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

Quickly updating our article on state immigration legislation (“A System Broken: Making Sense of Immigration Status, Enforcement, and Immigration Reform,” August 2010 Bar News), not surprisingly most of the key parts of the Arizona law were enjoined on July 28, 2010, by the U.S. District Court. Judge Sandra Bolton granted in part the United States’ motion for preliminary injunction against SB 1070, finding provisions of the Arizona law preempted by federal law because they impose an undue burden on federal resources and on lawfully-present aliens. The decision relied on two grounds. First, that the number of requests for determination of immigration status likely to result from the Arizona law’s mandate for checking the immigration status of any arrested person will divert resources from the federal government’s other responsibilities and priorities. Second, the Arizona law unduly burdens aliens lawfully in the U.S., both by being confronted with the requirement to show papers at the point of contact with law enforcement, and the inevitable delay and increased detention they would experience until their immigration status was determined. The court specifically noted that our federal government has long rejected an inquisitorial system where aliens’ papers are routinely demanded, in part to maintain international relationships, protect American citizens abroad, and ensure uniform national foreign policy.

Despite its flaws, the Arizona law continues to enjoy widespread popular support in recent polls. At least 17 other states have now introduced Arizona-style legislation. The impact on this state-level trend of the court’s decision is uncertain, but it does increase the pressure on Congress to fix a broken immigration system.

Steve Miller and Sarah Kerngard

The melting pot boils over

“...and 1921 before our country first instituted any type of numerical restrictions on immigration” (“A System Broken: Making Sense of Immigration Status, Enforcement, and Immigration Reform,” August 2010 Bar News). The assertion that the United States is “a nation of immigrants” is just one of many red herrings tossed about by both sides of the immigration debate. That debate is not taking place in 1875 or in 1921; the debate is occurring in 2010. The nation no longer has the absorptive capacity it used to have.

Population growth is just another form of “borrowing” from future generations. We fuel the economic engine today by growing our population and then let future generations deal with the resultant problems of pollution and insufficient resources. A nation whose very security is threatened by its dependence on foreign oil cannot afford to import more people to demand and consume more oil. The country and its policymakers must be ever cognizant of the need to control the size of our population when designing immigration policy.

One U.S. senator, in her apparently standardized written response to immigration inquiries, writes “[a]t the same time, immigration reform must provide a responsible path for immigrants to become citizens so they can realize the American dream ...” She obviously fails miserably to understand that times have changed, that we can no longer afford to be “a nation of immigrants,” that no foreigner has a right to immigrate to this country. Immigration policy must be crafted to suit the needs of the 21st century United States as a nation, not the needs of foreigners or of individual citizens.

William R. Clarke, Richland

Presidential politics?

While I am not a new lawyer, I am a fairly new member of the WSBA. After I started receiving and reading the Bar News as a new WSBA member, one of the first things I noticed was that WSBA President Salvador Mungia feels free to use the WSBA to push his political ideology. I do not begrudge Mr. Mungia his political liberty, but I do resent that he uses my bar dues money to politicize the WSBA.

The WSBA is supposed to be a professional association, focused on promoting the competency and policing the integrity of its member attorneys. Unfortunately, the WSBA under Mr. Mungia, like many other bar associations in recent years, starts to look too much like an affiliate of moveon.org or the Huffington Post. For example, here in the Portland area, right after the election of Barack Obama, the president of the Multnomah Bar Association turned over his monthly newsletter column to his
college-age daughter who used the column to engage in hyper-partisan exultation about the great new utopia about to be ushered in by our new messianic president. (19 months later, I’m still waiting for some sign of that promised utopia.)

Please, Mr. Mungia, remember you are president of the Washington State Bar Association, not the Washington State Liberal and Democrat Party Lawyers Association.

Anthonie H. Woller, Beaverton, Oregon

How is the President of the WSBA able to use the pages of the Bar News to promote his political views? As stated, these views are not based on any legal analysis. The current federal litigation in Arizona does not allege any element of discrimination in its complaint. The complaint is based on pre-emption, not discrimination. Any lawyer would understand there is no basis for a discrimination charge unless there is a factual basis in an enforcement action. Obviously this cannot take place until the statute is effective (end of July). The sponsors of the legislation are very open in their motives — to force the federal government to enfore its own legislation. President Mungia would be much more productive by encouraging an overall federal legislative solution to the immigration issue. President Mungia — please use another forum for your political views.

Richard Hames, Richland

WSBA President Salvador Mungia Responds:
To Mr. Woller and Mr. Hames: The topics of my President’s columns this year consisted of court funding, access to justice, use of justice system resources, promoting diversity, the rule of law, and giving advice to a student on steps to take to become an attorney — these topics were not promoting my political ideologies but instead are all topics that concern all our members. You both contend that my July column expressed my partisan political beliefs. You are reading something into the column that did not exist. As I point out in my responses to the August Letters to the Editor, many Republicans and Democrats have voiced their opposition and criticism of SB 1070. My column addressed SB 1070 from a rule of law point of view — a subject to which our profession should express its interest.

We all want to change the world

Salvador Mungia says he wants “revolution.” Change in society should come from the voters at uncorrupted secret ballot elections, not from directives issued by courts or from “revolution.” He pressures judges and lawyers to contribute to the Legal Foundation of Washington, which channels money to Columbia Legal Services, which conducts political litigation. Judges are supposed to be impartial and independent. It says so in the Code of Judicial Conduct. Judges are not impartial and have a conflict of interest when they contribute directly or indirectly to a political organization which appears in their courts, and the conflict is worse if they do it collectively. Try to imagine being a defendant sued by Columbia Legal Services in a forum where all or most of the judges contribute their own money, albeit indirectly, to Columbia Legal Services.

If the Washington Association for Justice (contingency fee plaintiff lawyers) want to improve justice, they should stoutly support the right of corporations and others that sue to a jury trial. If Mr. Mungia wants to improve society, he could invite the Federalist Society or equivalent to lunch and listen to their interests. He could encourage students to challenge their professors. He could be a teacher’s assistant in a third grade class in Tacoma. I could do that too.

Roger B. Ley, Astoria, Oregon

86 SB 1070!

The Latina/o Bar Association of Washington (LBAW) concurs with the sentiment and logic of President Sal Mungia’s article, “Dangerous Words” (President’s Corner, July 2010 Bar News). LBAW urges the Board of Governors to take a stand and oppose Arizona’s SB 1070. We should all be strongly opposed to this newly enacted legislation. It is an unconstitutional and costly measure that jeopardizes the public safety of everyone in the state, even those who are just visiting. It violates the civil rights of all Arizonans, regardless of their immigration status. Instead of promoting effective and fair approaches to enforcement of our nation’s immigration laws, it perpetuates a climate of fear and hatred against Latinos and people of color.

The ABA has long opposed these types of initiatives and recently issued a statement which states, in part:

The recently signed immigration law in Arizona runs contrary to the fundamental tenets of our Constitution relative to equal protection and due process. This draconian, and likely unconstitutional, law threatens to reverse nearly 50 years of civil rights advancements in our nation. It is, quite simply put, a law based on prejudice and fear, one whose purpose is to be divisive.

When justice for anyone in America
is threatened, it diminishes us all as a free people.

(See www.abanow.org/2010/04/statement-of-aba-president-lamm-re-recently-enacted-arizona-immigration-law.)

Like the ABA, the WSBA should take a stand against anti-immigrant legislation. Thank you, Sal Mungia, for confronting this issue and encouraging our bar leaders to oppose such misguided and divisive legislation.

Patricia Lally, president, Latina/o Bar Association of Washington

On behalf of the Northwest Immigrant Rights Project (NWIRP), I am writing to commend President Salvador Mungia for his column “Dangerous Words” in the July 2010 issue of the Bar News.

President Mungia is right to speak forcefully against the legislation known as “SB 1070” recently enacted by the State of Arizona. As President Mungia points out, this legislation is contrary to fundamental constitutional values: in practical terms, it mandates that law enforcement officers in Arizona engage in racial profiling as there is no other plausible explanation for how they may find “reasonable suspicion” that someone is present in the country without authorization. But it is important to emphasize that SB 1070 is also terrible public policy. Any policy that requires or even encourages local law enforcement officers to engage in the enforcement of the federal immigration laws will only serve to undermine community safety by making it even less likely that immigrants and refugees will have the confidence and courage to report crimes and cooperate as witnesses, either because they themselves lack immigration status or because their family members or friends do. Therefore, while the supporters of SB 1070 argue that this legislation is needed to promote community safety, it is virtually certain that the law will actually lead to higher crime rates.

NWIRP also agrees with President Mungia that it is critically important for WSBA and other entities outside of Arizona to speak loudly against SB 1070. We urge the Board of Governors to heed President Mungia’s call.

Jorge L. Barón, executive director, NWIRP
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we all love “firsts.” First time you watch your kid leave for school, first time you set foot in a different country, oh, and of course, the first kiss — all are novel, exciting. Of course, first person in space, first woman to serve on the U.S. Supreme Court, first heart transplant — all get front-page, above-the-fold treatment. “Firsts” are paraded down Main Street, bands playing loudly and streets lined with crowds shouting their praises. “Lasts,” however, get the same recognition as the street-sweeper gets after the parade has passed by: last kid born in the year gets the standard one-line notice buried in the paper, no one recalls who the last person was who walked on the moon, and the last T-ball game your youngster plays in doesn’t quite receive the same attention as the first.

I like “firsts” as much as anyone else. But there is something about “lasts” that, for me, have more weight, more substance, than firsts. While they don’t break new ground, they do mark the end, not only of the proverbial chapter, but often, the book itself. But lasts are difficult to spot, much less appreciate and relish. Maybe it’s because “lasts” are more subtle, more elusive. They sneak up on us because we expect more — we expect to see our parents in their usual good state of health — and alive. We expect to be in good health ourselves. We look forward to the day our children are out of diapers without acknowledging that there is something about changing diapers that makes the bond between parent and child deeper than the Mariana Trench. And so we don’t even notice, much less appreciate, that last diaper we change. We never give a thought to the fact that after we toss the baseball with our kid that that might be the last time that ever happens — for any number of reasons. We always want more. We always expect more. For the most part, we don’t acknowledge that, at any time, something could be a last.

Only if we are lucky do we recognize that something is (or may be) a “last.” Only if we are lucky that do we let that last moment soak in, feel the emotions, and let that memory get safely stored. When that happens, it’s magic.

Magic happened 12 years ago when Kyra, then age seven, and I were leaving Camp Seymour at the end of a YMCA Y-Guides weekend. Kyra and I had spent three years in Y-Guides, which in turn meant six weekends at Camp Seymour. As we were leaving camp, I told Kyra that this would be the last time that we would be here together. She replied that that was okay, that she would be going to camp with her friends in the future and I would be here next year with Nicholas. She didn’t, nor could she, appreciate that a chapter for us was ending. I could — and did. Never again would Kyra and I go off to a camp, make crafts using old cut slices of branches, shoot BB rifles, use bows and arrows, and, at the end of the day, sit together around a campfire with other parents and children, singing songs and acting in the types of skits that only parents and young children can both think are funny. I knew Kyra and I would never again share camp experiences together. I can still feel Kyra’s seven-year-old hand in mine as we left camp that morning, us walking up the path, sun shining, and me thinking “I am the luckiest guy in the world.” And I was. And I was lucky that I realized that that was a last.

That same magic struck eleven years later. Last year, I drove Kyra off to college. We spent seven days together driving across the
country — best trip of my life. I was lucky. We both liked the same kind of music and we both liked it loud. We both liked driving with the windows down, wind whipping our hair (okay, more her hair — mine is pretty short) — even in 90 degree-plus temperatures. We were both willing to let ourselves go, singing and dancing (yes, “seat-dancing” in a car can be done), and, at the end of each day, posting photos and video clips on Facebook to share with friends and family. When we arrived at our destination, Providence, R.I., we ended the day just like the prior ones, talking, just the two of us, in our hotel room before going through our usual nightly ritual of saying, “I love you,” the other person saying, “I love you more,” with the first person saying, “I love you the most.”

The next day, I helped Kyra move into her new dorm room. That evening, I joined her for the pre-orientation dinner with the other students and their parents, and then we returned to her room. I had expected us to say our goodbyes the next morning when I’d fly back home. That’s when I’d expected that the reality of her going to college would hit me. But that “last” snuck up on me that night like an Ali left hook. She had a meeting to attend that was across the campus. As we left her dorm, she said she would see me the next morning and then began walking off as if she had left her dorm a thousand times before. I stood there watching her go. My heart was breaking — I realized that this was another last. In fact, two “lasts.” Never again will Kyra and I take that type of road trip. While theoretically it could happen, I know it won’t. Those opportunities happen only once in a lifetime. The second “last” was the fact that no longer would she be a regular part of our household. Oh, she’ll come home for holidays and summer break, but those visits will be just that, “visits.” The quotidien events of the family unit with Kyra, with its ups and downs, triumphs and setbacks, laughter and sadness of a pre-adult Kyra, will not be repeated. So I stood there and took it in — that “last” as I watched her image fade as she walked into the darkness. Then I went back to my hotel room. I’ve never been in an emptier room in my life. And I cried.

I share these memories with you for two reasons.

First, I want to remind us all to recognize that “lasts” are out there and you just never know when most of them are going to happen. You never know whether a case you try, by yourself or with a partner or a colleague, will be the last. You may not know that the judicial or bar conference you attend, where you heartily connect with your colleagues, would be the last. You may not know that the day in the office would be destined to be your last one. For some of us, there will come a day when something suddenly happens to our bodies and we can no longer physically perform as we had expected to be able. For some of us, the one tool that we must have to practice our craft, our minds, may suddenly fail us as well. Appreciate life and savor as much of it as you can. Don’t let those “lasts” go unnoticed, unappreciated.

Second, I’m writing about “lasts” because this is my last column to you. This will be the last issue of the Bar News where I am the president of the WSBA. On September 24, 2010, at the WSBA annual banquet, I will say for the last time that I am the president of the Washington State Bar Association. I truly loved being president of our Association. I truly love being a lawyer. I am the luckiest guy in the world. Even as I write this I am savoring this past year, and savoring that I have the opportunity to write this final column. As I write, I am, with much care, putting these thoughts into my memory vault. Another “last.”

WSBA President Salvador Mungia can be reached at smungia@gth-law.com.

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WSBA Lawyers Assistance Program Director
Barbara Harper completes 23 years of visionary service

Barbara Harper has been with the WSBA since the inception of the Lawyers Assistance Program (LAP) in 1987. When she retires this month after 23 years of dedicated service to this organization, its members, and the public, the impact she has made on so many people and programs will continue to inspire and inform us as we move forward.

Consistent with the vision that Barbara has brought during the last 23 years, the services available to members through the Lawyer Services Department have expanded beyond those provided by the original LAP program to include the Ethics Line, the Law Office Management Assistance Program (LOMAP), and the Lawyer-to-Lawyer mentoring program. Barbara has authored numerous articles and presented trainings on a variety of topics, including stress management for lawyers and judges, and the effects on the legal profession caused by lawyer depression, personality disorders, and addictions. Helping members to build and maintain a successful legal career has been the driving force behind the development of all these programs, and her writings, and countless members’ lives and careers have been affected over the years.

Not only a leader here in Washington state, Barbara’s influence has extended well beyond our borders to have an impact on the national level as well. It is widely known that Barbara is a resource turned to in both the local and national arenas. Barbara is a charter member of the ABA Commission on Lawyer Assistance Programs (CoLAP) and has sat on or led numerous ABA entities and efforts over the years.

Reflective of this national stature, the WSBA LAP received the Outstanding Leadership Award from CoLAP in 2007 for its “superior leadership and dedication to the health and well-being of lawyers.” In 2009, Barbara was awarded the CoLAP’s Distinguished Service Award at the Annual Conference Dinner of the 22nd National Conference for Lawyer Assistance Programs. This is CoLAP’s highest honor, and it is only the second time in CoLAP’s 22-year history that it has presented the award. In presenting the award, CoLAP prepared us well. It is difficult to find the words to say goodbye and thank you to someone who has been so influential, dedicated, and a mainstay in our organization and her field without sounding clichéd. I suspect in retirement, Barbara will continue to touch many lives, and I look forward to learning how her talents will continue to influence. I will miss her graceful and gentle style and her ability to listen closely and bring a perspective to the table that so often may be missing. Thank you, Barbara, and best of luck as you embark on this next chapter of your life.

Paula Littlewood is the WSBA executive director and can be reached at paulal@wsba.org.
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Remember when a WSBA CLE meant scribbling notes with a leaky give-away pen in a windowless hotel banquet room? Remember missing half the presentation because the audio from the five-watt sound system reached only the first three rows? Remember ending the day with cheap-chair sciatica and a headache from trying to make out the images from a dim projector? Well, those days are over.

WSBA Continuing Legal Education has taken a dramatic step forward with its own state-of-the-art seminar and webcasting facility. The 5,700-square-foot conference center and studio opened recently at Century Square, just over a block away from the WSBA offices in downtown Seattle. The space will be the site for at least 50 full-day CLEs annually as well as numerous shorter programs, according to WSBA-CLE Director Mark Sideman.

Opening Doors to Enhanced Legal Education

The New WSBA CLE Conference Center Is State-of-the-Art

by Michael Heatherly
Sideman had nurtured the project’s concept for years with the support of the WSBA CLE Committee. In 2009, the Board of Governors endorsed the idea by unanimously approving leasing the facility site and construction of the actual seminar space as part of an upgrade to the entire CLE program. A key to the approval was that construction was paid for by WSBA-CLE reserves, approximately $250,000, with the balance paid for by the property owner in tenant improvements, approximately $200,000. Operations are being financed solely through WSBA-CLE revenues. (WSBA-CLE is self-supporting, unsubsidized by WSBA member license fees.) Sideman and Deputy Director for Finance and Administration Julie Mass also convinced the Board that having its own facility would help WSBA-CLE compete with the numerous other CLE providers in the industry and, most importantly to WSBA-CLE, help serve Bar members throughout the world better with the capability to webcast programs.

WSBA-CLE leased the space at Century Square because the existing WSBA office location had no space for such a facility. The lease runs for five years. Thanks to an excess of available commercial space in Seattle these days, the lease is at a significantly lower rate than would have been possible a couple of years ago. Having its own facility rather than renting space in hotels and conference centers as in the past is more economical in general, Sideman says. Besides having to pay the ever-increasing rates for rented rooms, WSBA-CLE has to cover the additional fees for refreshments (e.g., at some sites a gallon of coffee can cost $70, not counting taxes) and use of equipment. In contrast, the new facility is entirely self-contained. WSBA expects to save in the neighborhood of $20,000 per year on CLE operations by going in-house.

Having its own facility also lets WSBA-CLE fully control scheduling of its events rather than being subject to the availability of external venues, which typically required two or three months’ lead time to secure. For example, WSBA-CLE now can quickly schedule programs dealing with fast-developing subjects, such as new legislation. Having its own facility also allows WSBA-CLE to more cost-effectively run smaller seminars, those produced for 20–40 attendees. Meanwhile, the facility will enable development of new types of programming, such as “web-only” events.

The more economical system also helps WSBA-CLE carry out specific educational mandates of the Bar, Sideman notes. For example, a principal focus of the New Lawyer Education requirement is skills-based programming that is free or low-cost. Having its own facility provides WSBA-CLE the space in which to develop this programming without having to generate revenue to pay for an outside venue. Because WSBA-CLE is self-supporting, there is no “free lunch programming,” Sideman points out. But the new facility allows WSBA-CLE to maximize its overall business plan to support its educational mandates.

During a program, the new facility can simultaneously serve as a 145-seat presentation space for the in-person audience and a broadcast studio for those participating “virtually” via webcast. Although not all seminars are webcast now, the vast majority will be eventually. Accordingly, the design of the space borrows from both studio television and live theater production technology. The facility has broadcast-television grade audio and video equipment, including two floor-standing JVC cameras upgraded with studio-environment lenses, as well as a ceiling-mounted Panasonic camera controlled remotely and capable of a 360-degree capture of the main floor.

The sound system is designed specifically to serve the dual in-house and online audiences. Once the microphones are plugged in for an event, the sound system is completely automated and programmed to “learn” the particular sound profile of the presentations being given. The audio reso-
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Due Process Requires Ex Parte Notice, Even in Family Law Matters

BY VIRGINIA LEEN

If you represent men in family law matters in Washington, it is common to have a client come into the office with a stack of papers — the first one being a court order already signed by a judge, kicking your client out of the family house, limiting or completely restricting time with his children, and ordering payment of bills and support. The orders contain a date to return to court approximately two weeks later so that he can present his side of the story. In almost every case like this I have seen, the man was given absolutely no prior notice that the ex parte orders were being sought, and given 20 minutes to gather his wits and personal property. After practicing family law in Los Angeles County for seven years prior to moving to Washington, I was shocked by this.

The U.S. Constitution provides that the state shall not deprive a person of life, liberty, or property without due process of the law, which has been defined by the Fifth and Fourteenth Amendments as, at a minimum, notice and an opportunity to be heard. This was drilled into our heads in law school. In theory, RCW 26.10.115 requires notice of an ex parte hearing unless there is a finding that “irreparable injury” would occur if advance notice were given. The King County Local Rules, LFR 8(b) states: “Notice of Motion. The party asking for an Ex Parte Restraining Order (the moving party) shall give prior written or oral notice to the attorney for the opposing party or, if unrepresented, to the opposing party. The moving party or attorney shall certify to the court in writing the efforts which have been made to give notice to the opposing party. Such notice is required in all cases unless the moving party clearly shows by sworn declaration that immediate injury, loss or damage will result if notice is given.” It would be difficult to argue that this means anything but physical harm, and hard to imagine an economic injury that would be “irreparable.” However, family law attorneys routinely appear in the ex parte departments and obtain restraining orders without notice, proffering nothing more than a flimsy reason why no notice was given. In one case of mine, the wife’s moving papers didn’t even attempt to allege physical harm as the reason for no notice. The attorney stated only that the husband might cancel health insurance if he had notice of the hearing! The Pierce County commissioner who granted the order must have thought this was good enough.

I am not trying to suggest that interim orders pending a hearing are not appropriate...
the instigator, and the loss of power and control of the recipient, who must spend at least two weeks without records, checkbooks, computer and other home-office equipment, and tools. I consider this a substantial loss of liberty and property, sufficient to trigger the due-process clause of the Fifth and Fourteenth Amendments.

The ugly truth is that getting hit with divorce papers and then having no guidelines to live by for the next two weeks makes for an awkward home life during that time. Getting these *ex parte* orders in advance of the first hearing allows attorneys to give their clients peace of mind, if they are the one making the first strike, of course. I assume that this is how and why the custom arose and why it is tolerated. However, as a family law attorney, I can attest to the emotional harm, animosity, and distrust created by this sort of power play, which is the only way it can be described. As attorneys, we should all be concerned with the erosion of the system caused by the disparity in the amount of evidence required by different judges and commissioners and the disparity of results based on the gender of the moving party.

When I practiced in Los Angeles County, the courts were strict about the notice requirements and demanded a very good reason why an attorney could not give at least a few hours’ advance notice of the *ex parte* hearing. The relevant statute requires notice by noon the court day prior, whenever possible, and that must also be established by evidence. I saw many attorneys ordered into the hallway to call the opposing party, under the basis that justice required it, absent a very good cause. As a new attorney, I once failed to give notice, alleging fear of physical harm to my client, where there had been no actual prior acts of domestic violence. The presiding judge took the time to gently explain to me why notice was so important. He felt that if he could get the other party into the court and “look him in the eyes” as he explained the orders, he rarely saw those people back in court because of any violations, pending the next hearing. Furthermore, if a party is permitted an opportunity to appear in the first *ex parte* hearing, he or she can request visitation with the children, and any other incidentals that can be handled, such as obtaining necessary work equipment. Otherwise, as commonly occurs here, the restrained party needs to come back in to court once more prior to the main hearing and request these things. This is a large waste of judicial resources and attorneys’ fees that could have been avoided by giving the other side a chance to appear in the first place.

It’s a stretch to think that most people could do much harm in the few hours between the time they get notice and the actual hearing. However, if they did, they would face sanctions and be liable for any damages very shortly thereafter. Likewise, do we really think it fair to presume that a person, given a few hours of notice, would cause physical harm to his or her spouse, but then, once served with the restraining orders, would suddenly no longer be a threat? That is what you must presume to justify violating that person’s due-process rights.

It seems that a bad habit has evolved, and it needs to be examined. Our statutes require prior notice of any *ex parte* hearing. Inconvenience, awkwardness, and the strategizing of sharp-shooting attorneys should not abridge the law, and place the burden and cost of correcting the violation on the wronged parties. The court needs to police itself for this type of violation. The Constitution requires it.

Virginia Leen has practiced family law in California and Washington since 1996. She attended Loyola Law School in Los Angeles. She can be reached at virginialeen@gmail.com.
In Defense of Dithering Nincompoops

BY MICHAEL J. BOND

On more than one occasion in my 57 years of being a guy with opinions, I am sure that somebody thought of me as a nincompoop, other than my wife and children, of course. Indeed, far less charitable labels were cast my way in 2008 when I got it in my head that I should be a justice on our Washington Supreme Court. But a recent decision of our Court shows that nincompoops are in sorry need of an advocate. I am ready to serve.

Nincompoops — “dithering” (indecisive) nincompoops, specifically — made an appearance in State v. Jaime, No. 82008-2 decided by the Supreme Court on May 27, 2010. The issue in the case was whether the trial of a man accused of murder should have been conducted in the jailhouse, which was across the street from the Yakima County Courthouse. I know from several appearances in the Yakima County Courthouse that while it is not an architectural beauty, it is a serviceable and dignified place in which justice is administered. But in Mr. Jaime’s case, the prosecution thought the defendant was such a dangerous man and the risk of escape or violence or other untoward event was so large that it would be better if the trial were conducted not where trials of those accused of crimes usually take place in the county courthouse, but instead in the jailhouse across the street. And the trial judge agreed, over the vigorous objection of Mr. Jaime’s lawyers.

Mr. Jaime’s lawyers argued, not unreasonably it seems to me, that conducting the trial in the jailhouse would have a negative impact on the presumption of innocence, which is, of course, said to be a bedrock foundation of our democracy. (Setting aside for the purposes of my point here that one might query whether the presumption of innocence is more fiction than fact, in view of the way some minorities and all air travelers are treated.) Mr. Jaime was convicted of murder, and the Supreme Court reversed, holding that conducting a trial in the jailhouse would be expected to have an impact on the presumption of innocence and was, therefore, a denial of due process.

Justices Mary Fairhurst, Barbara Madsen, and James Johnson dissented, and Justice Johnson’s opinion introduced us to dithering nincompoops.

Justice Johnson’s point was that jurors are smart enough to know that the presumption of innocence is not, should not, and will not be affected by the location of the trial, and he rallied behind the well-known intelligence and wisdom of the ordinary juror. He said, “[O]ur system of laws depends upon the assumption that jurors are intelligent,” and he quoted the opinion of a California court:


Now, I am one of the biggest advocates of the common sense of the common man and woman, but I also know from many jury trials in 30-plus years of trial practice that jurors can be dithering nincompoops who reside in never-never land and are exposed to the harsh realities of life for the first time in the jury box. Sometimes they are very intelligent and sometimes they can barely read; sometimes they follow all events and sometimes they know nothing about life; sometimes they are of our community and sometimes they live in a never-never land. In fact, I met some folks from never-never land in the 36th Legislative District during my campaign.

So, I say let’s not pretend the dithering nincompoops are not out there. To paraphrase that wise philosopher, Pogo, I have met him and her and he and she are us.

Michael J. Bond graduated from Gonzaga University School of Law and completed an LLM in Sustainable International Development at the University of Washington School of Law. He has 30-plus years of trial, appellate, and arbitration practice. Since 1997, he has been a partner at Gardner Bond Trabolsi PLLC in Seattle. He can be reached at mbond@gardnerbond.com.
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Rob Dugoni's first novel, became a "New York Times" bestseller. He has since completed three others — "Damage Control," "Wrongful Death," and "Bodily Harm" — cranking out one a year. The novel is billed as a legal thriller, but it’s not. The good guy happens to be a lawyer, so the book begins and ends with a courtroom scene. In between is either a compelling, fast-paced page-turner of a political thriller or a disorienting kaleidoscope of gratuitous violence, depending on your fondness for the genre.

As in most of Dugoni’s work, the good guys walk on water and the bad guys are dripping with evil. The plot evolves in a windowless 8' x 8' office in Pioneer Square. And some of the dramatic descriptive passages in the novel missed their mark in painting the scene, evoking instead a persistent image of the budding author thumping his cluttered desk and muttering, "God, that’s good."

Many people really liked this book, though, and the editing cleans up once the explosions start. If you like good guy versus bad guy government-agent action against a backdrop of an unfolding decades-old international mystery, this is a pretty good one.

Bellevue attorney Jordan McCabe can be reached at jordan.mccabe@yahoo.com. She is a member of the WSBA Editorial Advisory Committee.

The Legal Limit
by Martin Clark
Vintage, a division of Random House, New York (2009), 416 pages

Reviewed by Tina Bondy

Rivers of consequences take us for a wild ride through this engaging legal thriller, "The Legal Limit" by Martin Clark. The novel begins sharply with a small-town murder and moves quickly through a lifetime of decisions, big and small, that flow from that event. We are taken along to witness the often tragic and astonishing costs of those decisions. Two small-town brothers raised under the fists of a brutal, violent father choose two distinct paths: Mason, the younger, making his way out of the small town onto bigger and better things, becoming a star lawyer in the "big city" of Richmond; the older, Gates, making his way from one job to the next, never leaving the small town or his mama’s house, instead content to coast upon his past reputation as a local football star. When a drug and alcohol-fueled altercation between Gates and a "suitor" of Gates’s girlfriend turns deadly in the middle of a deserted highway with no other witnesses, Mason’s split-second decision to protect his brother, crafting an alibi and justification for what happened, shows that truth and fiction rarely exist to the exclusion of the other. When Gates goes to prison a few years later on an unrelated charge, he spends years cajoling, then threatening his brother to work the system to get him released early. Clark spends plenty of time eroding the brotherly bond between Gates and Mason. From their younger days when Gates protected Mason from their father, to the role reversal, where both expect Mason to now protect Gates from taking responsibility for his actions, and on further to Gates’s prison years when he becomes more insolent and vile, expecting, or rather demanding, that the world (starting with Mason) owes him something. Where Clark takes away the brother’s relationship, he gives us insight into solid male friendship between Mason and Custis, the larger-than-life character who is his co-star and the assistant commonwealth’s attorney. We are invited in to witness the bonds that form, get tested, and withstand.

Towards the end of the book, Clark weaves additional intricacies, at times unnecessary to the point of feeling somewhat contrived, but he manages to neatly tie all the loose ends at the end. We are left considering why the letter of the law sometimes doesn’t equal justice.

WSBA Editorial Advisory Committee Member Tina Bondy practices in Seattle and can be reached at tina.bondy@bigfishgames.com.

Unoriginal Misunderstanding: Press Freedom in Early America and Interpretation of the First Amendment
by Kenneth Shears
Liberty Editions, Seattle (2009), 164 pages

Reviewed by Patricia Paul

Author Kenneth Shear’s monograph reviews the historical evidence demonstrating a libertarian understanding of press freedom at the time the First Amendment was adopted. The “original understanding” of the press freedom guarantee was broad. The Constitution created the basic principle that the government would not make laws abridging freedom of the press. The guarantee of press freedom is a part of fundamental law. However, original meaning under current judicial interpretation narrows under
The theme throughout the monograph is an analysis of libel. This begins with the backdrop of 18th-century British common law. In conclusion, the author continues his discussion of the original meaning of the Constitution, the analysis being the breadth of press freedom guarantees.

This is a book to read for the historical depth with its focus on current issues of freedom of the press guarantees.

**Remix: Making Art and Commerce Thrive in the Hybrid Economy**  
by Lawrence Lessig  

Reviewed by Patricia Paul

Author Lawrence Lessig offers a fresh perspective on a developing area of intellectual property rights. He begins with the premise that we are a creative and adaptive culture. The read/write culture of the great musicians’ creativity has outgrown the regulatory copyright laws embraced by our government. The read-only culture emerged to stifle creativity further. The “hybrid economy” created by free spaces via the Internet and other media interacts with commerce, whereby traditional business continues to profit.

The most interesting thing I learned from the book involved the argument to decriminalize what occurs in our popular culture. Our youth embrace the availability of songs and film and create new art. Lessig calls for government to retool copyright regulations to provide support in artistic,
commercial, and ethical realms.

I recommend this book because it proposes revising copyright laws and advances intellectual property rights.

**Louis D. Brandeis: A Life**
by Melvin I. Urofsky
Pantheon Books, New York (2009), 976 pages

**Reviewed by Patricia Paul**

Author Melvin Urofsky unearths a substantial amount of historical and background information about United States Supreme Court Justice Louis D. Brandeis, who was appointed in 1916 by President Woodrow Wilson. A brilliant attorney and jurist rooted in a belief in representing the public good, Brandeis is the pioneering spirit of today’s pro bono attorney. As an attorney, when the case involved the public good, Brandeis represented the case pro bono and became known as the “People’s Attorney.”

What I found interesting about Brandeis is that in public testimony and speeches in 1884, he spoke against women’s suffrage. Then, after his marriage to Alice Goldmark in 1891, he endorsed women’s suffrage. Alice Brandeis was an advocate of votes for women, and she helped found the Women’s City Club of Boston and served on the executive board of the Massachusetts Civic League. I also found interesting his strategy to win over the support of influential editors and newspapers that supported his positions. He sent brief letters to the editors of Boston newspapers and subscribed to a clipping service of all the major northeastern papers. He built up a network of influential editors and reporters that became useful in supporting his causes. A third area of interest I found was that while Brandeis was sitting on our nation’s highest bench, he was the first to cite a law review article in an opinion.

I recommend this book because of the in-depth analysis and review of a great man’s life that chronicles the legal development of the right of privacy and the path to the U.S. Supreme Court from the halls of Harvard.

Patricia Paul is a media attorney with a practice in La Conner. She is a member of the WSBA Editorial Advisory Committee and can be reached at patriciapauljd@msn.com.

**BOOKS OF INTEREST FROM THE ABA**

**Lawyers, Anger and Anxiety**
by Rebecca Nerison
ABA Publishing (2010), 225 pages

Being a lawyer is stressful — finding a job, getting new clients, billing your hours, exacting bosses, and demanding clients can all help create a relentless drain on your internal resources. Coupled with the perfectionism and competitiveness so common in lawyers, the resulting stress, anger, and anxiety can produce devastating physical and mental distress. *Lawyers, Anger and Anxiety* first examines how anger and anxiety are related and the symptoms and costs associated with them. You’ll find specific help for the various stressful situ-
ations you’ll encounter in your career: life after law school, tolerating injustice in the system, surviving the billable hour, managing losses, coping with perfectionism, and combating procrastination. You’ll also find advice on seeking happiness through all the stages of your career, and discover valuable tips for staying satisfactorily employed during the most stressful of times. There’s also help for those living with a stressed-out lawyer, whether at home or at the office.

Author Rebecca Nerison is a psychologist with a doctorate in counseling psychology, and has been helping lawyers improve their lives and workplaces since 1997. She worked for the WSBA in the Lawyers Assistance Program for more than a decade, and has written and presented widely on topics related to workplace stress.

**Minding Your Own Business: The Solo and Small Firm Lawyer’s Guide to a Profitable Practice**
by Ann M. Guinn
American Bar Association (2010); 215 pages, plus CD

**Reviewed by Shelly K. Speir**

If you’re like me, you heard nothing in law school about the business of practicing law — dealing with things like how to select appropriate clients, find and keep good employees, manage your professional image, measure the financial health of your practice, or even plan for retirement. Yet for the solo or small-firm attorney, the business of practicing law is what makes or breaks us. This book, by Seattle-based Ann M. Guinn, former law firm manager turned consultant, provides practical business advice for lawyers that is both a relief and a source of inspiration.

What struck me in reading this book is that our legal training can actually work against us when we try to act as managers/entrepreneurs. In law school we are taught to look backwards, to review precedent, to make decisions based on what has worked in the past. That is exactly the opposite of what we need to do to build profitable practices — as managers/entrepreneurs, we should be looking forward, willing to try new ideas, and making decisions based on plans for the future. The upshot is if you are serious about following Guinn’s advice, you must prepare yourself to operate outside your professional comfort zone as you answer the questions raised in each chapter.

Guinn points out ways in which lawyers limit their own earning potential. One common mistake is lack of knowledge of the firm’s actual expenses, like the attorney who did not know that his firm’s overhead took 97 percent of all revenues. Many attorneys are afraid to bill what they are worth. Others fail to plan for emergencies and do not have sufficient liquidity to survive an unexpected large expenditure. Still others do not properly identify their clients’ expectations, and never check to see if their clients’ expectations have been met.

The best part of this book is that it gets you thinking about your future — where you want to be in five or 10 years. (This is a good thing, even if you are going to be retiring — remember the February 2010 Bar News article about succession planning?) The book even provides checklists and worksheets to help you set goals and develop a plan to get you to the future you envision.

In a nutshell, none of us can afford to ignore the business side of our law practice. The only way we can maximize profitability is by paying attention to how our practices...
**Find Info Like a Pro, Volume 1: Mining the Internet’s Publicly Available Resources for Investigative Research**

by Carole Levitt and Mark Rosch

ABA Law Practice Management Section (2010)

Reviewed by Walter Peale

I am an old-school criminal trial lawyer. I am more comfortable with a legal pad and pen than I am with a laptop. But I have tried to catch up with the times, experimenting in trial with PowerPoint and using the Internet for effective research and case preparation. I have been looking for books that help someone like me, smart enough but not very tech-savvy. *Find Info Like a Pro* fits the bill. It also makes me take notice how important it is to know how to use the Internet.

*Find Info Like a Pro* gives a clear warning to lawyers in today’s digital world. Sooner or later a lawyer will commit malpractice by not using and understanding the capabilities of the Internet. Imagine losing jurisdiction by not using Google to find an address or phone number to effect service.* Find Info Like a Pro* follows up on this warning by focusing on investigative research. This is a similar but more focused work than previous Levitt and Rosch books. Readers are given practical examples of websites along with a description of how useful each can be for particular tasks. The chapter organization is logical. Topics are relevant, clear, and practical. Usefulness of information is obvious. No special techie skill is required, but the approach is not dumbed down. Information is easy to find, easy to read, easy to understand, and easy to use. Volume 1 is divided into 16 chapters. Volume 2 has an additional 11 chapters. Topics covered in Volume 1 include searches by name, address, phone number, online communities, and government records;
using genealogy, social websites, news sites, and public records to mine information. From their many years of experience, the authors pass on techniques, tips, tricks, and pitfalls. The trip through the subject matter reminds me of a travel book with a description of various places you should visit nicely written so each one is condensed to a tantalizing vignette. Then you turn the page and there is a portal to that country accessing all the wonders hinted at by the preceding synopsis. Icons are used to illustrate cost and whether registration is required. A snapshot of a referenced webpage is given along with a critique. Updating and staying current is also made easy by a link to the authors’ website. 140 pages of appendices provide copies of the cited decisional law illustrating how various courts recognize and are adapting to the internet in the courtroom.

*Find Info Like a Pro, Volume 1* (and, soon to come, Volume 2) is the kind of book I have been looking for to provide clear, easy, and relevant guidance to using the Internet. From Google’s “I Feel Lucky” button and tips for Yahoo’s name searching to chapters on expert witness qualifications and secrets to using a “paid database” for free — I had regular and frequent “aha” moments. A CD with relevant websites’ addresses and links is included. The CD is worth the price of the book. *Find Info Like a Pro* gives a clear explanation as to why lawyers need to be more competent using Internet research, and it is exactly what I need and precisely what I want.

**Walter Peale practices criminal law with Northwest Defenders Association in Seattle. He is a member of the the King County Bar Association, WDA, and WACDL. He can be reached at walter.peale@nwdefenders.org.**

* “Do Lawyers Have a Duty to Google?,” page xxvii, citing *Manter v. Groce*, 829 N.E. 2d 52 (Ind. App. 2005), Appendix B, page 255. An Indiana court was incredulous that the plaintiff failed to use Google to find the missing defendant as part of his due diligence. The court upheld the defendant’s claim of insufficient service of process and affirmed the dismissal. Mickey L. Weatherly v. Optimum Asset Mgmt., Inc. & Barbara F. B. Brayles & Stephen Brayles (2005 La. App.), LEXIS 2602. Appendix D, page 273. Tax delinquent owner was reasonably identifiable by using the Internet; failure to “Google” was violation of due process.
Garner on Language and Writing
by Bryan A. Garner
ABA Publishing (2010), 876 pages

Garner on Language and Writing has been named a winner in the 2010 Benjamin Franklin Awards from the Independent Book Publishers Association in recognition of excellence in independent publishing. The book took top honor in the professional/technical books category.

Garner has proved to be a versatile and prolific writer on legal-linguistic subjects. This collection of his essays reveals both profound scholarship and sharp wit. The essays cover subjects as wide-ranging as learning to write, style, persuasion, contractual and legislative drafting, grammar, lexicography, writing in law school and in law practice, judicial writing, and literature relating to these diverse subjects. In the book’s foreword, Supreme Court Justice Ruth Bader Ginsburg declares Garner on Language and Writing to be “a ‘must read’ primer” for her law clerks.

Introduction to Law Firm Practice
by Michael P. Downey
ABA Law Practice Management Section (2010)

Graduating from law school doesn’t necessarily mean that one is prepared for the next steps. For the new or young lawyer, working in a law firm presents many challenges. Understanding how to address them and succeed in a law firm practice is the focus of Introduction to Law Firm Practice. Written in an easy-to-read format, Downey examines in-depth how law firms operate, how they are managed, and how they develop clients and generate revenue. This book seeks to empower newer law firm entrants with the information to successfully navigate the law firm environment, thus helping them find greater satisfaction and happiness on the job.

Social Media for Lawyers: The Next Frontier
by Carolyn Elefant and Nicole Black
ABA Law Practice Management Section (2010)

Online interaction is now commonplace and essential to conducting business. Networking sites, including Facebook, LinkedIn, and Twitter, are becoming mainstream, and law firms are seeking to connect and interact with potential clients through tweets, videos, blog posts, and other online means. But before lawyers and law firms use social media, they need to understand some important rules of the road.

Social Media for Lawyers: The Next Frontier provides a practical, goal-focused approach to using social media in a law practice that will enable lawyers to identify social media platforms and tools that fit their practice and implement them easily, efficiently, and ethically.

Compensation Plans for Law Firms, Fifth Edition
by James D. Cotterman
ABA Law Practice Management Section (2010)

The economic downturn brought the demise of several larger law firms and changes to the way many remaining law firms do business. Among them are changes to employment compensation philosophy. In the revised fifth edition of Compensation Plans for Law Firms, lawyers will find complete and systematic guidance on how to establish a fair and competitive compensation program for their firm in order to survive the economic changes. The guidebook examines the continually evolving compensation landscape and the concepts that will affect law firms the most. The book includes workable approaches for compensating partners and associates, as well as other contributors to the firm, including paralegals, clerical staff, and other professionals.

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Seattle School Places Fifth at NHSMTC

The 2010 National High School Mock Trial Championship (NHSMTC) was held in Philadelphia May 6–9. The Pennsylvania Bar Association was host for this unique educational program and welcomed more than 40 state-champion and regional mock trial teams from across the nation and around the world. The Washington state mock trial team from Seattle Preparatory School took fifth place, its third top-10 finish in a row. The team from Breck High School in Minnesota placed first. Washington’s team was one of three that received special recognition for sportsmanship and professionalism at the gala awards banquet. Team members were Kevin Bocek, Zach Dammel, Scott Ferron, Nora Genster, Matthew Mallick, Michael Rochford, Tierney Vial, and Nicole Zunick. Working with the team in Philadelphia were Jeanne Marie Clavere, professional responsibility counsel at the WSBA; senior Emily Albi; Prep teachers Jennifer Freeman and Andy McCarthy; parents Joe Genster and Peter Vial; and recent Prep alumni John Bailey, Nick Crown, Taylor Larson, and Erica Strathern.

The NHSMTC is the premier national law-related academic tournament for high school students. Mock trial programs are designed to give students an inside perspective on the legal system, providing them with an understanding of the mechanism through which society chooses to resolve many of its disputes. Participation in a performance-based, hands-on program of this nature provides students with practical knowledge about how our legal system operates and who the major players are in that system. Mock trial programs help develop young citizens who can sustain and build our nation by making a reasoned and informed commitment to democracy.

Participation in a mock trial program provides students with the opportunity to improve important life skills, including oral advocacy, critical thinking, and effective communication. These attributes will benefit mock trial students throughout their lives, regardless of their chosen careers. Find out what your fellow attorneys are up to. See www.wsba.org/media/publications/countynewsletters.htm for links to bar publications throughout the state. If you would like to contribute to Around the State on behalf of your county, minority, or specialty bar organization, or if you have a law-related item of interest, send your submissions to aroundthestate@wsba.org. (Photo above: New Dungeness Lighthouse near Sequim.)

WSBA Receives the ABA’s Harrison Tweed Award

The Harrison Tweed Award is the American Bar Association’s (ABA) highest legal-services award, recognizing extraordinary achievements of state and local bar associations that have developed or significantly enhanced programs to increase access to civil legal services for poor persons or criminal defense services for indigents. The award was created in 1956 by the ABA Standing Committee on Civil Legal Aid and Indigent Defense (SCLAID) Chair Bob Stine, National Legal Aid and Defender Association Civil Legal Services Director Don Saunders, Seattle University School of Law Professor John McKay, Washington State Supreme Court Chief Justice Barbara Madsen.

The WSBA was honored for its tangible demonstration of its commitment to equal justice for all:

- Helping to mitigate the sharp reduction
in IOLTA funds available for distribution by the Legal Foundation of Washington, the WSBA made a $1.5 million one-time grant to stabilize 2010 grants to civil legal aid providers.

- Establishing the WSBA Home Foreclosure Legal Aid Project to mobilize and train lawyers to offer pro bono foreclosure assistance to people with incomes up to 400 percent of the federal poverty level.
- Forming an alliance with the Legal Aid for Washington Fund (LAW Fund), providing an opportunity for members to make a donation as part of their annual license renewal. During its first year, more than 7,500 lawyers made contributions, with overall donation to the LAW Fund up by 64 percent.

**TVW Introduces iPhone App**

A new TVW iPhone application allows users to watch TVW’s live television stream, view all live TVW webcasts, watch any of TVW’s produced programs, and instantly browse thousands of hours of TVW’s video archives. To access TVW’s iPhone application, visit www.tvw.org from your iPhone mobile browsing device. The iPhone application also provides a direct link to TVW’s live information blog, *The Capitol Record*. TVW is the Washington state version of C-SPAN, providing unedited gavel-to-gavel television coverage of the Washington State Legislature, Supreme Court, executive branch, state boards and commissions, elections, and public-policy events of statewide significance.

**Wenatchee Law Day Awards**

Four legal professionals were recognized at the annual Law Day celebration on May 3 in Wenatchee. Christina Davitt and Glenn Fisher were honored for their pro bono work; Ann McIntosh received the Professionalism Award; and Judge John E. Bridges was given the President’s Award. The annual luncheon highlights the importance of the rule of law and its role in society and recognizes the work of local attorneys and community members who serve low-income clients. The event is also a fundraiser for Chelan-Douglas County Volunteer Attorney Services.

**Olympia Exhibit Honors Washington’s First Women of Law**

An exhibit commemorating the 100th anniversary of women’s suffrage in Washington state is currently on display and honors the first women to break the gender barrier in Washington’s legal profession. “This [► p.37]
More than 320 members of our state’s justice community, including Supreme Court justices, members of the Washington State Access to Justice Board, the WSBA Board of Governors, legal aid providers, pro bono attorneys, bar leaders, court clerks, law students and faculty, judges, community leaders, and law librarians gathered together in Wenatchee June 4–6 for the 2010 Access to Justice and Bar Leaders conferences.

Governor Christine Gregoire provided the keynote address, focusing her remarks on the importance of equal access to the justice system, regardless of ability to pay. The Access to Justice Board and the WSBA acknowledged her leadership and commitment to equal justice for all with the presentation of a plaque and resolution.

The Access to Justice Board recognized the tireless efforts and enduring commitment of the following through the presentation of its annual awards: the Civil Equal Justice Advocacy Award went to Andrew Kashyap and Aurora Martin of Columbia Legal Services; Judge Zulema Hinojos-Fall was honored with the Access to Justice Judicial Leadership Award; and the Access to Justice Leadership Award was given to Mary Swenson, LAW Advocates, Bellingham. The WSBA presented its annual Pro Bono Award to DLA Piper LLP, Seattle, in honor of outstanding work on behalf of immigrant families in Washington state and across the country. The joint Access to Justice Board/WSBA 2010 Norm Maleng Leadership Award was presented to Lonnie G. Davis in honor of his innovative leadership and distinguished service for the rights of people with disabilities.

The conference plenary, “Crisis and Opportunity: A Call to Action,” focused on how the economic downturn is wreaking havoc in our state. Leaders of our three branches of government and the organized bar shared their perspectives on the impact of the crisis on our justice system and the people it serves. They asked justice system stakeholders to consider their ideas for addressing the crisis, and to commit to a collective “call to action” for transformative change.

State Representative Mike Armstrong (12th Legislative District), Professor John McKay (Seattle University School of Law), Chief Justice Barbara Madsen (Washington State Supreme Court), Salvador Muniga (WSBA president), and Narda Pierce (Office of the Governor) led the discussion.

Access to Justice Conference workshops highlighted opportunities for justice and featured workshops about the latest technology tools, children’s rights, diverse client communities, law student participation, and home foreclosures. There was a special community meeting on Current Civil Rights and Immigration Issues. The session was coordinated in response to the new Arizona immigration law (SB-1070) and recent events in Seattle. A panel of experts presented and facilitated a discussion about proposed recommendations for legal, ethical, and policy solutions and how the community might respond.

The Access to Justice Board and its conference planning committee invite you to join us for the 2011 conference in Kennewick, June 3–5. To ensure that you are on the conference mailing list, please send your name and contact information to Joan Fairbanks at joanf@wsba.org.
A $500,000 gift to the UW School of Law from the Bill & Melinda Gates Foundation has led to the development of a central hub for all public-service and public-interest programs at the Law School. The gift expands opportunities for students and reinforces public service as a core part of the UW value of UW Law, one of the nation’s top public law schools. Activities will include providing public service advising for law students and alumni, supporting student organizations focused on public service/interest, enhancing collaborations with legal services and community organizations, and administering a pro bono honors program. Dean Kellye Testy said, “This generous and forward-looking gift from the Gates Foundation will provide us with the resources to broaden our reach and achieve our goal that every UW law student embraces public service as a core part of the profession.”

Gates Foundation Gift to UW Law School

Members of the Seattle Lawyers Basketball League champion Quigg Pro Quo team.

Honor Judge — Hon. Barbara Madsen said, “However, it is also a reminder that those doors were closed not so long ago and we must keep working toward equal access and representation in the justice system for all people.” The exhibit is open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Temple of Justice in Olympia. The display honors a series of firsts among women in the legal profession, such as first woman admitted to the Washington State Bar Association — Rebecca Hurn in 1913; first female superior court judge — Hon. Nancy Holman in 1970; first female state Supreme Court justice — Hon. Carolyn Dimmick in 1981; first woman president of the Washington State Bar Association — Elizabeth Bracelin in 1986; and first female chief justice of the Washington State Supreme Court — Barbara Durham in 1995.

In Brief …

At its annual Awards Dinner, held on June 24, the King County Bar Association presented the following awards: Outstanding Lawyer — John Davis (Davis Wright Tremaine, LLP); Outstanding Judge — Hon. Bruce W. Hilyer (King County Superior Court); Friends of the Legal Profession — Protection Order Advocacy Program (King County Prosecuting Attorney’s Office); Outstanding Young Lawyer — Shankar Narayan (American Civil Liberties Union); Pro Bono Award — Ruth Nelson (Law Office of Ruth Nelson); and President’s Award — Karen W. Murray (Associated Counsel for the Accused). The dinner also marked the end of President James Andrus’ term, as he passed the gavel to Mark Fordham.

2010 LBL Basketball Champs Quigg Pro Quo, a team composed of lawyers currently or formerly with the state Attorney General’s Office, as well as several law students from Seattle University, captured the 2010 Seattle Lawyers Basketball League (LBL) crown. Number-three seed Quigg Pro Quo entered the LBL final four on a mission, avenging regular season back-to-back losses to number-two seed and defending champion Persecute/Defend and number-one seed Foster Pepper. On May 26, Quigg Pro Quo prevailed over the Foster Pepper in a bruising, defensive struggle, to clinch the top spot in a score of 51–34. Quigg Pro Quo team members and their respective law schools are: Justin Aanenson (Seattle U. ’12), Mark Chattin (U. of Alabama ’85), Brian Elrod (Seattle U. ’08), Dan Hunt (Seattle U. ’10), Aaron Jeidi (Seattle U. ’03), Gavin Johnson (Seattle U. ’11), Jim Quigg (Seattle U. ’98), Porter Sesson (Seattle U. ’12), and Chris Williams (U. of Iowa ’03).

WACDL Awards Gilbert Levy, of Seattle, is the recipient of the 2010 Washington Association of Criminal Defense Lawyers (WACDL) President’s Award, given for outstanding service to the criminal defense bar in a particular case or series of particular cases; Jeffrey Ellis, of Seattle, received the 2010 William O. Douglas Award, given in recognition of extraordinary courage and dedication to the practice of criminal law; and Representative Sherry Appleton was honored with the 2010 Champion of Justice Award for her work in the recent Washington State legislative session to guard the constitutional rights of all. The awards were presented on June 11.

Rick E. Hansen, an alumnus of Seattle University School of Law (2000) and currently counsel for Corporate Governance at Chevron Corporation, has been recognized as a Rising Star of Corporate Governance by the Yale University School of Management Millstein Center for Corporate Governance. This award recognizes global corporate governance professionals under the age of 40 who are making their mark as outstanding lawyers, analysts, experts, activists, or managers in the field of corporate governance.

Patrick A. Sullivan, who has been a member of the Bar for over 50 years, was awarded the 2010 Gonzaga Law Medal, in recognition of his lifelong service to the Spokane community and his dedication and work with poor people throughout the world. He serves as chair of Hope4Kids, a humanitarian organization building medical and dental clinics, hospitals, schools, and water wells in remote villages in Uganda, East Africa.

The WSBA Family Law Section honored Clark County Superior Court Judge James Rulli with its Jurist of the Year Award. The
award was presented in June in Vancouver, Washington. As a criminal law judge, Judge Rulli started Clark County’s felony drug court in 1999, and that model has expanded to district court, juvenile court, and a family treatment court for drug-addicted parents at risk of permanently losing custody of their children.

Schwabe, Williamson & Wyatt was named to Seattle Business magazine’s “100 Best Companies to Work For” list. The list represents companies in the state of Washington that are setting standards for leadership, strong benefits, work environment, innovative training programs and employee satisfaction. At the Vancouver office of Schwabe, Williamson & Wyatt, Matt Bisturis graduated from Leadership Clark County, a program designed to develop effective leaders to serve the local community; Kelly Walsh was elected to serve as president of the YWCA Clark County Board of Directors; Brad Andersen was honored by the Washington Coalition for Open Government with its Key Award for his use of the state’s open government laws to discover and expose the misuse of public funds in the Skamania County Auditor’s Office; and Lisa Lowe was elected vice chair of the board for Identity Clark County (ICC), a private, nonprofit organization with a mission of creating economic health for the region by creating tools and influencing public policy.

The late Judge John O. Linde was honored on June 29 by the San Juan County Council, which dedicated the Superior Courtroom in the San Juan County Courthouse to Linde. According to the council’s proclamation, a memorial plaque was placed in the courtroom “to remain in the public view there in perpetuity so that all who enter will know the significant contribution that the Honorable John O. Linde made to the furtherance of justice for the benefit of the citizens of this County.” Linde died on December 3, 2009, at the age of 62.

J. Tayloe Washburn, former managing partner of Foster Pepper PLLC and immediate past chair of the Seattle Chamber of Commerce, received the 2010 Edward E. Carlson Award for Outstanding Alumni from Leadership Tomorrow. Recipients receive a grant of $1,000 to be donated to the nonprofit organization of their choice. The Outstanding Alumni Award was established in 1988 to recognize an individual through his or her leadership who has significantly contributed to the well-being of the community.

Chief Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit announced on June 28 the appointment of Seattle attorney Marc L. Barreca to serve as a judge of the U.S. Bankruptcy Court for the Western District of Washington.

The National LGBT Bar Association honored Llewelyn G. Pritchard (Helsell Fetterman LLP) as a recipient of the 2010 Allies for Justice Award. Each year, the LGBT Bar recognizes individuals who have partnered with the LGBT community in the struggle for legal equality. Pritchard has worked tirelessly to change and establish policies within the American Bar Association to protect the most vulnerable members in our society, including LGBT individuals, immigrants, and refugees.

Hoquiam attorney Paul L. Stritmatter received the Public Justice Foundation’s Champion of Justice Award for his leadership and record of accomplishments in public interest law and his commitment to justice for all.

Spokane firm Lee & Hayes was rated as the top overall law firm that secures the highest quality patents and best in the information technology category by Intellectual Asset Management (IAM) magazine. The firm is featured prominently in an article titled “Counting on Quality” in the “Kings of Quality” IAM issue.
In Memoriam

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

Virginia Lee Barovic-McConnell
Virginia Lee Barovic-McConnell was raised in Tacoma. She received her pre-law degree from the UW and her law degree from the University of Oklahoma College of Law. An animal lover and philanthropist, she volunteered on many community projects and animal rescue organizations. She loved the outdoors, horses, and her canine companion, Buckwheat.

Virginia Lee Barovic-McConnell died on April 25, 2010, at the age of 58.

Judge Stanley K. Bruhn
Judge Stanley Bruhn grew up in Lake McMurray, and received his law degree from the UW School of Law in 1954. He enlisted in the Navy and served proudly for three years on the U.S. Hill. He served as Skagit County deputy prosecutor, and later formed the firm of Bannister, Bruhn and Luvera with Bill Bannister and Paul Luvera in Skagit County in the 1960s. He left the firm to serve as Skagit County Superior Court judge in 1988 and retired in 1997. He was active in Rotary and other service organizations. He enjoyed golf, hunting, and jazz.

James Stanley Bruhn died on July 20, 2010, at the age of 84.

Stephen Crary
Stephen Crary graduated in 1966 from the UW School of Law. Prior to law school, he obtained his bachelor’s degree in philosophy from Stanford University and served three years’ active duty in the U.S. Army. Crary served as a clerk for the Washington State Supreme Court and then joined the firm of Graham & Dunn for a long and successful career, emphasizing complex real estate transactions. One of his great passions in life was sailing; he competed in numerous races on Puget Sound and campaigned his boats successfully in Canada, Mexico, and Hawaii. He cared deeply for animals and was a supporter of animal welfare organizations as well as the proud companion of three golden retrievers.

Stephen Crary died July 8, 2010, at the age of 72.

R. Graham Cross
Born in Spokane, Graham Cross earned his law degree at the University of Idaho College of Law in 1965. He spent his summers during law school at Forest Service lookout towers in the wilderness of central Idaho, solidifying his love of the outdoors. He worked as a law clerk for the Honorable Richard B. Ott, who was chief justice of the Washington State Supreme Court at the time. He began his law practice in the 1960s in Longview.

R. Graham Cross died July 5, 2010, at the age of 69.

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- Class Actions
- Workplace Injury
- Personal Injury

Tom D’Amore is a board certified, civil advocate of the National Board of Trial Advocacy, and is licensed to practice in State and Federal Courts in Washington, Oregon and California. Tom is an Eagle Member of WSTLA, a member of the Board of Governors and Officer of the Oregon Trial Lawyers Association, an Oregon delegate and President’s Club member of the American Association for Justice (AAJ), and serves as Chair-Elect of AAJ’s Motor Vehicles Executive Committee. Tom is a member of the Oregon State Bar’s House of Delegates.

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Roger F. Donahoe
An Aberdeen native, Roger Donahoe received his undergraduate and law degrees from the UW and graduated with honors from the Trust Division of Pacific Coast Banking School. His legal career included more than 35 years in the areas of estate planning and trust law. He was a past-president of the Estate Planning Council of Seattle and served as chairman of the University of Washington Estate Planning Board. Donahoe enjoyed spending time with his family, tending his vegetable garden, and reading historical fiction.

Roger Donahoe died on June 4, 2010, at the age of 70.

Dale F. Frank Jr.
Dale Frank Jr. attended Auburn High School, the UW, and earned his J.D. from the University of Puget Sound School of Law. He worked as legal counsel for Quigg Brothers, Inc., in Aberdeen, which led to a long career in building construction and real estate. Later, he founded his own company, Dale Frank & Associates, which developed commercial properties.

Dale Frank Jr. died July 20, 2010, at the age of 58.

Judge Stuart C. French
Judge Stuart French served as a Snohomish County Superior Court judge from 1979 to 1993. He earned his law degree from Gonzaga University through the G.I. Bill after serving in World War II. He helped liberate Europe and was wounded in 1944. He was awarded the Purple Heart and the Bronze Star. Judge French enjoyed spending time with his wife on the beaches of Whidbey Island and studying World War II history.

Judge Stuart French died July 2, 2010, at the age of 89.

Richard R. Hack Jr.
Richard Hack Jr. received his undergraduate degree at the University of Puget Sound, along with his C.P.A. license. He received his law degree from the UW School of Law. He worked for the law firm of Bogle and Gates, and later became a partner at the firm of Lasher and Johnson; in 2006, he left to set up his own practice. He enjoyed boating in Desolation Sound, hiking in England, and spending time on Whidbey Island with his family and friends.

Richard Hack Jr. died on June 10, 2010, at the age of 56.

Judge James Stephen Hogan Jr.
Judge James Hogan served in the Army Air Corps in the 1940s. He graduated from Gonzaga University School of Law in 1952 and settled in Yakima, where he established his law practice. He was judge of the Municipal Court and Justice Court of Yakima Precinct and the City of Yakima. He was appointed to the board of trustees of Central Washington University in 1977. He was a life member of the VFW, Eagles, Moose, Kiwanis, and Footprinters organizations. He enjoyed traveling, especially cruises.

Judge James Hogan died May 10, 2010, at the age of 86.

Henry E. Kastner
Henry Kastner was born in 1918 in Seattle, attended the UW, and earned a law degree from the UW School of Law in 1942. At school, he was a member of the Law Review Board and served
as president of the student body. He began his law practice in 1944. He was a member of the Washington Defense Trial Lawyers and the American Trial Lawyers. He developed a code for trial attorneys for defense against negligent claims. He enjoyed tennis, fishing, gardening, and spending time with his family.

Henry Kastner died June 22, 2010, at the age of 92.

Francis A. LeSourd
Born in Seattle in 1908, Francis LeSourd graduated from the UW School of Law in 1932. He served as an attorney for the U.S. Department of Justice, where he wrote briefs on Supreme Court cases, including one that led to the enactment of the Social Security Act in 1935. He started his own firm in 1960 and retired from practicing law full-time in 1986. He was one of the founders of the Crystal Mountain ski resort and was on its board of directors for more than 20 years. He helped establish the Seattle Housing Authority and was key in the construction of Yesler Terrace in 1941, one of the nation’s first racially integrated public-housing communities. He greatly enjoyed the outdoors, including backpacking, camping, skiing, and sailing. At the age of 101, Francis LeSourd was profiled in the August 2009 issue of Bar News (the article can be found at www.wsba.org/media/publications/barnews/aug09-lesourd.htm).

Francis LeSourd died July 17, 2010, at the age of 102.

Leo J. Peden
Born in South Dakota, Leo Peden attended Ballard High School and the UW, and graduated from the UW School of Law in 1939. He worked at the State Inheritance Tax Department, served as a King County deputy prosecutor, and later joined the firm Warner Pierce and Peden. After 50 years in the Smith Tower, he established a solo law practice at home and worked until 1991. He played handball, racquetball, and duplicate bridge. He enjoyed water sports on Lake Washington and exploring the San Juan and Canadian Gulf islands by boat.

Leo Peden died May 7, 2010, at the age of 95.

Diehl R. Rettig
Diehl Rettig received his undergraduate degree in accounting from Seattle Univer-
sity. He went to law school in Gonzaga’s night program, graduating with honors in 1969. He served both as a bailiff and clerk for the Honorable Charles L. Powell in the U.S. District Court for the Eastern District of Washington. He began practicing law in the Tri-Cities in 1969, and in 1977, he and the Honorable Phil Raekes and Steve Osborne founded the law firm currently known as Rettig Osborne Forgette. Rettig was elected to the American College of Trial Lawyers in 1993. He served on the Tri-City Development Council and on the board of the nonprofit established to raise money to build a $40 million interpretive center for the Hanford Reach. Throughout his life, he was involved with the American Red Cross, Kennewick General Hospital, United Way, and Rotary. He was named Kennewick Man of the Year in 1995. He loved his boat, the Sky High. Every summer, he took a month-long boat trip down the Columbia River to the Pacific Ocean where he relaxed and enjoyed family, friends, and fishing. Diehl Rettig died May 12, 2010, at the age of 66.

Harvey A. Rotman
Born in Oklahoma, Harvey Rotman grew up in Tulsa, received his undergraduate degree in psychology from the University of Tulsa, and his law degree from the University of Oklahoma School of Law. A hard worker, Rotman put himself through school by selling shoes. He started his own law practice in Tulsa and later partnered with a friend to form Hall and Rotman. He loved fishing and boating, and many of his boating adventures included his canoe, which he would carry on top of his car and launch in Tulsa’s Mohawk Lake. He also enjoyed buying, fixing, and selling cars as a hobby. Harvey Rotman died on June 28, 2010, at the age of 71.

Arthur L. Tarlow
A Portland native, Art Tarlow received his undergraduate degree from the University of Oregon and his law degree from the University of Oregon School of Law. After serving in the United States Army in Vietnam and Europe, Tarlow returned to Portland and became a deputy district attorney for Multnomah County. An avid runner and cycling enthusiast, he traveled the country participating in marathons and bicycling events. Tarlow spent winters on the north coast of the Dominican Republic, where he helped establish the Dream Project to provide scholarships for college students. He loved to travel especially in Greece, the Czech Republic, and several South American coastal areas. Arthur Tarlow died on June 10, 2010, at the age of 68.

David A. Welts
David Welts was born in Seattle and received his undergraduate and law degrees from the UW. He served in the United States Army in the office of the Judge Advocate General until 1952, when he returned to Mount Vernon and joined his father and uncle in the law firm of Welts & Welts. He was also Mount Vernon City attorney. He served on the WSBA Board of Governors and was WSBA president from 1981–1982. An avid sportsman, he hunted birds, fished in Alaska, and enjoyed golfing. David A. Welts died on July 25, 2010, at the age of 75.
Please join us for an evening of inspiration as we celebrate the accomplishments of the 2010 WSBA award recipients. All members of the legal community are invited to attend.

Name  _________________________________________WSBA No.  ________________
Address _________________________________________________________________
Phone  ________________________________E-mail  ____________________________
Affiliation/Organization  ____________________________________________________

Registration is $95 per person (table of 10 = $950). To make your reservation, please return this form (or a photocopy) with your credit-card information or check payable to WSBA. Space is limited, so please make your reservations early. Reservations and payment must be received no later than September 16, 2010 (refunds cannot be made after September 16). Seating will be assigned.

☐ MasterCard  ☐ Visa   No.  ____________________________Exp. date ____________
Name as it appears on card  _______________________________________________
Signature  _______________________________________________________________

_______ (no. of persons)    X    $ _______ (price per person)   =  $  ____________ TOTAL

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

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All those listed on the same registration form (up to 10) will be seated at the same table.

Send to: WSBA Annual Awards Dinner
Attn: Emily Robinson
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
Tel: 206-239-2125 • 800-945-9722, ext. 2125 • Fax: 206-727-8310 • emilyr@wsba.org

☐ If you need special accommodations, please check here and explain below.
_________________________________________________________________________
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You are cordially invited to attend

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

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

Name _________________________________________ WSBA No. __________________________
Address _________________________________________________________________
Phone ________________________________ E-mail ____________________________
Affiliation/organization _____________________________________________________

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

☐ MasterCard ☐ Visa  No. ____________________________ Exp. date ____________
Name as it appears on card ________________________________________________
Signature _______________________________________________________________

_____ (no. of persons) X $______ (price per person) = $________ TOTAL

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

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

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

________________________________________________________________________
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September 2010  |  Washington State Bar News

Civil legal aid programs currently are experiencing a flood of clients facing homelessness due to foreclosures, a skyrocketing need for bankruptcy assistance, and other serious legal problems as a result of the economic downturn.

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


Legal Foundation of Washington Notice of Public Meeting

The trustees of the Legal Foundation of Washington will meet on September 23, 2010, at the Legal Foundation of Washington offices in Seattle. The public may appear between 9:00–9:30 a.m. in order to comment on the Foundation’s activities. This opportunity is made pursuant to Article I, Section 1.7 of the Bylaws of the Legal Foundation of Washington.

WSBA Leadership Institute Seeks 2011 Class of Fellows

The WSBA Leadership Institute is now accepting applications for the 2011 class of fellows. To be considered, all required application materials must be received at the WSBA offices no later than September 30, 2010, at 5:00 p.m. The Leadership Institute is an extensive leadership training program born from the recognition that many lawyers, especially those from diverse backgrounds and other underrepresented groups, have not been traditionally recruited for leadership positions or made aware of opportunities for leadership training, skill development, and professional growth available through the WSBA. Approximately 12 attorneys in practice for at least three years and not more than 10 years will be carefully selected for the seventh year of the program. The eight professional development seminars run from January to August 2011. Each session is designed to expose participants to the latest trends in professional leadership development. Fellows will earn a minimum of 30 CLE credits, and the program is provided at no charge to participants.

For more information about the program and the application process, visit the WSBA Leadership Institute webpage at www.wsba.org/lawyers/leadership_institute.htm or contact La’Chris Jordan at lachrisj@wsba.org, 206-239-2197, or 800-945-9722, ext. 2197.

2011 Licensing and MCLE Information

Have you used mywsba? Last year, almost half of WSBA members completed their license renewal entirely online at www.mywsba.org. Log in now to verify and update your contact information.
information. License renewal forms and the Section Membership form will be mailed together in mid-October and online licensing will be available at that time. Remember, there is no longer a “grace period” for the month of February, so renewal and payment must be completed by February 1, 2011. However, as the section membership year is October 1, 2010, through September 30, 2011, we encourage you to join or renew sections in October to receive the full benefit of the membership. For detailed instructions, go to www.mywsba.org. If you are due to report MCLE compliance for 2008–2010 (Group 1), you will also receive your Continuing Legal Education Certification (C2) form in the license packet that will be mailed in mid-October. Lawyers in Group 1 include active members who were admitted through 1975, and in 1991, 1994, 1997, 2000, 2003, and 2006. (Members admitted in 2009 are also in Group 1 but are not due to report until the end of 2013.) All credits must be completed by December 31, 2010, and certification (C2 form) must be completed online or be postmarked or delivered to the WSBA by February 1, 2011. For detailed instructions, go to www.mywsba.org.

WSBA Court Rules and Procedures Committee 2010–2011 Agenda

When it reconvenes in October, the WSBA Court Rules and Procedures Committee is scheduled to review the Evidence Rules (ER) and the Infraction Rules for Courts of Limited Jurisdiction (IRCLJ). Suggestions regarding these rules or questions about the committee should be directed to Elizabeth Turner at 206-239-2109 or by e-mail to wsba.courtrules@wsba.org. Interested individuals are encouraged to participate in the work of the committee. For more information and a schedule of committee meetings, see www.wsba.org/lawyers/groups/courtrules.

LOMAP and Ethics Traveling Seminar

WSBA comes to you! Join us on September 15 in Friday Harbor, September 21 in Wenatchee, or September 22 in Yakima. Four ethics credits are available. Cost is $99 for lawyers and $29 for non-lawyer staff. To register, call or e-mail Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

Search WSBA Ethics Opinions Online

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

“Foundations of American Democracy” Civics Pamphlet

The WSBA offers a pamphlet for the public called “Foundations of American Democracy” that describes the basics of American government: the rule of law, the separation of powers, checks and balances, and a fair and impartial judiciary. It also includes a short quiz and a list of useful websites. Lawyers and judges are encouraged to bring the pamphlet with them when they speak to students or the public in schools, courthouses, and the community. Teachers may also request the pamphlet for classroom use. The WSBA can provide reasonable numbers of copies at no charge, or the pamphlet may be downloaded from the WSBA website at www.wsba.org/foad.htm. Requests for copies should be directed to Pam Inglesby, WSBA public legal education manager, at pam@wsba.org.

Get More Out of Your Software

The WSBA offers hands-on computer clinics for members wanting to learn more about Microsoft Office programs — Outlook and Word, as well as Adobe Acrobat — can do for a lawyer. We also cover online legal research such as Casemaker and other resources. Are you a total beginner? No problem. The clinic teaches helpful tips you can use immediately. Computers are provided, or bring your laptop. Seating is limited to 15 members. The September 15 clinic will meet from 10:00 a.m. to noon at the WSBA office and will focus on Casemaker, CourtTrax, and other online research resources. The September 16 clinic will meet from 2:00 to 4:00 p.m. and will focus on Microsoft Word. There is no charge and no CLE credits are offered. To reserve your place, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org.

Weekly and Monthly Job Search Groups

Join us Wednesday, September 8, from noon to 1:30 p.m. at the WSBA office to hear John Clynch speak. Clynch is a staff attorney at the University of Washington’s Federal Tax Clinic. He has spoken twice to this group, discussing networking, the importance of pro bono work for the unemployed, and interviewing skills. It is helpful to have an attorney who can describe his job-search process first-hand with a mixture of common sense and originality. The Weekly Job Search Group meets Mondays at 10:30 a.m. Contact Dan Crystal at 206-727-8267, 800-945-9722, ext. 8267, or danc@wsba.org. To access additional job search resources, visit www.wsba.org/lawyers/services/jobsearchresources.htm.

Facing an Ethical Dilemma?

Members facing ethical dilemmas can talk with the WSBA’s professional responsibility counselor for formal guidance on analyzing a situation involving their own prospective ethical conduct under the RPCs. All calls are confidential. Any advice given is intended for the education of the inquirer and does not 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.

Lawyer Services Solution of the Month: Career on Track?

Has your career turned out the way you planned? Do you have a clear vision for the next five, 10, 20 years? If not, what’s getting in your way? Call the Lawyers Assistance Program if you’d like some help developing your career plan or for individual counseling at 206-727-8268 or 800-945-9722, ext. 8268.

Assistance for Law Students

The Lawyers Assistance Program offers
FYInformation

**Finding Our Future — Practicing Law in the 21st Century CLE Seminar**

The 21st century is bringing new challenges to practicing attorneys. Emerging technologies, globalization, and the increased outsourcing of legal services are impacting lawyers in all practice areas and in all types of firms. The WSBA and The University of Washington School of Law are pleased to present “Finding Our Future — Practicing Law in the 21st Century,” to be held on October 8 at the UW School of Law. This full-day program will bring together national speakers, local thought leaders, and leading practitioners to explore how the practice of law is changing and what you can do to stay ahead of the curve. More information will be available soon on the WSBA website, www.wsba.org.

**Casemaker Online Research**

Casemaker is a powerful online research library provided free to WSBA members. To access Casemaker, go to the WSBA website at www.wsba.org and click on the Casemaker logo on the right sidebar or go to www.mywsba.org and click on Access Casemaker in the left sidebar. Click on the Casemaker button to begin. For help using Casemaker, contact Julie Salmon at 206-733-5914, 800-945-9722, ext. 5914, or juliesa@wsba.org. The complete Board of Governors meeting schedule is available on the WSBA website at www.wsba.org/info/bog/2009_2010meetingschedule.htm.

**Usury Rate**

The average coupon equivalent yield from the first auction of 26-week treasury bills in August 2010 was 0.198 percent. Therefore, the maximum allowable usury rate for September is 12 percent. Information from January 1987 to date is on the WSBA website at www.wsba.org/media/publications/barnews/usury.htm.

**Commercial Litigation**

**HALL ZANZIG CLAFLIN MCEACHERN | TRIAL LAWYERS**

Proud to support the King County Bar Foundation and the Campaign for Equal Justice.

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

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

Disbarred

Antonio Salazar (WSBA No. 6273, admitted 1975), of Seattle, was disbarred, effective May 12, 2010, by order of the Washington State Supreme Court following a hearing. This discipline resulted from conduct involving lack of competence, diligence, and communication; failure to disclose conflicts of interest; failure to obtain consent waivers; failure to properly supervise another lawyer; charging unreasonable fees; failure to provide accounting of fees; failure to refund unearned fees; and fitness to practice law.

Matter No. 1: In 1998, Mr. Salazar represented clients G, D, and H, all employees or shareholders of a taxicab company, in a felony assault case. On December 28, 1999, Clients D and G were involved in a shooting that killed a fellow cab driver. Client D was charged with first-degree murder in January 2000 and a lawyer was hired to represent him. Client G put his house up as a bail bond for Client D.

In March 2000, the family of the victim filed a wrongful-death lawsuit against various taxicab company employees, including Clients D, H, G, and C. The lawsuit alleged a conspiracy to kill the victim, which gave the defendants a motive to blame Client D for the victim’s death. Prior to the start of the murder trial, Mr. Salazar took on representation of Clients H and C in the wrongful death suit. In July 2000, Mr. Salazar began to represent Client C’s faction in a shareholder lawsuit concerning governance of the taxicab company; the opposing parties in the lawsuit were the victim’s faction within the company. Around September 2000, Client D’s lawyer learned that Client G planned to change the lawsuit were the victim’s faction within the taxicab company; the opposing parties in the shareholder lawsuit while he continued to represent Client D in the murder trial. Client C was a central figure in these lawsuits and the disputes that gave rise to the shooting. In addition, several of the state’s witnesses numbered among Mr. Salazar’s clients in the shareholder suit. The discussions Mr. Salazar had with Client D about his prior representation of Client G were cursory. He did not provide details that Client D needed to determine whether to waive conflict, such as Client G’s goal to blame Client D as the sole killer of the victim in the wrongful death suit. Mr. Salazar never obtained a written conflict of interest waiver from Client D.

When the prosecutor raised the issue of potential conflicts to the trial judge, Mr. Salazar acknowledged representation of Client C and others on the state’s witness list but stated the matters were “totally unrelated” and that his client knew all about it. Mr. Salazar did not disclose his previous representation of Client G to the court.

Despite Client D’s testimony at trial that Client C was with him when the gun used to shoot the victim was purchased, and that Client G gave him the bullets, Mr. Salazar drafted a motion for summary judgment in the wrongful death suit asserting Client D was convicted of killing the victim and his clients in the suit had nothing to do with it.

Matter No. 2: Client L, a resident of Canada, contacted Mr. Salazar by letter dated March 15, 2006, to seek help on behalf of her husband who had been deported from the United States in 2003. After his deportation, a warrant was issued for his arrest because of an underlying theft charge. Client L explained it was impossible for her husband to come to the United States to clear the charge and asked Mr. Salazar’s assistance to get the warrant and the charge removed. Client L wanted to clean up her husband’s FBI background check so that he could emigrate to Canada.

Mr. Salazar took no action on the matter until October 2006, when he prepared a motion to quash the warrant, which was not filed. Instead, Mr. Salazar and his associate attempted to remove the theft charge against the husband by getting the victim to agree to accept restitution and the prosecutor to agree not to prosecute. The strategy proved unsuccessful since the prosecutor would not agree to anything unless the husband presented himself for a plea to a lesser charge, which he could not do because of his immigration status. On June 25, 2007, Client L hired a new attorney who filed a successful motion to quash the warrant. At the outset of representation, Client L paid Mr. Salazar $3,000. She requested an accounting of the fees and a refund from Mr. Salazar, neither of which he provided.

Matter No. 3: On August 7, 2006, Mr. Salazar’s firm was retained by Client M, a permanent resident of the United States, to help keep his wife and children, who were non-U.S. residents, in the United States with him. On July 11, 2006, the family had received an order to voluntarily leave the United States. An associate of Mr. Salazar’s firm met with the family and they signed a legal service agreement stating the firm would represent them in a “BIA appeal and motion to adjust status.” The family paid Mr. Salazar’s firm $3,000. The associate set up the file as an appeals file. The legal service agreement was held by the bookkeeper and not kept with the client file. Shortly afterwards, the associate left the firm. Mr. Salazar never saw the agreement and, without talking to the family, he considered only an appeal of the Cancellation of Removal and not the Adjustment of Status. The associate later sent Mr. Salazar an e-mail about the client’s case, explicitly stating that a motion to remand the matter for Adjustment of Status should be brought. By the time the associate sent the e-mail, Mr. Salazar had sued him for misappropriation of funds, and either did not receive, or read and retain, the e-mail. Without the e-mail or legal service agreement, Mr. Salazar had insufficient information to determine the best course of action to pursue on behalf of the client.

On March 15, 2007, Mr. Salazar filed an appeal of the order denying Cancellation of Removal and on August 6, 2007, the appeal was dismissed. Mr. Salazar received the dismissal on August 9, 2007, and did not forward it to the family until August 24, approximately 15 days later. An appeal of the dismissal was due on September 6, 2007. The family was given 60 days to voluntarily depart the United States. In October 2007, the family hired new counsel, who obtained the Adjustment of Status on their behalf. Had Mr. Salazar communicated with the client, he would have known that an adjustment of status, which is a “straightforward” process, was all that the family needed.

Matter No. 4: In October 2006, Client A hired Mr. Salazar to represent him in a LIFE Act Application (for status as a lawful resident of the United States). Client A submitted the application before hiring Mr. Salazar, and the application falsely stated he had never been convicted of a crime. Client A wanted Mr. Salazar to represent him in the scheduled interview and paid Mr. Salazar $500.
Instead of accompanying Client A to the interview with the immigration official, Mr. Salazar sent an inexperienced associate with no immigration experience. The associate was instructed by Mr. Salazar to take notes on what occurred, specifically on what additional information Client A would be required to provide. On September 26, 2007, Mr. Salazar received a Notice of Intent to Deny (LIFE Act application) from the Immigration Service. The notice, dated September 24, 2007, gave the client 30 days to provide additional evidence in support of his application. Mr. Salazar sent the notice to his client on October 29, 2007, after the expiration of the 30-day deadline.

**Matter No. 5:** In October 2007, Client O hired Mr. Salazar to represent him in removal hearings before the U.S. Immigration Court. At a court hearing Mr. Salazar attended, the court set a deadline of December 1, 2007, to file an EOIR-42, Cancellation of Removal application. Mr. Salazar failed to calendar or meet the deadline. Client O repeatedly inquired about the status of his case and Mr. Salazar told him not to worry. By December 13, 2007, Mr. Salazar still had not filed the application, and the Immigration Court entered a Deportation Order with a 90-day deadline to file a motion to re-open. Mr. Salazar did not inform Client O about the order. In February 2008, Client O learned of the order from a friend and called Mr. Salazar. At the time Client O called, there was still time for Mr. Salazar to file a motion to re-open. Mr. Salazar assured the client that he would do so, but failed to follow through, and by the time Client O retained new counsel, the deadline had passed.

**Matter No. 6:** In April 2006, Client K hired Mr. Salazar to represent him before the Board of Immigration Appeals (BIA), where he was appealing the Immigration Court’s decision to deport him based on a felony conviction. In December 2007, the BIA dismissed the appeal and upheld the court’s decision. Mr. Salazar and Client K negotiated an additional fee of $1,500 plus $500 in filing fees for filing an appeal to the 9th Circuit; however, in January 2008, Mr. Salazar accepted and gave Client K a written receipt for $1,000 in fees and $500 in filing fees for “Payment in full for 9th Circuit Petition.” Mr. Salazar did not file the 9th Circuit appeal nor did he inform Client K that he would not file the appeal, a part of which had been a request for a stay of execution of the Deportation Order. On March 18, 2008, Client K was arrested at his home in front of his distraught wife and children and spent 35 days in detention before being deported to Canada. Had Mr. Salazar sought a stay of the Deportation Order, the client and his family would have had time to prepare for an orderly departure to Canada. Client K was unable to obtain a refund of the money he paid to Mr. Salazar until they hired a lawyer to demand it.

**Matter No. 7:** Prior to the foregoing matters, Mr. Salazar had been disciplined for misconduct on seven separate occasions. In July 1990, he was censured for failing to advise a client over a period of three years that he would not take further action on an application until the client provided certain documentation, and failure to file an application on behalf of another client, despite the client’s repeated inquiries. In September 1994, Mr. Salazar was admonished for failure to file a criminal defendant’s appeal brief and to notify a client that he was no longer working on the case. In February 1999, Mr. Salazar was admonished for failure to cooperate in eight separate disciplinary proceedings. In December 1999, he was admonished for failure to ensure calendaring of a deadline. In September 2001, Mr. Salazar was censured for failure to timely file an appeal brief. In February 2005, he was suspended for 30 days for misconduct occurring between 2000 and 2004. The misconduct involved failure to communicate with the client-lawyer relationship; former 1.8(a)(1), prohibiting a lawyer from misleading the client, rendering the client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee that has not been earned or incurred; former 3.3(a)(1), prohibiting a lawyer from knowingly making a false statement of material fact or law to a tribunal; RPC 5.1(b), requiring a lawyer having direct supervisory authority over another lawyer to ensure that the other lawyer conforms to the RPC; RPC 5.1(c), requiring a lawyer to take responsibility for another lawyer’s violation of the RPC; and RPC 8.4(h), prohibiting a lawyer from engaging in conduct demonstrating an unfitness to practice law.

Christine Gray and Erica Temple represented the Bar Association at the hearing. Joanne S. Abelson represented the Bar Association on appeal. Mr. Salazar represented himself. Kimberly A. Boyce was the hearing officer.

**Suspected**

Andrew M. Brackbill (WSBA No. 17090, admitted 1987), of Seattle, was suspended for six months, effective May 19, 2010, by order of the Washington State Supreme Court following approval of a stipulation. This discipline is based on conduct involving a failure to act diligently, communicate, and expedite litigation.

Clients A and B, owners of a restaurant, retained Mr. Brackbill to pursue a malpractice claim against an architect hired to do the remodel of a space they planned to lease. The clients paid Mr. Brackbill $750 in legal fees. The clients alleged the architect told them no sprinkler system was needed, which was not true. As a result, the clients paid tens of thousands of dollars to install the sprinkler system.

After some delay, on March 7, 2006, Mr. Brackbill filed a complaint against the architect in superior court. In July 2006, after the defendant filed an answer and counterclaim, Mr. Brackbill forwarded the pleadings to his clients. Mr. Brackbill failed to respond to the architect’s discovery requests to his clients, and in June 2007, the court compelled Mr. Brackbill’s clients to respond to the discovery requests. Again, Mr. Brackbill failed to respond, and in August 2007, the court dismissed the complaint. By subsequent agreement, Mr. Brackbill and the architect’s counsel agreed to dismiss the architect’s countersuits for unpaid fees.

Client A repeatedly tried to obtain status reports from Mr. Brackbill, with only sporadic success, between 2006 and 2009. Client A had
no idea about the discovery requests or that the case had been dismissed until after he filed a grievance with the Bar Association.

Mr. Brackbill’s conduct violated RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client; RPC 1.4, requiring a lawyer to keep the client reasonably informed of the matter and comply with requests for information; RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client; and RPC 8.4(c), prohibiting conduct involving dishonesty, fraud, deceit, or misrepresentation.

Linda B. Eide represented the Bar Association. Mr. Brackbill represented himself.

Suspended

Christina S. Denison (WSBA No. 25096, admitted 1995), of Bellevue, was suspended for one year, effective April 28, 2010, by order of the Washington State Supreme Court following a hearing. This discipline is based on conduct involving failure to act diligently, communicate promptly, provide reasonable consultation and explanation, comply with requests for information, and return client property and unearned fees.

Matter No. 1: On May 12, 2006, Clients O and C, husband and wife, retained Ms. Denison to represent them in an adjustment of status for client C, the wife. At the conference with Ms. Denison, the couple executed a flat fee agreement and paid $1,000 with the balance due in monthly installments, starting in June 2006. Ms. Denison agreed to prepare and file applications for adjustment of status with the Department of Homeland Security (DHS) based on “lawful” entry into the United States. The agreement did not specify what forms or applications would be filed. Ms. Denison told the clients she would contact them to set up an appointment once the paperwork was ready to review. Except for income tax returns, the couple provided all necessary documentation to Ms. Denison prior to the end of June.

After their first meeting, Client O was initially able to contact Ms. Denison by phone. In later communications, Ms. Denison promised to contact Client O to set up an appointment, but did not follow through. On one or two occasions, Client O was able to secure an appointment for a later date, but when the couple traveled to Ms. Denison’s office, she failed to show.

Around June or July 2006, Client C requested the return of her passport so that she could travel back to her home country to visit her sick mother. At the time Client C indicated her intention to travel and requested her passport, Ms. Denison did not advise her that her application was ready to be filed and lacked only the filing fees. She also did not counsel her client on how to properly protect her immigration status pending a successful adjustment of status.

By July 2006, Client O was unable to reach Ms. Denison by phone. The couple traveled unannounced to Ms. Denison’s office only to discover from other tenants that she had moved. Ms. Denison did not provide her clients with written notice of her move and left no general voice message advising of the move on her telephone answering machine. Ms. Denison stated she gave notice to her clients by handing them a copy of letterhead with her new address. After the clients obtained her new address, the clients appeared twice unannounced at Ms. Denison’s new office. On the first visit, they were unable to see her; the second time, they waited in her reception area for half an hour until she became available. She apologized for the delay in their matter and told them not to worry. In addition to direct attempts at communication, the clients asked a friend to contact Ms. Denison on their behalf. When Ms. Denison learned the purpose of the call, she terminated the contact due to attorney/client privilege. Thereafter, she took no steps to inquire into the needs of her clients or advise them of the need for a release so that she could communicate with a third party. During the course of representation, Ms. Denison did not initiate a single communication with her clients. In contrast, the couple made more than 30 phone calls to Ms. Denison’s office.

Ms. Denison advised Client C that she would need to file a waiver (I-601), along with an affidavit, because of a potential deficiency in the client’s “lawful” entry into the United States. Client C did not feel comfortable preparing this affidavit herself and insisted that Ms. Denison prepare it for her. Ms. Denison refused for fear of sanctions by DHS should they find that she colluded with a client to commit fraud. Ms. Denison justified her failure to file the adjustment of status application due to her client’s refusal to prepare the requested affidavit. However, she did not give her clients the option to file the I-885 (adjustment of status) or the I-601 (waiver) without the affidavit. In addition, Ms. Denison did not make requests to the clients or communicate requests effectively enough that the clients understood they needed to bring the monthly installment payments current or were obligated to pay the filing fee for the application.

In early December 2006, Client C consulted with another immigration lawyer. On December 21, 2006, the lawyer faxed Ms. Denison to advise her of his appearance and requested the client file. On January 2, 2007, the lawyer called Ms. Denison again to request delivery of the file within 10 days. Ms. Denison agreed to provide the file when she was able to get to it and abruptly terminated the call. She never contacted the lawyer to notify him that the file was ready for pickup. At the end of January 2007, the WSBA contacted Ms. Denison to request the file, which was promptly delivered the next day; however, Ms. Denison secured a protective order on four immigration documents on the basis of unjust enrichment, effectively preventing the clients from making use of, or receiving any benefit from, any of the work she performed.

When the clients demanded return of their fees, Ms. Denison insisted the fees were earned because she had worked 10–11 hours on the case. However, she did not maintain any billing records or daily notes to support her claim.

Matter No. 2: On January 2, 2006, Client P met with Ms. Denison to discuss a divorce action, the impact of the divorce action on her immigration status, and alleged domestic abuse by her husband. Client P had been granted temporary permanent resident status in the United States after marriage to her husband. After two incidents of reported domestic violence, Client P left the marital home and moved in with a relative. The husband filed a petition for dissolution of marriage and threatened Client P’s legal status. Client P sought to live and work permanently in the United States, and to get help with her divorce. Ms. Denison recommended filing a Battered Spouse Petition (BSP) and advised Client P that her retainer would be $4,000. The generic fee agreement bore no client name or contact information. Much of the handwritten paragraph describing legal services to be performed described the burden on Client P to provide true and accurate information. The only language setting out work to be performed by Ms. Denison states, “Prepare and file Battered Spouse Petition on behalf of client.” The contract bore Ms. Denison’s undated signature, and was neither initialed nor signed by the client. The contract made no mention of the divorce action.

On January 9, 2006, at Ms. Denison’s direction, Client P brought in her divorce papers and also made her first payment of $500. Ms. Denison reviewed the documents and advised Client P not to contest the divorce action. Had the contract been fully executed, Client P would have been put on notice that the $4,000 fee did not include any work on her divorce case. Ms. Denison stated she relied on her limited Notice of Entry of Appearance in the I-360 BSP action to put both her client and Homeland Security on notice that she was appearing for the BSP only.

Ms. Denison knew that approval of the BSP would not secure her client’s right to live and work in the United States and that the client would need to file an I-751 (Petition for Removal of Conditions), either while the BSP was pending or immediately after receiving approval of the BSP. Ms. Denison did not advise Client P that an I-751 needed to be filed and that it was simple enough to do herself. The contract did not include the I-751 filing; it only required a separate fee or fee agreement for “applications” not petitions. Since the I-751 was necessary, Client P reasonably understood that the filing would be included in the fee of $4,000. Client P paid the balance of the $4,000 fee in several installments in January 2006.

On or after the end of July 2006, Client P received a Supplemental Notice of I-360 Approval from Homeland Security. At approximately the same time, Ms. Denison moved her office without notice to Client P. The July 2006 notice
directed Client P to file an I-765 application for employment authorization. Over a three-month period, Client P called Ms. Denison in excess of 18 times to inquire into her case, but received no response. In November or December of 2006, when Client P was no longer able to reach Ms. Denison by telephone, she traveled to Ms. Denison’s office, only to find that she had moved. Alarmed and frustrated, Client P sought assistance from a relative, who tried to communicate with Ms. Denison on Client P’s behalf. Ms. Denison advised the relative that she was unable to speak with him because of attorney/client privilege. On December 28, 2006, Client P, with the help of her relative, faxed and mailed a letter to Ms. Denison requesting a copy of her file and legal contract. On December 29, 2006, Client P appeared unannounced at Ms. Denison’s new office and was told she could not be seen without an appointment and was threatened with security if she did not leave. Client P prepared three more letters dated January 8, 9, and 15, 2007, expressing her concerns regarding additional time and the sensitive steps she believed were necessary on her case. She also requested a copy of her file and case receipt.

On January 11, 2007, with the help of her relative, Client P accessed information about her case on Homeland Security’s website. On January 12, 2007, Client P wrote to the WSBA and Homeland Security to complain of misconduct by Ms. Denison and requested the return of her $4,000. Until the 2007 Bar complaint, Ms. Denison stated she had no knowledge of the May 2006 Notice of Approval of the 1-360 BSP for her client. Although Ms. Denison could have electronically tracked the case on Homeland Security’s website, she did not do so and took no action for almost 11 months.

Ms. Denison did not maintain billing records and/or daily notes and could not state how many hours she performed on Client P’s case, but asserted her $4,000 retainer was based on an estimate of hours she intended to spend multiplied by an hourly rate of $250/hour. The contract indicated that work not included in the contract was multiplied by an hourly rate of $250/hour. The Association’s audit of Mr. Araki’s trust account records found that during the audit period more funds were disbursed to or on behalf of some clients than were held in trust for those clients; the funds of some clients were disbarred to or on behalf of other clients; and some clients had negative account balances. In addition, Mr. Araki had a shortage of $4,000 in one of his trust accounts, and there was over $6,000 in client funds held on behalf of more than 40 different clients whose matters were inactive for at least a year.

Mr. Araki, a partner in his law firm, delegated his obligations to non-lawyer assistants, but failed to ensure their conduct was compatible with his obligations under the Rules of Professional Conduct.

Mr. Araki’s conduct violated former RPC 1.14(a), requiring a lawyer to promptly pay or deliver to the client as requested by the client the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive; and former RPC 5.3, requiring a lawyer to make reasonable efforts to ensure a non-lawyer’s conduct is compatible with the professional obligations of the lawyer.

Scott G. Busby represented the Bar Association. Mr. Araki represented himself. Kelby D. Fletcher was the hearing officer.

Reprimanded

Marja M. Starczewski (WSBA No. 26111, admitted 1996) of Wenatchee, was ordered to receive a reprimand on May 19, 2010, following approval of a stipulation by a hearing officer. This discipline is based on conduct involving filing frivolous allegations without a good-faith basis.

Ms. Starczewski represented a lawyer in litigation against attorneys F and J. Her client represented patients in civil actions against a physician convicted of rape and sexual abuse against several of his patients. The physician had a twin brother, also a doctor. The twin brother filed a defamation suit against Ms. Starczewski’s client because of statements her client made to news outlets about the twin impersonating his brother to sexually assault his brother’s patients. Attorneys F and J represented the twin brother. In September 2005, the defamation case was dismissed on Ms. Starczewski’s client’s summary judgment motion.

On January 23, 2006, Ms. Starczewski, on behalf of her client, filed a complaint in superior court alleging Attorney F and his law firm engaged in malicious civil prosecution by filing and pursuing the defamation action against him. Two days later, Ms. Starczewski filed an amended complaint adding malicious civil prosecution and abuse of process claim against Attorney J and his firm. In March 2006, Ms. Starczewski filed a Second Amended Complaint adding Attorney J’s lawyer as a defendant, stating he was also involved in the malicious prosecution against her client. The Second Amended Complaint also alleged the defendants “assisted and conspired with the [two brothers], and others, to help destroy, hide and secrete… relevant evidence” and used the twin brother as a “front” client for an unnamed entity. These claims were frivolous and were made without a basis in law or in fact.

In May 2006, the defendants moved to dismiss under CR 12(b)(6) or for summary judgment. The court dismissed all claims against the defendants in June 2006. In July 2006, Attorney J filed a motion for sanctions under CR111. The court found the allegations in the Second Amended Complaint were baseless and not well grounded in fact, and were advanced without any reasonable or competent inquiry. The court assessed sanctions of $5,000 against Ms. Starczewski and her client jointly and ordered Ms. Starczewski and her client to pay $11,037 to Attorney J.

Ms. Starczewski’s conduct violated RPC 3.1, prohibiting a lawyer from bringing or defending a proceeding, or asserting or controverting an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good-faith argument for an extension, modification, or reversal of existing law; and RPC 8.4(d), prohibiting a lawyer from engaging in conduct prejudicial to the administration of law.

Francesca D’Angelo represented the Bar Association. Ms. Starczewski represented herself. Andrekita Silva was the hearing officer.
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has become an associate of the firm practicing  
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hundred civil enforcement cases by a staff of 150 prosecutors.  
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**Jeannie L. Duncan**  
has joined the firm as an associate.  

Ms. Duncan is a 2009 graduate of Seattle  
University Law School and was formerly a  
law clerk for the Honorable Eric B. Schmidt,  
Washington State Court of Appeals, Division II.  
Her practice will focus on employment law  
and civil litigation.  

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Kim concentrates her practice on complex civil litigation and appeals, with a focus on consumer class actions, commercial litigation, business torts, employment law, and appeals in all areas of civil and administrative law.

Kim is a graduate of the University of Washington School of Law. Before joining Terrell Marshall & Daudt PLLC, she maintained a solo practice in Seattle.

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Mazzone and Cantor, LLP
are pleased to announce that
Jill Malat
has now joined the firm.

Jill Malat, B.A. University of California, Santa Cruz, 1989; J.D. University of The Pacific, McGeorge School of Law, Sacramento, CA, 1993. Ms. Malat has extensive experience in juvenile and adult felony and misdemeanor cases. She has worked as a Training Specialist for the Children and Youth Advocacy Clinic’s Court Improvement Training Academy, The Center for Children and Youth Justice as the interim supervising attorney for Lawyers Fostering Independence, and at the Washington Defender Association.

The firm continues to practice in Criminal Defense, Criminal Appeals, and Personal Injury

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Please check with providers to verify approved CLE credits. 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 E-mail: barnewscalendar@wsba.org

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

Administrative Law

Administrative Law Survey
September 29 — Tacoma. 6 CLE credits, including .5 ethics. By the WSBA Administrative Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Alternative Dispute Resolution

Arbitration and Mediation Boot Camp
September 24 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By the WSBA Alternative Dispute Resolution Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Business Law

Valuation and Succession Planning for the Closely Held Business
October 22 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Construction Law

Oregon Construction Law

17th Annual Washington Construction Law
September 16–17 — Seattle and webcast. 11.75 CLE credits, including 1 ethics. By The Seminar Group; 206-463-4400; www.theseminar.net/seminar.lasso?seminar=10.colwa.

Environmental Law

Biomass as a Renewable Energy Source

Ethics

12th Annual Ethics, Professionalism, and Civility: The Hard Questions
September 14 — Seattle and webcast. 6 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Sssshhhh! A Primer on Attorney Confidentiality
September 23 — Teleconference with online PowerPoint. 1 ethics credit. By Rubric CLE; www.rubriccle.com; 206-714-3178.

New Developments in Discovery-Related Ethics Issues
October 6 — Seattle and webcast. CLE credit pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethical Dilemmas for the Practicing Attorney
October 13 — Spokane. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Ethical Dilemmas for the Practicing Attorney
October 20 — Mount Vernon. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Family Law

Paternity Establishment and Disestablishment
September 15 — Seattle. 1 CLE credit. By McKinley Irvin; cle@mckinleyirvin.com; 206-625-9600; www.mckinleyirvin.com.

Law and Liberty: Reproductive Freedom
September 28 — Seattle. 1.5 CLE credits. By ACLU-WA; www.aclu-wa.org.

Practice Tips from the Bench
October 6 — Seattle. Part of the 2010 Family Law Speaker Series by McKinley Irvin. 1 CLE credit. RSVP required: cle@mckinleyirvin.com; 206-625-9600; www.mckinleyirvin.com.

Basic Collaborative Law Training
Adoption Essentials
October 19 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By the WSBA Family Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

General

The Declaration of Independence: Origins and Relevance
September 16 — Toll-free teleconference with online PowerPoint. 1.5 CLE credits. By Rubric CLE; www.rubriccle.com; 206-714-3178.

Digital Forensics vs. eDiscovery
September 18 — Sequim. 4 CLE credits. By Red Handed Forensics of Clallam County; 360-775-8687; info@redhandedforensics.com; www.redhandedforensics.com.

Estate Protection for Long-Term Care
September 21 — Chehalis. 2 CLE credits. By Lewis County Legal Aid; rschurch@localaccess.com; 360-740-1648.

Gain the Edge! Negotiations Strategies for Lawyers, with Marty Latz
September 22 — Seattle. 6 CLE credits, including 1.5 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Original Intent(s): Inside the Constitutional Convention
September 30 — Teleconference with online PowerPoint; 2 CLE credits. By Rubric CLE; www.rubriccle.com; 206-714-3178.

Medical Negligence
October 8 — Seattle and webcast. 3 CLE credits pending. By WSAJ; www.washingtonjustice.org; 206-464-1011.

Subrogation

Federal Practice Boot Camp
October 26 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Washington State’s 7th Annual Vulnerable Adult Abuse Conference: “Overcoming Barriers”
October 28–29 — Burien. CLE credits pending. By the King County Prosecutor’s Office; 206-296-8797; cyndee.cavanah@kingcounty.gov.

Indian Law

23rd Annual University of Washington Indian Law Symposium
September 9–10 — Seattle. By UW School of Law; www.law.washington.edu/cle; 206-543-0059; uwcle@u.washington.edu.

Intellectual Property

Understanding the Laws of Intellectual Property
September 8 — Seattle and webcast. 6.25 CLE credits. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

The Third Annual Inland Empire Intellectual Property Institute
October 1–2 — Spokane. 8 CLE credits, including 1 ethics credit pending. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Litigation

Gaining the Advantage by Understanding Your Audience and Effective Ways to Prepare for and Present Your Case
September 16 — Spokane. 2 CLE credits. By the Spokane County Bar Association; www.spokanebar.org; mwardrop@spokanebar.org.

Jury Selection and Other Jury Skills
September 28 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Mediation

Breaking Impasse: Straightforward Strategies for Mediators and Advocates
Sept. 10 — Seattle. By Dispute Resolution Center of King County and Sam Imperati, executive director of the Institute for Conflict Management, Inc.; 7.25 CLE credits; www.kcdrc.org/training/registration.

Mediation Training
October 20 — Seattle and webcast. 1.5 CLE credits. By Dispute Resolution Center of King County; www.kcdrc.org; kaseya@kcdrc.org.

Arbitration and Mediation Boot Camp
September 24 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By the WSBA Alternative Dispute Resolution Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Settlement Conference Mediator Training
September 28 — Tacoma. 2.75 CLE credits, including 1 ethics. By Pierce County Center for Dispute Resolution; www.pccdr.org; 253-572-3657; settlementconference@pccdr.org.

Professional Mediation Skills Training Program
October 8–10 and 23–24 — Seattle, 36 CLE credits, including 2 ethics. By UW School of Law; www.law.washington.edu/cle; 206-543-0059; uwcle@u.washington.edu.

40-hour Professional Mediation Training
October 14–16 and 21–13 — Olympia. 37.5 CLE credits, including 5.25 ethics. By the Dispute Resolution Center of Thurston County (DRC); 360-956-1155; onlewis@mediatethurston.org; www.mediatethurston.org.

Mediation Training
October 15–17 and 29–30 — Tacoma. 38.25 CLE credits. By the Pierce County Center for Dispute Resolution; www.pccdr.org; 253-572-3657; settlementconference@pccdr.org.

Probate Boot Camp
September 23 — Seattle and webcast. 6.25 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Beyond Boot Camp: Real Estate (Video Replay)
October 5 — Friday Harbor. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Easements, Boundaries, and Adjoining Properties
October 5 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.

Webcast Seminars

Understanding the Laws of Intellectual Property
September 8 — Seattle and webcast. 6.25 CLE credits. By the WSBA Intellectual Property Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbcle.org.
12th Annual Ethics, Professionalism, and Civility: The Hard Questions
September 14 — Seattle and webcast. 6 ethics credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

17th Annual Washington Construction Law
September 16–17 — Seattle and webcast. 11.75 CLE credits, including 1 ethics. By The Seminar Group; 206-463-4400; www.theseminargroup.net/seminar.lasso?seminar=10.colwa.

Making Your Case with a Better Memory with Paul Mellor
September 21 — Seattle and webcast. 6 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Probate Boot Camp
September 23 — Seattle and webcast. 6.25 CLE credits. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Arbitration and Mediation Boot Camp
September 24 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By the WSBA Alternative Dispute Resolution Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Jury Selection and Other Jury Skills
September 28 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Employee Benefits, Estate Planning, and Retirement Planning: Healthy Retirement Plans and IRAs (Under the Code) and Happy Plan Fiduciaries (Under ERISA)
September 30 — Seattle and webcast. 6.5 CLE credits, including 1 ethics. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Easements, Boundaries, and Adjoining Properties
October 5 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

New Developments in Discovery-Related Ethics Issues
October 6 — Seattle and webcast. CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Nursing Home/Elder Law
October 8 — Seattle and webcast. 3 CLE credits pending. By WSAJ; www.washingtonjustice.org; 206-464-1011.

Medical Negligence
October 8 — Seattle and webcast. 3 CLE credits pending. By WSAJ; www.washingtonjustice.org; 206-464-1011.

Adoption Essentials
October 19 — Seattle and webcast. 6.25 CLE credits, including .75 ethics. By the WSBA Family Law Section and WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Valuation and Succession Planning for the Closely Held Business
October 22 — Seattle and webcast. 6 CLE credits pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

Federal Practice Boot Camp
October 26 — Seattle and webcast. CLE credit pending. By WSBA-CLE; 800-945-WSBA or 206-443-WSBA; www.wsbacle.org.

WASHINGTON STATE BAR FOUNDATION DEVELOPMENT DIRECTOR
This position is responsible for developing a strategic plan for cultivating donors and funding sources for long-term programming for the Washington State Bar Foundation (WSBF) and in support of WSBA programming. Working with the WSBA executive director, WSBF Board of Trustees (BOT), WSBA staff, and related parties, this position identifies programs in need of support; develops fundraising goals and implements immediate and long-term funding strategies; identifies and evaluates prospective donors; and coordinates fundraising programs and activities. This position reports directly to the WSBA executive director, who serves as secretary to the Foundation. The position works in close collaboration with the WSBF BOT. Visit www.wsba.org/jobs for further details.

Senior attorney — Pacific Law Recruiters is conducting an exclusive search for a partner-level attorney to join a boutique firm of growing prominence. Candidates of interest will bring portable business and eight years or more transactional and healthcare experience, to include a solid history of legal representation on behalf of physicians,

Classifieds

For Sale

Brightwood/Welches Mt. Hood cabin. 1/4 interest in 1,719 sq. ft., 2 bed/2 bath retreat house. Quiet woods setting. Fully furnished. Sleeps up to 10. Large deck, backs to BLM land. Golfing, skiing, hiking close by. $63,000. Tax assessed total value $277,027. Call 503-703-7331, or e-mail torreeo@aol.com for information.
A broad range of legal concerns will focus on contractual, negotiation, regulatory compliance, licensing, and administrative law matters, affording personal and professional profitability as well as significant advancement of senior-level skills within a niche law practice. A market industry compensation and full benefits package will be provided for requisite credentials. Interested candidates are encouraged to forward a confidential résumé and cover letter for immediate consideration to Greg Wagner, Principal, at gww@pacificlawjobs.com. Visit our website at www.pacificlawjobs.com.

Land use associate — Cairncross & Hempelmann, PS, is seeking an attorney to join its Land Use Group. Candidates should have two or more years of land use experience with strong analytic and writing skills, involvement in the permitting process, and the ability and desire to present cases to hearing examiners, councils, and the courts. Superior academic credentials and current WSBA membership are also required. We offer competitive salary, sophisticated work for excellent clients, and a uniquely collegial working environment. To apply, send cover letter, résumé, and law school transcript to: Sophia Bell Lavin, Director of Human Resources, Cairncross & Hempelmann, PS., 524 Second Ave., Ste. 500, Seattle, WA 98104; slavin@cairncross.com.

Bankruptcy associate — Mid-sized downtown Seattle law firm seeks an attorney with a genuine affinity for complex workouts and commercial bankruptcy to work primarily with its Creditors’ Rights and Bankruptcy Group. Ideal candidates should have three or more years of actual bankruptcy and financial litigation experience. Superior academic credentials and excellent written and verbal communication skills are also a must. We offer competitive salary, sophisticated work for excellent clients, and a uniquely collegial working environment. Check us out at www.cairncross.com. EOE. Send cover letter, résumé, transcript, and writing sample to: Human Resources Director, Cairncross & Hempelmann, PS., 524 Second Ave., Ste. 500, Seattle, WA 98104-2323. E-mail: slaving@cairncross.com, fax: 206-587-2308.

Reid, Pedersen, McCarthy & Ballew, LLP, a union-side labor law firm in downtown Seattle, is seeking an associate attorney. Minimum two years of traditional labor law experience is preferred, but other relevant experience may be sufficient. For the right person, the firm would consider hiring a law school graduate with little or no experience. We represent a diverse group of unions in the private and public sector and multi-employer trust funds. Strong research, writing, and advocacy skills are required. Applicants must be committed to the labor movement and to advancing the interests of working people. Please send résumé, salary history, two writing samples, and references to: Thomas A. Leahy at Reid, Pedersen, McCarthy & Ballew, LLP, 101 Elliott Ave. W., Ste. 550, Seattle, WA 98119, or by e-mail to tfom@rpmb.com. For more information about our firm, visit our website at www.rpmb.com. No calls please.

Ahlers & Cressman PLLC, a construction and real estate law firm in downtown Seattle, is seeking an experienced attorney with at least six years’ experience to perform construction contract review and drafting, litigation, arbitration, and dispute resolution. Ahlers & Cressman PLLC is a group of motivated, hard-working attorneys. This is a career opportunity for attorneys who seek to excel in a collegial environment in a firm which values high-quality legal work. Chris Achman, Administrator, Ahlers & Cressman PLLC, 999 Third Ave., Ste. 3100, Seattle, WA 98104-4088. Fax: 206-287-9902. E-mail: sachman@ic-lawyers.com

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

Benton County — labor/employment attorney. The Benton County Prosecutor’s Office is accepting applications for a deputy prosecuting attorney in its Civil Division. This full-time, non-bargaining position has full benefits and a starting salary range of $4,953 to $8,040 per month, DOE and DOQ. Must be admitted to Washington State Bar and have at least two years of legal experience in the following areas: Washington and federal laws pertaining to fair labor standards, union negotiations, hiring, disciplinary and grievance practices and procedures, family leave, ADA, and other employment- and labor-related issues. Litigation experience in these areas also is preferred. Seeking applicants with strong work ethic, organizational abilities, and interpersonal skills. To apply, send cover letter, résumé, and references to: Andy Miller, Benton County Prosecutor, 7122 W. Okanogan PL, Kennewick, WA 99336, or by fax to 509-222-3705. Selection based on qualifications, background check, and interview. Position open until filled.

Attorney — Salt Lake City. Holland & Hart’s Salt Lake City office seeks an experienced attorney with 10-plus years of substantial litigation experience, including in the commercial finance area. This candidate would come on board either as a lateral partner or an of counsel attorney. The ideal candidate possesses 10-plus years of litigation experience, including jury trials, primarily in the commercial finance area (creditors’ rights and remedies, UCC, bankruptcy litigation, real estate, and lender liability defense), strong leadership and client-relationship skills, and would have the capacity to absorb about 80 percent of a full workload. The candidate would be capable of serving as a strong second chair on complex litigation matters and first chair on medium-sized matters. Client relationship skills are essential: clients will embrace and have confidence in this attorney. This person will be groomed as a successor to a substantial litigation practice for a retiring partner. Qualified applicants are invited to submit a cover letter and résumé to Dan Wille, Holland & Hart LLP, PO Box 8749, Denver, CO 80201, e-mail: dpwille@holandhart.com or fax 303-558-4249. EOE/M/F. No phone calls, please.

Senior licensing and technology attorney, reference #71910: We are seeking a senior licensing and technology transactional attorney with 10-plus years of relevant experience to join our telecommunications, licensing and technology group in our Denver or Boulder, CO, office, or, depending on various other factors and if preferred by a qualified candidate, our Salt Lake City, UT, or Boise, ID, office. Candidates must have been engaged in a partner-level practice, preferably with large firm/client experience. Book of business not required, but may help provide flexibility as to office location. Please send résumé and cover letter to: Dan Wille, Holland & Hart LLP, 555 17th St., Ste. 3200, Denver, CO, or e-mail dpwille@holandhart.com. Holland & Hart LLP is an equal opportunity employer. No unsolicited résumés from search firms, please.
Licensing and technology attorney. We are seeking a senior licensing and technology transactional attorney with five-plus years of experience to join our telecommunications, licensing, and technology group in Boulder, CO, Denver, CO, Salt Lake City, UT, or Boise, ID (candidate's choice). Candidates must have an outstanding academic record, demonstrate superior drafting and communication skills, and have experience with large firm/client practice and expectations. Demonstrable business development success a bonus. References will be required. Please send résumé, cover letter, and law school transcript to: Dan Wille, Holland & Hart LLP, PO Box 8749, Denver, CO 80201-8749, or e-mail to dwille@hollandhart.com Holland & Hart LLP is an equal opportunity employer. No unsolicited résumés from search firms, please.

Banking attorney — five-plus years’ experience. Gordon Thomas Honeywell, a leading Pacific Northwest law firm, seeks an attorney to join its expanding banking and financial institutions practice. The ideal candidate will have experience in banking securities, mergers and acquisitions, workouts and asset recovery actions, and general banking issues. At least five years of relevant experience with a law firm or financial institution is preferred. Candidates should possess the entrepreneurial drive to develop their own clients and practice as well as expand on the firm’s base of bank clients. Qualified candidates, please e-mail résumé and cover letter to ghjobs@gmail.com under the subject line “Banking Attorney.”

In-house estate planning position in southwest Washington. Fast-growing southwest Washington-based real estate related company seeks an estate planning attorney with five-plus years of experience to render legal advice on a variety of transactions and also to assist them with business development matters. Please direct all confidential inquiries to: Gordon A. Kamisar, Esq., President, Kamisar Legal Search, Inc., 425-392-1969, gkamisar@seattlesearch.com; or e-mail to gkamisar@seattlesearch.com. Gordon A. Kamisar, Esq., President, Kamisar Legal Search, Inc., confidential inquires to: Gordon A. Kamisar, 604-392-1969, gkamisar@seattlesearch.com; or e-mail to gkamisar@seattlesearch.com. Esq., President, Kamisar Legal Search, Inc., confidential inquires to: Gordon A. Kamisar, 604-392-1969, gkamisar@seattlesearch.com; or e-mail to gkamisar@seattlesearch.com.

Ghost writer sought for topics in workers’ compensation, PI, and SSD law. You: clear, succinct, and timely with SEO skills. Me: sporadic and exacting. E-mail csharpe@sharpelawfirm.org.

Webster Law Office, a general practice small law office, is seeking an associate with interest in general civil litigation, family law, real property law, estate planning, and probate. Please fax résumé, cover letter, and writing samples to 509-685-2267.

Municipal judge. The City of Black Diamond is seeking Requests for Qualifications from well-qualified attorneys interested in serving as presiding judge for the Black Diamond Municipal Court. Minimum qualifications include JD degree from an accredited law school, license to practice law in the state of Washington, membership in the Washington State Bar Association, and eight years’ experience as a practicing attorney or judge. Experience as a court commissioner, municipal/district judge, or judge pro tem preferred. For more information, visit www.ci.blackdiamond.wa.us or contact Brenda L. Martinez at 360-886-2560; e-mail bmartinez@ci.blackdiamond.wa.us. Proposals must be submitted by 4:30 p.m. on September 10, 2010.

Sundberg & Pody Law Office, PLLC is looking for a bright, hard-working associate attorney to join our fast-growing real estate law practice. The person hired must be able to deal with the public, multitask and prioritize job assignments, work accurately and efficiently, be detail-oriented, be good with numbers, have a high personal standard for work quality, and be fully capable of utilizing office technology for maximizing productivity. Plenty of opportunity for client contact and to gain valuable experience in civil litigation, real property, and bankruptcy law. Previous legal experience required. Experience with bankruptcy, liens, judgments, and/or foreclosures would be a plus. Must be a currently licensed Washington attorney. Seattle commuting area applicants only, please. Reference “associate attorney” in reply. 1215 Fourth Ave., #920, Seattle, WA 98161-1030; jgile@sundberglaw.com

Associate attorneys with at least two years’ experience are becoming increasingly in demand by some of the Northwest’s finest firms. Practical experience in securities law, intellectual property (patent), bankruptcy, and commercial and securities litigation, among other areas, generates immediate consideration, provided candidates also possess superior writing skills, excellent interpersonal attributes, and exemplary academic credentials from a quality educational institution. Current or recent experience in a leading law firm or major business organization is also necessary. Qualified candidates interested in exploring new opportunities are encouraged to forward a confidential résumé and cover letter for immediate consideration to Greg Wagner, Principal, Pacific Law Recruiters, at gwagner@ pacificlawjobs.com. Visit our website: www.pacificlawjobs.com.

The Seattle office of Smith Freed & Eber-hard is currently recruiting candidates for two attorney positions with a minimum two years’ experience in Washington insurance defense. Experience related to personal injury or construction defect is desired. Successful candidates must possess excellent client service, research and writing skills. We pay a competitive salary and benefits. For consideration, please send a cover letter, résumé, three professional references, and a writing sample to dillard@carneylaw.com.

Vancouver, WA, law firm seeks an attorney with five or more years of experience. We are primarily interested in someone with knowledge of or an interest in the area of creditors’ rights, although that would not be the sole expected area of practice. A Washington license is required, and an Oregon license is a positive. We are an established firm of experienced attorneys. Please send a résumé and letter of interest to PO Box 611, Vancouver, WA 98666.

Washington State Department of Health (DOH) is seeking an experienced litigation attorney or administrative law judge to serve as a health law judge (hearings examiner 3) in Tumwater, WA. Admission to Washington State Bar, two years’ law school, and one year trial practice experience required. ALJ experience and/or subject-matter experience in health profession discipline, certificate of need, or other cases before DOH is desirable. Salary range is up to $78,900/year, DOQ.
the formal recruitment announcement (DOH 1130 – RK) and application instructions at www.doh.wa.gov/job_ann/default.htm. This recruitment opens on 9/1/10 and closes on 9/15/10. DOH is an EOE.

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

Services


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

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

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

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

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

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

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

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

Contract attorney available for research and brief writing for motions and appeals. Top academic credentials, law review, judicial clerkship, complex litigation experience. Joan Roth, 206-898-6225, jrmcc@yahoo.com.


Insurance — lawyers’ professional liability, general liability, and bonds. Independent agent, multiple carriers, 16-plus years’ experience. Contact Shannon O’Dell, First Choice Insurance Services, 509-638-2558; 1-888-894-1858; www.fcims.biz

Appraiser of antiques, fine art, and household possessions. James Kemp-Slaughter, ASA, FRSA, with 33 years’ experience in Seattle for estates, divorce, insurance, and donations. See http://jameskempslaughter.com for details. 206-285-5711 or kempslaughter@aol.com.


Outsource your e-discovery to nationally acclaimed lawyer technologists deeply experienced in e-discovery law and technologies. Free first consultation. 425-228-3786; www.legaltechnologygroup.com

Website customized for your law firm you can edit yourself anytime. You get unlimited pages optimized for the search engines to bring you new clients. After the first free month, pay only $49 per month (paid annually); there are no other fees. Cancel anytime with no cancellation fee and receive a refund of any unused portion. Call 888-802-3421 or visit www.controlcenter.com.

Workers’ compensation defense attorney in Spokane. Over 20 years’ experience representing self-insured employers in all phases of litigation and settlement. Reasonable rates. Contact Don Colistro, 509-928-8822 or dcolistro@earthlink.net.

Contract attorney with extensive litigation experience available to research and write memos, motions, and briefs. Kevin Ireland, 206-285-3386; kevinireland@q.com.

Space Available

Downtown Seattle executive office space: Full- and part-time offices available on the 32nd floor of the 1001 Fourth Avenue Plaza Building. Beautiful views of mountains and the Sound! Close to courts and library. Short- and long-term leases. Conference rooms, reception, kitchen, telephone answering, mail handling, legal messenger, copier, fax, and much more. $175 and up. Serving the greater

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Seattle area for over 30 years. Please contact Business Service Center at 206-624-9188 or www.bsc-seattle.com for more information.

Turn-key — new offices available for immediate occupancy and use in downtown Seattle, expansive view from 17th floor of the Columbia Center. Office facilities include in rent (reception, kitchen, and conference rooms). Other administrative support available if needed. DSL/VPN access, collegial environment. Please call Amy, Badgley Mullen Law Group, 206-621-6566.

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

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

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

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


Issaquah office space. Two offices available for sublease in Issaquah law firm. Office — $1,050; with assistant station — $1,225. Rent includes reception, copier, fax, and conference room. Possible referrals. Contact Christina at 425-391-7427, or christinaforte@obrienlawfirm.net.

Seattle office space (Class A): Up to three professional offices and two staff offices on 38th floor of Bank of America Plaza (5th and Columbia) available for sublease by small construction law firm. Includes use of conference room, reception, kitchen, telephone service. Bookkeeping, garage parking, Westlaw, copier, fax services available. Lots of flexibility with your size needs and duration of lease. Larry, 206-442-1560.

Downtown Bellevue beautiful office space available — seeks new tenant to share space, one private office, plus space for secretary, storage, completely equipped with T1, share conference room, telephone, copier, fax, scanner, etc. Please call Winston at 425-213-0553.

Mountlake Terrace offices — Private furnished, unfurnished, or shared offices from $250/month in downtown Mountlake Terrace. Great location near I-5 and Transit Center. Contact Vince Slupski, 206-854-4936; vince.slupski@gmail.com.


Mercer Island-based personal financial management firm looking to sublease up to 1,000 sq. ft. (four window offices and reception space, plus interior bathroom) for $2,500/month. One year lease, then available month-to-month. Please respond by e-mail: berit@paracleadvisors.com or phone: 425-646-9292.

Fall City historic building. 30 minutes from Seattle. Lawyer referrals, downsized office, free parking, utilities, Internet, fax/scanner, kitchenette, conference room. David, 425-417-8790.

Bellevue office space: Two window offices available — share with five other congenial attorneys. Rent includes reception and shared conference, kitchen, etc. Close to downtown — free parking. Please contact Dorothy@robertperezlaw.com.


Wanted

Wanted: established firm. Interested in retiring/selling your law practice? Ambitious attorney at national firm seeking to leave the large law firm life to work as a small practitioner. Seeking established firm with emphasis on business/transactional law and may include trusts/estates/real estate. E-mail legal@northboundconsulting.com.
Paul R. Taylor
WSBA No. 14851

 ► I became a lawyer because I was interested in the opportunities the law affords for public service. I was fortunate enough to start my career as a trial attorney with the U.S. Department of Justice. While I am now in private practice, I periodically serve as special counsel to the Washington Commission on Judicial Conduct, investigating and trying judges accused of misconduct. Those are some of the most challenging and rewarding matters that I handle.

 ► The future of the practice of law is in a state of flux in terms of how we resolve disputes. Rising costs and declining judicial resources have made the traditional approach — trials — increasingly rare. Mediation — once a cottage industry — is now ingrained in the system. In many jurisdictions, a case cannot go to trial unless there has been a mediation. Likewise, private arbitration has become increasingly popular. Both of these alternatives have shortcomings which may be magnified as their use increases.

 While mediation has many virtues, it may lose some of its effectiveness over the long run. One of the drawbacks of the dwindling number of trials is that fewer lawyers have meaningful trial experience. As a result, they have less experience to draw upon to effectively evaluate their cases, particularly the weaknesses, for purposes of mediation.

 The result may be that cases become increasingly harder to settle at mediation. Anecdotally, at least, a growing number of cases require multiple mediations before they settle. Thus the ADR process, designed to reduce expenses, is itself becoming more expensive.

 The other alternative to trials — arbitration — has become increasingly expensive and is often not the faster, cheaper alternative it originally represented.

 The traditional system has worked for centuries. While ADR has many virtues, it cannot replace the adversary system. For example, one of the virtues of our legal system is the notion of predictability so that people can guide their conduct accordingly. In the very long run, increased use of ADR produces fewer trials, fewer precedents, and a smaller base of outcomes upon which to make predictions and decisions.

 Time will tell if, and when, the ADR pendulum has swung too far.

 ► The best advice I have been given is not to copy the style of other lawyers. You can learn by watching other lawyers, but you need to integrate what you learn into your skills and personality and develop your own style.

 ► I would share this with new lawyers: First, prepare thoroughly for any task, whether it is a meeting, a hearing, or even a telephone call. Second, lawyers on the other side are not your enemy. Like you, they are simply trying to do a good job for their client. To the extent they misbehave, try to work around it. If you sink to their level, you will be doing your client a disservice.

 ► Traits I admire in other attorneys: Promptness, courtesy, forensic skills, and a sense of humor.

 ► I would give this advice to a first-year law student: Learn to write well. Whatever type of practice you pursue, writing is the single most important skill. People will form impressions of you based on how you write.

 ► People living or from the past I would like to invite to a dinner party: David Gergen, Maureen Dowd, Ichiro, Julia Child, and Jerry Garcia.

 ► I am the most happy when I’m preparing for and trying a case.

 ► My favorite non-job activity: Playing with my kids.

 ► I am currently reading Tears in the Darkness by Mitchell Norman and Elizabeth M. Norman, a story about the Bataan Death March and the war crime trials that followed.

 ► One of the greatest challenges in law today is harnessing electronic discovery. There is not yet technology which provides an economical way to gather, filter, and produce e-mail and other electronic media such as text messages. Part of the solution is for companies to reduce the amount of electronic documents generated in the first instance, or to adopt a rigorous deletion policy. Another part of the solution is for the parties to recognize and agree that not every last e-mail of every last employee needs to be gathered and reviewed.

 ► If I were not practicing law, I would run a fast (but good) food restaurant.

 ► Technology is a tool, not an end in itself. Not every opening statement requires a PowerPoint.

 ► What keeps me awake at night: Worrying about whether I made mistakes, overlooked key issues, or missed a case scheduling deadline.

 ► If I could change one thing about the law, I would reduce the number of lawyers who speak and write like lawyers rather than effective communicators.

 ► This is the best part of my job: The detective work involved in understanding the facts of a new case and determining the best way to effectively present them.

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 This profile was requested by WSBA Editorial Advisory Committee Co-chair M. Lisa Bradley. To learn more about “Briefly About Me” or to submit your own, go to www.wsba.org/lawyers/brieflyaboutme.doc.
makes it a kind of strictly constrained poetry, akin to haiku. Of course, its value as poetry so far is undermined by the unpoeitic content of most tweetage. Also, the combination of an extremely short format and the lack of any other rules might deter most poets. On the other hand, tweeting already has established itself in another literary niche, historical narrative. If newspaper reporting was the writing of history one day at a time, tweeting is the writing of history second by second.

Pertinent to our profession, tweeters today are constantly documenting trial outcomes and appellate decisions as they occur. In fact, jurors and counsel have taken to their smartphones to tweet about their own cases while they were still underway, with some ending up in hot water with judges for doing so.

All this led me to wonder how certain landmark cases from history might have been tweeted, had Twitter existed at the time. Consider the U.S. Supreme Court. The seminal cases, those that transformed society, dealt with such fundamental issues that Twitterers, I believe, could have distilled them into tweets. Following is how I imagine some of these 140-character dispatches would have appeared.

Marbury v. Madison — 5 U.S. 137 (1803):

u.s.supremecourt Hey, Sec’y Madison, we’re the Supreme Court. Never heard of “unconstitutional”? That’s cuz we just invented it.

#judicialreviewbaby

Erie Railroad Company v. Tompkins — 304 U.S. 64 (1938):

cbsradio Tragic Pennsylvania train accident: man loses arm, federal courts lose power.

#diversityjurisdiction #commonlaw


ritahayworth Interstate commerce this, 14th Amendment due process that, personal jurisdiction, blah blah. Where’s the part about shoes?


c.gideon I didn’t steal that wine. Was broke, so went pro se. Flopped at trial, but appealed from prison. Win! Public defense for all felons.


nbctv Landmark case — for us! Miranda warning = court and cop show dialog, plot twists forever. U have the right to watch Dragnet tonight.


u.s.supremecourt Quaint notions: 1) recording your scandals on analog audio tape; 2) claiming absolute, unqualified presidential immunity for same. #watergate

Here in the other Washington, our state Supreme Court has some milestone cases of its own that would have been amenable to a tweet or two. To wit:

Thomdike v. Hesperian Orchards, Inc. — 54 Wn.2d 570 (1959):

judicialbranchnews Case stems from comparing apples to apples. On a peel, Supreme Ct. not stumped, won’t go out on limb. Leaves fact issues to trial courts.


wash.supreme.court WA constitutional protection-US constitutional protection?

We’ll give 6 criteria. But she’s busted anyway. #phonelogsgotcha

Ligation isn’t the only legal arena in which tweeting has been employed. The passage of key legislation is marked by Twitter flurries, too. Imagine if tweets had existed when the Bill of Rights was drafted and ratified.

First Amendment

u.s.congress We can’t touch your freedom of/from religion. Say & write what u want. Get together & complain to “the man”? That’s cool too.

Second Amendment

u.s.congress Yeah, the “militia” part’s confusing but you can have guns. #charlonheston #righttoarmbearsbumpstericker

Third Amendment

u.s.congress No, we can’t make you keep soldiers in your house. Unless there’s a war, maybe. (If u want soldiers in your house, that’s your business.)

Fourth Amendment

u.s.congress The bust must be reasonable.

Cops can get into your stuff with a warrant if there’s probable cause, they say what they’re after, etc.

Fifth Amendment

u.s.congress Gotta be indicted first; no double jeopardy; don’t have to rast yourself out; due process required; no taking w/o just compensation.

Sixth Amendment

u.s.congress Criminal charge? U get speedy public local jury trial, info on charges, cross-exam, own witnesses, lawyer.

Seventh Amendment

u.s.congress Involved in federal civil suit for more than $20? You can have a jury. #backthenjudgeswerecorrupt #200wasalot

Eighth Amendment

u.s.congress Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(Yup, that’s the full text of the Amendment, well within tweet length.)

Ninth Amendment

u.s.congress The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others be retained by the people. (Also already within tweet length.)

Tenth Amendment

u.s.congress Powers not delegated to feds by Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. (Required only minimal shortening.)

For the sake of reader participation, I now invite you to do two things: 1) follow me on Twitter (www.twitter.com/barbeat), and 2) send me your own law-related faux tweet, like those above. If I get some good ones, I’ll print them. ☯
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