriage instead of education for economic advancement, and our courts current traditional application of the laws continue to reward women for gold digging. The answer is not trying to raise the standard of living of the custodial parent, the answer is to raise the standard of living of the children.

The courts are granting "child support" to women as a divorce tax on males. Women can now earn their own living if they seek education and job skills, just like men, it is time to support the children not the ex-spouse.

E. Christianson, Spokane

Welden — well done

As I conclude my fourth year on the Lawyers' Fund for Client Protection, this last year as chair of the committee, it's my privilege to write this letter on behalf of the committee members. Bob Welden, general
counsel for the WSBA, is the WSBA liaison to the committee. The work that he does on behalf of all WSBA members for this committee and for the protection of legal clients is superlative. He reviews hundreds of applications each year from clients who have, or believe they have, been victims of dishonest attorneys. He gathers copious statements and documentation from all parties, drafts thorough reports on each case to present at the quarterly LFCP meetings, and notifies claimants and attorneys of the committee’s decision to award a gift or not. Some claims are fairly simple, but many have complex issues of law and fact which Bob investigates for the committee. Bob prepares summaries to publish in the Bar News, coordinates rule changes with the committee, the Board of Governors and the Supreme Court, and presents requests for gifts exceeding $25,000 to the BOG.

Bob also chairs the National Forum on Client Protection which met this year in Vancouver, B.C. Two committee members, Paul Fitzpatrick and Brad Ogura, attended the conference this year. Their impressions were that Washington’s LFCP is one of the best run funds in the country, working diligently to follow the rules governing the committee and giving thoughtful consideration to both sides of a claim. They attribute our success to the support of our WSBA members, our Supreme Court, the Board of Governors, and ultimately to the organization of Bob Welden. The committee asked that our appreciation of Bob Welden be conveyed to the Board of Governors; the rest of the bar association also deserves to hear about the hard work that Bob does on behalf of us all and to the credit of our profession.

Sarah Richardson, Tacoma

Wrong side of the bed

Practicing law has never been more difficult than it is today. It is also lonely out here most of the time trying to do the right thing, even for those in law firms.

First, the lawyer has the Congress and State legislature to deal with in layer upon layer of laws, most of which are confusing in terms, unnecessary, or ill-conceived. Second, a lawyer has the other lawyer to deal with. Third, the lawyer has the judge to deal with. Then the lawyer has his client to deal with, most of whom can exercise legal blackmail against the lawyer if the lawyer does not do exactly as the client directs/wants through the Bar Association. On top of this if the lawyer bills him after the case is completed for legitimate time and expense, the threat of a Bar Complaint is ratcheted up to a certainty.

Finally, the lawyer has to deal with the labyrinth of RPCs, and interpretations, and the enforcement of lawyer discipline, thereby incurring an untold number of hours without compensation. For the most part, the Bar examiners have some semblance of common sense, but there are times when they do not. It becomes a nightmare. When the lawyer tries to defend himself or be assertive, most defenses and rights ordinarily available to others are taken away from him by these rules. Then, if he feels he does no wrong, he can reasonably expect $15,000 (or more) in attorney fees for knowledgeable lawyers who know this Bar labyrinth.

But, we haven’t got to the worst part
yet. The hearing officers hired by the Bar are pathetic. Enough said on that. Worse yet, the Bar Disciplinary Department is now headed up by a lawyer who has no experience whatsoever in the pit of being in private practice and facing the daily attacks from all sides. What kind of nonsense is this? Who is behind this? We should all demand some answers from on high about this last one.

Better yet, repeal the RPCs, use old-fashioned common sense as the guidepost, restore the rights for lawyers to defend themselves, and make the Bar responsible for fees when they do not prevail. This would cure a host of ills.

On top of this, no Bar complaint should be allowed unless it is filed within 60 days of the seminal event causing the alleged complaint. This would cure a host of ills.

Finally, members of the Bar should join with me assaulting the citadel on all of this, call attention to the Bar Board of Governors and the Supreme Court that these RPCs are generating just the opposite of ethical conduct in that lawyers will go to any length, however wrong, to avoid a Bar Complaint (I won’t do that and this has caused two or three complaints), and, finally, if this fascism represented by the RPCs and Bar Disciplinary Counsel continues, relieve some of that at least by appointing competent and experienced people to run the program who know about the practice of law.

My address is in Resources. Please contact me. I want to take the Bar head on over all of this one. I am sick of it, although I have very complaints against me.

J. Byron Holcomb, Bainbridge Island

Misguided guidelines

I write with regard to an article in the August Bar News ("Building Public Faith in the Courts: Judicial Performance Evaluations") proposing state wide evaluation of judges for the edification of the voters. This is a bad idea. There is everything wrong with allowing the court to control the process of evaluating judges.

To consider courts from a political science point of view, all political institutions wield power and the participants in those institutions almost universally wish to keep their power and position. The Supreme Court of Washington is no exception. Therefore one may expect that the court will tailor the questionnaires in such a way as to promote their beliefs and protect their positions from challengers and candidates who are not currently judges.

This is not the democratic way. In a democracy the public generates comment on all office holders and makes decisions as to who stays and who does not. The government itself is not supposed to generate the information upon which the voters rely.

To consider courts from a constitutional point of view, courts must decide cases and they must be as disinterested and detached as possible. The republican form of government clause requires that there be courts, not just an executive and a legislature, and the due process clause requires that courts decide those cases without favoritism to one side or the other. If the courts were allowed to decide on the basis of favoring some policy or other of their own, they would not be deciding cases according to the law and the constitution but rather promoting their policy in the context of deciding cases. And this would mean the court would be taking money and rights from some litigants and giving to others not according to laws enacted by the people but according to policies the court itself wishes to promote.

This means that the court cannot be an agency for improving society. The court cannot decide to support a particular organization or kind of organization involved in the legal system — Columbia Legal Services is a good example. Nor can the court be the source of policy on appropriate ways to practice law.

Turning from these general principles to an examination of proposed judicial performance standards guidelines, published at page 39 of the August Bar News, one sees that these judicial guidelines do not comply with the requirements of neutrality and detachment. The guidelines say judges may not discriminate on the basis of race, gender, income, repeating that, income, and "any other bias." Many people with divergent views believe in discriminating on the basis of income and race for widely different reasons, affirmative action being an example of one form of discrimination, in the view of some, and it is not proper for the court to take a position on this sensitive issue. Moving on to other examples of debatable, value-laden guidelines, the guidelines improperly adopt the shibboleth of treating parties, witnesses, jurors, staff and attorneys with respect. Unfortunately some participants in the judicial system are despicable, and the judges should be able to say so. The public who elect judges expect them to be judgmental. The guidelines also rate judges according to their ability to instill public faith in the judiciary. Not everyone believes that the “judiciary” is entitled to this faith, and judges are entitled to criticize those who have “faith” in the judiciary. In fact, a democracy is supposed to generate and maintain robust debate about the proper powers of courts and the other branches of government.

Some might argue that this evaluation plan is a private enterprise which does not infringe on the duty of judges to be impartial. These guidelines are likely to become the policy of the Supreme Court. Given what I have said about how government agencies like to keep their power and their posts, the “government” will see to it that the survey helps sitting judges.

Democracy is not perfect but it is still better than any other form of government. Courts are not perfect but they are better than any other institution for deciding cases. We should save both of them.

Roger Ley, Seattle

Get published!

Bar News is looking for a few good writers.

See your name in lights (well, in ink anyway) in Bar News! If you have an article of interest to Washington lawyers or have been meaning to write one, see page 5 for article submission guidelines. Questions? Contact barnewsarticles@wsba.org.
Building a Future Together

Ellen Conedera Dial, WSBA President

I come to this job with a deep appreciation of the good and important work that lawyers do when they volunteer .... Indeed, it is your work, your commitment to your clients, to the integrity of the legal system and to your communities, that has inspired me to look for opportunities for service. Over the past year, working with President Brooke Taylor and the Board of Governors, and with many of you, I have become more optimistic than ever about the possibilities for solving the most important questions that face us as individuals trying to serve our clients well, and as the stewards of our legal system and system of justice.

Challenging issues
What are those issues? The list is a long one, and you have heard in this column from past presidents about real and pressing needs to support our courts and our judiciary, to deliver legal services to groups of people who are chronically underserved, to increase the diversity of our profession so that it mirrors the reality and hopes of our communities, and to increase the diversity of leadership in this organization so that it can be a positive force as we build a future together.

There are other issues, too, that hold a particular interest for me. They include, for example, federal encroachments into the regulation of the practice of law through prosecutorial demands for waivers of the attorney-client privilege and through negotiation for access to the profession through the General Agreement on Trade in Services (GATS). A more personal issue for lawyers is that of the lifestyle challenges that face all of us in an increasingly demanding profession. For example, as a group, we are a profession that experiences higher rates of depression than most others. Lawyers who are just entering the profession often face extraordinary economic pressures stemming from the high cost of law school, and still need the same help and mentoring that we all needed when we started our careers to develop the practical knowledge and skills necessary to be a competent lawyer.
past year, I have attended the meetings of the Board as your president-elect. The president-elect is not a voting member of the Board, so I have had an opportunity to observe the workings of the Board from a neutral position, not as an advocate. From this vantage point, I would make two observations. First, this bar association is extremely fortunate in its Board. The governors are, without exception, hard-working, thoughtful, respectful of others, and committed to shared values of professionalism among lawyers, and equality and justice in our communities. They do not always agree with one another, and you may expect spirited discussion by the governors of the matters that you bring to them. You may also expect — as you should — that those important matters will be treated with care, respect, and attention to the best interests of the membership and the profession.

My second observation has been made often by others, but in my judgment cannot be made too often. This bar association is extremely fortunate in the extraordinary talent and commitment of its staff. The staff touches the professional life of every lawyer admitted in this state, from licensing, to CLE, to book publishing, to discipline, to member services, to Bar News, to committee and section support — to name only a fraction of the programs that bar staff run daily. We have come to expect a very high level of service from our staff, and we get it. Each of our more than 135 staff members deserves our thanks.

Highlight on volunteerism
Over the course of the next 12 months I intend also to highlight as best I can the excellent work that volunteer lawyers are doing in the Bar’s 22 committees, 26 sections, and numerous task forces, boards, and other programs. I believe that you will be inspired, as I have been, by the creative ways in which our members are serving the profession and our communities. Every time I have talked with a lawyer who is active in one of the Bar’s committees, task forces, sections, or other volunteer bodies, I have learned something new about how we as lawyers are making a difference for the better.

An “open-door” presidency
I have always been an “open-door” lawyer, and have always answered my own telephone whenever I could. I have been warned that over the next 12 months, even though the door to my office may be open, most likely I won’t be in it. Although the telephone may ring, most likely I won’t be able to answer it. That does not discourage me, and I hope that it will not discourage you from calling and writing to me. I look forward to hearing from you. My telephone number is 206-359-8025, and my e-mail address is edcial@gmail.com.

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The New WSBA Juvenile Law Section: What Is Juvenile Law?

by Guest Columnist Kim Ambrose

This month’s “Executive’s Report” proudly introduces the WSBA’s New Juvenile Law Section. I have asked Kim Ambrose to be guest columnist and cover the history, purpose, and goals of the WSBA’s newest section. — Jan Michels

Fifteen-year-old Jessica did not feel safe going home. She finally told a school counselor, who called Child Protective Services and referred her to a domestic-violence counselor who helped her petition for a protection order against her father. She was questioned by the police. One thing led to another, and she found herself in a foster home, alone and questioning her decision to speak up. Her father kept trying to contact her and talk her into coming home, and told her that she was responsible for her mother getting sick and going to the hospital. Jessica left the foster home and stayed with a friend. She tried to get to school but she was now a two-hour bus ride away and she did not want to be reported to Child Protective Services. So, she stopped going to school. Jessica was caught shoplifting at Target and referred her to a domestic-violence counselor who helped her petition for a protection order against her father. She was questioned by the police. One thing led to another, and she found herself in a foster home, alone and questioning her decision to speak up. Her father kept trying to contact her and talk her into coming home, and told her that she was responsible for her mother getting sick and going to the hospital. Jessica left the foster home and stayed with a friend. She tried to get to school but she was now a two-hour bus ride away and she did not want to be reported to Child Protective Services. So, she stopped going to school. Jessica was caught shoplifting at Target.

Jessica has legal issues.

Jessica needs a lawyer. She may end up with two or three. She could have started with a civil legal services attorney who works with victims of domestic violence. She probably talked to a prosecutor about potential criminal acts involving her father. Once in foster care, she may have been appointed a public defender to represent her in a juvenile court dependency proceeding. An assistant attorney general representing the state social worker in the dependency would have been involved. Jessica may need a lawyer to represent her in a truancy action brought by the school district. She will definitely need a criminal defense attorney if a theft charge is filed in juvenile court.

Jessica needs lawyers who understand her unique characteristics as a young person and the particular laws which affect her life. Her story highlights some of the different legal issues, the lawyers who intersect in the lives of children and youth in our state, and why the WSBA has created a new Juvenile Law Section for lawyers and advocates who focus their practices in these areas.

The Creation of the New WSBA Juvenile Law Section

In June 2006, the WSBA Board of Governors approved the creation of a new Juvenile Law Section. The idea had been discussed for several years among lawyers and judges working in and around juvenile court and was one of the recommendations of the 2003 American Bar Association and WSBA-sponsored Washington Assessment of Access to Counsel and Quality of Representation in Juvenile Offender Matters. In the fall of 2005, two efforts were simultaneously underway to move the discussion to action: (1) the Juvenile Subcommittee of the WSBA Committee on Public Defense was working to implement the recommendations of the Washington Assessment, including the formation of a WSBA section, and (2) Justice Bobbe Bridge convened a diverse group of lawyers and bar leaders whose work touches the lives of children and youth. This group included a juvenile prosecutor, juvenile offender and dependency defense attorneys, an assistant attorney general, legal-services attorneys, and law-school professors. Although the roles of these lawyers varied widely, the desire for a place to come together around the numerous legal issues affecting children and youth was unequivocal. In the end, the combined efforts of the group convened by Justice Bridge and the WSBA Juvenile Defense Subcommittee laid the groundwork for an inclusive, diverse section of lawyers and advocates whose practices focus in some way on the lives of children and youth.

After much discussion, the framers of the section settled on the name “Juvenile Law Section” — a title broad enough to encompass the many different areas of practice which involve children and youth. The purpose of the Juvenile Law Section was originally articulated in the petition to the WSBA Board of Governors as follows:

The Juvenile Law Section of the Washington State Bar Association will provide a forum to discuss issues of concern and act as an agent of change to improve the law and practice related to civil and criminal matters involving children and youth in Washington. This section will welcome advocates from all interested disciplines and a variety of fields of law, including juvenile justice, child welfare and those who represent youth in civil legal practice.

The following is an overview of the major areas of legal practice contemplated by the “Juvenile Law Section.”

Child Welfare

In Washington, child-welfare law is generally known as “dependency law.” “Dependent” children are defined under RCW 13.34 as individuals under the age of 18 who are abused, neglected, abandoned, or without a capable parent, guardian, or custodian, which puts them in danger of substantial physical or psychological damage. Children and youth generally enter
One of the goals of the Juvenile Law Section will be to provide a forum for equipping advocates in the broad array of issues affecting children in the dependency system.
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Status Offenses: Truancy, At-Risk Youth, and Child in Need of Services

"Status offenses" are behaviors which are offensive based on a person's status as a minor, such as running away from home and truancy. In Washington, these types of offenses are sometimes referred to as "Becca proceedings" after the 1995 bill which revamped the status offender laws. There are three main types of Becca proceedings: At-Risk Youth (ARY), Child in Need of Services (CHINS), and Truancy.

An ARY petition is filed by a parent or guardian to obtain juvenile-court jurisdiction over children living at home who are "beyond parental control" and have been engaging in behaviors such as running away. If a child is found to be "at-risk," the juvenile court may impose conditions like "obeying house rules" and abstaining from drugs and alcohol. The court can then use its contempt powers to enforce its order if an at-risk youth violates the court-imposed conditions. Generally, the court can impose up to seven days in detention for violating an ARY order. Children have a statutory right to counsel when an ARY petition is filed against them.

A CHINS proceeding replaces what was formerly known as an "Alternative Residential Placement" proceeding. A CHINS petition is filed in juvenile court by either a child or a parent to request an out-of-home placement due to conflict in the home. In CHINS proceedings, both the child and the parents have a statutory right to counsel. The state is not a party to CHINS proceedings but may get involved if the child is placed outside the home in licensed foster care.

Truancy filings outpace all other noncriminal filings in juvenile court. Truancy petitions are filed by school districts in juvenile court when a child misses a certain number of days from school. Children who are the subject of these proceedings do not receive appointed counsel unless contempt proceedings are initiated, thereby subjecting them to the threat of detention.

Becca proceedings can involve issues spanning child welfare, juvenile justice, and school and mental-health law. Lawyers who practice in this area must have knowledge of all of these areas of law in addition to knowledge regarding interdisciplinary topics such as adolescent development and adolescent mental health.

The Civil Legal Needs of Youth

Children and youth have a variety of other civil legal issues relating to school, healthcare, housing, poverty, and discrimination. Lawyers representing these children and youth tackle issues in special education, school discipline, access to mental health and medical care, eligibility for financial assistance and other community support, immigration, housing, and employment. These needs are more pronounced for children and youth who are involved in other juvenile-court proceedings.

The mental-health needs of youth in the child-welfare and juvenile-justice systems cannot be overstated. The Juvenile Rehabilitation Administration reported that 68 percent of the youth detained in its secure facilities in 2004 had a mental-health disorder.

The underlying causes of juvenile offending behavior can often be addressed through legal advocacy in other arenas. Addressing the civil legal needs of juvenile offenders has been shown to decrease recidivism. Bringing together lawyers and advocates who understand the different legal and social issues affecting children and youth in multiple systems is one of the most important goals of the new WSBA Juvenile Law Section.

A Better Future

Children and youth, like Jessica, frequently end up in multiple legal systems with complex and intertwined legal needs. By creating opportunities for education and collaboration, the Juvenile Law Section will strive to make better lawyers and a better legal system for the Jessicas and other young people who are our future.

For more information about the Juvenile Law Section, contact Kim Ambrose at kambrose@u.washington.edu or Anne Lee at anne.lee@teamchild.org.

Kim Ambrose is a lecturer and supervising attorney for UW’s Children and Youth Advocacy Clinic.

NOTES

1. Jessica’s story is fictional, based loosely on a real young person’s life.
2. RCW 13.34.030(5).
3. See RCW 26.44.030 for a list of legally mandated reporters of child abuse and neglect.
5. According to the Judicial Information System caseload reports, 4,011 dependency petitions were filed in 2003.
6. 387 U.S. 1; 18 L. Ed. 2d 527; 87 S. Ct. 1428 (1967).
9. Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study, Casey Family Programs (2005).
11. TeamChild, the state’s only legal-services provider focusing solely on youth, was found to reduce recidivism by 20 percent. Watching the Bottom Line: Cost Effective Interventions for Reducing Crime in Washington, Aos, Barnowski, Lieb, Washington Institute of Public Policy (1998).
We are pleased to announce the addition of Brenda Terreault as Director of Operations. Terreault brings more than 10 years of experience in both bankruptcy and financial fields. Prior to Grassmueck Group she worked in law firms, government agencies and corporations including a Fortune 500 company where she developed a strategic plan to improve financial recoveries. She is a member of both the Virginia and Oregon State Bars, and has a full range of experience in case development and litigation work.

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Meet President Ellen

BY LINDSAY THOMPSON

If your imagination runs to the romantic, you could say Ellen Dial's legal career was decided by coin toss. Looking for judicial clerkships as she finished at Cornell Law School, Dial scored interviews with two justices of the Washington Supreme Court. Both wanted to hire her. They talked it over and couldn’t resolve who would prevail. Justice Charles Horowitz won. Ellen, her husband Joe, and their two kids moved to Washington in 1977.

The children are grown now; one lives in Wisconsin, and the other in California. Ellen and Joe now organize their travels around seeing the grandchildren, and are “renewing our acquaintance with children’s books.”

Ellen says she thought she would end up teaching law but instead — urged on by Justice Horowitz — went into private practice, and stayed in it to this day. She describes her real-estate/transactions practice as “very satisfying.” For his part, husband Joe teaches at Seattle Community College and UW, and works in designing distance-learning programs.

The two met at Union Theological Seminary in 1968, “a pretty radical, out-there place at the peak of the Vietnam era,” Ellen recalls. Over time they determined their callings lay elsewhere, but together. They’ve been married 37 years, and their pastimes include hiking, travel, music, theater, and books.

Becoming WSBA president is no small career achievement. In the new president’s case, it’s made noteworthy because she reached the post completely outside the usual course. She hasn’t served on the Board of Governors. That’s not to say she’s a lightning strike by any means. Long active in the work of WSBA sections, Ellen has spent the last few years on some major cat-herding projects: chairing a top-to-bottom revision of the Rules of Professional Conduct, then the coordination of WSBA’s December move to new office space. She knows from heavy lifting.

“I ran a draft of this copy by a friend. “Good pace, but kind of suck-uppy for you, isn’t it?”

“Nah,” I replied. “I’ve watched WSBA presidents up close for nearly 20 years. The Board looked in some new places and came up a winner. Ellen is good company, has a great sense of humor, and a remarkable calling to work for the Association.”

So that’s the scoop on the new president. Elsewhere in this issue she gives her own thoughts on the coming year and things she’d like to get done. Good luck to her, the new governors, and WSBA. — Lindsay Thompson edits Bar News.

Stanley A. Bastian Takes Over as the New President-elect

Wenatchee attorney Stanley A. Bastian will serve as 2006-2007 WSBA president-elect. Stan ran unopposed and was confirmed by the Board at their June 9 meeting. A former public defender for the City of Renton and prosecutor for the City of Seattle, Stan is a shareholder in the Wenatchee firm of Jeffers, Danielson, Sonn & Aylward P.S., which he joined in 1988. His practice focuses on civil litigation, employment law, labor negotiations, and municipal defense.

Stan’s community involvement includes serving as president of the United Way of Chelan and Douglas County and as president of the Chelan-Douglas County Bar Association. He was a board member for Legal Aid for Washington (LAW) Fund, a nonprofit organization committed to ensuring the promise of equal justice for residents of Washington state regardless of income level. Stan’s wife is Chelan County District Court Judge Alicia Nakata. They have two teenaged daughters, Audrey and Elenore.

Stan says continuity is important and has plans to focus his presidency on existing projects, such as the award-winning WSBA Leadership Institute, the Justice in Jeopardy legislative proposals designed to increase funding for access-to-justice issues, and the “Foundations of Freedom” project begun by President Taylor. “Serving as president of the WSBA will be the opportunity of a lifetime,” Stan says. “The WSBA is one of the premier state bar associations in the country, blessed with strong leadership and professional management. I look forward to my term, and the opportunity to continue this tradition of excellence.”

Russell Aoki Is New 1st District Governor

Russell has been a lawyer in both the public
and private sector for 20 years. His current practice at Aoki Sakamoto Grant LLP involves civil litigation and criminal defense. He has previously served as Asian Bar Association of Washington president, KCBA trustee, board president of Northwest Defenders Association, U.S. District Court Technology Working Group member, and Federal Magistrate Judge Merit Selection Panel member. Russell formerly served as the Criminal Justice Act Panel representative for this district's federal court-appointed criminal defense lawyers. He is currently the Washington State Supreme Court’s appointee to the State Office of Public Defense Advisory Committee.

**Tri-Cities’ Edward F. Shea Jr. Brings a Teacher’s View—4th District**

Edward is a graduate of Gonzaga University School of Law and has been practicing law in the Tri-Cities, where he is from, for the past 13 years. His current practice involves civil litigation, including plaintiff personal injury, medical malpractice, family law, and representing the Washington Education Association and Washington teachers on various issues in the southeastern part of the state. Edward states: “I am excited about serving as a governor and will be the second in my family to do so, as my father previously served in that capacity and remembers it as a very rewarding and informative experience.”

**Spokane’s Peter J. Karademos Represents 5th District**

“I look forward to receiving the support of my constituency in fulfilling the responsibilities of governor representing the 5th District,” Peter said. “I have attended BOG meetings for approximately eight years; I am currently chair the WSBA Legislative Committee and Family Law Section; and I am the liaison to the BOG for the Family Law Section.” Peter opposes the legal-technician rule and favors a new rule to allow attorneys to contract for reasonable fees. He support the position that litigants be compensated for their personal injuries without artificial limits. Peter adds: “The Board of Governors’ main priority should be to their constituency.”

**7th-West District’s Anthony L. Butler Looks Forward to Serving**

Anthony is a 1983 graduate of the University of Washington School of Law. He is a member of the ABA Standing Committee on Professional Discipline. He has served on the Washington State Bar Association Legal Aid Committee, Committee for Diversity, Civil Rights Committee, and Court Rules and Procedures Committee. He is a former WSBA disciplinary coun-

**WYLD At-large Governor Jason T. Vail Is the Voice for Young Lawyers**

Jason is a staff attorney with the Seattle office of Northwest Justice Project and also a legal editor on *Clearinghouse Review*, a poverty law journal published by the Sargent Shriver National Center on Poverty Law. He frequently teaches legal ethics and legal writing for Highline Community College’s paralegal studies program. He has served on Bar committees for several years and is editor of *De Novo*, the WYLD newsletter. His volunteer activities include regular pro bono work for Kitsap Legal Services and on the Board of Directors for the Wonderland Birth-to-Three Developmental Center. Jason looks forward to service on the Board of Governors: "As governor, I will advocate for young lawyers’ interests and work to advance WYLD programs," he says. 😊
The State of the State: An Interview With Chief Justice Alexander, Attorney General McKenna, and 2005-06 WSBA President Taylor

Chief Justice Alexander, Attorney General McKenna, and 2005-06 WSBA President Taylor comment on judicial independence in Washington state

AN INTERVIEW BY JEFFREY G. FRANK

The following excerpts are taken from three separate interviews with the author with Washington State Supreme Court Chief Justice Gerry Alexander, Washington State Attorney General Rob McKenna, and 2005-06 WSBA President Brooke Taylor. Chief Civil Deputy Assistant Attorney General Linda Dunn also participated in the interview with Rob McKenna.

Court Funding Issues

Jeffrey Frank (JF): [to Chief Justice Alexander] Do you believe historical funding problem with our courts has had an adverse impact on the quality of the judiciary?

Justice Alexander: I don’t think it’s affected the quality of the judiciary. I believe, though, that it has inhibited to some degree the ability of what is a quality judiciary to do its job. Insofar as judicial salaries are concerned, I think they have been fairly set in Washington, at least since we have had a State Salary Commission. I have been around long enough to remember the days when the Legislature set our salary. That was a problem, because of the politics that invariably enters into the establishment of salaries. But, since we’ve had a Salary Commission, I have to say that we in the judiciary have been fairly treated. Nobody, of course, makes all the money that they would like, but considering that we are public servants, I think that our salary has been fairly established, and has generally kept up with inflation. Consequently, I think we have salaries that help attract a quality judiciary. There is, of course, still prestige in being a judge that is attractive to a lot of people, as is the lifestyle of being a judge. The practice of law, like other professions, has challenges, and so the judiciary has a real appeal to many lawyers. We have, in sum, a quality judiciary in Washington, but I think we are inhibited to some extent in our ability to do the job, at least at the trial-court level, where often the funding for court operations is not sufficient to allow those courts to provide what is necessary for a quality justice system, such as drug courts and other problem-solving courts.

JF: [to Rob McKenna and Linda Dunn] In Washington, and generally, what do you perceive as being threats to the ability of the judiciary to do its work?

Rob McKenna: Funding is the key problem. The Justice in Jeopardy report notes we are last in the country for state support of our courts. This results in disparities across the state. Every county receives about the same amount of money, proportionately, for its courts, but must rely on local resources for the other 90 percent of their funding. King County is fortunate, even in tight years, to have quite a bit of money, although in recent years their courts’ budgets have been squeezed. Nevertheless, they’ve remained in pretty good shape, whereas some of the rural counties have been hit very hard. We’ve seen results in terms of inadequate indigent defense, for example. But by no means are the problems limited to indigent defense, in many of these counties.

So, there’s no question that the way the courts are funded in this state creates problems for the courts’ ability to do their work. I was over in Port Angeles, Clallam County, not long ago, and met with both Superior Court judges there. They desperately need another judge, as the population’s been growing. Their caseload increases are staggering. There’s no question that inadequate resources, compared to demands, affects the ability of the court system to do its work. I think that this issue overshadows every other in terms of their ability to do their work.

Linda Dunn: I’ll mention a couple of other things, for example, getting our courts up-to-date with technology, especially at the local and county levels. The federal
courts have been going with electronic filing. I think that the more we do in that area, the more efficient we can be. We can help judges with scheduling, they don’t have the support staff to really do it, so more automation is really needed. Right now, there’s a clamoring for those of us who really like the wired courtroom, to try to get in a wired courtroom.

**McKenna:** Because we just see how easy and smooth it makes the trials, and the juries really appreciate it. So, the more we can do there, the better. Another major concern for our office is child-welfare caseload growth. If you look at the juvenile-dependency system over the last five or six years, the number of dependency cases, foster-care cases, is up over 60 percent. And some of the recent increase is due to a more aggressive approach to intervention, such as the 24-hour response rule the governor has instituted, which has contributed to an increase. But it’s the latest bomb in a study suggesting the increase has a lot to do with the growth of meth in the state. Meth is the number-one driver of many new cases. Drug use more generally is the number-one driver, but within that, meth is the key issue. So, that is really putting a strain on our system.

**JF:** That’s very interesting, because you hear anecdotal stories about it. But that’s the first time I’ve heard what the true impact is on the system. And that’s really quite alarming.

**McKenna:** Yes, we’re seeing it in our office day in and day out, 7,000 dependency and termination cases open at any one time, involving 9,000 to 10,000 children. The caseload increases are astounding across the state. So it’s unusual now to have a case that doesn’t involve meth in some way. If you get one that has no drugs involved at all, it’s extremely unusual.

**JF:** It seems that’s a problem in both large and small counties.

**Dunn:** Worse in the small counties.

**McKenna:** Proportionately, it’s worse. King County does not have the meth problem proportionate to its size that the rural counties do, even though in absolute terms it’s the second or third largest county for meth labs. But in proportionate terms, they’ve still got crack cocaine and heroin. In rural counties, it’s all about meth.

**JF:** [to Brooke Taylor] Here in Washington and generally, what issues do you perceive as being significant to the ability of the judiciary to do its work?

**Brooke Taylor:** I think one is stable funding, which I don’t think we’ve ever had in this state, particularly in our trial courts. Security, I think, is becoming an increasing issue, particularly in many of the rural counties. And I think political interference is becoming a major issue that gets in the way of the ability of the judiciary to do its work. Those are the three things that come to mind.

**JF:** In Washington, I think we’re at or near the bottom; is that right?

**Taylor:** Well, we may not be in the bottom any more, but certainly two years ago, we were 50 out of 50 in the dedicated funding sources for our trial courts. After Phase I, and now Phase II of the Justice in Jeopardy initiative that the bench and bar all got behind, we may have climbed the

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Congratulations to our colleague Troy Greenfield who will succeed Tom Adams as Shareholder-in-Charge of the Seattle office.

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ladder a little bit, and it’s long overdue. But we’re still not there.

The Public’s View of the Judiciary

JF: [to Chief Justice Alexander] What are your perceptions of the public’s view of the judiciary?

Alexander: Well, many say that it’s really bad. I don’t think it is. I think, generally speaking, the public has a favorable view of the judiciary. I don’t mean that they believe we are terrific, necessarily. But I believe that most people, comparing the judiciary to other parts of the government, generally have a favorable view of the judiciary. I’ve seen polls where they put the judiciary above the legal profession. We, of course, are part of the legal profession. I have seen other polls that indicate that some people don’t like lawyers, but that they like their lawyer. But it is my view that if you ask people how they view the judiciary in their community, the vote would generally be favorable. How they view the judiciary nationally might be less favorable.

JF: It almost always seems to come down to a specific case and whether they’re involved. They don’t like their judge if he doesn’t rule in their favor.

Alexander: I’ve been a judge for 32 years, and I have to tell you that I have been treated very well by the public. That isn’t to say we don’t get nasty letters once in a while or e-mails that are unpleasant. But generally speaking, when you go out in public, people are really quite nice to you. That is so even during judicial campaigns. I have lived in Olympia almost all my life, and during my years as judge I have had my name listed in the phone book together with my home address, and I have never had anybody bother me, or do anything untoward.

I think that some judges are more private and prefer to pull back, pull up the drawbridge so to speak. I think that is the wrong thing to do. I believe strongly that judges have to be part of the community and be out there so people can see them, so they’re not deemed to be a stuffed shirt. It is important, of course, that they meet the voters, and the people in their community that they are called upon to judge. Running for the Supreme Court the first time was actually, I don’t know if “fun” is the right word, but an enjoyable experience. I’ve lived in Washington all of my life, but the campaign took me to places I had never been to before, and I talked to lots of people who, for the most part, were very nice. I thought it was a positive experience and in some way that I cannot prove, I think campaigning for office has made me a better judge. I know it made me more understanding of the people we serve, and the geography of our state, if nothing else.

JF: [to Rob McKenna] What is your perception of how the public views the judiciary?

McKenna: I’m not really sure how the public at large views the judiciary. I’m not aware of any studies or data collected, at least I haven’t seen it. I want to believe that the public’s view is fairly positive, and I realize that belief is based on my own perception of the judiciary, based on fairly close observation of it. You know, I can tell you that in King County, and in King County government, and in

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the local community and the cities, that the superior courts are held in very high regard. Our courts in King County are viewed as very innovative, and they have found quite a few savings by increasing efficiencies. They’ve done more with less, in other words, with the early adoption of the drug-court model, the extension of that model to mental health, and the further extension of that model to family law. This puts King County and this state right out in the forefront. So, I think that nationally, our reputation is very, very strong. But that’s not the same thing as the general-public’s perception. Looking at what people who are informed and those who are in a policy-making roles think is not the same thing as the general-public view. There are probably parts of the community where it is not positive, I’m sure.

**JF:** [to Brooke Taylor] In your view, how does the public view the judiciary?

**Taylor:** You know, I may have a little different take on this than some. I think in general, people outside the profession have a general respect for the judiciary. More so than they do for lawyers, which is why I’ve been trying to prevail upon our judges all year, and will continue, to lead the charge in doing the public education that’s necessary. Because I think they’re a more credible source of information for most citizens than our lawyers. I hate to say that, but I think that’s the reality.

And the judges, I think, for too long have seen themselves as being sort of out of the loop, sort of isolated from the process. And I think that’s a huge mistake, with the credibility that I think they do enjoy. Now, that having been said in the general sense, I think specifically, our citizens are very prone to criticize unpopular decisions of an individual judge in an individual case, primarily because they have a very poor understanding of the judge’s role in deciding cases. So I think, in general, if you ask people about the bench in general, they have a lot of respect for the bench. But specifically, I think it’s remarkable how prone they are to vilify judges for unpopular decisions, even when those decisions are absolutely dictated by the law.

**Threats to the Judiciary**

**JF:** [to Chief Justice Alexander] What can...
Schroeter Goldmark & Bender congratulates Rebecca Roe on being honored by the National Crime Victim Bar Association for a lifetime of service to the victims of crime.

SGB shares Becky’s passion and commitment to securing justice for those injured by sexual assault and other violent crimes.

Alexander: Well, I think they can address that first problem I talked about by supporting efforts to obtain appropriate funding for the trial courts. In fact, our lawyers in Washington have done that. I mean, we have had terrific support from the overall Bar. The WSBA and other specialty bars, in particular, have been very supportive of the judiciary.

Lawyers can also work with the judiciary in making other improvements to the justice system. You may recall that a while ago the Seattle P-I came out with a series of articles that pointed out that some of the defense lawyers in death-penalty cases were providing ineffective representation. The newspaper was suggesting that court rules made by the Supreme Court was part of the problem. The first reaction is, of course, to become defensive. However, when we started looking at the issue, we concluded that they may be right! So we got a committee going that had among its membership, prosecutors and defense counsel as well as members of the general public. They made recommendations to the court for rule changes, most of which we adopted. We ended up giving the P-I credit for bringing this problem to our attention and credited the Bar for its valuable assistance in helping us correct the problem.

JF: [to Rob McKenna] What can lawyers do to address threats to the judiciary?

McKenna: Lawyers who are in a position of leadership and influence need to use their positions to speak up, both on the importance of an independent judiciary, and on an accountable judiciary. The attorneys general and the prosecuting attorneys, the Bar Association, the board members and presidents, all need to use their influence to inform broader public opinion and the opinion of other policy makers. I think that on average, legislators at the state and county level reflect the attitudes and views of their constituents, and that we should not assume that they have a much better informed or thoughtful view of the judiciary than their constituents do because, in fact, they may have no more experience or interaction with the judiciary than their constituents. I would say that’s probably the difference between state legislators and county commissioners and council members, because, at the county level, they will do work side by side with the judges. They’re likely to be better informed than state legislators, who are more removed, because the state government, being so much larger, means that the legislators don’t have that much direct experience with the courts. We who are in a position to do so should use our bully pulpits to remind policymakers, budget writers, and the public generally, including the media, about why an independent, fair, and unbiased judiciary is so crucial, and why we shouldn’t take it for granted.

Dunn: I think we’ve got to take up the banner. And just day to day, in our ordinary cases and lives as lawyers, I think we need to make really good use of alternative dispute resolution and look at informal discovery, get back to the civility amongst ourselves ... I don’t mean to say it’s lacking. We just really need to enhance the civility amongst lawyers. And we’ve talked about this a little bit before today, but we need to really support innovative ways to handle cases in our courts. Drug courts, diversions,
I want to add one other— with a case that we had decided recently. I thought was a bit unjust. It had to do with the judiciary have a lot to complain about. There was an article I saw the other day, which is rather unprecedented, but I think they must have really given that some thought. Hopefully that will send a good message. Because I do still think most of the public would respect a judge's opinion on those issues more than a lawyer's.

JF: If O'Connor and Ginsberg can do it, which is rather unprecedented, but I think they must have really given that some thought. Hopefully that will send a good message. Because I do still think most of the public would respect a judge's opinion on those issues more than a lawyer's.

Specific Attacks on Judicial Opinions

JF: [to Justice Alexander] The next question is fairly specific — are you aware of unwarranted attacks on the judiciary based on judicial opinions?

Alexander: Well, from my vantage point as chief justice and as chair of the Bench-Bar-Press Committee, I have to say that the press in the state of Washington has actually been pretty fair to the judiciary over the years. I don’t think we in the judiciary have a lot to complain about. There was an article I saw the other day in a large metropolitan newspaper that I thought was a bit unjust. It had to do with a case that we had decided recently.

It came out of Pierce County. The facts in the article weren’t, in my judgment, correct. The article said, basically, that a majority of the Supreme Court was destroying a previously held constitutional right. This was a case that focused on a meeting of Sound Transit at which they were discussing properties that Sound Transit wanted to condemn. The facts were that the only notice the landowner got of this meeting was on the agency’s website. But the way the article was written, it inferred that the giving of this notice automatically vested title to the landowner in Sound Transit. Well, that wasn’t correct. It simply allowed Sound Transit to proceed with the condemnation action. Even though I was a dissenter in that case in that I thought the meeting notice was insufficient, I did think the article was misleading.

JF: [to Brooke Taylor] Are you aware of unwarranted attacks on judicial opinions? If so, do you have any specific examples you’d like to discuss?

Taylor: I think the best example, Jeff, is the Terri Schiavo case. I can’t think of a better example, for two reasons. One, it was a case that had consumed the entire judiciary, especially the Supreme Court, over several years. Two,Justice O'Connor's opinions are seen as having a strong influence on that decision.

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It's affecting elections and wants to try to gain in control over the judiciary, they can put a lot of money into judicial campaigns and attempt to gain control of the judiciary.

"If you get an organization, a special interest, that really wants to try to gain in control over the judiciary, they can put a lot of money into judicial campaigns and attempt to gain control of the judiciary."

You've got a statute that says under those circumstances, certain people can make a decision to terminate life support, and the person who was first in line did, it's out of the judge's hands. And it is just so poorly understood. Congress didn't seem to understand that. They passed a law that was actually named after Terri Schiavo, and tried to highjack that decision, and the executive branch in Florida didn't understand it, because the governor issued an executive order to highjack the decision.

JF: Those are pretty vivid examples that go beyond just the public.

Taylor: Yes, there's not even a passing nod to the separation of powers. Congress and the governor of Florida are sticking their nose under this tent, and you could not find an example that is more clearly, exclusively, within the province of the judiciary in resolving this dispute between the parents and the spouse of this woman. So I think it demonstrates the rule of law, it demonstrates the separation of powers and why it's important, it demonstrates the basic doctrine of checks and balances, and it certainly demonstrates the need for judicial independence.

Washington's Judicial-Election System

JF: [to Justice Alexander] What are your general views of how the election process has evolved over the years, and do you have concerns or criticisms of how we currently elect our judges?

Alexander: Well, I see the judicial-election process as a way for the judiciary to get out there and sort of defend itself and talk about important issues. It also is a time when we can help educate the public about what the judiciary does. I, of course, was raised on the election system, so I'm not really a critic of it. I think whatever system you have for selecting judges, you want a system that allows the judges to be independent. I think the election system does this, because if you are elected by all of the public, then you really don't owe your job to any one individual or organization and that gives you independence. Judges can be, of course, appointed initially by a governor or by county commissioners if there's a vacancy, but once you've been appointed, you have to run for election within a year of your appointment.

In the final analysis, the elected judge only owes his or her position to the entire public, and the judge can't be removed during the term for which they were elected. And so I think the election system gives judges independence, although not as much as the federal judges enjoy with the lifetime appointment. The problem there is that there is very little accountability. Judges have to be accountable, not for their decision-making, but for their conduct. In Washington, we have the Conduct Commission, which can recommend to the Supreme Court that somebody be removed or suspended and we have elections. In the federal system, they don't have much control over conduct of judges and there are no elections.

JF: What do you see as the risks of having more money in judicial campaigns?

Alexander: That is one area that really has concerned me about an elected judiciary, which, as I just said, I do support. Historically in Washington we've not had big money in judicial campaigns. But you can see some signs that we are heading in that direction. Now, whether judicial campaign contribution limits, which I did support, will deter the influence of big money, only time will tell. It doesn't deal with problem of independent expenditures, and that is troublesome. If you get an organization, a special interest, that really wants to try to gain control over the judiciary, they can put a lot of money into judicial campaigns and attempt to gain control of the judiciary. They can do it with last-minute attack ads, and that sort of thing, which are hard to rebut. That's where you have to hope that the free press will pick up on that and stand for an independent judiciary.

JF: So, do special interests who get involved in judicial elections concern you?

Alexander: It's affecting elections and scaring judges. Even if you win the election, you might feel like, "I have these folks watching me, looking over my shoulder." That is bad, too. So, consequently, I have supported campaign contribution limits. I have done it partly for that reason, but also because my own comfort zone is disturbed by a contribution to my campaign which exceeds what the campaign contribution limit is, which is actually fairly liberal. It is $1,400 per person in the primary and the general. That means a couple could give you $5,600 during the course of the primary and general elections. That is a lot of money.

JF: There aren't many people who are ready to do that.

Alexander: There are not many people beating down the doors to give you that much money. What it does, it stops the PACs from giving candidate campaign committees large amounts of money.

JF: [to Rob McKenna] Do you have any comments or criticisms on how we elect or retain our judges? And I guess I'd add "select," because I think most of the studies would suggest that, at the Superior Court
level, most judges are appointed.

McKenna: Initially, and then they stand for reelection. Most judges who are in office end up running unopposed, subsequently.

JF: Particularly in small counties.

McKenna: True. But even in King County. When I was out running for office in 2004, I'd show up for events, and there'd be 30 superior court judges there, milling around .... So, my principal comment and criticism of how judges are elected in our state is how little attention is paid to the races by the public at large, by the media, and even by the political establishment, frankly. I think it introduces a certain element of arbitrariness into the system, where the odds of being elected seem to be heavily influenced by your last name, for example.

Dunn: The costs of campaigning in a contested race are also significant.

McKenna: In King County, with 1.7 million people, it's like running statewide in a small state. King County is bigger and has more voters than several of the United States. It's very expensive to do mail, and radio is very tough. We have seen increasing amounts spent, and Linda cites the figures suggesting some candidates spending an entire year's salary equivalent on just getting their name out. There is no doubt, that's very challenging.

JF: [to Brooke Taylor] Do you have any comments or criticisms on how we select our judges in Washington?

Taylor: Yes. I tend to generally favor a merit-selection process for judges, as opposed to a popular vote. I do recognize, in the state of Washington, we have a pretty strong populist tradition, which may make it impossible to ever go that way, although I think that's the way to go. You know we had the Walsh Commission, which basically came to that conclusion. We've also had numerous studies of our tax system, and they come to the conclusion that the most equitable stable tax system would be a graduated income tax. That's not going to happen for the same reason. But I think it's interesting because in many states that have a Missouri-type system ... not in

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many states, but I know of one, for example, the state of Kansas, where they have a merit selection process, with a gubernatorial appointment, and then a retention election after so many years. And there is kind of a groundswell in Kansas now, to discard all of that and go back to the popular election of judges. So there is an ebb and a flow nationwide, and I’m sure it has to do with the public in Kansas feeling like they’ve lost control of their judiciary.

Public Education Efforts

JF: [to Chief Justice Alexander] One of the real significant issues we’ve identified is the electorate’s understanding of our system of government and how it works, and particularly the role of the judiciary. How do we improve public education? What are the things that we can do?

Alexander: Well, one thing we in the judiciary did this year was support the effort to emphasize civics in the schools again. I think that’s important. I mean, kids should somewhere along the line, get an idea of the system of government that we have in this country, and an understanding of the constitutions of this nation and of this state. I think that’s one area where judges and lawyers can have a big impact by making themselves available to go out and speak to groups, especially students, about the law and the constitutions. They can contribute in other ways, by writing guest editorials, and the like.

JF: It also helps to be talking about the issues. I think the first step is getting the lawyers and the judges who are willing to talk about issues, to get out there. People will listen.

Alexander: When I was a young judge, the judges didn’t all agree. The district court judges and the superior court judges hardly talked to each other. When I became a superior court judge in 1973, the older judges were, for the most part, of the World War II generation, and many of them still thought of the district court judges as justices of the peace, even though the justices of the peace had been replaced by the district court.

When the district court came in, which I think was the greatest improvement we’ve had in the justice system in the last 100 years, these limited-jurisdiction judges got elevated status. And I think some of those older judges on the Supreme Court could never quite come to grips with the fact that this change had occurred. I can remember being in a superior court judges’ meeting, debating about whether we should even meet with the district court judges at a fall conference. Now, of course, there are judicial conferences where all levels of the court meet and are on a friendly first-name basis. But at this earlier time this was a big debate, whether we should even be in the same room.

JF: [to Rob McKenna] What about the need to educate the public generally about the judicial system?

McKenna: There are three ways to educate the public that I’ll suggest to you. The first one is the media. You have to maintain a relationship with the media, both the news and editorial sides, on an ongoing basis. You can’t just hit them once every four years — I don’t think that’s going to carry you through. The second is the schools, at two levels. First is the curriculum level. How current are the classes on government in terms of
how they cover the judiciary, and how much do they cover the judiciary? And the second element in schools is encouraging mock-trial programs. There are some very good mock-trial programs in some of our schools. Franklin High School [in Seattle] has a particularly noted mock-trial program. These are very effective programs for increasing awareness, and we should think about what we can do to increase the number of those programs. It probably will take just a little bit of funding to get more of them going. Just a little bit of extra money in a teacher's pocket will encourage teachers to say, "Yes, I'll coach the mock-trial program."

JF: Interesting idea. Why should it be different that we would pay a coach of a sport, and we wouldn't think about doing that for a debate or a mock-trial program?

McKenna: That's exactly right. We tend to rely on teachers who already love mock trial so much that they'll do it anyway. The third group to reach out to for input and assistance is the business community. They have a vested interest in a well-functioning court system. I think there was an effort to get them involved with the Court's Funding Task Force.

Accountability and Public Trust

JF: [to Justice Alexander] With regard to your comments on accountability, I think one of the things that has come out of our discussion about judicial independence is the public will look at that term and think, "well that means judges can do whatever the heck they want." So your focus on accountability to me is really important. And if the public hears that, I think they're going to be more willing to understand the process.

Alexander: Well, we are really accountable. There are periodic elections, six years for appellate judges, four years for trial courts. We also have the Judicial Conduct Commission. I have to tell you that I was really kind of an opponent of the commission when it was first proposed. But I think it's a really good thing. I think we've been lucky in Washington. We have never really had corruption in

the judiciary to any extent. We have, of course, had a few judges who used bad judgment and that needed to be dealt with. That is where the Conduct Commission filled a vital role. A few years ago, for example, a municipal court judge was telling defendants that if they didn't pay their fines that he assessed they can be sent to prison for life. That was reprehensible and the matter was well handled by the Conduct Commission and the Supreme Court, which ultimately suspended the judge.

JF: Those are the kind of stories that make good press.

Alexander: If you didn't have the system, nobody would know about it those things, probably. There might just be idle gossip. But without it the system would get worse, because it would never correct itself. Indeed, it might progress to a situation like they had in Illinois, where judges were actually taking money to fix cases. We can't let things like that get started.

JF: There's an interesting history in Chicago.

Alexander: We abhor that sort thing in Washington and to avoid it you have to have accountability.

JF: [to Rob McKenna] How do we promote the idea that judges should be free from any outside influence, such as political, financial, or threat of removal from office?

McKenna: I think this question refers to the idea of state constitutional change, for example, to move away from a system of elected judges ... that's going to be very difficult frankly. I think that voters are unlikely to give up any control they currently have. So, if promoting the idea means promoting a certain political agenda, I think that most of that's going to be a non-starter. But if the question means promoting the idea in a broader sense, in terms of the value of an independent judiciary, I think the key is to remind people about the importance of the rule of law and the fundamental role of an independent judiciary in that system. Remind people what our philosophy is and, basically, why people should not take it for granted.

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JF: [to Brooke Taylor] Going back to the issue of the public’s tendency to perhaps distrust the judiciary, to the extent that that does happen, what are your opinions as to the cause of that kind of mistrust?

Taylor: I think it’s fundamentally, Jeff, a lack of understanding as to the role of the judiciary in our democracy. I think there’s just an overwhelming need to get back to basics in our public schools. One of the things that my task force is looking at, is how to accomplish that, and we’ve made another great stride legislatively, with the passing of the so-called “civics bill” which the governor signed yesterday [March 20, 2006]. It basically requires what they call a classroom-based assessment of civics at three different grade levels. And at each level, the school district can choose whether they want like, fourth or fifth, or seventh or eighth, or tenth or eleventh, I think it is. And they can also develop their own assessment tool. It’s not like a WASL test, there’s no standardized test. But they’re going to be required to provide enough curricula in that area so that they can demonstrate that their students are learning basic government.

JF: We’ve talked about efforts by various bar associations who are trying to protect the judiciary and you’ve identified education as a significant factor, anything else you’d like to mention on that point?

Taylor: Well, I’ll just try to tick off what I’m trying to do with my initiative this year. Of course, the long-range goal is to institutionalize the program at the WSBA, which will be ongoing and it will be multifaceted, and it will involve all of the things we’re talking about. But it will have a dedicated structure and funding source, on into the future, so that this effort continues. It’s not just a “one-year I go out and talk to everybody for a year, and then it all goes away.” My task force has also told me we should concentrate on the media, in getting our message out. And one of the things we may try is what we call “media outreach teams” in every city where there is a daily newspaper or a radio station. These teams are going to involve two or three, probably three lawyers or judges, in certain roles, whose task it will be to (1) be a resource for those media outlets, and (2) to be proactive in terms of educating their local media contacts, and actually getting to them early about information about issues that we know are going to be hot items and that are coming down the pike.

Working Together to Protect an Independent Judiciary

JF: [to Justice Alexander] The last question is, how can we get the various bar groups to work together? I think there is plenty of common ground on this. What do you think?

Alexander: I think Washington is a poster child for the bar and judiciary working together for the common good. I think this coalition of the willing, to use an analogy, is the way to go. We have had a Justice in Jeopardy initiative that has had great success in improving the administration of justice in our state. We did it by bringing people and organizations under a broad umbrella, bringing in the people who are in the system, the lawyers and the judges, and spreading out. We have senior citizen groups, League of Women Voters, people like that, who have an interest in having a good judiciary and
justice system and we have made great progress. We call it “cooperation and collaboration,” and we try to work together for the common good, and for an improved justice system.

**JF:** [to Rob McKenna] The last question has to do with the common ground among various bar organizations who should work together to support the judiciary. Do you have any ideas about facilitating those kinds of alliances?

**McKenna:** I think you need to tap people who are in a position to convene in such a group. Pull people in from leadership positions in each of the organizations and say, we’ve got to all sit down together. Examples of people who have a particular power to convene include the attorney general, chief justice of the Supreme Court, and president of the State Bar Association. I find a lot of what I can accomplish on policy issues really comes from my power to convene. It’s what I am doing on identity theft and on meth, and it can be applied in this context as well. Another key leader is the governor. She played a convening role, a facilitating role with the recent medical malpractice bill [2.SHB 2292] that was passed. We might be able to interest her in helping out on this as well.

**JF:** [to Brooke Taylor] Do you think that there is common ground among the various groups of lawyers, who may not share the exact same agenda on other matters, but maybe should come together on the issue of the judiciary? And if you agree with that premise, do you have any suggestions about how those kinds of alliances can be facilitated?

**Taylor:** Let me kind of do it backwards. First, I think it’s essential to develop a mechanism for that kind of collaboration, because I sense there is a lot of overlap in what different groups are trying to do. Some of that is inevitable, but it’s not necessarily productive to have the American Judicature Society doing one thing, and the State Bar doing something, and the King County Bar doing something, and DRI doing something else, and maybe the trial lawyers have got a program. I think it’s good to have a lot of groups working on them, but I think we’re wasting a lot of resources without some kind of a top-level sort of roundtable that would coordinate these efforts. You named some of the people who would be sitting at the table. I mean, you’re talking to a person who just helped orchestrate and then watched trial lawyers and physicians sit across a table and hammer out a collaborative effort legislatively. If that can happen, anything can happen. Anything is possible. You know, for instance, defense trial lawyers and WSTLA have far more in common than would divide them.

But I’m giving you a really long answer to a simple question. I think that collaboration is necessary and … this is important to all of us. It doesn’t matter what kind of cases you do. Many lawyers don’t litigate at all. It’s still important to them. I’m not giving you any quick and easy solution as to how we make that happen. But there’s no doubt in my mind: If we can get doctors and lawyers to talk to each other and agree on things, good heavens, anything’s possible.

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When we think of the work that government legal workers do, we generally think of how they provide support to the public through government entities. Pro bono legal work by government employees is often noticed less, because such workers need to maintain a barrier between their paid work and their volunteer work in order to make sure that public funds are not used for the volunteer work. Government lawyers cannot use office facilities at their workplace to meet with pro bono clients, and cannot bill any pro bono hours as attorneys in private law firms often do. They have to take vacation time or arrange for flex time to go to court with pro bono clients and use their own funds for mailing expenses associated with pro bono cases.

Luckily for Washington residents, there are many government staff and lawyers who serve the public in both their paid work and their volunteer work. In February 2006, a large group of government legal staff and attorneys from the Washington State Office of the Attorney General was recognized for their impressive efforts with Thurston County Volunteer Legal Services (TCVLS). This program began in 1994 partly as a way for the plethora of government attorneys in Olympia to be able to do pro bono work in a clinic setting and avoid issues with conflicts of interest and possible misuse of state resources. I spoke with Scott Douglas, executive director of TCVLS, as well as several volunteer attorneys and staff, to find out more about this great achievement.

Thurston County Volunteer Legal Services and the AGO

TCVLS is staffed by many volunteers from government practice, is composed of several walk-in legal clinics in Thurston and Mason counties, and has a considerable roster of attorneys who do direct representation as well. The program has its roots in past entities, including the Thurston County Volunteer Legal Clinic and the Pro Bono Project. It is staffed primarily by volunteers from the Attorney General’s Office — other attorneys and staff provide every other week. In August 2004, it added a monthly domestic-violence clinic in conjunction with SafePlace. In November 2005, the Mason County Clinic opened, which was TCVLS’s first physical presence in Mason County. Altogether, TCVLS served 602 clients last year through their clinics and direct-representation programs.

Encouraging Participation

Mr. Douglas has participated in extensive outreach since he was hired, and attends functions such as charity events and diversity fairs. He offers CLEs at the Attorney General’s Office and other locations, and speaks to groups of government workers at many different functions. At a 10-hour training session at the Attorney General’s Office in October 2005, 40 new volunteers signed on. Currently, Mr. Douglas feels that volunteerism for the program has taken on “a life of
The word gets spread as volunteers tell friends and coworkers about their work. Mr. Douglas described his main goal for 2006 as getting more attorneys involved in direct representation.

Some Exemplary Volunteers
In 2005, staff members in the Attorney General’s Office established a Pro Bono Committee, evidence of dedication to volunteerism within the office. The committee is chaired by Traci Friedl, and has its own webpage on the Attorney General Office’s intranet. Mr. Douglas speaks enthusiastically of a core group of attorneys general and staff who volunteer at TCVLS, such as the two paralegals who have volunteered at every SafePlace domestic-violence clinic in 2005 and early 2006.

Melynda Campbell, who now works for Governor Christine Gregoire’s Office of General Counsel, has been volunteering regularly at TCVLS clinics for five years. She volunteers because she believes that she should help since she has the ability to do so. She comes away from her volunteer experiences each time with the sense that she has made a difference.

Cheri Elliott is another former AGO paralegal who has been dedicated to the SafePlace clinics. She now works for the State Auditor’s Office as a whistleblower investigator. She is close friends with Ms. Campbell, and was inspired to volunteer through Ms. Campbell’s example. As soon as the SafePlace clinic opened, she knew she wanted to volunteer there. She feels that Mr. Douglas is an incredible leader and organizer, and that the other women at SafePlace are wonderful and full of compassion. She is honored to work with such a wonderful group of people.

Penny Allen is a great example for government attorneys who are interested in providing direct representation. She works in the L&I Division of the Attorney General’s Office and has had about 15 direct-representation clients with family law issues over the past 16 years. She had not practiced family law when she started taking pro bono clients, but got training and started on simple cases. She noted that many of her cases have been unopposed, and that court personnel have been very helpful to her in her role as a pro bono provider.

She values her pro bono work for the courtroom skills and confidence it has given her. She notes that even pro bono work that is not in a lawyer’s particular area of expertise can help that person’s everyday law practice. Ms. Allen fits pro bono into her busy life by doing some tasks at home. She meets with clients at places of public access during normal business hours, since she cannot see them in her workplace. Her workplace is flexible about letting her make up work hours at a later time if she has some rush work for a pro bono case. She has learned a lot from her volunteer work and has watched abused, codependent women transform their lives.

Phil Ferester works in the Natural Resources Division of the Attorney General’s Office, and has volunteered at TCVLS since 1997. He notices that people sometimes lose focus on volunteerism given other time commitments in their lives, but finds it has been easier to do when he commits to a clinic date several months in advance and puts it on his calendar. He believes it is important for government attorneys to do pro bono work, as they need contact both with clients and with the private bar. He always leaves his clinic nights feeling that he has helped someone.

Christine Kilduff is an attorney volunteer from the Attorney General’s Office who does not currently volunteer for TCVLS, but did so in the past. She served on their Board of Directors from 1998 through 2000, and believes it is very important for government attorneys to do pro bono work, as they need to be able to connect with their communities in a tangible way. Public attorneys often do not come face to face with those they serve, but it is good for them to see the impact of their services. Ms. Kilduff currently volunteers with the Tacoma/Pierce County Volunteer Legal Clinic, and gets great satisfaction from making a difference for her clients. She is on the attorney general’s Pro Bono Committee, and relayed the news that Ms. Allen recently received the Attorney General’s in-house Pro Bono Award. Ms. Allen is also the recipient of the 2006 WSBA Angelo Petruss Award for Lawyers in Public Service.

James Johnson is another L&I attorney who does both direct representation and clinic work. He enjoys his work, as it gives him a chance to help “real people with real problems.” He notes that TCVLS has supported him with mentor attorneys who help him in family law, an area of law he does not otherwise practice. He has also been supported by opposing counsel and judges who understand that pro bono attorneys are there to help the system work more smoothly. Mr. Johnson has not found the time commitment to be a burden. He suggests that those who are unsure about whether they are really up for pro bono work should co-counsel with a more experienced attorney.

How You Can Get Involved
Learn from example. Talk to attorneys and staff who already do pro bono work and ask for tips on how to volunteer. Check out the WSBA’s website regarding volunteer opportunities, www.wsba.org/atj/support/default.htm. There are many opportunities for almost any practice area, and you are certain to find something that does not conflict with your practice. You can also search the Internet using key words — a pro bono opportunity is just a few clicks away. Familiarize yourself with your office’s policies regarding outside work. Be prepared to work within certain practical limitations in order to do your work. Legal clinics are easy opportunities, because you can leave your workplace to go to the clinic, and you do not have to juggle the demands of direct representation with your regular job. There are many clients in dire need of direct representation, and you can make a huge difference in a person’s life that way. Worried that you don’t have any legal skills outside your practice area? Many local bar associations and pro bono providers give CLEs and trainings that are free if you volunteer to take a case. There are many people who are willing to mentor pro bono attorneys and staff. Do your profession proud and help someone in need.

Amy Klosterman is chair of the Corporate Counsel and Government Attorney Pro Bono subcommittee of the WSBA Pro Bono and Legal Aid Committee. She practices disability law as an attorney advisor in the Social Security Administration’s Office of Disability Adjudication and Review. She can be reached at amy.klosterman@ssa.gov or 206-615-3626.
Without a doubt, the presence of American Bar Association (ABA) President Michael S. Greco was the highlight of the eleventh annual Access to Justice Conference, in Yakima, June 9-11. Not only did he provide the keynote address at the Saturday lunch, we also had the pleasure of his company throughout most of the three-day event. He attended the WSBA Board of Governors meeting and the Welcoming Reception on Friday, and the Bar Leaders Conference Roundtable Discussion and the plenary session on Saturday. We were able to surprise Greco at a reception in his honor on Saturday evening, with a surprise appearance of longtime colleagues Bill Whitehurst and Jonathan Ross. Over 20 years ago Mike, Bill, and Jon, AKA “The Three Musketeers,” cofounded The Bar Leaders for the Preservation of Legal Aid for the Poor. Ada Shen-Jaffe, Seattle University School of Law, told the story of courage and leadership in extremely tumultuous times for legal services, and presented all three with awards. Gail Kinney, founding staff member, was in on the secret and also made a surprise appearance.

Greco has called for a defined right to counsel in certain civil cases as one of his primary initiatives as 2006 ABA president. The ATJ Conference/WSBA Bar Leaders Conference plenary session, “Crafting a Vision for the Civil Right to Counsel in Washington,” focused on this initiative and provided an interesting interactive discussion on this bold concept. Greco followed up on this topic in his keynote address, illustrating how many poor people face the possibility of losing the basic necessities of life: food, shelter, healthcare, protection from violence, and family stability. Greco remarked: “This issue could be the defining moment in the legal profession in our country in the 21st century, and it could be the defining act in our democracy in the 21st century — the act when we make good on the promise of equal justice for everyone.” At the time of this writing, the ABA House of Delegates announced that...
it unanimously passed a resolution calling for recognition and implementation of a right to counsel in civil cases. Appreciation goes to the entire Washington ABA House of Delegates, WSBA President S. Brooke Taylor, and the WSBA Board of Governors for their support of this resolution.

Each year, the ATJ Conference produces important recommendations for the purpose of improving access to the justice system for low-income people. Many of these recommendations have evolved into successful accomplishments, such as:

- Creating the Supreme Court’s Task Force on Civil Equal Justice Funding, resulting in the Washington State Civil Legal Needs Study.
- Implementing online interactive forms for victims of domestic violence.
- Enacting the courthouse facilitator rule.
- Enacting the “unbundled” legal services rules.
- Establishing the Interpreter Commission.
- Improving access to administrative hearings (hearings facilitator and Pro Se Handbook).
- Creating the Council on Public Legal Education.
- Removing barriers to technology: Access to Justice Technology Principals.
- Creating the Alliance for Equal Justice (organizations that provide legal aid).

The Washington State Access to Justice Board rolled out its plans to implement the recently revised “Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State.”

Many members and supporters of the Alliance for Equal Justice participated in the comprehensive revision process. One notable structural change is that the state will be divided into 19 delivery “regions” (rather than counties) in an effort to effectively improve rural services. The Access to Justice Board has established a State Plan Oversight Committee to coordinate and oversee implementation, which will take up to four years to complete. The musical skit “OCLAnogin!” illustrated the need for changes to the legal services delivery system in an entertaining and humorous fashion.

Of course, it wouldn’t be a conference without accolades! Judge Anne Ellington was presented with the ATJ Board Judicial Leadership Award to honor her long-term and significant leadership role, in particular her outstanding contributions to the Access to Justice Board’s Impediments Committee. As a founding member and principle author of the Committee’s new publication, Ensuring Equal Access For People with Disabilities: A Guide for Washington Courts, Judge Ellington’s work is exemplary. Pat “Mac” McIntyre was the recipient of the ATJ Board Leadership Award for recognition of more than 30 years of service for the benefit of the poorest and most vulnerable people in Washington state. Mac demonstrated incredible courage in the face of financial and political pressures during the restructuring of legal services. His leadership and insight allowed the creation of Washington state’s first and only much-needed legal hotline and intake system.

Reflecting on this Access to Justice Conference and the 10 conferences before it, Washington state can be proud to be a national leader and role model in efforts to keep the promise of equal justice under law. Thank you, “Three Musketeers,” for your vision, commitment, and inspiration.

Looking forward, the 2007 Access to Justice Conference will be held in Wenatchee, June 1-3. To find out how you can be involved, contact Sharlene Steele at 206-727-8262 or sharlene@wsba.org.

Sharlene Steele is the WSBA Access to Justice Liaison.
Dynamic Partnerships

The Washington State Bar Association is committed to increasing diversity in the legal profession. This effort includes forging partnerships with our state’s numerous and dynamic minority bar associations. This month, Bar News begins a regular column on diversity. This month’s column highlights the work of our sister associations. An overview of each association is provided and contact information given so that WSBA members can get involved. Future columns will feature viewpoint articles written by minority bar association leaders.

Asian Bar Association of Washington — www.abaw.org

ABAW is the professional association of Asian-Pacific American attorneys, judges, law professors, and law students. ABAW provides networking and mentoring opportunities, monitors legislative developments and judicial appointments, rates judicial candidates, and advocates for equal opportunity. ABAW sponsors student scholarships and serves the community through projects including Seattle’s International District Legal Clinic.


The Cardozo Society — www.jewishinseattle.org/JF/About/Attorneys/Attorneys.asp

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

KABA aims to foster the exchange of ideas and information among KABA members, other members of the legal profession, the judiciary, and the community; provides opportunities for fellowship; serves the general and local community; and provides a forum for the unified expression of opinions and positions on issues of concern to KABA members.

Latina/Latino Bar Association of Washington — www.lbaw.org

The LBAW represents the concerns and goals of Latino attorneys and Latino people. Members participate as mentors to law students, actively contribute to the legal system, represent the interests of the Latino community, and work to provide solutions to the access-to-justice issues facing our legal system.


Loren Miller Bar Association — www.lmba.net

LMBA is at its core a civil-rights organization, focused on addressing the issues of race, and social and economic disparities that affect the African-American community. The LMBA was named after Loren Miller, the famed civil-rights attorney who successfully argued Shelley v. Kramer, 334 U.S. 1 (1948). LMBA is a statewide organization and local affiliate of the National Bar Association (www.nationalbar.org).


Northwest Indian Bar Association — www.nwiba.org

NIBA is an organization of Indian attorneys, judges, paralegals, tribal court personnel, and Indian-law practitioners in Alaska, Idaho, Oregon, Washington, British Columbia, and the Yukon Territory, which aspires to improve the legal and political landscape for the Pacific Northwest Indian community. NIBA provides role models and mentors; encourages pro bono and civic involvement; and seeks to increase law-school enrollment by Native students.

Pierce County Minority Bar Association — www.orgsites.com/wa/pcmba

The purpose of the PCMBA is to facilitate professional development and relationships among minority attorneys, judges, legal professionals, and community leaders who reside or practice in Pierce County by providing networking opportunities, CLE credits, judicial evaluations, scholarships, and other legal services.


QLaw is an association of gay, lesbian, bisexual, and transgender (GLBT) legal professionals and their friends. QLaw is a voice for GLBT lawyers on issues of diversity and equality in the legal profession and in the courts. The organization provides networking opportunities, legal education, issue advocacy, judicial evaluations, mentoring, and scholarships.

South Asian Bar Association — www.sabaw.org

SABA, incorporated July 18, 2001, is composed of local attorneys and law students of South-Asian descent, aimed at promoting pro bono legal services and educational outreach, including in the areas of family law, domestic violence, and immigration. SABA hosts networking activities and
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Do You Know What Your Jury Is Thinking?

Vietnamese American Bar Association
— www.wsba.org/vabaw1.pdf
VABAW was formed in 2005 for Vietnamese-American attorneys, law students, and friends sharing its vision. VABAW provides support for attorneys to advance their careers, guides students who aspire towards the legal profession, serves as a voice for the local Vietnamese-American community, and represents Vietnamese-American attorneys within the State Bar.

Upcoming Event: Annual Dinner, November 1, 2006, Seattle.

Washington Attorneys with Disabilities Association
— http://groups.yahoo.com/group/Washington-ADG
WADA is an organization of attorneys with and without disabilities which works to educate and enlighten those in our profession about the many barriers to the practice of law, to promote the elimination of those barriers, and to improve meaningful opportunities for attorneys with disabilities in all facets of society.

Washington Women Lawyers
— www.wwl.org
The principal purposes of WWL are to further the full integration of women in the legal profession and to promote equal rights and opportunities for women, including preventing discrimination against women. WWL is a statewide organization with nine chapters covering 11 counties.


Column Editor Beth Barrett Bloom is a 2005 WSBA Leadership Institute fellow, president-elect of QLaw, and member of the WSBA Committee for Diversity. Ms. Bloom is a labor and employment attorney with Frank Freed Subit & Thomas LLP in Seattle. For feedback, e-mail bbloom@frankfreed.com.
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BREWE LAYMAN
Attorneys at Law
Remembering Kevin Jung

BY SAM CHUNG

I first met Kevin Jung in 1990. I had just passed the Washington State Bar exam, and he called me out of the blue to introduce himself, stating that he saw my name from the new Bar admission list. Because he and I shared the same last name (although I spell mine “Chung”), he knew that I was Korean, and we decided to meet for lunch. Having the same last name was enough of a reason to get together for lunch with someone back then.

We met at a popular teriyaki restaurant in downtown Seattle. As we talked, we found out that we had things in common aside from our surname. Like me, Kevin had moved from Korea when he was in elementary school and considered himself as an “in-between” or “1.5” generation. We had both spent time in Washington, D.C., attending law school and had played organized soccer. Kevin also told me that there were several other Korean-American attorneys in the area and that we should try to get together. As we parted, I told him that if he needed any help with anything, he should let me know. I was not being presumptuous as a brand-new lawyer; it just seemed that because I was working at a large law firm and he was working by himself, I might have access to resources that he didn’t have. Kevin did take me up on my offer, because I remember him calling me to get legal forms.

A couple of years after our lunch, I contacted Kevin about participating in a new pro bono program. I had been thinking about getting together some of the Korean-American lawyers in the area to start a pro bono legal clinic for low-income and elderly people. I was trying to do this through a local community counseling center, and I had contacted several attorneys, including Kevin, to find out if they were interested in volunteering. I knew that Kevin would be interested, because I had heard him on Korean-language radio programs speaking about the lack of legal representation in the Korean community. This was also about the time that riots in Los Angeles had decimated many Korean-owned businesses, and many people felt that some type of community legal assistance program was needed. As I suspected, Kevin was very receptive and said such a program was critical for our community. He then came to a dinner hosted by the Korean Consul General of Seattle to bring the various interested parties together. True to himself, Kevin spoke passionately about the unmet legal needs in the growing Korean community.

It took several more months, but the clinic finally got started in early summer of 1992. Kevin kept up with the clinic for several years. This was a fairly large commitment, because there were only six volunteer lawyers at the time. This was a strain on our time and there was a problem with no-shows. Sometime later, Kevin called me and said that he was not going to be able to participate any longer. He had small children and was also traveling frequently. By that time, we had more lawyers volunteering and the program was running fairly smoothly. Like Kevin, I was checking the Bar admission list and I was making calls to people with Korean-sounding surnames, asking them to volunteer.

I then heard that Kevin had moved to a large firm in Seattle. Then someone told me later that Kevin had opened an office in Seoul, Korea, and that he was commuting between Seattle and Seoul. This was no easy feat given the time difference and the travel, but I thought that if anyone could do it, Kevin could. Shortly thereafter, my parents told me that a Korean lawyer with the same last name was speaking on television. I was pleased that Kevin had moved from radio to television. I made a point to watch the program and realized that he had a lot more gray hair than at our first meeting.

In October 2004, as I was driving to work, I heard a voice that I immediately recognized. Kevin was being interviewed on KIRO radio news about his client who had just been killed by her estranged husband. The husband had just gotten out of jail for violating a no-contact order and after his release he immediately went to the store where his wife was working and killed her with a kitchen knife. Kevin was again speaking out — talking about the poor woman’s efforts to get legal help.

I will never forget the day he was shot — November 3, 2004. About mid-morning, I received a call from a local Korean-language radio station and when I answered my telephone, the caller seemed surprised that I answered the phone. He asked if I was all right and then told me that he had heard that a Korean attorney named “Chung” had been shot. I just knew it was Kevin. I immediately went to the hospital to see him. I met his wife, Sally, and Kevin’s family, and after seeing Kevin, I was amazed that he had actually survived.

The trial of Kevin’s assailant, William Joice, was really about when and what sentence he would receive. Joice had admitted to shooting Kevin, although he tried to argue that he was only trying to wound Kevin. The trial was very difficult for Kevin’s family. For me, what was most memorable about the trial was that at Joice’s sentencing, Joice’s wife entered the courtroom very late, just as Judge Spector was about to read her ruling. The courtroom was packed and there was only one empty space remaining — directly behind Kevin’s wife, Sally. As Joice’s wife sat down, I knew that she and Sally felt each other’s presence, and as the sentence was announced, they both broke out in tears.

About a week after the sentencing, Kevin passed away from the numerous complications from his injuries. He had lived more than a year following the incident, and it was as if he had forced himself to stay alive until the case was finally over and Joice received his sentence. I just think as a good lawyer, he simply wanted to make sure that things were well taken care of before he could move on. ⚰

Sam Chung is a partner at Lee Anav Chung LLP, and focuses his practice on commercial litigation matters. He is the founding president of the Korean American Bar Association of Washington and is also a past overseas president of the International Association of Korean Lawyers. He can be reached at samuelchung@leeanavchung.com and 206-654-5050.
WSBA Seeks Board and Committee Members
The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the following boards and committees. Members should submit letters of interest and résumés to: WSBA, Bar Leaders Division, 2101 Fourth Ave., Ste. 400, Seattle, WA 98121-2330, or e-mail: barleaders@wsba.org. (Letters of interest and résumés are also required for incumbents seeking reappointment.)

Legal Foundation of Washington Board of Trustees
Application deadline: November 1
The Legal Foundation of Washington seeks one member to serve a two-year term on its board of trustees commencing on January 1, 2007. Incumbents are eligible for reappointment (up to two consecutive terms). The Legal Foundation of Washington is a private, non-profit organization that promotes equal justice for low-income people through the administration of IOLTA and other funds. Trustees should have a demonstrated commitment to, and knowledge of, the need for legal services and how these services are provided in Washington. For more information, e-mail caitlindc@legalfoundation.org.

Northwest Justice Project Board of Directors
Application deadline: November 1
The Northwest Justice Project seeks two members to serve three-year terms on its board of directors. The terms will commence on January 1, 2007. Incumbents are eligible for reappointment (up to two consecutive terms). The Northwest Justice Project is a not-for-profit organization that receives primary funding from the state and through the federal Legal Services Corporation to provide civil legal services to low-income people. Board members, who play an active role in setting program policy and assuring adequate oversight of program operations, must have a demonstrated interest in, and knowledge of, the delivery of high-quality civil legal services to the poor. For more information, e-mail mac@nwjustice.org or lisag@nwjustice.org.

Washington Defender Association Board of Directors
Application deadline: November 1
The Washington Defender Association (WDA) seeks two members to serve on its board of directors, one for a two-year term, and one for a three-year term. Both terms will commence on January 1, 2007. The board generally meets 10 times per year. The WDA is committed to increasing the funding and improving the quality of the criminal-defense bar in Washington and works to oppose legislation that would undermine constitutional protections for people accused of crimes.

Washington Pattern Forms Committee
Application deadline: November 1
The Washington Pattern Forms Committee seeks one member to serve a four-year term commencing on January 1, 2007. Incumbents are eligible for reappointment (up to two consecutive terms). The Washington Pattern Forms Committee has published new sexual assault protection order forms and updates to the domestic relations, domestic violence, anti-harassment, juvenile court, misdemeanor judgment and sentencing, and felony judgment and sentencing forms, available at www.courts.wa.gov/forms. For more information, e-mail merrie.gough@courts.wa.gov.

New Publication from WSBA-CLE
WSBA-CLE and the Administrative Law Section are pleased to announce the September 30 release of the definitive guide to requesting and providing access to government records in Washington—Public Records Act Deskbook: Washington’s Public Disclosure and Open Public Meetings Law. Written by experts in the field, this one-volume deskbook answers questions on all aspects of Washington’s Public Records Act, from “what is a public record?” to “what is an agency?” while addressing the specifics of requesting investigative, personnel, medical, and court records, court remedies to obtain disclosure, and court-awarded attorney fees, costs, and penalties. It also includes chapters on the federal Freedom of Information Act (FOIA) and the Washington Open Public Meetings Act. The deskbook is priced at $150. For full contents or to order, go to www.wsbcle.org and click on “Spotlight Product” or call the WSBA Service Center at 800-945-WSBA or 206-443-WSBA.

Washington Women Lawyers Annual Leadership Symposium
This year, the Washington Women Lawyers will present an Annual Leadership Symposium focused on leadership and diversity on November 17 in Seattle. With an eye on where we have been, where we are now, and where we need to go, “Leadership and Women in the Law: The Changing Profile of the 21st Century Attorney,” is a symposium and CLE designed to examine the history of the Glass Ceiling Task Force and the Commission on Gender and Justice. The Symposium will also include a cocktail reception and an annual awards dinner. Contact Eileen Concannon at econcannon@riddellwilliams.com or Tracy Sarich at tracy.sarich@courts.wa.gov.

Seeking Applications from Judicial Candidates
Application deadline: October 31, 2006, for November interview; December 29, 2006, for February interview
The WSBA Judicial Recommendation
Committee is currently accepting applications from attorneys and judges seeking consideration for appointment to fill potential vacancies on the Washington State Supreme Court and Court of Appeals. The Committee’s recommendations are reviewed by the WSBA Board of Governors and then referred to the state governor, who then reviews the recommendations when making judicial appointments. The Committee will interview candidates in November 2006 and February 2007. Applications must be received at the WSBA office by 5 p.m., October 31, 2006, for the November meeting, and by 5 p.m., December 29, 2006, for the February 2007 meeting. To obtain an application, please visit the WSBA website at www.wsba.org/lawyers/groups/judicialrecommendation or contact the WSBA at 206-727-8239, 800-945-WSBA, ext. 8239, or barleaders@wsba.org. Please specify whether you need the application designed for a judge or an attorney.

Neukom Named ABA President-elect

Seattle attorney William Neukom has been named president-elect of the American Bar Association, the world’s largest voluntary professional membership organization. He will assume the office of ABA president in August 2007. Neukom is currently chair of Preston Gates & Ellis LLP. Active in both the ABA and local bar associations, he served as chair of the King County Bar Association’s Young Lawyers Division and in the same capacity with the ABA. He has represented Washington state in the ABA House of Delegates since 1999.

Lawyers Helping Hungry Children

Would you and/or your firm like to help feed hungry children and at the same time attend an educational and inspiring event? If so, plan to attend the Lawyers Helping Hungry Children (LHHC) annual fund-raising lunch on November 2 at noon at the Grand Hyatt in Seattle. Each year LHHC sponsors this event to raise funds for organizations that provide food and support to children in need. These organizations include Northwest Harvest, Children’s Alliance, Seattle Summer Sack Lunch Program, CARE, and Within Reach (formerly Healthy Mothers, Healthy Babies). Contact LHHC at 206-292-5858 or visit www.lhhcwa.org.

Equal Justice Open House Day — October 11

The Alliance for Equal Justice will host receptions throughout the state on October 11. The Alliance is Washington state’s network of organizations providing legal aid — information, advice, and representation — to those with nowhere else to turn. Members of the legal community are invited to attend to learn more about civil legal aid and to celebrate the work of the Alliance. For more information or to RSVP, please visit www.allianceforequaljustice.org or call 206-447-8168.

Bellevue — noon - 1:30 p.m. | South Bellevue Community Center, 14509 SE Newport Way | Speaker: Bill Neukom, ABA president-elect

Bellingham — 7 p.m. | Northwest Justice Project, 1814 Cornwall

Bremerton — 6 - 8 p.m. | Kitsap Legal Services, 920 Park Ave. | Speaker: John McKay, U.S. Attorney, Western District of Washington

Chehalis — 5:30 - 7:30 p.m. | Veterans Memorial Museum, 100 SW Veterans Way | Speaker: Hon. Gerry Alexander, Chief Justice, Washington State Supreme Court

Ephrata — noon - 1 p.m. | 112 Basin SW | Speakers: Stan Bastian, WSBA president-elect; Ada Shen-Jaffe, Seattle University School of Law

Everett — noon - 1:30 p.m. | Snohomish County Courthouse, 3000 Rockefeller Ave. | Speaker: Hon. Mary Fairhurst, Washington State Supreme Court

Kennewick — 4 - 6 p.m. | United Way, 401 N. Young St. | Speaker: Hon. Cameron Mitchell, Benton-Franklin Superior Court

Kent — noon - 1:30 p.m. | Regional Justice Center Courthouse, 401 4th Ave. N., 3rd Fl. Rotunda | Speakers: Hon. Deborah Fleck, King County Superior Court; Bob Pittman, attorney at law and radio personality, TALK 770 KTTH

Mount Vernon — noon - 1 p.m. | Skagit Transit Station, 105 E. Kincaid St. | Speaker: Hon. Faith Ireland, Washington State Supreme Court (Ret.)

Oak Harbor — 11 a.m. - 1 p.m. | Volunteer Program of Island County, 380 SE Pioneer Way | Speaker: Hon. Mary Kay Becker, Washington State Court of Appeals, Division I

Olympia — 5:30 - 7 p.m. | Columbia Legal Services, 711 Capitol Way S. #304

Seattle — 5 - 7 p.m. | Court in the Square, 401 2nd Ave. S. | Speakers: Paula Boggs, vice president, general counsel, and secretary, Starbucks Coffee Company; Hon. Rob McKenna, Washington state attorney general

Spokane — 5 - 7 p.m. | Gonzaga University, McCarthey Athletic Center, Herak Room | Speaker: Hon. Robert Whaley, U.S. District
Court, Eastern District of Washington  
Tacoma — 4:30 - 6:30 p.m. | Access to Civil Justice Center, 715 Tacoma Ave. S.  
*Speaker:* Hon. Frank Cuthbertson, Pierce County Superior Court  
Vancouver — 4:30 - 7 p.m. | YWCA of Clark County, 3609 Main Street  
*Speaker:* Hon. Dean Morgan, Washington Court of Appeals (Ret.)  
Walla Walla — noon - 1:30 p.m. | YWCA of Walla Walla, 213 S. First St.  
*Speaker:* Dave Savage, WSBA past president  
Yakima — 4:30 - 6 p.m. | The Seasons Performance Hall, 101 N. Naches Ave.  
*Speaker:* Hon. Teresa Kulik, Washington Court of Appeals, Division III

**Washington State Bar Foundation Awarded Fellowship**

LexisNexis Martindale-Hubbell has awarded its LexisNexis Legal Fellowship to the Washington State Bar Foundation, a non-profit organization that supports the public service efforts of the WSBA. The $15,000 grant will be used to help underwrite the costs of the WSBA Leadership Institute, a program geared toward increasing leadership skills and opportunities among attorneys from diverse and underrepresented groups throughout the state. “By selecting the WSBA Leadership Institute for this generous grant, Martindale-Hubbell is making a very conscious investment in the future of the legal profession and helping us to cultivate the next generation of leaders in our state,” said James Williams, chairman of the WSBA Leadership Institute. “The goal of this program is to make sure that promising young lawyers of diverse backgrounds do not slip through the cracks in our profession. We are striving to fill the talent pipeline by reaching deeper into diverse communities throughout the state of Washington, and these funds from Martindale-Hubbell will help us accomplish that goal.”

**Section Membership for 2006-2007**

The annual section membership forms were mailed at the end of September to all WSBA members as well as non-attorneys who joined a section last year. The new membership year is October 1, 2006, through September 30, 2007. Individuals may join a section at any time; however, dues are not prorated and in order to receive a full year of benefits, you are encouraged to join or renew as soon as possible. If you have not received a section membership form, you may join online through the WSBA Store (www.wsbacle.org/Merchant2/merchant. mvc, type in “section membership” in the search box) or contact the WSBA Service Center at 800-945-WSBA or 206-443-WSBA, or questions@wsba.org.

**Mandatory Preadmission Education Course**

Effective June 1, 2006, amendments to Admission to Practice Rules 5 and 18 require bar applicants to complete an approved four-hour preadmission education course. This requirement applies to applicants who qualify for admission by successful completion of the bar exam as well as those who qualify through reciprocity. Applicants must complete the course, take the oath of attorney, and pay the current year’s membership fee before the Supreme Court will sign an order of admission to practice. Since June 1, almost 300 new applicants have done so.

Several county bar associations and local courts throughout the state are offering the preadmission education course this fall in conjunction with local swearing-in ceremonies. These include Clark County Bar (Vancouver), East King County Bar (Issaquah), King County Bar Young Lawyers Division (Seattle), Snohomish County Bar (Everett), South King County Bar (Kent), Spokane County Bar Young Lawyers Division (Spokane), Tacoma-Pierce County Bar (Tacoma), Thurston County Bar (Olympia), and Whatcom County Bar Association (Bellingham). Applicants wishing to attend a local course must register in advance.

The preadmission education course is free and covers some essentials for new admittees, including client relations, civility and professionalism, orientation to local practice, fundamentals of law office management, and maintaining a balanced life. Attendees receive a coursebook with information regarding each topic, tips, research, and local materials chosen for each seminar location. Further details and registration information are available at www.wsba.org/#preadmission. If you have questions, contact Yvonne K. Chapman, WSBA-CLE orientation program developer, at yvonnek@wsba.org, 206-727-8271, or 800-945-9722, ext. 8271.

**WYLD Seeks De Novo Associate Editor**

The Washington Young Lawyers Division (WYLD) Editorial Advisory Board (EAB) is seeking a practicing member of the WYLD to serve as De Novo associate editor. Responsibilities include assisting the editor with procuring and editing feature articles, working with authors, and managing De Novo correspondence. The associate editor will work closely with the editor, the
EAB, and the WYLD liaison in the areas of organizing content, proofreading, and coordinating articles and schedules to meet specific deadlines. The associate editor will ultimately assume the position of editor. Editorial/publication experience is desirable. Submit résumé and writing samples to: De Novo Associate Editor Search, Attn: Amy O’Donnell, WSBA, 2101 4th Ave., Ste. 400, Seattle, WA 98121-2330. Applications must be received by 5 p.m. on December 1. It is anticipated that the associate editor will begin his or her duties in January 2007.

The term is for 18 months as associate editor, followed by 18 months as editor.

**Trupin Appointed to ABA Commission Post**

Casey Trupin, who practices at the Seattle office of Columbia Legal Services, has been appointed to serve as chair of the ABA Commission on Homelessness and Poverty. Trupin, cofounder and former director of Street Youth Legal Advocates of Washington, has focused much of his practice on at-risk, homeless, and foster youth. The 13-member Commission is charged with educating members of the bar and the public about legal and other problems of poor and homeless people and ways in which lawyers can assist in solving or ameliorating them, and training lawyers in areas needed to provide pro bono legal assistance to homeless people and those at risk of becoming homeless.

**MCLE Certification for Active Members — Due Date for MCLE Reporting**

WSBA members are divided into three MCLE reporting groups based on year of admission. (Newly admitted members are exempt. See "Newly Admitted Members" below.)

<table>
<thead>
<tr>
<th>Group</th>
<th>Reporting Period</th>
<th>Complete Credits by</th>
<th>File C2 Form by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 2</td>
<td>2006-2008</td>
<td>December 31, 2008</td>
<td>February 1, 2009</td>
</tr>
</tbody>
</table>

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

- At least 45 total credits of MCLE Board-approved CLE activities must be taken, which need to include a minimum of 30 live credits and six ethics credits.
- Pre-recorded self-study (A/V) courses cannot be more than five years old, except MCLE Board-approved “skills-based” courses. Pre-recorded self-study courses include the traditional audio-visual (A/V) media of video tapes and cassette tapes. They also include archived web casts, DVDs, compact disks, and other media with a sound track of the MCLE Board-approved course presentation. Written materials should be included with these courses and reviewed prior to claiming credit. In addition, written materials must be

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purchased by each member, where required by the sponsor, prior to claiming credit.

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

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

**C2/C3 Reporting Requirement**: All active members due to report are required to file a Continuing Legal Education Certification (C2/C3) form listing all CLE courses taken for credit compliance. The deadline for filing your C2/C3 form is February 1 of the year following the end of your reporting period. Note:

- Your online roster is not a substitute for filing the C2/C3 form.
- The C2/C3 form is an affidavit and must be signed and dated, and the city and state where signed must be identified.
- C2/C3 forms are included in the license packets sent in early December to all members due to report (which will be Group 3 members this year).
- All CLE courses listed on member rosters as of October 2006 will be printed on the back of the C2 form. If you took more CLE courses after October 1, and if they appear on your online roster and you do not want to hand-write them on the back of the C2 form, you may print a copy of your roster and attach it to your C2/C3 form. State on your C2/C3 form that the attached online roster printout is a true and correct statement of the CLE courses taken for credit compliance.
- Members must verify that the credit hours listed on the C2/C3 and on the member's online profile correctly reflect the hours actually attended for each CLE. Online credits may be edited by clicking on the "edit" link next to each course. Credits on the C2/C3 may be corrected manually.

- The C2/C3 form should be filed by February 1 even if all the credits needed for compliance have not been completed.

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

**Newly Admitted Members**: If you are a newly admitted member, you are exempt from reporting CLE credits for the year of your admission and the following calendar year. If you were admitted in 2005, you will...
FYI Information

not report for this reporting period (2004-2006) even though you are in Group 3. You will first report at the end of the 2007-2009 reporting period. When you report at the end of your first reporting period, you may claim all CLE credits earned on or after your date of admission to the WSBA.

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

**MCLE System — Course Listing and Member Profiles:** Members may use the online MCLE system to: review courses taken and credits earned; apply for course approval; apply for writing credit, pro bono credit, or prep-time credit; and search for approved courses being offered. To use the MCLE system, go to the WSBA web site at www.wsba.org and click on "MCLE Web Site" in the upper left corner. On the next screen, click on the "Member" tab, then select "Member Login." The online instructions will lead you through the process of creating a confidential password and using the system. Online help is available. If you have any questions about using the MCLE system or about the MCLE compliance requirements, see the online FAQs at www.wsba.org/lawyers/licensing/faq-mcle.htm, call the WSBA Service Center at 800-945-WSBA or 206-443-WSBA, or e-mail questions@wsba.org.

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

**MCLE Certification for Group 3 (2004-2006)**

If you are an active WSBA member in MCLE Reporting Group 3 (2004-2006), you will receive your Continuing Legal Education Certification (C2/C3) forms in the license packet that will be mailed in early December. The deadline for returning the C2/C3 form to the WSBA is February 1. Any C2/C3 forms delivered to the WSBA or postmarked after March 1 will be assessed a late fee. Members in Group 3 include active members who were admitted to the WSBA in 1984-1990 or in 1993, 1996, 1999, or 2002. Members admitted in 2005 are also in Group 3 but are not due to report until the end of 2009, their first reporting period will be 2007-2009; however, any credits earned on or after the day of admittance to the WSBA may be counted for compliance.

**The CLE Certification (C2/C3) form** that you will receive in your license packet is an affidavit that will list all the WSBA-approved courses that are in your MCLE online profile for the 2004-2006 reporting period as of mid-October. If you take other courses after mid-October, you can add these to the back of the C2 form (the C3 form) when you receive it. The C2/C3 form, not your online profile, is the official record of MCLE compliance. The original copy of the C2/C3 form must be returned to the WSBA to meet compliance requirements.

All WSBA-approved courses that you list on your C2/C3 form must have an Activity ID number. This number is listed on your online MCLE profile and is assigned at the time that the Form 1 for each course is reviewed. If you have taken courses that have not yet been approved by the WSBA, please submit Form 1s for these courses immediately to ensure that they are approved before your C2/C3 is due. Because of high volumes from October through February, Form 1s submitted electronically (at pro.wsba.org) could take up to four weeks or more to process. Paper Form 1s may take up to six weeks or more to process. If you submit a paper Form 1, you will be notified by mail of its Activity ID number.

If you are not able to meet the credit requirement by December 31, 2006, and need more time to complete your credits, an automatic extension will be granted until May 1, 2007. There is no need to apply for it. However, a late fee will be imposed if you take any courses after December 31 that are needed for compliance or if your C2/C3 form is submitted late. If this is the first reporting period in which you will not meet MCLE compliance requirements, the late fee will be $150. The late fee increases by $300 for each consecutive reporting period you are late in meeting MCLE requirements.

If you have questions about the Form 1 process or MCLE compliance, call the

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Fax: 206-332-0252
520 Pike Street, Suite 1200
Seattle, WA 98101
WSBA Court Rules and Procedures Committee 2006-2007 Agenda
When it reconvenes in October, the WSBA Court Rules and Procedures Committee is scheduled to review the Rules of Evidence (ER) and the Infraction Rules for Courts of Limited Jurisdiction (IRLJ). Suggestions regarding these rules or questions about the work of the committee should be directed to Douglas Ende at 206-733-5917 or e-mail WSBACourtRules@wsba.org. Interested individuals are encouraged to participate in the work of the Committee.

Resolving Lawyer Disputes
The WSBA offers two programs to help lawyers resolve disputes. The Fee Arbitration Program focuses on fee disputes between a lawyer and his or her client. To participate, both parties must agree to be bound by the arbitrator’s decision. The Mediation Program provides a venue for parties to work together to resolve any dispute involving a lawyer, including those between a lawyer and a client, a lawyer and another lawyer, or a lawyer and another professional. Either party to a dispute may initiate fee arbitration or mediation. Both programs are non-disciplinary, voluntary, and confidential. Visit www.wsba.org/lawyers/services/adr.htm or call 206-733-5923.

LAP Solution of the Month — Procrastination
Do you keep putting off certain tasks? Do you worry about work you’re not doing? Procrastination can be hazardous to your professional and personal health. Try dividing the task up into small bites, then attack the first logical piece. If you’d like help breaking the procrastination habit, call the Lawyers’ Assistance Program at 206-727-8268 to schedule a free, confidential consultation. Enjoy feeling in control again.

Casemaker Access
Casemaker is a powerful online research library provided free to WSBA members. To access Casemaker, go to the WSBA website at www.wsba.org and click on the Casemaker logo on the right sidebar to access the Casemaker homepage. Click on the Casemaker button to begin. For help using Casemaker, contact the WSBA Service Center at 800-945-WSBA or 206-443-WSBA, or questions@wsba.org.

Computer Clinic
The WSBA offers a hands-on computer clinic for members wanting to learn more about what computer programs — such as Outlook, PowerPoint, Excel, Word, and Adobe Acrobat — can do for a lawyer. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Computers are provided, and seating is limited to 15 members. There is no charge and no CLE credits are offered. The next clinic will be held on October 9 from 10 a.m. to noon at the WSBA office. For more information, contact Pete Roberts at 206-727-8237 or peter@wsba.org.

Contract Lawyer Meeting
LOMAP hosts a meeting of contract lawyers the first Tuesday of every month at the WSBA’s conference room facility. The next meeting is October 3 from noon to 1:30. The following meeting will be held November 7. Please bring your lunch — coffee is provided — and network with other contract lawyers.

LOMAP & ETHICS . . . on the Road — The 2006 Traveling Seminars
LOMAP & ETHICS will hold the Traveling Seminar at Moses Lake on October 24 and Wenatchee on October 25. Registration is $84 and each seminar has been approved for four CLE credits, including two ethics credits. Contact Julie Salmon at 206-733-5914 or juliesa@wsba.org, or visit www.wsba.org/lawyers/services/lomapontheroad.htm.

Job Seekers Discussion Group
Looking for a job or making a transition? Join the Job Seekers Discussion Group the second Wednesday of each month from noon to 1:30 p.m. The next meeting is October 11 at the WSBA office. Discussion covers where to look for jobs, how to use your network of contacts, strategies for résumés and cover letters, and how to keep yourself organized and motivated. Exchange information and ideas with other lawyers looking to make a change. Come
as you are — no need to RSVP. Contact Rebecca Nerison, Ph.D., at 206-727-8269 or rebeccan@wsba.org.

**Facing an Ethical Dilemma?**
The WSBA Ethics Line can help members analyze a situation, apply the proper rules, and make an ethically sound decision. Calls made to the Ethics Line are confidential, and most calls are returned within one business day. Any advice given is intended for the education of the inquirer and does not represent an official position of the WSBA. Call the Ethics Line at 800-945-9722, ext. 8284, or 206-727-8284.

**Search WSBA Ethics Opinions Online**
You can search both formal and informal WSBA ethics opinions at http://pro.wsba.org/io/search.asp. Opinions can be searched 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 800-945-9722, ext. 8284, or 206-727-8284.

**Speakers Available**
The WSBA Lawyers’ Assistance Program offers speakers for engagements at county, minority, or specialty bar associations, or other law-related organizations. Topics include stress management, life/work balance, and recognizing and handling problem-personality clients. Contact Jennifer Favell, Ph.D., at 206-727-8267 or 800-945-9722, ext. 8267.

**Assistance for Law Students**
The Lawyers’ Assistance Program offers counseling to third-year law students attending Washington schools. Sessions are held in person or by phone. Treatment is confidential and available for depression, addiction, family and relationship issues, health problems, and emotional distress. A sliding-fee scale is offered ranging from $0-$80 depending on ability to pay. Call 206-727-8268, 800-945-9722, ext. 8268, or visit www.wsba.org/lawyers/services/lap.htm.

**Learn More About Case-Management Software**
The WSBA’s Law Office Management Assistance Program (LOMAP) office 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**
- October 27-28, Spokane
- December 8-9, LaConner
- January 11-12, Tumwater

With the exception of a one-hour executive session the morning of the first day, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Donna Sato at 206-727-8244 or donnas@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/info/bog/schedule.htm.

**Usury Rate**
The average coupon equivalent yield from the first auction of 26-week treasury bills in September 2006 was 5.116 percent. Therefore, the maximum allowable usury rate for October is 12 percent. Information from January 1987 to date is on the WSBA website at www.wsba.org/media/publications/barnews/usury.htm.

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**Question, Comment, Request?**

The WSBA Service Center is open Monday through Friday, 8:00 a.m. to 5:00 p.m.
Marks Holmes Foley & Morales, P.S.

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Jennifer A. Gellner

has joined the firm's Business & Tax Group as a shareholder.

Ms. Gellner will continue to focus on federal and state tax controversies and welcomes referrals.

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206-621-9480
jgellner@mhfmlaw.com

Sebris Busto James

is pleased to announce that

Cathryn V. Dammel

has rejoined the firm as of counsel

Cathryn was formerly the Staff Vice President, Labor and Employment Law, and Deputy General Counsel for Alaska Airlines. She will continue to represent employers in labor and employment law matters.

and

Jennifer A. Parda

has joined the firm as an associate

Jennifer was formerly an associate with the Seattle office of Hagens Berman Sobol Shapiro, where she represented parties in class-action litigation.

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Tel: 425-454-4233 • Fax: 425-453-9005

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Romero Montague P.S. and H. Troy Romero are pleased to announce that Justin D. Park and Michael E. Wiggins have become shareholders of the firm.

The new firm will now be known as Romero Park & Wiggins P.S.

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Smith Alling Lane, P.S.

is pleased to announce that

Joseph R.D. Loescher

has joined the firm “of counsel.”

Mr. Loescher earned his J.D. from Willamette University College of Law in 1979. He became a member of the Alaska Bar Association and joined the firm of Hughes, Thorsness, Gantz, Powell & Brundin the same year. He became an owner in the firm and continued to practice there until 2002. Mr. Loescher became a member of the Washington State Bar Association in 2003 and began practicing in Washington the same year. He is experienced in both trial and appellate practice involving administrative law, criminal defense, environmental, family, natural resource law, and general litigation.

Mr. Loescher represents clients in Alaska and Washington.

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is pleased to announce that

Leslie J. Hagin

has become a member in the firm.

Ms. Hagin’s practice will continue to emphasize criminal defense and civil litigation, including employment, intellectual property, and commercial matters.

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Resigned in Lieu of Disbarment

William R. Joice (WSBA No. 19944, admitted 1990), of Seattle, resigned in lieu of disbarment, effective February 24, 2006. This resignation was based on his 2005 conviction of first-degree attempted murder.

On November 8, 2005, Mr. Joice was charged in King County Superior Court with the crime of first-degree attempted murder for attempting, with premeditated intent, to cause the death of lawyer Kevin Jung. At the time of the incident, Mr. Jung represented parties in litigation with Mr. Joice’s clients. On December 20, 2005, a jury convicted Mr. Joice of the charged offense.

Mr. Joice’s conduct violated RPC 8.4(b), prohibiting a lawyer from committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice; and RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not.

Randy V. Beitel represented the Bar Association. Mr. Joice represented himself. Lewis W. Card was the hearing officer.

Resigned in Lieu of Disbarment

William R. Reseburg (WSBA No. 5794, admitted 1974), of Seattle, resigned in lieu of disbarment, effective April 3, 2006. This resignation was based on ongoing conduct involving trust-account irregularities.

Commencing in the mid-1980s, Mr. Reseburg’s solo practice involved representing insurance companies in collection suits against at-fault uninsured motorists. Mr. Reseburg would obtain default judgments against the at-fault motorists, and enforce the judgments by having the Department of Licensing revoke the motorists’ driver licenses until the motorists satisfied the judgments against them. Motorists who satisfied the judgments against them, either by making a one-time payment or entering into installment agreements, would re-file cases to collect judgments. This practice was continued into the 1990s, often involving attacks on the integrity of opposing counsel.

Mr. Reseburg’s conduct violated RPC 8.4(b), prohibiting a lawyer from committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice; and RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not.

Randy V. Beitel represented the Bar Association. Mr. Reseburg represented himself. Lewis W. Card was the hearing officer.

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.
agreements with Mr. Reseburg’s office, could be eligible to get their drivers licenses reinstated. Mr. Reseburg generally had hundreds of cases open.

In late 2002, while searching for a missing file, Mr. Reseburg’s legal assistant discovered about 20 files in Mr. Reseburg’s desk drawers. The legal assistant was unaware that Mr. Reseburg stored any files in his desk drawers. Review of one of the files revealed that there was no record of payment of settlement proceeds to the client. After additional investigation, the legal assistant became aware of a number of other files in which a satisfaction of judgment had been entered but there was no evidence of settlement proceeds being disbursed to the client. After confronting Mr. Reseburg, who denied knowledge of the files, the legal assistant filed a grievance with the Bar Association. The Bar Association conducted an audit of Mr. Reseburg’s trust account for the period of December 1998 through August 2004. The audit disclosed the following conduct, which constituted grounds for discipline:

- Mr. Reseburg failed to maintain adequate records and render appropriate accounts to clients. This included depositing over $66,000 of unidentified funds into the trust account, recording $26,000 of funds in his check register that were never deposited into the trust account, and failing to note in the check register two check disbursements to himself totaling $7,500. At the time of the auditor’s report in November 2005, a number of checks written on the trust account remained outstanding, including two written in October 2003 that were unaccompanied by any records of the settlements. When accounting for installment payments, Mr. Reseburg did not reconcile receipts reported to clients with sums deposited into his trust account, resulting in failure to pay his clients almost $19,000 in settlement proceeds.

- Mr. Reseburg deposited earned fees into his trust account and made inappropriate disbursements of fees from the trust account. This included depositing over $100,000 of earned fees into the trust account, 24 instances in a three-year period where Mr. Reseburg issued checks to himself with no client identification other than “attorney’s fees,” several instances where settlement checks had bounced after Mr. Reseburg had disbursed his one-third fee to himself, and incurring over $5,000 of unreimbursed bank charges to the trust account.

- On at least 13 occasions, Mr. Reseburg failed to deposit settlement funds into his trust account, although he continued to pay himself his one-third fee in each of these cases. A total of $104,831 was deposited in this fashion. As of the date of the audit, Mr. Reseburg owed these clients $62,518.68.

- At the time the audit commenced, Mr. Reseburg had a shortfall of $85,547 in his trust account, which he tried to ameliorate in late 2003 by depositing a check for $35,000. Mr. Reseburg did not wait for this check to clear before disbursing amounts owed to his clients. When Mr. Reseburg’s check did not clear, there was an interim period where he used other clients’ funds to cover his disbursements before depositing a second check.

Mr. Reseburg’s conduct violated RPC 1.14(a), requiring that all funds of a client paid to a lawyer be deposited into an identifiable interest-bearing trust account and that no funds belonging to the lawyer be deposited therein except as expressly permitted by rule; RPC 1.14(b)(3), requiring a lawyer to maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to his or her client regarding them; RPC 1.14(b)(4), requiring a lawyer to promptly pay or deliver to the client as requested by a client the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive; RPC 8.4(b), prohibiting a lawyer from committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law.

Kevin M. Bank represented the Bar Association. Joseph J. Ganz represented Mr. Reseburg.

**Suspended**

Nicholas I. Goyak (WSBA No. 15289, admitted 1985), of McMinnville, Oregon, was suspended for six months, effective April 5, 2006, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. This discipline is based on his conduct between 1998 and 2000 involving the crime of negotiating a bad check, trust-account irregularities, and failure to cooperate with a disciplinary investigation.

In July 1998, after experiencing financial difficulties, Mr. Goyak, a solo practitioner, stopped practicing law regularly. His income became irregular, and he would often meet his obligations with loans from family members and business associates. Between April 1998 and April 1999 Mr. Goyak wrote four checks payable to the City of Portland on his business and personal accounts. Mr. Goyak knew that he had insufficient funds in these accounts to cover the checks. City employees contacted Mr. Goyak about his delinquent account several times, both by telephone and by personally delivering bills. Each time, Mr. Goyak promised to pay, but failed to keep his promises. Thereafter, Mr. Goyak failed to respond to several attempts by the city to contact him, and his account was sent to the City Attorney’s Office for formal collection. It was not until after the City Attorney’s Office complained to the Oregon State Bar and threatened litigation that Mr. Goyak settled his account.

When the Oregon State Bar received the complaint from the City Attorney’s Office, disciplinary counsel attempted unsuccessfully to make contact with Mr. Goyak six times between March and August 2000. During the investigation of the complaint, Mr. Goyak did not produce requested records for over a year, and disciplinary counsel was ultimately required to subpoena them from Mr. Goyak’s bank. Mr. Goyak admitted that, between 1998 and 2000, he deposited his personal funds into his trust account, used the account as a personal bank account, and failed to keep or maintain adequate records of his trust account transactions.
Mr. Goyak’s conduct violated Oregon DR 1-102(A)(2), prohibiting a lawyer from committing a criminal act (here, negotiating bad checks) that reflects adversely on a lawyer’s honesty, trustworthiness, or fitness to practice law; DR 1-103(C), requiring a lawyer who is the subject of a disciplinary hearing to respond fully and truthfully to inquiries from and comply with reasonable requests of a tribunal or other authority empowered to investigate or act upon the conduct of lawyers; DR 9-101(A), requiring all funds of clients paid to a lawyer or law firm be deposited or maintained in one or more identifiable trust accounts and that no funds belonging to the lawyer or law firm be deposited therein; DR 9-101(C)(3), requiring a lawyer to promptly notify a client of the receipt of the client’s funds, securities, or other properties; identify and label securities or other properties of a client coming into the possession of the lawyer and place them in a safe deposit box or other place of safe keeping as soon as is practicable; maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to the lawyer’s client regarding them; and promptly pay or deliver to a client as requested by the client the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive.

Felice P. Congalton represented the Bar Association. Mr. Goyak represented himself.

Suspended

William R. Joice (WSBA No. 19944, admitted 1990), of Seattle, was suspended for one year, effective April 10, 2006, by the Washington State Supreme Court following a stipulation approved by the Disciplinary Board. This discipline was based on his conduct in three matters involving failure to abide by a client’s decisions concerning the objectives of representation, failure to keep a client advised about the status of a matter, failure to return unearned fees, failure to inform clients that he could no longer represent them, and failure to withdraw from representation when he could no longer represent clients.

[Matter 1: Mr. Joice represented a client with a claim against a contractor. Mr. Joice obtained a judgment against the contractor and the contractor’s bonding company in Snohomish County Superior Court. In the meantime, Mr. Joice learned that other claims had been filed against the contractor’s bond in King County Superior Court, and that the bonding company had surrendered the bond to the King County Superior Court. Mr. Joice and his client disagreed as to the best strategy for collecting the judgment. Mr. Joice advised the client he would have to share the bond proceeds with the other claimants on some pro rata basis, while the client insisted that Mr. Joice negotiate for a full recovery of his judgment from the bonding company because he had filed his claim first. The negotiations with the bonding company were not successful, and the other claimants filed a motion to King County Superior Court for disbursement of the bond proceeds. Because Mr. Joice disagreed with his client as to the strategy to best pursue the claim, he failed to represent his client with respect to the motion. Subsequently, the client contacted the King County Clerk’s office and learned that the entire amount of the proceeds had been disbursed to the other claimants.

Matter 2: In September 2004, Mr. Joice was hired by a client to represent him in a criminal matter. The client signed a written fee agreement providing for a $2,500 “Non-Refundable” flat fee for all services and paid Mr. Joice in full. Prior to November 2004, Mr. Joice’s representation consisted of only advice to the client and obtaining two hearing continuances. Mr. Joice was arrested in November 2004. After the arrest, Mr. Joice was unable to provide further representation. Mr. Joice did not advise the client that he no longer represented him, did not arrange for other counsel to represent him, and made no accounting or refund to the client of the unearned fees.

Matter 3: In September 2004, Mr. Joice was hired by a client to represent him on a domestic-violence charge. The client signed a written fee agreement providing for a $1,200 “Non-Refundable” flat fee for all services and paid Mr. Joice $600 of the fee. Prior to Mr. Joice’s arrest in November 2004, his representation of the client consisted only of obtaining a continuance of a hearing. Mr. Joice did not advise the client that he no longer represented him, did not arrange for the client to obtain other counsel, and made no accounting or refund to the client of the unearned fees.

Mr. Joice’s conduct violated RPC 1.2(a), requiring that a lawyer abide by a client’s decisions concerning the objectives of representation; RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to keep 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; RPC 1.5(a), requiring a lawyer’s fee to be reasonable; RPC 1.15(a), requiring that a lawyer withdraw from representation if the lawyer’s physical or mental condition materially impairs his ability to represent the client; and RPC 1.15(d), requiring a lawyer to take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, 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.

Randy V. Beitel represented the Bar Association. Mr. Joice represented himself.

Suspended

Victoria N. Smith (WSBA No. 26569, admitted 1996), of Kirkland, was suspended for one year, effective March 16, 2006, by order of the Washington State Supreme Court following a stipulation approved by the Disciplinary Board. This discipline was based on her conduct between 2000 and 2004 in four matters involving, inter alia, lack of communication, lack of diligence, failure to communicate the basis or rate of her fee, trust-account irregularities, failure to comply with local court rules, and failure to cooperate with disciplinary investigations.
Matter 1: Ms. Smith represented a client in connection with the dissolution of his marriage, which was finalized in August 2000. At the conclusion of the case, Ms. Smith did not file a notice of intent to withdraw. After the dissolution was finalized, the client’s ex-wife was involved in an accident while driving an automobile awarded to her under the terms of the dissolution. As a result, an insurance company attempted to collect from Ms. Smith’s client. For approximately 16 months following the accident, the client tried to contact Ms. Smith to discuss the insurance problem, but Ms. Smith did not return his phone calls or respond to his efforts to contact her. Eventually, the client hired another lawyer to resolve the matter.

Matter 2: In June 2001, Ms. Smith began representing a client in a dissolution proceeding. She had not previously represented the client in other matters. The fee agreement between Ms. Smith and the client provided that Ms. Smith would represent the client until entry of temporary orders for a flat fee of $2,500, which the client paid in early June. It also provided that Ms. Smith and the client would discuss further action and additional fees after the temporary orders were entered. After the court entered temporary orders in March 2002, Ms. Smith never discussed with the client how her fees would be calculated, but she continued to represent the client until a decree of dissolution was entered in May 2003. Also, in March 2002, the court awarded Ms. Smith’s client $3,000 in legal fees, to be paid by the client’s husband. Without advising her client, Ms. Smith deposited the $3,000 into her trust account and disbursed $2,000 to herself as earned fees for the month of March, even though according to her own records she had earned less than $1,600 for her work during that month. During the nearly two years that she represented the client, Ms. Smith did not, prior to disbursing fees to herself from the trust account, provide the client with any accounting of time spent on the case or of fees earned.

Matter 3: Ms. Smith represented a client whose dissolution decree was entered in February 2002. As part of the decree, the client’s wife was awarded a monetary judgment, of which $30,000 was to be paid from the client’s pension account. The decree required that Ms. Smith prepare and have her client execute a Qualified Domestic Relations Order (QDRO) for the pension portion of the judgment within 10 days after entry of the decree, which Ms. Smith failed to do until six months later. In October 2002, Ms. Smith sent the wife a Release of Lien for her to sign. The release stated that the wife had received the full monetary judgment due her under the terms of the dissolution decree, even though Ms. Smith knew that the QDRO had not yet been entered in court and that the wife had not received the $30,000 payment from her client’s pension account. Ms. Smith failed to understand that if the wife signed the release, it could have prejudiced her ability to collect the money that had been awarded under the terms of the dissolution decree. The QDRO was ultimately entered by the court in October 2002, though the delay cost the wife an estimated $2,000 in interest.

Matter 4: In 2002, Ms. Smith was hired to represent a client in a dissolution action that involved custody of the client’s seven-year-old son. In addition to paying Ms. Smith’s fee, the client also paid Ms. Smith $2,000 to hire a second parenting evaluator in addition to the one the court had appointed. The second evaluator was never hired, and Ms. Smith never gave the client an accounting of the money the client paid for the costs of the second evaluator, or any accounting for the work done or fees earned in representing the client. After a continuance had been granted due to Ms. Smith’s discovery violations, a bench trial was conducted in August 2002, to decide the custody issues. At trial, Ms. Smith was precluded from calling any witnesses to testify on her client’s behalf because Ms. Smith had “willfully violated court rules by disregarding four previous deadlines to disclose her witnesses.” As a result, Ms. Smith’s client was the only witness allowed to testify on her behalf. At the conclusion of the trial, the court followed the recommendations of the court-appointed parenting evaluator, giving primary custody to the father and awarding Ms. Smith’s client visitation rights. After the trial, the client made an effort to retain primary custody of her son by hiring new counsel and filing a motion to reopen the judgment and take additional testimony, but her motion was denied.

Matter 5: Ms. Smith failed to cooperate in the investigation of the grievances filed in Matters 1, 2, and 3. Specifically, she failed to appear for her deposition on more than one occasion after being subpoenaed, failed to produce documents in a timely manner as she had agreed to do under oath, and failed to answer written questions propounded to her. Ms. Smith did not cooperate in the investigation of two of the grievances until a petition for interim suspension based upon her noncooperation was filed by disciplinary counsel.

Ms. Smith’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to keep 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; RPC 1.5(b), requiring a lawyer who has not regularly represented a client to communicate to the client the basis or rate of the fee or factors involved in determining the charges for services and the lawyer’s billing practices; RPC 1.14(a), requiring all funds of clients be deposited in one or more identifiable interest-bearing trust accounts and no funds belonging to the lawyer or law firm be deposited therein; RPC 1.14(b)(3), requiring a lawyer to render appropriate accounts to his or her client regarding all client funds and other properties; RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice; and 8.4(I), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct (here, ELC 1.5 and 5.3(e)) in connection with a disciplinary matter.

Natalea Skvir represented the Bar Association. Leland G. Ripley represented Ms. Smith. James M. Danielson was the hearing officer.
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Please check with providers to verify approved CLE credits. To announce a seminar, please send information to:

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

Business Law

Business Essentials: Contracts and Negotiations
October 27 — Seattle. 6.25 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Dispute Resolution

Conflict Resolution Skills for the Workplace
October 13 — Seattle. 10.25 CLE credits. By the Dispute Resolution Center of King County; 206-443-9603, ext. 107, jessicad@kcdrc.org, or www.kcdrc.org.

Environmental Law

National Fishery Law Symposium
November 16-17 — Seattle. CLE credits TBD. By UW School of Law; 800-CLE-UNIV or 206-543-0059.

Estate Planning

When a Simple Will Isn’t Enough
October 5 — Seattle. 6.25 CLE credits, including 1.25 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

How to Probate an Estate and Handle Post-Mortem Matters
October 19 — Vancouver. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

51st Annual Estate Planning Seminar
November 6-7 — Seattle. 14.5 CLE credits, including 1 ethics. By WSBA-CLE and Estate Planning Council of Seattle; 800-945-WSBA or 206-443-WSBA.

Ethics

Ethical Dilemmas for the Practicing Lawyer
October 3 — Spokane. 4 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethical Dilemmas for the Practicing Lawyer
October 10 — Olympia. 4 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics with Ease: Ethics for Estate Planners
October 11 — TELE-CLE Series. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics with Ease: Ethics for Litigators
October 17 — TELE-CLE Series. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics with Ease: Ethics for Elder Law Attorneys
October 24 — TELE-CLE Series. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethical Dilemmas for the Practicing Lawyer
October 25 — Vancouver. 4 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethical Dilemmas for the Practicing Lawyer
October 31 — Mount Vernon. 4 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics with Ease: Ethics for General Practitioners
November 14 — TELE-CLE Series. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

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November 16 – Yakima. 4 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics with Ease: Ethics for Real Estate Attorneys
November 28 — TELE-CLE Series. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Ethics with Ease: Negotiation Ethics — Winning Without Selling Your Soul (with Martin Latz)
November 29 — TELE-CLE Series. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Family Law

The Nexus of Domestic Violence and Family Law
October 13 — SeaTac. 6.5 CLE credits, including 1 ethics. By WSBA-CLE and Family Law Section; 800-945-WSBA or 206-443-WSBA.

Effective Adoption Practice and Procedure
November 15 — Seattle. 6.25 CLE credits; including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

When Death and Divorce Collide
November 29 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

International Business

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October 23-24 — Seattle. 11 CLE credits. By The Seminar Group; 800-574-4852 or 206-463-4400.
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Real Property

Real Estate Litigation
October 18 — Seattle. 6.25 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Mediation and Arbitration

Four-Day Intensive Mediator Training Program
October 3-6 and December 5-8 — Seattle.

Miscellaneous

Secrets of Winning in News Media Interviews
October 10 — Seattle. 2.75 CLE credits. By The Seminar Group; 800-574-4852.

Law Practice Management

50 Ways to Lose Your Client: Pitfalls Every Business Lawyer Should Avoid
October 12 — Seattle. 6 CLE credits; including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Time Mastery for Lawyers (with Frank Sanitate)
November 2, 2006 — Seattle. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

Litigation

Modern Discovery
October 26 — Seattle. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA.

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**The State of Washington’s Department of Health.** Health Professions Quality Assurance Division, is seeking qualified attorneys to fill new staff attorney positions (Hearings Examiner 3) with its Legal Services Unit. Interested members of the Bar should contact Debi Young at 360-236-4719 or Donna Thorson at 360-236-4720 for additional information.

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**Northwest Farm Credit Services** is a multi-state agricultural lender headquartered in Spokane, Washington. It seeks to fill an entry level in-house counsel position to assist in documenting, closing, and servicing complex loans and leases; work on assigned projects; and provide general legal support in a variety of areas of operations. The successful candidate must be a motivated, self-directed, and committed team player with exceptional writing, communication, interpersonal, and customer-service skills. They must be able to understand complex fact patterns, often presented verbally or through e-mail communication, and then assist senior lending and legal staff to structure and document loan packages which address these facts and comply with legal and policy requirements. They must handle multiple and conflicting work priorities in a very fast-paced and open office environment. Once exposed to a product or responsibility, the candidate is to then carry out future comparable responsibilities independently and with minimal supervision. Bachelors Degree (Business or Finance preferred), and a Juris Doctorate with admission to practice law in Washington, Oregon, Idaho, or Montana. Must comply with Washington in-house counsel rules. Relevant training or experience in commercial and residential lending, real property, secured transactions, bankruptcy, and related areas of law would be helpful. Competitive salary and excellent pension and welfare benefits. Send résumé and cover letter, with salary expectations, to Northwest Farm Credit Services, Attn: Human Resources, PO Box 2515, Spokane, WA 99220-2515, or fax 509-838-9400 or e-mail hrdept@farm-credit.com, EOE.

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Previous experience working with public schools or governmental entities that serve the public, experience in labor and employment law, negotiations, arbitration, and discipline hearings is preferred. Send résumé and cover letter to John Cerna, Assistant Superintendent, 306 Bolin Dr., Toppenish, WA 98948 or fax 509-865-2067.

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