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There’ll be some changes made!

ike many areas of the WSBA, Bar News will see changes as a result of the budget cuts going into effect this month. But while we are implementing significant cost reductions, the result will be an updated, more timely, higher-quality publication.

Some of the changes may be apparent as you hold this issue in your hands. You may have noticed the format of the publication has changed slightly. We have marginally reduced the dimensions of the publication. Meanwhile, the cover is now printed on the same paper stock and in the same press run as the inside pages, an update from the older-style separate-heavier-cover format of Bar News. Not obvious yet is that we will also be reducing the number of issues from 12 to nine per year. We will be combining December-January, April-May, and July-August into joint issues.

The main purpose of these changes is cost savings. We will reduce our printing costs by up to 50 percent. Speaking of which, many WSBA members probably don’t realize that even before these changes, the cost of printing and distributing the publication has always been more than covered by advertising revenue. Member fees are not used for these costs. In fact, advertising revenue helps defray the other expenses of producing the publication.

Next month, there will be an additional obvious change. After deliberations that began long before the budget issues arose, we have retired the venerable Bar News name in favor of NWLawyer, which the Board of Governors, staff, and Editorial Advisory Committee approved from among several candidates. We felt that Bar News had become rather a generic name. And frankly, after more than 60 years of service, it was simply time for a change. The more modern and specific NWLawyer moniker better represents the readership and our view of the publication’s future as a source for more timely, personal, reader-friendly content. Also next month, the online version of the magazine will be significantly enhanced with a quicker loading time, a table of contents sidebar, a search function, active links, and the ability to share articles or post them to social media sites.

At the same time we’ve been working on reducing costs through physical changes, we have been working on improving the content of the publication. There is an improved editorial calendar and we are undertaking a campaign to identify article topics that are timely, informative, and relevant to as broad a range of members and readers as possible.

...we have retired the venerable Bar News name in favor of NWLawyer . . .

Still, we must rely on securing content from unpaid contributors, mainly WSBA members. In other words, people like you. We encourage you to offer your suggestions regarding the publication as a whole, as well as particular ideas of articles you would like to see. Most of all, we welcome your contributions of articles. You can contact me personally — my contact information is at the end of my column on page 60 — I am glad to talk with anyone about any ideas they might have. Or email barnewscomments@wsba.org.

In light of the WSBA’s goal to improve and enhance communication, I am pleased to announce the creation of a new WSBA blog that will debut in October. It will be named NWSidebar and will include timely posts of interest to WSBA members in a less formal format. We hope you’ll check it out at nwsidebar.wsba.org and we welcome your comments. If you would like to contribute to NWSidebar, please email blog@wsba.org with your ideas.

We hope these changes reflect the WSBA’s efforts to provide more effective and efficient communications and services to you, the member.

— Michael Heatherly
Belonging

Belonging is important. By and large, we form our identities by being part of groups. Our families, for starters. We are sons and daughters, siblings, then later moms and dads ourselves.

We belong to churches and baseball teams, political parties and book clubs. We identify as citizens of Centralia, Oak Harbor, Moses Lake, Prosser, Magnolia, Mercer Island, and so on.

We also belong to a profession. We are attorneys, sharing a common educational background and analytical method, even if our daily work lives may be quite different from one another. There was a time, not so long ago, that we were even more similar. In the late 1970s, when the WSBA first assigned bar numbers, there were less than 7,000 of us. Back then, most of us handled a variety of matters for a variety of clients. We also had conventions where we all came to the same place at the same time to share practice tips, war stories, and a few drinks. It was easier to feel a sense of belonging.

Today we are less generalized, more inclusive of women and minorities, and much more numerous. It is easier to believe that the “organized” bar — the WSBA — is somebody else. Some small firm attorneys think the WSBA is for big-firm attorneys and vice versa. Eastern Washington attorneys might worry that the WSBA is Seattle-centric, and Seattle attorneys may think that rural counties are overrepresented. It’s easy to feel overlooked in a group of over 30,000.

As the person charged with pulling this group together, I want to suggest that we still share a lot of values, and that if we spend more time together, we will experience that elusive sense of belonging. The WSBA sections and committees give us ways to spend time with one another. Some years back, I signed up for the Legislative Committee. There I met Dutch Hayner and Pete Francis, both long-time committee members. Dutch, now deceased, was admitted to the Washington Bar in 1946, and was married to the onetime Senate majority leader Jeanette Hayner. Pete was admitted in 1963 and had served in the state Legislature as a representative and senator from 1969 to 1978. The two of them were wonderful colleagues and role models. I served on the committee for about 10 years and by the time I left, we had added young attorneys like Sean O’Donnell and Martha Lantz, who are now chair and vice chair respectively. Sean was recently elected to the King County Superior Court bench and I’d like to think that he benefited from Dutch’s and Pete’s wise counsel as passed down through the other members of the committee. This is a group I’m proud to belong to.

I have very similar feelings about the State and Local Tax Committee of the Tax Section. I come away from our brown bag lunches reinvigorated by talking shop with such smart and generous people who give me new ideas for my own practice.

Over 10,000 WSBA members — about a third of the active members — belong to at least one section. About 1,100 are volunteers on committees of some sort. That means that up to two-thirds of our members are not engaged with the WSBA, though some of these undoubtedly are active with their county or specialty bars. And others are at that stage of life when kids and work are all they can possibly manage. Or they are brand-new to the profession. But that leaves a fair number of folks who are not taking advantage (or aware) of the existing opportunities for camaraderie and professional growth that come with membership in the Bar. They are officially “members” but they have chosen not to “belong.”

I’d like to know if there’s anything the WSBA can do to entice you to consider “belonging.” How can we get you out of your office at least occasionally? Is there a way that the WSBA can contribute to your professional growth? Help you connect with more experienced attorneys? Or help less experienced attorneys get started? Maybe just provide a diversion on those days when the adversarial nature of the adversary system is getting you down?

In the aftermath of the referendum vote, we have tried to reach out to as many of you as we can, and I intend to continue to do that. What I ask in return is feedback. Let me know how we are doing and what we could do better. In particular, I welcome ideas for programs or events that would interest you and get you out of the office.

My mother used to tell me that you get out of something what you put into it. I’m committing to reaching out to you, the members. I hope to visit many of the local bar associations during my year as president. I hope that you will make an effort to come out and talk about our bar association. And to try out some of our activities. You may find out that you really do belong.

WSBA President Michele Radosevich practices in Seattle. She can be reached at micheleradosevich@dwt.com or 206-757-8124.
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WSBA Celebrates Pro Bono

It’s been a real pleasure communicating with you through my column, and I want to thank those of you who have provided me insightful feedback and thoughtful questions over the last several months. As you know, I’ve dedicated a lot of space to discussing WSBA’s transformation. Last month, I talked about the changes ahead for the Washington State Bar Foundation, as it too is transforming to meet the organization’s future needs and members’ expectations. I felt it was only fitting that, during Pro Bono Month, I invite Washington State Bar Foundation President Judy Massong to pen a guest column. I encourage you to take the time to read Judy’s column. I join her in thanking all of you who generously provide pro bono and other public service for those less fortunate.

— Paula Littlewood

Thank You for Giving Back

BY JUDY MASSONG

The last week of October officially marks national celebration of Pro Bono Week. Across the country, the legal community reflects on the generous spirit of those who give their time and talent to ensure that justice is not limited to those who can pay.

Generosity is something Washington lawyers have in spades. It’s an honor to pay tribute to the passion, creativity, and selflessness that defines this culture of service — a service that is entirely voluntary.

Our Rules of Professional Conduct remind us of our obligation to assist those who cannot afford to pay. RPC 6.1 encourages, but doesn’t require, us to do so. We are asked to give just 30 hours a year helping those who need a legal advocate. And we are given wide latitude in what we may consider pro bono publico service. Reporting is a choice. Some do, others don’t, and many go unrecognized.

It would be impossible in this small space to recognize every act of pro bono service. So with great apologies to everyone I am leaving out, I wish to recognize just a few of the examples of Washington lawyers serving those in need.

Since launching the Home Foreclosure Legal Aid Project — a critical intervention during the height of the devastating foreclosure crisis — more than 630 lawyers signed up to participate. Some volunteered to mentor those new to the profession or to handle foreclosure-related cases. Others joined in to dip their toes in the waters of pro bono service for the first time. A few went on to work closely with WSBA partner Northwest Justice Project on complex cases that changed lives and communities. To all of you, THANK YOU.

To the more than 420 lawyers participating in the Moderate Means Program, delivering legal services in the areas of family, consumer, and housing law at significantly reduced rates to those who fall short of the ability to fully pay for the help they need, THANK YOU for helping close this gap in access to justice.

THANK YOU to the ingenuity and tenacity of the WSBA’s Pro Bono and Legal Aid Committee. This group of experienced volunteers pilots innovative models of pro bono service delivery — like Long-Distance Lawyering, a project that’s testing ways to better reach people in rural communities.

To our partners in the Alliance for Equal Justice and the many lawyers who give their time locally in their community Volunteer Lawyer Programs, THANK YOU. Your tireless commitment inspires us.

THANK YOU to Washington’s three law schools for helping instill a commitment to service in tomorrow’s lawyers. Their energy and ideas are needed, and we look forward to welcoming them into practice.

And finally, it’s a privilege to shout out to the many lawyers across this state who, day in and day out, refuse to close the door on families who come in to their offices with nowhere else to turn. You may not have received a certificate or a ribbon for treating your neighbors with such dignity, but you haven’t gone unnoticed. THANK YOU.

In Washington, 17 percent of people live at or below the Federal Poverty Level (FPL), and another 45 percent live between 100 percent and 400 percent FPL. Most will face a civil, criminal, or administrative legal need alone. The need is great and the opportunities are many. To find out how to begin or expand your pro bono service, visit wsba.org/probono.

Visit probono.net/celebrateprobono to learn about the many events and activities across Washington and across the United States celebrating National Pro Bono Week, Oct. 21–27, 2012.

Judy Massong is the acting president of the Washington State Bar Foundation. She was elected WSBA governor for the 7th-Central District in 2010. She can be reached at judy@diamondmassong.com. The Washington State Bar Foundation raises funds to support WSBA’s justice, diversity, and public service programs. Unable to deliver pro bono legal services? Consider a financial gift instead. Contributions to the Bar Foundation help sustain the Moderate Means Program, the First Responder Will Clinic, and more. Give back. Be the difference. Learn more at wsba.org/foundation.
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- Co-Author, *Defending DUIs in Washington State* (Lexis Nexis Publishing)
- Litigating counselor for clients from all walks of life including workers, executives, and professional athletes

2012–13 WSBA President Michele Radosevich received her J.D. summa cum laude from the University of Puget Sound School of Law (now Seattle University School of Law), and her B.A. in political science from Marquette University in Milwaukee. She is a partner at Davis Wright Tremaine, where she has worked in the commercial litigation department since 1995. Her primary focus is on state and local tax litigation. One of Radosevich’s areas of expertise is working with the Legislature and on legislative issues. A former Wisconsin state senator, she has continued to hone her skills and pursue her interest in this area. Radosevich spent 10 years on the WSBA Legislative Committee, where she served as chair and vice chair. She has served on the King County Bar Association Legislative Committee, where she also served as chair. She has represented the Washington Legislature and the National Conference of State Legislatures in state court litigation touching on the Legislature’s role.

An active supporter of equal access to justice for all, she has devoted time, including two years as chair, to serving on the Equal Justice Coalition.

Radosevich has also served on the Board of Directors of the Legal Foundation of Washington, as treasurer and secretary. She was recognized by Washington Appleseed in 2008 with its Pro Bono Service Award. In addition to her law-related work, Radosevich has been involved with the City of Seattle Ethics and Elections Commission, with a term as chair; the Seattle City Club, as a member and vice president of its Board of Directors; and the Board of Directors of the Washington State Budget & Policy Center. She is currently an adjunct professor at Seattle University School of Law and serves on the University’s Alumni Board of Governors.

I asked Michele about her plans as president and some questions about issues concerning the WSBA.

**Michael Heatherly:** The license fee reduction referendum this year prompted a sometimes heated debate over the priorities and proper role of the WSBA. Do you believe the referendum has polarized bar members over these issues? If so, what can you do as president to help heal the wounds?

**Michele Radosevich:** I don’t think the Bar is polarized. For the most part, the feedback from the referendum is more about how well the WSBA is serving the needs of members than about changing our mission. That’s a discussion I welcome. As I said in my first column (p. 7), we need to engage with one another and figure out how to use the WSBA to form relationships and grow professionally.

**Michael Heatherly:** In the wake of the referendum, your predecessor, President Steve Crossland, made concerted efforts to expand direct communication with WSBA members, including his “listening tour,” online chats, and email messages. Do you intend to continue those types of communication during your term?

**Michele Radosevich:** Yes. If there’s one big lesson from the referendum, it’s better communication — both talking to members and listening to what they are saying.

**Michael Heatherly:** The spending cuts necessitated by the referendum have resulted in staff reductions and elimination or downsizing of several WSBA programs. How do you believe this will affect the remaining staff’s morale and ability to effectively carry out WSBA business?

**Michele Radosevich:** The WSBA staff are a very smart group of people and really committed to the organization. In the immediate aftermath of the vote, there was a lot of uncertainty about where the cuts would fall. Now that we’ve made some decisions and have a budget for FY 2013, I’m hopeful that staff feel some relief and can focus on the year ahead. There will almost certainly be additional cuts for FY 2014, but I’m confident that the staff is committed and focused. They have remained remarkably professional through a difficult time.

**Michael Heatherly:** The fiscal 2013 budget will be balanced through a combination of spending cuts and spending down of reserves. Do you anticipate additional cuts to be necessary in the 2014 budget? If so, are...
there particular areas in which you expect further reductions to be made?

MR: Additional cuts are unavoidable. Because WSBA’s 2013 fiscal year begins in October 2012, the organization will accrue license fee revenue at the old rate during the first quarter and at the new lower rate thereafter, so the full effect of the referendum will not be felt until FY 2014. The challenge facing the Board of Governors during the coming year will be to decide where and how deeply to cut. We have to decide on a sustainable level of program and services.

MH: The Washington Supreme Court enacted the Limited License Legal Technician Rule, which will let non-lawyers perform certain lawyer-like functions not previously allowed. Although the WSBA Board of Governors (BOG) opposed the rule, the Bar is required to be involved in setting up and regulating the new system. Do you believe this will be a source of tension between the WSBA and the Court, and between the WSBA and Bar members who are adamantly opposed to the rule?

MR: I don’t anticipate tension with the Court. I applaud the purpose of the Limited License Legal Technician Rule, but I’ve always had doubts about whether it would really work. Now that the Court has adopted the rule and ordered the WSBA to implement it, we have no choice but to make a good-faith effort. I recognize that this is already a source of tension between the WSBA and some members. I would hope those members recognize that they are better off working to shape the education requirements and scope of practice for the new technicians than simply saying no when the Court has said yes.

MH: A recent comprehensive study of the WSBA membership yielded a number of striking results, including that 56 percent of existing members are projected to either retire, depart the profession, or significantly reduce their practices during the next five years. What can the WSBA do to ease the transition from an older, experienced bar to a younger and perhaps smaller one?

MR: First, I have to make a disclosure: I’m one of the members who said I hoped to scale back or retire in the next five years. It’s an aspirational goal that is tempered by the state of my 401K. That said, I have tremendous faith in young attorneys. I’ve been an adjunct for about 15 years at SU Law School and I think the next generation is better prepared than prior ones. We “old guys” (that’s a unisex term) need to reach out to younger attorneys and encourage them. Let them know when they’ve done a good job on a brief or argument, and make ourselves available for consultations or just coffee. Mentoring does not need to be a formal program.

MH: Other than those we’ve already discussed, what do you see as the one or two biggest issues likely to face the WSBA and BOG during your term?

MR: I continue to worry about court funding. State and local government revenues have not picked up much and neither the Legislature nor the Board of County Commissioners can spend money they don’t have. The court system cannot afford any more cuts.

MH: What motivated you to run for WSBA president?

MR: The desire to leave the world just a little better than I found it. I’d like to make it a lot better, but have come to grips with my limitations.

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

MR: It’s trite, but my parents. My mother had a keen sense of social justice she passed along to me and my siblings. And my father exemplified community service. After a long day at work, he could always find time for church, school, and service organizations, usually in a leadership position.

MH: Do you have one goal that is the highest priority for your presidency? If so, what is it and how do you plan to achieve it?

MR: My number-one goal is to improve communications to and from our members.

MH: What is the most important lesson you have learned as a lawyer that nobody taught you in law school?

MR: The longer I practice, the more I recognize how smart most attorneys are, but also how differently we think sometimes. Like most of us, I welcome these differences in my partners and try to use them to craft the best arguments. What’s harder is appreciating the good points of the other side’s argument, but the most effective lawyer does exactly that. Seeing the other side’s strengths allows you to address your weaknesses and, more importantly, to respect your adversaries.
WSBA Welcomes
New President-elect and
Class of 2015 Governors

Patrick A. Palace
President-elect

Patrick Palace has been in practice for 20 years. He opened Palace Law Offices in 1995, a firm that emphasizes workers’ compensation, civil rights, and personal injury matters. He received his bachelor’s degree from the University of Washington in International Business and his law degree from Loyola University of Chicago School of Law in 1991. “Patrick will bring a significant level of innovation, team-building skills, and humility to the role of president,” said Anthony Gipe, former WSBA at-large governor. “When a problem is to be solved, Patrick searches for all potential solutions, even if they are not conventional wisdom. When the best plan is identified, he builds a team to implement and support the plan. Patrick shows humility by acknowledging when he lacks information or knowledge, and he reaches out to others to fill that gap.”

Palace served on the WSBA Board of Governors for the Sixth District from 2008–11. He was also the WSBA treasurer from 2010–11. Prior to serving as WSBA governor, he was president of the WSBA Young Lawyers Division (1999–2000) and served on the Public Legal Education Workgroup Task Force and the WSBA President’s Advisory Committee, which was created to promote judicial independence.

Palace is active in the Tacoma-Pierce County Bar Association and currently serves on their Judicial Qualifications, Mindful Lawyer, and Convention Planning committees. In 2012, Palace received the Outstanding Service Award from the Tacoma-Pierce County Bar Association and the Tacoma-Pierce County Bar Association Recognition Award for his service on its Board of Trustees. He also serves on the board of the Legal Aid for Washington (LAW) Fund.

From 1998–2005, he taught the People’s Law School at Pierce College. Palace has moderated and produced two television series designed to help citizens understand the law. “Law Talk” was funded by the WSBA and was recognized by the American Bar Association (ABA) with its Outstanding Public Service Award. The “People’s Law School,” which aired statewide, also earned an ABA Outstanding Public Service Award.

Palace has also been active with the YMCA. As the chair for the YMCA Strong Kids Campaign, he helped raise $2.8 million from 2009–11 to support children and families in Pierce and Kitsap counties.

Kenneth W. Masters
Governor —
District 1

Over the last 20 years, Bainbridge Island attorney Kenneth W. Masters has assisted many great trial lawyers, handling hundreds of civil appeals at Masters Law Group (formerly Wiggins & Masters). He is a president of the Washington Appellate Lawyers Association, and a fellow of both the American Academy of Appellate Lawyers and of the Litigation Counsel of America. Masters is listed in “The Best Lawyers in America” (appeals), in Washington Law & Politics’ Super Lawyers® (for over a decade), in its “Top 100” for 2012, and in its “Top 10 in Appellate Law,” as well as in Seattle Met magazine’s “Top 100 Attorneys in Washington” for 2012.

Masters is an active member of Washington’s legal community. He currently chairs the WSBA’s Court Improvement Committee and serves as the ABA’s liaison to the ABA’s Appellate Section.

When a problem is to be solved, Patrick searches for all potential solutions, even if they are not conventional wisdom. When the best plan is identified, he builds a team to implement and support the plan.

— Anthony Gipe on President-elect Patrick Palace

Patrick Palace

Kenneth Masters

Gerald Moberg

When a problem is to be solved, Patrick searches for all potential solutions, even if they are not conventional wisdom. When the best plan is identified, he builds a team to implement and support the plan.

— Anthony Gipe on President-elect Patrick Palace
Rules and Procedures Committee, on which he has served for over eight years. He is also a past chair of WSBA's Amicus Curiae Brief Committee. Masters serves on the Washington State Supreme Court's Long-Range Strategic-Planning Steering Committee, as well as the King County Bar Association's (KCBA) Judicial Conferencing, CLE, and Awards committee, and on its Judicial Screening Committee, which he previously co-chaired. Masters is a past president of the KCBA Appellate Law Section, and has received a WSBA pro bono commendation every year since 2004.

"The best thing in life is working with others who want to help people, such as my wife (a tireless advocate for victims of abuse); my law partner, Shelby Frost Lemmel (a great appellate lawyer, and mother of two beautiful young children); and the many lawyers I have enjoyed working with, whether on appeal, or through bar associations and other organizations," said Masters.

Masters lives on Bainbridge Island with his wife, Kara Masters, a partner at Skellenger Bender, in Seattle. An avid musician, he plays jazz guitar with a variety of groups as time permits, and is president of Seattle's Earshot Jazz Board of Directors.

Gerald J. Moberg
Governor — District 4

Born in Spokane, Ephrata attorney Gerald Moberg received his undergraduate degree from Gonzaga University and his law degree from Gonzaga University School of Law. He practiced with the Moses Lake firm of Ries & Kenison from 1974 until 1989, and served as a superior court judge in Grant County from 1989–92. From 1992–95, he was a partner in the Spokane firm of Lukins & Annis as a trial attorney, then had a solo practice in Moses Lake until 1999. Since 1999, Moberg has practiced with Canfield & Associates, a third-party administrator of several public risk pools, representing cities, school districts, and counties in litigation.

Moberg served as a school board member in Moses Lake from 1974–76. He worked closely with Grant County to develop their public defense program. He has served on the board of the Washington Counsel of School Attorneys, and currently serves on the board of the Samaritan Hospital Ethics Committee.

"The WSBA is at a crossroads and we are faced with making important decisions that will redefine the WSBA's mission," said Moberg. "I am honored that my fellow lawyers in the 4th District have seen fit to elect me to serve on the Board of Governors. I have practiced as a solo practitioner and have worked in a fairly large firm. I think I understand the needs of lawyers practicing in Eastern Washington and hope to make the WSBA a stronger and relevant part of their practice."

Judge Paul A. Bastine
Governor — District 5

Judge Paul Bastine received his law degree from Gonzaga University School of Law. Following law school, he served as a Peace Corps volunteer and volunteer leader in Brazil in 1964–65. He was a deputy prosecuting attorney for Spokane County in 1966 until he went into private practice with the Spokane law firm of Lukins, Annis & Bastine, P.S., from 1966–78. From 1978–95, he was a principal in the law firm of Bastine, Carroll & Iverson, P.S., in Spokane; in 1995, he was appointed by Governor Mike Lowry to the Spokane County Superior Court as judge of Department No. 8. He served as presiding judge for Spokane County Superior Court in 1998. In 1999, he became the first family law judge in Spokane County dedicating his full judicial time to the administration of justice in family law. Judge Bastine served in that capacity in 1999–2000, and from 2002 until his retirement from full-time judicial activity in 2005. He continues to serve as a pro tem judge, including private trials, arbitrations, and mediations.

Judge Bastine's service to the WSBA began in 1974, when he served two years on its Legal Aid Committee, including a term as chair. Since then, he has also served on the Special Task Force on Statewide Legal Services, the Pro Bono Services Task Force I and II, Family Law Task Force, and Equal Access to Justice Task Force, as well as the WSBA Resolutions Committee, Ethics Committee, Practice of Law Board, Access to Justice Board, and Disciplinary Board.

Judge Bastine has also served on the Gonzaga University School of Law Board of Advisors; as a Gonzaga University Law School Foundation trustee; on the Valley Hospital Foundation Board and Valley Hospital Community Board; and on the board of the Children's Home.

I have been fortunate to serve the legal profession, the Bar Association, and the public in a number of capacities.

— Governor Paul Bastine

The best thing in life is working with others who want to help people . . .

— Governor Kenneth Masters
Dear Francisco,

I want to thank you again for your assistance related to my DUI case.

This was by far the worst thing that has ever happened to me in my life. The amount of distress this caused was overwhelming. A position I will not be in again.

I am indeed very fortunate and so very grateful for your support and superior legal expertise. Your consistent calmness and professionalism was instrumental in helping me through this entire process.

I appreciate so much the time and effort you invested in me in order to help me through this horrible ordeal. I am humbled beyond words.

Thank you!

M.N.

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Barbara J. Rhoads-Weaver  
**Governor — District 7-West**

Vashon attorney Barbara Rhoads-Weaver grew up in Richmond, Virginia, and received her undergraduate degree in estuarine ecology from St. Mary’s College of Maryland. After working as a research assistant at the Chesapeake Biological Laboratories and as a water plant operator at Fairfax County Water Authority, she moved to Seattle and changed careers, earning her law degree *summa cum laude* from Seattle University School of Law. Rhoads-Weaver began her legal career as a law clerk to the Honorable Tom Chambers, of the Washington State Supreme Court, then worked as an associate at a medium-sized law firm in Seattle for five years before forming her own practice, Sustainable Law PLLC, in 2009. Her practice focuses on representing injured people in civil suits. She was named a “Rising Star” by *Washington Law & Politics* magazine in 2009 and 2010.

Rhoads-Weaver is an active member of Washington’s legal community. Since 2008, she has served on the Board of Directors for QLaw, the GLBT bar association of Washington. In 2012, he joined the board of directors for TeamChild.

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Ms. Haynes sets an example of professionalism and leadership which, along with her many other skills, makes her an ideal young lawyer representative to the WSBA Board of Governors.

— Elizabeth Tellessen on Governor Robin Haynes

began serving regularly as a volunteer judge for moot court and student competitions at Gonzaga. Since 2009, she has served as a mentor for first-year law students and has spoken on panels at student events. She helped to organize an interview skills networking event in April 2012 for Gonzaga law students with the Spokane County Young Lawyers Division (SYLD) and the WYLD. Since 2008, she has served on a SYLD Board, first as a trustee and then as its secretary, president-elect, and 2011–12 president. Haynes served on the Spokane County Bar Association Board of Trustees and Strategic Planning Committee, as well as the Volunteer Lawyers Program’s Board of Directors. In 2010, she became the Greater Spokane District trustee to the WYLD Board of Trustees, also serving as its liaison to the Membership Outreach Committee.

“Ms. Haynes takes her responsibilities as a representative of Spokane’s young lawyers and the young lawyers in her district seriously, and is always persistent in making sure their voices are heard and concerns addressed,” said Elizabeth Tellessen, a principal at Spokane firm Winston Cashatt. “In addition to her dedicated services, Ms. Haynes sets an example of professionalism and leadership which, along with her many other skills, makes her an ideal young lawyer representative to the WSBA Board of Governors.”

Stephanie Perry is the WSBA publications editor and communications specialist. She can be reached at stephaniep@wsba.org.
On August 29, 2012, the WSBA held the “Marijuana Law in Washington” CLE. This CLE was not about legalization. It was about understanding Washington’s medical-marijuana laws, to protect its use by patients who greatly benefit from its availability. Recreational use, protecting children, and moral and religious concerns held by state citizens are all valid issues, but were not the topic of this CLE. It was attended by lawyers in private practice (mostly criminal and zoning), government lawyers, and a few private citizens seeking to understand how to abide by the state laws we currently have in place as producers, processors, dispensers, and medical users.

Congress has determined that marijuana is a controlled substance. It placed marijuana on Schedule I of the Controlled Substances Act. 21 U.S.C. §§801-904 and scattered sections of the U.S.C. As a result, growing, distributing, and possessing marijuana in any capacity other than as part of a federally authorized research program is in violation of federal law.

Recreational use of marijuana is illegal in all 50 states and the District of Columbia. Yet beginning with California in 1996 (the Compassionate Use Act of 1996, Cal. Health & Safety Code §11362.5 (2005)), 16 states and the District of Columbia have exempted certain users for medical purposes from prosecution. Each state’s approach is different. The common factor is that all of the legislation is preempted by federal legislation, making the activities a federal crime.

Washington first enacted legislation in November 1998. Initiative 692, the Medical Use of Marijuana Act is codified in RCW ch. 69.51A. It provided patients and caregivers with an affirmative defense, but not immunity, and only when charged by the state for possession or manufacturing of cannabis. (RCW 69.51A.045.) Without immunity from arrest, an individual must go through full court proceedings to assert the affirmative defense and eventually obtain exoneration. (See, e.g., State v. Fry, 168 Wn. 2d 1, 228 P.3d 1 (2010).)

In 2009, the U.S. Department of Justice (DOJ), in a document referred to as the “Ogden Memo,” announced that in those states that have enacted laws authorizing the medical use of marijuana, certain users and providers would be considered a lower priority than others. The memo emphasizes that prosecuting traffickers of illegal narcotics on a large scale is the priority of the DOJ, not individuals whose use is legal under state law.
law. The memo goes on to say that it does not intend to deploy its resources to prosecute:

[i]ndividuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana. For example, prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide such individuals with marijuana, is unlikely to be an efficient use of limited federal resources. On the other hand, prosecution of commercial enterprises that unlawfully market and sell marijuana for profit continues to be an enforcement priority of the Department. To be sure, claims of compliance with state or local law may mask operations inconsistent with the terms, conditions, or purposes of those laws, and federal law enforcement priorities should not be deterred by such assertions when otherwise pursuing the Department’s core enforcement priorities.1

In July 2011, backed by the support of Governor Christine Gregoire, the Washington State Legislature amended the 1998 law and passed ESSB5073, to provide that qualified users, providers, and healthcare professionals shall not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law, so long as certain criteria are met. In mid-2011, the DOJ issued a follow-up memorandum to the earlier Ogden Memo, in which it reiterated that the prior memo was never intended to shield state-permitted activities from federal prosecution, and because of a perceived increase in large-scale growing operations, the memo hinted at increased federal enforcement measures.2

As a result of Cole’s memo, Governor Gregoire vetoed large portions of the 2011 legislation. Those provisions provided that the State Department of Agriculture would oversee, or contract out, oversight of drug strength, packaging, labeling, and inspections. In addition, the State Department of Health would have had authority over distributors and security. Both agencies would have been subject to mandatory record-keeping and accountability. And the state and local governments would have been able to collect business and sales taxes. The most important part of the legislation, lost by the partial veto, was a “no arrest” provision, rather than simply

the affirmative defense. (ESSB 5073, section 901.) While the governor has received widespread criticism for exercising her veto power, it is likely that she did so to protect those rights that the Ogden Memo indicated the DOJ would essentially ignore, and to avoid attracting more attention from the DOJ that could potentially shut down all use under state law.

The governor left intact the portion

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preventing the arrest of qualified users, providers, and healthcare professionals. She recognized that such activities may violate the federal Controlled Substances Act, but acknowledged that states are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law, and by limiting the broader statute, Washington could avoid greater scrutiny at the federal level.

The affirmative defense provides that the “medical use of cannabis in accordance with the terms and conditions of this chapter does not constitute a crime…” (RCW 69.51A.040 (2012).) This is an exception to the general controlled substances statute that makes possession, use, and manufacture of marijuana a crime in Washington. (RCW 69.69.401 (2012).) But a defense is different from a “no arrest” law; it does not prevent the arrest of an individual user.

And of even greater concern, state law still leaves individuals engaged in legal activity under state law vulnerable to federal prosecution. So, under the amended provisions of RCW ch. 69.51A, what are the current criteria for the legal use, possession, and manufacturing of medical marijuana in Washington?

RCW 69.51A.040 sets forth those circumstances where a qualifying patient and designated providers will not be subject to penalties. The Act defines a qualifying patient as one who has obtained written authorization from certain qualifying healthcare professionals stating that the patient may benefit from the medical use of marijuana. The patient must have been diagnosed with one of the terminal or debilitating conditions enumerated in the Act. Marijuana under these circumstances can either be obtained from a designated provider or grown in a collective garden.

Generally, a designated provider must be over 18, serve any particular patient once in any 15-day period, have written documentation that he or she is a designated provider to a qualifying patient, possess no more than 15 plants and 24 ounces of usable cannabis or cannabis product, post certain mandatory disclosures, and may not employ any of the designated provider’s product for his or her own use.

The collective garden model permits no more than 10 qualifying patients to participate in a single collective garden at any time. Cannabis may be delivered only to qualifying patients participating in the garden. (RCW 69.51A.085.) The garden may not produce more than 45 plants and 72 ounces of usable cannabis at any one time. A copy of each patient’s authorization and driver’s license or state identification must be posted or available on the premises at all times.

What I gleaned from this CLE is that our current system is simply lipstick on a pig. The current system leaves dispensaries, producers, and medical users unprotected. It leaves law enforcement officials confused about their obligations and it violates federal law.

Raising an affirmative defense in a
court proceeding is a costly and inefficient system for both law enforcement and defendants. If the state, as a matter of policy, believes that individuals with terminal and debilitating illnesses should be able to use marijuana, it makes little sense to force them through the criminal system in order to exercise their rights.

The presentations left me with the impression that we either need to institute federal prohibition-era-like laws and then pass limited exceptions (as was done with alcohol), or legalize marijuana on the federal level and carve back that law (again, as with alcohol). In either scenario, education on a large scale will be necessary so that people understand the risks and the known harms, including the permanent loss of IQ points in users under the age of 18, as revealed in a recent Duke University study. One presenter pointed out what education had accomplished in reducing tobacco smoking. He pointed out that 20 years ago, he might have been smoking at the podium. He also pointed out that because of the laws governing tobacco, it is harder for underage youth to obtain cigarettes than marijuana.

It should be noted that I-502, which will appear on the November ballot, would permit large-scale marijuana cultivation and distribution. It would provide for licensing of persons to dispense, package, and label cannabis for delivery or retail sale to a qualifying patient or designated provider. Licensed producers would be permitted to produce cannabis for medical use for wholesale distribution to licensed dispensaries and licensed processors. The licensed processors would manufacture, process, handle, and label cannabis products for wholesale distribution to licensed dispensaries.

So, whether we want it or not, a sea change on the state level may be on the horizon, in spite of the Ogden Memo. I-502 is not the solution. If it doesn’t pass, and even if it does, we need legislation at the federal level to reduce the chaos and protect those who truly need access to medical marijuana and education to protect our youth from obtaining it.

Notes

Wendy S. Goffe is of counsel with the law firm of Stoel Rives LLP, in Seattle, and a frequent writer at Forbes.com. She is a fellow of the American College of Trust and Estate Counsel and has a comprehensive estate planning practice. She can be reached at wsgoffe@stoel.com. Follow her on Twitter: @wendysgoffe.
VoIcES oF tHE BAR

by Jeff Tolman

For decades, Dave Johnston has written an “Everybody Has a Story” Friday column in the Lewiston Morning Tribune. Reading the columns week after week chiseled in me the notion that there are, really, very few uninteresting people. If you take time and ask the right questions, everyone has a unique tale to tell. Ask my client who has a volcano named after her. Or the step-parent of an Oscar winner I drafted estate-planning documents for. Most folks have stories. Most lawyers have many.

DAVID ANDREWS

I wanted to start the third installment of this column by contacting someone with a really low Bar number. So I went to the WSBA Lawyer Directory and put “100” in the “Bar #” column. Up popped an old friend’s name: J. David Andrews. I asked Dave how he got such a low Bar number. He wasn’t sure, but (the likely answer) for years, when a WSBA member died, his or her Bar number would be recycled to an incoming member. In 1960, David became the “century” member of the WSBA.

Dave was raised in Illinois and fell in love with Seattle during a tour of duty in the Air Force from 1955–57. After his Air Force years, Dave attended University of Illinois College of Law and in 1960, became the 23rd Perkins Coie lawyer (there are more than 850 now!). Over his 52 years in the Bar, Dave has practiced litigation, mostly representing employers in labor disputes. He noted that, in 1960, for the first time, firms and lawyers began to focus on specific practice areas like labor law.

From the time he was in fourth grade, Dave knew he wanted to be a lawyer. His parents had an acrimonious divorce and he saw how important lawyers could be in people’s lives. Would he recommend the profession now? “Absolutely. To anyone who enjoys problem-solving and helping people.” It is, though, he says, a very difficult way to make a living.

Dave has been very active in the profession, having served as ABA treasurer for four years in the mid-1970s. He noted that early in his career he and Chuck Stone helped create a WSBA Public Relations Committee to explain to the public what lawyers do. This outreach to the public was unusual, and a bit controversial, at the time.

What Dave likes best about the profession is the problem-solving and helping people. Least? Billing and the scorched-earth policy many lawyers now take. A judge Dave greatly admired was Mo Sharp. Lawyers he particularly respected include Paul Coie, Chuck Stone (the epitome of a professional), and Bill Helsell. His advice to new lawyers: Maintain your dignity; your word is everything. Respect your opponent and this great profession.

Gabe Galanda

Gabe Galanda was the defense attorney on a personal injury case I had several years ago. He was easy to work with, obviously a talented lawyer with a bright future. I caught up with Gabe early one Thursday morning to talk about him and his vision of the profession.

Born and raised in Port Angeles, Gabe worked as a gopher for Dougherty, Dougherty & Ritchie while in high school and college. He “became enamored with how they practiced, the human component of their work.” After graduating from Western Washington University, Gabe attended University of Arizona College of Law, primarily because of their outstanding Indian law program. His goal was always to return to the Northwest and represent tribal members and entities. He was integral in...
The law is my passion in life. I fundamentally appreciate how a legal education changes one’s world view . . .

— Gabe Galanda

incorporating an Indian law question into the Washington State Bar exam.

Gabe was an associate and partner with Williams Kastner for 10 years before opening his office with a partner and one associate in 2010. Currently his firm represents tribal governments, agencies, enterprises, nonprofits, and members in Washington, Oregon, California, and Nevada.

Would Gabe recommend the law to an aspiring lawyer? Absolutely. “The law is my passion in life. I fundamentally appreciate how a legal education changes one’s world view — and, I think, for the better.”

What he likes best about his work? His clients. Each has a deep devotion and passion in the advancement, or the defense of, tribal rights. Least? Interrogatories. And an opposing party’s refusal to consider resolution of a matter sooner rather than later, that there may be an alternative to duking it out.

JUDY ENDEJAN

Decades ago, I had the great pleasure of joining a motley crew on the State Young Lawyers Board that included, among others, over the years, Charlie Wiggins, John McKay, Chuck Snyder, Stew Cogan, Claire Cordon, Judy Eiler, C.C. Bridgewater, Tom Fitzpatrick, Judy Endejan, Steve Rummage, Rob Bakemeier, and Jim Wagner. It was a dynamic time to be on the YLD Board. A time when the Young Lawyers video at the State Bar convention was a “must-see.” Even the year that, in response to one particular skit, the entire Supreme Court rose and left the room en banc. They were good, fun times and one of the friends I made then was Judy Endejan, a communications lawyer now at Graham & Dunn, in Seattle.

Over coffee and muffins at the Streamliner Diner, Judy and I caught up on the decades since our paths had last crossed. Judy’s journey to communications law was
logical. She graduated from the University of Wisconsin with a degree in journalism and worked for a year at the Beloit Daily News as a reporter. Her greatest achievement on that job was proving a man in prison for armed robbery was, in fact, not guilty. Writing about the courts got her interested in the law, so she returned to Madison for law school, graduating in 1979. After clerking for a Wisconsin appellate judge, Judy began her Seattle legal career with Bogle & Gates. Between Bogle and Graham & Dunn, Judy worked in the King County Prosecutor’s Office, a few other private firms, and in-house with GTE for 10 years. Her usual work week might include pre-broadcast screenings of stories, public records issues, and regulatory work. She noted that the Seattle communications law bar is very small, much like practicing in a small town.

Judy's advice to young lawyers is, "Understand that you have much to learn your first five years in practice. Be a sponge. Absorb. Absorb. Absorb. Never forget that your reputation is your greatest asset. Never lie. Any truth is better than a lie.”

She is worried about the next generation of lawyers. They carry such an enormous loan debt at the same time that firms (due to economic pressures of these times) can't give the extensive, long-term training that occurred a generation ago.

Lawyers she particularly admires? Steve Berman and Wisconsin Chief Justice Shirley Abrahamson. The judge she would want handling a case if her neck was on the line? Bob Lasnik or Bill Downing. What Judy likes best about practicing law is that “we see all aspects of the human condition.”

As I dropped Judy off at the Winslow ferry dock for her ride back to Seattle, I was reminded of a couple of universal truths.

There are no friends like old friends. With an old friend, it takes no time at all to feel like you have seen each other recently. Even if it has been nearly three decades.
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grandparents. “I did a lot of my law school studying in doctor’s offices,” she says. During her final year at Oak Brook (2005), Anita lived in Oklahoma City, working with the Oklahoma County District Attorney’s Office. She passed the California Bar in 2006, the Washington Bar in 2007. Anita felt the distance learning required a lot more self-motivation, as there were no professors to push you to get tasks completed. She worked one year for a nonprofit and hopes to find a career in research or alternative dispute resolution.

Anita would recommend the law to anyone, but would encourage them to first take a lot of law classes (a paralegal program, for example) to get a feel for the curriculum before investing so much money in their career — especially when there are so few jobs. She is excited about the new WSBA Career

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JUDGE BILL ACEY

Bill Acey is presently the Superior Court judge for Asotin (county seat: Asotin), Garfield (county seat: Pomeroy) and Columbia (county seat: Dayton, 71 miles from Asotin) counties, the only three-county-judge in Washington state. Bill was raised in Clarkston, then Macon, Georgia. His (parochial) high school principal, a nun, asked Bill, a soon-to-be-graduating senior, what he wanted to do with his future. When he expressed a cloudy (at best) notion, the principal asked, “Have you thought about being a lawyer, then judge? You should. You’d be good at both.” Divine intervention, or a premonition, perhaps.

Bill graduated from college and law school at Mercer University in Macon, then practiced in Georgia from 1976 to 1981. His parents had moved back to Clarkston and Bill was reminded what a nice part of the world the Lewis-Clark Valley is, returning in 1981. Prior to being elected Superior Court judge in November 2000, Bill had a
Knowing I will see again the people who appear before me makes me more accountable and respectful in court. I always try to find something positive to say to the litigants before they leave the courtroom.

— Judge Bill Acey

private practice, was a deputy prosecuting attorney, was the Asotin County prosecuting attorney, and was the part-time Asotin County district court judge.

As a practitioner, he enjoyed helping people stay out of trouble and get out of trouble. “As a lawyer, you have a great ability to help others out.” He had nothing negative to say about the legal profession. “It is a positive and rewarding vocation,” which he would recommend to anyone interested. He is, though, concerned about the ever-decreasing respect and civility in society.

Living and working in such small communities, I asked Bill how he feels seeing people in stores and on the street who had appeared in court before him. He didn’t flinch. “Knowing I will see again the people who appear before me makes me more accountable and respectful in court. I always try to find something positive to say to the litigants before they leave the courtroom.”

I hope you enjoy these vignettes from our colleagues. I’ll keep writing until I run out of lawyers and judges, or the editor becomes convinced the space can be better utilized. Until then, don’t be surprised if your receptionist comes in and says, “There is a guy from Poulsbo who wants to speak with you about being a lawyer. Do you want to take the call?” We are, after all, in this great profession together.

Jeff Tolman is a former WSBA governor and a frequent Bar News contributor. He practices in Poulsbo and can be reached at tolman@tolmankirklukas.com.
This month, the Literary Lawyer brings you a special in-depth interview with political scientist Dr. Kathryn Sikkink, author of the award-winning book The Justice Cascade: How Human Rights Prosecutions are Changing World Politics. She discusses the concept of the “justice cascade” and how the practice of international courts holding individual state leaders accountable for atrocities and war crimes — virtually unheard of a few decades ago — is becoming increasingly common.

The Taylor and Mubarak cases represent a very recent trend, as state political and military leaders are increasingly brought before various national and international tribunals for human rights violations such as torture, genocide, and “disappearing” perceived opponents. Holding individual state leaders accountable for atrocity crimes was virtually unheard of just a generation ago.

Eminent political scientist Dr. Kathryn Sikkink traces this sea change toward a new norm of human rights law in her groundbreaking book The Justice Cascade: How Human Rights Prosecutions are Changing World Politics (W.W. Norton). Sikkink sees the origins of this hopeful advance in the international tribunals since the post-World War II war crimes trials in Tokyo and Nuremburg, and also in the domestic prosecutions of civilian and military leaders for human rights violations in Portugal and Greece in the 1970s and in Argentina in the 1980s.

Sikkink brackets her account of major legal developments with the story of her own work to advance human rights. She also discusses the tireless efforts of committed activists who — often at great personal risk — propelled the remarkable shift away from state leader impunity to accountability for heinous atrocities. And she presents a vigorous argument for the value of human prosecutions with extensive evidence of how they promote justice rather than exacerbate abuses.

In May, Sikkink was named winner of the 2012 Robert F. Kennedy Book Award for The Justice Cascade. Selection Panel Chair John Seigenthaler stated that Sikkink “...has provided readers with compelling evidence that the cause of human rights finally is taking hold in the international community. She documents a trend clearly demonstrating that tyrannical dictators who, in the past, murdered, brutalized, and imprisoned citizen-dissidents and political opponents with impunity, now more frequently face criminal prosecutions and punishment. The result: justice, once routinely vagrant
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and still often delayed, now finds both traction and viability."

Sikkink is currently a Regents Professor and a McKnight Presidential Chair of Political Science at the University of Minnesota. She is the co-winner of the prestigious 2000 Grawemeyer Award for “Ideas Improving World Order.” She has written extensively on the influence of international law on domestic politics, especially in the area of human rights, transnational social movements and networks, and on the role of ideas and norms in international relations and foreign policy.

Sikkink recently discussed The Justice Cascade by telephone following the ceremony in Washington, D.C. for the RFK book award.

Robin Lindley: What is the “justice cascade” and how did you choose that metaphor?

Dr. Kathryn Sikkink: I started the research on this issue in the late 1990s. By then, I had already noted a significant increase in human rights prosecutions in Latin America.

I had been reading an article by legal theorist Cass Sunstein about a “norms cascade,” which he defined as the increasing legitimacy of new norms and practices. I took that term and twisted it a bit to form “justice cascade.”

The important thing to know about the justice cascade is that some believe that true justice is being done everywhere in the world. That’s not what I mean and that’s not the case. We all know that there are many cases of individuals who are still immune from prosecution. But I do mean what Cass Sunstein meant — that there is a new norm that state officials who commit crimes should be held criminally accountable for those crimes. There is new legitimacy for that norm.

People around the world used to think it was not possible to hold their state officials accountable. They assumed state officials could always stay immune from prosecution. That’s not the assumption anymore. Now, whenever you have a new transition to democracy, like we saw recently in Egypt, immediately people in the streets start demanding prosecutions. In this case, they wanted prosecution of Mubarak for deaths that occurred in Tahrir Square.

That’s how I started using the term “justice cascade,” and it caught people’s attention, so I decided to use it as the title of the book. I also get in arguments about it because many people find the term too optimistic — that it implies the world is quickly becoming a place of full justice, and that’s not what I intended. I’m referring to a dramatic and important change in world politics, [but] I know there’s a lot more work to be done to bring perpetrators of human rights violations to true justice.
RL: As you point out, until the 1970s or 1980s, even after the post-war Nuremberg and Tokyo trials, the idea that state leaders were immune from individual prosecution prevailed. Many see those trials and the more recent war crimes tribunals for Yugoslavia and Rwanda as the major stream of the justice cascade, but you point out other trends.

KS: The book makes a couple of important contributions. First, I stress that international tribunals are not the only aspect of the justice cascade. The international tribunals are very important and noteworthy, but most significant are human rights prosecutions as experienced in domestic courts around the world. Even if the international tribunals disappeared tomorrow — they’re not going to — the trend wouldn’t go away, because it’s also embodied in domestic law and in domestic consciousness. People increasingly demand that their own courts hold their own former state officials accountable.

So it’s not just happening in international tribunals, but also around the world in domestic courts. We may not always hear about these trials because they’re not as high-profile as the international tribunals, but they’re equally important and they’re part of a decentralized, interactive system of global accountability that I see emerging.

That’s one contribution: the emphasis on these domestic trials is a crucial element of the justice cascade.

A second contribution has to do with the impact of human rights prosecutions. There have been heated debates about whether or not countries should have human rights prosecutions, or whether or not the international tribunals should indict important leaders like President Bashir of Sudan for human rights violations. Many people fear that the demand for justice will undermine democracy or lead to military coups or damage peace processes, and that will worsen the situation rather than make it better.

In the book, I use a database of human rights prosecutions around the world to test whether prosecutions are associated with improvement in human rights. I find that, controlling for other factors that contribute to human rights practices, prosecutions have an independent and significant effect on improvement in human rights.

RL: Your research is very impressive, especially on the idea that human rights prosecutions don’t result in further abuses or repression.

KS: That doesn’t mean that in a particular country, prosecution could not temporarily make things worse. But there’s no evidence, as a general rule, that that’s the case. As countries try to decide what to do, some people say you can’t pursue individualized prosecutions because we all know that will lead to a military coup. Part of the purpose of this book is to say we don’t all know

In 1994, 800,000 people were slaughtered in 100 days in Rwanda.

Twelve years later, the United Nations was still sorting out the legal issues involved in this genocide. I was privileged with a clerkship at that tribunal. My involvement at the UN confirmed My Passion to Fight Injustice.

But injustice isn’t always massive, and it can happen anywhere. I recently defended someone falsely accused of domestic violence. At trial, the complaining witness took the stand. My rigorous cross-examination proved the entire story was a lie. The judge called a recess. The prosecution dismissed the case. After months of hardship, my client got justice.

- DEMETRI HELIOTIS
Attorney at Law

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that. To the contrary, there’s not any systematic evidence to support the idea that human rights prosecutions undermine democracy, create conflict, or worsen human rights situations.

RL: You stress the idea of prosecuting state leaders, which evoked for me the Nuremberg principle of command responsibility — rather than going after only low-level perpetrators, as with the United States handling of torture cases by American soldiers.

KS: One of the characteristics of human rights violations is that sometimes the responsibility increases as you get further away from the actual person who pulled the trigger or committed abuse. We find that these kinds of violations often would not have happened if it weren’t for orders from above or whole situations that are created by powerful institutions and powerful leaders of those institutions that make soldiers or prison guards feel they have no choice but to carry out the orders.

There have been studies of what happened at Abu Ghraib Prison, for example. One of the things we see is that the people who carried out abuse believed they had been ordered to do so. They believed that decisions had come from above, like the decision that the Geneva Conventions were not relevant because these individuals [the detainees] were not prisoners of war. So it is important also to hold higher-level officials accountable who gave the orders or created the conditions for human rights violations.

RL: You offer many striking examples of the effectiveness of prosecuting leaders and how that can end violence. Didn’t the Serb campaign in Kosovo in 1999 end within a couple of weeks of Slobodan Milosevic’s indictment as a war criminal?

KS: Right. We believe — and I use the “royal we” because on the statistical research I worked with very gifted graduate students and colleagues. I want to underscore that in the single-author book, I am very often referring to articles I have written with my graduate students and colleagues, like Hunjoon Kim and Geoff Dancy, who are doing important statistical research — we believe that the reason human rights prosecutions lead to improvements in human rights is that individual [leaders] are either deterred from committing future human rights violations because they know they’d be punished, or they’re incapacitated in the sense of someone like Milosevic. Once he was indicted, and especially once he was sent to the Hague, he could no longer direct
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campaigns of ethnic cleansing and violence, which he had directed for years in the Balkans.

The same happened with [former Liberian President] Charles Taylor. Once he was forced into exile in Nigeria, the people in Liberia were still very afraid of Charles Taylor and the trouble he could cause from exile. They were so afraid of Charles Taylor that they did not want him tried in Sierra Leone or Liberia and felt strongly he needed to be tried in the Hague, where he would be far away from cronies and allies who might mobilize to cause violence on his behalf.

I think one of the advantages of these indictments and prosecutions and detentions of individual leaders is that they help diminish the terrible fear people have of violent individuals who, until recently, had almost utter impunity.

**RL:** You describe the origins of domestic prosecutions in human rights cases in Greece, Portugal, and Argentina in the 1970s and 1980s. Did events in the United States in the 1960s, such as the civil rights movement, the women’s movement, and the anti-war protests, affect the trend in other nations?

**KS:** We have to remember that those trends in the United States were also going on elsewhere, especially in Europe. The events of the late 1960s were definitely important in the cases of Greece and Portugal.

Just as the rest of Europe was going through [these events], Greece was under a military regime from 1967 to 1974. The Greek military regime became very emblematic for the European student movement of the late 1960s. It was not just authoritarian and tortured its opponents, [but] it was also an ally of the United States in the Cold War. The United States insisted on supporting the military regime because they saw the Greek colonels as crucial allies in its anticommunist struggle.

I believe the Greek military junta — just as, later, [Chilean President] Pinochet — became symbolic for the student movement. When democracy returned to Greece in 1974, [students were] shouting and chanting for justice. The politicians, who were center right, could see that the times had changed and they knew they needed to respond to the demands of the Left and students. Human rights prosecutions were one way they could respond.

It’s important to remember the political and cultural context of those trials. In Greece, you even have the importance of the movie *Z* that was shown all over the world and dealt with [human rights abuses]. It was very critical of [Prime Minister Constantine] Karamanlis, and he felt it was a black stain on his reputation. Some historians speculate that he moved toward trials because he wanted to be remembered in a different way.

**RL:** And you had a personal acquaintance with the situation in Argentina.
when the generals were tried for human rights crimes in 1985.

KS: Yes. I was living in Argentina in 1985 and doing my dissertation, which was on a totally different topic: economic policymaking. But there I was, and all of a sudden this historic trial was taking place in Buenos Aires. No country in Latin America had ever before put its former officials on trial for human rights violations.

The trials had a visitor’s gallery, and my husband and I went and watched what was going on. We knew people from our previous work in the human rights movement and we talked to them and interviewed them and we joined the marches in the streets. We followed the newspapers. It was a very dramatic time that we just happened to have had the opportunity to witness.

RL: What inspired your interest in human rights issues?

KS: My parents say I have to mention that I lived in Spain as a teenager under Franco, which I don’t mention in the book. My dad had a sabbatical in 1970 and took the whole family to Spain because it was a quiet, inexpensive place where a professor on half salary could live with his large family. We went to an international school in southern Spain.

My parents reminded me that we saw the very dying days of the Franco regime. It was much less repressive by then, but we saw Guardia Civil [national police] on all the street corners and we knew how frightened people were of the Guardia Civil. People didn’t want to talk about politics or the Civil War. They were extremely guarded, even toward the end of the Franco regime.

More important, as a student just graduating from high school, I went to study Spanish in Mexico and learned about the student demonstrations and the repression of student demonstrations in 1968. And, as an exchange student, I went to Uruguay in 1976, and I lived the whole year during the darkest days of its military dictatorship.

It almost seemed that I was singled out to learn about repressive societ-

ies. Especially the experience in Uruguay marked me permanently. I always wanted to know why this had happened in Uruguay. How was it possible that Uruguay — previously a progressive, relatively well-developed, middle-class country in Latin America — had suffered this terrible dictatorship? And of course, I got very interested in knowing what could be done.

The book traces not only my intellectual interest in these issues, but it traces the personal journey as well.

RL: How do you see the role of truth and reconciliation commissions, such as the commission headed by Archbishop Desmond Tutu in South Africa? How do these bodies tie in with the justice crusade?
KS: In the Latin American cases, truth commissions were used frequently and often preceded prosecutions. That happened in Argentina where the truth commission came in 1983 and 1984, and the prosecutions came in 1985. In the case of Chile and later in South Africa, we got a truth or justice model. There was a fear of repercussions from prosecutions, so governments thought they might use truth commissions instead of justice. That was the Chilean truth and reconciliation model when they did not intend initially to have prosecutions. And then the South African model used in their Truth and Reconciliation Commission was that people would get amnesty if they told the truth, but if they did not tell the truth, the possibility for prosecution was available. Basically, truth commissions and trials can be combined very effectively, and they can serve different purposes. Sometimes information first gathered by truth commissions can later be used in prosecutions. I argue that it’s a mistake to think of it in terms of truth or justice. Most places in the world that use truth commissions also hold trials.

With all these trends — what I call transitional justice mechanisms — there are many things countries can do to address past atrocities. All are important, such as truth commissions and reparations for victims. The criminal trials don’t provide any reparations, so you want to assure that victims receive financial reparations and other forms of reparation. There’s also memory work and incredible museums. I was in Uruguay recently and visited the Memory Museum there.

I very much favor multifaceted and culturally sensitive responses to atrocity. Each country, with its distinct culture and its history, has to find its own way to address the past. Having said that, part of that package of transitional justice mechanisms must be trials if countries want to see the deterrent effect that our research shows.

RL: The role of remembrance is very significant — and it seems that we often encounter a collective amnesia in the United States about painful past events. You raise important concerns about our own human rights record and violations of international law, including violations of the Convention Against Torture in the past decade — and you ask: is the United States Immune from the justice cascade? Can you talk about your findings?

KS: In that chapter, I say that United States officials were aware of the possibility of prosecution, and one of the things done consistently in the Bush Administration was to put in place policies that would make it very difficult to prosecute.

Now I use a term I didn’t use in the book, but I decided that what we had here is a de facto amnesty, partly because legislation passed by Congress said that officials who engaged in abusive practices couldn’t be prosecuted if they thought what they were doing was legal.
... there are many things countries can do to address past atrocities. All are important, such as truth commissions and reparations for victims.

RL: So that immunizes officials from prosecution for acts of torture, conduct at CIA black sites, and any other human rights abuses?

KS: Yes. Basically I believe we have an amnesty here and we’re not likely to see criminal trials in the United States in the near future. But, in other countries, there have been efforts to hold foreign prosecutions of U.S. officials for torture and extraordinary rendition. The one I mention in the book took place in Italy, when 25 CIA agents were convicted in absentia, which is possible in the Italian judicial system, for an extraordinary rendition case where they kidnapped an individual from the streets of Milan and sent him to Egypt, where he was tortured.

And just now, I’ve been following two civil cases for damages against former Defense Secretary Donald Rumsfeld. There are cases in the federal district courts of Chicago and the District of Columbia. These cases involve three U.S. citizens. Two of them worked for defense contractors and one was a translator for the U.S. government, and all three were detained and tortured. They have brought civil cases for damages in U.S. courts, and at least the judges in the first instance have been sufficiently impressed by the cases that they have permitted them to move ahead. The judge in the Chicago case [observed] that it seemed impossible that a U.S. citizen would not have any standing to sue U.S. officials who committed gross violations against him.

We’ll see. It’s possible we may see some civil cases on these instances of torture.

RL: What are your thoughts on our ambiguous relationship with the International Criminal Court (ICC) — and whether that relationship is evolving under President Obama?

KS: I think it’s very unlikely that the U.S. government will ratify the Rome Statute of the International Criminal Court in the short term. Having said that, it’s important that the U.S. government has changed its initial policy under the Bush Administration of extreme hostility to the Court. Now, on a number of occasions, the United States has supported resolutions in the UN Security Council to have cases referred to the Court, so we recognized its legitimacy by supporting these resolutions.

I think there are things the U.S. can do despite a very hostile Senate that is unlikely to ratify the Rome Statute of the
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ICC. U.S. lawyers can be defense lawyers as well, and a crucial part of any human rights prosecution is that we provide protection for the accused. It’s not a human rights trial unless we assure that we respect the rights of the accused as well, and that’s a very honorable thing to do, for U.S. lawyers to step forward and offer to be defense lawyers in ICC cases.

I think there are a number of ways we can have a constructive relationship with the Court even though we’re unlikely to ratify [the treaty].

RL: You’ve written a very hopeful and inspiring book. Do you have any further thoughts on the lessons from your research or what you’d like readers to take from your book?

KS: I would like readers to take away the fact that the justice cascade did not happen naturally. It was not due to the natural evolution of law. It was due to the struggle by people all over the world who believed in this idea of justice and worked very hard to make it happen, and especially many forgotten individuals in domestic human rights movements in places like Argentina and Greece and Sierra Leone.

I’d like people to know that dramatic change is possible, but it happens because people struggle hard to make it happen. We need to find that balance between appreciating and feeling hopeful that change has happened, but not being complacent to think that it will happen if we don’t all do our best to support justice in the world.

Robin Lindley is a Seattle writer and attorney. He is feature editor for the History News Network, and writes for HNN, Crosscut, Real Change, and other periodicals, often contributing interviews with authors and scholars on history, law, medicine, international affairs, the media, and the arts. He is a former chair of the WSBA World Peace through Law Section.

Column Editor Stephanie Perry is the WSBA communications specialist/publications editor. Find her reviews and reading lists at www.readerslane.com.
At its regular meeting in Union, the WSBA Board of Governors (BOG) voted to replace admonitions with a warning-letter format for the lowest level of lawyer disciplinary matters, and enacted policies to govern the new uniform bar examination, which will be offered for the first time in July 2013.

Replacement of Admonitions

The BOG took final action on an item it had been debating for months: whether to abolish admonitions, the lowest level of public disciplinary action in the lawyer discipline system. Support for ending admonitions grew as Board members argued that while admonitions are imposed for relatively minor disciplinary violations, the public tends to see little distinction between them and the public reprimand. Board members also noted that records of admonitions can haunt lawyers on the Internet for years after the matter has been resolved with the Bar. Meanwhile, WSBA chief disciplinary counsel and the chief hearing officer had urged the Board to retain admonitions because they can be helpful in resolving low-level disciplinary cases and are included in the American Bar Association’s model rules and standards for lawyer discipline systems.

At the July meeting, the BOG voted unanimously to adopt a procedure that would replace admonitions. The new procedure, which must be approved by the Supreme Court, would authorize issuance of an advisory letter at any stage of a disciplinary matter. However, the letter would not be defined as a sanction or disciplinary action. If the letter were issued by a review committee of the Disciplinary Board before the matter was ordered to a public disciplinary hearing, it would not be made public. If the matter had been ordered to hearing, the letter could be issued by a hearing officer and would become part of the public record but would be referred to as a “warning letter.”

The BOG turned down an alternative proposed by the Office of Disciplinary Counsel, which would have created a “non-public admonition” and a new type of disciplinary action entitled “public finding of misconduct without sanction.”

New Bar Exam Policies

In preparation for the July 2013 debut of the newly reformatted Washington bar examination, the BOG approved several policies regarding administration of the test, which is built around the Uniform Bar Examination.

The Board set the passing score for the Uniform Bar Exam at 270 and 85 for the MPRE (Multistate Professional
Responsibility Examination — the ethics portion of the exam. The UBE score threshold is equivalent to the most commonly used passing score among states that have used multistate exams over the years, and remains a common score among states that have specifically adopted the UBE, with four out of ten setting the pass score at 270. Although the BOG approved the 270 score level, some members voiced concern that the higher threshold might discriminate against some test-takers, an issue that was debated at length as the BOG considered whether to adopt a uniform exam at all.

The BOG set the passing score for the Washington Law Component of the exam — which will be administered online — at 80 percent. The Board also set up a schedule that will govern the periods for which earned scores on the UBE can be used to seek bar admission in Washington. "Portability" of bar exam scores between Washington and other states was one of the main advantages cited by proponents of switching to the Uniform Bar Exam.

**Buri Elected WSBA Treasurer for Fiscal 2013**

The BOG elected Governor Philip Buri of Bellingham (District 2) to serve as WSBA treasurer for the fiscal year beginning October 1, 2012. The treasurer remains a member of the BOG and also chairs the WSBA Budget and Audit Committee for the year. Buri will be in the last year of his three-year term on the Board. He is a partner with Buri Funston Mumford, PLLC, in Bellingham, where his practice areas include appeals, civil litigation, community associations, and land use.

**Update on LLLT Program**

WSBA Executive Director Paula Littlewood advised the BOG that the Supreme Court had issued an order directing the WSBA to administer the new Limited License Legal Technician (LLLT) program. The Court enacted the program despite the BOG having opposed it. The program, meant to broaden legal access and reduce costs
to consumers, will authorize non-lawyers to perform certain functions previously restricted to lawyers. The BOG approved creation of a nominating committee to vet candidates for appointment to a governing board for the LLLT program, which will include nine attorneys and four non-attorneys. The BOG will consider the slate recommended by the nominating committee at its November 2012 meeting and will then forward a slate to the Supreme Court for consideration.

**MCLE Comity Fee Set**

The BOG voted to approve a $25 fee for lawyers seeking or submitting a Comity Certificate of MCLE Compliance (see FYI item on page 43). The fee will apply to lawyers requesting a certificate from Oregon, Idaho, or Utah to establish Mandatory Continuing Legal Education credit compliance in Washington, as well as those wishing to provide a Washington compliance certificate to one of those states. WSBA staff process approximately 435 such certificates annually.

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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/bog. For more information on issues addressed by the Board, see NewsFlash at www.wsba.org/newsflash.

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News for WSBA Members

FOR YOUR INFORMATION

Opportunities for Service

**Bench-Bar-Press Committee of Washington**

*Application Deadline: October 19, 2012*

The WSBA Board of Governors is accepting letters of interest and résumés from members interested in serving on the Bench-Bar-Press Committee of Washington. Two positions are available. Both incumbents are eligible for reappointment and must submit a letter of interest if interested in reappointment. The two-year term will begin January 1, 2013, and expire December 31, 2015. The Bench-Bar-Press Committee was formed in 1963 to foster better understanding and working relationships among judges, lawyers, and journalists. Its mission is to seek to accommodate, as much as possible, the tension between the constitutional values of free press and fair trial through educational events and relationship building. The committee is chaired by the Chief Justice of the Washington State Supreme Court and includes representatives from the legal profession, judiciary, law enforcement, and news media. The committee meets as a whole once or twice each year. Subcommittees of volunteers are organized on an ad hoc basis to plan and execute events. More information can be found at www.courts.wa.gov/committee/index.cfm?fa=committee.home&committee_id=77, or contact Wendy Ferrell, Administrative Office of the Courts, at wendy.ferrell@courts.wa.gov, 360-705-5331. Submit letters of interest and résumés to: WSBA Communications Department, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539 or email barleaders@wsba.org.

**Washington State Access to Justice Board**

*Application Deadline: November 30, 2012*

Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board works to achieve equal access for those facing economic and other significant barriers. One non-attorney position is opening up on the Access to Justice Board (ATJ Board) — the term starts in May 2013. If you have a demonstrated commitment to equal justice principles, please join us. Appointments are made by the Washington Supreme Court upon nomination of the ATJ Board of Governors.

Board member responsibilities include: attending 7–10 Board regular meetings (most in Seattle), participating in an annual day-long retreat (usually in Seattle), attending the annual Access to Justice Conference (location varies), serving as liaison to at least one Board committee, and active participation in Board initiatives. ATJ Board members are reimbursed for eligible travel and mileage expenses.

Application deadline is November 30, 2012. Please send a résumé and letter of interest addressing your commitment to access to justice, and your commitment, experience, and any contribution you feel you can make relative to diversity in all of its forms and implications, to Allison Durazzi, staff liaison to the ATJ Board Nominating Committee, at allisond@wsba.org or to WSBA, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539. Find more information about the ATJ Board, including meeting schedules and minutes, see www.wsba.org/atj. Contact WSBA Justice Programs Coordinator Allison Durazzi at 206-733-5942 or allisond@wsba.org for questions.

**Limited License Legal Technician Board**

*Application Deadline: October 15, 2012*

The WSBA Board of Governors seeks applicants for the Limited License Legal Technician Board, recently created by the Washington State Supreme Court to administer new Admission to Practice Rule 28, which will be implemented by the WSBA. APR 28 authorizes certain persons to render limited legal assistance, advice and services in approved practice areas of law. Among other duties, the 13-member Board will recommend LLLT practice areas to the Court, draft necessary rules and regulations for implementation of this program, determine qualifications for LLLT licensing, administer the LLLT exam, and determine LLLT continuing education requirements. Nine of the Board members must be active WSBA members; the other four are non-lawyers. Legal educators are encouraged to apply, as at least one board member must be a legal educator.

Applications will be reviewed by the Board of Governors in November and the names of selected candidates will be forwarded to the Washington State Supreme Court for appointment. Initial terms will begin January 1, 2013, and end September 30 in either 2013, 2014, or 2015. (In the future, terms will be for three years, beginning on October 1, with a two-term limit.)

Application instructions are located on the WSBA website at www.wsba.org/lilt. Applications from people seeking a LLLT license will not be accepted until the LLLT Board has finalized all program details, which is not expected to be prior to January 1, 2014. Information about APR 28 may be found on the Court’s website at www.courts.wa.gov/newsinfo/?fa=newsinfo.internetdetail&newsid=2136. Questions about the Board should be addressed to Robert Henry, WSBA admissions manager, at roberth@wsba.org.

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2013 Licensing and MCLE Information

Complete your license and MCLE certification online — it’s easy. The License Renewal form and the Section Membership form will be mailed together in mid-October and online licensing will be available at that time. Renewal and payment must be completed by February 1, 2013.

**Payment plan option now available.** If you are experiencing financial challenges, you may contact us about our new payment plan option available to all active and inactive members, or our one-time hardship exemption available to qualified active attorney members. Payment plan requests must be submitted by December 3, 2012. Visit wsba.org/licensing to learn how we’re making it easier for you.

**Join or renew your Section membership.** The Section membership year is October 1, 2012, through September 30, 2013. Join or renew in October to receive the full benefit of the section membership.
New $25 MCLE Comity Certificate Fee

As a result of the Board of Governor’s (BOG) and staff’s extensive review over the past few months aimed at ensuring the Bar is operating in the most effective and efficient manner, the WSBA will begin charging a handling fee for comity certificates to cover the processing time and resources required for each. The decision was made at the BOG’s July 14 meeting. On Oct. 15, 2012, two fees will go into effect. There will be a fee assessed for ordering comity certificates and another fee assessed to submit a comity certificate for MCLE compliance.

Ordering Comity Certificates

Comity Certificates can be ordered via mail or online. To order a comity certificate by mail, send a written request and payment to “WSBA / MCLE Comity Certificate Orders” at 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539. Please include the following: name; Bar number; number of MCLE comity certificates requested; the appropriate fee ($25 plus applicable tax). Write “MCLE Comity Certificate Order” on the memo line of the check.

Washington sales tax is based on where the product is delivered. Comity certificates will be mailed to the lawyer’s primary address on file with the WSBA. (Comity certificates will not be mailed to the Oregon, Idaho, or Utah MCLE offices.) To calculate the correct sales tax, go to the Washington Department of Revenue’s website at http://dor.wa.gov and select “I need to find a sales tax rate (GIS).” Out-of-state and federal government orders do not pay sales tax.

To order a comity certificate online:
1. Go to the “mywsba” website at mywsba.org. (You must have a valid email address on file with the WSBA to access the online system.
2. Click “Login” in the top right corner of the screen. Log in using your bar number and password.
3. In the menu on the left side, click “MCLE.”
4. Click the “Request Comity Certificate of MCLE Compliance” link.

If you order your Comity Certificate prior to Oct. 15, 2012, there will be no charge. Orders can be placed by calling the WSBA Service Center, 206-727-8200 or emailing your order to questions@wsba.org.

Submitting Comity Certificate for MCLE Compliance

A $25 fee will be assessed if a lawyer submits a Comity Certificate of MCLE Compliance to meet reporting period credit requirements in lieu of earning 45 MCLE Board-approved credits. No tax will be applied to this assessment. The $25 fee must be paid before a Comity Certificate of MCLE Compliance will be accepted for meeting compliance requirements. Failure to pay this fee may result in suspension for MCLE non-compliance.

Questions

If you have questions about this change, please call the WSBA Service Center at 206-727-8200 or email questions@wsba.org.
er and does not represent an official position of the WSBA. Every effort is made to return calls within two business days. Call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

Search WSBA Advisory Opinions Online
WSBA advisory opinions are available online at www.wsba.org/advisoryopinions. You can search opinions by number, year issued, ethical rule, subject matter, or keyword. Advisory opinions are issued by the WSBA to assist members in interpreting their ethical obligations in specific circumstances. The opinions are the result of study and analysis in response to requests from WSBA members. For assistance, call the Ethics Line at 206-727-8284 or 800-945-9722, ext. 8284.

Just Starting a Practice?
Think "out of the box" and consider purchasing "Law Office in a Box". For $119, you receive an hour of consultation time plus everything you see here: http://tinyurl.com/3n75shj. Questions? Contact Peter Roberts at peter@wsba.org, 206-727-8237, or 800-945-9722, ext. 8237.

Weekly and Bi-Monthly Job Search Group
The next scheduled Bi-Monthly Job Seeker Group will take place on November 14 from noon to 1:30 p.m. This group meets on the 6th floor of the WSBA offices; no RSVP is required. The Weekly Job Search group provides strategy and support to unemployed attorneys. The group runs for eight weeks and is limited to eight attorneys. We provide the comprehensive WSBA job search guide “Getting There: Your Guide to Career Success,” which can also be found online at www.tinyurl.com/7xhe8b. For more information about monthly and weekly job group programming or to schedule a career consultation, contact Dan Crystal at danc@wsba.org, 206-727-8267, or 800-945-9722, ext. 8267.

LOMAP Lending Library
The WSBA Law Office Management Assistance Program (LOMAP) Lending Library is a service to WSBA members. We offer the short-term loan of books on the business management aspects of your law office. How does it work? You can view available titles at www.wsba.org/resources-and-services/lomap/lending-library. Books may be borrowed by any WSBA member for up to two weeks. LOMAP requires your WSBA ID and a valid Visa or MasterCard number to guarantee the book’s return to the program. If you live outside of the Seattle area, books can be mailed to you; you will be responsible for return postage. For walk-in members, we recommend calling first to check availability of requested titles. To arrange for a book loan or to check availability, please contact Julie Salmon at 206-733-5914.

Seeking Peer Advisors
Would you like to provide support to another lawyer in your community address-
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The Law Firm of Isenhour Bleck, PLLC is pleased to announce that Sara Kiviat Berkenwald has joined the firm as an associate. Sara is a graduate of Seattle University School of Law and will complete her LL.M. program in tax at the University of Washington School of Law in 2013. Her practice will focus on estate planning, special needs trusts, elder law, and probate.

Email: sara@isenbleck.com.

Struggling with Alcohol or Drugs?
The Lawyers Assistance Program is closely connected to addictions communities, AA and otherwise, across the state. For instance, there is an "Unbar" AA group for attorneys that meets every Wednesday in downtown Seattle. If you would like someone to walk you to a meeting, or simply need a referral, don’t hesitate to contact us confidentially at 206-727-8268 or lap@wsba.org.

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

Upcoming Board of Governors Meetings
November 16–17, Seattle; January 17–18, 2013, Olympia; March 8–9, Vancouver

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 Pamela Wuest at 206-239-2125, 800-945-9722, ext. 2125, or pamelaw@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/about-wsba/governance/board-of-governors.

CORRECTION Concerning the UWTV lecture series "The Unintended Consequences of the Information Age" (see August 2012 Bar News, p. 14): Each program in this televised series is offered as a service to the local legal community (www.uwtv.org/video/player.aspx?mediaid=1583564211) and you may find them to be of interest. However, no CLE credit can be granted for watching them. The program series was recorded in 2006, but CLE credit was only available until 2011. Credit for all pre-recorded programs expires five years after the recording date. (APR 11 Regulation 103(h)(2)(E)).
Janet A. George, Inc., P.S.
is pleased to announce that

Margaret M. Fairfield

has joined the firm as an associate.
The firm continues to focus exclusively on Family Law—complex assets, tracing, and parenting.

Welcome, Margaret!

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loojag@ix.netcom.com

Harlowe & Falk LLP
is pleased to announce that

Robert B. Nettleton

has joined the firm as a partner.

Mr. Nettleton brings 25 years of experience in guardianship, probate and trust administration and litigation, and vulnerable adult proceedings. He is also available to serve as a TEDRA mediator or arbitrator.

Mr. Nettleton graduated from Gettysburg College, Gettysburg, Pennsylvania, and Seattle University School of Law, and in 2012 was named a Washington Super Lawyer by Seattle Met.

Harlowe & Falk LLP is a Tacoma-based law firm practicing in the areas of business, real estate, trusts and estates, and tax law, as well as bank operations, regulatory compliance, and consumer financial services.

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Sebris Busto James
is pleased to announce that

Matthew W. Lynch

has joined the firm as a Shareholder.

Matt joins the firm from Washington Employers, where he represented employers in labor relations and employment matters, most recently as Director of Labor Relations Services and General Counsel.

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Davies Pearson, P.C.
Attorneys at Law
is pleased to announce that

Ingrid L.D. McLeod

has become an associate of the firm practicing in general business, civil and commercial litigation, estate planning and probate, and real estate.

Ms. McLeod graduated from Seattle University School of Law, cum laude, in 2011. She received her Master of Arts degree from New York University in 2004 and her Bachelor of Arts degree from University of Washington, cum laude, in 2001.

253-238-5145 • imcleod@dpearson.com
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MEDICATION
Mac Archibald
Mac has been a trial lawyer in Seattle for over 40 years. He has tried a wide range of cases including maritime, personal injury, construction, products liability, consumer protection, insurance coverage, and antitrust law.
Mac has over 15 years of mediation experience. He has mediated over 1,000 cases in the areas of maritime, personal injury, construction, wrongful death, employment, and commercial litigation.
Mac has a reputation as not only being highly prepared for every mediation, but also for providing as much follow-up as is necessary to settle a case.

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

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These notices of imposition of disciplinary san-
ctions 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 state-
ment 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 eli-
gible to practice law in Washington state. Some of
them share the same or similar names. Bar News
strives to include a clarification whenever an at-
torney listed in the Disciplinary Notices has the
same name as another WSBA member; however,
all disciplinary notices should be read carefully
for names, cities, and bar numbers.

Disbarred

Benjamin L. Carter (WSBA No. 36605, admi-
ted 2005), of Bellevue, was disbarred, effective
May 3, 2012, by order of the Washington State
Supreme Court following a default hearing.
This discipline was based on conduct involv-
ing failure to maintain complete trust account
records, improperly making cash withdrawals
from a trust account, failure to notify clients
when funds were withdrawn, providing false
and misleading information, committing perjury
and/or false swearing, conversion of client funds, failure to communicate with and
inform clients, failure to provide refunds, and
failure to provide accountings upon request.
From February 2009 through May 2011, Mr. Carter:

• Provided the Association with false and
misleading information, including a
fabricated document, and lied about the
service of the deposition subpoena;
• Failed to promptly respond to request for
records and information, refused to appear
at the October 22, 2010, deposition, and
lied under oath at his October 29, 2010,
deposition;
• Dealt improperly with client funds;
• Failed to respond to one or more griev-
ances;
• Failed to maintain trust account records,
failed to reconcile trust account records,
and made cash withdrawals from his trust
account;
• Transferred escrow funds into his busi-
ess/personal account and then used
the transferred funds for purely personal
expenses;
• Knowingly converted client property;
• Misappropriated fees paid in advance;
• Abandoned his practice without giving
notice to his clients;
• Overdrew his trust account from July 16,
2010, to August 9, 2010, with $42,667.73 in
overdrafts;
• From February 2009 to November 2010,
Mr. Carter failed to return $21,160 to seven
clients when asked for a refund;
• Failed to perform services and engaged in
a pattern of neglect with respect to five
clients’ immigration matters; failed to
reasonably consult clients; failed to keep
clients informed; failed to comply with
reasonable request for information; failed
to return clients’ files; and failed to provide
promised refunds;
• Failed to perform services for two or more
clients, despite having received advance
payment for those services.

Mr. Carter’s conduct violated RPC 1.3,
requiring a lawyer to act with reasonable
diligence and promptness in representing
a client; RPC 1.4(a), requiring a lawyer to
communicate with the client; RPC 1.15A(b),
prohibiting a lawyer from using, convert-
ing, borrowing, or pledging client or third-
person property for the lawyer’s own use; RPC
1.15A(c)(2), requiring a lawyer to deposit into
a trust account legal fees and expenses that
have been paid in advance, to be withdrawn
by the lawyer only as fees are earned or expenses
incurred; RPC 1.15A(e), requiring a lawyer
to promptly provide a written accounting to
a client or third person after distribution
of property or upon request; RPC 1.15A(h)
(1), prohibiting a lawyer from depositing or
retaining personal funds into trust account;
RPC 1.15A(h)(2), requiring a lawyer to keep
complete records; RPC 1.15A(h)(3), requir-
ing a lawyer to give reasonable notice prior
to withdrawing earned fees; RPC 1.15A(h)
(5), requiring all trust account withdrawals
be made only to a named payee and not
cash; RPC 1.15A(h)(6), requiring all trust
account records to be reconciled as often
as bank statements are generated or at least
quarterly; RPC 1.15B(a), requiring a lawyer
to maintain current trust account records;
RPC 1.15B(a)(8), requiring a lawyer to keep
copies of all trust account client ledger rec-
conciliations; RPC 1.16(d), requiring a lawyer,
upon termination of representation, to take
steps to the extent reasonably practicable to
protect a client’s interest, such as refunding
any advance payment of fee or expenses that
has not been earned or incurred; RPC 4.4,
requiring a lawyer not to use means that have
no substantial purpose other than embar-
rass, delay, or burden a third person; RPC
8.4(b), prohibiting a lawyer from committing
a criminal act that reflects adversely on the
lawyer’s honesty, trustworthiness, or fitness;
RPC 8.4(c), prohibiting a lawyer from engaging
in conduct involving dishonesty, fraud, deceit,
or misrepresentation; RPC 8.4(d), prohibiting
a lawyer from engaging in conduct that is
prejudicial to the administration of justice;
and RPC 8.4(l), prohibiting a lawyer from
violating a duty imposed by the Rules for
Enforcement of Lawyer Conduct.

Scott G. Bushy represented the Bar As-
sociation. Mr. Carter did not appear, either in
person or through counsel. John J. Tollefsen
was the hearing officer.

Disbarred

Ryan M. Edgley (WSBA No. 16171, admitted
1986), of Yakima, was disbarred, effective June
29, 2012, by order of the Washington State
Supreme Court following a default hearing.
This discipline was based on conduct involv-
ing failure to notify clients of his suspension,
failure to file an affidavit of compliance with
Title 14 of the Rules for Enforcement of Lawyer
Conduct with the Association, and practicing
law while suspended.

Mr. Edgley was suspended, effective March
5, 2008, for failure to comply with CLE require-
ments. He was reinstated on April 23, 2008,
but was again suspended May 11, 2010, for
failure to comply with CLE requirements. On
June 3, 2010, following a hearing, Mr. Edgley
was suspended for six months for practicing
law while suspended between March 5, 2008,
and April 23, 2008, failing to notify clients of
his suspension, and failing to file an affidavit
of compliance with Title 14 of the Rules for
Enforcement of Lawyer Conduct (ELC). Mr.
Edgley did not return to active status after his
six months’ disciplinary suspension.

During the disciplinary suspension, and the
subsequent administrative and interim in
suspensions, Mr. Edgley continued to practice
law and again failed to notify his clients of
his suspension or file the required affidavit
of compliance. Mr. Edgley remained on sus-
pended status at the time of his disbarment.

Mr. Edgley’s conduct violated RPC 1.4(a),
requiring a lawyer to communicate with the
client; RPC 1.5(b)(1), requiring a lawyer to
communicate to the client in writing the basis
or rate of the fee; RPC 1.16(a)(1), prohibiting
a lawyer from representation if it will result
in violation of the Rules of Professional Con-
duct; RPC 1.16(d), requiring a lawyer upon
termination of representation to take steps
to protect the client’s interest, such as giving
notice to the client, surrendering papers and
property, and refunding any advance payment
of fee or expense that has not been earned or incurred; RPC 5.5(a), prohibiting a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction; RPC 5.8(a), prohibiting a lawyer from engaging in the practice of law while on inactive status or while suspended from the practice of law; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; RPC 8.4(l), prohibiting a lawyer from disobeying or violating a court order directing him or her to do or cease doing an act which he or she out in good faith to do or forbear; and RPC 8.4(h), prohibiting a lawyer from violating a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter.

Craig Edgley did not appear, either in person or through counsel. Erik S. Bakke Sr. was the hearing officer.

Disbarred

Edgar J. Steele (WSBA No. 23030, admitted 1993), of Sagle, Idaho, was disbarred, effective June 29, 2012, by order of the Washington State Supreme Court following a default hearing. This discipline was based on conduct involving dishonesty, fraud, deceit, or misrepresentation; commission of a criminal act; and conduct prejudicial to the administration of justice.

In December 2009, Mr. Steele solicited Mr. X to murder his wife and mother-in-law (MIL) by attaching an explosive device to Wife's car. On May 27, 2010, Mr. X attached a pipe bomb to Wife's car to perpetrate the murders. Mr. Steele knew there was an explosive device on Wife's car and was motivated, at least in part, by attaching an explosive device to the underside of the car. On July 20, 2010, Mr. Steele was charged with Use of Interstate Communication Facilities in the Commission of Murder for Hire (18 U.S.C §1958), Use of Explosive Material to Commit a Federal Felony (18 U.S.C §844(h)), Possession of Destructive Device in Relation to a Crime of Violence (18 U.S.C. §924 (c)(1)(B)(ii)), and Witness Tampering (18 U.S.C. §1512(b)(3)). On May 5, 2011, following a jury trial, Mr. Steele was convicted on all four counts.

Mr. Steele's conduct violated RPC 8.4(a), prohibiting a lawyer from violating or attempting to violate the Rules of Professional Conduct; RPC 8.4(b), prohibiting a lawyer from committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness; RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

Rachel Stonefeld Powell represented the Bar Association. Mr. Steele did not appear, either in person or through counsel. Jane Brenner Risley was the hearing officer.

Suspended

Donald R. Morrison (WSBA No. 18998, admitted 1989), of Spokane, was suspended for six months, effective June 20, 2012, by order of the Washington State Supreme Court following approval of a stipulation. This discipline was based on conduct involving failure to safeguard property, failure to act with reasonable diligence, failure to communicate, charging unreasonable fees, and failure to promptly return unearned fees upon termination of representation.

Between 2010 and 2011, Mr. Morrison:

- Failed to comply with the trust account rules by not depositing advance fees into his trust account, and using the funds before the fees were earned;
- Failed to notify clients that he was unavailable while on vacation. This impacted several clients with time-sensitive matters who did not know why they were unable to contact Mr. Morrison;
- Failed to have a written agreement with Client A and did not diligently or promptly pursue Client A's child support modification petition, which resulted in Client A being obligated to pay additional child support;
- Failed to complete Client B's marital dis-

solution and name change. Mr. Morrison received $1,750 in advance fees but did not keep track of his time and did not send Client B any billing statements. Mr. Morrison eventually provided sufficient services to earn the $1,750 but insisted that Client B pay him an additional $1,000 immediately for completing the dissolution and preparing Qualified Domestic Relations Orders (QDROs) or he would withdraw as her counsel. Client B paid Mr. Morrison the $1,000 he demanded, but Mr. Morrison did not prepare and file the QDROs and did not take any steps to change Client B's name. Mr. Morrison never returned any portion of the $1,000;

- Failed to inform Client C of his child support hearing order. The Order stated that Client C was in contempt for not paying child support as ordered and was to be imprisoned for four days, and that the confinement would be suspended provided that Client C paid the child support owed. A follow-up hearing was scheduled for May 3, 2011, but Mr. Morrison never informed Client C; Client C did not know about or attend the hearing and Mr. Morrison failed to attend on behalf of Client C. That same day, the court issued an Order for a bench warrant for Client C's arrest and ordered additional sanctions of $500. Several weeks later, the family residence was sold and Client C's support obligations were satisfied from his share of the proceeds of the sale; the bench warrant was quashed before Client C was arrested;

- Failed to provide Client D with copies of her Decree of Dissolution and Findings of Fact and Conclusions of Law, which in turn delayed Client D's receipt of funds from her ex-husband's retirement account. When Client D did eventually receive his interest in the retirement account funds, the amount paid reflected a reduction for an early withdrawal penalty and taxes;

- Failed to communicate with Client E from June 11 through January 2012. Mr. Morrison did not return Client E's telephone messages and did not respond to his emails. Mr. Morrison prepared a Petition for Dissolution for Client E; Client E and his spouse both signed the petition, but Mr. Morrison never filed it with the court. On November 1, 2011, Mr. Morrison sent an email to Client E stating he would be "sending final documents to you next week" for Client E's signature; however, this statement was inaccurate due to Mr. Morrison's failure to file the petition or commence the proceedings. Client E did not receive the "final documents";

- Failed to charge reasonable fees to Client F. Mr. Morrison agreed to charge Client F at an hourly rate of $200 and to charge
paralegal time at an hourly rate of $75. Client F paid Mr. Morrison advance fees of $2,500. On August 8, 2011, Mr. Morrison paid himself $600 from Client F’s $2,500 advance fees and did not send Client F a billing statement or notify Client F that he was paying himself $600. Between August 31, 2011, and September 6, 2011, Mr. Morrison drafted a proposed parenting plan and filed a Petition for Modification; on October 17, 2011, Mr. Morrison paid himself $1,516 from the advance fees. On December 5, 2011, Client F received the first and only billing statement from Mr. Morrison, which reflected that he charged $900 (4.5 hours of Mr. Morrison’s time) for preparing the summons and the petition. Mr. Morrison stipulated that preparing the summons and petition took 1.5 hours;

- Failed to promptly file a petition to modify child support for Client G. On October 3, 2011, Mr. Morrison was hired by Client G to file a petition for modification of child support but Mr. Morrison did not complete the documents and never filed the petition. Client G contacted Mr. Morrison on numerous occasions via email but did not receive a response. On November 28, 2011, Client G sent an email to Mr. Morrison terminating him because the delay in filing the petition made the matter moot.

Mr. Morrison has not yet returned unearned fees to clients, but has agreed to do so.

Mr. Morrison’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to communicate with the client; RPC 1.5(a), prohibiting a lawyer from making an agreement for, charging, or collecting an unreasonable fee or an unreasonable amount for expenses; RPC 1.15A(c), requiring a lawyer to hold property of clients and third persons separate from the lawyer’s own property; RPC 1.16(d), requiring a lawyer, upon termination of representation, to take steps to the extent reasonably practicable to protect a client’s interests, such as refunding any advance payment of fee or expense that has not been earned or incurred; and RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interest of the client.

Jonathan H. Burke represented the Bar Association. Mr. Morrison represented himself.

Reprimanded

Peter J. Knudsen (WSBA No. 33977, admitted 2003), of Seattle, was ordered to receive a reprimand following approval of a stipulation by the chief hearing officer on June 25, 2012. This discipline was based on conduct which involved a disregard for the rule of law.

On December 4, 2006, Mother filed a petition for a protective order to restrain Mr. Knudsen from having contact with her and X, her minor child with Mr. Knudsen. After a contested hearing on December 18, 2006, the court entered an order of protection prohibiting Mr. Knudsen from having contact with Mother and X, including restraining him “from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a third party or contact by defendant’s lawyers with [Mother] and [X].” The order further provided that Mr. Knudsen “shall have no contact or visitation but is allowed to contact [Mother] by email but only regarding issues related to their child.” From December 25, 2006, through January 9, 2007, Mr. Knudsen sent a number of text messages to Mother that violated the protection order. On February 13, 2007, City of Seattle filed two criminal complaints against Mr. Knudsen charging him with knowingly violating a protection order for sending the text messages to Mother. On April 23, 2007, Mr. Knudsen pleaded guilty to four counts of violating the protection order by sending text messages to Mother on December 25, 2006, December 26, 2006, January 2, 2007, and January 9, 2007. On June 21, 2007, the court sentenced Mr. Knudsen to a 24-month deferred sentence. Mr. Knudsen complied with all terms of the deferred sentence and on June 18, 2009, the court vacated the conviction.

Mr. Knudsen’s conduct violated RPC 8.4(i), prohibiting a lawyer from committing any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law.


Admonished

Salvador Lopez Barr (WSBA No. 41026, admitted 2008), of San Francisco, California, was ordered to receive an admonition following approval of a stipulation on May 25, 2012. This discipline is based on conduct involving dishonesty, fraud, deceit, or misrepresentation.

Mr. Barr was admitted to practice law in Washington state but not in California. In August 2009, Mr. Barr was offered a position with Company to review the accuracy of Company’s cases, suggest strategies for resolution, and receive legal documents. Mr. Barr was to receive $60 per hour for his services. Mr. Barr started working for Company in or about October 2009. Company made a check payment to Mr. Barr with the notation “in house counsel” and also paid for Mr. Barr’s WSBA licensing fees. Mr. Barr and Company terminated their business relationship in early 2010 after personal and business disputes.

On January 5, 2010, an investigator with the California Department of Real Estate interviewed Mr. Barr by telephone and on March 3, 2010, Mr. Barr executed a Declaration and sent it to the investigator. The Declaration stated:

In regard to my association with Company, it is none, but a job interview and superficial contact. On August 18, 2009, I was contacted by Company (via email) requesting an interview with me regarding a possible part-time position at his office, located in California... According to Company, he needed someone that could review the accuracy of his casework and suggest strategy for resolution. In exchange, Company promised to compensate me at an hourly rate for part-time contractual work when needed. However, my start date was yet to be determined.

On June 15, 2011, an investigator with the Association interviewed Mr. Barr by telephone. Mr. Barr stated that he never represented any Company clients, that he did not work on any loan modification cases during his employment with Company, and that he never negotiated with any lenders on behalf of Company clients. Mr. Barr stated that most of the time, he just “hung out” at the Company offices and was employed for only two to three months.

By providing inconsistent statements regarding the extent of his involvement with Company, Mr. Barr’s conduct violated RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Kevin M. Bank represented the Bar Association. Anne I. Seidel represented Mr. Barr. Edward F. Shea was the hearing officer.

Non-Disciplinary Notice

Suspension Pursuant to ELC 7.1

David Jacquot (WSBA No. 19272, admitted 1989), of Dalton Gardens, Idaho, was suspended from the practice of law, effective August 9, 2012, by order of the Washington State Supreme Court pursuant to ELC 7.1 (conviction of a crime), pending final disposition of disciplinary proceedings. This is not a disciplinary sanction.
CLE CALENDAR

CLE seminars are subject to change. Please check with providers to verify information. To announce a seminar, please send information to:

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

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

Administrative Law

Advocacy in Administrative Law: Recent Developments, View from the Bench and Practice Pointers
October 24 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Alternative Dispute Resolution

20-Hour Family Mediation Training
November 8—10 — Olympia. 17.75 CLE credits. By WSBA Alternative Dispute Resolution Section, the WSBA Labor and Employment Law Section, and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

The Art of Arbitration
November 19 — Seattle and webcast. 6.25 CLE credits pending. By the WSBA Alternative Dispute Resolution Section, the WSBA Labor and Employment Law Section, and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Animal Law

Animal Law Section Program
October 18 — Seattle and webcast. CLE credits pending. By the WSBA Animal Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Antitrust and Consumer Protection

The 29th Annual Antitrust, Consumer Protection and Unfair Business Practices Seminar and Annual Meeting
November 8 — Seattle and webcast. 6 CLE credits, including 1 ethics. By the Antitrust, Consumer Protection and Unfair Business Practices Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Business Law

2nd Annual Business Law Symposium: Corporate Law, Then and Now
October 26 — Spokane. 5.25 CLE credits, including 1 ethics. By Gonzaga Law School; jniesen@lawschool.gonzaga.edu; www.law.gonzaga.edu/career-services/cle_calendar.asp.

Civil Rights Law

Title IX at 40: The Past, Present, and Promise of Gender Equity in Education
October 9 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Criminal Law

Essentials of Handling DUI Cases
October 10 — Seattle and webcast. 6.75 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

The Persuasive Trial Attorney
October 19 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Education Law

Title IX at 40: The Past, Present, and Promise of Gender Equity in Education
October 9 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Elder Law

Drafting and Using the Special Needs Trust
November 27 — Seattle and webcast. 6.75 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Employment Law

Conversation Among Employment Law Practitioners and ADR Professionals

Environmental Law

Ecological and Environmental Mitigation Banking: The Creation, Purchase and Sale of Mitigation Banks
October 19 — Seattle. 6.75 CLE credits. By The Seminar Group; 800-574-4852 or 206-463-4400; http://theseminargroup.net/seminar.lasso?seminar=12.ecowa.

Estate Planning

57th Annual Estate Planning Seminar
November 1–2 — Seattle. CLE credits pending. By the Estate Planning Council of Seattle and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Ethics

The Ethics of Getting Paid
October 4 — Teleconference with online PowerPoint. 1 ethics credit pending. By Rubric CLE; 206-714-3178; www.rubriccle.com.

Less Risky Business: Proactive Malpractice Risk-Reduction Techniques
October 5 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Ethical Dilemmas for the Practicing Lawyer
October 17 — Mount Vernon. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

Navigating the Ethical Mine Field — How to Stay Out of Trouble with the Bar

Ethics of Putting Your Cases in Your Novel

Annual Ethics Conversation with Professors John Strait and Dave Boerner
November 2 — Seattle. By Seattle University School of Law; 206-398-4233; www.law.seattleu.edu/continuing_Legal_Education.

Ethical Dilemmas for the Practicing Lawyer
November 7 — Spokane. 4 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbaicle.org.

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### Ethics, Professionalism, and Civility: The Hard Questions — Video Replay

- **November 13 — Friday Harbor.** 6 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### Annual Corporate Counsel Institute

- **November 16 — Seattle and webcast.** 4 ethics credits pending. By the WSBA Corporate Counsel Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### Adoption Guardian ad Litem Training

- **October 5 — Seattle.** 2.5 CLE credits, including .5 ethics. By KCBA CLE Department; 206-267-7057; https://www.kcba.org/secure/cleregistration.aspx.

### Immigration Options for Immigrant Survivors of Domestic Violence

- **October 19 — Perkins Coie/Seattle.** 4.25 CLE credits, including .75 ethics. By Immigrant Families Advocacy Project at University of Washington School of Law and Northwest Immigrant Rights Project; www.law.washington.edu/events; agps8@uw.edu.

### The Cybersleuth’s Guide to the Internet


### Less Risky Business: Proactive Malpractice Risk-Reduction Techniques

- **October 5 — Seattle and webcast.** 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### Tort Law Update

- **October 5 — Seattle and webcast.** 5.5 CLE credits. By WSAJ Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

### Title IX at 40: The Past, Present, and Promise of Gender Equity in Education

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

### Essentials of Handling DUI Cases

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

### 10 Essentials to Winning Appeals


### Medicare and the Personal Injury Claim

- **October 12 — Seattle and webcast.** 4.5 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### IBM, the Holocaust, and the Ethics of Technology in the 21st Century

- **October 15 — Seattle.** 2 CLE credits. By Washington State Holocaust Education Resource Center; 206-774-2201; adm@wshec.org; www.wshec.org/pdf/cleregistrationform.pdf.

### Ethical Dilemmas for the Practicing Lawyer

- **October 17 — Mount Vernon.** CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### Tips On Advocating For Your Client In Ex Parte

- **October 17 — Seattle.** 1.5 CLE credits. By King County Washington Women Lawyers; 206-442-0888; www.klw.org/king.

### Persuasive Oral Argument


### Understanding and Managing High Conflict Personalities in Legal Disputes

- **October 22 — Seattle and webcast.** 6 CLE credits, including 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### Directors and Officers Liability Insurance Review


### So You Want To Be a Winning Trial Lawyer?! Part 1 of 3

- **October 31 — Seattle and webcast.** 7 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### Hard Questions — Video Replay

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

### Effective Writing for Lawyers

- **November 14 — Seattle and webcast.** 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### Trial Revolution: Innovative Techniques for Presenting Your Client’s Case in the Computer Age

- **November 15 — Seattle.** By WSAJ Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

### The Art of Arbitration

- **November 19 — Seattle and webcast.** 6.25 CLE credits pending. By the WSBA Alternative Dispute Resolution Section, the WSBA Labor and Employment Law Section, and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### Annual Labor and Employment Law Conference

- **November 30 — Seattle and webcast.** CLE credits pending. By the WSBA Labor and Employment Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

### Litigation

- **Tort Law Update**
  - **October 5 — Seattle and webcast.** 5.5 CLE credits. By WSAJ Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

### Labor and Employment

- **Inland Empire Intellectual Property Institute**
  - **October 12 — Spokane.** CLE credits pending. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.
Medicare and the Personal Injury Claim
October 12 — Seattle and webcast. 4.5 CLE credits. By WSAJ Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

The Persuasive Trial Attorney
October 19 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Understanding and Managing High Conflict Personalities in Legal Disputes
October 22 — Seattle and webcast. 6 CLE credits, including 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Advocacy in Administrative Law: Recent Developments, View from the Bench and Practice Pointers
October 24 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

So You Want to Be a Winning Trial Lawyer!? Part 1 of 3

Trial Revolution: Innovative Techniques for Presenting Your Client’s Case in the Computer Age

Annual Corporate Counsel Institute
November 16 — Seattle and webcast. 4 ethics credits pending. By the WSBA Corporate Counsel Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Personal Injury
Essentials of Handling DUI Cases
October 10 — Seattle and webcast. 6.75 CLE credits. By WSJA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

The Persuasive Trial Attorney
October 19 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Trusts and Estates
57th Annual Estate Planning Seminar
November 1–2 — Seattle. 14.75 CLE credits, including 1 ethics. By the Estate Planning Council of Seattle and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Solo Practice
How to Hang Your Own Shingle

Webcast Seminars
Tort Law Update
October 5 — Seattle and webcast. 5.5 CLE credits. By WSJA Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

Less Risky Business: Proactive Malpractice Risk-Reduction Techniques
October 5 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Title IX at 40: The Past, Present, and Promise of Gender Equity in Education
October 9 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Essentials of Handling DUI Cases
October 10 — Seattle and webcast. 6.75 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Medicare and the Personal Injury Claim
October 12 — Seattle and webcast. 4.5 CLE credits. By WSJA Legal Educational Seminars; 206-464-1011; www.washingtonjustice.org.

Animal Law Section Program
October 18 — Seattle and webcast. CLE credits pending. By the WSBA Animal Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

The Persuasive Trial Attorney
October 19 — Seattle and webcast. 6.25 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Understanding and Managing High Conflict Personalities in Legal Disputes
October 22 — Seattle and webcast. 6 CLE credits, including 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Advocacy in Administrative Law: Recent Developments, View from the Bench and Practice Pointers
October 24 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

So You Want to Be a Winning Trial Lawyer!? Part 1 of 3

The 29th Annual Antitrust, Consumer Protection and Unfair Business Practices Seminar and Annual Meeting
November 8 — Seattle and webcast. 6 CLE credits, including 1 ethics. By the Antitrust, Consumer Protection and Unfair Business Practices Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Ethical Dilemmas for the Practicing Lawyer
November 9 — Seattle and webcast. 4 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Effective Writing for Lawyers
November 14 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Time Mastery for Lawyers
November 15 — Seattle and webcast. 6 CLE credits pending. By the WSBA Corporate Counsel Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Annual Corporate Counsel Institute
November 16 — Seattle and webcast. 4 ethics credits pending. By the WSBA Corporate Counsel Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

The Art of Arbitration
November 19 — Seattle and webcast. 6.25 CLE credits pending. By the WSBA Alternative Dispute Resolution Section, the WSBA Labor and Employment Law Section, and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Drafting and Using the Special Needs Trust
November 27 — Seattle and webcast. 6.75 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

The Intersection of Domestic and Family Violence and the Practice of Law
November 28 — Seattle and webcast. 6.75 CLE credits, including 1 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.

Annual Labor and Employment Law Conference
November 30 — Seattle and webcast. 6.75 CLE credits, including 1.5 ethics pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsba.org.
As such, practical and progressive experience acquired from a major law firm of a minimum of three years, in one or more of those areas, coupled with a superior academic record, qualifies for immediate consideration. The firm upholds a time-honored reputation for quality legal representation performed by top legal advisors, and entrusts its associates with high-level, cutting-edge work on behalf of a sophisticated, broad-based clientele. Associate compensation is extremely competitive and benefits are comprehensive in scope. Candidates with the requisite credentials are encouraged to email a confidential résumé and cover letter to Greg Wagner, principal, at gww@pacificlawjobs.com. Visit our website: www.pacificlawjobs.com.

**Wizards of the Coast legal department** seeks attorney. Job duties: Provide legal support for Wizards of the Coast’s global marketing, sales, product development, organized play, technology, and creative services groups. Education and training: J.D. from accredited law school, excellent academic credentials, Bar membership in good standing; a minimum of three years’ relevant experience in law firm and/or in-house law department; expertise in negotiating and drafting a variety of business agreements; strong client relations skills, business sense, and the ability to make practical evaluations of risk; understanding of copyright, trademark, and trade secret laws and issues; experience with e-commerce, user-generated content, online privacy and/or online gaming issues preferred; experience in intellectual property and/or licensing matters preferred; prior in-house experience a plus. We are an Equal Opportunity/Affirmative Action employer. Please apply at http://company.wizards.com/about/careers.

**Mid-sized downtown Seattle law firm** seeks an attorney with at least three years of real estate transactional experience. Candidates should have superior academic credentials, excellent written and verbal communication skills, and current WSBA membership. We offer competitive salary, friendly people, and a wonderful working environment. Check us out at www.cairncross.com. EOE. Send cover letter, résumé, and law school transcript to: Human Resources Director, Cairncross & Hempelmann, PS., 524 Second Ave., Ste. 500, Seattle, WA 98104-2323; email: slavin@cairncross.com; fax: 206-587-2308.

**Smith Freed & Eberhard** is seeking to add an attorney with a minimum of three years of business/employment litigation experience. Candidates must have the desire and drive to build a reputation as one of the best litigation attorneys in the northwest. This position requires an individual to display a professional, outgoing, motivated, and determined demeanor. They will be joining our team of elite litigators at the firm’s downtown Seattle office. This candidate will have the opportunity to gain the skills needed to become a top-notch attorney in the northwest legal community through developing expertise in taking depositions, writing motions, making court appearances, working directly with clients, and supervising legal staff. Excellent academic credentials — top 1/3 of class is a requirement — and strong writing and researching skills are required. If you are hard-working, have great people skills, and are looking to work in a supportive yet challenging environment, please contact us. We are looking for candidates that want to be known as one of the best litigators in the northwest. If you believe this is you, please submit your résumé, law school transcripts, and anything else that demonstrates you are the right person for this position to Jessica Wilson: jwilson@smithfreed.com.

**Chmelik Sitkin & Davis** is a well-established business, municipal, real estate, and land use firm in Bellingham. We represent a wide variety of business clients, port districts, fire districts, cities, and other municipal governments throughout northwest Washington. We are seeking an attorney with at least three years of experience in litigation and the desire to develop other practice areas. The ideal candidate will have demonstrated success in law school, solid experience, and the desire to work in a colle-
The firm provides a competitive salary and excellent benefits in an ideal location with an opportunity to participate in a successful practice. Please send a résumé, references, and a cover letter to Chmelik Sitkin & Davis PS., Attn: Hiring Coordinator, 1500 Railroad Ave., Bellingham, WA 98225.

Corporate counsel — Bellevue, WA:

PACCAR Inc. is a $16 billion diversified, multinational company specializing in the design, manufacture, and customer support of high-quality light-, medium-, and heavy-duty trucks under the Kenworth, Peterbilt, and DAF nameplates. It also provides financial services and information technology and distributes truck parts related to its principal business. The company operates manufacturing facilities in Australia, Brazil, Belgium, Canada, Mexico, the Netherlands, the United Kingdom, and the United States. The corporate counsel reports to the vice president and general counsel. Primary responsibilities include the selection and management of outside counsel related to the defense of product liability and asbestos cases and claims. The corporate counsel will also provide legal advice concerning compliance with the Federal Motor Vehicle Safety Standards and associated regulations, advertising and marketing, and other business issues. The ideal candidate has a minimum of eight years of legal experience and must possess a high energy level and superb written and verbal communication skills. Excellent technical skills, attention to detail, and sound judgment are a must. The successful candidate will have a strong work ethic and a passion for understanding PACCAR’s business and contributing to its strategy and accomplishments. PACCAR Inc. offers a competitive salary, bonus potential, excellent benefits, and the opportunity to maximize your skills with an industry leader. For confidential consideration, please send résumé with salary history to: corp_jobs@paccar.com or PACCAR Inc., Attn: Corporate Human Resources, PO. Box 1518, Bellevue, WA 98009 Visit our website at www.paccar.com. PACCAR Inc. is an Equal Opportunity Employer.

Foley & Mansfield, a professional limited liability partnership, is a national law firm with more than 130 attorneys in offices from coast to coast. We provide legal expertise, creative solutions, and extensive trial experience for large corporations, small businesses, and individuals. We are seeking an attorney with a minimum of seven years’ experience with an emphasis on mass tort litigation preferred along with outstanding academic credentials to join our litigation practice. The successful candidate must be an active member of the Washington State Bar Association. In return for your talents, we offer a competitive salary and benefits package which includes flexible benefits for health care and dental, life, long and short term disability, 401(k), profit sharing, professional learning and development, balance of life/work environment, and more. As an Equal Opportunity Employer, Foley & Mansfield PLLP unites the talents and contributions of all. We encourage qualified minorities, women, people with disabilities, and military veterans to apply. Contact Carol Johnson, human resources manager, at cjohnson@foleymansfield.com.

Gordon & Rees LLP, a national firm of 500+ attorneys in 26 offices, seeks to expand the employment law group in its growing Seattle office. We are looking for an employment associate with a minimum of three years of experience. Admission to Oregon Bar a plus. Friendly business environment with competitive salary and benefits package. Please email résumé and cover letter to searecruiting@gordonrees.com. Gordon & Rees LLP is an Equal Opportunity Employer.

Smith & Hennessey PLLC, a well-respected litigation law firm, seeks attorney with a minimum of three years’ experience with proven ability and relevant work experience to support an active civil trial practice. The primary responsibilities of the position initially are research and writing on an hourly as-needed basis. Excellent academic and professional credentials are desired. Please send cover letter, résumé, references, and writing sample to: employment@smithhennessey.com.

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Nervous Service

Y
eyears ago, I walked into one of our law firm’s conference rooms to interview a potential new client I’ll call Alice. From the paperwork she filled out, I saw that Alice had been shopping at a mini-mart when someone in the store’s parking lot had trouble distinguishing between the accelerator and brake pedal of his car and slammed into the building. In some fashion, the incident had injured Alice’s spine.

My legal assistant and I greeted Alice, a pleasant enough retirement-age woman who was glad to answer our questions. Had she been struck by the vehicle? Well, no. Although it had damaged the wall, it hadn’t entered the building. But the impact did knock over shelves, scattering merchandise throughout the front of the store, Alice explained. So, she was thrown to the ground? Struck by debris? Not quite. Shocked by the impact, she reflexively bent at the waist to protect herself. That tweaked something in her spine — a spine which, she readily acknowledged, was already weakened by a chronic degenerative condition.

One thing about a new-client interview in a plaintiff’s personal injury claim is that you have about 30 seconds at the beginning to fantasize that this is the case that will allow you to quit practicing law and move to the Riviera, or at least open a trendy little winery in Walla Walla, or something. But I hadn’t even had time to mentally design the Heatherly Cellars Cabernet Sauvignon label before Alice burst my bubble with her underwhelming claim for damages.

To her credit, Alice wasn’t trying to cash in on her apparently modest injury. To the contrary, she didn’t seem much interested in talking about her injury at all. After a few minutes, we learned why. Alice wasn’t mainly concerned about herself. What she was worried about was her dog.

Wait, what? Her dog? Yes, her dog, whom I’ll call Skippy (not because I feel obligated to protect his privacy, but because I don’t remember his name). Alice explained that Skippy was her “service dog.” I put that in quotation marks because as best I could ascertain, Skippy was not a professionally trained, officially certified service dog — you know, the kind that open doors, summon emergency help, etc. for people with disabilities. Instead, it sounded like Skippy was more of a slightly upgraded pet, who would do things like retrieve items off store shelves that were too low for Alice to stoop to with her bad back.

Alice explained that Skippy was with her when the accident occurred. Now I get it, I thought. Poor noble Skippy, in the course of his selfless duty, was flattened by the crashing shelves and debris. I wasn’t sure whether that was even legally compensable, but it had a certain emotional appeal. But no, that wasn’t what happened, Alice said. Skippy escaped without physical injury. However, she added dramatically, the experience left him with severe psychological trauma.

Those of you who regularly read this column know that some of my best friends over the years have been dogs. I’m down with the doggie PTSD. I get it. I mean, dogs have been known to run away from home for good after being startled by Fourth of July fireworks. Courageous military and police dogs have been forced into retirement after being emotionally traumatized by explosions and gunfire. But I was skeptical that a mini-mart’s insurance carrier would be open-minded about such things. And I wasn’t sure how we would prove the case to a jury. This was before Dog Whisperer was on TV, and I didn’t know whether we could find a canine psychologist, let alone put one on the witness stand.

But Alice went on about how Skippy had become a whole different dog after the mini-mart tragedy. Normally sedate, he had become restless, she said. He was unable to sleep soundly and became startled at the slightest noise. Even a trivial change in his routine irritated him and made him visibly nervous. He lost interest in play and spent much of his time pacing around the house, she said.

I was about halfway convinced to take Skippy’s case when I heard an unexpected sound in the conference room. It was definitely a sigh, but it hadn’t come from me, my legal assistant, or Alice. A second later, I heard the noise again and felt the conference table jiggle. I immediately realized what was happening. I didn’t need to look. Anxiety-ridden, insomniac Skippy had been napping soundly under Alice’s end of the table for 20 minutes or so without my noticing a thing. Our dog-friendly receptionist probably hadn’t even batted an eye when Alice arrived with her “service dog.”

“Alice,” I said. “I really think this case is over my head. There are lawyers who focus on this kind of thing, animal-related law. I strongly recommend that you talk to one of them.” I gave her the name and number of a lawyer in town who actually is one of the top animal-law practitioners in the state. I don’t know whether she ever contacted him. But I don’t recall hearing about the case again.

This happened long enough ago that I doubt Alice or Skippy are still with us. If that’s the case, I just hope they’re enjoying themselves, blissfully cruising the aisles of the big, safe mini-mart in the sky.

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