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The Washington State Bar Association’s mission is to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice.
Steve Hayne has practiced criminal law for over 30 years and for over 20 years has limited his practice to defense of DUls and serious traffic offenses. He offers personal attention, sincere compassion, and extraordinary experience to clients facing the devastating impact of a DUI charge.

In 2003, Mr. Hayne was awarded the highest honor accorded by the Washington Association of Criminal Defense Lawyers; The William O. Douglas Award “For extraordinary courage and dedication to the practice of criminal law.” He has been named one of “Seattle’s Best Lawyers” by Seattle Magazine, one of the state’s “Ten Best Trial Lawyers” by the Washington Law Journal, and a “Super Lawyer” every year since inception by Washington Law & Politics. His cases of significance include lead counsel/of counsel in State v. Straka, State v. Brayman, State v. Scott, State v. Ford, State v. Franco, Seattle v. Box and Seattle v. Allison.

Mr. Hayne is a past President of WACDL and has chaired the Criminal Law Sections of the WSBA, WSTLA and KCBA. He has taught trial practice at the University of Washington and Seattle University Schools of Law, the National Institute of Trial Advocacy and the Trial Masters Program. He has been a featured speaker at over 80 CLE programs in the U.S. and Canada and has published articles in the Bar News, Trial News, Defense and Overruled magazines. Mr. Hayne is also a founding member of the Washington Association of Criminal Defense Lawyers, the National College for DUI Defense, and the Washington Foundation for Criminal Justice.
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Mark Johnson, in the August Bar News, writes that the legal profession is a monopoly controlled by the Supreme Court through an express grant of power in Article 4 of the State Constitution. Article 4 grants judicial power to the Supreme Court and contains no grant of authority to regulate lawyer conduct. Lawyers are the opponents of the court in that their job is to protect their clients from the power of the court. They are not part of the judiciary, and the court has no inherent power over them. Nor is the legal profession a monopoly because lawyers compete with each other and other professions. Separation of power requires that legislation of lawyer rules and judging of lawyer rules be in different branches of government. Prosecution must be in the third branch. As it now stands there is no check or balance against the acts of the Supreme Court. The constitution also provides that justice in all cases shall be administered openly and without unnecessary delay. A system of adjudication which is concealed from the public and everyone except lawyers and judges violates at least the spirit of this provision. The same is true of mandatory arbitration.

Roger B. Ley, Astoria, Oregon

WSBA GENERAL COUNSEL ROBERT WELDEN Responds: The Washington Supreme Court has held “that the regulation of the practice of law in this state is within the inherent power of this court” and that “the power to make the necessary rules and regulations governing the bar was intended to be vested exclusively in the supreme court, free from the dangers of encroachment either by the legislative or executive branches.” Graham v. Bar Association, 86 Wn.2d 624, 631, 633 (1976), citation omitted. In addition, lawyer discipline in Washington is public. See Disciplinary Notices, p. 51.

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HSY, he’s not the man he used to be. His knees have about as much bounce in them as a two-by-four. His back tolerates chairs for about as long as Judge Coughenour tolerates unprepared counsel. And the acids in his stomach have been engaging in insurgency attacks that would put the Taliban to shame.

Did I mention his sense of humor? It’s been known to take leaves of absence at the most inopportune time. (For reasons unknown to me, he believes that the “best” joke of all time involves a snowman and a carrot — if you don’t believe me, just ask Judge Steve González about what happened at the Access to Justice Conference.)

But his heart is pure gold and is larger than Saturn. (Which, by the way, wreaks havoc with getting fitted by his tailor.)

He’s Mark Johnson.

He just finished being our Association’s president for the past year.

And he’s been a remarkable one, at that.

A WSBA president has to devote a lot (and I do mean a lot) of time and resources to the position: attending meetings with attorneys, judges, and staff; attending conferences, luncheons, and banquets; preparing and giving speeches to all manner of audiences; appointing attorneys to fill committee chair positions and assigning governors to committee and liaison assignments; writing monthly Bar News columns; setting the agenda for and presiding over eight Board of Governors meetings (the Johnson era set a record); testifying before legislative committees; attending BOG committee meetings; meeting with the executive director weekly and speaking with her daily; and dealing with a host of ad hoc issues such as lawsuits, complaints, and disputes.

The stress from those duties is enough to make you lose your hair. (Johnson, outwitting stress, had the foresight to lose his hair before his term even started.) More stress, more controversy, more work is not something that most of us willingly search for. Johnson is no exception. However, when he sees something that is unjust, and thinks he can make a difference, he doesn’t sit on the sidelines. Instead, he gets in the game, even when he knows that, by doing so, he’ll lose the last couple hours of free time he needed to hang on to his little remaining sanity.

When it became clear that the Legal Foundation of Washington (LFW) would be facing a five-million-dollar shortfall for grants to be distributed to civil legal aid providers, Johnson stepped up to the plate. He knew the importance of the IOLTA revenues as one of the major sources of funding civil legal services in our state. He knew that with the shortfalls, there would be more battered wives who could not get an attorney to represent them, more elderly individuals who would be denied benefits to which they were entitled, more families who would be unjustly evicted from their homes.

He knew that the IOLTA revenues dropped out of civil legal aid. (The Legal Foundation of Washington estimates that $1.5 million dollars from WSBA reserves had to be tacked on to Bar licensing fees and that WSBA reserve funds be transferred to Legal Aid for Washington (LAW Fund) to keep the bottom from falling out of the civil legal aid system. Johnson traveled throughout the state from Seattle to Spokane, to Richland, to Wenatchee, to Tacoma, to Port Orchard, to Island County, to raise the awareness of the civil legal aid crisis and to convince those who would listen that the Bar needed to act.

Johnson’s perseverance resulted in action. The Board of Governors, seeing that to act. He acted.

Johnson proposed to the Board of Governors that a temporary, three-year assessment be tacked on to Bar licensing fees and that WSBA reserve funds be transferred to Legal Aid for Washington (LAW Fund) to keep the bottom from falling out of the civil legal aid system. Johnson traveled throughout the state from Seattle to Spokane, to Richland, to Wenatchee, to Tacoma, to Port Orchard, to Island County, to raise the awareness of the civil legal aid crisis and to convince those who would listen that the Bar needed to act.

Johnson’s perseverance resulted in action. The Board of Governors, seeing that Johnson had stepped up to the plate, followed suit. While the Board of Governors ultimately decided to implement a voluntary opt-out contribution option on the licensing forms instead of a mandatory assessment, it did adopt Johnson’s proposal of transferring 1.5 million dollars from WSBA reserves to LAW Fund to keep the bottom from dropping out of civil legal aid. (The Legal Foundation of Washington estimates that it still needs an additional three million dol-

On August 4, members of the legal aid community were invited to the Legal Foundation of Washington office to thank Mark Johnson for his leadership, which resulted in much needed and appreciated emergency funds from the WSBA to support 2010 grants. Pictured left to right: Anne Lee (TeamChild), César Torres (NJP), Nell McNamara (EJC), Jim Bamberger (OCLA), Joan Fairbanks (WSBA), Mark Johnson, Caitlin Davis Carlson (LFW), Jorge Barón (NWIRP), Patricia Cormier (LFW), and John Midgley (CLS).
Equally important, the governors voted to establish a collaboration with LAW Fund, where the WSBA assists LAW Fund to raise contributions from the legal community for civil legal aid. These acts would never have happened but for Mark’s energy and commitment to this cause.

I can safely say that those clients who will get help in the upcoming year from a civil legal aid attorney, or from a volunteer attorney who was asked to take on the matter from a paid county VLS coordinator, will not know about Mark Johnson and the time and energy he expended so that they could have an attorney. Because those clients will never know what he did, they will never get the chance to say, “Thank you, Mark Johnson.”

But you know.

For those of you who believe that we, as a profession, have a duty (as is stated in our Rules of Professional Conduct) to promote access to the legal system for those who otherwise cannot afford it, and can spare 60 seconds, drop Mark an e-mail (mark@johnsonflora.com). All you have to do is write, “Thank you, Mark Johnson.” For those who believe that we, as a profession, are at our best when we take pains to provide access to the legal system to others, drop Mark an e-mail saying, “Thank you, Mark Johnson.” For those of you who weren’t that crazy about Mark’s proposal but appreciate the sacrifice of his time (and thus his income) on behalf of your profession, drop him an e-mail saying, “Thank you, Mark Johnson.”

For those of you who supported Mark’s proposals, and who want to “walk the walk and not just talk the talk,” then take another three minutes and make a donation to LAW Fund by donating to the Campaign for Equal Justice — it’s easy, just go to www.e4ej.org/donate.html. The suggested amount is the equivalent of one billable hour, but I know the Campaign will be thankful for whatever you can give. Then, when you send your e-mail to Mark, you can write, “Thank you, Mark Johnson — I’ve given.”

Who knows? If Mark gets enough “thank you” notes, maybe he’ll get a little spring back into those legs, maybe his back will loosen up a little, maybe his stomach will take a respite. And maybe, just maybe, if enough people write, he’ll regain his sense of humor and realize that if he never tells that snowman joke again, the world will be a funnier place.

WSBA President Salvador Mungia can be reached at smungia@gth-law.com.
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- Pay your annual license fee using MasterCard or Visa
- Make a contribution to LAW Fund using MasterCard or Visa
- Join a WSBA section
- Access Casemaker free legal research
- Register for a WSBA CLE seminar
- Shop at the WSBA store (order CLE recorded seminars, deskbooks, Resources, etc.)
- Voluntarily report your pro bono hours under RPC 6.1
- Sign up to volunteer for the Home Foreclosure Legal Aid Project

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

If you have questions or don't have a valid e-mail address on file, help is only a phone call or e-mail away. The WSBA Service Center is staffed Monday through Friday, 8:00 a.m. to 5:00 p.m., with friendly, knowledgeable representatives eager to be of assistance.

www.mywsba.org
Do you have one goal that is your highest priority for your presidency? If so, what is it and how do you plan to achieve it?

Believe it or not, I constantly remind myself — usually when sitting in meetings — of how lucky I am to be a lawyer and to be able to participate in meetings involving other attorneys, judges, or public officials. I am able to do so only because I’m a lawyer, and I’m a lawyer only because my parents, both of whom had little education, knew the importance of getting a good education. I am lucky. I had parents who loved me and supported my getting an education.

I have a number of goals I hope to accomplish during my term as WSBA president. I have been working toward one of them since being elected president-elect-elect, and it will be my major initiative: having the WSBA initiate a project to assure that when students finish grade three, they can read, write, perform arithmetic, and have a grade-appropriate knowledge of civics.

But we can’t simply go into schools and offer to assist with civics classes without also helping children learn the other fundamental subjects. A knowledge of civics will do our students no good if they can’t read, write, or perform basic math. While there are certainly opportunities for us to go into the junior high and high schools to help, if a child cannot read or write at a grade-appropriate level by the end of grade three, they will likely never catch up. They may well drop out before high school and become a burden on society, either through the criminal justice system or through the social-services network. I have learned that many governmental agencies use fourth-grade test scores to accurately predict the need for criminal justice resources eight years down the road.

I have spoken to many lawyers about this project, and the reaction has been very positive. What is even more heartening is the excitement among those outside the legal profession about having attorneys making a difference in our public education system.

In May, the Board of Governors approved the use of $1.5 million in WSBA funds to help finance struggling civil legal aid programs. In debating this controversial issue, some BOG members cautioned that the move might eventually force the WSBA to reduce staff and services, although the proposed budget for the coming year does not include drastic cutbacks. Do you believe a typical WSBA member will notice a reduction in services this year or in the near future as a result of the civil legal aid “bailout”?

As you know, while revenue from IOLTA funds were markedly down in 2008 from 2007 (from slightly over $9 million to roughly $4.5 million), those revenues have absolutely crashed for 2009 (expected to be under $2 million). IOLTA revenues are the major source of funding for Columbia Legal Services, the Northwest Immigrant Rights Project, the Unemployment Law Project, and the county bar legal services programs throughout the state. The Legal Foundation of Washington (LFW) has already used up a large portion of its reserves from 2008 so dramatic cuts would...
not have to be made to civil legal services.

In order to avoid catastrophic cuts to civil legal aid programs when those services are sorely needed, the WSBA took two actions. As you noted, it donated $1.5 million from WSBA reserves to Legal Aid for Washington (LAW Fund). It also entered into a cooperative agreement with LAW Fund to promote voluntary contributions by lawyers to the civil legal aid programs.

The $1.5 million was not a “bailout.” That term connotes providing funds to an entity that has mismanaged its operations. LFH has done just the opposite: it has historically distributed the IOLTA revenues and LAW Fund contributions in accordance with a statewide plan that maximizes the benefits obtained from the distribution of those funds to various civil legal aid providers throughout the state.

The WSBA governors took pains to analyze what funds could be donated to LAW Fund with minimum impacts felt by our members. I believe our members will notice no appreciable reduction in services in the upcoming years as a result of this contribution.

What do you see as the three or four biggest issues that will face the WSBA and the BOG during your term as president?

An ongoing issue that encompasses many sub-issues is the extremely high cost of litigation. This issue affects everyone who comes into the court system: the criminal defendant and the civil litigant. It affects low-income people who have no real access to the legal system because they cannot afford an attorney. It affects people of moderate means who seek to get a divorce but cannot afford to hire an attorney. It affects the small business owner who may have a $50,000 dispute to be resolved but is told that it isn’t cost-effective to bring it to the courthouse. We need to assist those who cannot afford access to the justice system by both making financial contributions and performing pro bono service.

As mentioned, our Association needs to ensure that our rules do not unnecessarily impose obstacles to the courthouse. In recent years, there has been a proliferation of often conflicting local rules throughout the state. Many local rules are traps for the unwary attorney and even bigger traps for pro se litigants. The WSBA, under Ellen Conedera Dial’s presidency, formed a Local Rules Task Force. That task force has already made great strides by formulating one set of local rules pertaining to the practice of family law. The BOG has recently reviewed the proposed rules and has forwarded them to the State Supreme Court, recommending that they be adopted. The Local Rules Task Force will continue its work to make recommendations regarding all local rules.

A fourth issue that remains before our Association is the funding of our court system. We, as lawyers, have a duty to educate both our lawmakers and our citizens about the importance of the judiciary as an independent branch of government. The WSBA, under Ellen Conedera Dial’s presidency, formed a Local Rules Task Force. That task force has already made great strides by formulating one set of local rules pertaining to the practice of family law. The BOG has recently reviewed the proposed rules and has forwarded them to the State Supreme Court, recommending that they be adopted. The Local Rules Task Force will continue its work to make recommendations regarding all local rules.

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On certain issues, often those involving moral or political principles, some WSBA members oppose the BOG taking an official position, even though the issue affects the practice of law. Because WSBA membership is mandatory, it may appear that the BOG is speaking for all members, including those who have an opposing personal view. In 2008, same-sex marriage was such an issue. In 2009, WSBA funding for outside civil legal aid programs was in the spotlight. How do you resolve the conflict between the BOG’s desire to take positions on behalf of the Bar and the fact that many Bar members may dissent?

You raise two separate issues here. First, you raise the issue of the BOG enacting policies or taking positions with which some members may disagree. Our Association is not required to have all members agree with the policy positions it takes. If that were the case, the WSBA would be unable to take any positions at all, whether those positions dealt with court rules, court funding, payment of funds from the Lawyers’ Fund for Client Protection (to clients who have lost money because of fraudulent acts of their attorneys), legislative attempts to impose a sales tax upon legal services, etc. There will always be some attorneys who disagree with whatever position the BOG may take. We do not allow one member — or even, as you put it, “many members” — to have veto power over the majority of the membership. The members elect the governors to set policy for the WSBA, and if a majority of members disagree with the policy, they have the ability to reverse or modify it through a referendum. In fact, the BOG is currently revising the WSBA Bylaws to make it easier for more members to participate in the referendum process.

Second, you raise the issue that some policy decisions may be more controversial than others. The WSBA must comply with General Court Rule 12.1 that sets forth what the Association may and may not do. In my three years serving as a governor and my year serving as president-elect, I can attest that the governors thoroughly analyze whether a subject falls within GR 12.1. If the matter is within Rule 12.1, whether it is controversial is irrelevant. Instead, the issue is whether it is the proper course for the Association to take. In fact, in my view, it is exactly when an issue is controversial that the Bar should provide its voice when the legal profession has a special expertise in the matter.

When you have time away from practicing law and your role with WSBA, what personal activities do you enjoy?

Playing catch with Nicholas, my 15-year-old son; playing pool with Alex, my 25-year-old son; and participating in our school’s fall sports.
old son, when he is in town; driving Kyra, my 18-year-old daughter, across the country to college; playing with Audrianna, my 3-year-old daughter; watching indie and foreign films with Ingrid, my wife; running and working out at my local YMCA; being a lay-reader at my church; reading magazines (*The Atlantic*, *Harpers*, *Esquire*, and *Sports Illustrated*, to name a few); cooking dinner for my family; watching Nicholas play baseball, football, and basketball; blowing bubbles with Audri; taking Max, our dog, for walkies; reading books (recent books include *Animal, Vegetable, Miracle*; *Sea of Poppies*; *For the Thrill of It: Leopold, Loeb, and the Murder that Shocked Jazz Age Chicago*); chasing or being chased by Audri around the house; downhill skiing; playing cards with Nicholas; going to movies with Kyra; making fresh tortillas, baking pies, breads, and cookies; dinner with friends; reading bedtime stories to Audri — these are all things I will always make time for. Well, maybe not so much the downhill skiing — that will likely have to wait until I’m finished serving as president.

What is the most important lesson you have learned as a lawyer that they didn’t teach you in law school?

The duty that we, as lawyers, have to ensure that those who otherwise can’t afford it have access to the legal system.

While many WSBA members get involved in the organization through committees, public-service projects, and so forth, the majority of the 33,000 have little direct involvement. Of course, many are active in other organizations, and we all have limited off-work time. But would you like to see more members involved in the WSBA? If so, how would you persuade them it is worth their time?

While I certainly encourage people to get involved with the Bar because of the good they can do for their profession and society in general, I also do not feel we need to have more member involvement. I believe that for the people who get involved in the WSBA — either by serving on a committee, a board, task force, or taking a leadership role in a section — all receive both professional and personal benefits through their service.

What motivated you to become involved in WSBA leadership, and what prompted you to run for president?

I had been involved with my county bar association for a number of years, serving as its president for one year. I had been involved as a board member of LAW Fund for a number of years and ultimately served as its president. I wanted to serve on the WSBA Board of Governors so that I could do my best to have the WSBA carry out its mission of serving the public and its members and championing justice. I wanted to do my best to have WSBA carry out actions that followed its guiding principles of promoting access to justice, promoting diversity, promoting an independent judiciary, educating the public about the importance of the rule of law, and advancing professionalism. I hoped that I could continue these goals in the role of president.

Who is the one person who had the biggest overall positive influence on you?

I know this sounds hokey, and I also know you said I could only choose one, but the two people who had the biggest overall positive influence on me are my parents. They weren’t perfect people, and they were not perfect parents. But I’ll tell you this: to have two parents who love you is huge. To have two parents who made large sacrifices so that you would have opportunities is extraordinary. I’ve been fortunate to have a lot of great people in my life who have had a positive influence upon who I am. But there is not a shadow of a doubt that a large reason as to why I am the way I am is because of my parents. I am very, very lucky.
Congratulations Sal!

Gordon Thomas Honeywell congratulates Salvador A. Mungia as he assumes the presidency of the Washington State Bar Association and becomes the most recent example in a long tradition of leadership by the firm. The focus of his term in office is the same as his distinguished career: “Giving a voice for those who do not have a voice and restoring hope to those who have had their hope taken away.”

We proudly add him to our history of WSBA Presidents:

Elmer M. Hayden (1934-1935)
Scott Z. Henderson (1942-1943)
Fred D. Metzger (1945-1946)
Salvador A. Mungia (2009-2010)

and reaffirm our own commitments to working together to champion justice.
WSBA Welcomes New President-elect and Class of 2012 Governors

Steven G. Toole — President-elect
Bellevue attorney Steve Toole received his bachelor’s degree from The Ohio State University in 1971 and his law degree from the University of San Diego School of Law in 1975. He currently has a solo practice, where he focuses on personal injury litigation; since 2000, he has also practiced in the areas of arbitration and mediation.

During the 1980s, Toole became active with the King County Bar Association (KCBA), primarily with their Judicial Screening Committee; he was the first chair of the District and Municipal Court Judicial Screening Committee. He also served on the KCBA Board of Trustees and as president of the East King County Bar Association. In 1991, Toole was elected to the Board of Governors of the Washington State Trial Lawyers Association (now Washington State Association for Justice), and still serves on its board; he was also president of that organization from 2002–2003. Toole’s service to the WSBA began more than 15 years ago, when he was elected to the Board of Governors representing the Eighth Congressional District. Since 2003, he has served as the WSTLA (WSAJ) liaison to the Board of Governors’ meetings. He was elected to the Washington State Bar Foundation Board of Trustees in 2008 and currently serves on that Board.

Toole is also actively involved in his community. Since 1989, he has volunteered at the Eastside Legal Assistance Program, and he also volunteers with the KCBA Eastside Legal Clinic. Since 1988, he has served on the Lake Washington Technical College Legal Secretary Advisory Committee, both as a member and as chair. In 2001, he was honored with the WSTLA President’s Award, for his extraordinary commitment to protecting the rights of citizens, improving state courts, and leadership in judicial and legislative arenas. In 2005, WSTLA presented him with its Alvin Anderson Award for his work in helping the organization to promote and preserve the civil justice system.

During his 2010–2011 presidency, Toole will emphasize issues such as the civil legal aid crisis, pro bono and moderate-means legal services, supporting diversity efforts, and public legal education. “Whatever we do over the next several years is going to be greatly influenced by the economic crisis in which we, our state, our country, and the world presently find ourselves,” he wrote. “The current heightened financial pressures create an extra challenge to the governance of our Association. But even in the face of this additional challenge, keeping focused on our mission statement will guide us as to not only how we can operate, but how we must operate in the years to come.”

Nancy L. Isserlis — District 5 Governor
Nancy Isserlis works with the firm of Winston & Cashatt, where her practice focuses on bankruptcy and commercial law issues. Prior to joining the firm, she was the regional directing attorney for Columbia Legal Services, and worked in private practice. She also served as state court receiver in Spokane and Yakima County Superior Court.

Isserlis is very active in the legal community. In 2008, she served as chair of both the Spokane City Ethics Committee and the Legal Foundation of Washington. She is also a past-president of the Spokane County Bar Association, a founding member of the Access to Justice Board, and former vice president of Columbia Legal Services. Isserlis’s involvement with the WSBA includes service as a member of the then-WSBA Client Security Fund Committee (now the Lawyers’ Fund for Client Protection Board); as a member of the WSBA Rules of Professional Conduct Committee; and on the Legislation Committee of the WSBA Young Lawyers Division. Isserlis was honored with the Smithmoore P. Myers Professionalism Award from the Spokane County Bar Association in 2004, and she received the Spokane County Bar Association Volunteer Lawyer of the Year Award in 1995.

“These are challenging times,” wrote Isserlis in a recent message to her future constituents. “I have actively practiced law for 28 years in Spokane and believe that I can be an effective advocate for lawyers in Eastern Washington.... There are interesting and exciting issues facing the WSBA in the coming few years, and I think I can be a voice of reason and good common sense. Eastern Washington has not had a woman on the Board of Governors since Patricia Williams served, many years ago. My practice in bankruptcy and commercial law will bring a good balance of perspective to the BOG in these trying times.”

Leland B. Kerr — District 4 Governor
Lee Kerr works with Kerr Law Group, where his practice emphasizes business entities, litigation, municipal law, land use, construction, real estate development, agricultural business, and professional practice representation.

Kerr is a member and past-president of the Benton-Franklin County Bar Asso-
association. He has served on the WSBA Fee Arbitration Panel and formerly served on the WSBA Alternative Dispute Resolution Committee.

Kerr has served on the Board of Directors of United Way; as a charter board member for the Kennewick (now Tri-City) Chamber of Commerce; and has been a scouting leader, community schools instructor, and diving coach. Kerr has volunteered with the Reading Foundation, Kennewick Schools Bond and Levy, and Citizens for Quality Healthcare.

Roger A. Leishman — District 7-West Governor

Roger Leishman has been of counsel with Davis Wright Tremaine LLP since 2003, where his practice focuses on appeals, class actions, intellectual property, and other complex litigation. He previously worked at other small and large firms in Seattle, and also spent five years as a full-time civil rights attorney with the ACLU.

Leishman has served with a wide variety of legal and nonprofit organizations in attorney, staff, board, officer, committee, and volunteer capacities. Currently, he serves on the board of QLaw, the gay, lesbian, bisexual, and transgender (GLBT) bar association of Washington; on the ACLU of Washington; and on the Initiative for Diversity Governing Council.

Leishman and his partner, Jason, have two four-year-old daughters. They are also licensed foster parents, and adopted one of their daughters through the Washington Foster-to-Adopt Program. A longtime advocate for children's issues, Leishman has said that he will bring to the Board of Governors a particular interest in how the law and the legal profession affect families.

“I am honored to bring my diverse legal and community experience to the Board of Governors,” said Leishman of his role as governor. “WSBA faces exciting challenges in adapting the organization to difficult economic times while addressing the demands of the profession and the immense need in our community for legal services. I support the WSBA’s efforts to ensure access to justice statewide, while also complementing and supporting the work of the local, minority, and specialty bar associations.”

Carla C. Lee — Governor At-large, Young Lawyers Division

First elected to the Board of Governors in March 2008 and taking her seat in April 2008 to serve out the unexpired term of a governor who moved out of state, Carla Lee was re-elected as the at-large governor representing the WYLD. A solo practitioner in Seattle, she has been actively involved with several WSBA committees. She has served on the WSBA Access to Justice Board Technology Committee, the Amicus Brief Committee, the Pro Bono and Legal Aid Committee, and is currently a Washington State Bar Foundation trustee. In addition to her involvement at the WSBA, she has also served as the co-vice-president of membership for the Washington Women Lawyers State Board; treasurer for the Loren Miller Bar Association; and as an at-large board member of Washington Lawyers for the Arts.

Giving back to her community is a priority for Lee. She has volunteered her time with YWCA’s GirlsFirst Program, the WYLD Pre-Law Student Leadership Conference, and the King County Bar Association Future of the Law Institute. Lee is currently chair of the BOG Personnel Committee, serves on the BOG Budget and Audit Committee, and chairs the WSBA Rule 9 Task Force. Her past activities include serving as chair of professional development and co-chair of the Young Lawyers Committee Mentor Program with the Loren Miller Bar Association; and serving as the co-vice-president of professional development for Washington Women Lawyers.

Lee was also instrumental in the development of the Breast Cancer Legal Resources Guide — Washington (www.wsba.org/public/breastcancerlegalresource.pdf). In 2005, she was honored with the Chapter Member of the Year Award from King County Washington Women Lawyers; in 2007, she received the Loren Miller Bar Association’s President’s Award; and, also in 2007, she was a recipient of the Washington Women Lawyers State Board Member of the Year Award.

“A year ago, my trajectory made me keenly aware of the need to give voice to those who are not adequately represented in Bar leadership,” Lee said of her role as governor. “Today, I see my role as a governor in much broader terms. In the past year, I have demonstrated a commitment to the rule of law, professionalism, and a commitment to the delivery of legal services that transcends limitation and creates equal access for all. I bring a perspective to the Board of Governors that reflects my commitment to all members of the Bar and the public.”

Marc L. Silverman — District 1 Governor

Marc Silverman received his undergraduate degree from the University of Colorado and his law degree from the University of Puget Sound School of Law (now Seattle University School of Law). He also studied at the Gerry Spence Trial Lawyers College in Wyoming. He has practiced for 27 years, including 25 in solo practice, focusing on plaintiffs’ personal-injury litigation.

Silverman has served as a disciplinary hearing officer for the WSBA. He is a member of the Board of Governors of the Washington State Association for Justice (formerly Washington State Trial Lawyers Association), and has been a speaker and presenter for numerous continuing legal education seminars, including insurance law, litigation practice, ethics, and bankruptcy issues.

“In these times of unprecedented financial crisis, working with our members, the courts, and the Legislature to ensure continued high-quality access to justice for all Washington citizens must be our number one priority,” wrote Silverman of his role as governor.

Stephanie Perry is the WSBA communications specialist/website editor and can be reached at stephaniep@wsba.org.
PLEONASM. The word sounds like a horror-movie title, doesn’t it? Like something that might come over you suddenly and involuntarily. And actually, it is.

Often used as a synonym for “redundancy,” it is not exactly the same thing. Pleonasm and redundancy are related terms that may often be used interchangeably. But pleonasm covers a broader range. Technically, pleonasm is the use of more words than necessary to make a point clearly. It can be an effective rhetorical device (the King James Bible abounds with pleonasm). It can also make you sound and feel as if you don’t know the meanings of the words you speak and write.

Pleonasm comes in several different flavors. The first of these is the kind of usage that confesses to the world that you don’t really understand the words you’ve chosen — as immortalized in Firesign Theatre’s “Department of Redundancy Department.” A person who, for example, refers to a “PIN number” is unwittingly committing pleonasm. The “N” in PIN stands for “number,” so it is needless repetition to refer to more than simply a “PIN.” The same is true of such common utterances as “RAM memory” and “HIV virus.”

Another frequent misusage is the doubly polite, “Please RSVP.” But this is a special case. It may not be entirely fair to expect everyone who uses “RSVP” to know that it already contains the sentiment “please” in the SVP part of its construction — a standard abbreviation for the French phrase meaning “please.” But even people who do know that might still be inclined to say “Please RSVP” out of fear that recipients of their invitations who don’t know it might think the brusque command “RSVP” sounds rude. (In a similar bilingual vein, how often have you had a waiter ask you if you’d like your roast beef “with au jus”?)

A closely related class of pleonasm might be titled “There isn’t any other kind.” Into this class fall such common usages as “mutually agree” and “mutual agreement,” which we see in far too many contracts written by lawyers whose two decades of education have failed to alert them to the fact that agreements are by definition mutual. There’s something powerfully Orwellian about the possibility of a unilateral agreement.

This column was occasioned by a recent ignorant pleonasm of my own. In my last column, I referred in passing to “excess verbiage,” and was patiently reminded by a loyal reader more word-wise than I that the word “verbiage” doesn’t mean simply “words,” but “an excess of words.” Thus, “excess verbiage” is another redundancy.

To this little (by no means exhaustive) list, we can add such familiar phrases as “major breakthrough” (if it weren’t major, it wouldn’t be a breakthrough); “tiny speck”; “regular routine”; “prior experience”; “past history”; “end result”; “equally as”; “new (or green) recruit”; “was formerly”; “join together”; “rise up” (a frequent example of King James Bible literary pleonasm); “where at”; “from whence”; “natural instinct”; “new and innovative”; “minestrone soup”; “close proximity”; “surrounded on

Attack of the Killer Pleonasm

by Robert C. Cumbow
all sides”; and “12 midnight” or “12 noon.”

One of the prime repeat offenders in the “there isn’t any other kind” breed of pleonasm is the seemingly ubiquitous “free gift.” I don’t think advertisers and marketers who use this phrase really believe that there also exist gifts that one has to pay for. Rather, I see this as an example of repetition for emphasis. After all, saying everything three times is a longstanding dictum of advertising: “Tell ’em what you’re gonna tell ’em, then tell ’em, then tell ’em what ya told ’em.” Not trusting the audience to get it if they simply say “gift,” advertisers shout, “Free gift!” While cynics enjoy quoting H.L. Mencken’s dictum, “Nobody ever went broke underestimating the intelligence of the American public,” it’s also true that that not trusting your audience can be one of the surest ways to insult them. Maybe marketers can afford to risk that, but lawyers can’t — especially if that audience is a judge, a jury, a client, or other lawyers.

Repetitious, Redundant, and Tautological

This, then, is the kind of pleonasm whose unnecessary words do not duplicate the meaning of the word that’s already there, but simply provide emphasis — sometimes a good rhetorical device, often mere excess. Some critics have said that “face up to” doesn’t really mean anything that the verb “face” doesn’t already convey; but “face the facts” conveys a different sense from “face up to his responsibility”— and one wouldn’t write or say “face up to the facts,” even though “face his responsibility” might make the same point as “face up to.”

Pop culture, literature, and literary cliche abound with pleonasm for rhetorical emphasis, with varying degrees of artfulness and poetic license: “wept tears of joy,” “dream a little dream of me,” “sleep the sleep of [insert your favorite sleep here],” “see with my own eyes,” “way down south,” and the ever-baffling “down east.”

The formulaic, ritualistic expressions of traditional legal writing abound with such constructions, and they are such reliable and familiar chestnuts that we rarely stop to think before using them: “each and every”; “and/or”; “if and when”; “until and unless”; “will and testament”; “null and void”; “in any way, shape, or form”; “cease and desist”; “devise, bequeath, leave ....”

Not all legal pairs are pleonasms, of course: “breaking and entering” describes two different acts, each a legal wrong (vandalism and trespass), and together, a third one (burglary). “Preserve, protect, and defend” are three different duties.

There’s an animal subset of pleonasm, populated by such terms as “poodle dog” and “tuna fish.” One never encounters “smoked salmonfish,” but it’s common to see packages of “codfish fillets.” “Seagull” is often decried as a pleonasm because gulls are by definition sea birds.

I’m always puzzled by people who talk about having to get a new “hot water heater.” Why do they need to heat hot water? Pleonasms of this kind are the result of mentally combining two equivalent familiar phrases — in this case, “water heater” and “hot water tank.” The phrase “two equal halves” is probably a conflation of “halves” with “two equal parts.”

Redundant or Not?

There are also alleged pleonasms on which the jury is still out. Language critics sometimes unfairly or unthinkingly attack as pleonasm a phrase that may in fact be perfectly legitimate. Some lists of popular redundancies include the common phrase “the general public.” But in this day of focused marketing, there is the general public and there are narrower, more particular “publics” to which services are directed. One might argue that if it is a narrower...
subgroup, it is not “the public”— but I’ve never understood the word “public” to be that limited in meaning.

People who rightly cringe at “past history” and “prior experience” also resist “future plans.” In one sense, all plans are “future plans,” in the sense that they are plans for the future. However, there can be plans you make today and plans you will make next month, and the latter might be legitimately considered “future plans.” Nevertheless, oft-heard phrases such as “advance planning,” “prior planning,” and “plan ahead” are indeed pleonasm. While it may be easier and more comfortable to plan afterward, it’s best to plan ahead — especially if you are designing the restroom on a sailing vessel.

“Pre-recorded” is often accused of being redundant, but that’s due to a misunderstanding of what the “pre-” refers to. Some television shows and musical performances are recorded while they happen live — “in real time,” as the saying goes, making me wonder what fake time must be like. (The answer to that question might finally give us a means of time travel.) Other performances are recorded before being broadcast or published, and it is the recording, not the live performance, that is presented to the public. These can be legitimately referred to as “pre-recorded,” because recording does not always, by definition, happen before the performance occurs or before it is made public.

“Rough estimate” was a candidate for my simple redundancy list above, on the theory that estimates are by definition rough. But while a precise statement is no longer an estimate but a promise or a prediction, estimates may come in varying degrees of roughness. So, depending on context, it may not be fair to bridle at “rough estimate” if it is in the company of, for example, a “close estimate,” “a conservative estimate,” or a “ballpark estimate.” In the same way, one may offer a “near guess,” a “safe guess,” an “educated guess,” a “wild guess,” or, least reliable of all, “a wild-ass guess.”

This reminds me — to digress for a moment from the world of pleonasm — of the frequent criticism of the phrase “near miss.” One hears all too often that this phrase is the opposite of a redundancy: an oxymoron, or contradiction in terms. A “near miss” would be a hit, goes the argument, and therefore not a miss at all. But this is true only if one understands the word “near” in the sense of “nearly,” “approximate,” or “almost.” Clearly something
that was “nearly” a miss was in fact a hit. But that is not what “near miss” means. The term “near miss” is rightly applied to a shell that misses its target, but lands close-by — as opposed to a “far miss” that lands safely away from the target. You can miss it by a mile, or you can miss it by that much. A near miss can still do some damage, and can also signal — literally or metaphorically — that the enemy’s artillery is gradually homing in.

Most pleonasms are, as you may have gathered, clichés, phrases that roll off our lips so naturally that we don’t stop to question them when a particular situation seems to call for their use. But I’ve also heard some newer redundancies, neo-pleonasms if you will, not so widespread nor safely grounded in the tool kit of popular conversation. Recently I’ve heard folks say that one of a handful of choices was “more preferable” or “the most preferable.” (“Preferable” is itself comparative, so “more” or “most” is pleonastic). I’ve also heard someone say that an argument was “sufficient enough” to win his case.

Words in Parting
Pleonasm can be a neat rhetorical trick if used sparingly and with poetic grace. But, more often, it betrays ignorance of the meanings of the words you’ve chosen, or makes you sound as if you’re so terrified of being misunderstood that you are not going to be comfortable until you’ve run through the whole thesaurus, including every possible synonym, so as to leave no loopholes nor room for doubt.

What lessons can we draw from looking at pleonasm? First, think about the words you choose. If you’re not sure what a word means, look it up or don’t use it. In fact, if you have to look it up, that’s usually a signal that you shouldn’t be using it: if you aren’t sure of it, maybe your audience isn’t, either.

Second, work at your writing. Spend your writing time finding the best words, not simply cataloging as many as you think might apply or just sound good.

Third, never employ a pile-up of vaguely synonymous candidates when, with a little work and thought, you can say it once, emphatically and clearly. Always trust the power of the single well-chosen word.

Robert C. Cumbow is a shareholder at the Seattle firm of Graham & Dunn PC. He teaches at Seattle University School of Law and writes on law, language, and movies.
Lawyers take many forms. In the film, Hedren was under attack by millions of birds. My client felt the same. Under attack by bills, solo decision-making, questions, emotions, loss. She was, in that sense, like Ms. Hedren.

“And I’ll shoo the birds away. Soon. I promise,” I told her.

“Thanks. That would be wonderful.”

When I was a young lawyer, I viewed my job as an information passer. What laws impacted the case, what courses of action I could take with my client’s individual needs and wants from me as their counsel.

Lawyers have a broad job description. We are to different clients very different helpers.

**Ambien.** We help our clients sleep.

**Bodyguard.** I often take wrath and verbal bullets intended for my clients. My job is to protect them as best I can, to deflect anger and accusations aimed toward them.

**Confidant.** Lawyers share clients’ most intimate secrets and assist them through some of their most traumatic life events. We bear, and share, our clients’ burdens throughout the legal proceeding, always held in, never passed publicly, like any good friend.

**Counselor.** Perhaps most of my professional time is spent as a counselor. Not the so-how-does-that-make-you-feel counselor, more the this-is-what-will-happen-if-you-do-that kind. What clients get with a lawyer, really, is experience in the human condition. Lawyers live many lives. Personally, professionally, and through shared anecdotes from our colleagues, an experienced attorney has been through, on one level or another, most of life’s traumas.

**Firefighter.** We contain and extinguish fires. Not of houses or forests, but in our clients’ hearts and minds and lives.

**Googler.** Lawyers pass on information, and find information, to answer clients’ questions.

**Interpreter.** Lawyers translate legalese into human language and human language into legalese. Few clients know the nuances of “time is of the essence.” Most understand that “the payment date means that day, not a day later.” We translate and interpret words between these two tongues to make sure our clients understand the bargains they are entering.

**Norman Vincent Peale.** Recently I had a client confide that she felt like a failure having to see me, that it was a public admission that she was incapable of solving her own problems. Sometimes attorneys give clients the reality and confidence that, in the end, there are problems insolvable without assistance and that this, too, will pass.

**Puzzle worker.** Lawyers take many puzzle pieces — the facts, the law, the particular judge overseeing the case, opposing counsel — and put together a simple, persuasive story on behalf of our clients.

**Teammate.** Often our clients’ greatest need is to know they are not going through their legal matter alone.

**Voicebox.** The traditional definition of our work is simply that we advocate for our clients, presenting their positions as clearly as possible, being their mouthpiece.

My newly widowed client didn’t initially care about the steps in a probate or how we acquire an EIN for the estate. She was not the least bit interested whether the creditor’s claim period was four months or six months, or the amount of the filing fee. She simply needed some space to think and grieve, someone to shoo the birds away. By the end of our appointment, she felt less like Tippi Hedren and more confident that the sun would rise in the morning and she, in the end, would be all right.

The next client entered my office and I asked, “How can I help you today?”

“I’m worried sick about the Complaint Alleging Adverse Possession I was served with, and haven’t slept in three days.”

“You will soon,” I thought. Jeffrey “Ambien” Tolman, attorney at law and experienced bird shooer, is here to help.

Jeff Tolman has practiced law in Poulsbo for more than 30 years. He has served on the WSBA Board of Governors, in the ABA House of Delegates, and is the part-time Poulsbo Municipal Court judge. He can be reached at tolman@tolmankirk.com.
Gates Receives ABA’s Highest Honor

William H. Gates Sr., co-chair of the Bill and Melinda Gates Foundation, has been chosen by the American Bar Association to receive its highest honor, the ABA Medal. "It will be a true honor to present the ABA Medal to Bill Gates Sr.,” said ABA President H. Thomas Wells Jr. “Not only has he been a leader in the legal profession, he also has distinguished himself in the field of philanthropy and found a new career as an author, both pursuits begun after his retirement from the law. He is known as a ‘lawyer’s lawyer’ among his colleagues, a civic force in his native Seattle area, and a benevolent friend to disadvantaged people around the world.” The ABA Medal recognizes exceptionally distinguished service by a lawyer to the cause of American jurisprudence.

Utter and Dimmick Honored at Legacy Project Ceremony

In June, Justice Robert F. Utter and Judge Carolyn Dimmick were honored at a Legacy Project rollout ceremony at the Office of the Secretary of State in Olympia. The project, a service of the Office of Secretary of State and the planned state Heritage Center, was commissioned by the Legislature to tell the life lessons and personal histories of some of Washington’s most interesting daughters and sons. The Legacy Project has posted a 180-page oral history of Justice Utter, the internationally respected jurist, constitutional law expert, author, humanitarian, and sailor. The oral history of U.S. District Judge Carolyn Dimmick, the first woman to serve on the state Supreme Court, was also published recently. Justice Utter and Judge Dimmick join fellow WSBA members Justice Charles Z. Smith, Justice James Dolliver, Senator William Gissberg, and Senator Jeannette Hayner in being honored. Read their oral histories online at www.secstate. wa.gov/legacyproject/oralhistories.aspx.

William Kenzo Nakamura Courthouse Rededicated

Federal judges gathered on June 22 in Seattle for the rededication of the William Kenzo Nakamura United States Courthouse for use by U.S. Court of Appeals for the Ninth Circuit. The rededication ceremony marked the successful completion of a three-year project to renovate and modernize the historic structure, which opened in 1940 and was the first building in the West designed specifically for use as a federal courthouse. The courthouse was listed on the National Register of Historic Places in 1980 for its national and local significance. The ceremony, held in the courthouse’s new en banc courtroom, drew elected officials, community leaders, members of the Bar, and representatives of the U.S. General Services Administration, which oversaw the renovation project. Speakers included Ninth Circuit Chief Judge Alex Kozinski, of Pasadena; Senior Circuit Judge Betty Binns Fletcher and Circuit Judge Richard C. Tallman, who have their chambers in the courthouse; and U.S. Representative Jim McDermott, of Seattle, and local resident Steve Finley, who were instrumental in having the building named for a Japanese-American war hero. U.S. Senators Patty Murray and Maria Cantwell sent representatives with messages of congratulations to the court and community. Robin G. Graf, acting regional administrator for the GSA’s Northwest/Arctic Region, served as master of ceremonies. Members of the Seattle Nisei Veterans Committee were present to post the colors and lead the assembly in the recitation of the Pledge of Allegiance. The courthouse was rededicated in 2001 in the name of Private First Class William Kenzo Nakamura, a Seattleite who was awarded the Medal of Honor for heroism in World War II. One of the thousands of Americans of Japanese ancestry forced into government internment camps in 1942,
Nakamura nonetheless enlisted in the U.S. Army. He was assigned to the all-Japanese-American 442nd Regimental Combat Team and fought in Italy. On July 4, 1944, after single-handedly eliminating an enemy machine-gun position and volunteering to remain behind while his platoon evacuated from a ridge, he was killed by an enemy sniper. Nakamura was posthumously awarded the Distinguished Service Cross, the country’s second highest military award. In 2000, President Clinton upgraded the award to a Medal of Honor, the country’s highest military honor.

Anacortes Courtroom Named in Honor of Judge Eugene Anderson

In July, Anacortes Mayor Dean Maxwell recognized Judge Eugene Anderson’s 36 years of service in the city’s courts by recommending that the municipal court facility be renamed the Gene Anderson Municipal Courtroom. The concept was unanimously endorsed by the Anacortes City Council. Anderson, who died on June 3, was born in 1929, and earned his J.D. from the University of Washington School of Law in 1957. “He came to town as a young buck out of the University of Washington and ran for justice of the peace,” said former Anacortes Mayor Bud Strom. He was elected and became a part-time district court judge for Skagit County in 1959. When he retired in 1994, he was longest-serving district court judge in the state of Washington. He was a member of the Washington State Bar Examiners Committee for 41 years. He won several awards for his service, including the 2008 WSBA Lifetime Service Award.

Legal Foundation of Washington Celebrates Anniversary

The Legal Foundation of Washington (LFW) celebrates the 25th anniversary of the Supreme Court order requiring interest on lawyer trust accounts to be distributed through the LFW for law-related charitable and educational purposes. That citizens without the ability to pay high legal and court fees would be left out of the process entirely compelled the group known as the Halverson Committee with the support of the Whatcom County Bar Association and the Seattle-King County Legal Aid Bureau to petition the Supreme Court for an IOLTA Rule.

At the earliest meetings of the inaugural LFW Board, a commitment to ensuring access to justice by the most disenfranchised of all Washingtonians was agreed. Since 1985, the LFW has administered $122 million in grants for civil legal aid. The Legal Foundation of Washington will commemorate 25 years of innovative partnership working for justice in Washington state at the 24th Annual Charles A. Goldmark Award Luncheon on February 26, 2010.

Enter to win two complimentary tickets to attend the luncheon by being the first person to correctly name all of the people captured in the 1970s-era photograph of legal aid advocates pictured above. E-mail entries to theories@legalfoundation.org or send your entry by mail to 1325 4th Ave., Ste. 1335, Seattle, WA 98101. Deadline for entries is January 15. Include your name and contact information. The winner’s name will be posted at www.legalfoundation.org.

40 Under 40 Honorees

Each year, the Puget Sound Business Journal spotlights top business leaders in the Puget Sound area who are under the age of 40 and excel in their industry and show dynamic leadership. Congratulations to the following WSBA members who are named in this year’s “40 Under 40” list: Jorge L. Baron, Northwest Immigrant Rights Project; Gabriel S. Galanda, Williams Kastner; Gregory A. Gotteson, Madrona Venture Group LLC; Vanessa S. Power, Stoel Rives LLP; Kirk A. Soderquist, Perkins Coie LLP; and Akane R. Suzuki, Garvey Schubert Barer.

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Team Persecute/Defend are 2009 Seattle Lawyers Basketball League Champs

Team Persecute/Defend, composed of lawyers from the King County Prosecutors as well as criminal defense attorneys, capped the 2009 Seattle Lawyers Basketball League crown. On May 27, 2009, No. 2 seed Persecute/Defend (8-3) prevailed over the No. 4 seed Stanislaus Ashbaugh (7-5), in a bruising, see-saw battle. The Stanislaw bruisers fought back in a hard-fought, low-scoring first half to overcome an early six-point deficit to lead at the half, 32-29. The game remained a close, defensive struggle. However, the hot hand of Persecute/
Defend’s Alfoster Garrett, who coolly sank free-throws at the end, helped stave off a final Stanislaw surge. Final score: Persecute/Defend 56–Stanislaw 54. Persecute/Defend team members are: 

*Alfoster Garrett Jr.* (Lewis and Clark, '99); 
*Nathan Harris* (Seattle U., '09); 
*Brent A. Hart* (UW, '00); 
*Jimmy I. Hung* (UW, '99); 
*Steven W. Kim* (UW, '00); 
*Jake Lipscomb* (Seattle U., '10); 
*Gyasi Ross* (Columbia, '03); 
*Eric J. Schurman* (Gonzaga, '98); and 
*Nathan L. Webb* (Univ. of Tulsa, '03).

**SCBA Report**

The Spokane County Bar Association (SCBA) honored **Mike Pontarolo** with the 2009 *Smithmoore P. Myers Professional Award*. The formal dinner included celebrating Smitty’s 95th birthday, as well as recognizing lawyers who have been practicing for 50 years — congratulations to 

*Gene Annis, Bob Kovacevich, Larry Smith,* and **Pat Sullivan**! The SCBA is also extremely proud of its volunteer lawyer program coordinator, **Kellee Spangenberg**. She received the 2009 Award for Leadership from the Washington State Access to Justice Board. Kellee plays a significant leadership role in our community’s continued effort to deliver the promise of equal justice for all. Kudos to Kellee for her tireless commitment and dedication as an advocate for pro bono services for low-income clients.

Speaking of the Volunteer Lawyer Program, the following individuals and firms were recognized at the SCBA’s annual meeting in June: Firm of the Year — **Etter McMahon**, with special recognition of outstanding pro bono service to the law firm of **Winston Cashatt**; Pro Bono Attorney of the Year — **Bryan Whitaker**, with special recognition of outstanding pro bono service to **Pete Johnson**, **Jen Larsen**, and **Rob Crary**; Status Conference Attorneys of the Year — **Jason Nelson** and **Mary Ronnestad**; and Young Attorney of the Year — **James Studt**.

**Washington Young Lawyers Division Receives ABA Awards**

During the American Bar Association’s Annual Meeting in August, the Washington Young Lawyers Division received four Awards of Achievement. Three of them related to the Young Bar Leaders Summit in March, which united leadership from the WYLD, county YLDs, and minority bar associations to address pressing issues for young lawyers. Awards include “First Place — Service to the Bar” for similar-sized YLDs, “First Place — Minority Project,” and “Most Outstanding Single Project — Service to the Bar.” The WYLD also received commendation for the Washington First Responder Will Clinics.

**TCBA Elects New Board Members**

The Thurston County Bar Association (TCBA) held its annual meeting in May, where the following 2009–2010 officers and board members were elected: president — **Allen Miller**, of the Law Offices of Allen T. Miller, PLLC; president-elect — **Kalo Wilcox**, from the City of Olympia Legal Department; secretary — **Toni Hood**, of the Washington State Attorney General’s Office; treasurer — **Leslie Owen**, from Northwest Justice Project; past president — **Erik Price**, of Lane Powell PC; position 1 — **John Skinder**, from the Thurston County Prosecutor’s Office; position 2 — **Janet McClanahan**, of McClanahan Moody, PLLC; position 3 — **Larry Jefferson**, from the Office of Assigned Counsel; position 4 — **Paul Meyer**, attorney at law; position 5 —
William B. Pope, of William B. Pope & Associates PC; position 6 — Lenny Lucenko, from Connolly Tacon & Meserve; and position 7 — Shawn Newman, attorney at law.

**Lane Powell Presents Women’s Symposium**

On the evening of June 18, nearly 100 female executives and business leaders gathered at the offices of Lane Powell for an informative women’s symposium titled “Keeping the Path Lit: Strategies for the Road Ahead.” The event featured a panel discussion led by moderator Denise Whittaker, weekend morning news anchor for KOMO-TV, and a panel of five prominent women executives: Jean Godden, Seattle City Council member; Diane Irvine, CEO of Blue Nile; Linda Kress, tax partner at Grant Thornton; Jane Nelson, co-chair of Lane Powell’s Real Estate and Land Use Group; and Molly Stearns, senior vice president of The Seattle Foundation. The panelists spoke candidly about how to market one’s most valuable skills in a down economy and about discovering effective ways to balance personal and professional demands in these changing economic times. The discussion also highlighted the importance of following one’s passion, forging new partnerships, and staying connected with others in the greater business community. The event was co-sponsored by Lane Powell and Grant Thornton, and all proceeds were donated to Dress for Success, a nonprofit organization that provides women with professional attire, a network of support, and career-development tools to help them thrive in work and in life.

**KCBA Elects New Board Members and Holds Awards Dinner**

The King County Bar Association (KCBA) elected new board members in June: James Andrus, president; Mark Aoki-Fordham, first vice president; Joseph Bringman, second vice president; Beth Barrett Bloom, secretary/trustee; Peter Ehrlichman and Craig Anthony Sims, trustees; and Karen Orhoski, chair of the Young Lawyer Division. KCBA also held its Annual Awards Dinner in June. The evening celebrated a group of inspiring award recipients who have made a tremendous impact on the practice of law and administration of justice. The 2009 honorees are: Christopher Bayley, Outstanding Lawyer; the Honorable...
LeRoy McCullough, King County Superior Court, Outstanding Judge; the Honorable Ronald Gould, U.S. Court of Appeals, Ninth Circuit, William L. Dwyer Outstanding Jurist; Pallavi Wahi, K&L Gates, Outstanding Young Lawyer; Norma Ureña, Ureña Law Offices, Pro Bono Award; and Ernest Aguilar, President’s Award.

WACDL Presents Annual Awards
The Washington Association of Criminal Defense Lawyers (WACDL) presented their 2009 annual awards in June. Peter Camiel and Jim Lobsenz, of Seattle, are recipients of the William O. Douglas Award, WACDL’s most prestigious award, given in recognition of extraordinary courage and dedication to the practice of criminal law. James Bible Jr. received the Champion of Justice Award for his community organizing and related work, as president of the Seattle King County NAACP, on behalf of Gerald Hankerson, who was granted clemency by Governor Gregoire this year. The award recognizes an individual who has staunchly served or defended the constitutional rights of Washington residents and endeavored to ensure justice and due process for those accused of crime. Sherilyn Peterson, of Seattle, received the President’s Award for her work in challenging the constitutionality of Washington’s lethal-injection policy. The President’s Award recognizes outstanding service to the criminal defense bar in a particular case or series of particular cases.

Diversity Award Named in Honor of Sheryl Willert
DRI — The Voice of the Defense Bar has renamed its Pioneer Diversity Award after Sheryl J. Willert, a long-time DRI leader and managing director of Seattle-based Williams Kastner. The award recognizes an individual attorney for his or her demonstrated commitment to diversity in the legal profession. As a former president of DRI, Willert, the first woman and lawyer of color to be president of DRI, has been an integral part of DRI’s diversity-related successes.

Perkins Coie Presents Award for Discovery
Perkins Coie announced that it has presented its $20,000 Award for Discovery to Michael A. Laflamme, M.D., Ph.D., assistant professor of pathology at the University of Washington School of Medicine, to fund his research project “Development and Testing of a Stem Cell-Derived Biological Pacemaker.” The award is part of the firm’s five-year commitment to support translational research at the UW Medicine South Lake Union campus. Each year, from 2007 to 2011, the firm will award a $20,000 grant to support a new project to generate data that could be used as a basis for a new and significant research program funded by NIH or other funding agencies.

Thurston County Volunteer Legal Services Recognizes Volunteers
Thurston County Volunteer Legal Services (TCVLS) held its Annual Volunteer Appreciation and Fundraising Breakfast honoring pro bono attorneys and paralegals in May. TCVLS provides free legal...
services to low-income clients in Thurston and Mason counties. John Vanek and Steven Frederick Cross received Attorney of the Year awards for their commitment, dedication, dependability, skill, and experience serving clients at the Housing Justice Project.

**Teachers Receive Flame of Democracy Awards**

Longtime Central Valley High School teacher Stan Chalich was honored in May by the WSBA’s Council on Public Legal Education (CPLE) for his 40 years as an outstanding educator. Chalich was presented with the Flame of Democracy Award, created by the CPLE in 2002 to recognize individuals, organizations, and programs that significantly increase the public’s understanding of law, the justice system, and government. This year is the first time the award was given to a teacher, and two individuals were selected; in addition to Chalich, the award was given in March to Rick Nagel, retired from Franklin High School.

**INTER ALIA**

Judy Runstad, a real estate and land use attorney at Foster Pepper, is featured in a new book focusing on women corporate directors by Elizabeth Ghaffari, entitled Outstanding in Their Field. Runstad has practiced law with Foster Pepper for more than 35 years and currently serves as of counsel. Ghaffari profiles 15 female directors who tell the truth about how to find a seat at the table. Each story is different; no one path or decision worked for every woman. Each chapter closes with one woman’s advice, providing encouragement and perspective from over three decades of practical experience with public company boards.

Nina Harding is the Senior Services of Seattle winner of the 2009 Inspire Positive Aging Award. Harding graduated from law school at age 52. She continues to practice law and gives freely of her time to the Elder Law Clinic. “... I never planned on getting old-er, but as I get older, it certainly is an honor to walk in my grandma’s footsteps. It’s always the awards from those who live in your backyard that are the most rewarding and the most humbling,” she said. “My passion is to serve our elders, whom I believe are some of Seattle’s most precious gifts of wisdom. My elders taught me to seek to serve.”

Winston & Cashatt attorney Ryan Yahne has become an accredited professional in Leadership in Energy and Environmental Design® (LEED), one of the few lawyers nationally and the first in Spokane to receive the designation for sustainable design, construction, and operation. Yahne, who focuses on construction law, is only the tenth attorney in Washington state to earn accreditation from the Green Building Certificate Institute (GBCI). “The trend toward green design and construction has surfaced a specialized set of contract, performance, and litigation considerations that require expertise and training in sustainability issues,” Yahne said. “Washington has been an early leader in LEED-rated projects and that is going to continue.”

Winston & Cashatt attorney Ryan Yahne
Fraser Mendel, a shareholder at Northwest regional law firm Schwabe, Williamson & Wyatt, has been named to the board of the Washington State China Relations Council (WSCRC). Established 30 years ago, the WSCRC serves as a platform for promoting stronger commercial, educational, and cultural relations between the state of Washington and the People's Republic of China.

Jeannie Simpson, an associate in Foster Pepper's Real Estate practice group, has been elected to the Board of Directors for Child Care Resources (CCR). Since 1990, CCR has been promoting school readiness, a stable community, and equity for children by building a quality childcare system. Jenifer Merkel, also an associate in Foster Pepper's Estate Planning practice group, has been elected to the Board of Directors for Conservation Northwest. Conservation Northwest protects and connects old-growth forests and other wild areas from the Washington Coast to the BC Rockies.

Patricia Paul received a Pilot Pin from the Rotary Club of LaConner. The pin is awarded to individuals who have shown their leadership skills, give of themselves to the community, and exemplify the Rotary motto “service above self.” Rotary District Governor Larry Jubie presented the pin to Paul with his congratulations.

Attorney General Rob McKenna appointed Antoinette “Toni” Ursich as the successor to longtime Spokane Division Chief Larry Briney in June. Ursich is currently the Washington State University Division Chief. "Larry has a tremendous reputation as the leader of the Attorney General's Office in Spokane, and it certainly isn’t easy to imagine our Spokane office without him," McKenna said. “That’s why I am so pleased Toni Ursich was interested in taking on this new leadership role. She is decisive, but approachable, and understands the role of a servant leader.”

The National Association of Attorneys General (NAAG) elected Washington State Attorney General Rob McKenna as its vice president on June 17. McKenna will serve in this role through next summer, when he will become president-elect of the organization. He’ll assume the role of NAAG president in 2011. “I’m thrilled to have the opportunity to serve in a role that will elevate the national awareness of issues crucial to the state of Washington, from protecting the environment to combating gang violence and reducing the deadly impact of prescription drug abuse,” McKenna said. “This is the most active and effective national association for statewide elected officials. I’m honored that my fellow attorneys general nationwide have selected me for this position.”

Many personal injury clients are eligible for Social Security Disability. If you need help obtaining benefits for your clients, call on the experts: SGB. At Schroeter, Goldmark & Bender, we’ve represented thousands of Social Security claimants over more than 35 years. Our team of Anne Kysar and Sandra Widlan can explain the claims process, determine how the claimant’s medical condition fits within the complex and shifting Social Security regulations, and handle appeals through hearings and beyond.

When you need to make a referral, make this your Social Security number: 206 622 8000.
Brian Keeley, of Bullivant Houser Bailey PC, was named to the King County Civil Service Commission in May. Keeley will serve a four-year term with fellow Commissioners Larry Mayes, a retired 28-year King County chief deputy and jail administrator, and Sam Pailca, a Microsoft senior attorney and former prosecutor who served as the first civilian director of the Seattle Police.

Seattle attorneys Brad Moore and Jeffrey L. Needle have been named Washington State Coordinators for the Public Justice Foundation, the Washington-based national organization known for championing public-interest litigation across the country. As state coordinators, Moore and Needle will be responsible for helping expand the organization’s visibility and identifying important cases that fall under Public Justice’s broad portfolio.

Best Lawyers, the nation’s oldest legal publication, has named attorney Paul N. Luvera as the “Seattle Best Lawyers Personal Injury Litigator of the Year” for 2009. Luvera is the first person in Washington to be so honored by the publication. Luvera is a founding partner in the Seattle law firm of Luvera, Barnett, Brindley, Beninger and Cunningham.
Spend Five Minutes to Keep Your License

BY JEAN McELROY

Every year, the WSBA has to recommend that the Supreme Court suspend from practice a number of WSBA members for licensing-related reasons. In most cases, the member could have avoided suspension by following one simple piece of advice: Personally make sure that your license renewal forms and payment are completed and either submitted online or signed and returned on time. All told, the entire license renewal process should take about five minutes.

Every year, lawyers licensed in Washington are required to renew their licenses. This requires at least paying an annual license fee, the amount of which varies depending on the lawyer’s status and type of license. For all active WSBA members, this also includes annually paying the mandatory Lawyers’ Fund for Client Protection assessment and completing and submitting a Trust Account Declaration and a certification regarding whether you have professional liability insurance. Every three years, all active members also must certify whether they have completed their mandatory continuing legal education requirements. Failure to pay the license fee or assessment, or to complete and return a required certification or declaration, can result in suspension of a lawyer’s license to practice law. And if lawyers practice law while their licenses are suspended, this may result in disciplinary action.

The WSBA is charged with making sure that Washington lawyers timely complete their licensing and mandatory continuing education requirements. Over the last few years, we have been taking steps to make the process easier. We have:

• condensed eight pages of double-sided forms into one double-sided form for licensing and (if it’s an active member’s reporting year) one double-sided form for MCLE;
• improved the clarity and frequency of our communications to members;
• made it easier for members to report earned MCLE credits online;
• simplified the Trust Account Declaration (see the 2010 license renewal form); and
• developed a system whereby members can complete all of their license and reporting requirements online through mywsba.org.

The bottom line is this: Ultimately, you are personally responsible for meeting your licensing requirements. Yes, we know that many of you rely on your assistants or paralegals to handle your licensing details. You still need to complete and submit the forms online, or review and sign the paper forms and make sure they are returned on time, and it is worth five minutes of your time to do so. Your license to practice law is at stake. Your paralegal or assistant will not be suspended from practice if the requirements aren’t met — you will. Here are some tips:

• Keep your contact information in the WSBA official records current and up to date. This is required by Admission to Practice Rule (APR) 13. (The WSBA must be informed of a change within 10 days.)
• Review the MCLE earned-credit reports sent to you in June or July every year and make sure the WSBA records are accurate and up to date. Correct the records if necessary. Earn all required credits by December 31 of the final year in your reporting period.
• Take five minutes to complete and submit your licensing forms online, or to read, fill out, and sign your licensing renewal paperwork with all of the required information.

(Complete and submit the online forms or the paper forms — not both.)
• Make sure that your completed paperwork and full payment are returned to the WSBA on time (for 2010, by February 1).
• Don’t ignore letters or e-mails from the WSBA about your licensing renewal or MCLE requirements, especially those sent by certified mail, even if you think they are in error. If you think you have done everything correctly, check your records at mywsba.org. If you still don’t know what’s wrong, contact us; we will help you figure it out. You may have overlooked one piece of required information or underpaid your required fee or assessment by a small amount; our data entry may not have caught up with your submission yet; or there may be a mistake in our records. We are happy to help.

Jean McElroy is the WSBA director of regulatory services and can be reached at jeann@wsba.org.

NOTES
1. Currently, WSBA members officially on judicial, honorary, or disability inactive membership status with the WSBA are exempt from this requirement.
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books and CLE materials into research; 3) establishment of a Learning Management System, a software tool used to plan and administer the overall educational programs at WSBA, including the regular CLE program, the New Lawyer Education Program, and Washington Young Lawyers Division programming; and 4) purchase of software to create a Learning Content Management System, which provides a platform to integrate webcasts and online courses into conventional CLE programming.

In a presentation at the BOG meeting, CLE Director Mark Sideman told the Board that online CLE production, such as webcasts and “webinars,” represent an ever-increasing share of the CLE market. They are less expensive for WSBA to produce and thus can be provided to members at a lower cost than conventional live CLE courses. While having its own studio will require an initial investment, it is not feasible to rely on temporary production facilities — such as renting banquet rooms and equipment piecemeal — to develop a viable program, he said. No space for a studio exists at the current WSBA headquarters, so space will have to be found elsewhere. An estimate of $250,000 to create the studio has been discussed, although recent declines in rental rates and other factors could reduce that figure, Sideman pointed out.

Also at the July meeting, WSBA Executive Director Paula Littlewood updated the BOG on the mywsba website, a “one-stop” online service scheduled to launch in October. WSBA members can register for a free mywsba account, which will provide access to several commonly used member services via a secure log-in to a dedicated area of the WSBA website. For example, members will be able to use a single mywsba portal to officially change their addresses or other profile information; register for CLEs and check their CLE credits; renew their licenses and pay their annual fees; and purchase recorded and written CLE materials.

In further business, the BOG:

- Adopted a resolution drafted by the Planning Ahead Committee, which is working to improve law practice succession planning to protect clients and others when a lawyer becomes disabled from practice due to age- or health-related difficulties, or dies suddenly. By the language of the resolution, the BOG “urges that all lawyers develop, adopt, promote and implement programs and procedures to plan for law practice contingencies by designating in advance another lawyer who is willing and able to assume the lawyer’s practice or to assist in the transfer of client matters and papers and electronic files” in the event the lawyer is rendered unable to continue practicing. The Board also endorsed the Planning Ahead Committee’s plans to further promote succession-planning efforts through coverage in Bar News and by making written materials the Committee has produced available at WSBA section meetings and through the WSBA Law Office Management Assistance Program (LOMAP) and the CLE Department.

- Elected District 2 Governor G. Geoffrey Gibbs as WSBA treasurer for the 2009–2010 fiscal year. Gibbs is a shareholder in the Everett law firm Anderson Hunter, where he practices primarily in family law, probate, and boundary litigation. Gibbs is a former president and trustee of the Snohomish County
Bar Association and serves as judge pro tem in superior, district, and municipal courts. He succeeds District 1 Governor Russ Aoki as treasurer.

- Heard the first reading of a draft agreement between WSBA and LAW Fund, under which WSBA will provide resources and support to increase the level of voluntary contributions from WSBA members to help fund statewide civil legal aid programs. Establishment of the cooperative fundraising effort was part of the BOG’s contribution of WSBA resources, approved at the May 2009 BOG meeting, to help rescue fiscally endangered legal aid programs.

Michael Heatherly is the Bar News editor and can be reached at barnewseditor@wsba.org or 360-312-5156. For more information on the Board of Governors and Board meetings, see www.wsba.org/info/bog. For more information on issues addressed by the Board, visit the WSBA website at www.wsba.org and click on “News Flash” under “WSBA News and Information.”

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Inadvertent Production Revisited (Again)

Comment 2 leaves to procedural law whether any other actions are necessary and leaves to evidence law whether privilege has been waived. Comment 3, in turn, commits the voluntary return of inadvertently produced material to the receiving lawyer’s discretion (again subject to procedural and evidentiary law). In light of these changes, the ABA withdrew opinions 92-368 and 94-382 and replaced them with two new opinions, 05-437 (2005) and 06-440 (2006), that essentially track Model Rule 4.4(b) and its comments.

Washington has seen a similar evolution in the duty to notify. When our RPCs were amended in 2006, they included a new RPC 4.4(b) and new accompanying comments that are identical to their ABA counterparts. The new rule applies both to Washington state court proceedings and under, respectively, Western District General Rule 2(e) and Eastern District Local Rule 83(a), federal courts here as well.

Proposed amended CR 26(b)(6) as currently formulated closely follows its federal counterpart:

When paper reigned supreme, courts were much less forgiving of lawyers who inadvertently produced confidential communications that were labeled plainly with law-firm or general-counsel letterhead. As communications between lawyers and their clients moved increasingly to electronic form, however, it both increased the volume of documents needing to be screened for privilege and made the screening process more difficult.

If information produced in discovery is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

The amendments to the Federal Rules of Civil Procedure adopted in 2006 and the proposed amendments to the Washington Civil Rules, currently under review as I write this, both address the procedural mechanism for litigating possible privilege waiver through inadvertent production.

FRCP 26(b)(5)(B) now provides:

If information produced in discovery is subject to a claim of privilege or of protection as trial-preparation material,
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Evidentiary Privilege
Privilege waiver based on inadvertent production has also seen significant recent developments both nationally and in Washington.

FRCP 45(d)(2)(B) and proposed amendments to CR 45(d)(2)(B) contain similar language in the context of subpoenas directed to third parties.

An earlier case from the U.S. District Court in Seattle, Richards v. Jain, 168 F. Supp.2d 1195 (W.D. Wash. 2001), illustrates a primary reason for seeking a court ruling on privilege waiver rather than simply using the information involved: disqualification risk to the recipient. Richards itself was not an inadvertent-production case. The plaintiff in Richards was a former high-level executive of a high-tech company who sued his employer over stock options when he left the company. On his way out, Richards downloaded the entire contents of his hard drive onto a disk and gave it to his lawyers. The disk included 972 privileged communications between the company and both outside and inside counsel. The lawyers did not notify the company or its counsel. Instead, the lawyers used the communications in formulating their complaint and related case strategy without first litigating the issue of whether privilege had been waived. When the documents surfaced during the plaintiff’s deposition, the defendant moved for both the return of the documents and for the disqualification of the plaintiff’s lawyers. The court found that the documents were privileged and that privilege had not been waived. It then ordered the documents returned. More significantly, however, the court also disqualified the plaintiff’s lawyers on the theory that there was no other way to “unring the bell” in terms of their knowledge of the defendant’s privileged communications. In doing so, Richards relied in part on In re Firestorm 1991, 129 Wn.2d 130, 138-39, 916 P.2d 411 (1996), where the Supreme Court held that lawyers who are confronted with issues about whether privilege applies to information received from the other side or has been waived should seek the court’s guidance rather than making those decisions unilaterally.
Nationally, last year Federal Rule of Evidence 502 became law and creates specific criteria for waiver through inadvertent production. FRE 502 applies to all federal proceedings regardless of the basis for federal jurisdiction and binds state courts as well, if a ruling in a federal case comes first. It applies to both the attorney-client privilege and the work-product rule. FRE 502(b) is framed in the negative and finds that no waiver occurs if: “(1) the disclosure is inadvertent; (2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and (3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following … [FRCP] 26(b)(5)(B).”

In Washington, there is as yet no comparable amendment to the Evidence Rules. At the same time, Washington case law arrives at much the same end. Last fall, Division II of the Court of Appeals, in Sitterson v. Evergreen School Dist. No. 114, 147 Wn. App. 576, 196 P.3d 735 (2008), cited FRE 502 and surveyed case law from other jurisdictions in adopting a balancing test very similar to the new federal rule. The five factors outlined in Sitterson include: “(1) the reasonableness of precautions taken to prevent disclosure, (2) the amount of time taken to remedy the error, (3) the scope of discovery, (4) the extent of the disclosure, and (5) the overriding issue of fairness.” 147 Wn. App. at 588.

Summing Up
Collectively, the evolving ethics, procedural, and evidence rules offer a much more cohesive approach to inadvertent production issues than in years past. Although any given case will continue to turn on its individual facts, the movement to a rule-based approach should provide relatively straightforward guidance as lawyers confront these issues with increasing frequency in an era where electronic communications now reign supreme.

Mark Fucile, of Fucile & Reising LLP, handles professional responsibility, regulatory, and attorney-client privilege matters, and law firm-related litigation. He is a past chair and a current member of the WSBA Rules of Professional Conduct Committee, a past member of the Oregon State Bar’s Legal Ethics Committee, and a member of the Idaho State Bar Professionalism and Ethics Section. He is a co-editor of the WSBA’s Legal Ethics Deskbook and the OSB’s Ethical Oregon Lawyer. He can be reached at 503-224-4895 and mark@f culp.com.

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Cowan Kirk Gaston
is proud to announce that our partner, Bill Kirk, has been appointed by the National College for DUI Defense to its Board of Regents.

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You are cordially invited to attend

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

Please join us as we honor the 2009 WSBA 50-year members. All members of the legal community are invited.

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

Registration is $45 per person (table of 10 = $450). To make your reservation, please return this form (or a photocopy) with your credit-card information or check payable to WSBA. Space is limited, so please make your reservations early. Reservations and payment must be received by October 27, 2009 (refunds cannot be made after October 27).

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

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

____________________________________________________________________________
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Send to: Washington State Bar Association
50-Year Member Tribute Luncheon
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
Phone: 800-945-WSBA or 206-443-WSBA • Fax: 206-727-8319

☐ If you need special accommodations, please check here and explain below.
____________________________________________________________________________

WSBA office use only:
Date __________________ Check No. ____________ Amount __________
No. MTL 102010
To avoid late fees, Group 3 members who are due to certify compliance must: (1) complete required credits by December 31, 2009; and (2) certify compliance no later than February 1, 2010. See the “MCLE Certification Information for Active Members” article below for important information about the MCLE compliance process. If you have questions, please contact the WSBA Service Center at 800-945-WSBA (9722), 206-443-7455, or questions@wsba.org.

**MCLE Certification Information for Active Members**

**Due date for MCLE credit completion and certification.** WSBA members are divided into three MCLE reporting groups based upon year of admission. (Newly admitted members are exempt. See “Newly Admitted Members,” below.)


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<th>Group</th>
<th>Report</th>
<th>Complete Credits by</th>
<th>Certify MCLE Compliance by</th>
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**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. For example, if you were admitted in 2008, you will not report for this reporting period (2007–2009), even though you are in Group 3. You will first report and certify credits at the end of the 2010–2012 reporting period. For your first reporting period, you may claim all CLE credits earned on or after your date of admission to the WSBA.

**Credit requirements.** At least 45 total credits of MCLE Board-approved CLE activities must be taken, including a minimum of 22.5 live credits and a minimum of 6 ethics credits.

Credits required for compliance must be completed by December 31 of the last year of your reporting period. Courses must meet the requirements of APR 11 to be credited, but they do not need to be taken in Washington state. Many courses are offered around the world which meet the requirements of APR 11. “Live” courses are held at a specific time; they are not pre-recorded. During the course, attendees have the opportunity to ask questions of the instructor(s) and hear the questions of others in real time. Live courses include teleconferences, webinars, and webcasts as well as traditional in-person events.

“Self-study” credits can be earned only from audio-visual (A/V) courses. A/V courses are pre-recordedCLE courses. A/V courses include audio and video tapes, compact discs, DVDs, archived webcasts, and other media that include the soundtrack of an MCLE Board-approved course presentation. These programs cannot be more than five years old from the date of recording, except MCLE Board-approved “skills-based” courses.
Written materials must be included with the A/V program and reviewed by the applicant to earn credit. Written materials must be purchased by each member, when required by the sponsor, to claim CLE credit.

“Ethics” courses, and sessions of larger courses devoted exclusively to ethics, must meet the specific requirements of APR 11 Regulation 101(g) to be considered for ethics credit. “Read only” and “read-and-test” courses are not accreditable in Washington.

**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 the total of your current reporting period credits exceeds 45, you may carry over a maximum of 15 credits to your next reporting period. Of these 15 credits, up to 2 can be ethics credits and up to 5 can be A/V credits. No credits will be carried over if a Certificate of Compliance from a comity state is used for compliance certification. (See “MCLE comity” below.)

**MCLE compliance certification requirement.** All active members due to certify MCLE compliance are required to: (1) complete the credit requirements, and (2) certify the credits taken for MCLE compliance.

Your online roster showing credit compliance is not a substitute for certifying MCLE compliance (APR 11.6(b)). You must complete the online certification process or submit a completed CLE Certification (C2/C3) form.

**Online certification.** If you are credit-compliant, online certification is available for the first time this year through [www.mywsba.org](http://www.mywsba.org) beginning October 15. Go to [www.mywsba.org](http://www.mywsba.org). Click “Login” and enter your Bar Number and Password. If this is your first time using mywsba, click “Reset password” and enter your Bar number and e-mail address to have your password e-mailed to you. (Note: You must use the primary e-mail address on file with the WSBA. It will be printed in the Contact Information section of the A1 License Renewal Form.) From “My Profile,” you can review your MCLE status. Click on the “MCLE Reporting — C2/C3” link to access your online MCLE certification form.

**Paper certification.** If you do not want to certify online or are not credit-compliant, you can file a Continuing Legal Education Certification (C2/C3) form listing all CLE courses taken for credit compliance. Please note:

- C2/C3 forms are included in the license packets mailed in mid-October to all members due to report and certify credits (Group 3 members this year).
- The data printed on the C2/C3 form is taken from your online MCLE roster in mid-September.
- If you earn more credits after the C2/C3 form was printed, add them to the form.
- All courses you list on the form must be approved by the MCLE Board. Approved courses have an Activity ID number. (See the “Course approval” section.)
- You must verify that the credits listed on the C2/C3 form are accurate. The credits for CLE courses you took should reflect your actual attendance. Credits on your online MCLE roster can be edited by clicking on the "edit" link next to each course. Credits on the C2/C3 form can be corrected manually.
- If you do not want to handwrite the additional credits you earned on the back of the C2 form, you may print a copy of your online MCLE roster and attach it to your C2/C3 form. State on your C2/C3 form that the attached roster printout is a true and correct statement of the CLE courses taken for credit compliance. Alternatively, you may print an updated C2/C3 form from the link on your mywsba home page. The C3 side should include all courses that are on your online roster as of the date of printing.

The C2/C3 form is a declaration and must be signed and dated, and the location where signed must be identified.

**Deadlines.** All required credits must be completed by December 31 of the last year of your reporting period. All credits must be certified by February 1 of the year following the end of your reporting period (or the next business day, if February 1 is on a weekend) (APR 11.2(a)).

**Grace-period elimination.** There is no grace period for certifying compliance. You must complete the online MCLE certification process (if you are credit-compliant) at [www.mywsba.org](http://www.mywsba.org) or postmark or deliver your C2/C3 form by February 1 (APR 11.6(b)).

**Credits not complete — no automatic...
extension until May 1. There is no automatic extension. If your credits are not complete by December 31 of the last year of your reporting period, you must complete these requirements by the following February 1. (1) File a C2/C3 form listing the credits taken to date even though you have not completed the credit requirements. Then file a Supplemental Declaration form for all subsequent credits earned for compliance (APR 11.6(b)). (2) Submit a petition to the MCLE Board. Provide a complete explanation as to the reason that you need an extension. The Board will consider factors of undue hardship, age, or disability in determining whether an extension will be granted (APR 11.6(c)(4) and APR 11 Regulation 107(a)).

MCLE late fees. Late fees are assessed when credits are not completed by December 31 of the last year of your reporting period, and/or credits are not certified by February 1. Credits may be certified online, or postmark or deliver the C2/C3 certification form to WSBA by the deadline.

The late fee for the first reporting period of non-compliance is $150 and increases by $300 for each consecutive reporting period of non-compliance.

MCLE comity. If you are an active member of the WSBA and your primary office for the practice of law is outside of Washington and if you are a member of the Oregon, Idaho, or Utah state bars ("comity states), you may meet your Washington mandatory CLE requirements by providing proof of current MCLE compliance from your comity state bar. Only a Certificate of MCLE Compliance from your comity state bar office sent with your WSBA C2/C3 form will satisfy your MCLE requirements in Washington. The forms must be postmarked or delivered by February 1. Note: A "Certificate of Good Standing" or a list of courses taken to meet your comity state’s credit compliance requirements is not acceptable for fulfilling the comity requirements.

Course approval. All courses that you list on your C2/C3 form must be Washington MCLE-Board approved and have an Activity ID number. This number is listed in your online MCLE roster and is assigned at the time of application. A "Certificate of Attendance" or other sponsor-provided certification is not sufficient for receiving course credit.

If you have taken courses that are not yet approved by the MCLE Board, submit Form 1s for these courses immediately to ensure that they are approved before your certification is due. See www.wsba.org/lawyers/groups/mcle/mcleboardform1.htm for information about submitting a Form 1.

Each Form 1 application must include a full agenda in order to receive credit. The agenda must include the start and end times for each session and break. Because of high volumes from October through February, Form 1s submitted online 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.

Pro bono credits. Six pro bono credits can be earned per year. (APR 11 Regulation 103(f))

Of the six credits, two are for the required annual pro bono training. Four credits may be earned per year for pro bono service credits if at least four hours of pro bono work were provided through a qualified legal services provider and if two credits of approved pro bono training were completed within the same calendar year.

New MCLE rules and regulations. New MCLE rule and regulation amendments went into effect on January 1, 2009. The amendments include: there is no longer an automatic extension and a member may earn no more than 8 credits per day taking courses. See apr11review07.htm for more information.

In-house CLEs. Beginning with the 2007–2009 reporting period, there are no restrictions on the number of in-house credits that a lawyer may claim for compliance. However, lawyers associated with or employed by a private law firm or corporate legal department that maintains an office within Washington state may not apply to receive credit for a continuing education course sponsored by that private law firm or corporate legal department. The sponsor must apply for accreditation. (APR 11 Regulation 104(b)(2)).

MCLE system. You may use the online MCLE system to: review and edit courses taken and credits earned; apply for course approval; apply
for prep time, pro bono, moot court, or writing credit; and search for upcoming approved courses.

Questions. If you have any questions about using the MCLE system or about the MCLE compliance requirements, see the FAQs at www.wsba.org/lawyers/licensing/faq-mcle.htm and www.wsba.org/lawyers/licensing/faq-mcle-credits.htm, or contact the WSBA Service Center at 800-945-WSBA (9722), 206-443-WSBA (9722), or questions@wsba.org.

Online Licensing for 2010
We have exciting news — Washington state lawyer license renewal is going online for 2010! For the first time, you will be able to complete your license renewal entirely online at www.wsba.org. License renewal forms and the Section Membership form will be mailed together in mid-October this year, and online licensing will be available at that time. There is no longer a "grace period" for the month of February, so renewal and payment must be completed by February 1, 2010. Check www.wsba.org/licensing for detailed instructions.

WSBA Bylaw Section II.E.1.b. on Armed Forces Fee Exemption provides for a fee exemption for eligible members of the Armed Forces whose WSBA membership status is active. The WSBA will accept fee exemption requests from October 15, 2009, until February 1, 2010, for the 2010 licensing year.

Notice of Hearing on Petition for Reinstatement of Donald B. Kronenberg, WSBA No. 13979
A petition for reinstatement after disbarment has been filed by Donald B. Kronenberg, who was suspended pending discipline on February 25, 2004, and disbarred on August 18, 2005. See, In the Matter of Disciplinary Proceeding Against Donald B. Kronenberg, 155 Wn.2d 184, 117 P2d 1134 (2005). At the time of his suspension and disbarment, Mr. Kronenberg practiced in King County, Washington.

A hearing on Mr. Kronenberg’s petition will be conducted before the Character and Fitness Board on October 30, 2009. Not later than October 29, 2009, anyone wishing to do so may file with the Character and Fitness Board a written statement for or against reinstatement, setting forth factual matters showing that the petitioner does or does not meet the requirements of Admission to Practice Rule 25.5(a). Except by its leave, no person other than the petitioner or petitioner's counsel shall be heard orally by the Character and Fitness Board.

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

Celebrate Pro Bono Week
Celebrate Pro Bono Week is scheduled for October 25–31, 2009. Sponsored by the ABA Standing Committee on Pro Bono and Public Service, the annual celebration is a coordinated national effort to showcase the impact that pro bono lawyers make to the nation, our system of justice, our communities, and to the clients they serve. The week is also dedicated to the quest for more pro bono volunteers to meet the ever-growing legal needs of this country’s most vulnerable citizens. For the full list of activities in Washington state, visit www.probono.net/celebrateprobono/events/ location.2009-10-01.washington.

Washington Young Lawyers Division Trial Advocacy Program
The annual Washington Young Lawyers Division Trial Advocacy Program (TAP) offers intensive training by litigation experts and a true-to-life mock trial experience. The CLE will be held Friday, November 7, and Saturday, November 8, at the WSBA office, and the mock trial will take place on Saturday, November 21, at the Seattle Municipal Courthouse. The cost is $250 for full participation and 19 general CLE credits (pending), or $150 for the CLE only (12 general credits pending). Last year’s participants commented that the program was “completely engaging and thought-provoking. Entertaining, real-world skill development;” and “... every young lawyer should attend.” To register to attend the TAP go to www.wsba.org/lawyers/groups/wyld/tapstdreg09.pdf.
Thinking of Changing Your WSBA Membership Status? Consider Emeritus

Annual WSBA Training and Orientation: January 12, 2010
As the 2010 WSBA licensing period approaches, you may be thinking of changing your membership status to accommodate your current career or lifestyle. If you no longer need your active WSBA license, here’s why you should consider emeritus status.

APR 8(e) creates a limited license status of emeritus for attorneys otherwise retired from the practice of law, to practice pro bono legal services through a qualified legal services provider. A qualified legal services provider is a “not-for-profit legal services organization whose primary purpose is to provide legal services to low-income clients.” There are no MCLE requirements (although you may attend optional CLE seminars at no cost, so that you are aware of changes in the law). The 2010 license fee for emeritus is $200. This is a significant savings in time and money if you are paying for an active license that you no longer need. Under most circumstances, emeritus attorneys can remain in emeritus status indefinitely without having to re-take the bar exam if/when returning to active status. Most qualified legal services providers provide malpractice insurance for emeritus volunteers. There is no age requirement for emeritus attorneys. Volunteering for a “qualified legal services organization” allows you to control your own schedule. Most importantly, the Emeritus Program provides an opportunity for attorneys to give something back to their communities by helping those who are less fortunate.

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

An emeritus training and orientation session is scheduled for January 12, 2010, in Seattle at the WSBA office. This training is a requirement for changing to emeritus status and will provide an opportunity for you to meet representatives from qualified legal services providers. Travel expenses will be reimbursed. For more information and to register for the training session, please contact Sharlene Steele, WSBA Access to Justice liaison, at 206-727-8262 or sharlene@wsba.org. You can review APR 8(e) at www.wsba.org/lawyers/licensing/faq-rule8e.htm.

Monthly Lawyer Discussion Roundtable
Get ideas and support from new colleagues and WSBA Lawyer Services Department staff who will answer questions on ethics, practice, and substantive law. The discussion group meets the second Tuesday of the month from noon to 1:30 p.m. October 13 is the next scheduled meeting date. Walk-ins are welcome! The roundtable is held at the WSBA office.

LOMAP and Ethics Traveling Seminars
Join us in Aberdeen on November 17, Port Orchard on November 18, Oak Harbor on December 8, or Bellingham on December 9. The cost is $99, and four credits are available, including some ethics credits. To register, call or e-mail Julie Salmon at 206-733-5914 or julies@wsba.org.

Monthly Job Search Session
Join us October 14 to hear guest speaker Ann Guinn, who will share her expertise on what employers look for in an ideal lawyer employee. These meetings take place the second Wednesday of each month from noon to 1:30 p.m. at the WSBA sixth floor conference center. Come as you are — no need to RSVP. Bring your business card (yes, you do need one). For more information, call 206-727-8269 or e-mail rebeccan@...
Computer Clinic
The WSBA offers a hands-on computer clinic for members. Learn what programs such as Outlook, PowerPoint, Excel, Word, and Adobe Acrobat can do for a lawyer. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Computers are provided, and seating is limited to 15 members. There is no charge, and no CLE credits are offered. The October 12 clinic will be held from 10:00 a.m. to noon at the WSBA office and will focus on using Outlook and practice management software. The October 15 clinic will meet from 2:00 to 4:00 p.m. and will focus on using Adobe Acrobat Professional Versions 8 and 9 (not the Reader). For more information or to RSVP, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

Weekly Job Finders Strategy and Support Group
Unemployed? Discouraged — or trying not to be? Our weekly job group focuses on job search basics such as résumés, cover letters, and informational interviewing. This is an opportunity to trade job-search advice and offer each other support in this difficult process. The group meets on Monday mornings from 10:30 to 11:45, and new groups begin every eight weeks. Contact Dan Crystal, Psy.D., at 206-727-8267, 800-945-9722, ext. 8267, or danc@wsba.org.

Upcoming Board of Governors Meetings
October 23–24, Pullman • December 4–5, Tacoma • January 21–22, 2010, Olympia
With the exception of the executive session, Board of Governors meetings are open, and all WSBA members are welcome to attend. RSVPs are appreciated but not required. Contact Margaret Shane at 206-727-8244, 800-945-9722, ext. 8244, or margarets@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/info/bog/schedule.htm.

Usury Rate
The average coupon equivalent yield from the first auction of 26-week treasury bills in September 2009 was 0.228 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.

Circle of Professionalism
The Random Acts of Professionalism Award seems long overdue when it comes to recipient Phillip H. Ginsberg. Phil received the award in acknowledgement of his many years of service to the Bar. He has served on many committees of both the Washington State and King County bar associations and currently serves as one of WSBA’s delegates to the American Bar Association. Phil’s listening skills are among his most noticeable qualities in his work with colleagues. He routinely asks others for their thoughts, actively involving them in discussions and planning, and thereby enriching group work. Phil consistently sets the highest standard of professionalism in his treatment of others and his championing of justice. By exemplifying professionalism, Phil Ginsberg inspires all of us in the Bar.

The WSBA Random Acts of Professionalism Award is given from lawyers to lawyers to recognize and encourage professionalism among the members of the Bar. Neither the Committee nor the WSBA Board of Governors explicitly endorses a selection; the award is simply from one professional to another. Look for the best among your peers and nominate them. Visit www.wsba.org/professionalism to learn more.
These notices of imposition of disciplinary sanctions and actions are published pursuant to Rule 3.5(d) of the Washington State Supreme Court Rules for Enforcement of Lawyer Conduct, and pursuant to the February 18, 1995, policy statement of the WSBA Board of Governors. For a complete copy of any disciplinary decision, call the Washington State Disciplinary Board at 206-733-5926, leaving the case name, and your name and address.

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

**Disbarred**

A. Mark Vanderveen (WSBA No. 18616, admitted 1989), of Kenmore, was disbarred, effective July 16, 2009, by order of the Washington State Supreme Court following an appeal. This discipline resulted from conduct involving the commission of a felony and dishonesty. For further information, see In re Disciplinary Proceeding Against Vanderveen, 211 P.3d 1008 (2009).

On February 29, 2005, Attorney W asked Mr. Vanderveen to represent Mr. C, who was under investigation by the Federal Bureau of Investigation (FBI) for involvement in a drug ring. Attorney W represented one of the top men in the drug ring, who was also Mr. C’s superior. Mr. Vanderveen agreed to represent Mr. C and told him at their first meeting that Mr. C’s “friends or associates” would pay his attorney fees. Mr. C agreed. Attorney W paid Mr. Vanderveen $20,000 in cash in two installments for his representation of Mr. C. On March 17, 2005, Attorney W left the first cash payment of approximately $10,000 in a paper bag in the court chambers where both he and Mr. Vanderveen sat as pro tempore judges. Attorney W gave Mr. Vanderveen the remaining $10,000 cash within a couple of weeks by delivering it to him in a parking lot outside of a bank. According to Mr. Vanderveen, Attorney W told him “the people [Mr. C] works with have given me some money, and I can pass it on to you.”

Mr. Vanderveen’s ordinary business practice with regard to receipt of legal fees in the form of cash was to deposit them in the bank on the same day he received them, photocopy the payment for his records, and enter them into his Quickbooks accounting system. When he received attorney W’s cash payments, Mr. Vanderveen did not follow his ordinary practice. Instead, he placed each of the payments in his home safe. Further, Mr. Vanderveen failed to report the receipt of the cash payments as required by 31 U.S.C. §§ 5331(a) and 5322.

In exchange for the $20,000 he received from Attorney W, Mr. Vanderveen represented Mr. C beginning in early March 2005. During that time, Mr. Vanderveen acceded to requests from Attorney W, on behalf of Attorney W’s client, to help them get information from or about Mr. C. For example, Mr. Vanderveen helped Attorney W conduct surveillance of Mr. C without Mr. C’s knowledge or approval. With Mr. Vanderveen’s assistance, Attorney W had Mr. C followed to discover if Mr. C had taken a trailer full of marijuana or was cooperating with law enforcement.

In early May 2005, federal authorities informed Attorney W that he was under investigation for involvement in his client’s drug ring. Attorney W agreed to cooperate with authorities and recorded a phone conversation between him and Mr. Vanderveen, in which they discussed the cash payments Attorney W made to Mr. Vanderveen and Mr. Vanderveen’s failure to report them. As a result, on July 22, 2005, Mr. Vanderveen was charged with and entered a guilty plea to violations of 31 U.S.C. §§ 5331(a) and 5322 (willful failure to file a currency report).

The court imposed a three-month prison sentence, to be followed by home detention. After serving his prison term, Mr. Vanderveen served 90 days’ home detention, during which he was required to wear an ankle bracelet. On the last day of his detention, Mr. Vanderveen removed his bracelet and left his home. Due to this probation violation, he was sentenced to six additional days in prison and 30 additional days in home detention.

Mr. Vanderveen’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; and RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Christine Gray represented the Bar Association. Kurt M. Bulmer represented Mr. Vanderveen. Peter A. Matty was the hearing officer.

**Suspended**

Stephen K. Eugster (WSBA No. 2003, admitted 1970), of Spokane, was suspended for 18 months, effective June 11, 2009, by order of the Washington State Supreme Court following an appeal. For further information, see In re Disciplinary Proceeding Against Eugster, 209 P.3d 435 (2009). This discipline is based on conduct involving failure to abide by a client’s objectives, disclosing confidential information, using information related to representation to the client’s disadvantage, failure to sur-
for health care.

In July 2004, Mr. Eugster met with RS to discuss the supplemental-needs trust created by Mr. S’s will. He also consulted with Mrs. S’s financial planner and made preparations to sell the family home of Mr. and Mrs. S. As to recovering Mrs. S’s personal property, Mr. Eugster located the items she requested but assured her by letter that RS was keeping them safe. In August, Mr. Eugster wrote Mrs. S to assure her of RS’s good intentions toward her and recommended RS resume control over her affairs. Mrs. S responded by seeking counsel of another attorney (Attorney C). On September 9, 2004, Attorney C wrote Mr. Eugster notifying him that Attorney C now represented Mrs. S and explicitly revoking Mr. Eugster’s power of attorney. Mr. Eugster responded by letter stating that he did not “believe that [Mrs. S] is competent. A guardianship should be established for her person and her estate…”

Attorney C then sent a letter to Mr. Eugster that his services as Mrs. S’s attorney were terminated and requesting that her files be forwarded to his office. In addition, the letter stated that Mrs. S “fully expects any and all communications with you to remain confidential and not be passed on to [RS].” Attorney C also asked Mr. Eugster to advise him of any changes in Mrs. S’s competence since the execution of her trust in July where witnesses testified she was of sound mind.

Around the same time, Mrs. S removed Mr. Eugster as her successor trustee of her trust and named a new successor trustee (NTM Services). Under the durable power of attorney prepared by Attorney C, NTM Services was entitled to reimbursement for all costs and expenses and “shall be entitled to receive at least annually, without court approval, reasonable compensation for services performed on the principal’s behalf.”

On October 8, 2004, NTM Services informed RS that Mrs. S had resigned as trustee and had named NTM Services as successor. Attorney C and NTM Services also attempted to get RS, as trustee of Mr. S’s testamentary trust, to pay $2,000 per month to them for “one-half of her support.” Mr. Eugster deemed the requested payment improper under the special-needs trust.

On September 27, 2004, Mr. Eugster petitioned the court to appoint a guardian for Mrs. S. He filed the guardianship action pursuant to former RPC 1.13, “Client Under a Disability.” Mr. Eugster signed his name on the line marked “Petitioner/Attorney” and represented that he was the current attorney for Mrs. S. RS served as the co-petitioner at the behest of Mr. Eugster, and provided some of the information for the petition. Mr. Eugster disclosed to RS his belief that Mrs. S lacked competence. RS eventually hired an attorney to represent him in the guardianship proceeding. The petition listed Mrs. S’s personal and financial information, characterized her as unable to manage her person and estate, and described her as “delusional.” In the petition, RS was nominated to act as Mrs. S’s guardian. The petition for appointment of guardian was served on Mrs. S in the common room of her assisted-living facility, which humiliated her. Mr. Eugster filed the petition based upon his personal judgment without conducting any formal investigation into the medical or psychological state of Mrs. S. Three months before he filed the guardianship petition, Mr. Eugster had Mrs. S sign a new trust, powers of attorney, and a will that he had prepared, indicating he had no concerns about her testamentary capacity at that point. The last date that either Mr. Eugster or RS personally talked to Mrs. S was two months before filing the petition.

Mr. Eugster appeared before a judge seeking appointment of a guardian on October 19, 2004. He assured the court that he had reviewed the ethical issues involved with him seeking to appoint a guardian. Mr. Eugster told the court he believed his actions were ethically viable, and the court asked Mr. Eugster to brief the issue. Mr. Eugster did not supply a brief. Instead, by letter dated October 21, 2004, Mr. Eugster purported to decline his service as successor trustee over Mrs. S’s trust and as attorney-in-fact. On October 26, 2004, the guardian ad litem (GAL) appointed to evaluate Mrs. S concluded she was not suffering from any incapacity and was capable of handling her own affairs. He noted Mrs. S’s strained relationship with and distrust of her son, RS. The GAL concluded Mrs. S did not need a guardian, but that if the court did appoint one, the guardian should not be RS. On November 17, 2004, Mr. Eugster withdrew his signature from the guardianship petition. By stipulation of the parties, the court dismissed the guardianship petition on February 1, 2005. Mrs. S paid $13,500 to defend herself in the guardianship action.

Mr. Eugster’s actions violated former RPC 1.2(a), requiring a lawyer to abide by a client’s decisions concerning the objectives of representation; former RPC 1.6(a), prohibiting a lawyer from revealing confidences or secrets relating to representation of a client unless the client consents after consultation; former RPC 1.8(b) and former RPC 1.9(b), prohibiting a lawyer who is representing a client from using information, confidences, or secrets relating to the representation of a client to the disadvantage of the client unless the client consents after consultation; former 1.9(a), prohibiting a lawyer who has formerly represented a client in a matter from representing another person in the same or a substantially related matter in which that person’s interests are materially adverse to the interests of the former client unless the former client consents in writing after consultation and a full disclosure of the material facts; former RPC 1.15(d), requiring a lawyer to take steps to the extent reasonably practicable to protect a client’s interests, such as surrendering papers and property to which the client is entitled; former RPC 3.4(c), prohibiting a lawyer from knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; and former 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

Jonathan Burke represented the Bar Association. Shawn T. Newman and Kris J. Sundberg represented Mr. Eugster. Jane B. Risley was the hearing officer.

Suspended

Shane L. Kenison (WSBA No. 19613, admitted 1990), of Moses Lake, was suspended for 60 days, effective July 14, 2009, by order of the Washington State Supreme Court following approval of a stipulation. This discipline is based on conduct involving failure to provide competent representation, failure to communicate, making a false statement of material fact to a third person, and dishonesty.

Mr. Kenison is a general practitioner with a practice in Moses Lake. On May 29, 2006, Mr. D was arrested and charged for driving under the influence of alcohol (DUI). Mr. D retained Mr. Kenison to represent him. Mr. D’s arrest for DUI precipitated a Department of Licensing (DOL) proceeding. After his arrest, Mr. D received notice from the DOL that they intended to suspend his license within 60 days. Mr. D also received notice from the DOL that he had a right to request an administrative hearing to contest his license suspension. Mr. D decided to contest the DOL license suspension, and completed and forwarded the required paperwork to request a hearing. Mr. D listed Mr. Kenison as his lawyer on the DOL paperwork and informed Mr. Kenison that he wanted to contest the proposed suspension.

On July 5, 2006, the DOL sent Mr. D a “Notice of Administrative Hearing by Telephone” (notice). The notice set the hearing for July 26, 2006. Mr. Kenison was copied on and received the notice. On July 19, 2006, Mr. D pleaded guilty to negligent driving in the first degree (with alcohol involved). On July 25, 2006, Mr. Kenison faxed a letter to the DOL hearing officer enclosing a copy of Mr. D’s plea agreement. Mr. Kenison’s letter to the DOL hearing officer contains a handwritten notation stating “wondering if the 26th hearing is still necessary.” Although the legality and circumstances of Mr. D’s arrest were relevant to the DOL proceeding, the fact of his conviction was not. On July 26, 2006, Mr.
Announcements

Johnson, Graffe, Keay, Moniz & Wick, LLP

is pleased to announce that

Miranda K. Aye

joined the firm as an associate. She graduated from Gonzaga School of Law in 2008.

Brian P. Waters

joined the firm as an associate. He graduated from Gonzaga School of Law, magna cum laude, in 2005.

Thomas P. McCurdy

joined the firm as an associate. He graduated from Loyola Law School in 2007.

Micah L. Balasbas

joined the firm as “of counsel.” She graduated from Seattle University School of Law in 2007.

Ms. Balasbas and Mr. McCurdy are based in our Tacoma office and Ms. Aye and Mr. Waters are in Seattle.

Reprimanded

Gary D. Luke (WSBA No. 26954, admitted 1997), of Boise, Idaho, was ordered to receive a reprimand, effective July 7, 2009, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with the Professional Conduct Board of the Idaho State Bar. This discipline is based on conduct involving failure to comply with mandatory continuing legal education requirements and conduct involving dishonesty, fraud, deceit, and misrepresentation.

Mr. Luke was reciprocally admitted to the practice of law in the state of Idaho in 2002. Following his admission, he was required to complete a Practical Skills Seminar. Mr. Luke did not attend the applicable Practical Skills Seminar and misrepresented to the Idaho State Bar that he completed the seminar. The Idaho State Bar records indicated that Mr. Luke had not registered for the seminar, did not sign in at the seminar, did not pay for the seminar, and submitted false information to the Bar seeking to confirm his attendance. When Mr. Luke was unable to demonstrate that he attended the required seminar, the Idaho State Bar requested that he be transferred to inactive status. The Idaho Supreme Court transferred him to inactive status in November 2002. The Idaho State Bar filed a formal complaint against Mr. Luke in 2007 when he sought to return to active status in Idaho. Mr. Luke stipulated to imposition of a reprimand in Idaho, and Idaho approved the stipulation in January 2008. Mr. Luke has been suspended in Washington since 2003 for non-payment of Bar Association licensing fees. He objected to the imposition of identical discipline in Washington.

Mr. Luke’s conduct violated Idaho’s RPC. 8.1 (Bar admission and disciplinary matters) and Idaho’s RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation).

M. Craig Bray represented the Bar Association. Mr. Luke represented himself.

Kenison faxed a letter to the DOL hearing officer stating that Mr. D “withdraws the request for hearing.” As a result of this request, Mr. D’s DOL hearing was cancelled. It is disputed whether Mr. Kenison consulted with his client regarding withdrawing the request for the DOL hearing.

Mr. Kenison did not communicate with Mr. D to update him as to what had occurred on the DOL matter on July 26, 2006. Mr. D called Mr. Kenison several times after July 26, 2006, to obtain information as to what had occurred. Mr. Kenison did not return Mr. D’s telephone calls. On August 2, 2006, the DOL sent a letter to Mr. D stating that his license was suspended for 90 days, effective July 29, 2006. Mr. Kenison was copied on and received the August 2, 2006, letter. In late July or early August 2006, Mr. D hired a new attorney to represent him in the DOL proceeding. Shortly thereafter, the new attorney called Mr. Kenison to ascertain the status of the DOL proceeding. During this telephone conversation, Mr. Kenison failed to tell the new attorney that he had withdrawn Mr. D’s request for a DOL hearing. Instead, Mr. Kenison stated that the DOL hearing had been held on July 26, 2006, and that a transcript would eventually become available, which was false.

Mr. Kenison’s conduct violated former RPC 1.1, requiring a lawyer to provide competent representation to a client; former RPC 1.4, requiring a lawyer to keep a client reasonably informed about the status of a matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; former RPC 4.1(a), prohibiting a lawyer, in the course of representing a client, from knowingly making a false statement of material fact or law to a third person; and former RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Kevin M. Bank represented the Bar Association. William F. Etter represented Mr. Kenison.

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Ms. Balasbas and Mr. McCurdy are based in our Tacoma office and Ms. Aye and Mr. Waters are in Seattle.

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has joined the firm as an associate.

Ms. Neale is a 2004 graduate of Lewis and Clark Law School. She will practice in the areas of workers’ compensation and employment law defense.

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**Bodyfelt Mount, LLP**

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has become a partner with the firm.

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**Davies Pearson, P.C.**

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is pleased to announce that

**Michael G. Sanders**

has become an associate of the firm practicing in labor and employment law, commercial and criminal litigation, drafting personnel policy manuals, defending and prosecuting administrative law claims, and counseling employers on best employment practices. Mr. Sanders graduated from Seattle University School of Law in 2002. He received his Bachelor of Arts degree from Washington State University, *cum laude*, in 1999.

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

Antitrust Law
Antitrust
November 5 — Seattle. 6 credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Business Law
2009 Corporate Counsel Institute
October 16 — Seattle. 6.5 credits, including 1.75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Creditor and Debtor Law
Final Friday Brown-Bag Lunch Series:
Bankruptcy
October 30 — Tele-CLE. 1 credit pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Elder Law
Abuse of Trust: Investigating and Prosecuting Crimes Against Vulnerable Adults and Elders
Ethics with Ease: Elder Law
October 27 — Tele-CLE. 1.5 ethics credits. By
The Intersection of Family Law and Elder Law: Strategic Solutions
October 30 — Everett. 6.25 credits, including 1.75 ethics. By the WSBA Family Law Section, the WSBA Elder Law Section, and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethics with Ease: Elder Law
October 27 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethical Dilemmas
October 28 — Olympia. 4 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethics with Ease: General Practitioners
November 10 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethics with Ease: Modern Technology and Ethical Dilemmas
November 12 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethical Dilemmas
November 16 — Seattle. 4 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethics with Ease: Negotiation Ethics — Winning Without Selling Your Soul, with Marty Latz
November 17 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethics with Ease: Estate Planners
November 19 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Parenting Coordinator Training: Helping High-Conflict Parents Resolve Disputes
October 15 — 16 — Bellingham. CLE credits pending. By Whatcom Dispute Resolution Center; 360-676-0122; www.whatcomdrc.org.

The Intersection of Family Law and Elder Law: Strategic Solutions
October 30 — Everett. 6.25 credits, including 1.75 ethics. By the WSBA Family Law Section, the WSBA Elder Law Section, and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Family Law Boot Camp
November 20 — Seattle. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Internet Investigative Research Strategies for Legal Professionals
October 6 — Bellevue. October 8 — Seattle. By King County Bar Association CLE; www.kcba.org or 206-267-7004.

E-Discovery
October 8 — Seattle. 5.5 credits. By WSAJ; www.washingtonjustice.org or 206-464-1011.

Habeas and Executive Detention
October 8 — Teleconference with online PowerPoint. 1.5 credits pending. By Rubric CLE; 206-714-3178; www.rubriccle.com.

District Court Practice
October 9 — Seattle. 5.25 credits, including 1 ethics and an additional .75 credits for optional lunchtime discussion. By WACDL; 206-623-1302; www.wacdl.org.

Foundations of American Law: From the Declaration to the Constitution

District Court Practice
October 16 — Pasco. 6.25 credits (5.25 general, 1 ethics) and an additional .75 credits for optional lunchtime discussion. By WACDL; 206-623-1302; www.wacdl.org.

Oregon Reciprocity CLE for Washington Attorneys
October 17–18 — Tigard, Oregon. 15 required CLE credits for reciprocity in Oregon. By WSBA YLD; www.wsba.org/lawyers/groups/wylg.

October 21 — Seattle. 4 credits, including 1 ethics pending. By Rubric CLE; 206-714-3178; www.rubriccle.com.

6th Annual Northwest Private Equity
October 30 — Seattle. By The Seminar Group; 206-463-4400; http://theseminargroup.net/seminar.lasso?seminar=09.susor

Time Mastery for Lawyers
November 3 — Seattle/live webcast. 6 credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Time Mastery for Lawyers
November 4 — Vancouver. 6 credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

“How to” CLE

7th Annual Law of Lawyering: Day One
November 12 — Seattle/live webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

7th Annual Law of Lawyering: Day Two
November 13 — Seattle/live webcast. CLE credits pending. By WSBA-CLE; 800-945-

WSBA or 206-443-WSBA; www.wsbacle.org.

Torts — B to Z

Immigration Law
Immigration Options for Immigrant Survivors of Domestic Violence
October 30 — Seattle. 4.25 credits, including .75 ethics credits. By UW School of Law; www.uwcle.org.

The 2nd Annual Inland Empire Intellectual Property Institute
October 22 — Spokane. 6.5 credits pending. By the WSBA Intellectual Property Law Section and WSBA-CLE, presented in cooperation with the Washington State Patent Law Association and the Spokane County Bar Association Intellectual Property Section; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Labor and Employment Law
9th Annual Labor and Employment Law Conference
November 6 — Seattle. 6 credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Litigation
Probate GAL and Litigation GAL Issues
October 14 — Seattle. 3.5 credits, including .25 ethics CLE credits. By King County Bar Association CLE; 206-267-7004; www.kcba.org.

Ethics with Ease: Litigators
October 20 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Video Replay: Making or Breaking Your Client’s Case
October 20 — Friday Harbor. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Detecting Deception and Winning with Demonstrative Evidence: Strategies for Achieving Effective Litigation
October 23 — Seattle. 6.25 credits. By the WSBA Litigation Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Medical Evidence for Lawyers
November 10 — Seattle. 6 credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Ethics with Ease: Negotiation Ethics — Winning Without Selling Your Soul, with Marty Latz
November 17 — Tele-CLE. 1.5 ethics credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Mediation
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October 9–11 and 24–25 — Seattle. 36 credits, including 2 ethics. By UW School of Law; www.uwcle.org.

Mediation Training
October 15–17 and 22–24 — Olympia. 37.5 credits, including 5.25 ethics. By Dispute Resolution Center of Thurston County; 360-956-1155; www.mediatethurston.org.

Beyond Heroes and Villains: The Power of Collaboration
November 6–7 — Eugene. 23rd Annual Oregon Mediation Association Fall Conference, in partnership with the University of Oregon School of Law Appropriate Dispute Resolution Center. 503-872-9775; www.omediates.org/pg1010.cfm

Four-Day Intensive Mediator Training Program
November 17–20 — Seattle. 37 credits, including 7.5 ethics. By Alhadef & Forbes Mediation Services; 206-281-9950; www.mediationser vices.net.

Real Property, Probate, and Trust
Ethics with Ease: Real Estate
October 13 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206–443-WSBA; www.wsba.org.

Commercial Leases in the 21st Century
October 14 — Portland, Oregon. By The Seminar Group; 206-463-4400; http://theseseminargroup.net/seminar.lasso?seminar=09_LEAO1

Probate GAL and Litigation GAL Issues
October 14 — Seattle. 3.5 credits, including .25 ethics. By King County Bar Association CLE; 206-267-7004; www.kcba.org.

Residential Landlord Tenant Law
October 27 — Seattle/live webcast. 6 credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Ethics with Ease: Elder Law
October 27 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Ethics with Ease: Modern Technology and Ethical Dilemmas
November 12 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

7th Annual Law of Lawyering: Day One
November 12 — Seattle/live webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

7th Annual Law of Lawyering: Day Two

Ethics with Ease: Negotiation Ethics — Winning Without Selling Your Soul with Marty Latz
November 17 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Ethics with Ease: Estate Planners
November 19 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Tele-CLEs/Webinars/Webcasts
Habeas and Executive Detention
October 8 — Teleconference with online PowerPoint. 1.5 ethics credits pending. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Ethics with Ease: Real Estate
October 13 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Ethics with Ease: Litigators
October 20 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Residential Landlord Tenant Law
October 27 — Seattle/live webcast. 6 credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Final Friday Brown-Bag Lunch Series:
Bankruptcy
October 30 — Tele-CLE. 1 credit pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Time Mastery for Lawyers
November 3 — Seattle/live webcast. 6 credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Ethics with Ease: General Practitioners
November 10 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Ethics with Ease: Modern Technology and Ethical Dilemmas
November 12 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

7th Annual Law of Lawyering: Day One
November 12 — Seattle/live webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

7th Annual Law of Lawyering: Day Two

Ethics with Ease: Negotiation Ethics — Winning Without Selling Your Soul with Marty Latz
November 17 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Ethics with Ease: Estate Planners
November 19 — Tele-CLE. 1.5 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

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WSBA new lawyer education program development specialist. The WSBA is seeking a new lawyer education program development specialist who will lead development of the strategy and project plan for new lawyer education throughout Washington, including free and low-cost programming, in collaboration with the WSBA Young Lawyers Division. Duties include: program marketing; enhancing content development; recruiting speakers and chairs; managing event project details; managing the WSBA-wide delivery of new lawyer training/education in a comprehensive fashion; managing “mini-CLE” programming; supporting the CLE Department in selecting/utilizing appropriate software systems; and contracting with vendors to develop the actual online e-programming. Requirements include: a B.A. in education or education-related field with a minimum of two years’ experience in continuing legal education. A law degree or a master’s in education, plus CLE experience, is preferred. Also required: excellent project-management skills; experience working with volunteers; experience designing and delivering live and e-learning programs; experience administering learning management systems; experience utilizing databases for project and programming analysis; excellent oral and written communication skills; customer-service skills; curriculum-development skills; knowledge of effective marketing techniques; budgeting experience; and proficiency in MS Office Suite. Visit www.wsba.org/jobs for further details.

Growing law firm in rural northeast Washington is experiencing explosive growth. Seeking a full-time attorney for civil litigation practice that includes family law, business, real estate, and general litigation. This is an excellent opportunity for someone who wants to blend quality of life and small-town practice. Candidate will exhibit integrity, excellent interpersonal skills, flexibility, and out-of-the-box thinking. Must be a team player. E-mail résumé to barry@rjvlaw.com or call 509-675-4665 for more information.

A small, predominately personal injury law firm looking for family law attorney wanting to create a divorce practice and share in revenues. Minimum five years of experience in family law. E-mail ruth@leonardmoen.com.

Business associate — Redmond “AV rated” law firm seeks experienced business attorney with established client base for corporate, transactional, and contract matters. E-mail bob@pmwlg.com.

Smyth & Mason, PLLC, an established downtown Seattle commercial law firm, is seeking an associate with a minimum of five years’ continuous commercial litigation experience in Washington state. Candidates should possess an excellent academic background, competent legal writing skills, and a strong desire to grow professionally in a highly varied legal practice. Please submit résumés to lauragemistlaw.com.

Rose Joneson Vargas, American Samoa — attorney needed. Founded in 1994, Rose Joneson Vargas (RJV) is a leading law firm in the Territory of American Samoa, with a thriving general commercial law practice. RJV’s practice areas include general business matters, maritime, banking, real estate, employment, communications, and governmental relations. RJV’s active clients include American Samoa’s leading mobile telecommunications company, banks, automobile dealerships, insurers, importers, distributors, and retailers. In addition to serving our American Samoa clients, we often serve as local counsel for U.S. firms on significant business and litigation matters. We have served as local counsel on numerous major cases, including complex insurance coverage cases and maritime personal injury, seamen’s wage, and ship mortgage arrest and foreclosure actions. Although not affiliated, RJV in particular has a close and long-standing working relationship with Davis Wright Tremaine, LLP. RJV is an affiliate of the Pacific Legal Network, a network of independently owned and operated commercial law firms throughout the Southern Pacific, and led by PLN Lawyers, Sydney, Australia. Please visit our website at www.rjvlaw.com for more information about our firm. American Samoa is a unique, beautiful, rewarding, and sometimes challenging place to live and work. It is remote. Newcomers living and working in American Samoa must have a spirit of goodwill, tenacity, patience, creativity, and openness to experiencing and learning about Fa’a Samoa, the Samoan way of life. The American Samoa economy is in a transitional phase, shifting from its traditional dependence on tuna processing toward the tourism industry and ventures deploying the new resource of high-speed data transmission available via undersea fiber-optic cable. American Samoa presents exciting and rewarding opportunities for skilled commercial lawyers. RJV is seeking an experienced lawyer to join us. We need a lawyer who has demonstrated ability to handle the variety of legal work, including litigation, needed by small and mid-sized businesses. Requirements for the position are these: impeccable integrity and a commitment to the best interests of clients; ability to work with people as a team member; strong oral and written communications skills; demonstrated ability to handle a community business practice; litigation experience and competence; skills necessary to work with off-island counsel on larger litigation projects; self-motivation and initiative; excitement and a minimum two-year commitment to live and practice law in American Samoa; excellent references; good standing membership in a U.S. state bar association. We offer attractive compensation, depending on experience, skills, and ability. Compensation is subject to negotiation. It is not necessary to take a local bar examination to practice law in American Samoa; current U.S. state bar membership in good standing and bona fide residence in American Samoa is sufficient to gain admission to the American Samoa Bar Association. Please send your application letter and résumé to Barry I. Rose at barry@rjvlaw.com. All inquiries and applications will be held in confidence.

In-House counsel — Seattle Art Museum.
Part-time 8–10 hours/week. We are seeking a professional to join our staff and provide expertise and counsel on a range of legal issues associated with the Museum including governance, employment, contracts, intellectual property, regulatory compliance, risk management, and government affairs. Will also coordinate and work with outside counsel. EOE. For more information and to apply, please visit www.seattleartmuseum.org/jobs.

Attorney – Seattle family law firm. Growing downtown practice seeks highly motivated individual with minimum three years’ experience and strong writing skills. Rewarding salary and bonus structure. For more information, visit http://www.tlclawco.com/jobs.htm.

Seeking associate attorney: Established and recognized plaintiffs’ law firm seeks a motivated litigator with at least five years’ experience eager to join a fast-paced national personal injury practice. Qualified candidates must possess excellent litigation skills, be a team player, and have a desire to work into ownership position. Interested candidates should send a brief cover letter, résumé, and references to assoclitigator@gmail.com.

ERISA/employee benefits attorney: Song Mondress, PLLC is seeking an ERISA/employee benefits attorney. The position is part-time with a strong potential to grow to full-time, and will primarily involve work on tax and technical compliance issues related to retirement and health and welfare plans. Prior ERISA experience is strongly desired, but candidates with significant tax experience will be considered. Candidates must have outstanding academic credentials and work references. We have a sophisticated ERISA, tax, fiduciary, and litigation counseling practice in a small-firm environment, representing major corporate, multi-employer, and governmental benefit plans, and institutional service providers. All inquiries will be kept confidential. Please submit cover letter and résumé to: Hiring Committee, Song Mondress PLLC, 720 Third Ave., Ste. 1500, Seattle, WA 98104 or sm@songmondress.com.

AV-Rated Bellingham firm seeks litigation associate for a long-term relationship. The successful candidate should have civil litigation experience, strong research and writing skills, a desire to contribute to our community, and (ideally) know several entertaining card tricks. Please direct your résumé to: Adelstein, Sharpe & Serka LLP, Attn: Jeffrey P. Fairchild, Esq., PO Box 5158, Bellingham, WA 98227-5158.

Seattle University invites applications and nominations for the position of Dean of the School of Law, effective July 1, 2010. Seattle University, founded in 1891, continues a 450-year tradition of Jesuit Catholic higher education, fostering a commitment to the importance of teaching and scholarship, its focus on educating the whole person, and its emphasis on lifelong learning. Established in 1972, Seattle University School of Law is a vital part of the University’s student-centered Jesuit educational mission. Our 55-member faculty is committed to academic excellence, multidisciplinary scholarship, and educating our students to be leaders for a just and humane world. The School of Law conducts a full-time and part-time program of legal education, with a student-faculty ratio of 13:5:1. We have a strong and diverse student body, consisting of 830 full-time and 180 part-time students, approximately one-third of whom are persons of color. The School of Law is housed in a beautiful, state-of-the-art building on the Seattle University campus, adjacent to downtown Seattle. The Dean is the chief academic and administrative officer of the School of Law and has overall responsibility for its leadership. Candidates must possess a distinguished record of scholarly achievement and experience in legal education commensurate with appointment as a tenured full professor of law. Candidates should also show evidence of strong leadership, fund-raising, collaborative, interpersonal, and administrative skills and experience. Women and candidates of color are particularly encouraged to apply. For more information on the School of Law, Seattle University, and the attributes we are seeking in our next Dean, please see the Dean Prospectus on our website at www.law.seattleu.edu/x6403.xml. Formal review of applications will begin immediately, and will continue until an appointment is made. Application letters, accompanied by a current résumé and references, may be directed to: Professor Janet Ainsworth or Professor David Skover, Co-Chairs, Dean Search Committee, Seattle University School of Law, 901 12th Ave., Seattle, WA 98122-1090. Nominations and confidential inquiries are welcomed and may be directed to Professor Ainsworth (janag@seattleu.edu 206-398-4017) or Professor Skover (davidskover@seattleu.edu 206-398-4011). Seattle University does not discriminate on the basis of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, political ideology, or status as a Vietnam-era or special disabled veteran in the administration of any of its education policies, admission policies, scholarship and loan programs, athletics, and other school-administered policies and programs, or in its employment-related policies and practices. All university policies, practices, and procedures are administered in a manner consistent with Seattle University’s Catholic and Jesuit identity and character. Inquiries relating to these policies may be referred to the University’s Assistant Vice President for Human Resources and Equal Opportunity Officer. Consistent with the requirements of Title IX of the Education Amendments of 1972 and its implementing regulations, Seattle University has designated three individuals responsible for coordinating the university’s Title IX compliance. Students or employees with concerns or complaints about discrimination on the basis of sex in employment or an education program or activity may contact any one of the following Title IX coordinators: Gerald Huffman, Assistant Vice President for Human Resources, University Services Building 107, 206-296-5869, huffmaje@seattleu.edu; Dr. Jacob Diaz, Vice President for Student Development, Student Center 140B, 206-296-6066, diajz@seattleu.edu; Dr. Jacqueline Miller, Associate Provost for Academic Affairs, Administration 104, 206-296-5446, jcmiller@seattleu.edu. Individuals may also contact the Office for Civil Rights of the U.S. Department of Education.

Employment attorney—Microsoft, the world leader in software for personal and business computing, has an immediate opening for an experienced employment attorney to work on cutting-edge employment law issues in support of its dynamic and creative Human Resources Department and Senior Leaders. Minimum of six years of demonstrated work experience in employment and labor law, JD from anABA-accredited law school, and license to practice law required. Microsoft is an Equal Opportunity Employer and supports workforce diversity. View full description at: www.microsoft.com/careers; job search code: 702115.

Olympia firm seeking associate: Minimum two years’ experience. Position involves general governmental/municipal law and tort defense practice. Send inquiries to Law, Lyman, Daniel, Kamerrer & Bogdanovich, PO Box 11880, Olympia, WA 98508-1880.

Busy two-attorney Kennewick litigation firm seeks to add a third attorney. Work includes personal injury, criminal defense, family law, estate planning, and general civil litigation.
Please fax résumé and cover letter to 509-734-2591. Bolliger Law Offices.

Davidson Law Center is seeking an entry-level, highly motivated attorney with at least one year litigation experience in civil/criminal/family law. Prefer bilingual in Spanish. Prefer Tri-Cities native/resident. We offer a congenial and relaxed professional work environment in a beautiful new office building only three blocks from the Franklin County Courthouse. Salary and benefits depending on experience. E-mail or fax cover letter, résumé, salary request to lori@davidsonlawcenter.com or 509-544-0725.

Divorce Lawyers For Men is seeking to contract with experienced family law attorneys who will provide aggressive legal representation to clients in several Puget Sound office locations. We need attorneys who want to affiliate with Divorce Lawyers For Men to jointly represent clients on numerous family law cases. We have a large client base and want to work with local attorneys to assist in jointly representing clients. If you are interested in a strong increase in the number of your family law clients, please send e-mail to Frank@morris-sockle.com or call Frank Morris at 360-866-7393.

Services


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Career counseling for legal professionals: Jeff Minzel has 14 years of experience providing one-on-one career counseling to legal professionals. Common topics include networking, résumés, cover letters, interview strategies, follow-up, non-legal opportunities, etc. Jeff owned and operated a nationwide legal-staffing company and has helped hundreds of legal professionals find employment. Sessions are $125 per hour. Please call 206-619-6119 or e-mail Jeff@Minzel.com to set up a session.

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


Experienced contract attorney loves legal research and writing. WSBA member with 28 years of experience writes trial briefs, motions, and memos, using UW Law Library and Lexis Internet libraries, state and national. Tell me about your case! Elizabeth Dash Bottman, 206-526-5777, bjelizabeth@qwest.net

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Military case? Stephen H. Carpenter, Jr., former JAG lawyer, is now accepting referrals for administrative separation and court-martial proceedings. The Carpenter Law Firm, P.C., 1700 Seventh Ave., Ste. 2100, Seattle, WA 98101; direct: 206-326-0803; e-mail: stephen@mscarpenter.net; www.thecarpenter-lawfirm.com.
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Turn-key — new offices available for immediate occupancy and use in downtown Seattle, expansive view from 47th floor of the Columbia Center. Office facilities included in rent (reception, kitchen, and conference rooms). Other administrative support available if needed. DSL/VPN access, collegial environment. Please call Amy, Badgley Mullins Law Group, 206-621-6566.

Downtown Seattle office space for lease — two offices, $675 each. Two support workstations, $275 with rental of an office. Furnished, Internet, shared reception area, private entry, boardroom. Call 206-223-1601.

Kent office space: Elegant, fully furnished office(s) in newly constructed small law building. All amenities included. Possible referrals. Gated entrance with own parking lot. Highly visible location close to RJC. 206-227-8831.

Beautiful Pioneer Square office (Mutual Life Building, Seattle) minutes away from the King County Superior Court. Sole practitioner seeks new tenant to share space which includes a friendly receptionist, copy machine, DSL, kitchen, conference room, and two private offices with large windows. We look forward to meeting you. Please call Liz at 206-622-9050 to arrange a time to tour the space.

Available now — downtown Bellevue office space — window office in class “A” building, with or without assistant space(s). Shared reception, conference room/library, file room, high-speed copier/scanner, fax, Internet, kitchen, etc. Please call Eileen at 425-453-0439 or e-mail BellevueLawOffice@gmail.com.

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

Laurelhurst (Seattle), 2,000 sq. ft. professional office suite in premiere NE 45th location. Beautiful tenant improvements. Very favorable lease rate of $18.57/sq. ft. available for up to nine years. Six offices, library, conference room, reception area, and clerical support area. Great parking. Call 206-523-6470 for more information.

Laurelhurst/University (Seattle) office suite available. Great location: close to Burke Gilman Trail, University Village, and UW. Share administrative assistant, library, and conference room with attorneys and CPA. Possible joint marketing and referrals. Contact Carol, 206-523-6470.


Pioneer Square/Maynard Building (Seattle): Congenial offices available for up to four attorneys. Two at $600 or two at $1,000/month. Includes receptionist, conference room, library, DSL, fax, copier with e-mail scanner, kitchenette. Steve, 206-447-1560.


Downtown Bellevue office space. Newly remodeled office in downtown Bellevue for sublease. Several solo practitioners leasing space together are looking for another attorney who would like to work in a congenial environment. Strong possibility of referrals. Window office with shared reception, conference room, file room, Internet, kitchen, etc. Please contact Cecille at 206-686-8877.

To Place a Classified Ad

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

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

Qualifying experience for positions available: State and federal law allow minimum, but prohibit maximum, qualifying experience. No ranges (e.g., “5-10 years”). If you have questions, please call 206-727-8213 or e-mail classifieds@wsba.org.
What’s in a Name?

Regarding a possible name change for this publication, you — the members of the WSBA — have spoken.

Well, 38 of you, anyway. Based on your comments, the venerable Bar News nameplate will continue to adorn the front page — for now, at least.

In a June article, I traced this publication’s history and suggested that after 62 years as Bar News, a name change was due. I solicited comments from the WSBA’s 33,000 or so members and received 38 responses, about 0.12 percent. As someone who worked in the news business for seven years before becoming a lawyer, I realize that is a typical level of response to a request for comments. Although many readers of any publication might feel like complaining about (or praising) something from time to time, few follow through.

Of those who voiced their opinions regarding a name change, 10 were in favor, 19 were opposed, and 9 commented without taking a position. Following is a sample of responses. The first two sum up, better than I did, the position. Following is a sample of responses.

I was really pleased to read that you’re considering a name change for Washington State Bar News. When I was first admitted to the Washington State Bar, I was surprised to find that the official publication was called ‘Bar News,’ and then I was surprised to open it and find a serious publication. ‘Bar News’ does not do justice to the publication and makes it sound like a lightweight newsletter.

“When I read your proposal to change the name of the Washington State Bar News, my first reaction was — why bother? The magazine has a perfectly reasonable and serviceable name. But then I had to admit, if someone asked me the name and I hadn’t just finished reading the latest issue, I would likely mumble Washington Bar something-or-other, slightly embarrassed that I don’t remember the name of a magazine I’ve been reading for over 20 years.”

On the other hand, comments from opponents to a name change were mostly along the following lines:

“It’s been the name for 62 years — why are we even wasting time and magazine space discussing a change? No name change!”

“The reason that the Washington State Bar News stands out as distinctive and important is because it clearly signifies that it is the branded, trade publication of our mandatory bar association, and for that reason it is inherently worthy of our attention as WSBA members.”

I discussed the responses with Bar News staff and the WSBA Editorial Advisory Committee (EAC). Although the number of responses was too low to conclusively show that a majority of all Bar members would oppose a name change, the fact that only 10 people spoke up in favor convinced us that insufficient support existed for pursuing a name change. The committee has tabled the issue, which means it could be revived if support surfaces later.

Dertaken in considering a name change. In fact, the WSBA has spent no money on the effort. The name-change “project” consisted of the volunteer EAC members, a couple of Bar News/WSBA staff, and me, brainstorming the idea on our own time. One EAC member took it upon herself to look up the names of other state bar publications. I researched and wrote the June article on my own initiative, without taking time from my regular duties as editor. The article cost the WSBA nothing other than a couple of pages of space, and most of it was devoted to recounting the history of WSBA publications, the kind of piece many of our readers enjoy.

Even if we had gone through with a name change, the expense to the WSBA would have been minimal. Staff would have needed a little time to redesign the publication’s logo, but I suspect that could have been done during regular work hours and without significantly displacing other work. Since Bar News is part of the WSBA and not a separate legal entity, no formal renaming would have been necessary. A few people’s business cards would have needed changing, but that is about all. Billing and most correspondence regarding Bar News goes out on generic WSBA letterhead and would have required little or no change. That’s a moot point, though, as we will continue proudly as Bar News for the foreseeable future.

Thanks to those of you who are following Bar Beat on Twitter. We would like to have many more of you sign up so we can keep you updated regarding Bar News, Bar Beat, the WSBA, and occasional outside news items of interest to lawyers. Just go to www.twitter.com/barbeat. Sign up for a free Twitter account if you don’t already have one, then click “follow” on the Bar Beat profile.

Bar News Editor Michael Heatherly practices in Bellingham. He can be reached at 360-312-5136 or barnewseditor@wsba.org.
Fox Bowman Duarte is Washington’s largest DUI defense firm. With more than 100 years of combined legal experience, our eight trial lawyers have an encyclopedic knowledge of DUI law. On a regular basis, we’re called upon to educate judges and other attorneys about our state’s complex DUI laws and procedures. Find out how we can help your clients at foxbowmanduarte.com.

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