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Clockwise from left: Illustration ©Getty / 3DSculptor; Photo by Gayle Rieber Photography

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The Good in All

At a recent WSBA staff meeting during Employee Appreciation Week, we watched a video that revealed the unique talents and accomplishments of many WSBA employees. For example, I learned that one of my colleagues has summited the highest mountain on every continent, one is an expert tuba player, one met Julia Child four times, and one is a local mountain biking legend.

It was a very nice reminder, especially in the era of virtual meetings and interactions, that people are so interesting, adventurous, skilled, and kind—often more than we know.

As another example of human goodness, take a look at Washington’s most recent pro bono numbers. In 2020, nearly 2,500 WSBA members contributed about 178,000 hours of pro bono legal services. That’s a lot of free legal help. (The names of those who contributed at least 50 hours last year can be found on the Pro Bono Publico Honor Roll on page 30).

Continuing with that theme (pro bono week is celebrated each October), read more about the state of pro bono work in Washington on page 26, and find opportunities to get involved on page 29. You can also learn about a number of the legal professionals who are involved with the WSBA’s Moderate Means Program on page 34.

Also in this issue: a Q&A with new WSBA President Judge Brian Tollefson (Ret.) (page 12), brief introductions to the members of your Board of Governors (page 14), an article by Rania Rampersad about the Joint Minority Mentorship Program that she founded in 2019 (page 44), an ethics column about representing clients with diminished capacity (page 20), and more.

In 2020, nearly 2,500 WSBA members contributed about 178,000 hours of pro bono legal services. That’s a lot of free legal help.
We made our family tighter and our business stronger with one football game.

Never have the words, “Yes sir,” been so cutting as when I heard it from my sister. My authority within the family business had caused a rift in the family. Somewhere along the way, I'd stopped being a brother and became the CEO and chairman of the board instead. That’s when Whit suggested that Thanksgiving was the perfect opportunity to recapture some of the family magic of our childhood. A little Thanksgiving football, a few laughs, and a lot of stuffing later, and we’d reworked the business so Whit could handle decisions involving the family and I could focus on being a brother.

Sometimes the big picture becomes clearer when you focus on the little things.

— David, San Diego
Leading the Way

Toward a Bright Future

Congratulations to Dr. Jacob H. Rooksby, reappointed as the Dean of Gonzaga University School of Law

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LET US HEAR FROM YOU!

We welcome letters to the editor on issues presented in the magazine. Email letters to wabarnews@wsba.org.

Letters to the editor published in Bar News must respond to content presented in the magazine and also comply with Washington General Rule 12.2 and Keller v. State Bar of California, 496 U.S. 1 (1990). Bar News may limit the number of letters published based on available space in a particular issue and, if many letters are received in response to a specific piece in the magazine, may select letters that provide differing viewpoints to publish. Bar News does not publish anonymous letters or more than one letter from the same contributor per issue. All letters are subject to editing for length, clarity, civility, and grammatical accuracy.

*GR 12.2(c) states that the WSBA is not authorized to “(1) Take positions on issues concerning the politics or social positions of foreign nations; (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or (3) Support or oppose, in an election, candidates for public office.” In Keller v. State Bar of California, the Court ruled that a bar association may not use mandatory member fees to support political or ideological activities that are not reasonably related to the regulation of the legal profession or improving the quality of legal services.

---

Seeking New Legal Professionals

In collaboration with members from the Washington Young Lawyers Committee, Bar News is developing a new column in which experienced practitioners answer questions from those new to the practice of law. Submit your question to wabarnews@wsba.org or here: https://forms.gle/EppGqbiUU6XcE7vC8.

Member Responses Needed

Have you retired from the practice of law? Would you like to share your retirement story? Reach out to wabarnews@wsba.org for an opportunity to be included in an upcoming issue of Washington State Bar News.

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WASHINGTON STATE BAR NEWS Submission Guidelines

Washington State Bar News relies on submissions from WSBA members and members of the public that are of interest to readers. Articles should not have been submitted to any other publications and become the property of the WSBA. Articles typically run 1,000–2,500 words. Citations should be incorporated into the body of the article and be minimal. Please include a brief author’s biography, with contact info, at the end of the article. High-resolution graphics and photographs (preferably 1 MB in size) are requested. Authors should provide a high-resolution digital photo of themselves with their submission. Send articles to wabarnews@wsba.org. The editor reserves the right to edit articles as deemed appropriate. The editorial team may work with the writer, and the editor may provide additional proofs to the author for review.

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Federal Court Looks to Choice-of-Law Provision in Legal Malpractice Case


Building a Culture of Gender Equity: Insights from a Majority-Women-Owned Firm

I am the managing shareholder of a 50+ attorney business law firm with 29 equity partners: 16 women and 13 men. Stokes Lawrence was founded 40 years ago by two men. While we did not consciously seek to be majority women owned, we have always attracted and been successful retaining women lawyers. In fact, our [...] nwsidebars.wsba.org

Washington Delays Statewide E-Filing for Courts of Limited Jurisdiction

The Administrative Office of the Courts (AOC) announced on June 25 that it was delaying the e-filing component of its Courts of Limited Jurisdiction Case Management System (CLJ-CMS) project—also known as Odyssey File & Serve (OFS). Citing concerns raised by the legal community, “Upon careful and [...] nwsidebars.wsba.org

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Introducing 2021-22 WSBA President Judge Brian Tollefson (Ret.)

I am excited and proud to work for our members as president of the Washington State Bar Association. I believe this is the first time that a retired Washington state superior court judge is leading this noble organization. This fresh challenge gives me the opportunity to use my collected knowledge and experience to guide the WSBA and assist the Board of Governors in achieving a variety of objectives.

My belief in lifelong education has afforded me the ability to accumulate some very helpful talents. One example: my pursuit of a master’s degree in judicial studies (MJS) from the University of Nevada, Reno. By taking courses from both the UNR and the National Judicial College, I gained new insights into our legal profession and a better understanding of the influence the profession has on many different fields of business, government, and society. While pursuing my MJS, I was invited to participate in ASTAR (the Advanced Science and Technology Adjudication Resource judge program), a nationally recognized organization focusing on science topics for judges. By following and completing a 120-hour general curriculum at different universities around the nation in case-related scientific method, topics, and issues, I became one of nearly 500 judges nationwide who was certified as an ASTAR fellow—a science and technology resource judge. ASTAR later became the National Courts and Sciences Institute (NCSI). With all that I have learned in these and many other educational pursuits, I now hope to help navigate the best path ahead for our Association.

GIVING VOICE TO QUESTIONS
There are many opportunities for our Bar Association to move forward, but there are some troubling areas out there, too. For example, there is growing polarization among the membership about what direction the Bar Association should take on certain issues. At the same time, volunteer involvement is declining and there is no collective understanding of why this is. I believe that renewed member engagement is vital to the future well-being of the WSBA. One way to assist the WSBA is to seek input directly from the membership on what changes and innovations are needed to become a more effective organization that is both transparent and accountable to our members and the public. The concepts of “common ground” and “common purpose” should help as guiding principles to use when leading any discussion about new or existing programs or requirements. My hope is that different voices can inform us all; let’s pass the microphone around.

FOCUS ON MEMBERS AND THE PUBLIC
As president of the Washington State Bar Association I have a voice, but not a vote, when the Board of Governors acts on a Bar program or requirement that the Board has authority over. I hope to help the Board answer questions and focus on the effects of its decisions to adopt, modify, or revise any program or requirement.

One thing I’d like to keep front and center is the WSBA’s mission statement: “to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.” [Emphasis added.] For me the key phrase is “to serve the public and the members.” Notice the use of the conjunction “and.” “And” does not mean “or.” Using the concepts of “common ground” and “common purpose” may help the Board of Governors focus its discussions around spending member license fees when acting on any program or requirement.

WRITING FOR BAR NEWS
As president of the Bar, I’ll be asked to write a column for every issue of Bar News. When I write about a current or proposed WSBA program or requirement, I hope to guide the discussion using the thoughts I have expressed here. Stay tuned.

I hope to help the Board answer questions and focus on the effects of its decisions to adopt, modify, or revise any program or requirement.

MORE INSIDE>
Learn more about Tollefson in his Q&A, p. 12.
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Q. Tell us a bit about who you are, your background and law practice, as well as where you practice.

I was born and raised in Tacoma where I attended Tacoma Public Schools. The School of Business at the University of Washington was where I earned my undergraduate degree in business administration. However, I aspired from the time I was 12 to be a lawyer like my father, Harold M. Tollefson, and many other family members.

Willamette University College of Law is where I attended law school and served on the Willamette Law Journal staff for two years, eventually becoming articles editor. After graduating with honors in the spring of 1976 and passing the bar exam, I was admitted to the Washington State Bar in the fall of 1976. I was fortunate to be hired by Charles T. Wright of the Washington Supreme Court as his law clerk to work with him during his two years as chief justice.

After my Supreme Court clerkship, I started private practice in 1979 with a medium-sized Tacoma law firm—then known as Kane, Vandeberg, Hartinger and Walker—where I became a partner before being elected at age 37 to the Pierce County Superior Court in 1988.

Service as a judge on the Pierce County Superior Court bench for over 27 years gave me many opportunities to pursue my belief in lifelong education. To that end, I was awarded a master's in judicial studies from the University of Nevada, Reno, and studied many different areas of science for judges with a national organization called ASTAR and now known as the National Courts Science Institute.

After retiring from the bench and returning to active membership status in the WSBA, two of my former judicial colleagues and I started a dispute resolution business in 2017, Black Robe Dispute Resolution Services, PLLC, where I still work today.

My wife, Linda, and I married in 1981 and celebrated our 40th wedding anniversary earlier this year. We have two wonderful adult children.

Q. What were the transitions like—from private practice, to going on the bench, and now serving as a private mediator? How do these roles differ?

As a lawyer, you represent your client and that often involves advocacy for the client. As a judge, you must look at all sides of the matter before making a decision. As a mediator, you assist the parties in making their own agreement or decision.

The transition from private practice to the bench was easier than I thought it would be. It might be the result of my experience working for a judge. Additionally, I practiced in many different areas of law during my career in private practice and as law clerk at the Supreme Court.

I enjoyed using mediation while serving as a superior court judge and in private practice as well. While on the bench, I often conducted mediation-style settlement conferences if the parties agreed. Now in my dispute resolution business, I perform a variety of services, including arbitrations, mediations, special-master, and hearings-officer work.
Q. What motivated you to run for a district seat on the Board of Governors and then to run for WSBA president? My motivation was my wife, Linda, who has supported our continuing participation in many different community endeavors. We both appreciate that community involvement is important. Linda supported my “public service” career, beginning as my campaign manager with my run for election as a superior court judge. She has worked at the Washington Supreme Court and as a judicial administrative assistant to the late Judge Solie Ringold at Division I of the Washington Court of Appeals. We’re always striving to make a difference and my involvement with the WSBA is just one case in point.

Q. What do you hope to achieve as WSBA president? What will you focus on as your top priority? The WSBA’s many members have different career/life priorities. Finding common ground for the benefit of all our members and the public will be the focus of my time as WSBA president. I want to continue to support the Board of Governors in working for all WSBA members and the public. I believe that “common ground” should be the number one priority and should drive every policymaking decision.

Q. What is one critical misperception the public holds about legal services and legal professionals that the WSBA can help to overcome? One often-mentioned critical misperception is that one must spend unaffordable amounts of money to obtain justice. The WSBA’s mission, namely its commitment to justice for all, together with a focus on helping the public through many different law-related programs, is the best tonic for overcoming that misperception.

Q. If you weren’t a lawyer, what career path would you choose? The legal profession was my goal, but my backup plan was to be a CPA.

Q. What do you do in your leisure time? What is leisure time?

Q. What will you write about in your monthly “President’s Corner” column? Something new, relevant, and fresh for each issue of Bar News. I’m rolling up my sleeves.

Finding common ground for the benefit of all our members and the public will be the focus of my time as WSBA president.”
Meet Your Board of Governors

Judge Brian Tollefson (Ret.)
2021-2022
PRESIDENT

Judge Brian Tollefson (Ret.) was elected to the Board of Governors in 2017 and elected by the Board of Governors as president-elect in 2020. Judge Tollefson is a principal at Black Robe Dispute Resolution Services, PLLC. He served on the Pierce County Superior Court bench for over 27 years. While on the bench he was active in the Superior Court Judges Association (SCJA) as a member of the Board of Trustees, together with several SCJA committees. He served on the Pierce County Superior Court Executive Committee and served as presiding judge, continuing active participation in numerous Superior Court committees. Before his judicial career, he was a partner in a Tacoma law firm. He is an emeritus member of the Robert J. Bryan American Inns of Court and has worked with the National Courts & Sciences Institute (NCSI, formerly known as ASTAR). He graduated from Willamette University College of Law with honors, serving on the Willamette Law Review staff. After law school, he served as law clerk to the late Washington Supreme Court Chief Justice Charles T. Wright for two years. He earned a master's degree in judicial studies from the University of Nevada, Reno. His B.A. in Business Administration is from the University of Washington School of Business.

Daniel D. Clark
2021-2022
PRESIDENT-ELECT & GOVERNOR
DISTRICT 4

Daniel D. Clark was elected by the Board of Governors as president-elect in 2021 and has served on the Board of Governors as the District 4 Governor since July 2017. He was elected as WSBA treasurer in July 2019, and reelected as WSBA treasurer in July 2020, becoming the first member to serve as treasurer for two terms and two consecutive terms. Clark is a senior deputy prosecuting attorney with the Yakima County Prosecuting Attorney’s Office, Corporate Counsel Division. His legal practice includes providing legal representation to Yakima County department heads and elected officials in civil, financial, forfeiture, and taxation litigation matters. He is the legal counsel for the Southeast Washington Aging and Long Term Care Council of Governments, an entity that provides important services for vulnerable clients. Born and raised in Yakima, Clark received his B.A. in political science, magna cum laude, from Central Washington University and his J.D., cum laude, from Gonzaga University School of Law.

Kyle Sciuchetti
2021-2022
IMMEDIATE PAST PRESIDENT

Kyle Sciuchetti was the 2020-2021 WSBA president. He was first elected to the WSBA Board of Governors to serve District 3 in 2017 and was elected president-elect in May 2019. He is a partner with Miller Nash LLP, where he serves as outside counsel for businesses throughout the Northwest, including construction contractors and professionals. Sciuchetti is a former prosecutor with the City of Spokane and former session attorney with the Washington State Legislature Office of the Code Reviser. Sciuchetti served 17 years on the WSBA Legislative Review Committee including as its chair for several years. He also chaired several WSBA committees including the Long-Range Strategic Planning Council, TAXICAB Task Force, Committee to Investigate Alternatives to Mandatory Malpractice Insurance, and the Board of Governors Legislative Committee. He serves on the Statute Law Committee, Board of Directors of the Metropolitan Business Association, and the Humane Society for Southwest Washington. He is admitted

WSBA GOVERNANCE: The Board of Governors is the governing body of the WSBA that determines the general policies of the Bar and approves its budget each year. The Board moves the Bar forward with an eye toward its long-standing mission, guiding principles, and short-term strategic goals. The Board consists of the president, president-elect, immediate past president, and members elected from each congressional district and at-large.
to practice in state and federal courts in Washington, Oregon, and Idaho, and the U.S. Supreme Court. Born and raised in Spokane, Sciuchetti received his undergraduate degrees from the University of Washington and his law degree from Lewis & Clark Law School.

Sunitha Anjilvel
GOVERNOR
DISTRICT 1

Sunitha Anjilvel was reelected to the Board of Governors in 2021. She has practiced family law and estate planning in the Pacific Northwest since 2008. Since her first admission to practice law in 1990, Anjilvel has practiced in a variety of courts in Canada, California, and Washington in family law, criminal law, and civil litigation. In 2005 she served as director of a bipartisan campaign to support a redistricting reform initiative on California’s statewide ballot. She is committed to social justice and currently is a member of the WSBA Diversity Committee and a director on the Board of Domestic Relations Attorneys of Washington (DRAW). Anjilvel has also volunteered for the Kinship Care Project and the Northwest Immigrant Rights Project. She has a B.A. from McGill University and a J.D. from Dalhousie Law School. She is licensed to practice law in Washington and California.

Carla J. Higginson
GOVERNOR
DISTRICT 2

Carla J. Higginson has served as the District 2 governor since June 2018, the first governor from San Juan County in WSBA history. Since her admission to the Bar in 1980, she has practiced in Friday Harbor, handling civil litigation, family law, real property, estate planning, probate, elder law, and criminal defense. She was a solo practitioner for 30 years until 2010 when she was joined by her partner Garrett Beyer. She served as a five-term president of the San Juan County Bar Association. She served for eight years as the Town of Friday Harbor municipal court judge, and she once was the youngest judge in the state. She also served on the San Juan County Planning Commission and the Bastyr University Board of Trustees, was a frequent speaker at CLEs, and is a longtime volunteer attorney for several nonprofits. A native of Western Washington, and part Tsimshian Indian, Higginson holds a B.A. in Communications from Western Washington University and a J.D. from the University of Washington School of Law.

Lauren Boyd
GOVERNOR
DISTRICT 3

Lauren Boyd was elected to the Board of Governors in 2020. She graduated from the University of Oregon School of Law in 2015. Before that, she earned a history of art bachelor’s degree from Johns Hopkins University. After law school, she became a deputy prosecutor at the Clark County Prosecuting Attorney’s Office. She is currently the unit coordinator for the Domestic Violence Prosecution Center, working to prosecute cases and raise awareness of this issue in our communities. Boyd grew up in Southern Oregon. She moved to Washington after law school to be closer to part of her family. She enjoys gardening, cooking, and any activity that gets her outdoors.

Francis Adewale
GOVERNOR
DISTRICT 5

Francis Adewale was elected to the Board of Governors in 2021. Adewale is one of the attorneys who helped establish Spokane Community Court, and his commitment to community and movement lawyering is epitomized by his work on several community-based boards and activities in Eastern Washington. He is the current vice president of JustLead Washington, the chair of the Access to Justice Board, and a member of the Washington Supreme Court’s Interpreters Commission. He is a founding member of the Washington Statewide Reentry Council, having been reappointed three times by Gov. Jay Inslee. Adewale is an H. George Frederickson Honors Graduate of Eastern Washington University and adjunct faculty member at Whitworth University. He was admitted to the WSBA in 2000 and has since practiced as assistant public defender for the City of Spokane. He is a recipient of the City of Spokane Human Rights Award, the Washington Criminal Defense Lawyers’ President’s Award, the Spokane County Bar Association Smithmoore P. Myers Professionalism Award, and the 2021 Washington Defender Association’s President’s Award.

Brett A. Purtzer
GOVERNOR
DISTRICT 6

Purtzer was elected to the Board of Governors in 2020, and is...

CONTINUED >
Matthew Dresden was elected to the Board of Governors in 2020. He is a solo practitioner at Dresden Law PLLC in Seattle, where he handles a wide range of corporate and transactional matters, with an emphasis on media and entertainment, international intellectual property, and cross-border work. Before attending law school, Dresden worked in Hollywood for several years as an independent filmmaker. Dresden served on the executive committee of the WSBA’s International Practice Section for eight years, including a term as chair. He is also an adjunct faculty member at Indiana University Maurer School of Law, where he teaches a clinic on legal issues for independent filmmakers. He served as a law clerk in the Southern District of Texas for U.S. District Court Judge Vanessa D. Gilmore and U.S. Bankruptcy Judge Jeff Bohm. He has a B.A. from Stanford University, a J.D. from the University of California, Los Angeles, and LL.M.s from New York University and the National University of Singapore.

Meet Your Board of Governors

Matthew Dresden

Matthew Dresden was elected to the Board of Governors in 2020. He has been in private practice in Tacoma since 1988, where he focuses on criminal defense, personal injury, civil litigation, and representing professionals in disciplinary matters. Purszer has served as president and as a trustee of the Tacoma-Pierce County Bar Association. He has also served as a lawyer representative for the 9th Circuit Judicial Conference and as a trustee for the Federal Bar Association for the Western District of Washington, and is the past co-chair of the Federal Bar Association Pro Bono Committee for the Western District of Washington. He is AV-rated by Martindale-Hubbell and has been recognized as a Top 100 Trial Lawyer by the National Trial Lawyers Association every year since his inclusion in 2011.

Purszer graduated with a B.A. in English from Washington State University in 1983 and with a J.D. from the University of Puget Sound Law School in 1987.

Serena Sayani

Serena Sayani was elected to the Board of Governors in 2021. She is a shareholder at Stokes Lawrence, P.S., in the real estate and business transaction practice group. Sayani’s commercial real estate practice focuses on acquisitions, dispositions, development, construction, and leasing. Her clients include real estate investment trusts, public and private pension plans, tax-exempt investors, developers, and other businesses. In addition, she provides counsel to clients in multimillion-dollar development and construction transactions involving drafting and negotiating development, design, construction, and other related agreements. Outside of her practice, Sayani is a member of the WSBA Diversity Committee, a board member for Commercial Real Estate Women (CREW), the co-chair of the Diversity, Equity & Inclusion Committee for NAIOP Washington, the co-chair of the Diversity and Inclusion Committee of Stokes Lawrence, P.S., a member of the KCBA’s MLK, Jr. Luncheon Committee, and an attorney mentor-coach for the Mercer Island High School Mock Trial Team (2018-2019). Recently, Sayani was honored with the 2019 Up and-Coming CRE Attorney Award by the Puget Sound Business Journal and the Rising Rock Star Award by CREW/Elevate.

Brent Williams-Ruth

Brent Williams-Ruth was first elected to the Board of Governors in 2020. Williams-Ruth has had a varied career ranging from working as a 1L intern with the King County Prosecuting Attorney’s Office to working in a non-legal role with (formerly) Fisher Radio Seattle. Since 2015, he has been the sole proprietor of a concierge estate planning, probate/trust, and elder law firm. Since starting his own firm, Williams-Ruth has volunteered with Seattle University School of Law as a mentor and judge for legal writing oral arguments. He began his volunteer service with the WSBA in 2018 when he joined the Character and Fitness Board, serving as its vice chair in the 2019-2020 year. He resigned his position with Character and Fitness in September 2020 to take his seat as a governor. He also serves as a trustee on the Washington State Bar Association Foundation. When not working or volunteering, you will find him spending time scuba diving, traveling, hiking, and creating adventures with his husband, Justin.
treasurer by the Board for the 2021-22 fiscal year. He attended the University of the Pacific for undergraduate and law school. He then attended the University of Washington School of Law and obtained an LL.M. in taxation. Peterson practices in the area of corporate law. Since 2002, he has been delivering comprehensive legal support on a variety of corporate matters including contracts, mergers and acquisitions, real estate, insurance, risk management, capital projects, taxation, and audits. Peterson's diverse legal background includes eight years as internal counsel for multimillion-dollar corporations including Green Giant Fresh and Tree Top, and multibillion-dollar corporation Darigold, Inc. His experience spans companies across varied sectors including technology, food/beverage, and agriculture. Peterson is a wonderful wife and two great children. He also enjoys running, golf, and barbecue.

University for undergraduate and the University of Washington for law school. Between schools, McBride worked as an accountant and passed the Certified Public Accountant exam. After graduating from law school in 1990, McBride worked at the King County Prosecuting Attorney's Office. He then spent 25 years as the executive director of the Washington Association of Prosecuting Attorneys. He is married to Libby (8) and Wynsome (6).

Hunter M. Abell was elected to fill an at-large diversity position on the Board of Governors in 2019. Abell is a member at the Seattle office of Williams, Kastner & Gibbs, PLLC. He is originally from Eastern Washington, where he was raised on a ranch in rural Ferry County. A graduate of the College of William & Mary, Abell attended Gonzaga University School of Law and received an LL.M at Georgetown University Law Center. Before joining the Board of Governors in 2021 to represent new and young lawyers in an at-large position, Couch served as a trustee for the Tacoma-Pierce County Bar Association, chair of the Access to Justice Board, chair of the Tacoma-Pierce County Lawyers Committee, and has held various leadership roles on the Solo and Small Practice Section’s Executive Committee. Active in civic affairs, he has served as chair of the City of Seattle Parks Levy Oversight Committee, and he was the first Disproportionality Task Force chair of Seattle Public Schools. In 2012, he was one of 12 electors to cast Washington’s electoral votes in the Electoral College. Originally from Miami, Florida, Stephens has a law degree from the University of Puget Sound law school, and a bachelor of business administration from the University of Miami. During his tenure on the Board, he has served as Board co-chair of the WSBA Diversity Committee, as chair and co-chair of the Personnel Committee, and as chair of the Equity & Disparity Work Group.

Alec Stephens was first elected to the Board of Governors in 2017 and reelected in January 2021. Prior to serving on the Board, Stephens served two terms as chair of the WSBA Civil Rights Law Section, and was the small sections representative on the Board’s Sections Policy Work Group. He has been a civil rights lawyer since his admission to the Bar in 1981, and was national co-director of the Law Students Civil Rights Research Council, and national co-chair of the National Lawyers Guild Affirmative Action/Anti-Discrimination Committee. Active in civic affairs, he has served as a member of the City of Seattle Parks Levy Oversight Committee, and he was the first Disproportionality Task Force chair of Seattle Public Schools. In 2012, he was one of 12 electors to cast Washington’s electoral votes in the Electoral College. Originally from Miami, Florida, Stephens has a law degree from the University of Puget Sound law school, and a bachelor of business administration from the University of Miami. During
Andy Boes

“Justice will not be served until those who are unaffected are as outraged as those who are.” – Benjamin Franklin

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Happy fiscal new year! While we may be a few months early according to the traditional calendar, Oct. 1 marks the beginning of the WSBA’s fiscal year, so we want to give you a look at the year ahead. First, allow us to introduce ourselves. Here are our quick bios:

- **Bryn A. Peterson, Treasurer.** I am the owner of Peterson Law, PLLC, which specializes in corporate law. I have been representing District 9 on the WSBA’s Board of Governors since 2019. At the University of the Pacific, I minored in business administration and at their law school I took several tax law courses. I obtained a Master of Law in taxation from the University of Washington School of Law and worked for Deloitte Tax in their state and local tax group. I have spent approximately 18 years practicing corporate law and I was a member of the Executive Committee at Tree Top, Inc. For the last two years, I have been a member of the WSBA Budget and Audit Committee.

  My approach and goal as treasurer will be to facilitate the WSBA Budget and Audit Committee in a manner that assists and provides the information needed for the committee to make the correct decisions for the WSBA and its members.

  As former V.P. of legal at Tree Top, Inc., and assistant general counsel of Darigold, Inc., I was involved in two co-ops that work hard for their members. While the WSBA is not a co-op, it is an organization that is by the members and for the members. I never want to forget that the members are the people that provide the money required for the WSBA to function and operate each and every year.

- **Jorge A. Perez, Chief Financial Officer.** I have more than 20 years of experience in global finance and operational leadership in public, private, and private equity-sponsored companies (including Marriott International and Merck). My areas of expertise are internal controls, financial forecasting and planning, and program life-cycle analysis.

  My approach is as a servant leader with the overall goal of providing maximum value to the organization and its members.

Jointly, we are dedicated to keeping you informed about the WSBA’s finances. As an overall philosophy, we are putting members front and center, which means demonstrating value and responsibility in all that we do. We are extraordinarily sensitive to the need to be transparent and understandable in our financial reporting and to maximize efficiency and reduce expenditures, while maintaining robust programs to serve the public and members and to champion justice. Throughout the coming year, we commit to these goals: (1) to maintain transparency and communications to WSBA members regarding financial reporting; (2) to specifically examine various cost centers and explore the possibility of making some non-mandatory functions revenue-neutral; and (3) to conduct a financial re-forecast for the fiscal year and a continued review of current WSBA cost centers and expenditures.

The WSBA Budget and Audit Committee will be working hard with the entire Board of Governors during this fiscal year to accomplish these important goals with the hope of benefitting WSBA members and continuing to improve the financial processes of the WSBA as an organization.

Over the next year the WSBA Long-Range Strategic Planning Council and the Member Engagement Work Group will be reaching out to you as members for your input in the form of several surveys. While I know that you are all very busy, I would encourage you to take the time to complete these surveys, so the WSBA Budget and Audit Committee, the WSBA Board of Governors, and the WSBA staff know what you want or do not want, allowing us to better serve you.

The bottom line is that we are working hard for you, our members!
RPC 1.14: Representing Clients with Diminished Capacity

BY MARK J. FUCILE
RPC 1.14, which is titled “Client with Diminished Capacity,” is a seldom-litigated rule. At the same time, the rule and its associated comments provide important practical guidance to lawyers navigating what are almost always difficult personal circumstances for the clients concerned. Although we might reflexively think of RPC 1.14 as the province of elder law specialists or estate planners, lawyers ranging from criminal defense counsel to business advisors can and do encounter the issues involved—sometimes unpredictably and often uncomfortably.

In broad strokes, RPC 1.14 addresses clients with diminished capacity from two related perspectives. First, it outlines the duty lawyers have to clients in those circumstances to maintain as normal a professional relationship as possible. Second, the rule deals with situations when a lawyer concludes that a client may be in need of a guardian or similar fiduciary. In this column, we’ll look at both facets of the rule.

GENERAL DUTY
RPC 1.14(a) states our general duty to clients with diminished capacity:

When a client’s capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.

Comment 1 to RPC 1.14 elaborates on this point by noting that clients may vary across a spectrum in their ability to grasp advice and to direct the lawyer:

The normal client-lawyer relationship is based on the assumption that the client, when properly advised and assisted, is capable of making decisions about important matters. When the client is a minor or suffers from a diminished mental capacity, however, maintaining the ordinary client-lawyer relationship may not be possible in all respects. In particular, a severely incapacitated person may have no power to make legally binding decisions. Nevertheless, a client with diminished capacity often has the ability to understand, deliberate upon, and reach conclusions about matters affecting the client’s own well-being.

Comment 3 to RPC 1.14, in turn, notes the important role that family members play in facilitating a lawyer’s interactions with a client in this regard—while also including a cautionary reminder on the potential for undue influence:

The client may wish to have family members or other persons participate in discussions with the lawyer. When necessary to assist in the representation, the presence of such persons generally does not affect the applicability of the attorney-client evidentiary privilege. Nevertheless, the lawyer must keep the client’s interests foremost and, except for [authorized] protective action . . ., must look to the client, and not family members, to make decisions on the client’s behalf.

Finally, Comments 2 and 4 to RPC 1.14 stress that even where a fiduciary has been appointed for a client, the ward is the lawyer’s client rather than the fiduciary unless the lawyer has entered into a representation of the latter or both. The comments do not recommend a particular “model” in this regard and who a lawyer represents in any particular scenario is very fact-dependent. Nor is a given situation necessarily static. A client’s condition, for example, might deteriorate to the point that, as a matter of agency law, the lawyer no longer has authority to act for the client. The comments underscore, however, that the lawyer should closely analyze this question based on the particular circumstances involved because they can have important implications for conflicts, confidentiality, and fee arrangements.

PROTECTING THE CLIENT
RPC 1.14(b) and (c) address the very difficult situation when a lawyer concludes that a client’s diminished capacity puts the client...

“A lawyer’s decision to have her client declared incompetent is a serious act that should be taken only after an appropriate investigation and careful, thoughtful deliberation.”
“at risk of substantial physical, financial or other harm unless action is taken[.]”9 In that scenario, RPC 1.14(b) allows a lawyer to “take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.” RPC 1.14(c), in turn, counsels that the lawyer in that situation is impliedly authorized to reveal confidential information—“but only to the extent reasonably necessary to protect the client’s interests.”

Comment 6 to RPC 1.14 outlines the factors the lawyer should consider in balancing the extent of the client’s diminished capacity against the possible actions necessary to protect the client: “the client’s ability to articulate reasoning leading to a decision, variability of state of mind and ability to appreciate consequences of a decision; the substantive fairness of a decision; and the consistency of a decision with the known long-term commitments and values of the client.” The Washington Supreme Court in In re Eugster, 166 Wn.2d 293, 327, 209 P.3d 435 (2009), emphasized the sensitivity of this situation, noting that “[a] lawyer’s decision to have her client declared incompetent is a serious act that should be taken only after an appropriate investigation and careful, thoughtful deliberation.”

Comment 8 to RPC 1.14 describes the lawyer’s position in revealing confidential information to protect the client as “an unavoidably difficult one” and emphasizes the comparatively narrow scope of a lawyer’s implied authority in this circumstance:

[Given the risks of disclosure, paragraph (c) limits what the lawyer may disclose in consulting with other individuals or entities or seeking the appointment of a legal representative. At the very least, the lawyer should determine whether it is likely that the person or entity consulted with will act adversely to the client’s interests before discussing matters related to the client.10]

ABA Formal Opinion 96-404 (1996), which discusses Model Rule 1.14 in detail and is available on the ABA website, highlights three important qualifiers when seeking protection on behalf of the client. The first relates to the lawyer’s assessment of the client’s capacity. The opinion notes that the focus is on whether the client can act in the client’s own interest. In other words, the fact that a client simply makes different decisions than ones the lawyer would make or, for the client’s own reasons, makes what the lawyer considers “bad” decisions, doesn’t necessarily mean that the client’s capacity to make decisions is compromised.

The second qualifier concerns seeking the assistance of family members. The opinion encourages this oftentimes critical channel of consultation. At the same time, it counsels that although Model Rule 1.14(b) allows the lawyer to seek protective action for the client’s benefit, the lawyer should not generally represent a third party seeking formal protective action (even if a family member) due to the potential conflict between the interests of the client and the third party.

The third qualifier involves the guardian sought.11 As the opinion puts it: “Seeking the appointment of a guardian for a client is to be distinguished from seeking to be the guardian, and the Committee cautions that a lawyer who files a guardianship petition under Rule 1.14(b) should not act as or seek to have himself appointed guardian except in the most exigent of circumstances, that is, where immediate and irreparable harm will result from the slightest delay.”12

SUMMING UP
RPC 1.14 is not a precise roadmap for every situation a lawyer may face when representing a client with diminished capacity. The rule and the accompanying comments, however, provide practical general guidance to apply in what are almost always unique—and uniquely personal—circumstances.13

NOTES
1. When originally adopted in Washington in 1985, the rule was RPC 1.13. See Robert H. Aronson, “An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed,” 61 Wash. L. Rev. 823, 854 (1986) (discussing the RPCs as originally adopted in Washington). The rule number in Washington changed to RPC 1.14 in 2006 as part of a comprehensive package of amendments mirroring general amendments at the time to the corresponding ABA Model Rules. See WSBA, Reporter’s Explanatory Memorandum to the Ethics 2003 Committee’s Proposed Rules of Professional Conduct at 166-67 (2004) (on file with author). As a part of those amendments, the title of the rule was changed from “client under a disability” to “client with diminished capacity.” This also mirrored a similar change to the ABA Model Rule, which the drafters of the amendments concluded “more accurately express(es) the continuum of a client’s capacity.”


2. LLLT RPC 1.14 generally parallels lawyer RPC 114 while recognizing that some actions that a lawyer may take, such as initiating court proceedings, are not available to LLLTs.

3. Several WSBA advisory opinions cite the rule. Some, such as Advisory Opinions 2190 (2009) and 202101 (2021) on the interplay of RPC 114 and, respectively, competency and civil commitment proceedings, include discussions of general application. Others, such as Advisory Opinion 1011 (1986) addressing clients who threaten suicide, are more narrowly tailored to specific scenarios. A searchable database of opinions is available at https://ao.wsba.org/. Two other WSBA publications also examine the rule in considerable depth: The Law of Lawyerizing in Washington at 4-30 to 4-35 (2002), and the Washington Legal Ethics Deskbook at 19-1 to 19-16 (2d ed. 2020).

4. This column addresses clients with cognitive impairment. RPC 1.14, however, also includes minors whose decision-making is influenced by age rather than impairment. For a discussion of this latter area, see Bruce R. Boyer, “Representing Child- Clients with ‘Diminished...
5. Comments 9 and 10 to RPC 1.14 address the comparatively rare circumstance where a lawyer may need to take protective action for a non-client with diminished capacity. See generally Matter of Dependency of E.M., 197 Wn.2d 492, 484 P.3d 461 (2021) (discussing implied authority under Comment 9 to RPC 1.14).

6. In Washington, a lawyer's representation of a fiduciary does not also include, as a matter of law, representation of a ward or similar beneficiary. See generally Matter of Estate of Larson, 103 Wn.2d 517, 520-21, 694 P.2d 1051 (1985) (noting principle in probate context); WSBA Advisory Ops. 202001 (2020) (discussing application in wrongful death action), 1221 (1988) (trust setting).

7. See In re Houts, 7 Wn. App. 476, 484, 499 P.2d 1276 (1972) (“If the adult is in fact incompetent at the time of the hearing, even though he was competent when he retained the attorney, the subsequent incompetency serves to terminate the attorney's authority to act as his attorney.”). See also RPC 1.16 (withdrawal).

8. See, e.g., In re Fraser, 83 Wn.2d 884, 895-96, 523 P.2d 921 (1974), overruled on other grounds; In re Boelter, 159 Wn.2d 81, 96, 985 P.2d 328 (1999) (conflict between interests of jointly represented guardian and ward); see also In re McKean, 148 Wn.2d 849, 866 n.32, 64 P.3d 1226 (2003) (“Lawyer] was not only the lawyer, but also was the personal representative of the estate. This heightened his ethical duty. We will not address the ethically precarious territory a lawyer enters when he takes on the roles of both attorney and personal representative for an estate, but we will let it suffice to note that in order to chart such territory successfully, a lawyer must be extremely alert to potential ethical violations.”).

9. RPC 1.14(b).

10. Comment 8 also notes potential involuntary commitment risk in particular: “[R]aising the question of diminished capacity could, in some circumstances, lead to proceedings for involuntary commitment . . . [U]nless authorized to do so, the lawyer may not disclose such information.” See also WSBA Advisory Op. 2099 (2005) at 2 (discussing Comment 8).

11. Lawyers should also consider the kind of fiduciary appropriate to the particular circumstances. See RPC 1.14, cmt. 7 (“If a legal representative has not been appointed, the lawyer should consider whether appointment of a guardian ad litem, conservator or guardian is necessary to protect the client’s interests.”). See, e.g., In re Blakely, 111 Wn. App. 351, 358-59, 44 P.3d 924 (2002) (discussing then-RPC 1.13 and the scope of the guardianship sought).

Section Spotlight

Health Law Section

BY LORI OLIVER

Q. What is the most valuable benefit members get from joining your Section that they can’t get anywhere else?

Members of our Section gain exposure to the diversity that is health law. The mission of the Health Law Section is to enhance the practice of attorneys and others in the health law field through the exchange of health law information, legal seminars, and discussion of emerging issues. Members of the Health Law Section benefit from exposure to topics within a very broad specialty area that is often in the eye of the beholder.

Subject matter within health law includes professional and institutional licensure, medical malpractice, patient discrimination, workers’ compensation, guardianships, insurance reimbursement, Medicare/Medicaid, compliance, health care operations, public health, global health, and emerging issues in diversity, equity, and inclusion. The Section also welcomes legal specialists in other disciplines who routinely represent health care clients—for example, lawyers specializing in employment law, corporate law, mergers and acquisitions, tax, private equity, real estate, white-collar criminal defense, antitrust, and other areas in which an understanding of health care as an industry enhances their practice.

Health law is heavily regulated, so members of the Section routinely deal with complex state and federal regulatory frameworks such as FDA law, fraud and abuse prevention statutes, privacy and data security, the Common Rule for human subject research, and accreditation standards.

Our Section includes professionals who routinely represent all types of health care providers, including behavioral health providers, ambulatory clinics, hospitals, post-acute providers, and home health providers. The Section also includes professionals who represent patients, employees, employers, advocacy organizations, policymakers, health plans, and regulators. With national health expenditures at $3.8 trillion (177 percent gross national product) in 2019, health law touches all aspects of American life.

Q. What is a recent Section accomplishment or current project that you are excited about?

This past year has been one of innovation for the Section. Like many sections, the Health Law Section pivoted to a virtual education format and has continued to offer high-quality continuing education. Our offerings included education in more traditional health law areas, such as Social Security disability, physician employment law, and how to conduct internal investigations, in addition to educational topics furthering diversity, equity, and inclusion such as reimbursement for gender-affirming care (co-sponsored with the WSBA LGBT Law Section), and our recent disability language and etiquette CLE. In addition, we responded to the real-time impact of the public health emergency caused by COVID-19 to co-sponsor a very well attended “Parenting in the Lifeboat” series in response to the ongoing impact to lawyers with families.

Q. What opportunities does your Section provide for members who are looking for a mentor or for somebody to mentor?

While our Section does not have a formal mentoring program, it has hosted career development opportunities. In April, we hosted a discussion via Zoom for law students and new lawyers interested in health law in which five health lawyers shared their tips and lessons learned from launching their health law practice.

Q. What advice do you have for building a successful practice in the area of law related to your Section and how does membership in your Section help do that?

Health law is fascinating and complex! Taking the opportunity to network at Health Law Section events and meeting others engaged in your area of practice can help you connect with smart Bar Association colleagues. Networking allows our Section members to expand their knowledge base and connect to resources in the legal community.

Q. In addition to membership in your Section, what are the best ways to stay up on the

Lori Oliver, J.D., M.B.A., is the incoming chair of the Health Law Section and current chair of the Education Committee. She is a shareholder in the Seattle Office of Polsinelli, PA. She joined Polsinelli after serving for 15 years as an assistant attorney general representing state agencies involved in health law and 10 years as an associate vice president managing health care business matters for UW Medicine. Oliver’s legal practice focuses on a wide array of topics, including health care alignment and relationship strategies, clinically integrated networks, health care operations, compliance, academic medicine, and advising health care advisory and governing boards.
SIDEBAR

Titles Available From the Lending Library Related to Health Law

- **Beyond Smart: Lawyering with Emotional Intelligence**
  By Ronda Muir

- **Prescription Drug Addiction: The Hidden Epidemic**
  By Rod Colvin

- **A Lawyer’s Guide to Working with Special Needs Clients**
  By Richard A. Courtney

- **The Best Lawyer You Can Be: A Guide to Physical, Mental, Emotional, and Spiritual Wellness**
  By Stewart Levine

- **Developing a Successful Assisted Reproduction Technology Law Practice**
  By Richard B. Vaughn and Stephanie M. Brinkley

- **The Lawyer, the Lion, and the Laundry: Three Hours to Finding Your Calm in the Chaos**
  By Jamie Jackson Spannhake

> For more information about the WSBA Lending Library, email lendinglibrary@wsba.org or visit [www.wsba.org/library](http://www.wsba.org/library).

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**developing law in this practice area?**

Our Section’s educational opportunities are available to members and nonmembers. We often invite non-attorneys to attend and participate, helping us build bridges between legal practice and the practical in health law. Many Washington law firms have blogs focused in health law, and there are some great podcasts covering health law as well as the intersections across areas of practice. As a significant portion of health law is federal, the American Health Law Association provides excellent content for developing law and guidance. In addition, given the scope of health expenditures, health law matters are routinely reported in the general press.

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**NOTE**


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**JOIN A WSBA SECTION TODAY!**

**Why join a section?**
Membership in one or more of the WSBA’s sections provides a forum for members who wish to explore and strengthen their interest in various areas of the law.

**Who can join a section?**
Any active WSBA member.

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- Professional networking
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**Is there a section that meets my interests?**
With 29 practice sections, you’ll find at least one that aligns with your practice area and/or interests.

**What is the membership year?**
Jan. 1 to Dec. 31.

**What about law students?**
Law students can join any section for $18.18.

**What about new attorneys?**
Newly admitted attorneys can join one section for free during their first year.

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**It’s easy to join online!**
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**Questions?** Contact sections@wsba.org.

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- **CRIMINAL LAW**
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- **HEALTH LAW**
- **INDIAN LAW**
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- **INTERNATIONAL PRACTICE**
- **JUVENILE LAW**
- **LABOR AND EMPLOYMENT LAW**
- **LEGAL ASSISTANCE TO MILITARY PERSONNEL**
- **LGBT LAW**
- **LITIGATION**
- **LOW BONO**
- **REAL PROPERTY, PROBATE AND TRUST**
- **SENIOR LAWYERS**
- **SOLO AND SMALL PRACTICE**
- **TAXATION**
- **WORLD PEACE THROUGH LAW**

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**OCT. 2021 | Washington State Bar News 25**
Washington lawyers are recognized nationally for pro bono contributions, but client demand still surpasses supply

BY COLIN RIGLEY

Michael Terasaki started his new role in what he calls “Zoom land.”

“I don’t know anything outside of the COVID paradigm, which is a really interesting place to start,” said Terasaki, who a little over a year ago took on the role of manager of the Washington Pro Bono Council, a consortium of 16 volunteer lawyer programs in the state.

“I don’t know what normal looks like.”

For Terasaki and others who coordinate pro bono and low bono legal services in Washington, the new normal amid undulating cycles of pandemic chaos has been a stew of new opportunities and new limitations, rising needs for legal aid, and limited resources to meet it. It’s not necessarily the case that volunteerism has fallen dramatically—it’s dipped slightly, he said—but the pandemic clobbered the available legal aid with a sudden and dramatic increase in clients.

“I think a lot of volunteers are just exhausted at this point,” Terasaki said. “A lot of them were people who were volunteering before—they didn’t answer some new call. They’re just overtaxed. They would like to keep doing it, but the need hasn’t really gone down as we hoped it would.”

WASHINGTON RANKS HIGH; THE NEED REMAINS HIGHER

That large group of now-exhausted volunteers is what places Washington high in the rankings nationwide for the amount of pro bono work its legal community provides. And the state has a solid reputation for its legal aid system, and the programs and training available to lawyers willing to donate their time and expertise.

“In Washington state, pro bono really covers a lot; I think a lot more than other states when it comes to legal aid work,” Terasaki said.

In fact, according to one of the most recent studies by the American Bar Association (ABA), Washington lawyers gave more of their time, on average, than lawyers in any other state surveyed. As reported in the recently published ABA Profile of the Legal Profession 2021, legal practitioners in Washington contributed:

• An average of 57 hours of pro bono service per lawyer for all lawyers—the highest among all states surveyed.
• Two-thirds of all lawyers in Washington (68 percent) reported doing at least some pro bono work.
• Among those, the average amount of pro bono work performed was 77 hours.
Washington also had the lowest percentage of lawyers who have never performed pro bono work—10 percent.

The report cites a 2016 study by the ABA Standing Committee on Pro Bono and Public Service and the Center for Pro Bono, in which 24 states were surveyed. That study further states that “Washington state was also one of the highest in terms of the percent of their attorney population that performed 80 or more hours of pro bono in 2016, with 18.6 percent of the attorneys reporting this.”

More recently, according to WSBA’s own statistics, 2,453 WSBA members contributed a total of 178,220 hours (112,042 direct and 66,178 indirect), or about 73 hours per member, in 2020. Of those, more than one-third (891 members) logged at least 50 hours; 18 percent (441 members) logged at least 80 hours.

Nationally, the average lawyer provided about 37 hours of pro bono services in 2018, according to the ABA, and only approximately 20 percent of all lawyers met the ABA goal of providing 50 hours or more, which was down from 36 percent reported in an earlier survey, conducted in 2013.

In 2019, according to Terasaki, Washington volunteer lawyer programs alone contributed more than 35,000 hours of legal aid and served 20,400 clients. That included 16,800 legal consultations and brief services and 3,580 full representations of clients.

Although Washington’s numbers are strong, more help is always needed and always welcome from willing volunteers. Ask any of the folks who coordinate legal aid clinics and other pro bono services and you’ll hear a consistent message: anyone can help and any amount of help makes a difference.

“I think every lawyer really wants justice; you want to see the right outcomes for people and I think we forget how intimidating the courthouse can be and how intimidating legal matters can be because we live them every day,” said Yakima County Volunteer Attorney Services Executive Director Quinn Dalan. “And lawyers make a difference—they can if they’re willing to get involved.”

**States Surveyed in the “Supporting Justice” pro bono report**

Over 47,000 attorneys in 24 states answered questions about their pro bono work. Washington state averaged 57 hours of pro bono service per lawyer—the highest among all states surveyed.


**TECHNOLOGY HELPS SOME BUT NOT ALL**

One positive for the legal profession that resulted from the pandemic was that it strapped a notoriously old-school system to a booster rocket hurtling toward a more technologically oriented future. Lawyers had to adapt to a remote world and adopt the technology and best practices to do so. Particularly for pro bono services like legal clinics and client consultations, this shift expanded the reach of legal services to provide easier access for those who need them.

CONTINUED >
The shift to remote work provides more avenues for attorneys to reach beyond their immediate community and help people in more isolated parts of the state, which also tend to have significant unmet legal needs due to high poverty rates and the presence of migrant workers with specific legal concerns. For many of these difficult-to-reach clients, the new normal has been a blessing, said Skagit Legal Aid Executive Director Andrew Dugan.

“Attorneys in Seattle are able to get involved in more rural communities without leaving Seattle,” Dugan said.

Of the 31,160 members licensed in Washington state, more than half (17,468) are located in King County, according to the most recent WSBA Member Licensing Counts. In November 2019, the WSBA began focusing on the topic of “legal deserts,” areas where access to legal services and representation is limited, which led to the formation of a Rural Practice Program and then this year to the new Small Town and Rural Committee.

But the blessing of virtual consultations for attorneys and some clients can also be a burden for those who lack the tools and infrastructure to access remotely delivered legal services. So providers have had to adapt to meet these clients where they are.

“What we have done is create a hybrid model now,” Dugan said. “My organization will go and will set up the computers at what’s called the East County Resource Center.”

Skagit Legal Aid also set up a drive-thru legal clinic—collecting in a parking lot on a Saturday morning when people could arrive by car for volunteers to meet with them. Any document preparation and document review was then handled remotely later. “Those we’ve actually found to be successful and people enjoyed it,” Dugan said.

He added that the push to remote inter-

actions allows volunteers more flexibility to assist pro bono clients without substantially disrupting their other business.

“Especially to appear in court, having attorneys being able to make an appearance from the office is so much easier than having to go to [the] courthouse, wait for three hours for court to get called,” Dugan said.

**EXPERTISE NOT REQUIRED**

Volunteer coordinators tend to emphasize the ease of providing pro bono legal work in the hope of attracting more volunteers by not requiring any particular specialization:

**EVEN WITH THE IMMENSE CONTRIBUTIONS FROM THE STATE’S LEGAL COMMUNITY YEAR AFTER YEAR, AVAILABLE LEGAL SERVICES CONTINUE TO FALL SHORT OF THE NEED.**

...cause, even with the immense contributions from the state’s legal community year after year, available legal services continue to fall short of the need. And the need also varies across practice areas. Widespread public attention on a mounting eviction crisis resulted in large influxes of public funding and new legislation in Washington to enhance legal aid for housing disputes; for instance, a new law adopted this year (Engrossed Second Substitute Senate Bill 5160) guarantees a right to counsel for indigent tenants facing an eviction.

Family law issues, on the other hand, haven’t received the same public attention, even as domestic violence and other family law matters have spiked during the pandemic and the number of family law attorneys and volunteers hasn’t kept up with demand. Exacerbating the problem is that such legal issues are often complex and nuanced and not as easily resolved as, for example, unpaid rent covered by public funds to avoid tenant eviction.

“The highest need is always in family law, the most valuable specialist if we can find someone to volunteer, it’s a family law attorney,” said Terasaki of the Pro Bono Council.

“it’s a situation where rich people, upper middle class, work through family law issues with attorneys, and everyone else basically doesn’t.”

Yet volunteer coordinators face challenges in convincing non-family-law lawyers to lend their support in these cases. When it comes to volunteering, expertise in a specific area of law is not a prerequisite to being able to make a difference.

“We can’t just wait until we’re experts on something before we can get in and fix it because I think lawyers underestimate how much they already know,” said Dalan of Yakima Volunteer Attorney Services.

All volunteer programs have malpractice insurance, Terasaki stressed. Additionally, there are myriad CLEs and other resources available for lawyers to become more skilled in an area in which they are unfamiliar, not to mention wide support networks of other volunteers willing to help and answer questions.

“In the era that we’re living in right now and where everyone is hopefully becoming more aware and cognizant of racism in our country and the way that different systems treat people differently and the importance that every client is not the same … there is a huge need for legal services, particularly in regard for things that make people feel safe and have security,” said Dugan of Skagit Legal Aid. “Finding ways to get involved in whatever ways you can, even if it’s just a couple of hours a year, you can make a huge impact on one client’s life.”

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**NOTES**

2. www.americanbar.org/content/dam/aba/administrative/probono_public_service/js_pb_supporting_justice_iv_final.authcheckdam.pdf#page=42.
3. Counted in these WSBA statistics are both attorneys and Limited License Legal Technicians (LLLTs). In 2020, 12 LLLTs (24 percent of LLLTs) reported a total of 1127 hours of pro bono service, for an average of 94 hours per LLLT.
5. www.wsba.org/for-legal-professionals/member-support/rural-practice-project.
PRO BONO—OPPORTUNITIES & BENEFITS

Lawyers and Limited License Legal Technicians (LLLTs) in Washington have a professional responsibility to assist in the provision of legal services to those unable to pay and should aspire to render at least 30 hours of pro bono service per year. See Rule of Professional Conduct (RPC) 6.1 and Limited License Legal Technician (LLLT) RPC 6.1.

OPPORTUNITIES

QLSPs
The WSBA works with Qualified Legal Services Providers (QLSPs) across the state to connect lawyers and LLLTs with clients who need pro bono legal advice and assistance. QLSPs are not-for-profit organizations that provide legal assistance to low-income Washingtonians.

There are over 50 QLSPs, a list of which, by county, can be found at www.wsba.org/connect-serve/volunteer-opportunities/psp/qualified-legal-service-providers.

Pro Bono Washington
Pro Bono Washington (located at www.probonowa.org) is an online resource administered by the WSBA in collaboration with the WSBA Pro Bono and Public Service Committee and organizations in the pro bono community. The purpose of the portal is to connect legal professionals to pro bono opportunities throughout the state that match their interests, expertise, and availability. Pro Bono Washington partners with more than 80 volunteer legal providers that offer legal services to low- and moderate-income individuals in our community to link legal professionals to clients in need of their services. The site has undergone some exciting new changes, and more are in the works, including a calendar that will share upcoming events. Keep an eye out for more information in the months ahead!

Volunteer Lawyer Programs
Volunteer lawyer programs are local nonprofits that serve low-income people with civil, not criminal, legal problems. They rely on unpaid volunteer attorneys to provide anything from one-time legal advice to full pro bono representation. While some areas, like eviction defense, have received extra funding during the pandemic, there is a particularly huge need for volunteers in the areas of family law and support for domestic violence survivors.

A typical volunteer commitment would be providing one-time consultations at a frequency of your choosing. Most programs are operating at full capacity during the pandemic, and most advice is still provided remotely via phone or video conference, which makes it even easier to volunteer! If you want to know more about volunteer opportunities at a volunteer lawyer program, contact your local program (often run by your local county bar association) or Washington Pro Bono Council Manager Michael Terasaki at michael@probonocouncil.org.

BENEFITS

Earn CLE Credits
In addition to making a valuable difference in their communities, many legal professionals utilize pro bono work as a professional development opportunity: to learn new substantive areas of law, work with different client communities, and deepen their legal skills. Although these opportunities are enriching on their own, by volunteering with a QLSP, you have the added benefit of earning unlimited “other” MCLE credits for your pro bono work. A win-win situation!

Free Public Service Education CLEs
The WSBA maintains a portfolio of free Public Service Education CLEs available to staff and pro bono volunteers of QLSPs. Authenticated volunteers can access over 20 CLEs with topics ranging from “Working with Survivors of Domestic Violence” to “The Alpha-Bravo-Charlies of Working with Vets.”

Pro Bono Publico Honor Roll
Every year, the WSBA generates a list of WSBA members who have submitted over 50 hours of pro bono work during the reporting period. These members receive both a commendation letter and a certificate recognizing their commitment to volunteerism. The Washington Supreme Court Pro Bono Publico Honor Roll also recognizes these stewards of justice. Find the 2020 list on page 30.

MORE ONLINE>
To learn more, contact PublicService@wsba.org.
These individuals reported providing at least 50 hours of pro bono publico in 2020.
2020 Honor Roll
CONTINUED >

Steven L. Olsen
Michael Joseph Orlando
Kati Ortiz
Evan Matthew Oshan
Daniel Corey Osher
Melissa Jo Osman
Jon E. Ostlund
Kathleen M. O’Sullivan
Lorriann Catherine Oulemet

Erich M. D. Paetsch
Kimberly Ann Page
Christopher John Pallanch
Danielle Janet Palm
Jami Lynn Pannell
Kelli L. Schmidt
Loriann Catherine Ouimet

Ronnie M. Rae
Caryn V. Ragan
Kristina Rose Ralls
John Frederick Rapp
Chantal Rappi
Emily Reber-Marinello
Lisa Sylvia Reed
Steven J. Reilly

Margaret Rose Schott
Brennan Joseph Schreibman
Lindsey Schromen-Wawrin
Megan Scott
Kathryn A. Russell Selk
James David Senescu
Christopher G. Sharpe
Naoko Inoue Shatz
Laura Suzanne Shaver
David Duane Shaw
Anna Rebecca Shelton
Ada Shen-Jaffe
Daniel Nehemiah Shin
Laurie Yasuko Shiratori
Andrew Gregory Shoals
Tsering Yudon Yuthok

Peter Anthony Talevich
Ian Scott Taylor
James Marshall Tebbutt
Andrea W. Templeton
Scott John Terry
Stephen R. Thomas
P. Jayson Thibodaux
Ronald E. Thompson
Harold August Thoreen Jr.
Kimberlee A. Thornton
Rondi Thorp

Manana Sachet
Robert Paul Olajide Saka
Talesha Sophia Sams
Vonda Michell Sargent
Lindsey Barbara Wisniewski Savage
Tonilynny Savage
Jacqueline Grace Schafer
Jason Henry Schauer
James Schermer
Nicole Rose Schilling
Kelli L. Schmidt
Gabrielle D. Schneck

Denise L. Stifflam
Jacob James Stillwell
Rebecca See Sitch
Heedie Stoller
Rex B. Stratton
Heather Rogers Straub
Yenja Jungh Subedar
Jeanne C. Suchodolski
Yohei Sudo
Craig D. Suffian
Melissa Walker Sullivan
Brian J. Sunderland
Laura Anne Sutkus
Andrew Edward Swan
Tony Leon Swartz
Paul A. Swegle
Briania Michelle Swift
Dawn Sydney
Charles E. Szurszewski

Amanda Michelle Kulani Ulrich
Roy Andrew Umlauf
Rafael Edward Urquía

Kim-Khanh Thi Van
Daniel-Charles Van De Wint Wolf
Pamela Susan Van Swearringen
Vivian Vassalli
Caitlin Maureen Velasco
Carla Denise Vestal
Alison A. Vieth
Tara Marie Vitale
Alexander Vitruk

Ruth Vizcaino
Megan Alicia Skjei Vogel
Joshua Luke Volvovic
Kelly Yomacka

Raina Vaile Wagner
Sara Katherine Wahl
Michael John Walker
Elizabeth C. Wallace
Lori Kathleen Walls
Sara Angelena Ward
Michael John Wardell
Amelia Sarah Watson
Tahmina Watson
Dean Browning Webb
Matthew B. Weber
Mallory Anne Gitt Webster
Nancy S. Weil
Lawrence Arthur Weiser
Curtis Alan Welch
Ann Wennerstrom
Susan Langland West
Paige L. Whidbee
Michael D. Whipple
Sean P. Wickens
Matthew Alexander
Widmyer
Angelique N. Wiegand
Jamie L. Wiegand
Steven Marc Wilker
Sara C. Wilkinson
Brenda Elizabeth Williams
Deborah Jo Williams
Noah Kendrick Williams
Mary Kathleen Newcomer
Williams
Michael Williams
Timothy Elliott Williams
Amanda Anne Williamson
Brent Jeffry Williams-Ruth
Lincoln Davis Wilson
Mark Philip Wittman
James Richard Woeppe1
Matthew R. Wojcik
Jenna M. Wolfe
Gregory J. Wong
Gordon Arthur Woodley
Bret Michael Woody
Matthew James Wurdemann

Elена Rose Yager
Laura Elizabeth Yelish
Todd Austin Yelish
Julia Marie Yetter
Megan Suzanne Yoshimura
Renee Mio Yoshimura
Cameron Davis Young
Dan Robert Young
Jacqueline M. Yust

Kevin Andrew Zeck
Gayle K. Zilber
Marla Leslie Zink
Christos Socrates
Zouboulakis
Explore the newly redesigned portal

Pro Bono Washington

probonowa.org

The most comprehensive pro bono resource in Washington.

It has never been easier for WSBA members to find pro bono listings—with over 80 organizations offering hundreds of pro bono service opportunities.

The refreshed site offers dozens of query filters to locate the best opportunities for you. Plus, when you’re ready, you can start the volunteer process easily with the click of a button.

There are new in-depth volunteer resources and a helpful FAQ to get you started. Stay-tuned because more enhancements are coming, including a calendar of events to keep you up-to-date.

I’m Ready to Volunteer!

Go to probonowa.org and join today!

Pro Bono Washington

WASHINGTON STATE BAR ASSOCIATION
THE MODERATE MEANS PROGRAM:
MEET SOME (AND BECOME ONE?) OF THE PEOPLE WHO MAKE IT HAPPEN

Accepting MMP referrals builds your practice while increasing access to justice

BY MICHAEL R. ADDAMS

You’ve probably heard of the Moderate Means Program (MMP), developed by the Washington State Bar Association (WSBA) in 2011 to address gaps in the justice system for those who can’t afford full-price legal services but whose income makes them ineligible for CLEAR1 or other pro bono services. In Washington that is quite a few people—in fact, more than 2 million Washingtonians fall between 200 and 400 percent of the federal poverty level.

Through a partnership between the WSBA and Washington’s three law schools (University of Washington, Seattle University, and Gonzaga University) law students screen a steady flow of potential Moderate Means clients and work to connect them with attorneys and LLLTs that have agreed to take family, consumer, housing, and unemployment matters at a discounted rate.

But rather than describing the program in detail, let me introduce you to a few of the attorneys and law students who make it work. Law students like the three profiled here are working to screen more than 1,200 cases each year for referral to attorneys like the two detailed here, but many more are needed to accept those referrals. Will you be the next attorney to fill the legal services gap and improve access to justice?

NOTE
1. CLEAR (Coordinated Legal Education, Advice and Referral) is Northwest Justice Project's toll-free legal hotline for people with low incomes. More information at https://nwjustice.org/clear-hotline.

MORE ONLINE >
To learn more about how you can partner with the Moderate Means Program, please visit www.wsba.org/connect-serve/volunteer-opportunities/mmp.
AJIBOLA OLADAPPO

» Attorney, Renton

It wasn’t until Ajibola Oladapo was completing her bachelor’s degree in her home country of Nigeria that she thought about a career in law. During an internship, she saw a well-regarded Nigerian attorney handle a case, and it clicked. She came to the United States for law school and graduated from California Western School of Law in San Diego in 2007.

While in law school, Oladapo saw many people who lacked access to legal services. She was immediately drawn to the concept of “access to justice” and wanted to advocate for the less privileged in society. She wanted to work for a law firm that focused on that very topic, which is why she eventually formed her own firm, Dearbonn Law Offices PLLC.

Oladapo has been a regular attorney with the MMP since she started her firm in 2011, and credits the program in part for how she was able to build her own practice.

Oladapo takes a variety of Moderate Means cases, including family law, consumer protection, bankruptcy, and landlord-tenant matters in King, Snohomish, and Pierce counties. She encourages other attorneys to take Moderate Means cases because it increases access to justice—and puts a smile on a client’s face when you are able to ease their burden and make life easier.

She recalls one woman’s response to representation at a discounted rate: “Thank you so much! You are my savior! I didn’t know I could do this.”

J KALLAWAY

» 3L, University of Washington School of Law

Before starting law school, J Kallaway worked for six years in Portland as a community organizer and as leader of an LGBTQ resource center at a local community college. There, Kallaway saw a “gap” where marginalized populations in the community weren’t well served and knew it was time to enroll in law school.

As a nonbinary, transgender law student, Kallaway is especially intrigued by civil rights impact litigation through various organizations, including the ACLU. Having seen a study by the Washington Office of Civil Legal Aid that documented how most people in need of a civil legal aid attorney are unable to retain counsel—the same “gap” seen in Portland—Kallaway saw an opportunity to fill that gap through the MMP while still attending law school. “Folks don’t have the ability to go elsewhere and have often tried other options but don’t qualify for CLEAR,” Kallaway notes. “Moderate Means is a really important service because it is filling the civil legal aid gaps.”

Although as a law student, communication is more with the potential clients than with the attorneys that end up taking the cases, Kallaway says that the interactions with attorneys are great, especially seeing them work so hard with Moderate Means clients, and work even harder as they have had to adapt during the COVID-19 pandemic, as various counties canceled trials or changed dockets and procedures.
IRENA PIA

**3L, Gonzaga University School of Law**

Irena Pia thought she wanted to be a physician. She studied health sciences at Whitworth University and thought she would then go to medical school before returning home to Oregon. Then she noticed a common problem: unequal access to health care. She decided instead to study law at Gonzaga University and will graduate in December. When she started law school she learned about another access problem: access to justice. She also heard about the MMP and saw it as a potential solution.

When Pia speaks with potential Moderate Means clients, she strives to understand their legal issues. She prepares summaries of the interviews and calls them back to ask additional questions if clarification is needed before sending the referral to an attorney. She also tries to ensure that intake interviews with the attorneys are scheduled as quickly as possible.

As Pia puts it, she doesn’t just refer clients to attorneys, she “connects” them. Sometimes she has to contact many attorneys before she finds one who is available to take the case. At times there is no attorney able to take the case. When that happens, she connects clients to other community resources, like the Volunteer Lawyers Program, other Qualified Legal Services Providers (QLSPs), the courthouse facilitator, or washingtonlawhelp.org. When she is able to connect a client with an attorney, she loves the feeling when she can say “I found someone for you!”

MARIS HANSON

**3L, Seattle University School of Law**

Maris Hanson finds fulfillment in working with Washington residents in need through the MMP. She learned about the program while doing a practice interview during her 1L year, and started volunteering with the MMP the following summer. She was trained on how to interview potential clients and analyze a case, and to carefully review the facts, applicable statutes, and relevant case law. She also learned to set reasonable expectations. She says that the training she has received has definitely helped her prepare for a career in law.

Hanson remembers her first Moderate Means case was a housing issue under the Manufactured/Mobile Home Landlord-Tenant Act. She had become familiar with basic landlord-tenant issues under RCW 59.18, but had to independently research RCW 59.20 to properly screen the potential client’s case. After doing her own research, she prepared the referral notes and was able to refer the client to an attorney who could take the case.

Hanson says that many people reach out to the MMP to consult with an attorney because they are prevented from seeing their kids or are otherwise stuck in a situation they can’t handle themselves. She recommends the Moderate Means Program as a great way to provide badly needed representation to those who cannot afford full-price legal services.

SIDEBAR

**CAN YOU HELP CLEAR CASE BACKLOG?**

Are you a family law lawyer or a LLLT? Your help is especially needed for the Moderate Means Program due to a backlog of cases stemming from the COVID-19 pandemic. To learn more, email publicservice@wsba.org or visit www.wsba.org/connect-serve/volunteer-opportunities/mmp.
KILEY ANDERSON

Attorney, Spokane

A 2014 graduate of Gonzaga University School of Law, Kiley Anderson practices family law at Feltman Ewing, P.S., in Spokane. Since 2015, she has included Moderate Means matters within her caseload because she likes to serve her community and give back to those who need some extra help.

Having also volunteered with the Spokane County Bar Association Volunteer Lawyers Program, Anderson knows that although a one-hour consultation can sometimes be all a person with a legal issue needs, more often than not a single meeting isn’t enough. She likes to see things through from start to finish, and with the MMP she gets to do exactly that. When she takes a Moderate Means case she has a paying client who is invested in the case.

One case stands out to Anderson as an example of why the MMP is so necessary: A father with a shared parenting schedule went to pick up his daughter from her mother’s house only to find the house empty. He knew he needed an attorney, but he earned too much to qualify for CLEAR and not enough to afford an attorney at regular rates. He was referred to Anderson through the MMP after being screened by a law student volunteer. Anderson knew she could help him, took his case at a reduced rate, and worked with a process server to find the mother and daughter in another state. Ultimately she was able to get the parenting plan modified for her thankful client.

Michael R. Addams is the co-chair of the WSBA Pro Bono and Public Service Committee. He is currently the director of the Support Enforcement Program at the Washington Association of Prosecuting Attorneys. He can be reached at mranddams@wapa-sep.org.
The COVID-19 pandemic has shaken the cultural sector of Washington’s economy and the arts community both financially and spiritually. Artists, venue owners, and associated businesses have faced dramatic loss and challenge with ingenuity and courage. With a new wave of the pandemic, however, the foundation of the cultural sector remains unsettled. Support for the arts by attorneys, who play a prominent role in public life, can help preserve the health of the cultural sector coming out of the pandemic and for years to come.

THE CULTURAL SECTOR REDEFINED—SPACE AND EQUITY

Ellen Walker, executive director of Pacific Northwest Ballet and vice president for the board of Inspire WA, a coalition dedicated to advocacy for science, heritage, and arts access statewide, stresses that the arts and cultural sector in Washington is at a crossroads: "We are facing seismic shifts." The COVID-19 pandemic has had an overwhelming effect on revenue, employment, and opportunity in the cultural sector. Challenges to recovery efforts were set in motion, pre-pandemic, by years of funding cuts, real estate appreciation, and cost-of-living increases in urban regions. The status quo is set impossibly low in terms of funding for cultural development. For example, in the 2017-2019 biennium, ArtsWA, the Washington State Arts Commission, lost nearly $700,000 from its budget. In 2019, only six states invested less in arts and culture than Washington, despite arts and culture contributing an estimated 53.2 billion dollars to the economy, representing 8.7 percent of the state’s GDP.

In Seattle and the surrounding region west of the Cascades, social and economic trends were already displacing artists, venues, and organizations pre-pandemic. Manny Cavaling, executive director of Inspire WA, remembers that “in the 1990s, the barrier to create was very low because space was cheap. We don’t have that now.”

The success of major local employers in the South Lake Union area of Seattle has transformed it and surrounding districts into a thriving tech campus with offices and living spaces for thousands of new residents, but development has not been equitable. Artists, venues, and cultural organizations that lack connections to private funding have been priced out, and the work-from-home transition that appeared to be growing during the pandemic has not materialized into increased availability of space in central Seattle.

One example is Tula’s, the last local-only jazz venue in Seattle, which closed for good in 2019. The closure left the local jazz community without a
The performing arts sector turned out to be ‘first to close, last to open.’

The performing arts sector turned out to be ‘first to close, last to open.’

Way to maintain the mentorship and practical training relationships that build on academic education gained from colleges. Seattle Jazz Fellowship founder Tom Marriott believes that jazz, like many art forms transmitted through oral traditions, needs a space where masters can work with junior artists directly. He notes that Seattle does maintain opportunities for residents to enjoy jazz at more than one world-class space that books national acts. Unfortunately, “for local jazz musicians that can’t book a night, the best opportunities to grow and mature are found outside the Pacific Northwest.”

Marriott had hoped that work-from-home could open up a space in Seattle “for musicians to rebuild the culture of local jazz in this city.” What he found, though, was that landlords are reluctant to rent out their spaces, out of concerns over noise and late hours.

“Jazz isn’t a 2 a.m. scene, more like a 10 p.m. scene, but still landlords don’t want people standing outside or going in and out after 6 p.m.,” Marriott said. “They want something that will keep their places busy during the day.”

For the performing arts, the segment of the arts sector that has arguably been hit the hardest, the issue of space is especially crucial. Ample space is essential for dancers to train, practice, and flourish. Actors and musicians need stages and audiences, making the trade-off between price and accessibility keenly felt. Finding spaces for the arts is key, and where space is in limited supply, who gets the space raises critical equity issues. A rare silver lining from the pandemic is the spotlight its effects has shone on the need for racial equity in the arts sector. An early response, in December 2020, was the creation by the City of Seattle of the Cultural Space Agency, a real estate development company, with the goal of supporting culturally focused community spaces that provide arts and culture creation opportunities for the city’s communities of color.

Organizations across the sector are crafting responses. “There is no [arts and culture] organization that is going to leave this experience without a centering on diversity and accessibility issues,” says Walker. In 2020, PNB used the “pandemic pause” to restructure and revitalize its cross-functional IDEA (Inclusion, Diversity, Equity, Accessibility) Committee to reenergize the organization.
Rebooting In-Person Arts

CONTINUED>

with a focus on accessibility throughout its operations. For Thomas Marriott and the Seattle Jazz Fellowship, in-person accessibility is a key concern. “We are focused on finding a space that is transit accessible, not just for musicians, but also for the audience. Jazz shouldn’t only be heard in clubs and recital halls. We believe that music belongs in a space that you can get to by bus, train, or in your neighborhood, where you don’t have to buy a drink to listen.”

THE PIVOT TO ONLINE:
A STOPGAP, NOT A SOLUTION

When Gov. Jay Inslee issued the first stay-at-home order in March 2020, arts venues immediately shut their doors. The performing arts sector turned out to be “first to close, last to open,” according to Walker. As with other businesses that found a way to reach customers at home, the arts community turned to online programming. The sector rallied quickly to address the social isolation felt by the community, offering online programming that not only served to keep organizations operating but provided inspiration and connection at a time of extreme need.

Acclaimed hip-hop and ballet dancers started giving weekly classes on Instagram Live. Renowned artists like Mo Willems gave daily doodle lessons on YouTube. Local art stars created unique social media content to stay connected, and organizations started planning for digital subscription packages. This reimagined digital access was transformative. Where no one had previously conceived of taking a ballet class online, in an instant a student in Washington had the option to virtually attend classes from anywhere in the world or from down the street.

While this broader reach has increased access to the arts, it may also pose challenges for retaining a devoted local audience. Consolidation is a serious concern, as local organizations compete with globally recognized companies for subscriptions. The Pacific Northwest Ballet, deciding to stream its annual Nutcracker performance in 2020, competed with companies in New York, London, and Paris for audiences in Washington. Organizations also recognize the limitations of streaming, which doesn’t fully evoke the magic of in-person attendance. “So our work became very human centered,” explains Walker. “We are constantly asking, ‘How do we still deliver to our patrons?’ There’s a relevance that we

Online programming alone could not mitigate the effects of the pandemic.

Leron Vandsburger, Ph.D., is a member of the board of Washington Lawyers for the Arts and an associate at Christensen O’Connor Johnson Kindness PLLC. He focuses his practice on patent prosecution and counseling in the areas of materials, engineering, and electronics. Representative technology experience includes, AI/machine learning, materials chemistry, optics, computer vision, and AR/VR systems. He can be reached at Leron.Vandsburger@cojk.com.

Erin Vivion is a member of the board of Washington Lawyers for the Arts and an associate at Coates IP. Her practice focuses on U.S. and international trademark prosecution, enforcement, and portfolio management. She also assists tech industry clients with domain name, trademark, and copyright matters through federal litigation, UDRP support, licensing, and ICANN involvement. Before law, Vivion was a professional ballerina with the Houston Ballet and Ballet West. She can be reached at erin@coatesip.com.
still have to maintain."

Online programming alone could not mitigate the effects of the pandemic. Throughout the pandemic, ArtsFund, Washington’s largest aggregator and distributor of private donations to the arts, monitored impacts of pandemic restrictions using organizational survey data. At the pandemic’s first peak, over 70 percent of respondents had either laid off or furloughed employees; earned income budgets for 2020 were 65 percent less than pre-pandemic numbers; personnel expenses were budgeted to be 30 percent lower for 2021; and revenue losses for the cultural sector were projected to be over $135 million.7

Impacts on individual artists have been equally severe, as industry losses inevitably translate to individual losses. Artists who already had a difficult time maintaining studio space continue to lose work due to lack of available space. Artists who were already struggling to work in urban areas with rising rents have decided to pack up and relocate across country. These losses become our own.

The shift to digital and online streaming has had a variety of operational and legal impacts on the sector too, especially in the traditionally in-person and performing arts. Cawaling explained that frequent questions in the community include “how do we monetize an online virtual experience, handle privacy issues on Zoom, and protect our artistic works from digital copying?” Individual artists and organizations are grappling with new models and costs associated with creating digital content, which include skills like search engine optimization, video and sound editing, and social media promotion, in the face of “extreme online viewing fatigue.”

Washington Lawyers for the Arts, founded in 1976 to support the arts community, has seen a dramatic increase in demand for its free legal clinic, as well as a shift in the focus of advice, once it moved its clinic operations fully online in March 2020. When consultations were made available online, rather than in person, in the evenings, in South Lake Union, the number of consultations increased from around 10 artists per month to an average of between 30 and 40...
Rebooting In-Person Arts

How to Get Involved

SUPPORT.
• Offer time and leadership by joining boards of arts organizations.
• Donate if you are able and inclined.
• Support legislation related to public investment in the arts.

ADVOCATE.
Join advocacy groups to stay involved and informed. For example:
• Washington Lawyers for the Arts (WLA)
• Inspire WA
• Inspiration League of Inspire WA
• ArtsFund

Advocacy efforts at the state and national level, like those of Cawaling, Walker, and Greer, have proven successful. “Trillions of dollars are coming in for recovery efforts … but things are still messy,” says Greer. Many organizations are still not looking at full reopening until 2022 or beyond. Organizations are preparing their future budgets and despite the relief funds, are continuing to anticipate significant hardship. Earned income reductions are expected to remain around 60 percent and total personnel expenses 30 percent lower. With such lingering uncertainty, public funding remains critical to the survival of an entire sector of Washington’s economy.

As Walker notes, “there is no world-class city that doesn’t have a robust arts and culture community. If we want to have these assets in our cities, we have to show up.”

The first step for attorneys—who have a long history of contributing time and expertise for the public good, and who know how to advocate for public support for arts and entertainment—is simple: let’s show up.

NOTES
5. The authors note that as of September 6, 2021, Calluna in the Ravenna neighborhood of Seattle has started booking local jazz acts to perform in a restaurant setting.

SIDEBAR

Rebooting In-Person Arts

CONTINUED >

per month. Geographic, demographic, and socioeconomic representation broadened greatly. Artists from over 60 cities and towns in Washington have made use of the clinic services since the shift. Issues of online privacy, copyright in digital streaming, and contract breach grew to outnumber intellectual property theft. Early in the pandemic, artists were more likely to request help with insurance, COVID-19 liability waivers, or forming an entity with a liability shield rather than registering a trademark.

Michael Greer, CEO of ArtsFund, observes that with organizations exploring different distribution methods, such as online or via public outdoor space, “different populations are engaging.” While these avenues of outreach should be celebrated, Greer notes the challenge now shifts to pre-pandemic activities. Maintaining a level of engagement, instead of a simple return to pre-pandemic activities means lost opportunities for further economic growth in Washington.

Greer argues that despite severe financial impacts to the cultural sector, we have yet to see widespread permanent closures, and that’s because of public funding. The “Payment Protection Program (PPP) was the key element to preventing a full collapse of the sector” he explains. The first round of PPP loans offered nearly $5 billion directly to arts, entertainment, and recreation. Although PPP loans helped stave off complete disaster, Nate Omdal, lead organizer at American Federation of Musicians Local 76-493 and chair of the Advocacy and Economic Development Committee at the Seattle Office of Arts and Culture, clarifies that funds provided by the PPP did not reach all artists, noting that “many of the government subsidies were for companies that had properly classified W2 employees, leaving out institutions or employers hiring self-employed performers.” Omdal advocates for a way “to modernize the way the state and other municipalities interact with long-tenured working musicians, who are the original gig workers.”

Cawaling also emphasizes the importance of public support during this time when even for-profit businesses are soliciting donations to survive. The Shuttered Venue Operators Grant Program (SVOG), created by the Economic Aid Act passed by Congress in December 2020, specifically earmarks $16 billion for live music venues, museums, and performing arts organizations. ArtsWA distributed nearly $4 million through CARES Act funding in 2020, and King County will distribute $20 million from the American Rescue Plan Act through grants to theaters, music venues, clubs, and other cultural spaces.9 Nationally, the American Rescue Plan Act of 2021 flagged nearly $500 million of its $1.9 trillion stimulus package for cultural organizations.10

WHAT’S NEXT? PUBLIC FUNDING IS CRITICAL
In July 2021, Seattle mayoral candidates held a forum to discuss post-pandemic recovery for the arts and culture sector. Candidates offered a host of possible solutions, from a focus on affordable housing for artists to creating more public art creation opportunities to integrating art into the green economy.8 The common thread was that public investment is critical. Greer points out that for every public dollar spent on the arts, $3 go back into the surrounding community. Losing artists and cultural opportunities means lost opportunities for further economic growth in Washington.

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THE POWER OF MENTORSHIP

BY E. RANIA RAMPERSAD

It was law school orientation day. I walked up the polished white steps to enter Georgetown University Law Center for the first time … and froze. My excitement at a dream come true was suddenly crowded out, replaced by a panicked voice shouting in my head: You don’t belong here! No one else in there spent last summer scrubbing other people’s toilets! You can’t do this! What were you thinking?!! An elderly Black man mopping the lobby floor saw me. He stopped and looked at me intently, sizing me up. He winked, and with a warm but fierce smile, told me resolutely, “Go on in. You’re gonna be OK.” I believed him. I took a deep breath, plastered a smile on my face, and marched into that grand lobby.

In the 15 years since that moment, I have been deeply privileged to meet many law professors, lawyers, judges, teachers, and friends who have shared advice and encouragement with me, during law school and throughout my career. But I still remember this man. He was my first real mentor. He was there for me when I needed him. Not because I had impressed him or earned anything, but just because. And, I have come to realize, I never could have accomplished anything meaningful if I hadn’t first met someone who believed I could.

And so in 2019 I sought to recreate this experience for other law students and new lawyers by creating the Joint Minority Mentorship Program (JMMP). In the three years since its founding, it has grown from an idea in my head to 125 participants this year, with multi-year sponsorship by the Foster Garvey Diversity Equity and Inclusion Initiative, and 10 bar association partners, including the founding partner, South Asian Bar Association of Washington (SABAW), and the Middle Eastern Legal Association of Washington (MELAW), Washington Attorneys with Disabilities Association (WADA), Northwest Indian Bar Association (NIBA), WSBA Indian Law Section, Korean American Bar Association (KABA), Vietnamese-American Bar Association of Washington (VABAW), Latina/o Bar Association of Washington (LBAW), and Washington Women Lawyers (WWL). Most recently the WSBA’s Board of Governors unanimously voted to join as a partner organization.

The keys to the program’s success are the deeply personal connections, the intentionally open collaboration, and the practical follow-up events. Every mentee student or new lawyer is individually matched with a mentor lawyer or judge who shares professional and personal interests and who makes a commitment to that mentee for the year.
The program is intentionally open and inclusive. Any mentee from any self-identified marginalized background is welcome to join. Any lawyer who is interested and willing to mentor our mentees, including allies, is welcomed and valued in the program. This philosophy recognizes that we can accomplish great things when we step out of our silos. Diversity in our profession benefits everyone. It is everyone’s concern. We each have something to contribute and to learn.

The program also offers timely and relevant follow-up events each year. Last summer, SABAW and KABA jointly hosted a panel discussion on starting a career in times of economic uncertainty. At the time, 40 percent of the 75 attendees had just lost a summer or permanent job offer due to COVID-19. Most were experiencing some level of anxiety, panic, or even despair at their career prospects. And at just that moment, the program was able to present two panels of lawyers and judges who had graduated during the last recession, experienced job losses, and had opportunities pulled out from under them. These panelists were able to offer practical advice on a variety of private practice and public service career paths, and on how to not only survive, but thrive, during turbulent times.

Participants in the program have already been impacted profoundly by their experiences, both by one-on-one mentorship and the follow-up events offered by the program. Attendees of the panel event reported they deeply appreciated the frank acknowledgment of challenges they would face, the concrete actionable advice they received, and the inspiring stories of professionals who, despite similar challenges, still managed to achieve meaningful, sustainable, and lofty career goals.

JMMP is planning several follow-up events this year, including a two-day workshop this fall entitled Starting Your Own Firm or Non-Profit, with a special emphasis on strategies for lawyers from historically underrepresented groups. We are actively recruiting speakers and panelists with diverse representation, and seeking funding to enable us to offer seed money scholarships to attendees to start their own firm or nonprofit. We hope to once again meet a critical need for law students and lawyers who seek to carve their own path, but who need information, tools, and encouragement to do so.

As a result of one-on-one mentorship, many more mentees have discovered new career options, found new jobs, made new connections, and stepped into new leadership roles. Specifically, one mentee told her mentor, “I’ve never met a lawyer like you!” Her mentor responded, “Well, trust me, there are a lot of us out there. I’ll introduce you.”

Another mentee at the program kick-off event marveled at Foster Garvey’s impressive meeting room, brimming with accomplished lawyers and judges who had volunteered their time just to meet him and his law school classmates. He said this was the first time he felt truly seen and welcomed into this profession.

Yet another mentee told her mentor she didn’t know what career path to take. Her mentor asked, “What is your passion?” The mentee hesitated, but shared that her good friend, who had recently passed away, had experienced domestic violence. The mentee had considered volunteering to assist DV survivors, but worried that the work would be emotionally overwhelming. Her mentor told her, “You can handle more than you think you can.” Fast forward one year, and this mentee has turned her loss and grief into her life’s purpose and a way to honor her friend’s memory through pro bono service. She has discovered that her mentor was right; she can handle much more than she thought she could. Who knows where other such moments of discovery might lead?

Students from historically marginalized backgrounds commonly walk into a space and wonder if they will be welcomed or excluded. Passive exclusion can be just as damaging. A lack of encouragement, a lack of information, or a lack of guidance exerts real power over an individual’s options, choices, and career path. Law students and new lawyers need mentors, and mentorship comes in many forms. The right information, the right word of encouragement, at the right moment can open a door. But more importantly, it can give someone the confidence to walk through it.

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E. Rania Rampersad is an appellate public defender and a judge pro tempore in various municipal courts in the Puget Sound region. She is also the founder of the Joint Minority Mentorship Program (JMMP) and President of SABAW. Contact Rampersad at rania.rampersad@gmail.com to volunteer as a JMMP mentor or board member, to discuss ideas to sponsor or collaborate on mentorship events, or to learn how your organization can join the JMMP community.
IN REMEMBRANCE

This In Remembrance section lists WSBA members by Bar number and date of death. The list is not complete and contains only those notices of which the WSBA has learned through correspondence from members.

Please email notices to wabarnews@wsba.org.

Basil Badley, #2441, 7/30/2021
Darrel Blaine Carter, #20318, 4/27/2021
Tamara Marie Chin, #23062, 7/12/2020
William C. Erxleben, #755, 5/20/2021
Peter Van Dyke Gulick, #1826, 4/24/2021
John Larimer Hay, #1715, 8/13/2021
Greg Russell Hubbard, #9292, 5/4/2021
Edwin Klaich Inkley, #11076, 8/22/2021
George C. Inman Jr., #1548, 8/5/2021
Larry Amos Jones, #18948, 2/26/2021
Robert William Kitto, #3601, 1/17/2021
Priscilla Townsend Long, #2908, 5/21/2021
Jon Michael Loreen, #4594, 4/25/2021
John P. Lycette Jr., #155, 7/22/2021
Hannah Steinweg McDonald, #46441, 12/31/2020
Sean Edward Michael Moore, #30840, 5/20/2021
Laurence Alan Mosler, #2639, 7/4/2021
Patrick A. Munter, #8163, 5/3/2021
Eric Karl Nayes, #2709, 6/24/2021
Alex Stephen Newhouse, #40052, 7/24/2021
Barbara Ann Peterson, #2908, 6/10/2021
Jacob Charles Rasmussen, #49395, 6/21/2021
Robert R. Redman, #3644, 9/6/2021
Evan L. Schwab, #2174, 7/25/2021

1983-84 WSBA PRESIDENT
Robert R. Redman
#3644, 9/6/2021

Robert R. Redman was born in Yakima on Oct. 1, 1928. He attended Yakima High School and spent time during his early years working in his family’s fruit orchards. Redman graduated from the University of Washington with a degree in business administration in 1951. He then joined the U.S. Navy. In 1952, he met his future wife, Harriet Johnson. The two married on Oct. 10, 1953. Redman moved to Navy reserve status in 1954 and relocated to Seattle, where he attended the University of Washington School of Law. He graduated in 1956, passed the bar exam, and moved to Yakima to join the law firm of Gavin, Robinson and Kendrick. Redman became a partner in 1961.

Redman was a passionate volunteer in his community—an active member of both the Yakima Rotary Club and United Way of Yakima County. He also served the legal profession in numerous ways, including serving on the WSBA Board of Governors from 1974-77 and serving as WSBA president from 1983-84 and Yakima County Bar Association president from 1989-1990.

Redman was known for being outgoing, engaging, and devoted to his family. He was also an avid reader, especially on topics like the Civil War and naval history. During his semi-retirement from 1993-2009, Redman and his wife Harriet traveled throughout the United States, Europe, and Africa, and attended concerts, operas, and Shakespeare plays.

Redman was preceded in death by one week by his wife of 67 years, Harriet. Together they had two sons, Robert and Bruce. Bruce is also a lawyer and works in the WSBA’s Office of Disciplinary Counsel.

Bruce says of his father: “He was a wonderful father, mentor, and friend. He was proud to be a member of the legal community in Washington.”

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A Summary of the Board of Governors Meeting

The WSBA Board of Governors determines the Bar’s general policies and approves its annual budget.

TOP MEETING TAKEAWAYS

1. **New WSBA Leadership.** Congratulations to new WSBA Treasurer Bryn Peterson (District 9 governor), who began his term at the start of the new fiscal year in October. Also, District 7-South Governor-Elect Serena Sayani was sworn in a month ahead of schedule as Governor Jean Kang resigned to continue to focus on family during the pandemic.

2. **Vaccinations.** The Board of Governors passed a COVID-19 policy—applicable to itself and other WSBA volunteers—that requires vaccinations for anyone doing in-person work as a WSBA volunteer or representative, as aligned with the Washington Supreme Court’s recent order. The WSBA executive director is likewise implementing a vaccination requirement for WSBA staff. More details will be available soon about implementation. The Board noted that, with passage of this policy, the WSBA has a duty to continue to provide volunteers with robust options for virtual participation. Read the policy at: https://bit.ly/3yAu4GG.

3. **2023 License Fees.** The Board voted to maintain license fees at the current rate for all license types for 2023. The Supreme Court will review the license fee for reasonableness and may modify the license fee if it determines it is not reasonable. The Board voted previously not to increase license fees for 2022.

4. **Free Legal Research Tool.** Reminder: The two legal research platforms to which WSBA members have had access as a free member benefit—Casemaker and Fastcase—merged in January under the Fastcase umbrella. As of Oct. 15, Fastcase remains as the free legal research tool available to members. If you have questions about the transition, contact Fastcase at 866-773-2782 or support@fastcase.com. If you have questions for the WSBA, contact legalresearch@wsba.org.

OTHER BUSINESS

The Board also:

- **Held** a roundtable discussion with the Idaho State Bar Board of Commissioners to talk about topics of mutual interest such as malpractice insurance requirements, federal lawsuits affecting integrated bars, access to justice, governance models, and the need for lawyers in rural areas.

- **Looked** at the in-progress 2021-22 WSBA budget, to be presented for approval—after another Budget and Audit meeting with updated financial information—at the September Board meeting.

- **Approved** funding to install secure-access glass doors at the entrance to the public floor at the WSBA offices for the safety of employees, members, and volunteers.

- **Heard** a high-level report regarding a climate and culture survey of the WSBA’s employees; the Board then focused on one of the recommendations in the report: clarifying its governance operating mode—specifically, agreeing on the roles and responsibilities for the WSBA Board of Governors and its officers.

- **Approved** the Council on Public Defense’s comment to the Washington Supreme Court supporting proposed amendments to CrR 3.1 and CrR 7.8. The Council believes the proposed rules will result in greater access to justice and assist in the proportionate administration of the public defense function throughout the state.

- **Heard** a presentation from the WSBA Court Rules and Procedures Committee.

- **Heard** from a member urging adoption of a policy to require the disclosure of pro tempore judicial service as a potential conflict of interest for those sitting on the WSBA Board of Governors. Such a policy was scheduled to be considered by the Board at its September meeting.
Need to Know
NEWS & INFORMATION OF INTEREST TO WSBA MEMBERS

2022 LICENSE RENEWAL & SECTIONS INFORMATION

License Renewal
License renewal will begin in November and must be completed by Feb. 1, 2022. License renewal includes paying the annual license fee and any mandatory assessments, certifying MCLE compliance, completing the trust account declaration, and disclosing professional liability insurance or financial responsibility.

Certify MCLE Compliance
If you are in the extended 2018-2021 or 2019-2021 reporting period, then you are due to report CLE credits and certify MCLE compliance. The deadline for completing credits is Dec. 31, 2021. The certification must be completed online or be postmarked or delivered to the WSBA by Feb. 1, 2022. Visit www.wsba.org/MCLE to learn more.

License Fee Payment Plan Option Available
If you are experiencing financial challenges, you may contact us about our payment plan option available to all licensed legal professionals. Payments may be made in up to five installments with the balance required to be paid in full by Feb. 1, 2022. A license fee hardship exemption is available for active licensed legal professionals who qualify. Visit www.wsba.org/licensing to learn more.

Voluntary Demographic Information
Please update your information at www.licensing.wsba.org when online licensing opens in November or contact the Service Center to request a paper form. This information assists the WSBA in understanding the demographic makeup of our licensed legal professionals.

Join or Renew Your Section Membership
The Section Membership Year is Jan. 1 – Dec. 31. Learn more at www.wsba.org/legal-community/sections/sections.

Pro Bono Status
If you are considering going inactive, pro bono status (formerly known as emeritus pro bono status) is a great alternative that lets you provide pro bono services through a qualified legal service provider. Starting with the 2021 licensing year, the license fee will be waived for pro bono status members who completed at least 30 hours of pro bono service with a qualified legal service provider in the prior year. Visit www.wsba.org/about-legalservice-probono-member-and-return-to-active-membership.

Judicial Status
Please note that you are required to inform the Bar within 10 days of your retirement or your ineligibility for judicial status (and you must apply to change to another status or to resign). Visit www.wsba.org/licensing to learn more.

Important Dates
• Dec. 31, 2021: Licensed legal professionals in the extended 2018-2021 and 2019-2021 reporting period must complete required MCLE credits.

WSBA NEWS

Special Discount on WSBA Career Center Through Year-End
Nonprofit, government, and small-firm employers can post job openings on the WSBA Career Center, https://jobs.wsba.org, at 50 percent of standard rates. This special discount, offered to prevent pricing from becoming a barrier as the legal community continues to navigate the effects of the COVID-19 crisis, has been extended through Dec. 31. Contact Mike Credit at 727-494-6565, ext. 3332, or michael.credit@communitybrands.com for more information.

THE BAR BUZZ

Fastcase Remains Your Free Legal Research Tool
The two legal research platforms to which WSBA members have had access as a free member benefit—Casemaker and Fastcase—merged in January under the Fastcase umbrella. As of Oct. 15, Fastcase remains as the free legal research tool available to members. If you have questions about the transition, contact Fastcase at 866-773-2782 or support@fastcase.com. If you have questions for the WSBA, contact legalresearch@wsba.org.

WSBA Board Feedback
Send your feedback to the newly created email address: boardfeedback@wsba.org. Please note that all WSBA emails are subject to public records requests.

Receive Notice of Upcoming Board Meetings
Join the Board meeting notice subscription list to receive WSBA Board of Governors meeting notices straight to your inbox! To join, email barleaders@wsba.org or complete the form at www.wsba.org/about-wsba-who-we-are/board-of-governors.
Interview for Appellate Court Vacancies

On Dec. 2, the WSBA Judicial Recommendation Committee (JRC) will interview attorneys and judges interested in being appointed by the governor to fill potential vacancies on the Washington Supreme Court and Court of Appeals. The JRC’s recommendations are reviewed by the WSBA Board of Governors and forwarded to the governor for consideration when making appointments. To be considered for an interview, complete and submit the questionnaire posted on www.wsba.org/jrc by Nov. 5.

Character and Fitness Board

The Character and Fitness Board seeks board members from Congressional Districts 4, 8, and 9 with more than five years as an active WSBA member. Members on this unique board conduct hearings to determine whether applicants for admission to the practice of law can demonstrate that they have the moral character and fitness required to engage in the practice of law. Terms are three-years. The Board generally convenes one day a month, and most hearings last all day. If interested, please email barleaders@wsba.org or visit www.wsba.org/volunteer.

NJP Board

The WSBA Board of Governors is accepting applications for the Northwest Justice Project (NJP) Board of Directors. The Board of Governors will appoint three attorney members to serve
Volunteer with the Lawyer Discipline System
Learn more about volunteering as an adjunct disciplinary counsel (ADC). ADCs assist as needed in carrying out the functions of the lawyer discipline system pursuant to Rule 2.9 of the Rules for Enforcement of Lawyer Conduct. An ADC must have been an active lawyer or judicial member of the WSBA for at least seven years at the time of appointment. Appointment is for a five-year term. Visit www.wsba.org/adc-panel or contact theaj@wsba.org to learn more.

Custodians Needed
The WSBA is seeking interested lawyers as potential volunteer custodians of files and records to protect clients’ interests. Visit www.wsba.org/connect-serve/volunteer-opportunities/act-as-custodian, or contact Sandra Schilling: sandras@wsba.org, 206-239-2118, ext. 2118; or Darlene Neumann: darlenen@wsba.org, 206-733-5923, 800-945-9722, ext. 5923.

Volunteers Needed as Attorney Advocates
Unique opportunity to assist families or individuals in crisis by serving as a volunteer attorney advocate on the first-ever national advocacy hotline. Work from home or office at times you choose with hotline calls routed there. Resolution is typically achieved in under an hour. The nonprofit Help Now! Advocacy has assisted at no fee over 8,700 clients, mostly in Oregon, over the past 17 years. Contact LMKahn@HelpNowAdvocacy.org for more information.

WSBA Wins Award for Crisis Communication
The Washington State Bar Association has received one of the highest awards—a Certification of Excellence—in the category of COVID-19 Crisis Communication from the Puget Sound chapter of the Public Relations Society of America (PRSA). These awards recognize projects and programs that demonstrate the best of the best in public relations. The WSBA’s entry included all of the resources created, posted, and communicated to members—including a comprehensive impact survey—to help keep the wheels of justice turning during the pandemic. Visit the WSBA’s award-winning COVID-19 resource webpage here: www.wsba.org/COVID-19.

Court Emergency Operations & Closures
The Washington Supreme Court has published a COVID-19 response page, which is a compilation of its emergency orders and court modifications: www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.COVID19.

Law Office Reopening Guide

RESOURCES

DEI Resource Library
The DEI Resource Library is where WSBA members can learn more about diversity, equity, and inclusion concepts. There are compiled resource lists, books and articles on the criminal legal system, identity and intersectionality, microaggressions/bias, and race. Visit www.wsba.org/about-wsba/equity-and-inclusion/dei-resource-library.

Job Group
The Virtual Job Group began meeting on Zoom on Sept. 30 from 9-10:30 a.m. The group will meet for seven weeks and seeks to provide both strategy and support to job seekers. This is a chance to learn new approaches to networking, clarify what kind of career you are seeking, and review your materials with other group members. If you are interested email wellness@wsba.org.

Practice Guides

Career Consultation
Get help with your résumé, networking tips, and more—www.wsba.org/for-legal-professionals/member-support/wellness/consultation—or email wellness@wsba.org.

Practice-Management Assistance
The WSBA offers free resources and education on practice management issues. For more information, visit www.wsba.org/pma. You can also schedule a free phone consultation with a WSBA practice-management advisor. Visit www.wsba.org/consult to get started.

Lending Library
The WSBA Lending Library has reopened to members for both in-person and online checkouts. We have made a few changes to be aware of. For more information, visit www.wsba.org/library or email lendinglibrary@wsba.org.

WSBA Advisory Opinions
WSBA advisory opinions are available online at www.wsba.org/for-legal-professionals/ethics/ethics-line or call the Ethics Line at 206-727-8284.

WSBA Member Wellness
Judges Need Help Too
The Judicial Assistance and Planning and Recovery”—as well as other law firm guides and templates at www.wsba.org/guides.

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Services Program (JASP) provides confidential support for judges, or those who are concerned about a judge. Contact Susanna Kanther, Psy.D., at 415-572-3803. Visit www.wsba.org/for-legal-professionals/member-support/wellness/judicial-assistance-service-program.

The ‘Unbar’ Alcoholics Anonymous Group

The Unbar is an “open” AA group for attorneys that has been meeting weekly for over 25 years. Due to COVID-19, the group is holding virtual meetings via Zoom; contact them at unbarwa@gmail.com. You can also find more details and resources at www.wsba.org/for-legal-professionals/member-support/wellness/addiction-resources.

APPEALS

OVER 600 CASES ARGUED ON THE MERITS

JASON W. ANDERSON | LINDA B. CLAPHAM*
RORY D. COSGROVE | MICHAEL B. KING**
JAMES E. LOBSENZ** | GREGORY M. MILLER*
SIDNEY C. TRIBE

*Fellow, American Academy of Appellate Lawyers
**Founding Members, Washington Appellate Lawyers Association

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Need to Know

Continued >

The usury rate for October 2021 is 12.00%. The auction yield of the Sept. 7, 2021, auction of the six-month Treasury Bill was 0.051%. The interest rate required by RCW 4.56.110(3) (a) and 4.56.115 for October 2021 is 2.051%. The interest rate required by RCW 4.56.110(3)(b) and 4.56.111 for October 2021 is 5.25%.
Invest in Equity & Justice

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**Disbarred**

**Eric Cameron Hoort** (WSBA No. 29360, admitted 1999) of Everett, was disbarred, effective 8/17/2021, by order of the Washington Supreme Court. Hoort’s conduct violated the following Rules of Professional Conduct: 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation), 8.4(j) (Violate a Court Order).

In relation to his conduct involving violation of a domestic violence protection order, and to his submission of a request to voluntarily resign his license to practice law, the Hearing Officer recommended, and the Supreme Court ordered, that Hoort be disbarred following a default hearing. Hoort was found to have violated the Rules of Professional Conduct by: 1) contacting person A in violation of a temporary order for protection; and 2) falsely certifying that no disciplinary investigation was pending against him at the time he executed a request to voluntarily resign his license to practice law.

Benjamin J. Attanasio acted as disciplinary counsel. Eric Cameron Hoort represented himself. Janice Sue Wang was the hearing officer. The online version of Washington State Bar News contains links to the following documents: Hearing Officer’s Decision; Disciplinary Board Order Declining Sua Sponte Review and Adopting Hearing Officer’s Decision; and Washington Supreme Court Order.

**Resigned in Lieu of Discipline**

**Mara A. Snyder** (WSBA No. 43474, admitted 2011) of Bellingham, resigned in lieu of discipline, effective 8/24/2021. Snyder agrees that she is aware of the alleged misconduct in disciplinary counsel’s Statement of Alleged Misconduct and rather than defend against the allegations, wishes to permanently resign from membership in the Association. The Statement of Alleged Misconduct reflects the following violations of the Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.15A (Safeguarding Property), 1.16 (Declining or Terminating Representation), 8.4(b) (Criminal Act), 8.4(c) (Dishonesty, Fraud, Deceit or Misrepresentation).

Snyder’s alleged misconduct, as stated in disciplinary counsel’s Statement of Alleged Misconduct, related to abandoning her family law practice. Snyder’s alleged misconduct includes: 1) closing her law practice without notice to clients, failing to provide a way for clients to obtain information about their legal matters, failing to deliver client files or property to them, and/or failing to appear at mediations, meetings, and/or court proceedings, thus abandoning the practice of law without providing for her clients’ needs; 2) taking funds belonging to clients and third parties from trust without entitlement, and 3) failing to refund fees that clients paid in advance that had not been earned, and/or retaining fees for work that was of no benefit to the clients.

Joanne S. Abelson acted as disciplinary counsel. Mara A. Snyder represented herself. Nadine Darlene Scott was the hearing officer. The online version of Washington State Bar News contains a link to the following document: Resignation Form of Mara A. Snyder (ELC 9.3(b)).

**Suspended**

**Paul John Novack** (WSBA No. 13880, admitted 1983) of Everett, was suspended for nine months, effective 8/11/2021, by order of the Washington Supreme Court. Novack’s conduct violated the following Rules of Professional Conduct: 1.15A (Safeguarding Property), 1.15B (Required Trust Account Records), 5.3 (Responsibilities Regarding Nonlawyer Assistants).

In relation to his handling of the trust account for his personal injury law practice, Novack stipulated to suspension for: 1) failing to supervise his non-lawyer assistant’s management of his trust account and/or by failing to make reasonable efforts to ensure that his firm had in effect measures giving reasonable assurance that his assistant’s conduct was compatible with his professional obligations; 2) failing to keep individual client ledgers and a current and accurate check register; and 3) failing to reconcile the check register balance to the combined total of all client ledgers.

Kathy Jo Blake and Sachia Stonefeld Powell acted as disciplinary counsel. Leland G. Ripley represented Respondent. The online version of Washington State Bar News contains links to the following documents: Disciplinary Board Order Approving Stipulation to Suspension; Stipulation to Suspension; and Washington Supreme Court Order.

**Queta Romero** (WSBA No. 38986, admitted 2007) of Bellevue, was suspended for 30 days, effective 8/17/2021, by order of the Washington Supreme Court. Romero’s conduct violated the following Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.16 (Declining or Terminating Representation).

In relation to her handling of a client’s immigration matter, Romero stipulated to
suspension for: 1) failing to timely file client’s I-485 application; 2) failing to communicate with client regarding the status of the case, failing to inform client that Romero had not timely filed the I-485 application, and failing to promptly inform client that the I-485 application had been denied; and 3) failing to promptly provide client’s file to client’s new counsel upon termination of the representation.

Debra Slater and Henry Cruz acted as disciplinary counsel. Anne I. Seidel represented Respondent. Scott Martin Ellerby was the hearing officer. Edward F. Shea Jr. was the settlement hearing officer. The online version of Washington State Bar News contains links to the following documents: Disciplinary Board Order Approving Stipulation; Stipulation to Suspension; and Washington Supreme Court Order.

Reprimanded

George Paul Trejo Jr. (WSBA No. 19758, admitted 1990) of Yakima, was reprimanded, effective 8/16/2021, by order of the hearing officer. Trejo’s conduct violated the following Rules of Professional Conduct: 1.6 (Confidentiality of Information), 1.9 (Duties to Former Clients).

In relation to his representation of a client in a criminal law matter and his subsequent handling of an ineffective assistance of counsel claim, Trejo stipulated to a reprimand for disclosing information relating to the representation of his client without the client’s informed consent.

Henry Cruz and Sachia Stonefeld Powell acted as disciplinary counsel. George Paul Trejo Jr. represented himself. Edward F. Shea Jr. was the hearing officer. Randolph O. Petgraave III was the settlement hearing officer. The online version of Washington State Bar News contains links to the following documents: Order Approving Stipulation to Reprimand; Stipulation to Reprimand; and Notice of Reprimand.
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Ground Zero v. United States Navy,
860 F.3d 1244 (9th Cir. 2017)

Yates v. Fithian,
2010 WL 3788272 (W.D. Wash. 2010)

City of Seattle v. Menotti,
409 F.3d 1113 (9th Cir. 2005)

State v. Letourneau,
100 Wn. App. 424 (2000)

Fordyce v. Seattle,
55 F.3d 436 (9th Cir. 1995)

LIMIT v. Maleng,
874 F. Supp. 1138 (W.D. Wash. 1994)

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BAR NUMBER: 48664

Jacqui is a Principal at Compliance Counsel PLLC, a boutique law firm that handles corporate compliance and pro bono matters. She aims to pursue endeavors that make stronger and more compassionate communities, whether through youth mentorship, legal support of nonprofits, or direct representation of clients in need.

What is the most interesting case you have handled in your career so far and why?
Representing a man who was sentenced to 53 years after committing a crime at the age of 16. He served 25 years and is thriving after his release. I believe that given the proper resources and support, everyone is capable of contributing goodness to their neighbors and to the world. Helping this client live freely for the first time as an adult was a deeply moving culmination of my legal education and early career.

If you could change one thing about the legal system, what would you change? There is plenty of room for improvement in our legal system, particularly on the criminal side. One of my top priorities would be extending juvenile jurisdiction to include youthful offenders up to the age of 25. This is consistent with studies on adolescent cognitive and emotional development establishing the clear connection between youth and decreased moral culpability for criminal conduct, and has been reinforced by my experience working with young people. Such a change would shift the focus from punishment to rehabilitation and would open doors to diversion programs that help young people change their lives for the better.

How did you become interested in your practice area? My practice spans several distinct areas, but a restorative justice clinic in law school that diverted juvenile criminal cases using mediation was formative for me. I then started my career at a boutique firm handling corporate compliance matters and doing as much pro bono work as I could fit in. In founding my firm, I melded several practice areas that share little in common except their importance to me: corporate ethics and compliance, restorative justice, community nonprofits, post-conviction, and immigration.

At the end of your career, how would you like to be remembered professionally? As someone who charted her own path and amplified the voices of those we most need to hear.

If you had to give a 10-minute presentation on one topic other than the law, what would it be and why? I would give a presentation on my hometown of Asheville, North Carolina. It’s a beautiful, eclectic town situated in the mountains of Western North Carolina full of wonderful people, fun outdoor activities, and fantastic food and beer. I am proud to be from there and love telling people all about it!

What did you eat for breakfast this morning? Yogurt and berries.

What’s your favorite breakfast cereal that you’re slightly embarrassed to buy? Cocoa Krispies.

What is one thing your colleagues may not know about you? I played club soccer at UNC-Chapel Hill.

What is your favorite smell? Mint.

What is your favorite podcast? Slate’s “Political Gabfest.”

What is the last thing you watched on television? Ted Lasso.

What is the best fictional representation (TV, movie, book) of a lawyer? Rachel Zane, Suits (bonus: her off-the-screen activism is inspiring).
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